

TESTIMONY OF KENNY LYTLE, FRANK DELMUE AND PETE DELMUE.

On the morning of July the 30th 1995, Bertha and I met with Ken and Donna Lytle, Gorden Lytle, and Frank Delmue at Ken and Donna's home in Eagle Valley. I wanted to get testimony as to the adverse effects the government was having on these two families.

I was already somewhat familiar with some of their problems - having talked with both Frank and Ken on several occasions over the previous two years.

Frank had explained in an earlier interview that the biggest problem they faced was pinion/juniper encroachment. Frank said that "when he was a boy, his Father and his Uncle never left the house in the fall without a pocket full of matches". Whenever junipers were becoming a problem they'd start the brush on fire." Frank said, "the country around Pioche was pretty much all open then, we didn't have 10 percent of the trees we have now. "The government hasn't let us burn for fifty years now."

Frank; "I know that many of the experts say that pinion and juniper has doubled since the country was settled, but in our area that's an understatement. Here in Lincoln county we have at least three times as many trees as there was at the time the Taylor Grazing Act was passed, and in some places there is more. I know in much of our allotment, we have 10 times more trees than we had when I was a boy."

"You can't get a horse through a lot of this country, the trees are so thick. The trees have gotten so bad that the only good feed we have left is in the bottoms of the valleys and draws. "In the 1940's they began putting crested wheat seedings in this country. And it's a good thing they did too. For if they hadn't there wouldn't be much feed at all left in this country."

"Now they've introduced elk in the country. They say they didn't, but anyone who has any knowledge of the area knows they did. They might not have planted them right here in Lincoln County, but they planted them just over on the Utah line." They knew when they planted them that most of them would end up on our side. That's where the best feed is. "It wouldn't be quite so bad, if they would work with us. If we could clear some of this country and put in some more seedings and water developments."

Ken; "That's why planting elk in here is so bad. The only place these elk have to winter is down on the bottoms on the crested wheat seedings.

"Last spring, when it was time for us to turn out, a lot of the feed was already gone. Later, when we had a meeting about it, both the biologist for the BLM, Keith Stevers and the biologist for NDOW said they'd done a survey and both agreed that 55 percent of the feed was already gone over most of the seedings. "Overall they

figured that there was already 35 percent utilization on the seeding. The elk had taken most of the feed, even before we turned out."

"It wasn't too long ago, that the BLM forced us to take a 30 percent cut in use - so you can see what this is doing to us."

Frank; "When we ask where they got their authority to put elk in this country, they said, "These elk have just as much right as your cows do. They said, we want 1000 elk in here, 1.7 elk per square mile."

Ken; "You can just about predict, that anything you'd like to do that would be of any benefit in any way, they (the BLM personnel) are going to be against it. "We have one field over here that we could get some use out of if they would let us develop water. "All we would have to do is tap into an existing pipe line we have and run it down an existing road a way's, but Jerry Smith, he's our Area Manager here, says that before he will let us do that, we have to sign over half our water rights."

Frank Delmue; "He said (meaning Jerry Smith) you can put your pipe line in tomorrow, but you must sign over a part of your water rights. I don't care if its only a minute portion, just so you sign over a part of your water. "He said that was all they wanted, but I'm not signing over any part of my water. I know what they're trying to do. They want to get us off here anyway they can."

Ken; "They never have done anything but take things away from us in all the years we have dealt with them. We'd be fools to give them a part of our water rights. "Its extortion. We're not going to bow to extortion. "We know what they have in mind. They know that if they can get an interest in our water, and then eventually force us off the range, that they'll have full interest in a vested water right. That way they'll have better control of everything."

Ken; We can't hardly operate anymore. How we're going to survive, I don't know. I told Jerry Smith two or three years ago, that we couldn't afford to operate the way he wanted us to, we'd have to take it to court. "He just laughed at me. "He said, I'll keep you in court for 20 years. He said "my words the law."

Frank; "That's what he said. He said they could break us in court" He said that his word was written in stone"

Ken; "In 1992, we had a fire up here and we signed an agreement, agreeing to two years non use. Then after two years they said they were not going to allow any use until they fenced one of the riparian areas. That's been five years ago and they still don't have their fence built."

Frank; "A lot of people think that these people are protecting the range and the wildlife. But they aren't. In the 1940's and 50's there was game all over this country. Right at the time when we

were running the most livestock. "At one time we had somewhere around 50,000 sheep that wintered in the Wilson District. Plus another 15,000 that ran in this area year around - not to mention all the cattle that were run in the area."

I can remember Roy Orr talking about having to walk one time. He said that he must have seen 20,000 birds in the 12 miles he walked. In south Hamlin Valley, the homesteaders used to live on sage hens. If you wanted to, you could kill a wagon box full with no problem. Now, sage hens are about gone - the deer are about gone. In the 1940's and 50's, this country was full of deer. Now they're about gone.

In the afternoon we met with Pete Delmue, Frank's son.

Pete Delmue; "Seven years ago we had a fire on the other side of the mountain from here. They had us agree to keeping our cattle off of that area for two years. "But at the end of two years they said we couldn't go back on until they fenced the riparian areas - but they have never done any fencing. Consequently, we have been denied about 1,500 a.u.m.s worth of use for seven years now."

"I'm convinced that their true motive is to keep us off the range. I don't think they really care about protecting the riparian areas. If they did, they'd be putting in fences around the waters that would keep out both the elk and the cattle."

