

Bureau of Land Management  
Winnemucca Field Office  
5100 E. Winnemucca Blvd.  
Winnemucca, NV 89445-2921

November 9, 2009

**RE: Calico Mountains Complex Wild Horse Capture Plan  
EA# DOI-BLM-NV-W030-2010-0001-EA**

Dear Public Stewards:

After review of the BLMs Environmental Assessment and Proposed Action to remove wild horses from the Calico Mountains Complex and surrounding areas, numerous inconsistencies, errors in reporting data and/or missing information, failures to address or publicly disclose key components related to the proposal and incomplete and/or selective analysis of cumulative impacts, data and various related actions have been found, both within the EA as well as related documents affecting the area.

The Calico Mountain Complex spans approximately 542,000 acres or 850 miles of public lands. Due to the size of the proposal area as well as cumulative impacts and/or changes affecting multiple use applications via site-specific decisions within the area, the proposed action requires a more detailed analysis and in-depth review than the current environmental assessment provides.

Based on the following considerations submitted for BLMs review and/or required legal response, the Bureau is urged to complete an Environmental Impact Statement (EIS) to address long-standing issues and concerns that have yet to be adequately disclosed, analyzed or resolved before issuing a decision on the proposal.

As always, thank you for the opportunity to participate in the management, protection and preservation of our Nation's irreplaceable resources.

Sincerely,

Cindy MacDonald  
3605 Silver Sand Court  
North Las Vegas, NV 89032

## Key Issues

### 1. Wild Horse/Burro AMLs

BLM states that, "Adjustment of the current AML will not be analyzed in this EA." (pg. 1)

The Proposed Action is to remove of wild horses to achieve AML. BLM supports this action by multiple references throughout the EA that both analyze and affirm the validity of these AMLs. Based on this, it would appear a more accurate statement would be, "The BLM will not respond to public concerns and/or requests to analyze the potential adjustment of the current AMLs"

Since BLM has prohibited and/or refuses to analyze any AML *adjustments* to determine if current wild horse and burro populations are indeed excessive within the thriving natural ecological balance, the public is limited to examining the current AMLs wild horses will be reduced to through the proposed action.

Review of established wild horse and burro AMLs cited within this proposal indicate there is nothing current about them, they have little to no basis or data to support them either in this document or historical documents tiered to the proposal and are merely a continuation of initial stocking numbers issued within the Record of Decisions (RODs) for the Paradise-Denio and Sonoma-Gerlach Resource Area Management Framework Plans approved on July 9, 1982 as well as subsequent Final Multiple Use Decisions (FMUD) issued for the Soldier Meadows, Paiute Meadows, Leadville and Buffalo Hills Livestock Allotments dated from 1993/1994.

These FMUD established initial levels of stocking rates for both wild horses and livestock within the proposal area but were contingent upon acquiring current and consistent monitoring data to affirm appropriate multiple use allocations with wild horse/burro AMLs based on proportional ratios as consistent within the framework of the MFPs.

The promised monitoring and data collection has been consistently and largely absent from the proposal area for many years now and BLM admits in the current EA, Section 1.5 Conformance with Land Health Standards, that all of the Herd Management Areas within the Complex have still yet to be assessed for conformance with Standards of Rangeland Health. (pg.6)

In the current proposal, BLM states that the AMLs were made following in-depth analysis of resource monitoring data and issuance of FMUDs (pg. 5).

However, all but one of the FMUD's were issued 15 years ago and Protests were filed in response to the Soldier Meadows FMUD issued on January 24, 1994, which disputed then, BLMs current claims that these AMLs were based on in depth analysis or resource monitoring.

The Commission for the Preservation of Wild Horses and Wild Horse Organized Assistance (WHOA) asserted the Proposed Decision arbitrarily allocated forage to wild horses and livestock, an allegation BLM did little to dispute. BLM's response to the Commissions/WHOA's Protest Point #4 stated that "It was recognized in the MFP that the forage allocation made for livestock and wild horses/burros was only a starting point and that numbers would be adjusted to appropriate levels based on monitoring".

BLMs response also stated, "The 1988 evaluation for this allotment documented that livestock numbers were too high so they were adjusted downward, but wild horses/burros numbers were not addressed. The re-evaluation for this allotment established the total carrying capacity for livestock and wild horses/burros based on monitoring data. The AUMs were then divided between livestock and wild horses/burros on a proportional basis (based on the ratio established in the MFP) in accordance with MFP decision Range 1.1 and Wild Horse/Burro 1.1. I felt this was the appropriate and most equitable way to divide the total carrying capacity between livestock and wild horses/burros. We will continue to monitor to determine if these new stocking rates are appropriate, and if not make future adjustments".

