

IGNACIA S. MORENO
Assistant Attorney General
TERRY M. PETRIE, Attorney
STEPHEN R. TERRELL, Attorney
United States Department of Justice
Environment and Natural Resources Division
Natural Resources Section
999 18th Street, South Terrace, Suite 370
Denver, CO 80202
Telephone: (303) 844-1369
Facsimile: (303) 844-1350
Terry.Petrie@usdoj.gov
Stephen.Terrell@usdoj.gov

DANIEL G. BOGDEN
United States Attorney
NADIA AHMED
Special Assistant United States Attorney
333 Las Vegas Blvd. South, Suite 5000
Las Vegas, NV 89101
Telephone: (702) 388-6336
Facsimile: (702) 388-6698

ATTORNEYS FOR THE UNITED STATES

**IN THE UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,

Plaintiff,

v.

CLIVEN BUNDY,

Defendant.

No. 2:12-cv-804-LDG-GWF

**DECLARATION OF
DEBORAH J. SULLIVAN**

DECLARATION OF DEBORAH J. SULLIVAN

I, Deborah J. Sullivan, do declare as follows:

I have personal knowledge of the matters set forth in this Declaration.

1. I am currently a Supervisory Law Enforcement Ranger for the Bureau of Land Management (BLM) Southern Nevada District Office (SNDO) located in Las Vegas, Nevada. I have served in this position since September 12, 2010. I was previously the Field Staff Law Enforcement Ranger stationed in Mesquite, Nevada, beginning January 6, 2008. I have lived in the Mesquite community from January 2008 to the present. Mesquite is approximately five miles northeast of Bunkerville, Nevada. Because I both live and work in this part of Nevada, I am very familiar with the Gold Butte Region, the surrounding Mesquite area, and its citizens, as well as the location and boundaries of public lands administered by BLM in this area.
2. As the Supervisory Law Enforcement Ranger, I am a commissioned federal law enforcement officer responsible for the detection, investigation, apprehension, detention, processing, and transport of those persons involved in criminal activity. I develop information by processing and evaluating evidence, and interviewing subjects and witnesses. I investigate acts of criminal activity, vandalism, theft, destruction of natural resources, human-caused fire, and unauthorized uses on public lands. I supervise 4-12 federal law enforcement officers for the Southern Nevada District Office. I assign, give instruction, guidance and direction, and review the work of those law enforcement employees.
3. I was hired as the "Mesquite Resident Ranger" in 2008 and my patrol sector included the Gold Butte Region, Mormon Mesa and Virgin River basin where the majority of trespass violations by cattle bearing the brand or earmark of Cliven Bundy have occurred. I was advised by my supervisor of the long standing Cliven Bundy cattle trespass. I have never seen or heard about any documentation which authorizes Mr. Bundy to graze his cattle on these public lands which are administered by BLM. I am aware Mr. Bundy was permanently enjoined by a federal court from grazing livestock on public lands within this area, on public lands known as the Bunkerville Allotment.
4. I was provided information on Bundy's registered brand and earmarks (see Attachment A: Bundy Brand & Earmarks). During the four years I have been working and/or living in the area, I have seen Bundy's trespass cattle on the public lands on an almost daily basis.
5. Given the ongoing nature of the trespass grazing in the area, I have not documented every single instance when I saw trespass cattle bearing the brand and/or earmark of Cliven Bundy on public lands administered by BLM, where no livestock grazing is authorized, but only a smaller fraction of those observations beginning May 29, 2008 through the present. When I prepared the documentation of my observations, I attempted to take a photograph, record the location, number of animals, and any evidence of active range management or improvements. In some years, I prepared more documentation and/or took more photographs of my observations than in other years.
6. When I documented my observations, such documentation consisted of photographs, Incident Reports, or other written documentation. See Attachment B: Sample List of Cattle Sightings 2008-2010; Attachment C: Incident Reports 2008-2010; Attachment D:

Incident Reports 1/1/11-1/23/11; Attachment E: List of Trespass Observations 1/30/11 – 11/9/11; Attachment F: Photographs 2008-2010; Attachment G: Photographs 2011.