"Never have I seen in any of this county, where cattle have damaged wet areas. But that's not true with elk. "We have places on our range where the elk have wallowed, where the mud is two or three feet deep. "They get in the springs and wallow like pigs. I've talked with people in Idaho and Utah and they told me that's the way elk are."

"All the talk by the BLM people over the last several years -about how they had to protect the riparian areas from cattle use - they force us to take a thirty percent reduction in use and then what do they do - they plant elk in the county. "They show no concern about the damage the elk do. Its a double standard - its not the riparian areas that they are concerned about. If it was, they'd be concerned about what the Elk do to riparian areas."

"There are a million and a half acres in our allotment. Its one of the largest allotments in the country. In the 1930's there were over 30 permittees running cattle in the allotment, not to mention the sheep that wintered here. "Now there are only four of we permittees left, and then they forced a thirty percent cut in our grazing, and that was before the fire which has caused us another reduction in use."

"At one time this county was nearly all open. There was very little juniper in the country. But now the juniper has nearly taken over the county. "The only place where there's feed anymore is in the bottoms of the valleys where crested wheat grass has been

planted - but now even that feed is being taken by the elk."

"Elk are not native to this area. We think they were planted here partly for the purpose of putting us out of business. "Every action or non action they take indicates they are trying to make it hard on us. If these people were sincere, there is no reason why they couldn't make it better for both the wildlife and the cattlemen. "If they would rehabilitate this country and do something about the juniper that has taken over, why we could run four or five times as many cattle as are being run today and there would be more feed and water for the wildlife too."

Background

Unbeknown to most, pinyon and juniper encroachment is a big concern throughout much of Utah, Oregon, Colorado, New Mexico, Arizona and Nevada. In Nevada, pinyon/juniper stands have more than doubled since statehood. In Lincoln County the increase has been worse than elsewhere.

When juniper first invades a range, its often welcome. The trees break the monotony, provide cover for wildlife and add a bit of variety to a mule deer's diet. But as the trees thicken and become more abundant, they crowd out more and more of the competing vegetation - until, 30 or 40 years later, there ceases to be any other vegetation.

In January, 1986, the University of Nevada - Reno, held a conference for the purpose of exploring solutions to problems associated with pinyon/juniper encroachment on Western rangelands. In all, 106 scientific papers were presented. Some of the findings of the scientist are as follows:

Pinyon-juniper woodlands occupy more than 47 million acres and are the most extensive woodland type in the United States. Studies by Neal West and Robin Tausch indicate that one-half of the present pinyon and juniper acreage has become established since the settlement of the areas by Euro-Americans.

When pinyon (*Pinus edulis*, *Pinus monophylla*) and juniper (*Juniperus* spp.) stands become overcrowded the trees out-compete grasses, forbs, and shrubs for moisture and nutrients. Soon the understory is gone and the multiple uses of the area are diminished. Later, soil organic content begins to disappear and the surface becomes vulnerable to severe wind and water erosion.

Research by A. Smith, Wayne Burkhart and R. J. Tisdale, showed that complete protection from grazing will not reverse the trend. Furthermore, research by A. M. Smith has shown that plant competition alone will not prevent the establishment of juniper seedlings.

Potter and Kreetsky found that after 25 years of livestock exclusion from a pinyon/juniper stand, the herbaceous production was

not different from that of a grazed community. Clary and Jameson found that control of pinyon and juniper can result in increases of herbaceous production of up to 650 percent.

T. A. Phillips studied 18 chaining project areas and found an average increase in 696 lbs acre with; 600 lbs of the gain being grasses. Wink and Wright found that sites may produce up to a 10-fold increase in herbaceous production after prescribed fire.

In 1965, Paul Tueller found that deer in Nevada used chained areas two and a half times more than unchained areas.

In a study done by Thomas Bedell, in Crook County Oregon, 5,000 acres were cleared of juniper. Production improved from 19 acres per AUM to 3 acres per AUM on native range. Prior to the project, Horse Heaven Creek normally ran dry each summer. After the removal of invading juniper, the creek no longer ran dry in late summer.

The studies indicated that a single tree with a trunk roughly 1 foot in diameter, on a cool spring day can use 13.80 gal. of water a day. With a temperature of 90 degrees Fahrenheit, and relative humidity at 15 percent, the usage would average 32 gal. a day.

Water consumption by the trees themselves are not the only problem. During 1975 and 1976, John Buckhouse and J. L. Mattison, measured the amount of sediment produced from 12 different ecosystems on Oregon's Bear Creek Watershed. Using a rain simulator, the scientist applied high intensity 28-minute storms at a rate equivalent to four inches of rainfall per hour. Sediment production on juniper dominant ecosystems were far greater than all other plant communities. Average production for juniper dominant ecosystems was 1,953 pounds of sediment per acre, while sediment production on all other ecosystems averaged 520 pounds per acre.

Low infiltration rates are also a problem on pinion/juniper dominated ranges. Bare soils simply do not take in water as do soils that have cover, hence the reason for increased perennial flows from springs and drainages once pinyon and juniper are removed.

In 1983, John Buckhouse and R. E. Gaither, studied infiltration rates of various vegetative communities within the Blue Mountains of Oregon, found the effects of vegetative cover, litter, and surface crusting important. Maintaining or enhancing adequate ground cover is critical to ensuring optimal infiltration rates.