

TE-MOAK TRESPASS CHRONOLOGY May 23, 2002

1984 Raymond Yowell, as representative of the Te-Moak Livestock Association (TLA), informed the BLM that they no longer would be paying grazing fees. A Trespass Notice and Order to Remove was sent to the TLA later that year.

2/87 The District Manager's Proposed Decision stated that continued unauthorized use may result in the cancellation of their grazing permit. The Proposed Decision was protested by the TLA in March, 1987, stating they believed that they were not in trespass.

7/87 The Final Decision demanding payment of trespass charges was issued and was appealed by the TLA's attorney in August, 1987. No offer of settlement was received as a result of the demand for payment.

11/89 A Hearing was held in Elko and the Administrative Law Judge ordered the appeal dismissed after the appellants filed a notice withdrawing their appeal.

7/12/96 A letter from Raymond Yowell et al. claimed they were grazing as Traditional Western Shoshone Cattlemen (TWSC) on "disputed" (public) lands and were not in trespass.

8/23/96 A letter from the TWSC declared their right to graze without paying fees to BLM.

9/20/96 Trespass Notices were sent to the TLA and individual members of the TWSC.

1/10/97 A letter was sent to the TLA and the individual members of the TWSC to request a meeting on January 29, 1997, to discuss trespass settlement. The TLA/TWSC did not attend; however, a summary of fees owed to the U.S. was presented to those Shoshone who did attend.

8/5/97 A letter was sent to the TLA and the individual members of the TWSC outlining outstanding fees due by individual for the period 1984 to 1996 and requesting them to contact the BLM to discuss settlement of the unauthorized grazing use. The letter also stated that a lack of a response would necessitate the issuance of an Order to Remove and Demand for Payment notice, and would further result in impoundment of unauthorized livestock.

9/26/97 Order to Remove and Demand for Payment Proposed Decision along with a Notice of Intent to Impound was sent to the TLA and the individual members of the TWSC.

11/17/97 The Healys (Robert Sr., Robert Jr., Gordon, and Harvey) filed an appeal once the 9/26/97 Proposed Decision became the Final Decision. The appeal file was forwarded to Nevada State Office (NSO) on 12/4/97. NSO sent it to the Office of Hearings and Appeals (OHA) recommending that the appeal be dismissed and that it be forwarded to the United States Attorney (Dept. of Justice) for appropriate legal action, since the Healys are not permittees.

2/25/98 A letter was sent to the TLA and the individual members of the TWSC to request a meeting on March 4, 1998, in Jiggs, Nevada, to discuss trespass settlement.

4/28/98 The South Fork Livestock Corporation (SFLC) applied for Temporary Non-Renewable (TNR) grazing use in 1998 consistent with Dale Malotte's (a past TLA member) historic TNR use in the Shoshone Allotment. The SFLC also submitted an application to permanently acquire the grazing permit for the Shoshone and Crane Springs Allotments. The SFLC was authorized for grazing use in the Shoshone Allotment on a TNR basis for the 1998 grazing year at a level consistent with TNR use since 1984. In addition, the BLM received another application for permanent acquisition of a portion of the Shoshone Allotment grazing permit by Joseph M. Legarza who owns property neighboring the Shoshone Allotment.

6/1/98 A meeting with the Healy family discussed possible settlement of unauthorized use in the Odgers and Bald Mountain Allotments.

6/19/98 The Elko BLM Field Office issued a Notice of Proposed Decision to cancel the historic grazing preference of the TLA in the Shoshone and Crane Springs Allotments, award the grazing permit for the Shoshone and Crane Springs Allotments to the SFLC, and to transfer the responsibility for the range improvements (in the Shoshone and Crane Springs Allotments) and their cooperative agreements/range improvement permits to the SFLC.

7/98 Protests of the 6/19/98 Notice of Proposed Decision were received by the Elko Field Office from the following: TLA, Raymond D. Yowell, South Fork Band Council,

Te-Moak Tribe of Western Shoshone, and Joseph M. Legarza.