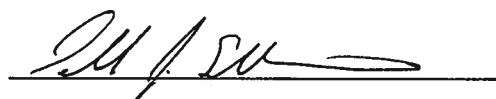
7. Although I did not document all the occasions on which I observed cattle bearing the brand and/or earmark of Cliven Bundy on public lands administered by the BLM where no livestock grazing is authorized, I have documentation – either in the form of a written report and/or photographs -- for over 100 separate occasions on which I found trespass cattle between May 2008 and February 2012. See Attachment H: Summary Table of Trespass Observations (from 5/29/2008 through 2/27/2012).
8. The documented sightings were always incidental to my patrols; I did not go on patrol specifically to locate cattle. I have also regularly observed Bundy cattle on BLM lands while in off-duty status. There are often Bundy cattle on the state and county roads, as well as in the Virgin River basin. I did not document any observations of trespass cattle when I was not on duty.
9. During my patrols, I have also observed evidence of active range management on BLM lands where no range improvements are authorized under 43 CFR 4120.3-1 (2005). The purpose of these range management activities is to support trespass grazing on the public lands. I have observed these improvements in many locations within the Gold Butte Region; within the Virgin River Basin, on the Bunkerville Flats, adjacent to Fisherman's Cove Road, adjacent to Gold Butte Road, at the Gold Butte Townsite, near the Key West Mine, at Government Spring, at Mockingbird Spring. Although I have not personally observed Mr. Bundy at these improvements, I believe the improvements were placed by or are being maintained by Mr. Bundy because no other cattle than Mr. Bundy's are known to graze in the area, the range improvements are intended to facilitate cattle grazing, and the range improvements are in the vicinity of where I have observed Mr. Bundy's cattle.
10. Examples of my observations of range improvements include the following: a water trough with new float and saltlicks on September 14, 2008; salt licks (one brand new) hay and water on January 30, 2011; a clean and fully functional water tank and float on February 6, 2011; a pipeline connected and leaking at the Gold Butte Road on March 5, 2011; a brand new salt lick on May 21, 2011; a clean and fully functional water tank and salt licks on October 13, 2011; and a temporary corral with hay and water, "keep out" signs posted on the public road en route to the Gold Butte townsite where the corral was set up, and also hay on the side of the road on November 9, 2011 (see Attachment I: Photograph of Active Management Activities on Public Lands).
11. I have also observed repairs and upkeep to corrals and watering troughs. I have observed new salt and mineral blocks. I have seen water tanks hooked up to pipelines. All of these observations were on public lands administered by the BLM where there are no grazing permits, grazing allotments, or authorized range improvements. See e.g., Attachments E, F, G, I.

12. From July 29 – August 1, 2010, I observed and documented extensive work to an existing range improvement on the public lands. I observed a new pipeline, approximately three miles in length, in the Gold Butte Region. The pipeline is located within the Bunkerville allotment. The pipeline had been entrenched, and there was resource damage caused on the public lands by the heavy equipment used. There was damage on both sides of the pipeline for the entirety of the new improvement, where the ground had been disturbed and the vegetation denuded, creating conditions conducive to erosion and to invasive weeds (see Attachment J: Resource Damage Report # 1083100113”).
13. On February 26, 2012, I observed a temporary corral placed without authorization on the public lands with approximately 20 cattle inside. This corral was slightly south of the intersection of Gold Butte Road and Fisherman’s Cove Road. It was on the east side of Gold Butte Road. There was hay and water, and a trailer nearby. On April 17, 2012, I documented the resource damage caused by the temporary corral, which include heavy trampling, vegetative disturbance and denuded ground (see Attachment K: Photograph of Corral Damage).
14. The location of trespass cattle I observed (based on GPS coordinates I recorded for such observations) between the dates of 5/29/2008 and 2/27/2012 are mapped in Attachment L.
15. Beginning April 17, 2012, I began to pay specific attention to cattle observed outside of the former Bunkerville allotment. I assisted in placing three “trailcams” (which are primarily used to photograph wildlife) in an attempt to take photographs of trespass cattle in remote areas to determine whether cattle bearing Bundy’s brand were still on public lands outside the former Bunkerville Allotment. One of the locations at which I placed a trailcam is in an area known as Mockingbird Spring, where there is a corral and trough being used to support trespass grazing on public lands south of the former Bunkerville Allotment and east of Lake Mead National Recreation Area that are closed to all livestock grazing. The camera uses a motion sensor to take the photographs. I have periodically checked the cameras to change the batteries and upload the SD card holding the photographs onto my computer. When I return to the office, I upload these photographs to the network drive.
16. After downloading all the photographs from the trailcam’s card, I then reviewed all the photographs to determine how many cattle were in the area and whether any of the photographs show cattle bearing the Bundy brand and/or earmarks. I have personally reviewed thousands of photographs taken between July 18, 2012 and August 8, 2012. The only identifiable marks and earmarks are from the trailcam at Mockingbird Spring and those photographs confirm that trespass cattle bearing the Bundy brand and/or earmarks are grazing without authorization at that location.
17. The process I used in reviewing trailcam photographs is as follows: I looked at each individual photo to see if there is a Bundy brand or earmark visible. If not, I proceeded to the next photo. If I found a Bundy brand or earmark on one or more cattle, I then advanced slowly through the photos to be sure I was not double-counting the same

animal(s) within the same time period. I then summarized the number of distinct cattle captured on the trailcam photographs and appended a subset of trailcam photographs showing ownership markings. See Attachment M. I have not personally reviewed any new photographs taken from the trailcams since August 8, 2012.








