



Ms. Mary Jo Rugwell  
BLM-Southern Nevada District Office  
4701 North Torrey Pines Dr.  
Las Vegas, NV 89130

November 29, 2010

Mr. Bill Dickinson  
Lake Mead National Recreation Area  
601 Nevada Way  
Boulder City, NV 89005

Mr. Rory Reid  
Clark County Commission  
500 South Grand Central Blvd.  
Las Vegas, NV 89455

Sent via e-mail: [mrugwell@blm.gov](mailto:mrugwell@blm.gov)  
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RE: Cattle grazing in Gold Butte area

Dear Ms. Rugwell and Misters Reid and Dickinson:

I am writing you all together since I view this situation as a mutual problem that will require cooperation and coordination between your jurisdictions.

In 2008 I submitted a FOIA request with respect to the status of grazing on Gold Butte. Through it I learned that, with the exception of some slight overlap from Arizona BLM allotments, all grazing had been terminated in response to the identification of much of the area as critical habitat for the threatened desert tortoise. Here are some of the highlights I learned:

In 1993, the BLM began administrative processes to address grazing by permittee Cliven Bundy which was occurring without a valid permit. In 1994, the BLM declared Mr. Bundy in trespass and ordered him to remove his cattle and pay judgments against him. Mr. Bundy attempted to pay his grazing fees to Clark County, but the payment was properly rejected due to the County's lack of jurisdiction in the matter. In 1998, U.S. District Court entered an order granting the US a permanent injunction against Cliven Bundy and his family and ordered him to remove his cattle. Mr. Bundy appealed the decision and in 1999, the Appeals Court found in favor for the U.S. In December, 1998 Clark County purchased the grazing rights to the Bunkerville Allotment for \$375,000 and retired them for the benefit and protection of the desert tortoise. Clark County also

purchased the range improvements at the request of the BLM. With the on-going trespass, Clark County inquired as to the rights of Cliven Bundy to be on the allotment. In a July, 2002 memo the LV Field Manager stated that the “BLM agrees with your position, Mr. Bundy has no right to occupy or graze livestock in the Bunkerville grazing allotment. Two court decisions, one in Federal District Court and another in the Circuit Court of Appeals, fully supports our positions.” Clark County’s purchase of the grazing rights and the retirement of those rights was and is a principal part of the mitigation required under the Clark County Multiple Species Habitat Conservation Plan (“CCMSHCP”) and associated Incidental Take Permit, which allow for the destruction of habitat and “take” on 145,000 acres of private land in Clark County. To date, approximately 78,260 acres of take have occurred.

Unfortunately, this mitigation measure is flawed and compromised by the continued trespass grazing that is occurring on Gold Butte in areas for which the County retired the grazing rights. While occurring primarily on BLM public lands, the trespass grazing also spills onto the Lake Mead National Recreation Area (“LMNRA”), as the cattle migrate there for water and forage.

The trespass cattle consume the forage intended for the desert tortoises and other “covered” species under the CCMSHCP, collapse tortoise burrows and trample tortoises, trample rare plants and their habitats such as sticky buckwheat on the LMNRA, and damage and destroy fire restoration efforts in the area, also to the detriment of the desert tortoise. It must be noted that a Clark County funded report entitled, “A conservation management strategy for nine low elevation rare plants in Clark County, Nevada” reported that the threat status for the sticky buckwheat is “very high”.

In official correspondence to Ms. Rugwell dated November 2008 and April 2010, I made the BLM aware of my observations of trespass cattle in the Gold Butte area, complete with GPS coordinates, head counts, and the offer to share photos I took.

On May 4, 2010 I provided a statement to the Clark County Commission during a public hearing on Gold Butte. In my statement I supported the effort to provide Gold Butte with additional protections through the designation of a National Conservation Area. I also raised the issue of the trespass cattle as being a serious threat to the area. In response, Commissioner Tom Collins told a story of how back in the 90’s he stood on a hill with the Bundys and his gun ready to defend the Bundy’s “right” to graze on Gold Butte.

In June 2010, I met with Ms. Rugwell in her office to voice my concerns. I have also had several side conversations with her about this at meeting we both attended on other topics.

I continue to be dismayed by the continued trespass grazing that is occurring on Gold Butte.

On November 26, 2010 I once again journeyed to the Gold Butte area and encountered trespass cattle. There were 11 cattle along the Gold Butte Road at 36 35.238N, 114 12.520W coordinates. After checking the archaeological site I site steward, I took NPS Road 112 to Road 113 and traveled to the end of the road. All along it cattle tracks and scat were obvious. I parked and hiked a cattle trail down to the water's edge of the Virgin River, where there was a mud pit filled with cattle tracks and scat. In this area I observed sticky buckwheat plants. (Coordinates 36 29.300N, 114 19.654W)

I have attached photos from each of the reported sites as an attachment to this letter.

I have learned of continuing frustrations of BLM and NPS employees who are likewise dismayed that management is taking no positive actions to address the on-going trespass cattle problem. As a former forest supervisor, I am troubled by this lack of responsible stewardship for the lands of the American people entrusted in your care.

I now once again submit to you physical evidence of the on-going problem and ask – “what are you doing about it?” The Center questions whether the on-going grazing in critical habitat for desert tortoise results in Clark County, and the other permittees under the Incidental Take Permit, being not in compliance with the terms and conditions of their permit due to the inaction on the part of the BLM.

I look forward to hearing your thoughts and planned response to the continuing problem of illicit cattle grazing in this area that is so critically important to the survival and recovery of desert tortoises. I would welcome a meeting with you should you feel it would be beneficial.

Sincerely,



Rob Mrowka  
Nevada Conservation Advocate

CC: Bob Williams, FWS  
Marci Henson, Clark County  
Ron Wenker  
Commissioner Tom Collins

Attachment – Cattle on Gold Butte

November 26, 2010:

Along Gold Butte Access Road



Note brand.

Cattle sign along Virgin River in LMNRA:

