

May 25, 2008

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White River Field Office
Bureau of Land Management
220 East Market Street
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Dear Mr. Walter:

The following comments are submitted in response to EA CO-110-2008-052 on behalf of the Colorado Wild Horse and Burro Coalition.

The description and background of the proposed action neglects to state the wild horse herd use area is predominately unfenced and wild horses have utilized the areas west and south of the stated boundaries before and after the passage of the 1971 Wild Free Roaming Horses and Burros Act. BLM arbitrarily chose this "boundary" to be in conjunction with grazing allotment boundary lines. Livestock do not honor this boundary (as evidenced in numerous allegations between the Cripple Cowboy and Twin Buttes Allotments) as do wild horses which continue to utilize the unfenced areas adjacent to the "herd area boundary" as they have done for hundreds of years. WRFO has chosen to reduce or remove the original herd use areas utilized by all wild horses within their jurisdiction. CWHBC has repeatedly brought concerns over this misstatement to no avail nor any real explanation from BLM as to why artificial management boundaries were chosen. Public comments taken during the scoping process in the late 1970s were examples of this lack of inclusion of actual herd habitat. We assert there is and has been a flagrant disregard for the original herd use area of the West Douglas Creek Wild Horse Herd since the beginning of the planning process in the 1970s.

We also take exception to the statement that the proposed West Douglas Herd Area Plan Amendment to the 1997 White River Resource Management Plan (EA CO-WRFO-05-083) was resolved with the decision affirmed and approved on October 10, 2007. BLM neglected to state there was a pending court case and was merely affirming its own decision.

The WRFO BLM proposes to "remove all wild horses from areas within and from areas outside the boundaries of the WDHA at the earliest practicable date" with this document, yet has not included any census data (numbers, age, sex and locations) for the horses. BLM has granted themselves an unrestricted,

unplanned pass lasting for an undetermined time to remove, harass wild horses in the West Douglas Creek Herd Area. BLM does not define what type of emergency would need to occur for the roundup to begin prior to October 1, 2008. Nor does it include a process that would advise the public of this emergency and the pending immediate removal.

This document does not analyze nor provide the information required to adequately discuss "net gunning and darting capture methods", yet advises these and other methods could be analyzed under a separate Environmental Assessment. If wild horses are intended to be removed from the West Douglas Creek Area permanently, as this document states, all potential methods of removal must be discussed, analyzed, and the ability for public comments must be provided for in the document. While BLM points to the 1997 RMP as the originating document which calls for removal and affirms it with the 2007 RMP Amendment decision, it fails to note **that a land use plan may not supersede a federal law**. Locally derived decisions such as this have had significant impact on all wild horse and burro herds located within the United States. On a national scale, BLM has utilized locally derived land use plans to avoid the required monitoring and inventorying process.

While other natural resources and vested interests are guided by a management plan (grazing allotment management plan, oil and gas management plan, travel management plan, etc.) the wild horse management plan only contains information in regard to removal of wild horses and is grossly outdated (1996). It does not contain what is needed for continued successful management, such as biotic needs, discussions concerning self sustaining populations, impacts from vested interests and co-existence with other resources. Instead, all documents relating to wild horses discuss the impacts wild horses will have on other natural resources and how they will affect vested interests leasing our public lands. Documents such as the WRFO Fire Management Plan Environmental Assessment (CO-017-WR-99-99-EA), page 67; relates that wild horse movement is heavily influenced by livestock fences which occur in 10 overlapping allotments. This document further states that lack of a boundary fence and "large population increases have fostered horse movement into areas **not recently occupied**". In this document, BLM does not elaborate on the term "recently occupied", in fact, BLM has systematically reduced the habitat available to wild horses, via land use plans, since passage of the Wild Horse and Burro Act. Again we assert this action is arbitrary and capricious. When habitat reduction is compounded with pressures from vested interests such as livestock grazing, wild horses will be removed under the guise of overpopulation and/or migration out of boundary areas. Yet, these scenarios and impacts are not mentioned in the outdated HMAP. While the Bureau of Land Management is charged with maintaining current monitoring and inventorying data this document is lacking all such information, relying strictly on a land use plan amendment for direction.

