

From: REMOVED

To: Bureau of Land Management  
Surprise Field Office  
PO Box 460  
Cedarville, CA 96104  
Cc: Interior Board of Land Appeals, Regional Solicitor's Office-CA

RE: Appeal and Request for Stay of Final Decision on EA CA-370-06-16  
(Letter of Final Decision states EA# CA-370-056-16)

I am appealing the Final Decision of EA CA-370-06-16 by the Surprise Field Office and Field Office Manager, Owen Billingsley issued on August 25 and August 30, 2006.

I am also requesting a "stay" regarding the implementation of said decision until further review by an impartial and objective panel is completed.

The proposal options presented in EA # CA370-06-16 present significant direct and indirect impacts on the High Rock Herd Management Area and the horses within them.

These include:

- A) failure to address or respond in any significant manner to public concerns and questions regarding the proposed actions as well as the justifications for them,
- B) significant and immediate impacts to current and future herd health and genetic viability,
- C) proposed actions resulting in excessive financial impacts and liabilities that is of concern on both the public and national level.
- D) legal compliances by this field office of official BLM standards, guidelines, state policies and federal laws.

The postponement of this proposed action is necessary because:

- A) Permanent removal of the animals in the proposal is just that, permanent. This will cause direct and indirect harm to the animals and their current status as wild free-roaming horses. The cost of a temporary stay in lieu of this permanent action is minimal. However, proceeding with the proposed action without review will, in addition to causing permanent changes within the HMA, their genetic viability and the status of the wild-free roaming horses, result in financial expenditures that the public believes is unnecessary and uncalled for at this time and may contribute to fiscal irresponsibility within the Wild Horse and Burro Program.
- B) Included is an alternative proposal that would be more in compliance with current herd health, future health and genetic viability, and be more fiscally responsible for long-term management within the wild horse and burro program.

High Rock HMA Final Decision

Appeal CA-370-06-16

Summary of Concerns and Issues  
Regarding the Appropriate and Lawful Management of High Rock HMA

Evidence was found that the Surprise Field Office is inappropriately and unlawfully administrating their duties and responsibilities towards the health and welfare of the wild free-roaming burros located within the High Rock Herd Management Area as required by Public Law 92-195.

The proposed action of horse removal numbers is the initiation of a strategy to re-allocate resources for exclusive use by wildlife, possibly livestock, and permanently eliminate wild and free-roaming horses from the area.

Through improper management of wild horse populations, allowing them to far exceed appropriate management levels, the Surprise Field Office has been able to “honestly report” rangeland deterioration as the justification of drastic and unhealthy removal numbers.

The proposal of removal numbers is excessive and threatens the genetic viability of the continued health and propagation of the herd. Because the remaining animal population will be so low, chances of inbreeding are significantly increased. This, in turn, will lead to the justification that viable populations can not be supported within the area and therefore, all animals must be removed.

By applying double standards and veiling the agenda behind “multiple-use” compliances and “thriving ecological balance”, the Surprise Field Office is manipulating the information contained within this environmental assessment to support conclusions and decisions that are not:

- a) Based on sound science,
- b) In compliance with proper administrations and laws,
- c) In the best interest of the horses,
- d) Dutifully executing multiple-use standards, and
- e) Being honest or open with the public at large.

Despite the “excessive” numbers now currently roaming the herd management area, no evidence was found to support rangeland deterioration or that the horses were in fact, responsible for deterioration. In fact, quite the contrary as evidenced by the recorded stubble heights within “impacted riparian areas” accessed through another BLM environmental assessment. The claims made within EA # CA-320-06-16 that the herd management area lacked sufficient resources to provide for large, healthy herds was found to be largely, unsubstantiated. What was found was the desire to redistribute the resources of the HMA for exclusive use of bighorn sheep recently transferred to the area.

References have been included in this appeal that support the allegations of “prejudice” regarding the wild horses and their welfare. These range from the current administrations support of live stocks’ favorable treatment, the “advise” of the Resource Advisory Council, other field officers that the Surprise Field Office coordinates with as well as local values within the area.

The concerns, questions and comments by the public regarding the welfare of the horses, the surrounding environment and the information provided within this EA were not addressed or given sincere consideration. The amount of time it took the Surprise Field Office to make a final decision after the public comment period closed on August 23, 2006: 1 day. The amount of time that the removal numbers were posted on the Bureau of Land Management Gather Schedule for 2006 without an environmental assessment: 11 months.

