

**Testimony of
Ramona Hage Morrison
Before the Senate Committee on
Legislative Operations and Elections
March 2, 2015**

My name is Ramona Hage Morrison. I serve as a consultant and expert witness to ranchers regarding property title and vested water rights. I am also the daughter of Wayne and Jean Hage, and owner along with my sisters and brother of Pine Creek Ranch in central Nevada. Presently I serve on the Nevada Board of Agriculture. I testify today in support of SJR 1.

As some of you may be aware my family has been involved in litigation to defend our vested rights to water, forage, rights of ways and improvements on Pine Creek Ranch since my mother and father bought the ranch in 1978. That was when I was a freshman in high school while Jimmy Carter was president. I am now 50.

The problems at Pine Creek began in that first year with the U.S. Forest Service. The BLM became involved later. My father who had heard of the reputation of the Tonopah Forest Service, but who had formerly worked for them and had grazing permits in Dog Valley outside of Reno, was confident that he could work with the Forest Service. Instead the harassment began immediately after Dad refused to sell the newly purchased ranch to the National Park Service. Of course the Park Service only wanted to buy the private land, and not the vested water rights, rights-of ways and improvements we had just purchased from our predecessor, which happened to be located on Federally managed land. The government said they didn't need to purchase those property interests because they owned them by virtue of their being located on public lands. I'm sure the cities of Las Vegas, Reno and Tonopah would be fascinated with that logic when it comes to municipal water rights.

The harassment of my family included sending us a 5-day citation to replace a missing staple on a fence that was located a full days ride horseback up on Table Mountain. We were forced to maintain and repair fences that newly transplanted and non-indigenous Elk destroyed, or risk citation. We were accused of overgrazing, so they confiscated 104 head of cattle at gun point and cancelled our permits. The Forest Service later admitted in testimony that they never returned to study that same range to see if had recovered from our alleged overgrazing. They confiscated the cattle, charged us for the confiscation and kept the proceeds of the sale of the livestock before we ever had a day in court. While my father and 16-year-old brother observed the confiscation armed only with a camera, the Forest Service later testified that they had a sniper cited in on my brother.

Rather than take a lot of the committee's time here today to go into detail about our situation I have attached an article I wrote for Range Magazine which was awarded the Nevada Press Association's "Freedom of the Press Award". I will also mention that this

story is part of a Fox News one-hour special, "Enemies of the State" which will re-air in April.

But let me summarize the litigation that we have been involved in since 1978, which was for the sole purpose to defend our rights to access and use our vested stock waters, range improvements and historical vested rights of way, acquired by our predecessors as early as 1865. These rights were established under the Act of July 26, 1866 and recognized and protected in every land law passed by Congress since that time, up to and including the 1976 Federal Land Policy and Management Act. The Taylor Grazing Act was specifically passed to protect and bring order to those preexisting rights.

My father was forced into three administrative appeals of agency administrative decisions by the USFS and BLM, and prevailed in each. Each appeal cost somewhere between \$50,000 to \$150,000 to defend and resulted in no material change in the government's actions towards my family. Finally after the Forest Service confiscated the 104 head of livestock, my mother and father were forced to liquidate the remaining 2,000 head of cattle to keep the government from stealing the rest. They filed suit in the U.S. Court of Federal Claims in 1991, in *Hage v. U.S.* The court has issued eight published rulings in that case, including a \$14 million judgment against the U.S. Forest Service and BLM. While the judgment has been reversed in part, all of the numerous findings of the court relative to our vested stock and irrigation waters, rights of ways and improvements remain upheld by the U.S. Federal Circuit Court of Appeals. In addition, the appeals court specifically found that the USFS and BLM could not prevent us from accessing our vested water rights. That case remains in litigation.

Finally, after receiving court decisions recognizing our preexisting property rights, my father and brother had reapplied for our grazing permits for the lands to which the ranch owned a grazing preference. The BLM denied that application. We determined we would have to force the question in the courts as to whether or not we needed a grazing permit to avail of our preexisting vested rights. Of course the government waited until my father passed away to bring a trespass case against my brother and the Estate in 2007. To make a long story short, after a month long trial stretching over three months in Reno, the Federal court ordered us to apply for a grazing permit, ordered the government to grant us a grazing permit at the original numbers established in the grazing preference. He found a forage right existing within a half mile around or on each side of our vested waters. He put us under permanent injunctive relief in this court, because in part, he found the BLM and USFS could not be trusted to manage within their discretion. In addition, he adopted as his own findings, based on what he saw at trial, most of the findings in the eight published decisions of the trial court in *Hage v. U.S.* in the U.S. Court of Federal Claims. He found evidence of a conspiracy to deprive my family of their vested stockwaters and grazing preferences beginning in the 1970's. He found evidence fraud, wire fraud and mail fraud. He saw evidence of racketeering under the RICO statutes. He found the BLM Manager and Forest Service District Ranger to be in contempt of court for witness tampering, and seeking remedies outside the jurisdiction of the Court for matters they themselves had brought within the jurisdiction of the court.

Both the 108-page published decision for the main case and the contempt ruling are on appeal to the 9th Circuit Court of Appeals.