In the current removal proposal, BLM continues to acknowledge that wild horse/burro AMLs were only established as starting points and were supposedly contingent on future monitoring to determine their appropriateness. BLM clearly and specifically states, "Any adjustments to initial AMLs established in FMUDs were made pending further in-depth site-specific environmental analysis and decision issuance". (Pg. 5)

Since this 1994 decision for the Soldier Meadows allotment affecting three of the HMAs within the Calico Complex, BLM has changed the livestock authorizations at least two times. The last decision BLM issued was on January 14, 2008, when they adjusted cattle authorizations upward from a former 7,680 AUMs to 12,168 AUMs with the potential to increase livestock authorizations to a total of 16,070 AUMs including 3,092 AUMs of "suspended use".

BLM justified increasing livestock authorizations significantly within the Soldier Meadows allotment by stating, "This grazing system combined with maintaining wild horses and burros at the Appropriate Management Levels (AML), will result in meeting SRH. Given the relative few numbers of horses and burros, their impact on upland vegetation during the critical growing season will be minimal. This conclusion is supported by the fact that several upland monitoring sites established in the past in the Warm Springs HMA area no longer being monitored because very little to no use by wild horses was ever documented at these sites." (Notice of Proposed Decision, Soldier Meadows Grazing Permit Renewal and Range Improvement Project Environmental Assessment (EA# NV-020-07-EA-08) pg.12, July 11, 2007)

Given the fact that less than two years ago, BLM found range conditions and forage availability sufficient to support their decision to increase livestock allocations by an additional 4,488 AUMs of forage for the permittees exclusive use over the course of the next ten years, with an additional 3,092 AUMs also authorized as potentially available for TNR grazing (a total increase of over a 100% from the last grazing authorization), evidence suggests the current AMLs fail to conform to the 1982 MFP proportional forage allocation requirements for livestock and wild horses/burros within the Soldier Meadows allotment.

Instead, the initial stocking rates set forth in the 1994 FMUDs originally deemed as “starting points” have only seen increases in livestock authorizations without evaluations and/or equal review of proportional appropriateness of wild horse/burro allocations.

Additionally, BLMs current population projections total 1,518 horses for the Black Rock West HMA (644 horses) and the Warm Springs Canyon HMA (874 horses), with both HMAs falling 100% within the Soldier Meadow’s Allotment.

Despite being 1,357 wild horses over BLMs established “low” AMLs for these HMAs, BLMs monitoring information within the Soldier Meadows Allotment supported an increase in livestock authorizations by up to over 100%. As such, evidence would also suggest the impacts of the additional 1,000 or so wild horses above the low AMLs at the time this decision was issued were making relatively little impact to the proposal area prior to BLM authorizing such a dramatic increase in livestock use.

To return to issues raised in the 1994 Soldier Meadows Protest, in BLMs response to the Commissions/WHOAs Protest Point #6, BLM stated that, “*BLM will implement utilization and stubble height criteria that will insure important habitat is not over utilized by livestock.*”

In the current proposal, BLM states that, “*Utilization monitoring and trend data indicates excess wild horse use is contributing to the Riparian/Wetland and Plant and Animal Habitat Standards not being met*”. (Pg. 6)

With such dramatic increases in livestock authorizations within the Soldier Meadows Allotment, especially during “drought years”, please describe what methods BLM has implemented to distinguish actual use between domestic livestock and wild horses that supports their assertion that utilization monitoring and trend data indicates that it is excess wild horse utilizations that are being measured versus the increase in livestock authorizations.

Also, since the new livestock authorizations for Soldier Meadows allows livestock grazing almost year-round (1/16/ through 12/15), please describe what methods BLM has implemented that followed through their stated objective to “*insure important habitat is not over utilized by livestock*” and how they differentiate between wild horse, wild burro, wildlife and domestic livestock utilization levels due to the year-long grazing of all species within the area.