7/31/98 Settlement meeting with the Healy family. Paula Brady, a representative of the Healy family, said that she will submit a settlement offer by August 14, 1998.

8/14/98 An offer of settlement was received from the Healy family.

9/11/98 A settlement meeting was held with the Healy family. The Healy family was informed that their offer of settlement was rejected by the State Director.

9/24/98 The Notice of Intent to Impound was reissued for the Shoshone and Crane Springs Allotments.

1/19/99 The SFLC filed an amended application as the South Fork Livestock Partnership (SFLP).

1/21/99 The Elko BLM Field Office issued a Notice of Proposed Decision to cancel the historic grazing preference of the TLA in the Odgers and Bald Mountain Allotments. One protest of the proposed decision was received from the TeMoak Tribe of Western Shoshone.

1/25/99 The Elko BLM Field Office issued a Notice of Final Decision to cancel the historic grazing preference of the TLA in the Shoshone and Crane Springs Allotments, award the grazing permit for the Shoshone and Crane Springs Allotments to the SFLP, and to transfer the responsibility for the range improvements (in the Shoshone and Crane Springs Allotments) and their cooperative agreements/range improvement permits to the SFLP.

2/99 Appeals of the 1/25/99 Notice of Final Decision were received by the Elko Field Office from the following: TLA, Raymond D. Yowell, South Fork Band Council, Te-Moak Tribe of Western Shoshone, and Joseph M. Legarza. All appellants also filed for petitions for stay with the exception of Legarza.

3/21/99 The Elko BLM Field Office issued a Notice of Final Decision to cancel the historic grazing preference of the TLA in the Odgers and Bald Mountain Allotments. One appeal of the final decision was received by the TeMoak Tribe of Western Shoshone.

4/26/99 A letter was received from Elwood Mose, Chairman Te-Moak Tribe of Western Shoshone, objecting and opposing the 4/12/99 application of the South Fork Livestock Partnership to graze cattle in the Shoshone Allotment.

5/10/99 U.S. District Court Judge denied an injunction sought by Western Shoshone National Council including the TLA and TWSC to prevent impoundment. The Western Shoshone National Council filed an appeal to and a petition for a stay of the District Court Order to the 9th Circuit Court of Appeals.

6/10/99 Interior Board of Land Appeals issued an Order which denied petitions for stay filed by the South Fork Band Council: Te-Moak Tribe of Western Shoshone to the January 25, 1999 BLM Decision that canceled the TLA's grazing preference in Shoshone and Crane Springs Allotment.

8/99 The Dido Complex Wildfire burned portions of the Crane Springs Allotment.

12/05/99 Notices of Intent to Impound for the Crane Springs and Shoshone Allotments were reissued to the TLA and members associated with the TLA.

4/07/00 Elko BLM Field Office approved a term grazing permit for South Fork Livestock Partnership.

4/17/00 A Consultation letter regarding rehabilitation and closure of the Crane Springs Allotment was mailed to the public.

5/02/00 Elko BLM Field Office issued a Notice of Closure Decision for the Crane Springs Allotment.

5/18/00 A meeting was held between BLM and members of the Western Shoshone Tribe and South Fork Band. The Elko Field Office was presented with documents in support of the claim that the disputed lands adjacent to reservation lands are not public lands, rather lands that are and always have belonged to the Western Shoshone (Interpretation of a 1941 Secretarial Proclamation that created the South Fork Reservation adjacent to the subject grazing allotments).

9/11/00 The Solicitor requested information regarding the Te-Moak Indian Reservation proclamation.

9/28/00 A Notice of Hearing (Appeal numbers NV-010-99-03 thru 07) to hear the appeals on the permanent cancellation of federal grazing privileges held by the Te-Moak Livestock Association, and issuance of a grazing permit to the South Fork Livestock Partnership for the Shoshone and Crane Springs Allotments was mailed certified to appellants and interested public. The hearing was scheduled for 11/13/00, in Elko, Nevada.

