

It had been a goal of mine for a number of years to explore the Table Mountain portion of the Monitor Range in Central Nevada. After becoming acquainted with Wayne Hage, whose livestock operation includes Table Mountain, I mentioned it. Wayne suggested I come down to help gather his cattle off Table Mountain in the Fall.

On the 27th of September, Wayne called and ask that I bring some of my family to help gather since he was not able to find the extra men needed to gather the Mountain. So on the 29th of September, my son Walt and I met my daughter Paula and her husband, Dave Boyles, there at Wayne's.

The following day we four along with Wayne and his two men got an early start. It was good that we did, for no sooner had we begun to gather the Southeastern pasture where the cattle were, than we found that the Northern boundary fence was down in several places. Then further toward the top of the Mountain we found a gate down and several fresh cattle tracks leading North out of the Pasture.

Wayne left instruction with his lead rider to take the remainder of the riders and gather the cattle in the Pasture as planned, while Wayne and I rode North to find what cattle may have strayed into that Pasture.

We made two circles and rode over most of the pasture twice that day, taking about 25 or 30 pair of cows and calves part way down the mountain the first time and then going back and riding further North and bringing 6 or 8 pairs down to where the others were. Then taking all on down and putting them through a gate at the bottom of the mountain. We had to leave two cows on top that day One had a sick calf while the other appeared to have left behind a new calf.

It wasn't long after we got off, that the other riders came off the mountain. They had left the main bunch just a short ways up for by then it was getting dark. We, Gardners and Boyles, left for home that night for Wayne indicated that he and his men could bring the remaining cattle the rest of the way off the next day.

We had hoped to see deer and Elk on the mountain that day but when we mentioned it to Wayne, he had explained that it would be very unlikely, for the hunters usually ran the game off of the top of Table Mountain long before he gathered his cattle each fall. There was evidence of this, for we saw no Elk nor Elk tracks all day and the only deer we saw were at the far Northern portion of Mosquito Creek. It appeared that Elk must use the mountain extensively during the summer though for there were no leaves left on the Quaking Aspen below 6 or 7 feet from the ground. I had never seen trees high-lined before, but then I had never been in an area where Elk ran before either.

The grass was good. So good in fact that without getting off your horse and looking closely for evidence of cropping of grass, you could not tell which pasture had been grazed by cattle that season and which had not.

It appeared to me that the mountain lacked the variety of browse necessary for good game habitat. In fact it has been my experience that if cattle are grazed more extensively in areas like this, a more balanced plant community will develope over time.

E. H. Gardner

Oct. 18, 1988

RIPARIAN UTILIZATION ASSESSMENT TABLE MOUNTAIN 1996

In 1984, the Toiyabe National Forest adopted its first comprehensive land use plan for central Nevada. Within the plan was policy requiring that livestock permittees remove their animals whenever 45 percent of available feed was removed from any riparian area within a given allotment.

The very nature of grazing animals is such that they tend to use the feed that is found within riparian areas first - and at levels greater than 45 percent, before any significant use is taken of upland vegetation. Consequently, under such policy, allowable use of an allotment might only be 10 to 20 percent on the uplands when a permittee is told he must remove his livestock. Under such policy, a rancher cannot justify his cost of keeping up the allotment fences and water improvements let alone the cost of moving his animals to and from his allotment.

Clearly the policy was arbitrary - the agency people had produced no science showing that livestock grazing was causing adverse effects on riparian areas - yet, they were implementing such a policy, knowing full well that it would force many ranchers to abandon their allotments.

The ranchers tried everything they could think of. They met with the local forest personal, hoping to resolve the issue. They went over the range with them. They met with the State Forest Supervisor. They were even able to get the Forest people to agree to have a delegation of experienced ranchers come in for the purpose of making recommendations. Yet nothing swayed the agency people. Clearly, they had their minds made up.

By then, most of the ranchers were beginning to realize that the new policy was not intended to protect the riparian areas so much as it was to gain control of the waters. The effects were immediate. Within four years, nearly every permittee who opposed the plan was forced out of business. I was dismayed. All my life, I had been led to believe that we lived in a country where fairness and honesty always came first. Yet in this instance, such was not the case.

As far as my wife and I were concerned, we determined that we would do all we could to stop this abuse. These were good people - honest people - yet they were being treated unfairly - by a bunch of people who should have been persecuted themselves for committing fraud.