Of additional relevance and concern are the issues raised in Protest Point #1 by the Commission/WHOA, which stated, *“The Proposed Decision extends the land use plan short term objectives in excess of 14 years. Range Management-Management Framework III Decision RM-1 set a five year schedule to accomplish wild horse herd management area plans, and other approved activity plans, to establish appropriate management levels to assure viable herds in balance with their habitat by 1987. Short term objectives of the Proposed Decision adjusts the land use plan short term objectives to the year 2001.”*

As noted above, the current proposal to remove wild horses to initial AML stocking levels are a perpetuation of general objectives established 27 years ago that have continued to evade appropriate data collection, monitoring, analysis and/or reporting to support authorizing the proposed action to achieve a wild horse AML now being upheld solely for administrative convenience, not appropriateness, accuracy or conformance with the MFP.

In BLMs response to Protest Point #1, BLM stated that, *“Objectives are developed in site specific documents that implement the goals of the MFP. The short term objectives...were established in 1988 in the Livestock Agreement with the permittee. We look at the short term objectives in our re-evaluations and if our monitoring indicates we are not achieving these, then we conclude that we will not be able to achieve our long term objectives, so adjustments must be made. A new decision is issued with the necessary changes and we continued to monitor to see if those changes allow us to meet our short term objectives....This is a process”.*

However, once those initial starting point AMLs were set, BLM has never again revisited them nor continued to pursue the “process” despite their admission that these goals were short term that required additional review to determine if they were appropriate or not to meet long term objectives and needs.

A Protest was also filed by the Nevada Division of Wildlife (NDOW) and in Protest Point #5, NDOW asserted, *“The Proposed Decision establishes a carrying capacity by flawed assumptions without consideration of critical wildlife habitat. Appendix 6, Stocking Level Calculating and Procedures, of the Soldier Meadow Allotment Re-evaluation did not consider wetland riparian habitat objectives. Appendix 4, Utilization, of the Solider Meadow Allotment Re-evaluation, repetitively documents severe utilization of riparian vegetation within wetland meadow habitats during all years of monitoring.”*

*“The Proposed Decision carrying capacity computation is based upon Example C of Appendix 2 of the "Rangeland Monitoring Analysis, Interpretation and Evaluation (TR 4400-7)". Example C assumes rangeland production is not uniform and utilization is uniform. Utilization data confirms the conclusions of the Re-evaluation that livestock distribution problems are causing heavy and severe utilization of critical wildlife habitat; thus the Proposed Decision's use and rationale for Example C is flawed for a carrying capacity computation.”*

BLMs response failed to address NDOWs wildlife and rangeland specialists concerns regarding errors and flaws within their carrying capacity computations for the proposal area despite this being a vital and necessary component in making determinations for comprehensive, broad based management plans to maximize resource production without impairing the quality of the resources or the land.

Under NDOWs Protest Point #3, BLM responded to concerns regarding management plans and actions that continue to be fluid and without accountability through the year 2024 by stating, *“The evaluation of monitoring identified livestock distribution as the primary management action to improve resource conditions; not a carrying capacity problem.”*

BLM evaded addressing the flaws and errors noted by NDOW rangeland specialists in the carrying capacity computations by switching the focus too and agreeing with NDOWs assertions that poor livestock distribution was the primary cause of concern through heavy and severe riparian degradation noted throughout all years of monitoring at key sites.

BLM then referenced a new modification technique to former rangeland carrying capacity methods, which they began to explore in 1992, that omitted slight and light utilization categories and only considered moderate, heavy, and severe utilization categories to determine carrying capacity instead. BLM went on to state, *“We felt this would cause the calculations to better emphasis the problems of poor distribution and over stocking. Using this modified technique for calculating carrying capacity and requiring the movement of livestock based on acceptable utilization limits we feel we will solve the problems identified in this re-evaluation”*.

This “modified technique” to measure grazing distribution patterns was then implemented as a new standard and BLM began substituting a monitoring technique for the original methods used to determine total carrying capacity, which is a critical method and tool to provide valuable data for proposal areas in their entirety, not just at a few key or selective sites.

While this modification technique may be appropriate for monitoring grazing distribution patterns and met the needs to gather relevant data to make adjustments to livestock authorizations and/or seasons of use, it fails to address the entire scope of rangeland productivity for all multiple users by eliminating data on the full range of forage production potentially available.

This data is necessary to adequately determine appropriate stocking levels for use outside the “poor grazing distribution” parameters and for formulating reasonably accurate management plans that maximize resource production without undue degradation of rangeland resources by reflecting variances in utilization patterns from other grazers besides livestock.