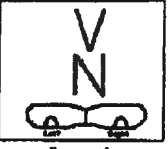
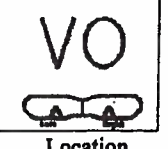
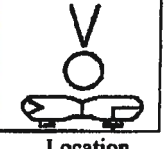
18. In addition to reviewing photographs taken at Mockingbird Spring, I have also documented trespass cattle on public lands during my patrol duties. My observations of unauthorized cattle, the locations of those cattle, and whether any of those cattle had visible Bundy brands or earmarks during the period of April 17, 2012 through August 9, 2012 are included in Attachments M, along with photographs I took on those dates and my handwritten notes.
19. The location of trespass cattle I have observed between April 2012 and August 2012 are mapped in Attachment N.
20. On July 17, 2012, I observed a cow bearing the Bundy brand and earmarks who appeared to be suffering from a prolapsed uterus. I observed the same animal on August 09, 2012, and she appeared to be in much worse health (see Attachment M last page).
21. I went to the Mockingbird Spring location on August 01, 2012. During that site visit, I did not observe any mineral block/salt lick in the area. On August 03, 2012, the trailcam took photographs of two men at Mockingbird Spring, whom I recognized as Cliven and Mel Bundy. In one of the photographs, Cliven Bundy can be seen in the background (behind Mel Bundy) standing at or near the location where I observed a new mineral block/salt lick almost a week later on August 09, 2012. See Attachment M photographs for 8/3/2012 and 8/9/2012. The salt lick was still largely intact, indicating it had not been there for a long period of time. The logical conclusion, based on my visits to the site on August 1st (no salt lick) and August 9th (presence of relatively new salt lick), is that Mr. Bundy placed the salt lick in that location on August 3rd. The photographs also demonstrate that Cliven Bundy and his son Mel are actively managing grazing by their cattle on those public lands by providing mineral supplements and providing water for the trespass cattle.
22. I continue to reside in and patrol the Mesquite area and I continue to see trespass cattle on a regular basis, even though I do not document each and every sighting.

Pursuant to 28 U.S.C. 1746, I declare under penalty of perjury that the foregoing is true and correct. Signed this 8th day of November, 2012, in Las Vegas, Nevada.



Deborah J. Sullivan

ATTACHMENT A

<p>13503 (775) 744-2395 Exp. Date: 12/31/2007</p>  <p>John Henry & Candice Roderick 11C 30 Box 435-13 Jiggs, NV 89815</p> <p>Location V K COMBINED</p> <p>LTH LTR LTST Cattle Horse Elko County, Statewide</p>	<p>T-4317 (208) 847-3579 Exp. Date: 12/31/2007</p>  <p>Hawks and Son By: Vernon Hawks 8366 Pogram Road Montpelier, ID 83254</p> <p>Location BAR LAZY V K</p> <p>LH LT Cattle Horse Elko County, Statewide</p>
<p>T-4269 (775) 237-5224 Exp. Date: 12/31/2007</p>  <p>Jerry F and Edward Todd P O Box 73 Eureka, NV 89316</p> <p>Location V L</p> <p>LR LSH LT Cattle Horse Eureka County, Statewide</p>	<p>11358 (775) 237-5711 Exp. Date: 12/31/2007</p>  <p>Leroy, Mary Jean, Fred and John Etchegaray P O Box 477 Eureka, NV 89316</p> <p>Location LAZY V L</p> <p>LR LT Cattle Horse Eureka County, Statewide</p>
<p>T-5181 (775) 237-5711 Exp. Date: 12/31/2007</p>  <p>Leroy W, Mary Jean, Fred and John Etchegaray P O Box 477 Eureka, NV 89316</p> <p>Location BAR OVER V L</p> <p>LH LSH Cattle Horse Eureka County, Statewide</p>	<p>08299 (775) 729-2656 Exp. Date: 12/31/2007</p>  <p>Vincent Mancini c/o Dirk Agec Sand Springs Ranch HCR 61, Box 50 Alamo, NV 89001</p> <p>Location V M COMBINED</p> <p>LR Cattle Horse Elko County, Statewide</p>
<p>T-5733 (775) 779-2264 Exp. Date: 12/31/2007</p>  <p>Sandra L Sharp Revocable Living Trust HCR 60, Box 495 Ruby Valley, NV 89833</p> <p>Location V N</p> <p>LH LT LST Cattle Horse Elko County, Statewide</p>	<p>T-14069 (208) 734-2786 Exp. Date: 12/31/2007</p>  <p>M T Nelson Farms 3298 N 2900 E Twin Falls, ID 83301</p> <p>Location V OVER N</p> <p>RH RT Cattle Horse Elko County, Statewide</p>
<p>T-5657 (775) 753-4688 Exp. Date: 12/31/2007</p>  <p>Pete Bottari P O Box 281234 Lamoille, NV 89828</p> <p>Location V O</p> <p>RH LT Cattle Horse Elko County, Statewide</p>	<p>12778 (702) 346-5564 Exp. Date: 12/31/2007</p>  <p>Cliven D Bundy P O Box 7175 Bunkerville, NV 89007</p> <p>Location V OVER O</p> <p>LH LST Cattle Horse Clark, Lincoln County, Statewide</p>

