

Feral Horse Committee Meeting

Nevada Department of Wildlife – Fallon

380 West B Street

Fallon, NV 89406

November 22, 2010, 1:00 p.m.

Minutes

Committee members in attendance were:

Chairman Mike Stremler

Wayne Hage

George Parman

Floyd Rathbun

Absent committee member:

Hank Vogler - Commissioner

Meeting attendance sheet attached.

Agenda Item #1 – Call to order – Chairman Stremler

Chairman Stremler called the meeting to order.

Agenda Item #2 – Committee Member Items – Chairman Stremler – Informational

George Parman points out the fact of deteriorating game numbers in the state. Our main reason for sitting at this table is my main concern. In 1955, there were 34,500 deer harvested in the state of Nevada. Today we are not harvesting 7,000. We are having trouble to get there. I have seen the livestock numbers in Eureka County drop from 41,000 to 14,000. The numbers of livestock in the state of Nevada is down to 425,000, that is a 50% drop since 1980. No livestock out there. The ranchers are gone. There is nobody there to maintain the water. There is no predator control or very little predator control initiated, no salting done and the worst thing the water is gone. I have seen the horse numbers grow tremendously and I believe that we are going to have to do something to control the horse numbers. There are 41,000 horses today in holding facilities. There are only 40,000 out there on the range. With 41,000 in holding facilities they are consuming 80% of the money appropriated to the horse program. We have got to do something to control the horses, protect the water and it will all work together to protect the game animals in our state, the mule deer and the sage-grouse.

Wayne Hage introduction: Rancher here in the state of Nevada. I was appointed to this board with no affiliation.

Mike Stremler: Wanted to add that if the folks doing the documentary would look up Wayne Hage vs. the United States you will get quite a bit more information about this gentleman and it was all on water rights.

I am Floyd Rathbun and I live here in Fallon. My livelihood depends on the ranchers being in business but aside from that I am also a sportsman. I am not a rancher myself but I do have a technical background in range management and range ecology, so when I do my daily work that is done from the standpoint of what I know about plants and soils and the animals that depend on them. I do technical work involved in evaluation of wildlife habitats, evaluation of range management issues from the standpoint effect of grazing animals of any kind. I believe the reason I was asked to be on this

committee is because I have a technical background that is somewhat separate from the rancher and ranch management background.

Mike Stremmer: I am also a wildlife enthusiast. I also happen to be a rancher and we own all of the water on our ranch and we do have wild horses as well that we share that water with. But, I do see degradation of the habitat for wildlife and the horses are basically eating themselves and the wildlife out of existence. I am also a guide here in Nevada, so I depend on wildlife as part of my income.

Agenda Item #3 – Public Comment – Chairman Stremmer – Informational

Craig Downer (wildlife ecologist and wild horse advocate) I think the horses are being overly blamed for a lot of abuses that people are causing. It is easy to set these animals up if you don't provide for them and allow them the adequate space and habitat to be themselves, improve themselves as a harmonious element here in Nevada. Often they are called exotic and destructive. You realize they are a different type of herbivore and they have a lot of precedent in North America. The whole horse family evolved for many millions of years upon this continent and has a different type of digestive system as I am sure you are aware as ranchers and wildlife enthusiasts. Their feces are much more capable of fertilizing and building the soil and seeding many plants but they do require lots of space. There was a law to protect them, the Wild horse Act in 1971, but it has been woefully undermined by their traditional enemies. It was designed to protect them against people that had targeted them for elimination and I think we should learn to share with these magnificent animals, who are in fact returning to their native home in place of evolution and have much that is positive to contribute here and are capable of enhancing the wildlife and biodiversity and are loved by millions of people throughout the nation and the world. Please learn to share with these animals and not to be so negative toward them just based upon your traditions.

Discussion ensued.

Don Molde, Reno, representing self. With respect to the historical evolutionary question at hand, I took the liberty today of reprinting for you Frank Mullen's story in the Gazette Journal yesterday in Reno. He did one of the fact checker stories that periodically appear in the paper and it addresses directly the question at hand that Mr. Rathbun and others have raised. So, I will give you half a dozen copies of Frank's story just as a little bit of information if you would like to do so. The second thing is that I am assuming that the name of this committee is a joke. Since, I assume that we are talking about wild horses and burrows and not feral animals. And as you know, a feral animal is defined as animals that don't live full time on public lands and if you are talking about horses that do then clearly the name of the committee is a misnomer and I would be happy to point that out to Scott Raine if one of you doesn't care to do so. The third element, I heard one of my pet peeves mentioned in the opening statement by the gentleman to your left, George Parman. You mentioned there is no predator control going on in Nevada. Just for the record in the last 10 years there have been over 80,000 coyotes killed in Nevada and over 2,000 mountain lions killed in Nevada. You may regard that as a small number but I don't. I just want to make sure for the record that we understand that those two animals have been killed in those numbers. The source of those numbers is NDOW numbers and also Wildlife Service's numbers and I would be happy to provide you with the specifics anytime you would like.