Specifically, total carrying capacity computations are essential for determining forage availability and appropriate use levels for wild horses, wild burros and wildlife species as their migratory distribution patterns and forage utilizations are often much wider in scope than domestic livestock.

In the current EA, BLM states that, *“There is evidence of horses traversing extremely rocky slopes in search of grasses.”* (pg. 21) Isn’t this a common foraging pattern with wild horses as, being a prey species, they do not “camp” at water sources like domestic cattle? This also supports the position that total carrying capacity computations are necessary to determine forage availability for all rangeland users such as migrating wild horses, wild burros and wildlife.

This is further supported by the fact that all photos provided in the current EA used to illustrate heavy to severe grazing on key areas attributed to wild horses, when magnified, contained no wild horse manure surrounding any of the sites.

This leads to one of two conclusions; either the BLM is in error when they are attributing the heavy grazing to wild horse presence or wild horses are moving quickly through these sites, quick enough to not leave any evidence behind and thus, supports the fact that their grazing patterns are much less concentrated and wider in scope than domestic livestock.

Both conclusions support the fact that the current standard being applied within the Soldier Meadows Grazing Allotment is in error due to its inherent bias towards wildlife species as it exclusively focuses on “poor grazing distribution patterns” at a few key sites, not total carrying capacity to maximize resource utilization for all rangeland users.

Adjustments to select areas receiving heavy to severe use can be mitigated through a variety of techniques such as fencing, pasture rotations, change of seasons of use, adding additional water sources to disperse grazing pressure and/or population adjustments to grazers utilizing any given area. Therefore, BLM is in error by omitting carrying capacity data and relying exclusively on utilization levels at “key” sites most reflective of livestock distribution, not total potential resource production.

Based on all the factors cited above, some obvious conclusions regarding the current wild horse and/or burros AMLs are:

- The 1988 allotment evaluation failed to analyze or include wild horse/burro populations and/or their impacts in any manner.
- The BLM did not dispute the initial stocking levels and forage allocations were only starting points and admit even within the current proposal, they were contingent on monitoring to determine the appropriateness of stocking levels for wild horses, wild burros and domestic livestock established in the 1994 Soldier Meadows FMUD.

- The validity of continuing to support the current wild horse/burro AMLs as appropriate were contingent on proportional allocations between livestock and wild horses/burros and monitoring data to determine class use and adjustment needs if necessary.
- BLMs recent authorization of large increases in livestock authorizations in the Soldier Meadows Allotment, despite well known drought conditions, indicates available forage has been arbitrarily and capriciously allocated for exclusive livestock use and fails to support BLMs contention that current wild horse/burro AMLs are appropriate.
- Based on BLMs reported wild horse populations from their March 2008 aerial census, wild horses exceeded the current established low AMLs for the Black Rock West, Warm Springs Canyon and Calico HMAs by at least 1,000 wild horses at the same time BLM was authorizing the increase of cattle use in the Soldier Meadows Allotment. Despite high wild horse numbers, BLMs monitoring information supported increased livestock use. This in turn indicates that impacts and utilization levels by wild horses throughout the area are substantially less, even at these high population levels. Therefore, much of the proposed removals “down to low AML” are merely an arbitrary designation that fail to accurately reflect “excess” populations within the thriving natural ecological balance.
- Errors and flaws in carrying capacity computations noted by NDOW range and wildlife specialists in 1994 have never been addressed. Accurate and complete data is a necessary and vital tool to develop management plans that maximize resource production without undue degradation of rangeland resources while supporting variances in utilization patterns from other grazers besides livestock.
- The BLM has substituted a monitoring technique used to identify poor grazing distribution as the primary tool to allocate forage availability throughout the proposal area, a technique that has an inherent bias towards forage allocations for wild horses/burros, who historically demonstrate wider migratory and grazing distribution patterns than domestic livestock.
- All HMAs within the Calico Complex proposal have yet to be evaluated for their conformance with Rangeland Health Standards, further supporting the evidence that the AMLs are not based on current rangeland data or the best scientific data available.
- The current proposal to remove wild horses to initial AML stocking levels are a perpetuation of general objectives established 27 years ago that have continued to evade appropriate data collection, monitoring, analysis and/or reporting to support authorizing the proposed action to achieve a wild horse AML now being upheld solely for administrative convenience, not appropriateness, accuracy or conformance with the MFP.