10/20/00 BLM requested a Continuance (Appeal numbers NV-010-99-03 thru 07) to hear the appeals on the permanent cancellation of federal grazing privileges held by the Te-Moak Livestock Association, and issuance of a grazing permit to the South Fork Livestock Partnership for the Shoshone and Crane Springs Allotments.

11/01/00 Letter was sent informing appellants (Appeal numbers NV-010-99-03 thru 07) that the hearing to hear the appeals on the permanent cancellation of federal grazing privileges held by the Te-Moak Livestock Association, and issuance of a grazing permit to the South Fork Livestock Partnership for the Shoshone and Crane Springs Allotments has been postponed indefinitely. The hearing was postponed to allow the BLM to seek a legal opinion regarding the interpretation of a 1941 Secretarial Proclamation that created the South Fork Reservation adjacent to the subject grazing allotments.

11/03/00 9th Circuit Court of Appeals dismissed requested preliminary injunction against BLM impoundment actions filed by the Western Shoshone National Council and Raymond D. Yowell, in 1999.

1/17/01 Notices of Intent to Impound for the Crane Springs and Shoshone Allotments reissued to the TLA and members associated with the TLA.

4/30/01 Letter received from Raymond Yowell in regards to January 17, 2001, Notice of Intent to Impound.

5/01 TLA and members associated with the TLA turned out into the Shoshone Allotment.

7/08/01 Members associated with the TLA turned out into the Crane Springs Allotment which is under a fire closure to protect rehabilitation following the 1999 Dido Complex Fire.

7/09/01 On-the-ground counts confirmed that the TLA and members associated with the TLA had turned out unauthorized livestock into the Crane Springs Allotment (fire closure area). 400+ head were counted along Huntington Creek in the eastern portion of the allotment.

7/10/01 Unauthorized Use Notice and Order to Remove issued to TLA and members associated with the TLA (Wilfred Brady, Raymond Yowell, Myron Tybo, Joseph and Yolanda McDade, Leland Jones, and Ted Mendoza), who are grazing unauthorized livestock within the fire closure area, Crane Springs Allotment.

7/13/01 Telephone conversation with Felix Ike. During the conversation, the Elko Field Office Manager advised him that the Elko Field Office would be sending trespass notices to the TLA members who had moved into the Crane Springs Allotment. He said these individuals were going against tribal directives and would not be supported by the tribe. He said they were acting as individuals.

7/13/01 Certified Mail Return/Receipt cards (Cert) returned from TLA, Joseph and Yolanda McDade, Raymond Yowell, and Wilfred Brady (Unauthorized Use Notice/return of service cards).

7/16/01 Cert card returned from Myron Tybo and Ted Mendoza. (NO CERT RETURNED for Leland Jones).

7/16/01 Letter received from Joseph and Yolanda McDade informing the Elko Field Office that they would be removing their cattle from the Crane Springs Allotment and that they did not want to jeopardize any grazing privileges that they might have with the BLM. Joseph and Yolanda McDade presently have no grazing permit for public lands.

7/17/01 Letters received from Raymond Yowell, Myron Tybo, Leland Jones, Wilfred Brady, and TLA indicating a 26point response to the 7/10/01 Unauthorized Use Notice and Order to Remove. They have indicated through letters received at the Elko Field Office that they will not be removing their livestock.

7/18/01 Emergency soil rehabilitation monitoring crews noticed TLA cattle had been moved to the Indian Well area (located within the area closed as a result of the Dido Burn). 200+ cows were counted near Indian Well.

7/19/01 Use supervision check of the Crane Springs Allotment indicated that 240+ cattle were watering along Huntington Creek (on private land). TLA cattle (20 head) were also found in the adjacent Hansel Allotment to the south.

7/20/01 Two letters were received from Raymond Yowell: Notice of Return of Erroneous Presentments and Affidavit.