Let me clarify. Much of conduct of the BLM and USFS in our case from the beginning has been beyond the scope of their management discretion and outside the laws of Congress. They have repeatedly and continue to ignore the courts in our cases and the plain rulings of the U.S. Supreme Court such as the 1978 ruling handed down by Judge Rehnquist in *U.S. v. New Mexico*. Amy Leuders, Director of the Nevada BLM, was heard to testify just the other day before the Nevada Sagebrush Ecosystem Council that the BLM does not recognize private rights originating before 1976, contrary to the plain language in the Federal Land Policy and Management Act. The USFS and BLM are contemptuous of the courts, of the state and its laws, and are nearly ungovernable by a president since they will be there long after a president leaves office.

And while the BLM and USFS' are always telling the public, judges and state officials how essential these agencies are to preserving these lands and keeping them in pristine condition for the public, they continue to lock up millions of acres of land from the public. During their tenure of managing these same western lands, they have created conditions that promote catastrophic range and forest fires. The forests across the west are diseased and dying. Instead of harvesting timber, the forests are allowed to burn or die. Instead of grazing livestock, we now have range fires on a scale never before seen, even during the major drought of the 1930's. When one drives from Reno to Utah, nearly all that can be seen for as far as the eye can see is the noxious invasive plant, cheat grass, which always follows a range fire.

The USFS and BLM have used their administrative power to cut livestock numbers to approximately a quarter of the numbers when the BLM and FS were created to manage livestock grazing in the first place.

On an even more serious note are the efforts by both the Forest Service and BLM to become militarized. Even though every federal land law passed by Congress reserves both civil and criminal jurisdiction to the states, the BLM and USFS continue to arm their employees and run law enforcement actions as they did when they raided my family's ranch in 1991; when they sent 50 men armed with flack jackets and semi-automatic guns, jammed cell phones, and blocked public roads to confiscated cattle belonging to the Dann sisters, two old Indian ladies who were committed peace activists. They made similar raids on Ben Colvin's ranch, our neighbor; they stole the cattle belonging to the Chief of the Western Shoshone Nation, Raymond Yowell. In each of these cases, they did so without a court order, with the intent to drive away their livelihood and destroy them financially.

Recently, the BLM shot and killed a young black man in North Las Vegas last year. I want to know where the Ferguson protestors and Al Sharpton are protesting the BLM? And in a most amazing display of force of power since Waco, the BLM surrounded one Mormon family's ranch with 200 snipers and armed employees last April. Remember, it

wasn't until the internet exploded showing the BLM Taser and sic'ing attack dogs on two women, that a thousand protestors showed up in Nevada. The fact that a massacre was averted under the I-15 bridge is a huge miracle. And while this time, the BLM did have a court order, pursuant to Nevada law, they did not have a general grant of law enforcement authority, nor did the court order allow them to destroy range improvements and kill livestock. Meanwhile, the Clark County Sheriff, completely abdicated his duties as chief law enforcement officer for the county and forwarded all questions from the press and public to the BLM. Do we really believe that the same sheriff charged with keeping millions of tourists in Las Vegas safe from terrorist threats is incapable of keeping the peace between the BLM and one ranching family during a court ordered livestock gather? A run amok federal agency is one thing; a run amok armed federal bureaucracy is tyranny.

Federal bureaucrats armed with the full force and power of the United States Government and a seemingly unlimited supply of ammo and attorneys are sending administrative notices to ranchers all over the state, ordering them to cut numbers, or water unmanaged horses over Congressionally mandated levels with their vested stock waters. In short, they are harassing them as they harassed my family beginning in the 1970's. As Nevada Federal District Court Judge Robert C. Jones noted, both federal agencies have been attempting to eliminate livestock grazing from federal lands for years.

Since the 1860's in this state, ranching, recreation, hunting, wild horses (which I might add were mostly ranch horses turned out on the open range), sage hen and tortoises have co-habitated and thrived together on the rangelands of Nevada, both prior to the BLM and USFS being established and even into the 1960's and '70's. When the rangelands are managed with livestock, wildlife and game also thrive, as evidenced historically by high numbers of game and wildlife corresponding to high numbers of livestock.

Unfortunately, lawlessness has become a part of the culture of the federal agencies, as we have witnessed from Lois Lerner at the IRS, to the Veteran's Affairs scandals, etc. The unchecked ability of the lowest level federal bureaucrat to wield the powers of a tyrant is rampant in our federal bureaucracy.

The current system is broken. The BLM and USFS have breached the trust of many Nevadans. They have abused their power and continue to do so as evidenced by recent actions by the Battle Mountain District Office of the BLM, where they are doubling down and kicking ranchers off their allotments and vested water rights. They are ignoring ranchers ownership of a grazing preference, vested water rights, rights of ways and improvements, clearly contemptuous of the rulings in *Hage v. U.S.* and *U.S. v. Hage*, where the court held that ranchers had to be provided access to their vested stock waters.

Finally, no family should ever have to spend generations in court in order to force our federal bureaucrats to respect and protect our historical property rights, as they are charged under the laws of Congress and Constitution. Placing the management authority in the state puts these lands under a more responsive local control where they

can be managed to be both productive and accessible to Nevadans. Placing these lands under state jurisdiction would remove controversies from the draconian federal administrative process and federal court system and into a more efficient state court system.

Respectfully Submitted,

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Attachment