In a telephone call to Melissa Kindall, Range Technician for Wild Horses on Friday, May 23, 2008, I was advised the current estimated census data was derived from the 2006 WDC wild horse removal. That data only indicates what was removed from the wild horse range, not what is on the range at the time of compiling the environmental assessment. Extrapolation of data is the mode of identifying and establishing numbers in West Douglas Creek. BLM has not reviewed the ages, sex and number of animals on the range to ascertain a pattern of what is actually there. BLM in previous documents advises there is not a sufficient number of animals to be genetically self sustaining, therefore they must be removed, yet this document advises there are approximately 142 animals in the herd area, just 8 short of being what is required to maintain a genetically self-sustaining population. While we are aware a mark-remark system is the best available methodology for census, our requests for this type of census has been consistently denied by BLM over the course of the past 18 years.

This document makes assumptions without providing for review of the science methodology. For example, on page 4, Water Quality, Surface and Ground, states "Livestock are managed to allow for vegetation rest during the growing season, while wild horses graze year-round. The removal of wild horses would allow vegetation some rest during the growing season. With this rest, the removal of wild horses is expected to improve watershed stability, decreasing sediment and salts which would all indirectly improve water quality."

This document does not provide the information gathered from monitoring water quality (surface and/or ground) after livestock are removed and when wild horses are present. With numerous water sources only being seasonal it lacks identification of these specific areas. The document lacks data indicating how previous removals of wild horses have improved watershed stability, decreased sediment and salts and overall improve water quality. If a major goal is to improve water quality, why not remove livestock or at the very least reduce numbers? The Twin Buttes Allotment has approximately 1200 mother cows along with calves from late February through October, yet discussion of those impacts are absence in this document and the HMAP. There is no discussion concerning impacts from vehicle traffic by energy interests and recreational uses. Without including the science behind BLM's assertions of impacts to water quality, it is impossible to accurately assess a benefit from any wild horse removal, much less a complete wild horse removal. This would be the only reason to remove any wild horses from a given area, and that would be if they could be named as the source of the impact. Only the number of animals which are causing the impact is the number of animals which can legally be removed. The same is true for the section concerning Air Quality. The lack of improvement of range conditions following wild horse removals has been discussed in a GAO

report with no major changes in policy among BLM offices to correct these concerns.

We find it less than amusing that BLM will ensure that plans for follow up roundups will not unnecessarily compromise "important" big game activities, meaning hunting. Wild horses, while having a specific law to protect and manage them, have consistently been treated as less than equal with other terrestrial wildlife.

Environmental Assessment CO-110-2008-052 is completely void of any monitoring data required to remove any wild horses from public lands and thereby should be considered void, the same as the previous environmental assessment presented in 2005 which was removed from consideration as it indicated energy development necessitated the removal of wild horses from this area. BLM must find a consistent story and stick to it. Wild horses are being removed to make way for livestock grazing or they are a road block for energy development on public lands. Either way, both of these lines of reasoning exceed the statutory authority granted to BLM to manage and protect wild horses on public lands. BLM must be directed to manage wild horses within their entire original habitat in self sustaining populations in accordance with applicable laws and regulations.

This document does not discuss the merits or impacts of water and hay trapping as a method of capture. BLM does not mention current range conditions in this document. Thereby we are unable to offer extensive or meaningful comments in the areas of hay or water trapping. If extended hay trapping is chosen, we have concerns that the range could be severely impacted by this action. BLM does not offer solutions as to keeping elk, deer, and livestock out of the traps. Water trapping this year will not be an effective process as many of the springs and streams will be flowing or have water in them well into the fall due to heavy snow pack from the past winter. If BLM chooses to pursue either method, a detailed plan must be included in the removal plan for public comment.

The WRFO has not adequately discussed the merits or impacts of a winter roundup to the overall health and safety of the animals. Will bands with foals under the age of one year be subjected to the same protocol as bands without foals in deep snow and frigid temperatures? Helicopter drive trapping wild horses during the winter has been avoided in previous roundups in Colorado as being counterproductive to the overall health and safety of the horses. Why the change to expeditiously remove the animals without regard to what was considered standard removal practices? BLM does not have capacity to accurately assess each animal's individual health prior to and following a roundup during this time of year.

Ten hours is too long for domestic horses to be without water, much less wild horses that have been challenged with the stress of a roundup, potential parasite involvement (which is an integer predisposing horses to colic). This protocol knowingly neglects the wild horse's needs and is therefore, considered abusive treatment as defined by law in Colorado. BLM has conflicting information as to the length of duration animals will be left on trailers not in transport and provided with food and water. Again if this roundup or future roundups are permitted, intermediate transport to the Yellow Creek Facility is most humane and acceptable treatment of these animals.

