

ATTACHMENT H TO DECLARATION BY ALICE C. NEWTON

United States v. Bundy, No. 2:12-cv-804-LDG-GWF



STATE OF NEVADA
DEPARTMENT OF CULTURAL AFFAIRS
State Historic Preservation Office
100 N. Stewart Street
Carson City, Nevada 89701
(775) 684-3448 • Fax (775) 684-3442
www.nvshpo.org

MICHAEL E. FISCHER
Department Director

RONALD M. JAMES
State Historic Preservation Officer

November 10, 2010

William Dickinson
Superintendent
National Park Service
Lake Mead National Recreation Area
601 Nevada Highway
Boulder City, NV 89005

RE: *Main Ridge Cattle Fencing Project, Clark County, Nevada.*
LAKE CRP 10-037/Undertaking #2011-1340.

Dear Mr. Dickinson:

The Nevada State Historic Preservation Office (SHPO) has reviewed the subject undertaking in compliance with Section 106 of the National Historic Preservation Act (NHPA) of 1966, as amended. The SHPO concurs with the National Park Service's determination that the proposed undertaking will not pose an adverse effect, with the proposed avoidance measures mentioned in subject documentation, to the following National Register historic property:

Pueblo Grande de Nevada - 26CK2148.

If any buried and previously unidentified resources are located during the project activities, the SHPO recommends that all work in the vicinity of the find cease and this office be contacted for additional consultation per 36 CFR 800.13.b.3..

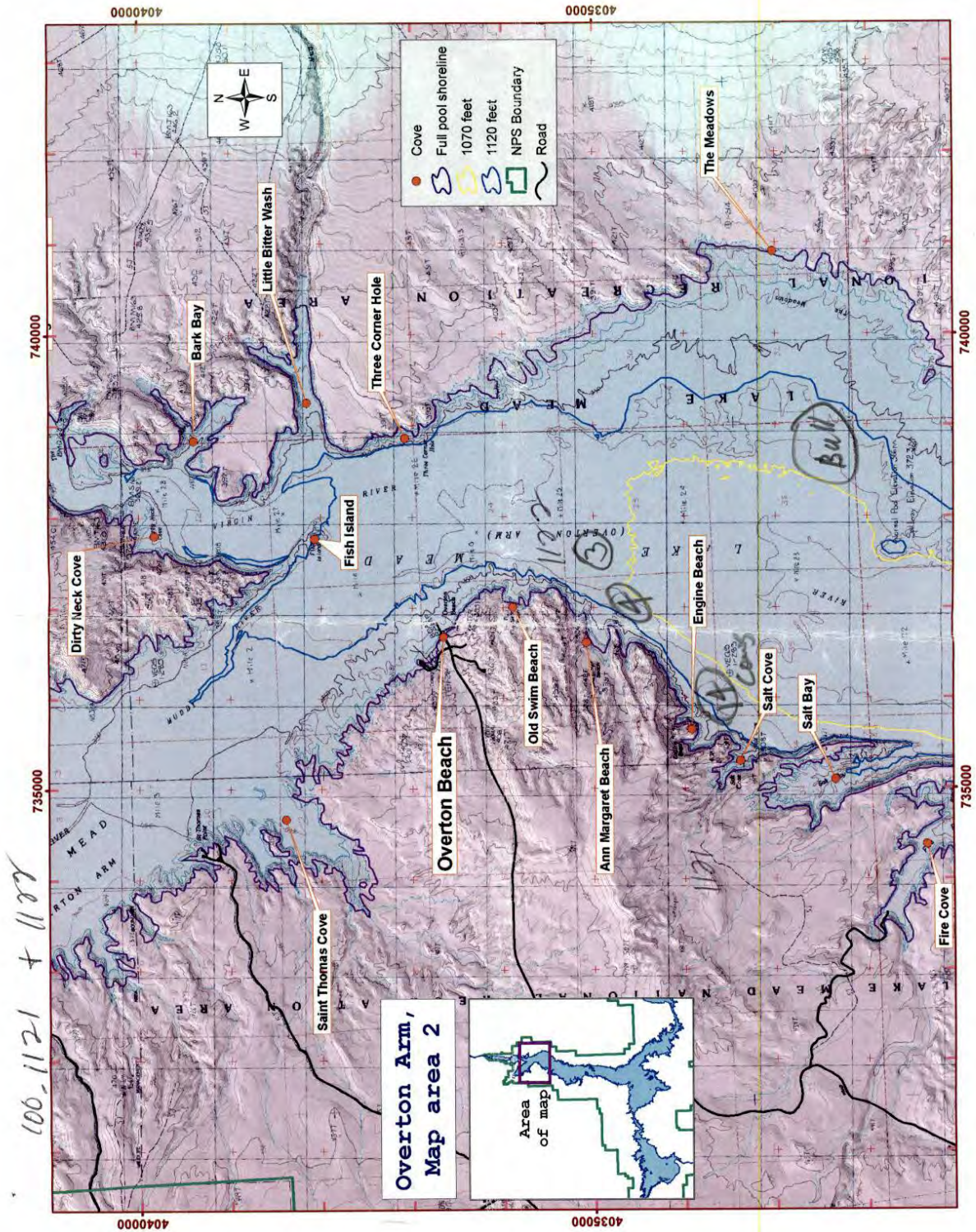
If you have any questions concerning this correspondence, please contact me by phone at (775) 684-3445 or by e-mail at jaxsom@nevadaculture.org.