ATTACHMENT B

Sampling of Cattle sightings – Gold Butte region, Southern Nevada District Office, BLM

1. 1/16/09 6 cattle plus 1 calf – Bundy ear mark identified
2. 1/30/09 14 cattle - Bundy ear mark identified
3. 1/31/09 1 cow - Bundy ear mark identified
4. 2/4/09 11 cattle - Bundy ear mark identified
5. 2/4/09 13 cattle - Bundy ear mark and brand identified
6. 2/4/09 2 cattle
7. 2/7/09 2 cattle - Bundy ear mark identified
8. 2/7/09 3 cattle - Bundy ear mark identified
9. 2/9/09 3 cattle Bundy ear mark identified
10. 2/9/09 9 cattle - Bundy ear mark identified
11. 2/12/09 4 cattle plus 2 calves
12. 2/12/09 3 cattle, plus 1 heifer and 2 calves - Bundy ear mark and brand identified
13. 2/16/09 3 cattle plus 1 calf - Bundy ear mark identified
14. 2/16/09 5 cattle
15. 2/16/09 20 cattle - Bundy ear mark identified
16. 2/16/09 1 cow - Bundy ear mark identified
17. 2/16/09 3 cattle - Bundy ear mark identified
18. 7/31/08 6 cattle plus 2 heifers and 3 calves - Bundy ear mark and brand identified (0883100044)
19. 2/7/10 4 cattle - Bundy ear mark identified (1083100024)
20. 2/7/10 4 cattle plus 1 calf - Bundy ear mark and brand identified (1083100025)
21. 2/14/10 10 cattle plus 2 calves - Bundy ear mark identified (1083100027)
22. 2/14/10 4 cattle plus 1 calf - Bundy ear mark identified (1083100028)
23. 2/15/10 6 cattle plus 3 heifers and 2 calves - Bundy ear mark identified (1083100030)
24. 2/21/10 5 cattle - Bundy ear mark and brand identified (1083100032)
25. 2/21/10 3 cattle - Bundy ear mark and brand identified (1083100033)
26. 2/21/10 5 cattle - Bundy ear mark identified (1083100034)
27. 3/10/10 8 cattle - Bundy ear mark and brand identified (1083100040)
28. 4/23/10 7 cattle - Bundy ear mark identified (1083100051)
29. 4/30/10 6 cattle - Bundy ear mark and brand identified (1083100053)
30. 5/8/10 12 cattle - Bundy ear mark and brand identified (1083100058)
31. 5/31/10 2 cattle - Bundy ear mark and brand identified (1083100068)
32. 6/12/10 2 cattle - Bundy ear mark and brand identified (1083100071)
33. 6/12/10 8 cattle- Bundy ear mark and brand identified (1083100072)
34. 6/14/10 3 cattle - Bundy ear mark and brand identified (1083100073)
35. 6/19/10 same group of 8 cattle as #33 (1083100074)
36. 9/19/10 8 cattle - Bundy ear mark identified (1083100103)
37. 10/9/10 3 cattle – no visible markings (1083100107)
38. 10/10/10 7 or 8 cattle - Bundy ear mark and brand identified (1083100108)
39. 10/23/10 4 cattle - Bundy ear mark identified (1183100001)
40. 10/23/10 9 cattle - Bundy ear mark and brand identified (1183100002)
41. 10/24/10 6 cattle - Bundy ear mark and brand identified (1183100005)
42. 12/25/10 1 bull - Bundy brand identified (1183100009)