This leads us to concern about appropriate feed and water. If the animals are immediately hauled directly to Canon City, how will they be feed and watered in less than an eight or nine hour period? If this roundup(s) is/are allowed to occur, animals must be hauled to the Yellow Creek Facility located approximately one hour away in the Piceance-East Douglas Creek Herd Use Area to be held, treated and assessed for travel. We strongly recommend these animals be tested for Equine Infectious Anemia prior to transport from a 90 mile area from the Herd Area to be in compliance with laws and regulations mandated for domestic equine travel. Accordingly, we insist that all contractor's horses possess a current (less than 6 months old) Coggins Test, for Equine Infectious Anemia and be recently dewormed and all core vaccinations performed as recommended by the AAEP (American Association of Equine Practitioners), this includes influenza and rabies. We also are strongly urging the contractor's horses be examined daily for strangles (subtle or more evident of the disease, snotty noses, swollen lymph nodes, etc.) before, during, and after the roundup so as to adequately advise the Canon City facility and potential adopters of exposure. If the contractor's horses exhibit any one of the above symptoms, they must not be allowed in the herd area or near the wild horses.

This leads us to our next concern, of lack of oversight for humane treatment of the animals during the capture process. There have been no trained observers to validate distance of travel, depth of snow, and pace of travel of the animals on previous roundups.

We can refer to the 1996 WDC roundup where a helicopter roping directly resulted in the death of a young mare. Toni Moore from CWHBC and Judy Cady, Friends of the Mustang, witnessed this incident where the helicopter ran the young mare over a ledge where she was chased by two mounted horseman who roped her head and rear leg which forcefully threw the mare to the ground, stretching her and promptly fracturing her rear leg. She was then dragged into a trailer (not on a trap or piece of wood) near the trap and hauled to the holding facility, some thirty minutes away. She was not seen by the BLM contract veterinarian, Paul Neilson, DVM from Meeker, Colorado. She was forced to stand in a pen with other horses from the roundup until her examination some

24 hours later. The young mare was euthanized upon examination by Dr. Neilson.

During this same roundup Toni Moore adopted a young filly, without a fee attached, who was approximately 4 months old who had apparent injuries to her front legs. This filly was placed in leg braces for approximately one week by Dr. Donald Moore. She was able to walk with the braces, radiographs confirmed no fractures. She was examined by Dr. Jack Muller, a race track veterinarian who advised her condition was one seen on young racehorses who were ran too far, too fast, at too young of an age. Dr. Muller and Dr. Moore further advised the only humane recourse was to euthanize the filly, which was done as she undoubtedly suffered ruptured tendons. BLM indicated this filly was only moved a "very short distance".

The 2006 roundup, also utilized existing barbed wire fencing covered with jute as wings leading into the trap site. This action was confirmed upon receipt of the information by then State Director, Bob Abbey. WRFO BLM has not allowed humane advocates advance notice and location of subsequent roundups and we can only assume similar tactics were employed in subsequent roundups.

With reference to trap dimensions, size or configuration, we can only rely on what occurred during the most recent roundup in, October, 2006. Dr. Donald Moore, a practicing veterinarian and previous BLM contract veterinarian for roundups, went into the herd area with the intent to photograph the trap and horses, only to be denied access to the trap (on the other side of a horse trailer) by BLM official Mark Hafkenshield and the Contractor's Representative. Dr. Moore then asked Mr. Hafkenshield to take a picture of the trap with his personal camera. That request was denied. Dr. Moore noted it appeared the animals were being hazed (ran) directly into a horse trailer with wings comprising of panels covered with jute absent any "trap corral". If this apparent mode of nonconforming trapping method is to be utilized again to expeditiously remove wild horses from public lands, we can only come to the assumption that wild horse safety and health is not as much a priority as complete removal from public lands in the West Douglas Creek Herd Area.

Only recently was CWHBC made aware of APHIS Veterinarian James Williams presence at the WDC roundup on 10-12-06 and observance of the fatal injuries sustained by two wild horses. The modification of the capture facility by adding additional jute screening material would not make the barrier more visible to the animals, in fact, it would camouflage the barrier. CWHBC concerns of a lack of initial and appropriate set up of facilities is evidenced by this report.

We are recommending that the WRFO have a contract veterinarian or APHIS veterinarian (with actual practice experience with horses) be in the helicopter

during all helicopter drive trapping as well as to be available to treat and monitor animals at the trap facility. BLM will not be able to distinguish a chronic disease or accurately assess the need for continuous care for acute pain and suffering at the trap site and this must be done by a licensed veterinarian.