Sincerely,

A handwritten signature in cursive script that reads "Rebecca Lynn Palmer".
Rebecca Lynn Palmer, Deputy
State Historic Preservation Officer

ATTACHMENT I TO DECLARATION BY ALICE C. NEWTON

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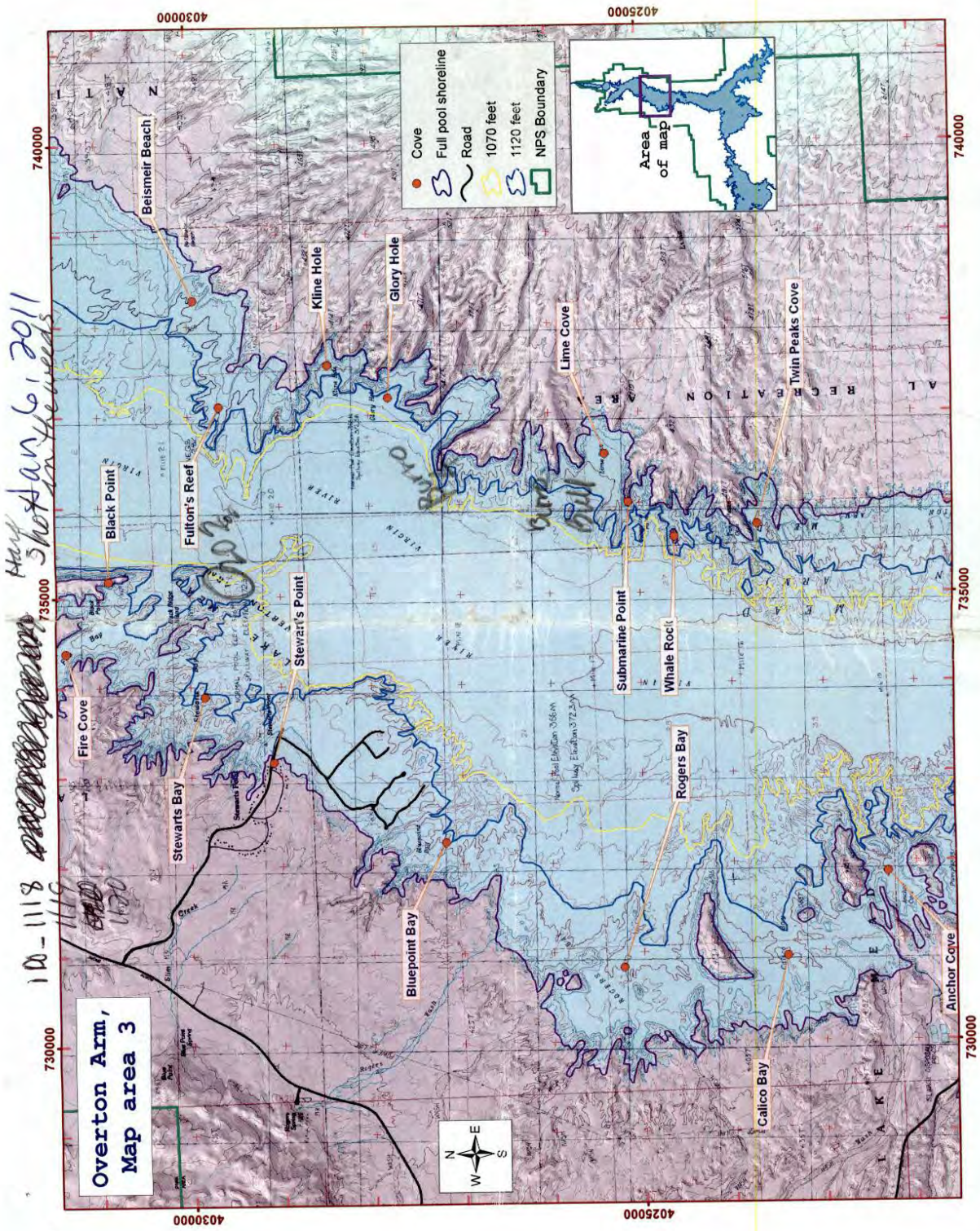