Alternatives which would have been closer to supporting viable herd populations, promoting their welfare, be in compliance with existing standards and laws, and still provide an environment that truly conforms to the principles of establishing and maintaining a “thriving ecological balance” were not considered.

The following information is provided to substantiate this summary and its’ conclusions.

**The Plan:**

In 1989, the National Department of Wildlife (NDOW) transferred bighorn sheep from British Columbia to the general area that the High Rock HMAs' boundaries lay. This area is referred to as Unit 012. It was felt that High Rock Canyon and the surrounding area would be an ideal environment to promote bighorn sheep populations as they were becoming quite threatened. The results of this transfer have surpassed all expectations with NDOW describing bighorn reproduction as "spectacular" within Unit 012.

One of the concerns expressed by those involved in the planning and implementation of establishing a bighorn population in the area was the knowledge that, in order for bighorn populations to thrive, they required a great deal of solitude in order to feel "safe". This was addressed through closing off public access to key areas at critical times to encourage feelings of "safety" and promote reproduction.

In 1995, bighorn sheep were physically introduced to the High Rock Canyon area and have since flourished. However, NDOW has expressed that the reproduction rate is less than "ideal" and is seeking and applying pressure for BLM to address any other public land usage that may be limiting this "ideal" reproductive rate, specifically, people and horses.

Despite the fact that wild horses were residing in the High Rock HMA for over 25 years before the implementation of this plan, and it was acknowledged in the beginning that bighorn required special treatment, their transfer was allowed because it was believed that "multiple-use" could be managed within the area for all species concerned. At least, that is what the public at large was told.

However, a decade later, NDOW is exerting great pressure to eliminate horses in the area for the exclusive use of resources for the bighorn. While the Surprise Field Office is currently issuing decisions that don't completely eliminate horses from the lawfully established herd areas, the decisions they are implementing are designed to initiate a process that will allow future herd elimination.

The plan to eliminate horses from the High Rock HMA managed from California and the adjacent Warm Springs HMA managed in Nevada is frequently discussed in a variety of documents and environmental assessments issued by BLM field offices that coordinate in the area. This reduction and elimination is being coordinated on multiple levels.

The first is, improperly managing horses populations by allowing them to far exceed area resource capacity, which has resulted in less than a "thriving ecological balance". This is used as justification for excessive removal numbers, which will now threaten the genetic viability of the horses in the area by significantly increasing the chances of inbreeding, and appropriate management levels that are extremely low for herd health.

The second is to exclude horses from water and forage sources they currently utilized. In some instances, systems will be established that run water to troughs or other means. Yet these require maintenance and there are many stories of established water sources for horses that are not maintained and cause horses to expire only feet from the source.

The third level is to cite every possible consideration of multiple-use that the horses may be violating while ignoring and failing to report these same impacts from other sources. The multiple-use considerations often cited in violation are cultural resources, trammeling effects in the wilderness, soil compaction, water quality, failure to meet rangeland health standards and riparian damage.

The last level is to ignore aspects of the law that require protection of horses while highlighting the multiple-use and thriving ecological balance requirements.

A herd area is an area designated by Congress under Public Law 92-195 that states;

“that wild free-roaming horses and burros shall be protected from capture, branding, harassment, or death; and to accomplish this they are to be considered in the area where presently found, **as an integral part of the natural system of the public lands.**”

There is also this completely ignored line in Public Law 92-195 Section 1332 (c) which states:  
“range” means the amount of land necessary to sustain an existing herd or herds of wild free-roaming horses and burros, which does not exceed their known territorial limits, and which is **devoted principally** but not necessarily exclusively to **their welfare** in keeping with the multiple-use management concept for public lands”.

This is the essence of the Wild Horse & Burro Program and why the Bureau of Land Management has been charged with the implementation, coordination, administration and management of it. It's why the law was passed, why herd areas were established, and why the program is funded.

With this summary and background, how does the following excerpts taken from BLM issued documents comply with multiple-use concepts, principal concern for the horses welfare, and proper implementation of the WH & B program?

From EA # CA-370-06-02:

Pg. 43

“Fencing and **the exclusion of wild horses from three small spring meadows** would have few impacts on pygmy rabbits.”

