

Memo

To: DH

From: Press/Leg

Date: 4/17/14

Re: What's Your Point Interview – Bundy TP's and background

Below are suggested talking points and background information, specifically regarding the Cliven Bundy situation.

Bundy Top Talking Points

- Let me first begin by saying that I do not support those who do not comply with the law. Mr. Bundy has not paid grazing fees in over twenty years, and that is unacceptable, particularly considering the hundreds of ranchers in Nevada who hold permits and pay fees to graze on public lands. Furthermore, this case has been reviewed by a federal judge and a decision was made to remove his cattle.

HOWEVER,

- I do not support, by any means, the way in which this situation was handled by the Department of the Interior.
 - You have to look at how we got to this point. In the past 30 years, Nevadans rights to graze on public land have been cut in half. There is very real frustration out there about the government's control of our land.
 - We are going to be dealing with similar issues if the sage grouse is listed under the Endangered Species Act.
 - At the heart of the matter lies the fact that this is what happens when the government controls more than 85% of the land. We need to fix that.
- 1) I think it's pertinent to take a hard look at putting control of Nevada back in the hands of Nevada. If the federal government didn't control so much of our state, we wouldn't be in this situation.
- We need to take a look at a bill that passed the Nevada Legislature last year, AB 227.
 - The bill created the Nevada Land Management Task Force. The task force is charged with developing a legal means to transfer control of certain public lands from the federal government to the state. I think we should take a hard look at their findings, the affordability, and what the economic impact would be.
 - There are five other states that have looked into the movement of transferring management of public lands to state control. I am eager to see those results, and if this is something that turns out to have a positive implication for the state, I will introduce federal legislation.

Background

The Bundy family was allotted six grazing permits in 1966 on the “Bunkerville Allotment” along the Virgin River in Clark County. The grazing agreements could be terminated by the agency after due notice in writing because of default or violation. In the 1990s the BLM, in accordance with the Endangered Species Act, created conservation plans for the desert tortoise. In March 1993, Bundy stopped paying fees for grazing rights. In July 1993, BLM sent Bundy a trespass notice on lands now illegal for grazing. After ignoring several orders from the BLM, Bundy challenged the BLM’s authority in federal court.

In 1998, the U.S. District Court for Nevada ordered Bundy to remove his livestock from the Bunkerville allotment and to pay trespass damages. In April 2008, BLM notified Bundy that if he didn’t remove his livestock and fencing from public lands, the government would do it and charge him the costs. In May 2008, Bundy told the BLM, he” will do whatever is necessary to protect his unalienable forage, water and access rights.” After several notices and warnings, in April 2012, Department of Interior offered to gather and ship the cattle for sale and to give the proceeds to Bundy, but he rejected their offer.

In July 2013, U.S. District Court for Nevada orders Bundy to remove cattle from Bunkerville Allotment, and they found that Bundy has caused irreparable harm by allowing his cattle far outside of his original grazing rights (600,000 acres). The Judge held that the public lands in Nevada are the property of the U.S., because Mexico ceded the land to the U.S. in 1848. The judge gave the government the authority to enforce the July court order.

The Roundup Operation

- March 2014, BLM issued a notice to intent to remove unauthorized livestock from the allotments in Clark County. On April 5, 2014, the BLM began their impoundment and removal of Bundy’s livestock, by closing access to 300,000 acres of public land. In addition, the BLM established two First Amendment areas to allow for public protest.
- On April 6, Dave Bundy, Cliven’s son, was taken into custody by BLM officers while taking video footage of the round up operation and was cited for “refusing to disperse and resisting arrest.”
- On April 7, the Nevada Cattlemen made the following statement, “Nevada Cattlemen’s Association does not feel it is in our best interest to interfere in the process of adjudication in this matter, and in addition NCA believes the matter is between Mr. Bundy and the Federal Courts. Nevada Cattlemen’s Association is sensitive and concerned how the Bundy cattle confiscation situation has evolved.”
- On April 8, a meeting including Crescent Hardy and James Oscarson took place to inform the Governor what was taking place in Bunkerville. After the meeting, Governor Sandoval issued a statement that he “advised the BLM that such conduct is offensive to me and countless others and that the ‘First Amendment Area’ should be dismantled immediately.”
- On April 9, Senator Heller issued his statement expressing “great disappoint with how the situation is being handled.” Later that day BLM officers and protestors got into a scuffle and one of Bundy’s sons was stunned 2-3 times with a taser gun and a 57 year old woman was thrown to the ground by BLM officers.
- On April 9, staff attended a townhall meeting held by the Moapa Valley Advisory Board.
- On April 10, a call to arms went out over the internet for armed militia members in western states to gather at the Bundy Ranch to provide protection to the protestors and family.
- On April 12, 2014, with armed Bundy supporters massing near Bunkerville, BLM Dir. Neil Kornze announces the decision to conclude the gathering of cattle from federal lands and returned corralled cattle to the rancher.