## 2. Wild Horse Population Inventories

In 2004/2005, BLM conducted removals throughout all of the Calico Complex HMAs with over 1,600 animals removed, approximately 100 more than BLMs National Program Office Herd Management Statistics reported as occurring within the area in 2004 (plus foaling rates).

Based on previous removal numbers being closely aligned with 2004 population reports, evidence suggests BLMs was able to reasonably account for an approximation of wild horse populations throughout the area.

Until 2008, BLMs National Program Office (NPO) Herd Management Statistics also reflected no significant change in wild horse populations. The NPO reported the following recent populations for the area as:

<b>BLM CALICO "COMPLEX" – WILD HORSE INVENTORY</b>			
<b><u>Herd Management Area</u></b>	<b><u>Wild Horse Populations as of 2/28 .</u></b>		
	<b>2007</b>	<b>2008</b>	<b>2009</b>
<b>Black Rock Range East</b>	<b>74</b>	<b>215</b>	<b>264</b>
<b>Black Rock Range West</b>	<b>76</b>	<b>399</b>	<b>507</b>
<b>Calico Mountains</b>	<b>264</b>	<b>549</b>	<b>660</b>
<b>Granite Range</b>	<b>208</b>	<b>301</b>	<b>364</b>
<b><u>Warm Springs Canyon</u></b>	<b>139</b>	<b>607</b>	<b>728</b>
<b>Totals</b>	<b>761</b>	<b>2,071</b>	<b>2,523</b>

In the current EA, BLM admits their newest population estimates show over a 50% increase in estimated populations and that this is "unrealistic", even with applying a suspect 20-27% reproduction rate to the all herds within the Complex.

The BLM is speculating on two possible reasons to account for these population discrepancies. The first reason is, their prior estimates of wild horse populations were in gross error by a margin of several hundred animals, that this error was not discovered during the entire gather operations of 2004/2005 both inside and outside the HMAs, and that this error continued to evade notice until the March 2008 helicopter census.

This is becoming a common theme with BLM; missing hundreds of horses in aerial census flights, missing them during and after gather operations as well as failing to discover these massive discrepancies in their monitoring data for the years following the round ups - as evidenced by the approval of increased livestock authorizations in the Soldier Meadows allotment in January 2008 due to what they described as "low population levels" to support this decision.

The BLM uses census methods recommended by the National Academy of Science and these techniques have been verified as accurate through independent scientific review. In 1991, an article published in the Journal of Wildlife Management 55(4):641-648 verified the results by stating that aerial counts consistently detected a large proportion of the wild horses (85-105%) but recommended that the high sightability probabilities reported should not be applied in areas with rugged terrain or dense woodlands.

Based on this information, how much of the Calico Complex terrain does BLM estimate falls within the category of "rugged terrain or dense woodlands" that could account for this gross margin of error in population inventories?

Also, who was the contractor that handled the 2004/2005 removals and would they support this theory, that they missed hundreds of wild horses during the gather operations?

The second possibility BLM offers to account for gross errors in wild horse populations now occurring in the Complex area is that during the removal operations of 2004/2005, these horses left the Complex and/or HMA boundaries for several miles outside the gather operations area in order to evade notice by both long-time experienced helicopter contractors and BLM personnel. Then, according to this second theory, once the gather operations ceased, wild horses returned to once again reside within the HMA boundaries.

What are the distance parameters BLM believes would be necessary for wild horses to travel to outside the gather operations parameters that could account for this many wild horses being missed during the 2004/2005 removal operations?

Currently, BLM is also reporting that wild horses are once again traveling outside the Complex boundaries in search of forage and water due to drought causing depleted range conditions.

This leads to some interesting questions that BLM is requested to address.

If wild horses traveled back into the HMA boundaries after the 2004/2005 removal operations, wouldn't that indicate that forage/water was more abundant inside the boundaries than outside the boundaries?

If forage/water conditions are now more depleted inside the boundaries than outside the boundaries, which is causing wild horses to again disperse to these areas, are excessive livestock authorizations the cause of depleted forage/water conditions now affecting the area?

Finally, though BLM fails to fully address this issue, the EA clearly states that the current population estimate are based on *“population modeling and confirmed with a 2009 helicopter census”* (pg. 22)

As a result of BLM using “modeling” to project the current “excess” wild horse populations, please provide detailed descriptions regarding the techniques BLM employed.