That is why we admired Jean and Wayne Hage, as we did - for they, more than anyone, stood up to these evil people.

Wayne and Jean Hage had purchased the Pine Creek Ranch 55 miles north of Tonopah in 1979. Historically, the pine Creek Ranch ran both cattle and sheep. However, when the Hage's purchased the ranch, sheep were no longer being run on the ranch. Even so; even with the reduced use by sheep, the BLM and Forest Service were alleging overgrazing and range abuse.

In 1989, after being confronted with one adverse action after another, Wayne determined that the cost of compliance was too great to continue running livestock on Table Mountain. A year later, Wayne and Jean filed a takings claim in the U.S. Federal Court of Claims.

Meanwhile the issue regarding riparian utilization standards continued. Obviously the policy was ludicrous. Even if there were only a small group of elk or cattle left on an allotment there would be heavy use on existing riparian areas - which started me thinking. If we were to measure the extent of use being taken by elk on Table Mountain, where no livestock use had occurred for the last eight years, and it turned out, elk on Table Mountain were taking more feed than what the Forest people were saying was acceptable, that it would help make our point..

And so, on September 21 and 22, 1996, myself, Wayne Hage and Range Technician, Floyd Rathbun conducted a tour and assessment of range conditions on Table Mountain.

We left the Pine Creek ranch headquarters first thing in the morning on the 21st with four horses, bedding and enough food for two days. That night we camped at "George's Camp" on the North Fork of Mosquito Creek. While proceeding up "Hooper Trail" from the Mosquito Creek Trail Head, we noted some obvious changes that were occurring relating to Mountain Mahogany. The older plants showed historical use by Mule Deer. By this, I mean, that most were mature plants with one, two or three main stalks, with a definite canopy extending above the height to which a mature deer can eat; whereas the newer plants showed growth patterns of a different nature. The young plants, most of which were under four feet in height were rounded, and had the appearance of well hedged shrubbery, similar to what you might find in someone's yard.

The main stems of the younger plants were from an inch to one and half inches in diameter. Upon cutting one of these stems, which was approximately 1 1/4 inch in diameter, we found it to be 14 years old. On close inspection it was found that most of these younger plants had been grazed by large animals, as the ends of the leaders had been nipped off. It is assumed that this was done by Elk since there have been no cattle in this area since 1988 except for a hand full of stray cattle amounting to no more than 10 to 15 head - and the fact that cattle rarely browse Mountain Mahogany.

This area was once known for its trophy deer, but in two days riding, from the base of the mountain to "George's Camp", which is located in the Northern most drainage of Table Mountain; and from George's Camp to "Scruffy's" (camp) which is located at the Southern end of Table Mountain, and off the mountain again, all we saw were two does and two small forked horn bucks, which was similar to the number of deer I had seen in 1988 and 1993. (In 1988, my family and I helped Wayne gather his cattle off Table Mountain. In 1993, I had accompanied Wayne and Attorney, Mark Pollet as they made an assessment of the Allotment.)

The reason for the difference in appearance between the older Mountain Mahogany and the younger Mountain Mahogany can be attributed to the grazing of the plants by two different species of animals - deer versus elk. A deer's head is small and narrow. Its teeth on the lower jaw are no more than an inch wide. Consequently, when a deer feeds on plants such as Mountain Mahogany or bitter-brush, they remove the leaves without disturbing the stems of the plant.

However, when Elk browse on Mountain Mahogany or bitter-brush, they take the ends of the stems as well as the leaves. The effect of the browsing is totally different. When Mahogany is grazed by deer primarily, the plants tend to grow to be 10 or 12 feet tall and have a definite canopy which extends above the reach of deer. Whereas, when Mountain Mahogany is browsed by elk from the time a plant is small, it takes on the appearance of a bush.

Large woody vegetation on Table Mountain (at the time of my visits, in 1988, 1993, and 1996) was as follows; from its base to midway up the mountain was a thick, decadent stand of juniper trees; then at mid elevation, we emerged from the band of juniper trees onto a less abrupt incline with sparsely scatterings of mountain mahogany, with some quaking aspen in the deeper draws (for four or five hundred yards, I would say); at which time, we then entered an area where there were great patches of quaking aspen in all the draws and basins, with large open areas on most ridges, and in some of the basins, which contained, low sagebrush/grass communities.

It was here, at the upper portion of the mountain, where there was a good deal of quaking aspen, that we began seeing elk. First we saw a bunch of 24 Elk - including two large bulls and six calves. A half mile farther on, we saw two more cow Elk and then off on another ridge by himself, a huge bull Elk.