Previously, in 1994 the Bureau of Land Management presented to the Animal Welfare Committee of the Colorado Veterinary Medical Association (which comprised of small and large animal veterinarians) along with representatives from the American Mustang and Burro Association and CWHBC their proposal for net gun trapping. Following a presentation by the contractor, James Innes and discussion by the group, the committee did not recommend the use of this method of capture and BLM advised they would not seek approval or use of this "tool" in further roundups. We are alarmed that BLM would again seek such an inhumane "tool" to remove wild horses from public lands. The information associated with this type of removal must be included in this origination document to adequately discuss the methods in a timely fashion, especially if this would be the only available method to completely remove animals from the herd use area. Lack of inclusion of any discussion on this method prohibits meaningful and thoughtful discussion of the issue and depicts a lack of planning on the part of the WRFO.

Darting of wild horses for removal on public lands is another "tool" BLM may consider at a later date. Again we would prefer to review in the type of drugs which would be utilized, recovery times, means of transportation to a holding facility, time of year the darting would occur, etc.

Upon review of the list of interested public and the interdisciplinary review team we are unable to locate experts in the field of net gun trapping or darting procedures as they would relate to wild horses.

While this document begins to mention capture method descriptions on page 10, it does not begin to discuss the methodology used to measure the overall health status of a band, how weather conditions, temperature, the time of the year will affect or impact the animals being removed. We are, however, treated on page 11, to a paragraph written in a romantic novel style concerning Judas horses. While amusing, there is little science associated with this paragraph, which is our main concern. Science and the data implicating a removal are needed, but is lacking throughout this entire environmental assessment.

BLM is not planning on having these animals available for viewing by the public prior to transportation to the Canon City facility, yet describes that they can place animals with "adopters locally". We are concerned an adoption market does not exist for these animals (evidenced by the current number of animals in BLM holding facilities, lower adoption fees, and sale authority for WDC horses

sent to a sanctuary and were subsequently sold from the 2001 removal). With current fuel prices, hay prices and the lack of facilities to house horses in the closest major population area (Grand Junction), we believe that combined with their size and disposition there is virtually no adoption market for these animals. While we have seen successful domestication of young foals from this area. Horses which are older resist domestication which eventually leads to a trip to the sale barn, meaning a certain death, following the one year adoption period.

The White River Field Office has and will continue to have tremendous impacts from energy developments. The WRFO RMP Oil and Gas Plan Amendment is in the planning stages. While BLM denies this scope of the plan amendment will address nothing beyond energy development, it is unlikely that will be the case. A subcommittee was sanctioned by the NW Resource Advisory Council. It met in late February, 2008; its purpose was to offer comments to the RAC for inclusion to the proposed amendment. There have been no further meetings or contact to the subcommittee members since that time, but the subcommittee members representing livestock, wild horses, and environmental issues agreed the impacts from energy development would severely impact these uses and resources and recommended the scope of the plan amendment be broaden to encompass these concerns. The Bureau of Land Management, WRFO forcing removal of the West Douglas Creek Wild Horse Herd without reviewing the impacts to the Piceance-East Douglas Creek Herd. BLM has stated they only "want" to have one "quality" wild horse herd in the resource area. While we take exception to their stated desires, the PEDC Herd will possibly face extinction if the proposed energy development increases in and around their habitat, leaving the WRFO without any wild horse herds. It appears this could be the goal of the WRFO, not to manage any wild horses within their field office.

In fact, BLM has not begun to gather follow up data from the 2006 Piceance East Douglas roundup where they injected several mares with PZP birth control (conversation with Melissa Kindall, May 23, 2008). While HSUS allowed the use of this drug in a "trial" setting, one can only image they would like to have the data to see if the drug applications were successful. The lack of protocol for management of wild horses within an area BLM states they "choose" to manage them in is extremely similar to that of the area which they "choose" not to manage them. While the Act states the authority agency has the ability to remove wild horses under certain circumstances, such a broad interpretation and statutory authority was not granted in the Act nor subsequent laws, regulations, or amendments. Since the inception of management plans within the WRFO, beginning with the (Unit Resource Analysis, Management Framework Plans, Resource Management Plans), various allotment management plans, permits for drilling, wildlife management plans, all have one common theme. They do not recognize the 1971 Wild Free Roaming Horses and Burros Act as an equal document. CWHBC review of these historical documents and those more recent

documents all point to the wild horse as the reason for range degradation, substandard water quality, substandard air quality, and the list continues. What these documents do not acknowledge for is the legal right granted to wild horses to remain in areas they occupied at passage of the Act in genetically, self sustaining numbers.

Very Truly Yours,

Colorado Wild Horse and Burro Coalition