

Elko County Home Rule Coalition
Cliff Gardner, Chairman
HCR 60 Box 700
Ruby Valley, NV 89833
April 15, 1994

Llee Chapman, Chairman
Elko County Commission
Elko County Courthouse
Elko, Nevada 89801

Dear Mr. Chapman;

In 1960's, grazing use on BLM administered lands was adjudicated in South Ruby Valley. As a part of the adjudication process, studies were made and when it was determined that there was a good deal more AUMs allotted than there was feed available, the BLM simply determined the difference, called such excess "suspended non use", and allotted each permittee his proportionate share.

Now there was a reason for that extra use. It was recognized, back at the time when the Grazing Service came into being, that range conditions never stay constant. If rains come right, feed production can be four, five, or ten times greater than that of an average year. Thus if good years came, a permittee could, if he had the extra use allotted, take advantage of the situation and make up for poor years, both financially and otherwise. It was a way of stabilizing ranching operations.

Well, what the BLM did, as part of the adjudication process, was convert such use to that they call "suspended non use". In other words, when good years come along they issue we permittees what is now called "temporary non renewable use".

What this all boils down to is, all available use in the Wells Resource Area has been adjudicated. There is no excess feed available for elk.

The point is, we must all remember that elk are non indigenous to our area. There is no history of elk in this part of the country. If elk are introduced into our area, it will be equivalent to the BLM issuing use to a new permittee without requiring that a permit be purchased. Such an action would constitute third party interference, and the Department of the Interior, BLM has a responsibility to protect permittees from third party interference. In this instance the third party would be the State of Nevada.

No one, whether it be the County, the State, or the feds can appoint a committee to decide how many elk they are going to run on person's permit.

No one has the authority to do such a thing, whether it be a County government or an agency, even if a committee does approve it, its still not legal. Such rights have to be purchased.

Therefor, we ask that the Elko County Commission take a position in opposition to any further pioneering, or planting of elk into the Wells Resource Area.

If permittees in the O'Neil Basin and Winecup Gamble area chose to allow state and federal managers to abuse their rights, so be it, but as for the remainder of the Wells Resource Area, we cannot afford elk. As well as taking great amounts of feed, elk are very destructive. We will not put up with them.

So that this issue can be addressed more on a legal basis, we ask that the County Commission look into the legal ramifications of planting non indigenous species into areas such as we describe. A letter of findings would be appreciated.

Note: There were four elk sighted two miles north of Harrison Pass on the 12th of this month, just three days ago. These elk were confused, milling at times, apparently unacquainted with the area. The last time these four elk were seen they were running east across the flat. Another two elk were seen that same day about six miles further north in the valley. The Ruby Mountain Ranger District has taken the position that their district cannot sustain additional grazers. The elk mentioned need be removed as soon as possible.

Sincerely yours

A handwritten signature in cursive script that reads "Cliff Gardner". The signature is written in dark ink and is positioned above the printed name.

Cliff Gardner

Presentation to
PUBLIC LANDS USE ADVISORY COMMISSION
by Cliff Gardner
Representing
The Elko County Home Rule Coalition
April 14, 1994

In 1960's, grazing use on BLM administered lands was adjudicated in South Ruby Valley. As a part of the adjudication process, studies were made and when it was determined that there was a good deal more AUMs allotted than there was feed available, the BLM simply determined the difference, called such excess "suspended non use", and allotted each permittee his proportionate share.

Now there was a reason for that extra use. It was recognized, back at the time when the Grazing Service came into being, that range conditions never stay constant. If rains come right, feed production can be four, five, or ten times greater than that of an average year. Thus if good years came, a permittee could, if he had the extra use allotted, take advantage of the situation and make up for poor years, both financially and otherwise. It was a way of stabilizing ranching operations.

Well, what the BLM did, as part of the adjudication process, was convert such use to that they call "suspended non use". In other words, when good years come along they issue to permittees what is now called "temporary non renewable use".

What this all boils down to is, all available use in the Wells Resource Area has been adjudicated. There is no excess feed available for elk.

The point is, we must all remember that elk are non indigenous to our area. There is no history of elk in this part of the country. If elk are introduced into our area, it will be equivalent to the BLM issuing use to a new permittee without requiring that a permit be purchased. Such an action would constitute third party interference, and the Department of the Interior, BLM has a responsibility to protect permittees from third party interference. In this instance the third party would be the State of Nevada.

No one, whether it be the County, the State, or the feds can appoint a committee to decide how many elk they are going to run on person's permit.

No one has the authority to do such a thing, whether it be a County government or an agency, even if a committee does approve it, it's still not legal. Such rights have to be purchased.

Therefore, we request that the Public Lands Use Advisory Commission recommend that no elk be allowed to pioneer into new areas, or be planted into new areas within the Wells Resource Area.

If permittees in the O'Neil Basin and Winecup Gamble area chose to allow state and federal managers to abuse their rights, so be it, but as for the remainder of the Wells Resource Area, we cannot afford elk. As well as taking great amounts of feed, elk are very destructive. We will not put up with them.

So that this issue can be addressed more on a legal basis, we ask that the County Commission look into the legal ramifications of planting non indigenous species into areas such as we describe. A letter of findings would be appreciated.

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Respectfully submitted

A handwritten signature in cursive script, appearing to read "Cliff Gardner".

Cliff Gardner