From EA # CA-370-06-02:

Pg. B-9

“Construct three separate enclosure fences around existing springs to mitigate impacts of heavy wild horse and livestock use. Only one of the enclosure fences would be within the Wilderness. The enclosure fences would use a design that allows bighorn sheep and other wildlife to access the water, **but would exclude wild horses and livestock from the spring sources.**”

From EA # CA-370-06-02:

Pg. B-9-

“HRSP#20 within the Wilderness Area would be fenced to protect the spring source from excessive wild horse use. It is estimated that approximately 750 feet of fencing would be constructed to enclose about 0.6 acres. **Troughs would not be constructed at the spring**, but water would be allowed to flow outside of the enclosures for wild horse use **during the spring season.**”

From EA # CA-370-06-02:

Pg. 12

“Approximately 1300 feet of wooden buck and pole enclosure fencing would be installed at HRSP#27. This enclosure would contain approximately 2 acres surrounding the spring, but would provide water available outside the enclosure for wild horses, burros and livestock. A spring (HRSP#20) within the East Fork High Rock Canyon Wilderness Area would be fenced to protect the spring source from heavy wild horse grazing. It is estimated that approximately 1,000 feet of steel buck and pole style fencing would be constructed at HRSP#20 to enclose about 0.5 acres. **A water trough would not be installed at the spring.** Water would flow outside of the enclosure during a **short period** during the spring of the year.” So what happens during the rest of the year?

From EA # CA-370-06-02:

Pg. B-13

“The alternative would provide a contrast in management between wilderness and adjacent public lands. Wild horses are relatively common throughout Nevada and the Great Basin. **Removing horses** from the Wilderness would eliminate impacts to naturalness and would provide that natural processes are relatively less impacted than in other portions of public lands in Nevada.”

Pg. B-12

“Reducing the Appropriate Management Level or **eliminating wild horses** in the High Rock and Warm Springs Canyon Herd Management Areas. This action would reduce or eliminate the **potential** impact that the horses are having on existing water sources and the bighorn sheep population....the impacts that wild horses have on the untrammled character of the wilderness would be reduced or eliminated.”

From EA # CA-370-06-02:

Pg. 44-45

“Water improvements are dependant on the maintenance of functioning structures (pipelines, valves, and troughs). **Water may not be available if the structures become non-functioning. Limiting access** to any accessible watering site will increase the use on remaining available sites. It is not uncommon to observe between 30 - 100 horses waiting to water when numerous small dirt catchments dry up in the summer and pressure on low volume producing springs increases. This is especially true if any of the few developed waters become non-functioning during the summer/fall seasons. The result would be to decrease summer/fall water availability in the drier portions of the two HMAs. However the water source that would be eliminated from horse use is of low volume and is only capable of providing water to a few horses during the hottest part of the summer within the High Rock HMA. **Loss of this water would reduce the available summer/fall horse habitat by several thousand acres.** However the ability of the remaining habitat within the High Rock HMA could be capable of supporting the 30 to 40 head associated with the AML for the east of High Rock home range.”

From EA # CA-370-06-02

Final Decision Record issued on 6-29-06

Pg. 1

“This alternative will result in the fencing of three springs in the High Rock area in 2006 with buck and pole style fencing: Buck Spring, HRSP #20 and HRSP #27. Additionally at Buck Springs, the road would be moved from the meadow, the old troughs removed from the meadow, and a new collection box, pipeline, and tire trough installed outside the enclosure fence. However, if actions in the approved alternative do not sufficiently remedy impacts to Bighorn sheep populations, the NDOW proposal will be reconsidered during the evaluation.”

-Notice that old troughs will be removed and a new tire trough will be installed. The key here is *troughs*, indicating more than one. Yet only one will replace it.

“The fences that protect the meadows would allow the three meadows to increase in area and in vegetation production and species diversity by **excluding wild horses on all the meadows** and occasional livestock grazing on the two eastern meadows. It is also likely that water flows would be increased in both amount and duration due to decreased compaction of soils at spring heads. This would support bighorn by increasing water availability and **providing for drinking sites free from wild horse competition.**”

From Black Rock-High Rock RMP -July 2004

From Appendix B: California and Nevada Rangeland Health Standards and Guidelines

pg.B-4

“14. Recognizing State Water Law requirements, wildlife and wild horses/burros within their Herd Management Areas will have access to surface water they customarily use.”

“17. Grazing management practices shall be planned and implemented to allow for habitat requirements of wildlife and wild horses and burros within Herd Management Areas.”