Photo #1118 near Stewarts Point.



Photo#1119 near Stewarts Point.



Photo # 1121 near Salt Cove.



Photo #1122 near Ann Margaret Beach.

ATTACHMENT J TO DECLARATION BY ALICE C. NEWTON

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Aerial Cattle Survey February 15, 2011

Area was surveyed grid style via fixed wing aircraft starting from the west side of the Overton Arm at Echo Bay, going north to LAKE boundary, then east and south to just south of Catclaw Wash (AR122). A total of 125 cattle and 9 burros were observed. Individual ear tags and/or brands could not be observed due to aircraft speed and altitude.

Cattle were sighted well within LAKE boundary in all areas, with many crossing high-speed roads (Northshore Road and Valley of Fire Road). Many livestock trails (burro and cattle) were also observed from the air going to and from lake edge. Several of these small herds have the potential to impact the St. Thomas Townsite, Stewarts Point Cabinsites, Rogers Spring, Blue Point Spring, and large areas of rare plant and animal habitat, particularly gypsum which supports Las Vegas bearpoppy.

Due to the nature of the terrain, brush cover and aircraft speed, it is highly likely that animal populations were undercounted by as much as 50% to 60%.

One photo five of the animals in Valley of Fire Wash is included in this report.

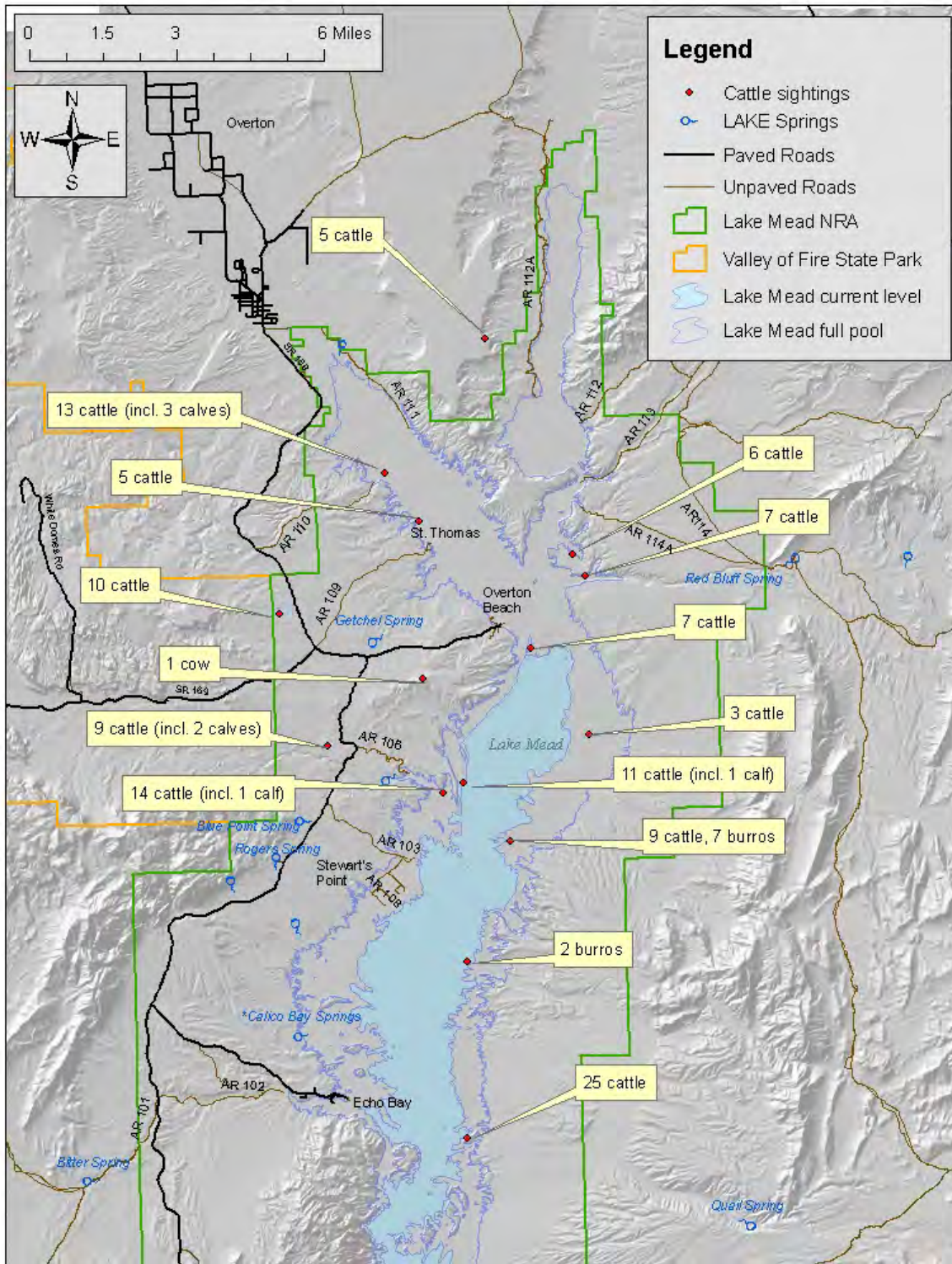
West side of the Overton Arm cattle sightings:

