

From: MacDonald
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To: Bureau of Land Management
Las Vegas Field Office
4701 N. Torrey Pines Drive
Las Vegas, NV 89130-2301

August 4, 2006

RE: 4700(NV52) Proposed Wild Horse & Burro Gather in 2007

To: Karla Norris- Assistant Field Manager and/or
Jerrie Bertola- So. Nevada Wild Horse & Burro Specialist

I would like my input submitted into public record regarding this assessment. I am also requesting that I be notified of future proposals regarding the HA's, HMA's, Gather Schedule's, Environmental Assessments and any other actions concerning BLM's Wild Horse and Burro Program.

I am responding to the letter sent out by BLM regarding the proposed gather of the Spring Mountains Herd Management Complex. This includes the Johnnie, the Red Rock, and Wheeler Pass Herd Management Areas (HMA's), the Humboldt-Toiyabe National Forest's Spring Mountains Wild Horse Territory, the El Dorado Mountains, Gold Butte and Muddy Mountains HMA's.

I have reviewed the BLM WH & B program statistics regarding the management of rangelands, herd populations, laws, goals, budgets (where available), proposals, and Gather Schedule for 2006. I found this was necessary to attempt to assess BLM's strategies and their implementations. I believe an over-all understanding of these issues might affect the proposed gathers for 2007.

In my review, I found data and information provided by the BLM alarming. This has raised concerns about the BLM's WH & B programs over-all mission and their management of it.

The BLM releases a document every year with base information on the herds they manage; their acreage, estimated herd populations, appropriate management levels (AML's), and the year that the AML's were actually achieved according to BLM studies and reports.

This document is known as "NEVADA Wild Horse And Burro Areas Administrated By The Bureau Of Land Management" and is posted on the Nevada BLM website under the WH & B Program.

Some of the more disturbing statistics within those documents are as follows:

-Between Fiscal Year 2004 and Fiscal Year 2005, thirty-four (34) HMA's had the numbers change as to when AML was reached (calculated). This could indicate that the BLM is re-writing the figures from year to year and NOT basing its management and rangeland policies on the reports required by law.

-Among those Herd Areas with these discrepancies are:

- a)The Johnnie Herd HMA: Fiscal Year 2004 reporting that AML HAD been reached in 2005 and, Fiscal Year 2005 reporting that AML had NOT been reached at all.
- b)The Muddy Mountains HMA: Fiscal Year 2004 reporting that AML HAD been reached in 2002 while Fiscal Year 2005 reported that AML had NOT been reached.

Other discrepancies regarding the BLM published HMA statistics of those herds involved in the proposed 2007 Gather are:

-Red Rock HMA reported in Fiscal Year 2004 that AML HAD been established in 2002 and was set at 50 horses and 110 burros. Fiscal Year 2005 reported that AML was now only 27 for horses and 49 for burros. This is a 50% reduction despite little change in acreage.

The appropriate management levels were permanently changed on record after AML had already been established in 2002, three years earlier.

During one telephone conversation with BLM Horse & Burro specialist Jerrie Bertola, she cited that the Good Springs fire was responsible for reducing the rangeland forage by 40%. While this may justify temporary removal of more animals to help re-establish healthy rangeland, it does NOT justify the permanent change of the established AML's.

A point of interest regarding the BLM's current AML for the Red Rock HMA is; 5,824 acres per horse and 3,209 acres per burro.

Other points that cause concern are:

-The Spring Mountain HA is a conglomeration of confusion:

- a) Severe acreage reduction (411,979 acres) between Fiscal Year 2004 and 2005 with no explanation of why or where it went.
- b) HMA's that are listed as separate from the Spring Mountain HA in some formats and part of this HA in others.
- c) Some herds and populations are not listed in any BLM publications, Appropriate Management Levels (AML) that have not been published or established or have randomly changed, all indicate that the BLM is not implementing or coordinating management in coherent or justifiable ways.