Pg. B-12

“Opportunities for solitude would be impacted during the **removal of wild horses** by the sounds and sights associated with the possible use of helicopters and work crews. The crews and helicopter use would probably be visible from many areas within the adjacent Wilderness and the sound from the construction would carry for long distances. However these impacts already occur during the regularly scheduled wild horse gathers and would be relatively short in duration, about one week.”

“The alternative could have impacts on primitive recreation. This impact would vary among visitors, some would see it as a benefit to the primitive recreation experience because of **the potential improvement in vegetation and riparian areas**, and other visitors would see it as an adverse impact because viewing wild horses adds to some visitors primitive recreation experience.”

From EA # CA-370-06-02:

Pg. B-12

“This alternative would enhance the naturalness of the area by **reducing or removing a non-native ungulate** and their associated impacts from the Wilderness.”

Pg. B-5

“Several springs in the area within bighorn habitat are currently be impacted by wild horses and livestock. Because both livestock and wild horses are **non-native animals** and are intentionally and consciously managed by BLM their impacts could be considered a “trammeling” effect on the wilderness. This may require some form of action to reduce the impact to the areas “untrammled” character.”

From EA # CA-370-06-02:

Pg. 53

“Periodic gathers of wild horses and burros and occasional **adjustments of AMLs or HMA boundaries** should support attainment of Land Health Standards supporting high quality wildlife habitats.”

From EA # CA-370-06-02:

Pg. 1

“In 1989 NDOW initiated the first of several California Bighorn reintroductions into Management Unit 012, a 684,884 acre area in which the East Fork of High Rock Canyon Wilderness Area comprises about 7.7 % of the unit (Map 1, Appendix 1) . Bighorn sheep were reintroduced into High Rock Canyon in 1995. Since 1989 five separate releases of Bighorn Sheep have occurred in the hunt unit, with a total of 93 sheep being released. NDOW censuses of this population have shown increases in numbers (NDOW, 2002). NDOW estimated the population at 190 sheep in 2004 (NDOW, 2004). NDOW data from 2004 shows bighorn sheep occupying 235,169 acres or about 34% of Unit 012.

From EA # CA-370-06-02:

Pg. 23-24

“During the winter of 1996, 17 bighorn sheep, captured from British Columbia, were released in High Rock Canyon. The population was augmented in 1997 with an additional 17 sheep from Humboldt County, NV. In 1999 an additional 23 sheep were released into Little High Rock Canyon. The total Unit 012 population is estimated to be about 190 sheep (NDOW, 2004a). The NDOW survey data for the Unit 012 population **shows excellent fall recruitment of lambs, which is indicative of bighorn sheep populations that are healthy and viable** (NDOW; 2002, 2003b and 2004b). NDOW describes the population increase in the Unit as “**spectacular**” (NDOW, 2002) and “**has sharply increased in numbers**” (NDOW, 2003b and 2004b). NDOW captured and removed an estimated 20 sheep from Unit 012, including sheep from the analysis area in December 2004 to augment other populations in Nevada (NDOW 2005a). In 2005 NDOW (2005a) estimated the population at 170 animals citing the removal of sheep in 2004 as the cause of the drop from the previous high of 190 sheep. In 2005 NDOW (2005b) estimated that the bighorn population in the High Rock Canyon area at 50 sheep,

or 30% of the 012 unit population and the High Rock complex, including Little High Rock Canyon, at 95 sheep, or 56% of the 012 population. They also feel that the High Rock area population is not growing at a rate consistent with the potential of the area. NDOW also estimated **potential sheep populations in the entire High Rock complex at 150 to 250 sheep**. They attribute the lack of adequate growth in the High Rock bighorn population to competition for water and forage with wild horses and increased recreational use in High Rock Canyon. In 2004 NDOW mapped the area occupied by bighorn sheep in the state. The distribution for the High Rock area is shown on Map 5 (Appendix A). NDOW (2005b) also provided two potential 012 bighorn populations in 10 years (2016) based upon present rates of lamb recruitment to ideal rates. The assumption NDOW used is that the present rate of lamb recruitment is being depressed by wild horse and burro impacts on key water sources and loss of habitat due to increased recreational use. Their models predict at present growth rates the 012 bighorn population would be 270 sheep in 2016 and with improved growth rates, the population would be 437 sheep a difference of 167 sheep.”