| | | | |
|-----------------------|------------|-------------|---|
| Lat/Long Coordinates: | 36° 23.80' | 114° 22.92' | 14 head, incl calf - Fire Cove Wash |
| | 36° 24.69' | 114° 25.44' | 9 head, incl 2 calves - Valley of Fire Wash |
| | 36° 23.96' | 114° 22.49' | 11 head, incl 1 calf |
| | 35° 27.06' | 114° 26.41' | 10 head |
| | 36° 25.83' | 114° 23.31' | 1 head |
| | 36° 26.33' | 114° 20.93' | 7 head |
| | 36° 28.63' | 114° 23.31' | 5 head |
| | 36° 29.50' | 114° 24.03' | 13 head, incl 3 calves |

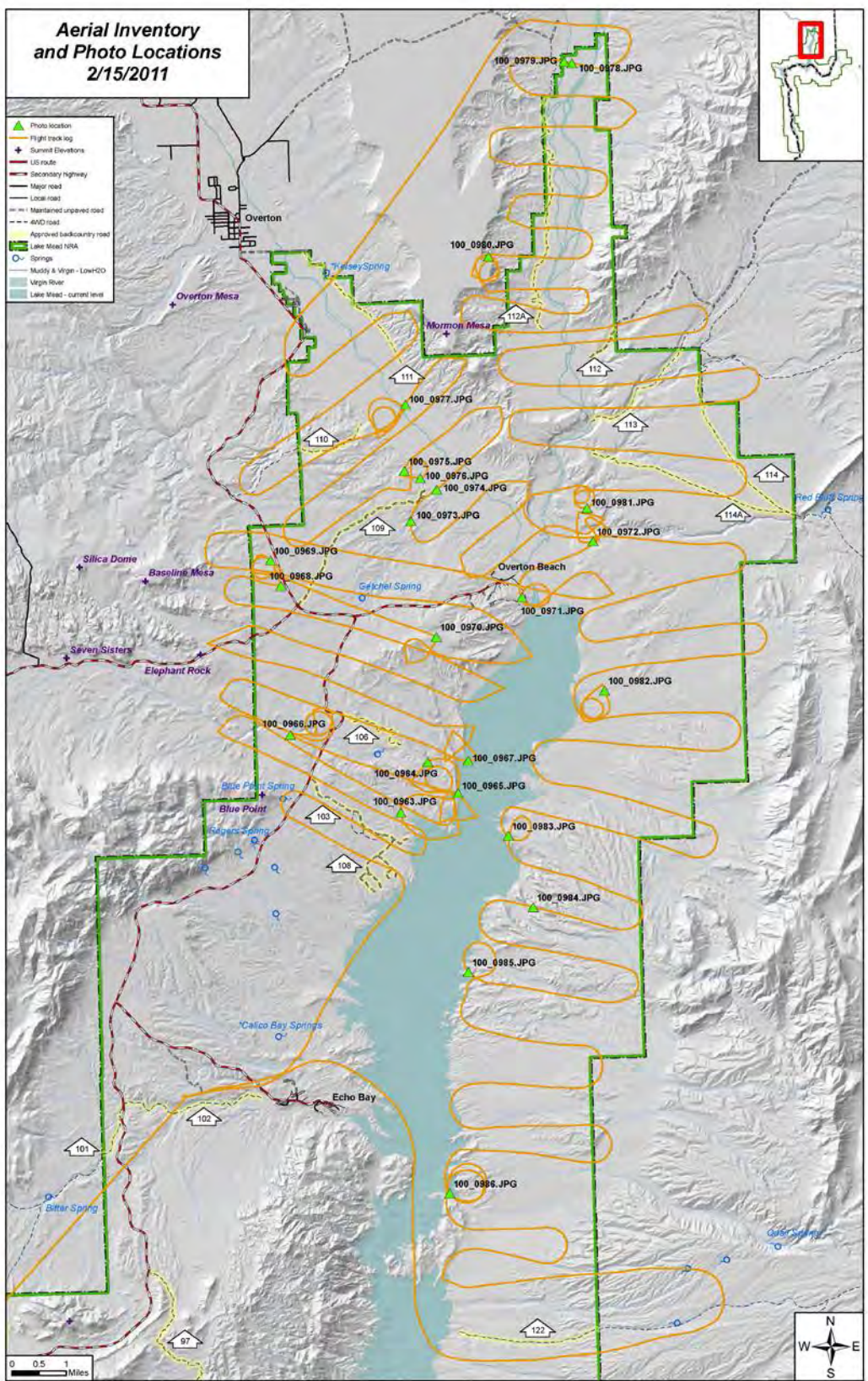
East side of the Overton Arm cattle sightings:

| | | | |
|-----------------------|------------|-------------|--------------------------|
| Lat/Long Coordinates: | 36° 27.57' | 114° 19.69' | 7 head |
| | 36° 31.85' | 114° 21.75' | 5 head |
| | 36° 27.97' | 114° 19.93' | 6 head |
| | 36° 24.76' | 114° 19.70' | 3 head |
| | 36° 22.90' | 114° 21.47' | 9 head, 7 burros |
| | 36° 20.80' | 114° 22.51' | 2 burros |
| | 36° 17.66' | 114° 22.61' | 25 head - Preachers Cove |

Map of general Overton Arm area with points indicating cattle sightings:



| Aerial Cattle Survey - Fixed Wing Page <u>1</u> of <u>1</u> | | | | | | |
|---|----------|---------------------------------|------------------|--------------------------------|---------------|-------------------------------------|
| Date: 02/15/2011 | | Time Start: approx 09:00 | | Time Stop: approx 13:30 | | |
| GPS: Garmin tracklog | | | | | | |
| Maps used: custom | | | | | | |
| Pilot/Recorder/Observers: Bruce Lenon - pilot; Alice Newton - recorder; Cody Cole - Observer; Chris Roberts - observer | | | | | | |
| Obsv. # | # Cattle | Latitude/ Northing | Long/ Easting | Photo # | Time Stamp | Comments |
| 1 | | | | 0963 | 9:59:45 | cattle tracks/trailing |
| 2 | 14 | 36 23.80 | 114 22.92 | 0964 | 10:01:39 | incl calf - Fire Cove Wash |
| | | | | 0965 | 10:02:17 | incl calf - Fire Cove Wash |
| 3 | 9 | 36 24.69 | 114 25.44 | 0966 | 10:06:55 | incl 2 calves - Valley of Fire Wash |
| 4 | 11 | 36 23.96 | 114 22.49 | 0967 | 10:12:45 | incl 1 calf |
| 5 | 10 | 35 27.06 | 114 26.41 | 0968 | 10:23:51 | bedded down |
| | | | | 0969 | 10:23:58 | bedded down |
| 6 | 1 | 36 25.83 | 114 23.31 | 0970 | 10:27:16 | black bull (?) |
| 7 | 7 | 36 26.33 | 114 20.93 | 0971 | 10:39:13 | |
| 8 | 7 | 36 27.57 | 114 19.69 | 0972 | 10:41:55 | |
| 9 | | | | 0973 | 10:47:22 | St. Thomas |
| | | | | 0974 | 10:47:48 | St. Thomas |
| 10 | 5 | 36 28.63 | 114 23.31 | 0975 | 10:50:23 | black and white |
| | | | | 0976 | 10:50:35 | black and white |
| 11 | 13 | 36 29.50 | 114 24.03 | 0977 | 10:56:52 | incl 3 calves |
| 12 | | | | 0978 | 11:10:30 | Sand Mine |
| | | | | 0979 | 11:10:35 | Sand Mine |
| 13 | 5 | 36 31.85 | 114 21.75 | 0980 | 11:20:31 | |
| 14 | 6 | 36 27.97 | 114 19.93 | 0981 | 11:42:30 | black and brown |
| 15 | 3 | 36 24.76 | 114 19.70 | 0982 | 11:54:54 | |
| 16 | 9 | 36 22.90 | 114 21.47 | 0983 | 12:05:27 | plus 7 burros |
| 17 | | | | 0984 | 12:09:35 | trailing |
| 18 | | 36 20.80 | 114 22.51 | 0985 | 12:14:09 | 2 burros |
| 19 | 1 | 36 17.66 | 114 22.61 | none | | |
| 20 | 24 | 36 17.66 | 114 22.61 | 0986 | 12:23:11 | Preachers Cove |
| Comments | | | | | | |
| Began grid just north of Echo Bay - end grid just south of Catclaw Cove. | | | | | | |
| Flight time total - 3.7 hours; Labor- Lenon, Newton, Roberts @4.5 hrs; Cole @ 3.5 hrs | | | | | | |
| Costs - Aircraft - 3.7 @ \$225 = \$832.50; Lenon - \$260; Newton - \$227; Roberts - \$117; Cole - \$147 | | | | | | |
| Total direct cost \$ 1583.50 | | | | | | |
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Five of the nine cattle in Valley of Fire Wash.