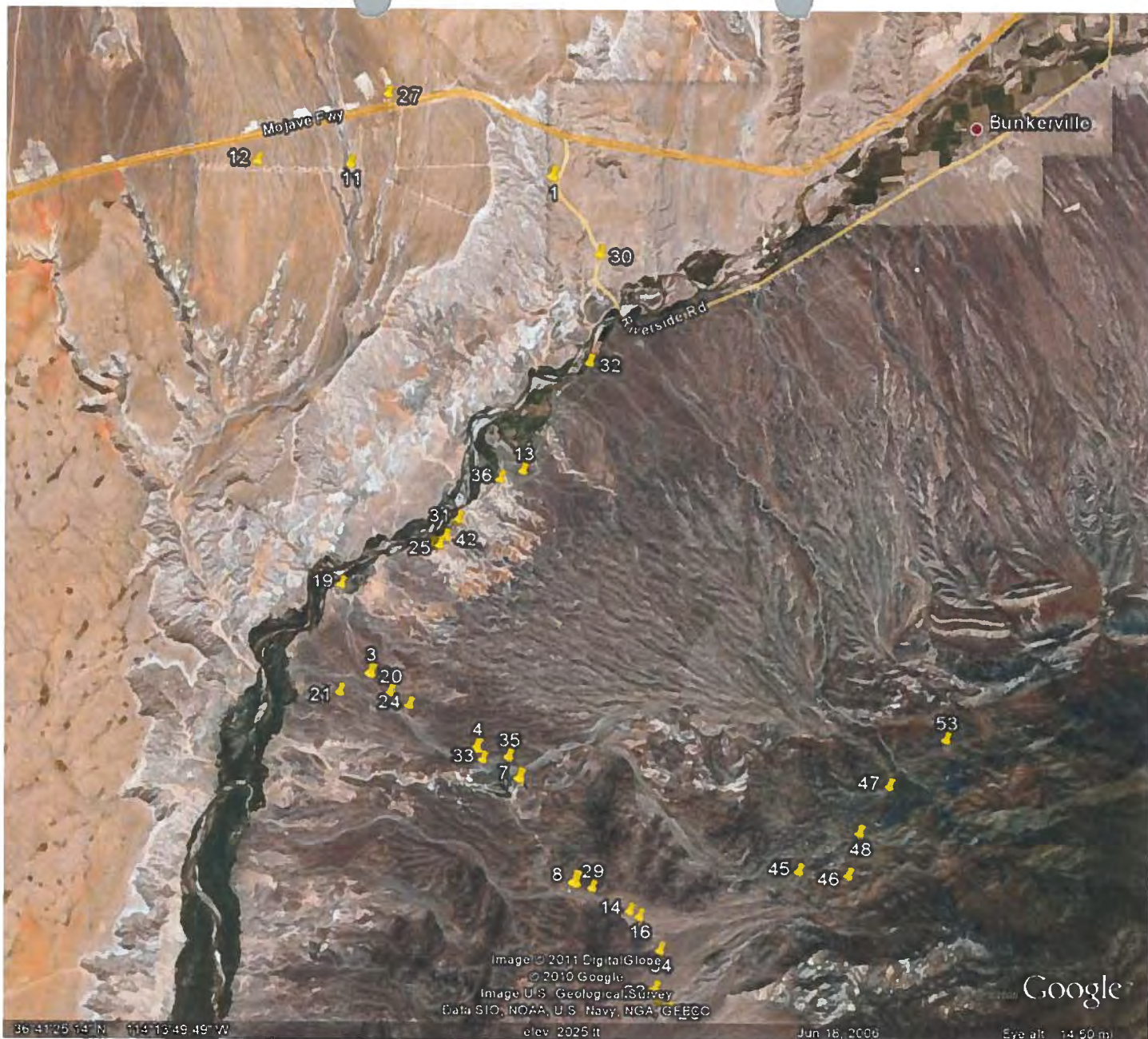
Sampling of Cattle sightings – Gold Butte region, Southern Nevada District Office, BLM

- 43. 12/26/10 same as #42
- 44. 12/25/10 10 cattle - Bundy ear mark identified (1183100010)
- 45. 9/14/08 4 cattle - Bundy ear mark and brand identified
- 46. 9/14/08 salt lick, watering trough and float
- 47. 9/14/08 salt lick
- 48. 9/14/08 8 cattle - Bundy ear mark and brand identified
- 49. 1/18/09 All points from this on – reference Photo sheets – not otherwise recorded (patrol log records)
- 50. 2/20/09 “
- 51. 3/1/09 “
- 52. 5/2/09 “
- 53. 5/28/09 “
- 54. 7/26/09 “