From EA# CA-370-06-02

Pg. 43

“Fencing of three small spring meadows would not change the area of **high quality** bighorn sheep habitat within the High Rock area. **Therefore it is unlikely that the potential population of bighorn sheep in the High Rock Canyon area would be increased.**”

Despite the obvious success of the bighorn sheep population within the area, it is not enough, is considered less than “ideal” and is not fulfilling it’s “potential”. The obvious conclusion is that the horses that have always occupied the area must be eliminated so that the bighorn sheep population can be boosted to 437 head. Is this the way that multiple-use is implemented by the BLM? Is there now a new standard for “thriving ecological **balance**” the public is unaware of?

Pg. 36

“In support of their application, and in additional correspondence NDOW, stated that bighorn sheep are being adversely affected by increased recreational use within the High Rock Canyon area and by harassment and habitat loss from wild horses and concluded that the construction of two new, artificial water sources is necessary to mitigate the adverse impacts to bighorn sheep.”

“There currently **no direct evidence** that recreational use is limiting sheep populations in the analysis area. There is some indirect evidence, based upon regular observations of bighorn sheep in high visitor use areas of High Rock Canyon, **that humans are having little impact to bighorn sheep at current use levels.**”

NDOW is claiming that recreational use and harassment and habitat loss from wild horses is having adverse impact on bighorn sheep. Yet, BLM stated that **no evidence** is found to support the assertion that recreational visitor use is having much of an impact at all. Thus, the only assertion left is horses being the adverse impact. No evidence is provided that an effort was made by the Surprise Field Office to ascertain if this assertion was equally untrue.

Furthermore, the assertion that horses are harassing and causing habitat loss is stunning considering it is the bighorn sheep which just recently arrived that is **causing the harassment and loss of habitat to the horses.** How would BLM reply to the proposal of exclusive use of resources by horses in *their own designated herd areas*?

It is of interest to note that, while almost all references to wild horse impacts are detailed in the most negative ways, so much so that they are being seriously considered for complete elimination, the following comment about livestock was issued:

From BLM Northeast California Resource Advisory Council Business Meeting,  
Eagle Lake Field Office, Susanville, CA,  
Summary Minutes, September 26, 2003:

“Ken McGarva suggested that wildlife refuges should be considered as locations for reserve common allotments. They can produce good livestock feed and are situated in areas that could support cattle. He said most were previously large ranches. He said cattle would do well in these areas. He said livestock grazing on refuges would also improve resource conditions.”

Perhaps, like the implemented plan of transferring non-native bighorn sheep to the established HMA, there is still yet another agenda in the wings for the utilization of the resources currently designated for wild horse and burro use.

From Draft Resource Management Plan- Executive Summary  
Pg. ES-11

“If Rocky Mountain elk become established within the field office area, coordinate with state wildlife agencies and other cooperators, including livestock operators, to develop and implement management plans.”

From BLM Northeast California Resource Advisory Council Business Meeting,  
Alturas, CA:  
Summary Minutes, Jan. 5-6, 2006:

“Work is underway on projects to restore aspen stands that have been impacted by juniper encroachment. The Rocky Mountain Elk Foundation and Mule Deer Foundation are **contributing funds.**”

When I inquired at our local Las Vegas office about raising funds to replace a water system found to be in highly degraded condition in the Red Rock herd area, I was told that this was not allowed by BLM. Was that true? If so, how are they allowed to contribute funds?

### **Evidence of Excessive Animals:**

The environmental assessment issued for the gather and removal of wild horses in the High Rock HMA, EA# CA-370-06-16 states the following:

Pg. 1

“Recent information indicates that current populations of wild horses are significantly impacting riparian resources. Therefore, the key limiting factors for wild horses within the HMA continues to be riparian impacts by wild horses and the limited amount of water available for yearlong wild horse use”

Section 3.3 states;

“ availability of water sources has been determined to be one of the key limiting factors for wild horses in the HMA”.....”In addition to natural water sources, there are several small reservoirs in the HMA”.

It cites reservoirs as the reason for limitations and justifications of gathers, but not the natural water sources and Section 3.5 states; “The canyons are relatively well watered....”.

As already shown, the availability of water is not the issue as much as the desire to exclude horses from it. Other documents regarding the water availability, quality, and riparian area analysis don't agree with the claims made in this EA.

### Riparian Areas:

The following two paragraphs are listed for information and the requirements of healthy rangeland standards as established by the BLM.