ATTACHMENT K TO DECLARATION BY ALICE C. NEWTON

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Photos to support the Team 1 Trespass Animal Survey Form dated 1/30/2012



The herd as we came upon them near the OB and NS intersection. Twelve are visible here; I believe one calf is bedded down in the draw just behind the front "row" or animals. We took thirteen photos over the course of several minutes. As soon as we began to approach and take photos they began to move around making on-site written documentation difficult. I developed the data sheet from close examination of the photos from my computer in the office, where I found one more calf than we had counted in the field.

The following photos show the four animals with Bundy ear marks. The rest either had no marks or could not be seen well enough to tell for sure.



A tan brindle with Bundy ear marks enlarged from Photo 2934 (as labeled from the camera). This animal is labeled #2 on the data sheet.



Brown white face with Bundy ear marks enlarged from Photo 2936, labeled as #3 on data sheet.



Black calf with Bundy ear marks enlarged from Photo 2934, labeled #9 on data sheet.



Older tan brindles with Bundy ear marks enlarged from Photo 2935, labeled #11 on data sheet.

Team 1

Trespass Animal Survey Form

Page 1 of 1 for this Obs.

| Allotment/Location | | Intersection of Northshore + Overton Beach Rd | | Obs. # | Date: 1/30/12 | | | | | |
|---------------------|----|---|-----------------|-----------------------|---------------|-----------------------------|----------|-----|---|--------------|
| GPS | | Overton Beach Rd | | Time: ~ 9:30 AM | | | | | | |
| Coordinates | | Newton, Pipkin, Neel, Pereira | | Brand Location Legend | | | | | | |
| Team Members | | | | RB-rib | S-shoulder | H-hip L-left R-right N-none | | | | |
| | | | | SLICK | | NO-Not Observable | | | | |
| Ear Marks | # | Sp. | Brand Sketch | Brand Location | Adult Female | Adult Male | Juvenile | Unk | Other information: color, scars, polled, etc. | Photo Y/N? |
| | 1 | BoV | NOBS | NOBS | ✓ | | | | Solid brown one horn missing horns small + one turned down | 2935 2928 |
| | 2 | BoV | | NOBS | ✓ | | | | Red Tan Brindle one white face, one horn missing, other turned down | 2928 |
| | 3 | BoV | | NOBS | | | | ✓ | Brown, white face, no horns | 2928 |
| | 4 | BoV | | NOBS | | | M | ✓ | Red white face calf no marks white chest | 2931 |
| | 5 | BoV | | NOBS | ✓ | | | | Brown brindle white face horns straight out | 2931 |
| | 6 | BoV | | NOBS | | | | ✓ | Brown white face horns slightly up | 2931 |
| | 7 | BoV | | NOBS | | | | ✓ | Red, white face brown eye horns slightly curved up | 2934 |
| | 8 | BoV | | NOBS | | | | ✓ | Solid red horns curved up | 2934 |
| | 9 | BoV | | | | | M | ✓ | Black white face + chest + socks | |
| | 10 | BoV | | NOBS | | | | ✓ | Solid red white face sm horns | 2935 |
| | 11 | BoV | | NOBS | | | | ✓ | older, tan brindle, speckled face, missing one horn, other curved down | |
| | 12 | BoV | | NOBS | | | | ✓ | Red calf white face - well hidden | |
| | 13 | BoV | | NOBS | | | | | grey white face white stripe down back | 2930 |
| Signature Observer: | | | | Date: | | 2937 | | | | |
| Signature Recorder: | | | | Date: | | | | | | |