7/20/01 Emergency Fire Rehabilitation (EFR) monitoring completed on the Crane Springs Allotment. **Seeded area criteria has not been met** to re-open the allotment to livestock grazing.

7/24/01 Joseph McDade (one of the unauthorized users) informed personnel from the Elko Field Office that he was trying to locate his cattle in order to remove them from the Crane Springs Allotment.

7/24/01 Conversations with South Fork Livestock Partnership indicates that the Mallotes (Dale and Charles) were thinking about turning out next year and not paying any grazing fees. They are frustrated by the BLM's lack of action in the ongoing trespass situation in both the Crane Springs and Shoshone Allotments. The Partnership indicated that the Mallote's might even try to get several ranchers in the Jiggs area to do the same in protest of the on-going trespass by the TLA.

The South Fork Livestock Partnership also informed the Elko Field Office that the Mallotes might take an action against the TLA (and other individuals associated with the TLA) to bring attention (media and public) to what is going on down in the Crane Springs Allotment (within the fire closure).

7/25/01 Use supervision check of the Crane Springs Allotment revealed 300+ cattle watering at Indian Well on public land within the fire closure area. The well is located within the seeded area of the Dido Burn.

7/25/01 Conversations with area ranchers reveal that they feel frustrated because the Indians are able to do things that other ranchers cannot. This is definitely arbitrary and capricious on BLM's part for not enforcing the 43 CFR, part 4100 of the grazing regulations.

7/29/01 Use supervision check of the Crane Springs Allotment revealed 300+ cattle watering at Indian Well on public land within the fire closure area. The well is located within the seeded area of the Dido Burn.

8/01/01 Use supervision check of the Crane Springs Allotment confirmed that the cattle had been removed from the allotment. There were a few cattle (20-40) scattered from Indian Well over to the east side above Huntington Creek. Field observations indicate that the cattle had been removed within the last day or two. The cattle were observed grazing on private lands along Huntington Creek.

8/06/01 Use supervision check of the Crane Springs Allotment showed 20+ head in the allotment. Fourteen were on the east side along Huntington Creek and six were counted in the northwestern portion of the allotment. Wilfred Brady was seen working on the trough at Indian Well.

8/8/01 A use supervision flight of the Crane Springs Allotment showed 20+ head in the allotment. Ten were on the east side about 1+ miles west of Huntington Creek. The second group of 10 were 1 mile east of Indian Well.

9/19/01 Notice Of Default (dated 9/17/01) received from Raymond Yowell.

10/03/01 Letter received from Joe McDade requesting a meeting with Clint Oke regarding grazing allotments for the TLA.

10/11/01 Petition for Redress of Grievance received from Raymond Yowell.

10/17/01 Letter sent to Raymond Yowell from the Solicitor's Office informing him that the BLM does not agree with the

contentions in the "Petition for Redress of Grievance" or its attachments, however they may be interpreted. The Solicitor's Office also informed him that it will take the same view with any correspondence by Mr. Yowell making similar assertions regarding BLM's authority to manage public lands.

1/17/02 Notices of Intent to Impound for the Crane Springs and Shoshone Allotments reissued to the TLA and members associated with the TLA.

March 02 BLM received concurrence from the Solicitor's Office that the 1941 Secretarial Proclamation did not grant grazing rights on public lands to the Western Shoshone. BLM's intention is to proceed with the hearing on the appeals noted on 11/01/00.

05/07/02 Raymond Yowell, Wilfred Brady, and the TeMoak Livestock Association turned out into the Mitchell Field in the Shoshone Allotment.

5/08/02 Unauthorized Use Notice and Order to Remove issued to TLA and members associated with the TLA (Wilfred Brady and Raymond Yowell), who are grazing unauthorized livestock within the Shoshone Allotment.

5/10/02 Wilfred Brady turned out 31 bulls into the Shoshone Field in the Shoshone Allotment.