From Black Rock-High Rock RMP, Rangeland Health,  
Appendix B, Riparian Areas 2  
Pg. B-11

“Because stream banks may be inadequately protected by heavy use in any one year and because stubble heights below 3 inches result in cattle shifting their preference to shrubs, stubble heights below 2 inches in any one year will require a management change in the following year.”

From Record of Decision, Northeastern California and Northwestern Nevada,  
Standards for Rangeland Health and Guidelines for Livestock Grazing Management-  
Pg. 9

Utilization of Key Riparian Species

“A 4-6 inch minimum stubble height will remain at the end of the growing season in most riparian areas.”

From EA CA-370-06-02:

Pg. 17

“Use by wild horses was evaluated in 2005 on meadows associated with each of the three springs during the summer or fall season. Median stubble height measurements at Buck Spring were 12.5 inches on rush species, 12 inches on bluegrass, and 9 inches on sedges. Ungrazed height measurements were 20, 14, and 23 inches respectfully.”

From EA CA-370-06-02:

Pg. 12

“The existing road would also be rerouted around the springs **to stop the impact that motor vehicle use is currently causing to the riparian area associated with Buck Springs.**”

The 2005 measurements indicate that, while horses are utilizing the riparian areas, they are not reducing it to sub-standard, unhealthy or unacceptable levels. This is while their current population was over **three times** the recently established high for appropriate management levels. These measurements were also taken from Buck Springs, the main water source scheduled to be fenced off due to “over-utilization by horses.”

What is wrong with this picture?

From EA CA-370-06-02:

Pg. 2

“NDOW identified two factors they feel are currently limiting population expansion in the High Rock Area; expanding recreation use in High Rock Canyon and **the poor condition of riparian habitats associated with upland spring sources as a result of heavy wild horse grazing.**”

Has BLM personnel done any verifying or reports of their own? Are the determinations of NDOW the sole source of information that “riparian areas” are in poor condition? While BLM coordinates with many public land and resource agencies, it is common knowledge that NDOW refers to horses only as “feral” and non-native. This is the same organization that refers to a bighorn sheep species that **never inhabited** Nevada as a “re-introduction” and other non-native species that make “good hunting” as acceptable within the wilderness plans. While NDOW is not charged with the care or protection of wild free-roaming horses and burros or to consider them as an integral part of the public land system, BLM is.

## Water Sources and Quality

From EA CA-370-06-02:

Pg. B-10

“would also reduce the existing impacts to the untrammled character that wild horses **may be** causing to the existing springs.”

From EA CA-370-06-02:

Pg. 26

“Waters sources within the analysis area were identified from past inventories and USGS 1:24,000 topographic maps. A number of water sources that were not well inventoried were visited in September 2004. **Water sources, both streams and springs, that have a high probability of providing dependable water during the late summer and fall were selected and buffered** with a one mile and two miles radius. High probability bighorn habitat within 1 mile of dependable water.

From EA CA-370-06-02:

Pg. 16

### Wetlands and Riparian Zones

“Wetland and riparian situations are associated with two environmental settings in the High Rock Canyon area. The interrupted streams that flow in High Rock Canyon, Mahogany Canyon and Pole Canyon support narrow stringers of wet, semi-wet and dry meadow communities and clumped distribution of coyote and yellow willows. Riparian function assessments conducted by BLM within the past 5 years reveal **properly functioning or functional at risk with an upward trend conditions.**”

From EA CA-370-06-02:

Pg. 17

“The second type of wetland riparian resources in the area is meadows associated with upland springs. These springs emerge to the surface above restrictive layers of rock. Spring meadows are generally small, less than an acre, and represent less than one percent of the upland landscape. Within the analysis area about 30 spring meadows have been photo documented by NDOW. **Limited functional assessments have been conducted by BLM, primarily on the eastern portion of the analysis area but the conclusions of those studies are valid for the entire analysis area.** Many of these sites have reduced vegetation cover. The primary factors in the analysis area that influences spring meadow conditions are annual precipitation amounts, year-long grazing by wild horses, intermittent livestock grazing, and structural water developments. The three spring meadows considered for additional levels of protection in Alternative II reflect this pattern. Buck Spring and HRSP #27 were rated as functional at risk in 2003. Visits in **2005 showed both spring meadows with good residual cover and probably upward trend.** HRSP #20 was evaluated in 2005 and is considered functional at risk with no apparent trend.”

From EA CA-370-06-16

### Section 3.9 Livestock Grazing

“...cattle rarely use the **east one-half** (approximately of the HMA because of a lack of sufficient water sources.”