Team 2

Trespass Animal Survey Form

Page 1 of for this Obs.

| | | | | | |
|------------------------|------------------------|--------|---|-------|---------|
| Allotment/ Location | Overton Beach | Obs. # | 1 | Date: | 1/30/12 |
| GPS Coordinates | 736653.16E 4036965.96N | | | Time: | 9:40 am |

| | | | |
|--------------|------------------------|----------------|---|
| Team Members | Wallace & Scherpenisse | Brand Location | RB-rib S-shoulder H-hip L-left R-right N-none |
| | | Legend: | SLICK NO-Not Observable |

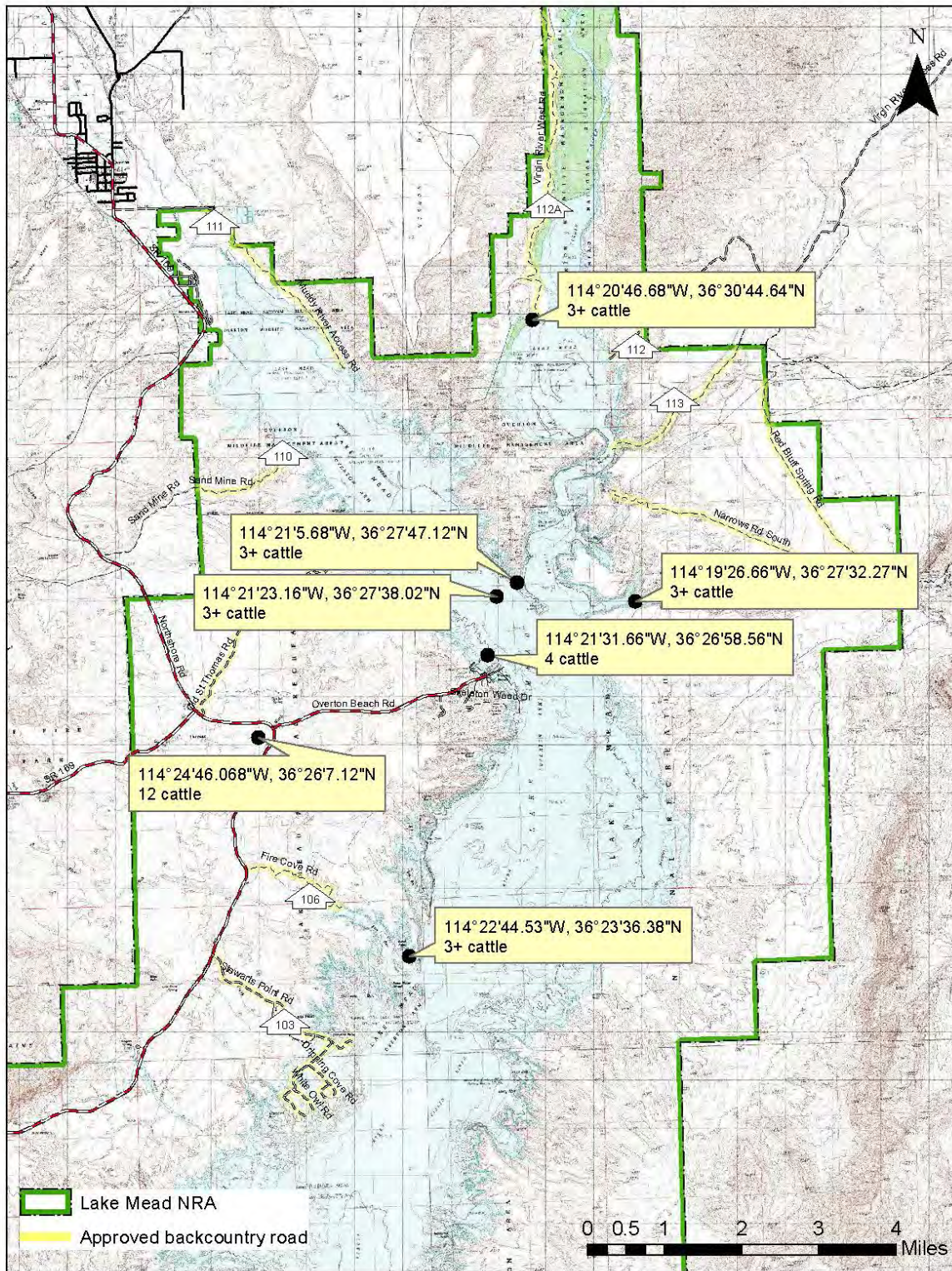
| Ear Marks | # | Sp. | Brand Sketch | Brand Location | Adult Female | Adult Male | Juvenile | Unk | Other information: color, scars, polled, etc. | Photo Y/N? |
|-----------|---|-----|--------------|----------------|--------------|------------|----------|-----|---|------------|
| | a | | | | ✓ | | | | dk brown-short horns - pointed up | Y |
| | b | | | | | | ✓ | | lt. brown/yellow-slick | Y photo |
| | c | | | | ✓ | | | | black w/white face | Y |
| | | | | | | | | | torn ear | |
| | d | | | | | | | | black-straight horns | Y |
| | | | | | | | | | ↳ 1 overall photo & 1 close up | |
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Comments: Stopped survey because aircraft support was malfunctioning and could not fly.