Discussion ensued.

Simone Netherlands, natural horsemanship trainer and I have a horse rescue organization and I lobby for the protection over our wild horses and against horse slaughter. I am sure we don't see eye to eye on a lot of things. But, I am here to beg the question to ranchers, who do own the water rights, what feels like so much of a threat to the ranchers that you feel like you have to assert your rights so pertinently against the wild horses? The BLM has rounded up over 400,000 wild horses since 1971, since the act was instated. We currently only have about 25,000 wild horses left in the United States. I know the BLM says there are 35,000 left but it hasn't been independently verified. The BLM is their own entity which

isn't overseen by anyone. The only presence really that can stop the BLM or that can say do this or do that would be the President. The Department of the Interior has effectively established that there is no science to their methods. There is no science to how they set their AML's. There is no science to how they count the horses from the air. There is no science as to how they write up their own handbook. They are pretty much making up their own rules as they go. So, 25,000 horses in the entire United States of America, do you understand what a futile, tiny little number of animals that truly is? We have 694 million federal acres. We have a million elk. Do you feel just as threatened by the million elk for example?

Discussion ensued.

Dorothy Nyland, Dayton, on the Board of Directors for the Wild horse Preservation League. Both of my grandfathers were cattle ranchers at one point, so I don't have a beef with cattle ranchers. In fact, Mr. Hage over here, I have had breakfast that his mother served me. I have been to the Pine Creek Ranch. We certainly got along fine and had no problem whatsoever. I think from what you say that you are not against wild horses altogether here. I am not against cows, sheep or any of those things. I think there is a place for all of it. Now, you are talking about water rights. It sounds like you are saying that all of the water rights on all of the public land belong to you. Is that what you are saying?

Discussion ensued.

Don Alt, chairman Nevada Livestock Association, the gentleman that spoke first, he talked about the horses being able to paw out the water. On my springs, the springs have been plugged. There is barely enough water. My cattle have never gone into that one spring where the horses go a lot. There was enough water produced by that spring for maybe five horses. They stand there and they paw at it and paw at it and they pack the ground harder and harder and the spring absolutely runs no water now. A few years ago I went in and I dug it out. It flowed again and I put a water trough so some cattle could go over there. Within probably six months it was packed solid again. Then the gentleman also said something about horses migrating. They do not migrate. They stand around a waterhole and die of thirst or they will stand there and starve to death. They do not migrate. On my range, I pulled my cattle out; they haven't been there for quite a few years. There are hardly any native grasses left. The horses have annihilated the whole ecosystem there. There used to be evidence of deer. I found old horns. There are no deer left anymore but there are a lot of horses. When we get a good winter it is going to be real sad. You know, I don't think people from town have ever seen animals die of thirst or die of starvation. That is probably as cruel of death as there is. Talk about sharing the range with the horses, they personally cost me about \$20,000 a year. Now, if these people that really love the horses would want to help pay some of my bills then I wouldn't care if those horses were on my range.

Discussion ensued.

Cat Kinsfather: I have always loved horses so my main concern is for horses not to take away ranchers rights. I know that everyone needs to make a living but I don't want that to be at the expense of the horses. I photograph the wild horses; I do think they enrich the American spirit. They are important to the ecosystem and Craig knows a lot about that and they do roam. I can get right in the middle of a band that I know and follow them around. Say at the end of summer perhaps if water is getting scarce they might stay closer, I don't really know that for a fact. But, I do feel that the horses are getting the raw end of the deal all over the place. I just want to say I would like to see...the guzzler sounds like a great idea to me and I would like to see something work out to protect our horses. I really believe in ecotourism. Nevada has the highest unemployment rate in the United States. I think it would be really wise to use the wild horse as a resource; however it could be managed, to bring ecotourism to Nevada.

Discussion ensued.