First, there is a complete admission that BLM has conducted limited functional assessments. How can their decisions on rangeland health be justified? How can they claim to “report” on conditions in one document and then admit that they have “limited” assessments in another? Then decisions are made that effect the very lives of the horses and all the species that depend on proper administrations of the range, when they haven’t truly been assessed? Furthermore, they applied what limited analysis they have done in the eastern portion to the entire HMA knowing that the eastern portion was the driest and least abundant range within the HMA. How does that add up to “sound science” and proper administrations?

From EA CA-370-06-02

Pg. 16

“Water quality in the High Rock Canyon area **has not been directly measured**. However indirect indicators of water quality, primarily riparian vegetation conditions can be used to assess water quality. Water associated with the streams in High Rock Canyon, Mahogany Canyon and the East Fork of High Rock Canyon (Pole Canyon) **is typical of healthy low flow streams** in the northwestern Great Basin. Water quality is good during the winter and spring runoff period. During the hot portion of the year, flows are low with isolated pools supported by subsurface flows.”

“The upland springs outside the canyon have a wide range of water quality depending upon levels of past and ongoing disturbance. Based upon field observations, **water quality at Buck Spring would likely be the highest of the three springs proposed for protection in Alternative II due to higher flows and the rocky nature of the drainage below the spring.**”

Note that the Buck Springs is listed as the highest quality and quantity water source in the area and it is being removed from wild horse access.

From Chapter 4, Impact Analysis, Section 4.2.3.1:

Pg. 6

“.....Surprise manages approximately 10,000 acres more of standing-water wetlands and approximately 600 miles more of flowing-water riparian than the other nine offices combined.”

From Draft Resource Management-  
Executive Summary,

Regarding Water Quality

Pg. ES-9

“Achieve measurable progress toward proper functioning condition (PFC) or desired future condition (DFC) on 53 miles of perennial and intermittent streams and 2,500 acres of riparian/wetland areas. Implement restorative measures to improve water quality and progress toward meeting state standards **within 20–50 years on non-compliant streams.**”

Obviously, the issue of making progress on water quality standards isn't as pressing as the gather and horse removal proposal makes it out to be. The over-whelming conclusion from the evidence is that, required measurements are not being taken, proper rangeland monitoring hasn't been happening, manipulation of information is being done to serve NDOWs' agenda, resources are being engineered to the detriment of the herds health and many more horses are going to be removed than need be.

While Surprise Field Office Manager Owen Billingsley cited his authority to remove excess animals, he failed to provide evidence that animals were indeed, excessive.

The BLM has approved of the recently established current Appropriate Management Levels within this Herd Management Area (HMA), yet this approval was not based on sound science. Despite the fact that the Wild Horse and Burro program and its implementation are currently in its' thirty-fifth year, no rangeland standards have yet been developed for wild horse and burro populations as stated in an Environmental Impact Study found on BLMs' website;

Impact Analysis, Chapter 4, Section 4.2.6

Pg.17

“Presently there are no "guidelines for wild horse and burro grazing" although this use, as well as other public land uses, does and will continue to affect the attainment of the standards for rangeland health.”

While Environmental Assessment # CA-370-06-16 clearly states that the Appropriate Management Levels set for the High Rock HMA are not open for discussion or debate within the scope of the assessment, the significance of arbitrarily establishing herd populations through “fall back” guidelines is relevant to the scope and implementation of the proposed action. Additionally, the currently established Appropriate Management Levels decision was disputed and appealed. This could indicate that the potential for failure to comply with laws, regulations, policies, and requirements of the proper implementation of wild horse management, multiple-use, and maintaining a “thriving ecological balance” may still be active within the current management practices and decisions of this field office.

Because no rangeland standards have been developed or supplied for wild horse and burro populations, accurate assessment of their environmental impact is still a source of contention and debate. This issue can be further compounded by the presences of other large grazing animals, thus making it difficult to separate and identify the source or sources of environmental impacts to key habitat such as riparian areas, rangeland health and water sources.

The following was taken from an Environmental Impact Study found on BLMs’ website;  
Chapter 3, Section: 3.2.4 Grazing Systems,  
Pg.7:

“Another common issue related to livestock grazing on several allotments relates to competition between domestic livestock grazing activities and other ungulates for forage and habitat. This is particularly true regarding dietary overlap between domestic livestock, wild horses and burros, and mule deer in the Great Basin ecoregion. There remains considerable dispute about what levels of grazing use for livestock can be sustained and what levels of use and population numbers are appropriate for competing ungulate species.”