| | | | |
|---------------------|--|-------|---------|
| Signature Observer: | | Date: | 1/30/12 |
| Signature Recorder: | | Date: | 1/30/12 |

P:\A Setup\My Documents\Grazing Management\Overton Count January 2012\Trespass Animal Survey Form

Preliminary Cattle Census Overton Arm 1/30/2012



ATTACHMENT L TO DECLARATION BY ALICE C. NEWTON

United States v. Bundy, No. 2:12-cv-804-LDG-GWF

United States Department of the Interior



NATIONAL PARK SERVICE

LAKE MEAD NATIONAL RECREATION AREA
601 NEVADA WAY
BOULDER CITY, NEVADA 89005

May 10, 2012

Memorandum

To: Chief of Resource Management, Lake Mead National Recreation Area

From: Alice C. Newton, Vegetation Branch Chief

Subject: Overton Beach Road Cattle Damage Assessment, Special Investigator Paul Crawford

The following is the cost estimate for necessary desert restoration in relation to damage to vegetation and soils as a result of cattle use. These estimates are based on our on-site survey of the cattle impacted area, as well as our cumulative twenty five years experience in propagating desert plant species and providing desert restoration services for federal, state, county and city construction projects. The assessment was conducted January 30 and February 14, 2012.

The cattle damage assessment covers a 0.5 mile area on either side of Overton Beach Road only. Most of the cattle paths and areas of high cattle use were in washes, and along the shoreline. Areas with well-worn cattle paths or areas that were severely trampled by cattle were recorded using a GPS and assessed for restoration. The total area of severe damage was 49 acres. In these areas, native vegetation and sensitive biological soil crusts were destroyed. Biological soil crusts are crucial in the Mojave Desert for erosion control, water retention, and soil health and can take centuries to recover naturally. Thus, active restoration of these areas is very important for long-term health of the desert ecosystem.

Photos of documented cattle damage and the area surveyed are attached to this report.

The cattle paths and trampled areas will require soil rehabilitation and smoothing to repair rutted paths, maintain soil nutrient levels, and prevent erosion. Soil rehabilitation activities include hand raking, mulching, biological soil crust rehabilitation, and rock replacement. The cost for rehabilitation will be \$44,600.00 for a crew of four headed by the Restoration Manager, and includes gas, supplies and travel time for that project.

| | |
|---|--------------------|
| Costs for track rehabilitation | \$44,600.00 |
| Costs for biological damage survey and rehabilitation estimate | \$1,100.00 |
| TOTAL | \$45,700.00 |

Alice C. Newton
Vegetation Branch Chief

Overton Beach Road
Pictures Taken on 1/30/2012 and 2/14/2012
Cattle Damage Assessment
Sample Pictures of Cattle Paths, and Cattle Trampled Areas