Agenda Item #4 – Development of a letter that will be sent to the State Engineer’s office from the Nevada Board of Wildlife Commissioners. Chairman Stremler – Action

In preparation for the meeting today I (Floyd Rathbun) drafted a letter that we can apply our pencils to. I don't have any particular ownership in this but I thought it would be a starting point for conversation. Board members were handed a copy of the draft letter. Tried to incorporate the empirical observation of people that have actually seen the effects of horses and the locations of horses short of being a scientific sampling, direct observation works fine. I have tried to incorporate that kind of information into this draft letter. The letter itself is 4 pages long. I took a minute to add a couple of the documents that I used for reference material. One is the 2010 article by Charles Kay on the Kaibab deer herd and the second one is a draft letter from Mr. Gardner in Ruby Valley. I believe he worked on that with Mr. Parman to document some of the catastrophic die offs and real bad problems that horses have had over the last 40 years, since 1971, when the Wild Horse and Burrow Act passed.

Question from the audience (Simone Netherlands) requesting a copy of the draft letter.

Chairman Stremler: That is up to the NDOW staff.

Floyd Rathbun: Our job is to provide a letter for consideration and review by the Board of Wildlife Commissioners and this is entirely draft preliminary information that as soon as the commissioners finalize the letter it will be available to everybody.

Question from the audience asking what the topic was.

Chairman Stremler: The topic is for the beneficial use of water and Nevada's water rights. That is going to be the subject of the letter. In my opinion, that is a critical issue. That is the most limited resource in Nevada so that is where we are going to start from.

George Parman: MOTION: To take a 10 minute break.
Second by Wayne Hage.
Passed unanimously.

Chairman Stremler: Open up to committee comments.

Wayne Hage: I had a chance to read the letter.

Mike Stremler: I see the letter as being fairly well written. It gives the definition of what a vested water right is, because a lot of people don't know that. We need to eliminate emotion on this stuff and stick with the law on water. So, Floyd I am going to ask you to make your comments on the letter and then I will ask the others.

Further explanation ensued.

Wayne Hage: Asked by the chairman to provide any comments in regards to the letter. No direct comments regarding the letter except that we have to keep in mind what our limitations are as the board on the Nevada Department of Wildlife and what the Department of Wildlife can actually do and what they cannot do. I don't think the Department of Wildlife actually can do much about the horses at all. What they can do and this is what I think we need to keep in mind with regards to this letter, is we have to keep in mind what our limitations are and also keep in mind that we are here for wildlife, which also goes to the third thing being we need to protect State Law. Every state agency needs to be mindful of that and we on this commission must be mindful of that also.

Further explanation ensued.

Chairman Stremler added a comment to Wayne Hage's comments that if you were going to run the federal horses and if it was going to be under the act there is still the beneficial use of the water. You would have to take a proprietary interest in the livestock, which would be the wild horses to keep your beneficial use of your water. Because as they are they have painted themselves into a corner on the definition of free wild roaming horses and burrows.

Wayne Hage: I do agree with that. That would actually be another conversation. We are not here to discuss how to make it workable to have a situation where ranchers would love to run wild horses. That simply is not within the scope of this meeting or anything that NDOW has to do with but what we are here to do though is talk about what we could do to make it more beneficial for wildlife and that is where I go back to is the water source, water being the limiting factor, the more water there is the more wildlife there is going to be. I have several places on the ranch where if there is one spring the predators can simply sit at that one spring and have a field day with all of the wildlife, however, if I go to develop the other springs that are in close proximity, wildlife has a much better chance. When the horses are being used as a tool to beat the ranchers up and run them out of business then we are simply just not going to go out there and provide water for horses so they can beat us up some more.

Chairman Stremler asked for George Parman's comments on the letter. To keep in mind of why we are here and that is to enhance the game numbers. In order to get more game numbers we have to do better by our game out there. In instances the horses have been disastrous to the range and I have seen it. There is a question in my mind, and that is the mustang feral horse, he is not wildlife. A feral horse he is not a domestic animal until such point and time he is captured. When he is a feral horse when he is a mustang what is he? And was there any water actually appropriated for the wild horse? That is a pretty big legal question and I am sure it will be addressed. At what point in time, they are not livestock, they are not game animals, so who are they out there and have they got the right to go out there and just take over our range? I agree with the letter.

Chairman Stremler: Is there any amendments to the letter that you would like to make (to the committee members).

Discussion ensued:

Floyd Rathbun motion: I move that this letter be accepted as a draft and edited slightly between now and the December 3, 2010 meeting for the purpose of delivering it to the Board of Wildlife Commissioners at the December 3, 2010 meeting.