1. What were the parameters used to “model” this population?
2. What program or software was used?
3. What correction factors, if any, were applied? And if so, what was the correction factor percentage applied to the visually observed directly counted animals?
4. What were the direct visually observed animal counts of the 2009 census?
5. What kind of aircraft was used during the 2009 census, fixed wing or helicopter?
6. Was the 2009 census flown in a grid pattern or was a random approach used? How many miles did the census cover and over how many days?
7. How many people were used during the census operations that counted wild horses?
8. What percentage of the Calico Complex and corresponding HMAs were flown over during the 2008 and 2009 census flights?
9. How much area was covered during these census flights “outside” the Calico Complex boundaries?

BLM intends to fly a post-gather population census within one year after the removals. Yet there is a degree of uncertainty about actual wild horse populations residing in the proposal area due to BLMs application of a variety of “projection and modeling” techniques via census methods and highly variable reproduction rates.

The 2004/2005 pre/post-gather populations and average reproduction rates for wild horses does not support BLMs newest population estimates by a large margin. If BLMs new population estimates are correct, it suggests BLM is extremely inconsistent and/or incapable of obtaining accurate population inventories on the range. If BLMs waits up to a year to census the post-population horses and discovers they removed *too many wild horses*, how will BLM remedy this?

### 3. Drought/Water Availability

In the current EA, BLM states, *“Recent monitoring studies and observations in the Calico Complex indicate that moderate and heavy utilization has occurred in the upland habitats and in many lentic and lotic riparian areas (studies available for review at the Winnemucca Field Office). This along with the continued drought confirms the established management range for the wild horse and burro population in the Calico Complex is still appropriate.”* (pg, 3)

Please provide the monitoring dates and areas monitored that are used to support this statement.

With respect to the reference of current drought conditions affirming established wild horse and burro AMLs are still appropriate, according to the environmental analysis of the Soldier Meadows Allotment, BLM admitted that increasing livestock authorizations in the area, even at the 30% utilization level analyzed under the Proposed Alternative, may potentially cause wild horses/wild burros and wildlife stress and increased competition in times of severe winter or drought. Drought occurs 1 out of every 3 years in Nevada. Despite this, when BLM issued the final decision for the Soldier Meadows Allotment, they increased authorizations to a 50% utilization level.

Please describe how BLM has reconciled these two opposing statements and management plans; that drought conditions affirm wild horse/wild burro AMLs are appropriate but approving the recent changes in livestock use would knowingly cause increased stress and competition to wild horses/wild burros in the area due to drought.

Additionally, part of the Soldier Meadows livestock authorization included pasture rotations, rotations that required locked gates during the time livestock were grazing in them. What impacts do these closed areas of public lands have during drought conditions on wild horse/burro access to limited water sources in the area during drought conditions, especially in the summer and fall seasons? Has this resulted in unfair concentrations of wild horses around now limited water sources?

What evidence can BLM provide the public that supports its assertion that it is truly drought conditions that are responsible for causing stress to wild horses/wild burro populations and/or rangeland health and that this is not merely the result of current livestock authorizations being responsible for these conditions?

In BLMs Alternatives Eliminated from Analysis Section, BLM eliminates water trapping as an option by citing water sources are so numerous in the area that trying to lure wild horses through this method would be impossible due to their relative abundance.

Please explain these opposing positions; that water is so limited due to drought conditions, it is affirming the current AMLs while simultaneously stressing wild horse populations and rangeland health and that, water is so abundant, it prohibits an analysis of water trapping methods.

#### 4. Multiple Errors Within the EA As Written

Please address the following errors found within the current EA.

1. Under Section 1.1, Background Information, BLM cites a wild horse population of 3,055. In other sections, it references the population as 3,095. Which population estimate is correct?