Senator Heller's Position

- “I spoke with BLM Director Kornze (April 7th, 9th, and 10th) to express great disappointment with the way that this situation is being handled. I told him very clearly that law-abiding Nevadans must not be penalized by an over-reaching BLM. After hearing from local officials and residents, and receiving feedback from the Nevada Cattlemen's Association in a meeting (April 9), I remain extremely concerned about the size of this closure and disruptions with access to roads, water and electrical infrastructure. I will continue to closely monitor this situation, and urge the BLM to make the necessary changes in order to preserve Nevadans' constitutional rights.” (April 9, 2012)
- Senator Heller is urging protesters and militia groups who have gathered in support of Cliven Bundy to return to their homes and allow Bureau of Land Management (BLM) officials to gather their equipment and leave the area. The BLM has announced it is standing down, and halting the roundup of Bundy's cattle, which led to the standoff near Bunkerville. “The dispute is over, the BLM is leaving, but emotions and tensions are still near the boiling point, and we desperately need a peaceful conclusion to this conflict. I urge all the people involved to please return to your homes and allow the BLM officers to collect their equipment and depart without interference.” (April 12, 2014)
- “We are very close to a calm, peaceful resolution but it only takes the action of one individual to stir things up again and bring us back to the brink of violence and no one wants to see that happen. I want to offer my deepest thanks to all those who are urging calm and diligently working to avoid any sort of violent confrontation at the conclusion of this episode. Again, please return home and allow the federal officers to collect their equipment and depart in peace.” (April 12, 2014)

Reid's Position

- “It is the Majority Leader's hope that the trespass cattle are rounded up promptly and safely so this situation can be resolved once and for all.” April 9, 2014
- “It's not over.” April 14, 2014

Dean's Potential Future Actions

- The ENR Committee has jurisdiction for oversight of the BLM. DH could consider holding a hearing to discuss the actions taken by the BLM (and potential overreaching) and his concerns about the DOI's ability to contract out to law enforcement authorities.
- DH could also consider drafting legislation to reexamine DOI's ability to contract out to local law enforcement authorities.
- There have been several reports that this BLM operation is being initiated by Senator Reid and his son Rory, so that they can use the land for a Chinese-based solar energy project. These reports have been documented as false rumors.

Staff Contact with State/Local Officials

Jack

- Main points of contact have been Mayor Wier and Assemblyman Hardy.
- Both give Dean very high marks for being engaged and for doing what he could to keep things calm.
- They both said the danger of armed conflict was very real; it was not exaggerated and at times it seemed unavoidable that there would be violence. T

- he presence of armed people from other states, so-called “militia types,” was the most dangerous aspect of the standoff.
- Assemblyman Hardy attended a meeting this past Saturday hosted by Congressman Horsford at which Horsford said he would look to establish a sort of panel made up of ranchers, law enforcement and elected officials to help mitigate future conflicts so they don’t get to the point this one did.
- There was also talk of legislation to restrict the BLM’s enforcement capabilities.

Ashley

Has been in contact with:

- Senator Settelmeyer
- Bureau of Land Management Director Neil Kornze
- Bureau of Land Management Nevada State Director Amy Leuders
- Gerald Gardner of the Governor’s office
- Desiree Seal of the Cattlemen’s Association
- Nevada Association of Counties

Sam

Has been in contact with:

- Senator Goicoechea
- Cory Hunt of the Governor’s office
- Pershing County officials
- Douglas County officials
- Heck and Horsford’s office

Jeremy

Has been in contact with:

- Clark County Commissioner Collins
- Washoe County County Manager
- Partners in Conservation