-If one were to combine the total maximum number of animals currently residing in the Spring Mountain Herd Area, according to the numbers reported by the LVRJ, the results are 1,093 (combined horses and burros: 297 horses in the Spring Mountain Area, 570 Burros, & 226 at Cold Creek). This does not include any horses within the Red Rock area. The current combined AML stated by BLM of wild horses and burros is 301. If BLM's AML is a reasonably accurate level of sustained animal support, how have 1,093 animals survived during such challenging environmental conditions?

-The Cold Creek Herd is mentioned in the Las Vegas Review Journal (published 7/08/06) with plans "to gather 200 horses and leave 26".

This is only mentioned in the BLM letter sent out to "interested parties" as "Humboldt-Toiyabe National Forest Spring Mountains Wild Horse Territory". No mention is made of the Cold Creek Herd or the proposed amount of removals. The lack of information provided by BLM is disturbing.

The Cold Creek Herd is reasonably famous in Nevada. It is spotlighted on the State of Nevada Commission for the Preservation of Wild Horse website. This Commission has done a great amount of work trying to help BLM and other agencies coordinate our rangelands with the horses and general public. One of the areas this commission cited as "needing improvement" was tourism in relation to our wild horses. The Cold Creek Herd is one of our best for tourism.

BLM's reduction numbers, 4/5's of the herd, comes after already having done an emergency round up. Now they want to reduce it again. This herd managed to sustain a population of 226 or more in times of "drought" and lack (we don't know what the population was before the emergency round up). This shows that the land is quite capable of supporting these higher numbers.

If BLM actually leaves the proposed 26 horses and does not gather again, using the 20% reproductive rate as deemed by BLM statistics (which, by their own admission, is generally high for horses), this herd would not see such a population again until 2018. That would be bad business for one of our most viewed and admired herds.

-In the newsletter the BLM sent out, they propose to remove "excess" wild horses from the Johnnie Herd HMA. The excess they are planning to remove, as per the Las Vegas Review Journal is: all of them.

According to BLM published population statistics that means 57 horses, and not enough land to go around for even a few. The BLM has determined an AML of 0 for wild horses in this HMA despite the fact that many are surviving there anyway.

This was only discovered through research, not through BLM notification. The deteriorating public trust in BLM's management of the Wild Horse & Burro program is caused in part, by their deliberately vague and often misleading information as revealed in this case.

This same "excess" theme was used in BLM's letter regarding proposed round ups in the El Dorado Mountain HMA and the Muddy Mountains HMA. The El Dorado HMA is currently listed by BLM as incapable of supporting ANY animals at all, therefore a zero AML has been issued, despite the fact that they too, ARE living out there.

The Muddy Mountains show a majority population in this HMA to be burros. Fiscal Year 2005 reports that there is still a population of 5 horses in the area. This is considered "excessive" and they are being considered for removal.

-No current AML is being reported to the public regarding the Wheeler Pass HMA. No gathers should be planned until that information is released so we may have something to compare the proposals too.

-The BLM website, Nevada WH & B Page, dated 7/31/06, reports a statewide burro population of 998. The Las Vegas Review Journal reported that the BLM was proposing to eliminate 570 burros from the Spring Mountain Herd Area Complex alone. That's almost 2/3's of the entire reported burro population in Nevada.

-The specific numbers of targeted HA's & HMA's and their associative reductions as published in the Las Vegas Review Journal on 7/08/06, indicate that BLM has a pretty concrete idea regarding the removal numbers. An Environmental Assessment(EA) has yet to be established or published.

This raises the question of a valid or objective EA. The potential of making the EA conform to the BLM proposal versus the BLM conforming to the needs and requirements of the environment raises serious questions regarding a fair and balanced evaluation.

-Another related issue regarding the proper management and BLM's assessments is whether or not they are providing proper amounts of personnel to effectively navigate their workload.