2. On page 27, BLM states the HMA is managed for an AML range of 188 to 314. There is no explanation for this HMA or numbers.
3. Under Section, 2.1.2 Alternative 1. Proposed Action: Removal, Fertility Control & 60% Male Sex Ratio, BLM states, *"2,476 (80%) to 2,787 (90%) wild horses of the total estimated wild horse population (3,095 head) would be captured, up to 264 head (80 treated mares and 184 studs) would be released back onto the range, and 2,476 to 2,523 excess wild horses would be removed from the range to achieve the low range AML"*. (pg. 13) A 60% male sex ratio of 264 animals is only 158 studs, not 184.
4. Some of the photos BLM uses and references in the EA to provide evidence of rangeland deterioration and damage don't seem to match the references. For example, BLM references photo 7 as, *"Site visits were conducted in late August and mid-November. Where grasses are accessible, utilization is estimated between 40 to 90 percent throughout the HMA with the majority of plants showing utilization of 60-80% (photo 7)." (pg. 21)* But the caption under photo 7, reads, *"Summit Springs, Black Rock Range West HMA, low spring flows, 10/08"*. Photo 9 is presented as evidence of heavy utilization in the 2002 burned area but there is no detectable visual observations of any "burned area" and photo 10, also referenced on page 21 as evidence of heavy utilization of the burned area has a caption under it that reads, *"Little water of poor quality in small dirt catchment, Calico Mountains HMA, 8/08."* Also, photos 11 and 12 illustrate forage consumption on basin wildrye and *"decadent browse species"*, both taken on 8/08. Aren't browse species generally consumed by other wildlife such as pronghorn antelope and mule deer, not wild horses or burros?

## 5. Cumulative Impacts

In the summer of 2008, BLM announced it no longer had sufficient funding to feed captured wild horses and/or burros. Recently, they have also put out bids for new long term holding facilities because the current facilities are full and they no longer have any place to warehouse more captured animals.

As a result, BLM has been considering a variety of options to deal with the cumulative impacts of site-specific removals. Some of these include euthanizing tens of thousands of wild horses and burros both on and off the range, urging Congress to grant them unlimited use of the "Instant Title" option that would no longer protect wild horses/wild burros from being sold for slaughter, increased sterilization programs, both on and off the range, as well as dramatically increasing both application of and potential experimental sterilization methods on captured animals, transfers of wild horses/wild burros as public resources to private owners, and/or attempting to establish private sanctuaries to warehouse excess animals.

In addition to these issues, both Congress and the American public have become nationally distressed at the cost of BLMs management of the Wild Horse & Burro Program, a cost that has made significant impact on the human environment on a national level.

BLM is required by law to protect wild horses and burros from unnecessary capture, branding, harassment and death and to do so with “minimum feasible management”. Currently, many of the wild horses BLM proposes to remove within the Calico Complex will be potentially subject to starvation in BLM pens due to lack of funding, will have no facilities to warehouse them in, and/or may be euthanized, sterilized or transferred immediately to private ownership with no further accountability, thus potentially causing them irreversible and irreparable harm.

Please address the issues of “where” BLM intends to warehouse the Calico Complex wild horses, “how” they intend to pay for feeding them during the lifetime of their future incarceration, and what measures is BLM taking or alternatives BLM could consider that would protect these wild horses from unnecessary capture, branding, harassment, injury and/or potential deaths via euthanasia or slaughter.

For example, under CFR 4710.5(a), BLM has an Alternative this EA currently fails to address, which is, *“If necessary to provide habitat for wild horses or burros, to implement herd management plans, or to protect wild horses or burros from disease, harassment or injury, the authorized officer may close appropriate areas of the public lands to grazing use by all or a particular kind of livestock.”*

Another option might be, according to the 2005 GOA report on livestock grazing on public lands, the size of today’s cattle have increased by approximately 23% since 1984, from an average of 1,050 lbs to an average of 1,242 lbs. Are the permittees in the proposal area running “super sized cows” that are consuming much more forage than BLM can account for? Could reductions in these cows cause an increase in wild horse/burro populations that would prevent them from entering the already overstressed adoption system, risking possible starvation, euthanasia or slaughter while still providing accurate payment to the American people for the forage the permittees are actually using?

## 6. Gather Operations/Trapsites

According to this proposal, BLM is expecting to maintain contractors for the duration of up to three months. Please provide the public with the cost of keeping the contractors “on call” and in the area for this length of time.

According to the Capture Area Map, while three sides are closely aligned to the HMA boundaries, the East side is depicting a rather large area to be included within the proposed removals. Please define how far “outside” the HMA boundaries this area is, why BLM will only target this area versus the other HMA boundaries and what the estimated wild horse population is.

Please provide a Capture Area Map that shows trap site locations and their legal descriptions, routes BLM will use to drive wild horses to the trap sites and the maximum estimated distances to each.

Due to the length of time the capture operations may last, how long is the estimated average and maximum length of time BLM will allow wild horses to be held in the temporary trap site pens until they are transported to short term holding facilities?

Other documents obtained from the National Program Office indicate that wild horses may be transported and retained at holding facilities and then returned to the range/HMA. Please specify if the current proposal will incorporate this option in its post-gather activities and if so, how many, for what purpose and how long will wild horses be retained and/or returned.

