

## Statement of Fact

10 February 1998

I, Dennis Bevan Lister, set forth the following statement to make a public record of the telephone conversation that I had with Mike Wickersham, Region III Director, Nevada Division of Wildlife (NDOW).

### Background

On the evening of 21 January 1998, I attended a hearing regarding the writing of regulations for landowner incentive tags for elk. During the course of the evening, I had opportunity to talk with Assemblyman John Carpenter about several elk issues. Mr. Carpenter asked if I would like to accompany NDOW on their elk counting flights. I indicated that I would and he assured me that he would arrange for me to fly with NDOW. At about 4:00 p.m. on 22 January 1998, I came in the house from work and my wife told me that someone from NDOW had called earlier in the day concerning flying for elk and that they would call back before 5:00 p.m.. I had other things to do, but waited for the call. At approximately 4:30 p.m. I received a call from Mr. Mike Wickersham of NDOW, following is the general conversation. I do not have the ability to recall verbatim the conversation, but I will come very close. Comments marked with '\*' will be as close I can get to exact quotation. Of course, the whole conversation is not recited, only the pertinent parts.

### Statement

Mr. Wickersham began the conversation by indicating he was calling to let me know that NDOW would be flying for elk the following day, 23 January, and I had permission to fly with them. He commented that I could fly with them any time, all I had to do was ask. I replied that I had mentioned to Mr. Kraig Beckstrand, local NDOW biologist, that I would love to fly with them several times. His return was that I had never indicated a desire to fly according to Mr. Beckstrand. I began to mention the conversation that I had with Mr. Carpenter, and at this point, Mr. Wickersham began a verbal attack on me that in my opinion was completely unprovoked. In essence, '...I'm tired of you going up and down the state misrepresenting NDOW and telling lies about us...'. And further, '... if you don't stop, you will be in trouble.' At this point, I tried to break in, but he demanded that I allow him to finish. I did, and he continued by enumerating several alleged acts that I had done. When he had finished his attack, I asked him what he meant by '...I would be in trouble...'. His reply was simply that if I did not stop my alleged activities, I

would find out and it would be '...big trouble'.

The conversation continued in this confrontational manner for several minutes, then calmed to reasonable talk. The call ended approximately 5:15 p.m.. For the record, I felt personally threatened by what Mr. Wickersham said to me. I am concerned that he threatened me as an official representative of NDOW, and it is NDOW that I have to fear. I do not know in what manner he plans harm, but I do feel threatened. I have been openly critical of NDOW and its lack of management practice; I imagine that I will continue to be openly critical of NDOW. To my knowledge, I have never purposely made a negative statement regarding any individual in NDOW. I am also not aware of any facts that I have knowingly misrepresented.

I declare, under penalty of perjury, that the foregoing statement is true.

Signed Dennis Bevan Lister  
Dennis Bevan Lister

Date 2 March 1998

Notary Public {

SUBSCRIBED AND SWORN TO BEFORE ME  
THIS 2nd DAY OF March, 1998  
Judy A. Etchart  
NOTARY PUBLIC

Notary Public-State Of Nevada  
County Of Lincoln  
JUDY A. ETCHART  
My Appointment Expires  
January 21, 2002

NO. 110629

FILED AND RECORDED AT REQUEST OF  
DENNIS BEVAN LISTER  
MARCH 2, 1998  
AT 27 MINUTES PAST 12 O'CLOCK  
PM IN BOOK 133 OF OFFICIAL  
RECORDS PAGE 183 LINCOLN  
COUNTY, NEVADA.

YURIKO SETZER  
BY Judie Boucher  
COUNTY RECORDER  
DEPUTY