

AFFIDAVIT OF KENNETH E. MAYER

STATE OF NEVADA)
) ss.
COUNTY OF WASHOE)

I, KENNETH E. MAYER, affirm under penalty of perjury that the assertions of this affidavit are true.

1. I am the Director of the Nevada Department of Wildlife (NDOW), appointed by the Governor of the State of Nevada pursuant to NEV. REV. STAT. § 501.333. I have held this position since February 2007. Prior to that, I was the Chief for the Scientific Branch for the California Department of Fish and Game Office of Spill Prevention and Response for six years. In total, I have served more than twenty-two years in the wildlife agencies in the states of Nevada and California. As the Director of NDOW, I also serve as the Secretary to the Nevada Board of Wildlife Commissioners pursuant to NEV. REV. STAT. § 501.337(9).

2. The Calico Mountains Complex (Complex) is approximately 550,000 acres and encompasses three mountain ranges and a large amount of sagebrush, steep plateau and rim rock country typical of the Great Basin ecosystem. Roads are not common in this area and are found primarily in the valley floors. Access to this area can be described as difficult. Even the seasoned wildlife biologist familiar with this area and the most experienced hunter often do not see abundant wildlife when traveling roads within this area.

3. In order to locate animals within the Complex, NDOW biologists utilize

aircraft to overcome the lack of roads and access difficulty to obtain the most accurate data on the wildlife species in this area. NDOW biologists conduct aerial surveys on an annual basis for mule deer, pronghorn antelope, California bighorn sheep, Greater sage-grouse, and chukar partridge in the Complex. These surveys are flown using a turbine-powered helicopter that allows the biologist to locate and observe the animals. Information gathered during these surveys includes gender of the animal, age, relative body condition, and productivity. This information along with harvest data, moisture, and habitat condition are used to generate yearly population estimates for the above-mentioned species.

4. Wildlife use of this area varies depending on species and time of the year. Mule deer use within the Granite, Blackrock, and Calico Mountains is similar to other ranges within the state. Mule deer utilize upper elevation portions of the range during the summer and fall, and move to lower elevation winter ranges when heavy snow and inclement weather arrives. Pronghorn use of this area is both yearlong and migrational. As an example, over 2,000 pronghorn migrate to critical winter ranges within the Complex near Solider Meadows and the east and west side of the Granite Range from areas outside the Complex. Thus, it is very common for laypersons to visit the Complex this time of year and not see any of these wildlife species.

5. On March 28, 2010, NDOW biologists flew Greater sage-grouse surveys in the area west of Summit Lake and South of the Sheldon Refuge, which is an area within the Complex, and observed over 75 wild horses. The horses appeared to be migrating back into the Complex from the north and northeast. On April 8

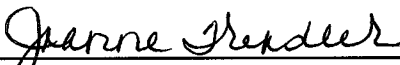
///

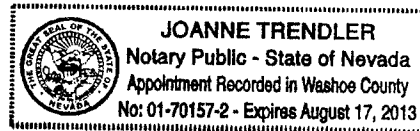
and 9, 2010, NDOW biologists were also in the Granite Range, another area within the Calico Complex, doing sage-grouse and bighorn field work, and observed approximately 50 horses.

DATED this 14th day of April, 2010.


KENNETH E. MAYER

SUBSCRIBED AND SWORN to
before me by Kenneth E. Mayer,
on the 14th day of April, 2010.


Notary Public



(Affix notary stamp above)