1-16 correspond to following photos



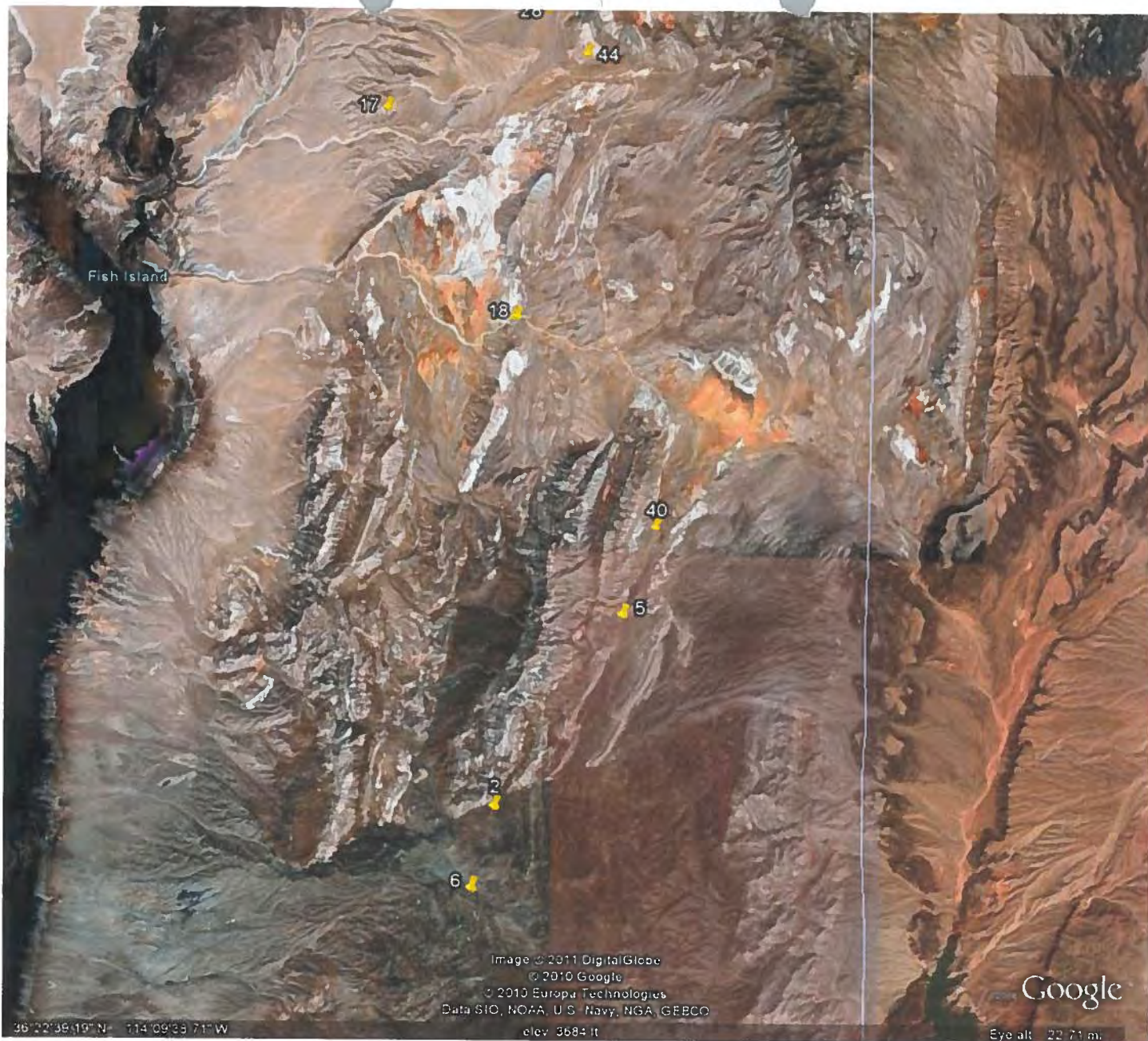
Sampling of sightings



46 on Key West Mine area

7 near Ivanita Springs





2 near Gold Butte Town Site

COPY

Cattle Trespass

01/11/2009



Total - 1 near NPS 113



①

6 plus 1 calf (or 5 plus 2 calves)





8 cattle - White Rock area



12 cattle - White Rock Area



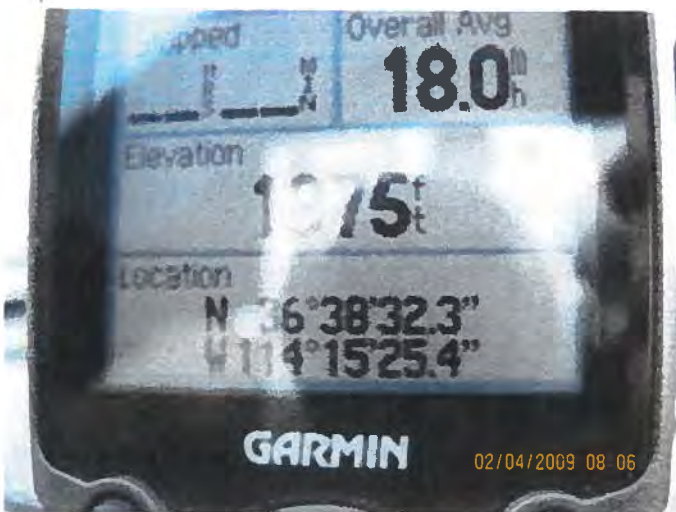
14 cattle ± GB towns. to



1 cow



4



11 cattle GB rd



13 cattle GB rd

5

4



(5)

6



2 cattle

7



2 cattle - S of Jumbo Springs

8



3 cattle



a



3 cattle GB Rd



(7)



10

9 cattle - E of GB Rd.