After we made camp at "George's Camp" around 4:00 PM, Floyd conducted transects on a burned area below camp.

The following day Floyd conducted additional transects as we rode South. At a point where Danville Draw intersects with Mosquito Creek we found a rather large complex of small meadows. Transects completed at this sight indicated 65% utilization on well grazed meadows communities and 35% use of upland grasses. Earlier we had seen a small bunch of stray cattle (8 or 9 head) in the basin - certainly not enough to cause the heavy impact we were seeing throughout the allotment.

From there we rode on up Danville Draw to the top of the mountain and from there on south to the head of Cottonwood Canyon. From Cottonwood Canyon, we rode south back over the ridge and to "Scruffy's". Historically, Scruffy's, had served as a cow-camp for the Pine Creek Ranch. Just below the camp proper is a fairly large meadow - large enough to furnish feed for a dozen or so horses for 30 days or so. In recent years, Scruffy's has been taken over by the Forest personal themselves. Each year, the agency people hold a big bash there, inviting certain friends and state politicians to share in the outing. By bash, I mean, lots of licker, lots of drinking etc.

Floyd did a transect on another burn just above Scruffy's. I ask what utilization levels were indicated. Floyd said it appeared that approximately 50% of the feed had been utilized. There were several of these burns scattered across the upper reaches of the mountain. Wayne said that they were controlled burns that had been accomplished by the Forest Service in 1979, 80 and 81 during mid summer. I saw no sage grouse during the two days we were there. I ask Wayne if there were Sage Grouse there during the first years of his ownership of the Pine Creek Ranch. Wayne said that he remembered seeing as many as maybe a hundred chickens during a days ride on the Mountain at that time.

In general, the country had the appearance of other areas I had seen, where elk had been introduced. A good many of the Quaking Aspens groves had the appearance of being high lined (in other word, the majority of leaves had been removed from the bottom five or six feet of the trees (presumably by elk). Understory plants such as native rosebush, willow and chokecherry were also missing within the extensive groves of Quaking Aspen. I have found this same situation in other areas where elk have been introduced in Nevada (whereby, nearly all understory is overgrazed to a point that such plants no longer exist). I've also seen similar effects where elk have been introduced in Idaho and Colorado.

However, the most striking thing for me was the overall change of appearance that had occurred since I had first seen the mountain in fall of 1988 - for when my family and I helped Wayne gather his cattle from Table Mountain in 1988, the primary vegetation that excised on the open areas of the mountain was grass. But now, eight years later, these same areas were predominantly covered with low sagebrush. Here was a situation, whereby the Forest Service people had given Wayne fits for years, claiming that his cattle were overgrazing the lands (thus causing the destruction of native grasses, and causing brush to increase) when in fact it was livestock grazing that was preventing the lands from deteriorating into a brush land.

At any rate, I believe that we accomplished four important things during the trip. We were able to show that:

First, during the public comment period leading up to the planting of elk on Table Mountain, the Forest Service and Nevada Department of Wildlife people said again and again, that the introduction of elk on the mountain would not interfere with the cattlemen's ability to graze in any way. (As we ranchers suspected, it was all a lie. In the end the agency people did implement policy that caused the removal of livestock - which in their view, did benefit elk)

Second, the agency people said that elk prefer to graze or browse in rough terrain where cattle seldom go. (Which was also untrue, for in truth, elk like to hang out in the areas where there is an abundance of good shade and palatable grasses just as cattle do.)

Third, the agency people said that the introduction of elk would not result in a reduction it deer numbers. (Which has not been the case on Table mountain. In truth, elk act as an intermediate animal, that competes with both deer and cattle. In nearly all instances, when elk are introduced into new areas, both cattle and deer suffer.)

And forth, we were able to show that the Forest Service's riparian policy requiring livestock removal once 45 % of available feed was removed was a complete fallacy. (Please note that the dictionary defines fallacy as; deceptive, misleading, unsound, false, or a trick. And in this case, I'd like to add, that such an act was outright fraud - which resulted in an intentional taking of dozens of people's grazing and water rights.)

(Note: please read Floyd Rathbun's report which is attached. See also, a summary of the trip which was made by the Gardners in 1988.)

A handwritten signature in cursive script that reads "Cliff Gardner". The signature is written in dark ink and is located in the bottom right corner of the page.