Southern Nevada has been assigned ONE field officer. While the following may not entail all the duties required, these responsibilities are noted:

- a) Responsible for analysis and reporting of all EA's,
- b) Responsible for all paperwork, studies, research, reports and analysis of Southern Nevada's Herd Areas,
- c) Responsible for field work and physically verifying conditions of all rangelands, water sources and animals,
- d) Responsible for all public interaction, communication and information regarding the WH & B program,
- e) Responsible for coordinating with other agencies needs and reports.

Regardless of the qualifications, talents, dedication or determination of the WH & B field officer, no one person can effectively execute these known responsibilities.

With Nevada home to over 50% of the wild horse and burro population, the need for accurate and effective management is crucial.

BLM is not providing sufficient levels of staff or resources to effectively implement proper management and; extreme workload may be unduly stressing field officers in their capacities and administration of their duties.

-Fertility control was mentioned as an option being considered during the Environmental Assessment. When the EA is published, the inclusion of the complete proposal of that fertility control, the established safety data on the proposed method to be utilized, the amount of mares that it would be administered too and the impact BLM is projecting on herd populations, rangeland management and associated financial costs from this option, need to be included for proper public assessment.

-On the BLM website under the Wild Horse & Burro Program, Nevada Wild Horse Population Approaches Management Goal page, a release dated May 27, 2005 is published stating that the Nevada statewide AML is 14,000 animals. Yet according to the Fiscal Year 2005 report, located in the back of the document, the statewide AML is only 12,990. That's over a thousand less when you read the fine print.

Furthermore, this same publication states that Nevada was "very close to the 14,000 statewide AML" with a projected population of 14,700.

According to the BLM 2006 Gather Schedule, they have currently removed 2,991 animals and are planning on removing another 1,947 more. This equals 4,938 animals being removed-well under the 14,000 statewide AML. From studying BLM's 2006 gather pattern, this number will probably be higher since they often take more than they "planned."

-At the current gather schedule, the cost of holding these animals, not including round ups, medical treatment or transportation to containment is \$6,172.50 per day, and \$2,252,962.00 per year. This is definitely a concern.

-Another area of concern for the public is the financial cost of round ups, containment and now, possibly, fertility control.

When questioned about this issue, So. Nevada Field Officer Jerrie Bertola acknowledged that not only is the general public concerned, BLM itself is concerned about the escalating costs, especially of containment. BLM's website even suggests this when they state that over half of their annual budget is allocated to the maintaining of our wild horses & burros.

A significant cause for concern regarding this issue is reports of horses and burros recently rounded up being sold at livestock auctions BEFORE ever reaching containment areas.

The very idea that BLM would seek to alleviate their "mounting financial pressures" by selling our horses for slaughter before even given the opportunity for adoption is intolerable.

While these reports may just be malicious fiction, it has given great cause for alarm regarding the fate of gathered animals.

Therefore, it is highly recommended that the BLM, in order to clear itself of these alleged improprieties, provide publicly verifiable evidence and methods of establishing proof that those gathered, do indeed, arrive in the containment centers as required.

According to the BLM 2006 Gather Schedule, other statistics and reports also cause concern. Such as:

-Despite gathering less, they are taking MORE than they plan or announce. Reviewing the statistics from the gathers held until 3/7/06, the BLM was planning to gather over 1000 more horse than they did. This could indicate that herd populations are being inaccurately reported OR; they are inflating the gather numbers to make it seem like they are not taking as much as they are. Because BLM does not offer estimated populations for animals after these gathers, no one is able to discern otherwise for at least a year.

-Even though they gathered over 1000 less than planned, BLM took over 500 more than they said they would. They made those decisions on site, with no public input or awareness. That's a 1,500 animal swing.

-Of the 50 scheduled round ups as of 3/7/06, 47 had been undertaken. One herd, the LAVA BEDS HMA, can not be counted because the reported numbers were so askew that they were impossible to use for statistical analysis. (257 planned to gather, 11 actually gathered, 196 planned to remove and 63 actually removed-Huh?).