George Parman: Seconds the motion.
Motion passes unanimously.

Agenda Item #5 – Invitation to the Nevada Board of Agriculture inviting it to co-sign or to use the same letter. Chairman Stremler – Action

Floyd Rathbun: I move that following the discussion and assumed approval from the Board of Wildlife Commissioners that we submit the same document to the Nevada Board of Agriculture for their consideration and for their use.

Amendment of motion: To invite the Department of Agriculture to either use this letter or join with the Department of Wildlife Commissioners and co-sign the letter.

Wayne Hage: Seconds the motion.
Motion passes unanimously.

Agenda Item #6 – Discussion concerning the use of Range Improvement Fund (8100) money for wildlife projects. Chairman Stremler – Informational

Chairman Stremler: In 1934 the Taylor Grazing Act put in for the 50/50 fund for range improvements that would benefit livestock and wildlife. The ranchers pay 50% of their AUM money goes into that account. In 1976 they turned it into what they called the 8100 Fund. The 8100 Fund last year had a million dollars left over in Nevada that was never used for anything. Basically, in 1999 there was an audit on Winnemucca, Battle Mountain and Elko offices and they had misappropriated \$357,000 of that 8100 Fund and that money was never paid back, nor has there been another audit since. I would like for the wildlife people to get more involved in using that money. It is already paid for by the ranchers. It just needs to be put to use for wildlife and especially in places where the rancher and the wildlife people can work together. Put in pipelines where there is water, whatever.

Wayne Hage: What authority do we (Feral Horse Committee) have over that or can we just make a suggestion to the Wildlife Commission?

Chairman Stremler: The only thing we can do is make a suggestion to them to look into it. It is just mainly information for them. Most of the commissioners don't even realize that that fund is there. They know about the Heritage Fund, which is significantly less money than what this is. This amounts to several million dollars.

Floyd: I really like that term misappropriated because it is accurate but it is also qualified by Federal Law that states specifically how that money is to be used. So, when we use the term misappropriated it is more of a matter of the money being used for purposes that are not lawful than it is somebody putting it in their pocket.

Chairman Stremler: Right, in Winnemucca they were buying forklifts and pickups and things like that with range improvement fund money, which can be used for wildlife projects. They said that they needed to load the seed up with the forklift. The solicitor said then you charge your time to the forklift against the 8100 Fund.

Discussion ensued.

Agenda Item #7 – Discussion concerning the need for an audit of Range Improvement Fund (8100). Chairman Stremler – Informational

Chairman Stremler: I think there needs to be another audit. The last one was in 1999. There is a fraud and abuse hotline that I found for the solicitor if there are any inappropriate uses of federal funds. As a board we can call up and say that we would like to have an audit of that 8100 fund. I will put this on the next agenda to make it an action item that we as a board write a letter to the solicitor for 8100 money.

Agenda Item #8 – Issuance of an invitation to wildlife organizations to join the next meeting of the Feral Horse Committee. Chairman Stremler – Action

Looking for a motion to invite various foundations/organizations to become involved in identifying areas where there is not thriving ecological balance with the wild horses and wildlife.

Motion by Chairman Stremler: Requesting that we have the Nevada Department of Wildlife provide this chairman a list of the wildlife organizations that I can instruct NDOW to extend an invitation to our next meeting.

George Parman: Second the motion.
Motion passes unanimously.

Agenda Item #9 – Discussion concerning the development/issuance of a statement/policy by the Board of Wildlife Commissioners. Chairman Stremler – Informational

Floyd Rathbun: Because I have worked with so many agencies the nature of having a policy statement by the commission is probably their normal way of doing business. I am in favor of that. I don't believe we have time to do that for the December 3, 2010 meeting. I would hope that the next agenda will include discussion of that and maybe even an action for a draft of such a statement for our next meeting.

Chairman Stremler: Chairman Raine asked for a written policy for the wildlife commissioners on record. To be the starting point for the next commissioners or to be amended.

Discussion ensued.

Agenda Item #10 – Establish date, time and place of next meeting. Chairman Stremler – Action

Chairman Stremler: The next meeting is set to be Wednesday, February 23, 2011, at 1:00 p.m. in Eureka, Nevada exact place to be determined.

Floyd Rathbun seconds the motion.
Motion passed unanimously.

Agenda Item #11 – Adjournment – Chairman Stremler – Action

Meeting was adjourned by Chairman Stremler.