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Wrangling over range rights lands rancher, government back at starting point

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Like a merry-go-round it can't get off, the Bureau of Land Management is back where it started 15 years ago, faced with forcibly rounding up Cliven Bundy's herd of more than 500 cattle from public land at Gold Butte.

U.S. District Judge Lloyd D. George recently ordered Bundy to remove his cattle from a large expanse of the Gold Butte range, 80 miles northeast of Las Vegas. The area includes land around Bunkerville covered by a 1998 court order after biologists determined that grazing there damages habitat for federally protected desert tortoises.

When Bundy didn't comply with the 1998 order, the BLM had authority to seize the herd but did not act until April 2012, when a roundup was planned and then abruptly suspended.

Bundy has said he would resist government efforts to remove his cattle from rangeland used by his family since 1877.

It's unclear what the BLM will do next. Officials at the BLM Southern Nevada District Office had no comment Thursday. A spokeswoman said District Manager Tim Smith was unavailable.



JOHN LOCHER/LAS VEGAS REVIEW-JOURNAL FILE PHOTO

Cliven Bundy's family has grazed cattle on the Gold Butte range 80 miles northeast of Las Vegas since 1877.

George set an Aug. 23 deadline for compliance, ruling that "the United States is entitled to seize and remove to impound any of Bundy's cattle for any future trespasses."

Bundy said he won't budge but will appeal part of the ruling that deals with the Endangered Species Act.

"I'm going to bring my battle right back to where we were in 1998," Bundy, 67, said in a telephone interview Thursday.

"I'm not moving my cattle off," he said. "This is putting a lot of pressure on the county sheriff. Is he going to protect me or sit on the sidelines?"

U.S. attorneys representing the BLM and the National Park Service filed a complaint in federal court against Bundy in May 2012, about a month after the BLM aborted the roundup. The complaint sought an injunction to force Bundy to remove his cattle. George granted it July 9.

About a week before last year's planned roundup, Clark County Sheriff Doug Gillespie toured the Gold Butte range with Bundy. Afterward, Gillespie told the Review-Journal he had told Bundy that "these are federal lands" and BLM officials "can do what they want to do."

"I use my influence to make sure whatever is done is done by the law and No. 2, it is done peacefully," Gillespie said at the time.

After the roundup was suspended, an environmental group, the Center for Biological Diversity, criticized the BLM and the U.S. Fish and Wildlife Service for failing to protect tortoise habitat.

Reacting to George's statement, the group said "the court has provided the BLM with a clear and undisputed mandate to proceed ahead with what should have occurred over 12 years ago — to protect the rights of the American public by ending illegal grazing that has cost them hundreds of thousands of dollars while imperiling the protected desert tortoise," said Rob Mrowka, a Nevada-based ecologist for the Center for Biological Diversity. "The foot-dragging by the departments of Justice and the Interior has been nothing short of criminal in itself."

In his July ruling, George, the senior judge at U.S. District Court in Las Vegas, said Bundy's opposition based on the premise that the United States doesn't own the land is moot.

"The public lands in Nevada are the property of the United States because the United States has held title ... since 1848, when Mexico ceded the land the United States," George wrote .

The BLM canceled Bundy's permit for the Bunkerville allotment in 1994. But he continued to let his cattle graze on the vast, sage-dotted landscape — without paying the \$2-per-head, per-month fee.

George wrote that "Bundy has produced no valid law or specific facts raising a genuine issue of fact regarding federal ownership or management of public lands in Nevada."