This left 46 working herds. Of that 46, 23 were scheduled for removal of ALL animals gathered, 4 herds that weren't planned for total removal were removed anyway, and 3 herds had 1 animal returned from what was gathered.

This leaves 16 herds available for examination. Of that 16, 14 herds were reduced by more than BLM had announced or planned despite the fact that they gathered less than planned.

- Despite establishing AML's for herd populations in very recent years, BLM is deciding to "zero out" herd areas even when their own statistics report that the rangeland is able to support a certain amount of animals. Since BLM has begun managing our horses and burros, they have zeroed out 102 HMA's, ONE THIRD of our legally established and protected Wild Horse & Burro areas.

They have zeroed these herd areas out citing the "multiple-use" clause in Public Law 92-195 that protects our horses and burros from "capture, branding harassment, or death".

In every single publication I have seen that the BLM has released regarding Wild Horse & Burro management policies, this is the ONLY clause they cite.

What I haven't seen is the first mandate of Congress, the American People, and Public Law 92-195, Section 1132-C which states-

"DEVOTED PRINCIPALLY but not exclusively to THEIR welfare"

This law and the multiple-use clause were created to give BLM flexibility in the management of many important considerations. The Congress and the American people understand the need for population control and striving to achieve balance within the ecosystems and we support that. HOWEVER, the first charge of Herd Areas is to principally devote this rangeland to the horses and burros upon them.

Since the WH & B Programs inception, the BLM has said, in 1/3 of these lawfully established and protected herd areas, multiple-use does NOT INCLUDE the horses and burros that they were established for.

BLM has neither the power nor authority to ignore a Congressional mandate and zero out our lawfully protected and established herd areas. To do so constitutes unlawful and illegal activity.

If the BLM does not respect the laws of our land, the mandates of Congress or the wishes of the American people, it leaves one to wonder how respectful they are of the animals and rangelands that they were charged and funded with protecting?

In fact, the BLM was given over 40 million dollars last year to protect these areas only to report back that, often times, there is no room for the horses and burros except in containment pens.

To help remind the BLM of its primary charge and mission, I've included the following definitions as defined by the Webster 1981 Collegiate Dictionary:

PRINCIPALLY: 1."most important, consequential or influential"
2."chief"

DEVOTED: 1."to dedicate by solemn act"
2."to center the attention or activities of"
3."to give over wholly or purposefully"

It is of grave concern that this first command of Public Law 92-195 is NEVER mentioned in BLM's Wild Horse & Burro management and it's implementation. An interesting bit of irony is that the word located underneath devotion is devour.

-The exclusive monopoly that BLM holds over the decisions regarding our national treasures of the Wild Horses & Burros is a concern. IF, and that's a big IF, a herd area does need to be zeroed out for whatever the reason, the BLM has exclusive jurisdiction in the data, statistics, reports, surveys, studies, and decisions.

Due to the grave and serious nature of the permanent elimination of a lawfully established herd area, independent studies must be able to verify BLM's findings. Otherwise, the competing interests built in to the BLM's oversight of our public lands may be swayed to no longer "principally devote" our land to what they were established and funded for.

-After researching a variety of sources in my investigations of the WH & B Program, a common theme was often encountered within the circles of those devoted to the preservation of wild horses and burros.

This theme is the widely held belief that BLM is "principally devoting" our HMA rangelands to the grazing preferences of livestock. The WH & B Act of 1971 was established to protect horses and burros from this intrusion.

This matter may be easily resolved by BLM posting on its websites how many leases are currently being held on the HMA's and the percentage of forage that is being allocated toward livestock management.

This could also include what the BLM has done with the 102 HMA's that have been zeroed out since the programs inception. By proving to the public that rangelands BLM deemed incapable of supporting horses and burros are NOT being utilized to feed livestock, they could go along way towards alleviating the growing public mistrust.

The public and Congress want to know and believe that BLM is doing a good job. This can best be achieved by accurate reporting and communication of BLM data, statistics, studies and public announcements.

Thank you for your consideration of this input.