If wild mares are treated with fertility control, how will BLM identify them as being treated? Please present for public review what methods BLM will use to identify treated mares such as brands, photos, etc.

## 7. Reproductive Rates/Population Modeling

Please explain the following.

1. On page 2, BLM states that, "Wild horse herds in this area generally increase between 20-30%". Which horse herds is BLM specifically referring to here?
2. BLM states that, "*The current estimated population of 3,095 wild horses for the Calico Mountain Complex is based on current modeling...This estimate is based upon survey results projected using historic growth rates for each HMA (20-27%)*". Please provide a specific breakdown of each HMA's historic growth rates to support this statement.
3. In the Population Modeling Appendix, Table 1. WinEquus Modeling Results by Alternative, BLM lists under the "No Action" Alternative that the reproduction rate is 18-23%. Please explain why a lower reproduction rate is listed in this Population Modeling Appendix versus the rest of the EA and what specific reproduction rates were used to project the current populations.
4. According to results from the Proposed Action of a 80% GE rate, BLM projects the annual growth rate to be between 5-10%. However, in the Proposed Action description of the 80% GE, BLM does not intend to apply fertility, only if the gather efficiency exceeds 80%. Please explain how BLM projected wild horses not treated with fertility control will only have an annual growth rate of 5-10%.

5. According to BLMs Proposed Action at a 90% GE rate, a 40% mare/60% stud ratio will be implemented along with the injection of PZP in released mares. Based on implementing this action, BLM projects that reproduction rates will range from 1-6%. Please explain why there is only a 4% change in reproduction rates between the 80% versus 90% GE rate when one administers PZP and one does not.
6. BLM states that the Proposed Action of a 90% GE rate will result in annual reproduction rates that are too low to be sustainable over time. If this is the case, why is this Alternative being considered and why wasn't it dismissed from analysis?
7. In the 90% GE rate, an estimated 308 wild horses will evade capture over the three-month gather operations. Based on this estimate, BLM may release "up to 264" animals to equal the "low" AML of each HMA for a total estimated remaining population of 572. At a 6% reproduction rate, BLM then projects the gather cycles will be triggered about every 5 years.

The BLMs interpretation of this data is in error. A maximum projected reproduction rate of 6% would not trigger the need for a gather until 2018/2019, twice as long as BLMs Population Modeling Program is projecting/reporting. This also indicates the projected # of Animals Removed (Average) (over a 10 year period) must be in error as well.

#### 6% Reproduction Rate

Year 1: 572 + 34 foals in 2010 = 606
Year 2: 606 + 36 foals in 2011 = 642
Year 3: 642 + 38 foals in 2012 = 680
Year 4: 680 + 41 foals in 2013 = 721
Year 5: 721 + 43 foals in 2014 = 764
Year 6: 764 + 46 foals in 2015 = 810
Year 7: 810 + 49 foals in 2016 = 859
Year 8: 859 + 51 foals in 2017 = 910
Year 9: 910 + 54 foals in 2018 = 964

8. Under Alternative 2, Removals Only, BLM cites a reproduction rate of 14-21%. Why is this reproduction rate higher than the Proposed Action of 80% GE (5-10%) but lower than the No Action Alternative (18-23%)?
9. The Population Modeling Appendix has omitted the charts that report Low, Average and High Median Averages and their corresponding reproduction rates at each Median level. Please include these charts for public review to determine if BLM has made errors in either their collection or interpretation of the WinEquus data.

## 7. Environmental Impact Statement

Due to all the described conditions in this submission, the proposed action constitutes a significant impact on the human environment and requires a more detailed and in-depth analysis on multiple levels, which include; current wild horse and burro AMLs being appropriate, how many wild horses and burros are truly in excess, appropriateness of methods used to determine current multiple use allocations between domestic livestock, wild horses/burros, and wildlife as well as these allocations conformance with the MFP, water availability and production, rangeland health assessments, monitoring data, accurate population inventories, addressing national cumulative impacts resulting from site-specific removals that BLM has not considered individually significant but have created significant cumulative results to the human environment this analysis fails to address, not presenting the public with a wide range of alternatives or taking the required "hard look" at a the totality of multiple use management that has and continues to be authorized and implemented within the proposal area, much of which appears to be either not supportive of or contradictory too the proposed actions currently under review.