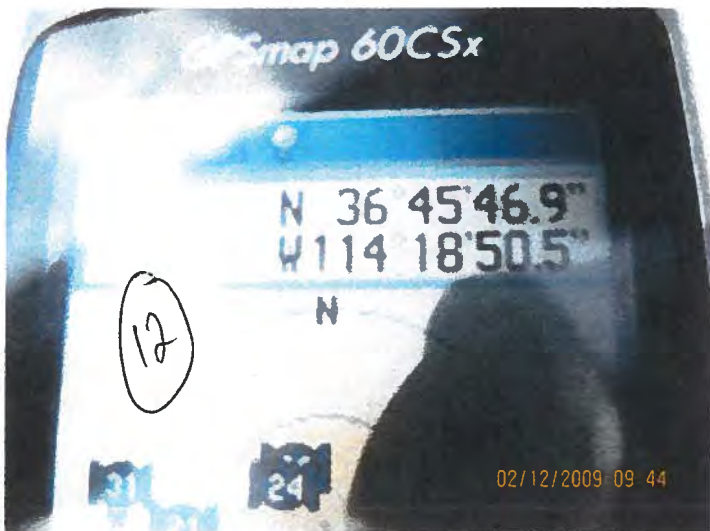
8



11



4 cattle plus 2 calves
On old Hwy parallel to I15 1 mi W



12

3 cattle + 1 heifer + 2 calves

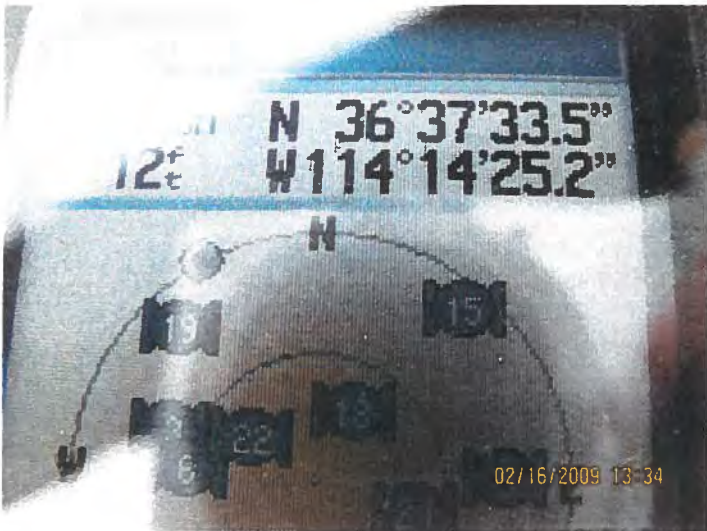


9



3 cattle + 1 calf

(13)



3 cattle

(17)

14



5 cattle

15



20 cattle

(14 cattle w/ 6 more 300 yds west)



12

16



1 cow



**NEVADA DIVISION OF STATE PARKS
STATEMENT**

CASE NO. *N/A*

To be attached to Original report made by the Investigating Officers.

Name Ranger Stephen W. Santee	Date of this Report 1-7-11
Date of Birth N/A	Social Security # 11610
Address PO Box 515 Overton, NV 89040	Phone No. 702-397-2088
Make of Vehicle N/A	License No. N/A

STATEMENT Driver Witness Victim Complainant
 Officer from Other Agency Other

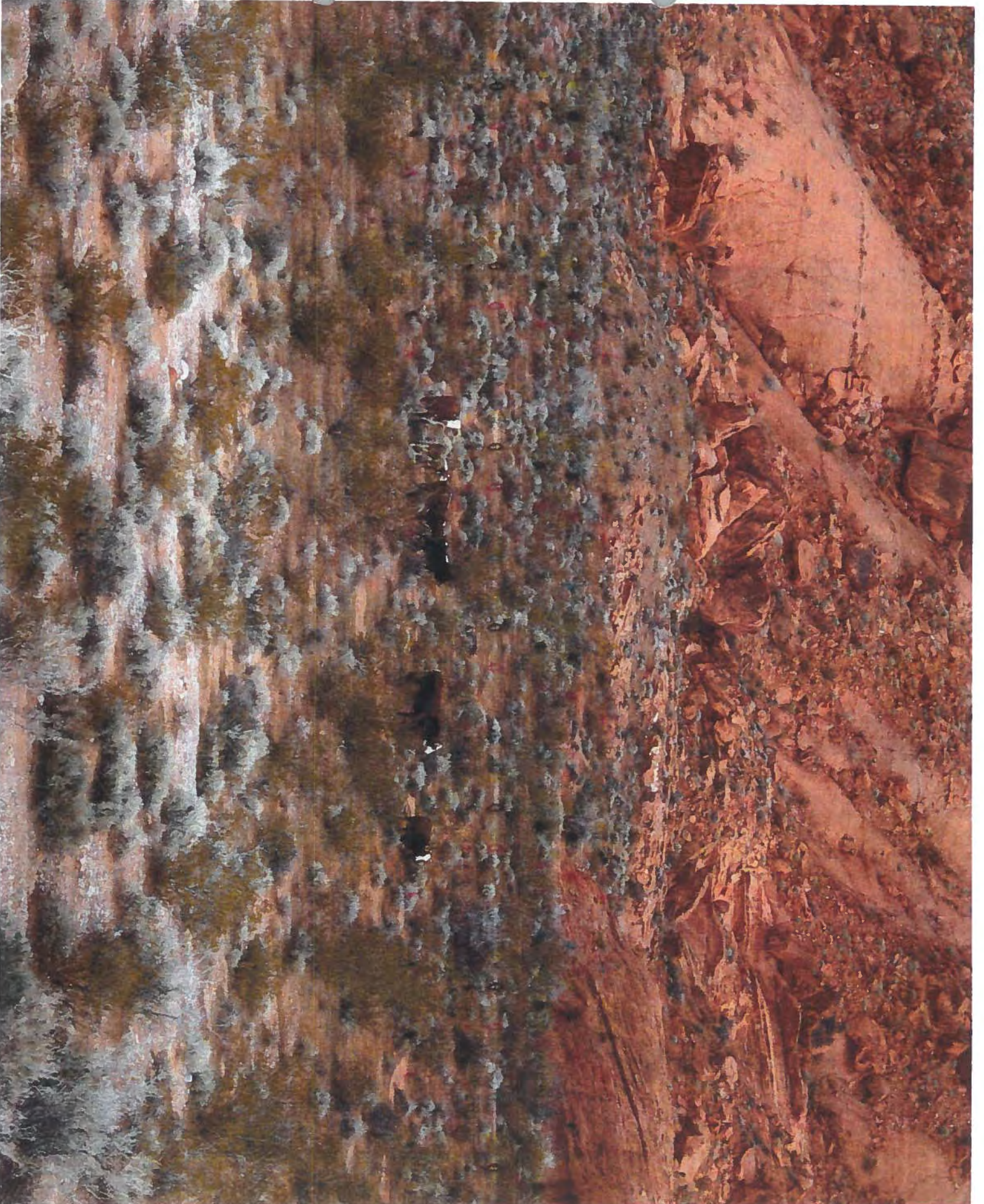
Over the last couple of weeks the staff at Valley of Fire State Park has noticed Cattle grazing on the eastern end of the park. On 1-6-11 we saw the cattle about five and a half miles onto the park. At 8:10 am the six cows were seen about two hundred yards off the road on the south side of the road, near mile marker 5 on SP 54, commonly called Valley of Fire road. I witnessed the cattle in the same location at 8:30 am.

After making several telephone calls to try and identify an owner I was given information by BLM Ranger Sullivan of what makings to look for. I attempted to relocate the cattle to identify the owner. I saw them at 4:45 pm in the same area along the edge of the road but as I stepped out of my vehicle to get a better look the cattle ran off heading South. It was to dark to follow them.

This morning at 8:30 am I relocated the cattle. This time they were a quarter mile north of Valley of Fire Road, at mile marker 5. I was able to get close enough to see that the bull had ear cuts. The left ear had an L shaped cut on the lower section of the ear and the right ear had a V cut at the tip of the ear. There were no other markings on the cattle. The group consisted of one bull, two calves, two cows and one other that I could not be positive of.

I contacted Ranger Sullivan and confirmed that the ear cuts were the makings of Clive Bundy. I was given his phone number and contacted Mr. Bundy and advised him that his cattle had been located on the park and that he needed to remove them as soon as possible.

SIGNATURE OF PERSON MAKING STATEMENT	
N/A	
SIGNATURE OF OFFICER MAKING STATEMENT	BADGE NO.
<i>Stephen W Santee</i>	35



Valley of Fire State Park

Cattle Identification Form

Allotment GOLD BUTTE						Date: 4-12-09			
Pasture									
Examiner TIESARZ				Brand Location Legend: RB-rib S-shoulder H-hip L-left R-right N-none					
Ear Marks	Tag Color	Tag #	Brand Location	Cow	Bull	Heifer	Steer	Brand symbol, location GPS / T-R-S, and other information	Photo ?
1110			2 CALFS	2	2			5 UNKNOWN N 36° 36' 6418'	Y
				2		2	1	N 36° 36' 8562 W 114° 9' 6657	Y
1130			2 CALFS					14 UNKNOWN N 36° 37' 2457 W 114° 8' 8260	Y
							1	LEV. 4520	Y
				1				N 36° 37' 1886 W 114° 10' 6828 W 3434	
1810			IN BURN AREA →	9				UNKNOWN - TOO FAR N 36° 19' 3674	
								W 114° 8' 8983	
1815			→ 1 cow	2				2 YEARLINGS 3 UNKNOWN	
								N 36° 20' 1854 W 114° 8' 7475	

33 TOTAL

Comments:

AREA IS ROAD GOING TO MESA DE PEREZ
 - SALT LICKS & FULL WATER TROUGH MESA LAST COW SITTING
 - HOOF PRINTS (COW) IN LIMBER WASH/CANYON - FRESH

Signature:

702 271-6610

Date: 4/12/09