One of the significant contributors to the negative effects associated with large grazing populations is livestock, most specifically, cattle. Unlike the relatively undocumented effects of wild horse populations, the effects of livestock grazing have been highly documented by a wide variety of groups and sources as well as many grazing rangeland requirements established by the BLM itself.

While EA CA-370-06-16 makes several references to “competition between horses and livestock”, it fails to cite in any significant way, the current usage of livestock within this HMA, despite public requests.

While there is a preponderance of evidence that suggests livestock usage may indeed be a significant factor in the contribution to rangeland deterioration within this HMA, the Surprise Field Office refused to provide anything but vague assurances that this was not the case. A simple response to the question posed of providing the current livestock Animal Unit Months allocated within this area could have immediately eliminated public suspicion of improper range utilization, management implementation and multiple-use compliance.

The evidence that suggests livestock usage within the High Rock HMA may be contributing to rangeland deterioration and resources are as follows:

EA# CA-370-06-02:  
Pg.33

“There are two livestock grazing allotments within the area affected by the alternatives. The Massacre Mountain allotment includes the High Rock Canyon area and benches both east and west of the canyon.”

Pg. 3

The purpose for NDOW’s proposal to construct two wildlife water developments in the High Rock area is to provide water sources for bighorn sheep free of stress from recreational visitors and to mitigate the **potential** impacts occurring to existing springs from concentrated wild horse and **livestock use**.

EA# CA-370-06-16

Section 3.9:

"The High rock HMA overlaps with the Massacre Mountain Allotment and is managed under the guidance of the Technical Review Teams (TRT, written in the 1980's)....."

"The Massacre Mountain Allotment (149,000 acres) is permitted for two cattle operations. Active Use or preference is 5,823 animal unit months (AUMs), and the grazing period is for up to six months, or from April 15 to October 1. Typically both operators normally turnout cattle by May 1, one operator uses the allotment for the entire period, and while the other operator removes their cattle from the allotment by August 1. The allotment has few internal pasture fences; consequently livestock are managed by rotating through unfenced use areas with specific periods of use with the intention of meeting utilization guidelines and resource objectives. The majority of cattle grazing occur outside of the HMA, and cattle rarely use the east one-half (approximately) of the HMA because of a lack of sufficient water sources. The Rock High Canyon area has been managed for long term rest from livestock grazing, although in the future grazing may be prescribed to meet certain resource objectives."

"As wild horse numbers increase, utilization of forage and water increases and **there would greater competition between cattle and livestock**. The action alternatives would have least impacts to livestock operations, and on the social and economic values associated with livestock grazing".

EA# CA-370-06-02:

Pg. 19

"The majority of the East Fork High Rock Wilderness is undeveloped however, the area does contain 13 small livestock reservoirs..."

Pg. 49

"Livestock grazing was authorized and occurred in the Warm Springs pasture of the Soldier Meadows allotment during the summer and fall of 2005. Livestock grazing is not authorized in High Rock and adjacent canyons under the direction of the NCA RMP. Livestock grazing was authorized, but little or no grazing occurred in the area west of High Rock Canyon."

Pg. 33

The portion of the Soldier Meadows allotment associated with the alternatives in this document is within the Warm Springs use area. The use area encompasses about 55,700 acres and is currently authorized for cattle grazing for three months during the late spring early summer (344 head, 1,023 AUMs) alternating with a two month season during the late summer (344 head, 690 AUMs).

Pg. 14

"Since this spring assessment was completed, BLM has gathered wild horses in the Warm Springs Canyon HMA, modified the livestock grazing system on the Soldier Meadows allotment, made gathering excess wild horses from the High Rock HMA the first priority for 2006, and **scheduled repair of the boundary fence between the HMAs for before the gather in 2006.**"

Pg 32

"The two HMA are divided by a barbed-wire fence which **historically has been in poor repair**. Horses are regularly observed to pass freely between the two HMAs on a daily and seasonal basis. Inventories by BLM wild horse specialists indicate that some horses summer in the Warm Springs HMA and winter in the High Rock HMA."

Pg. 55

".....Seasonal and other movement between neighboring HMAs is also a factor."

If the regular passage of horses between the fence that separates the HMA's is well documented, have livestock also regularly moved between them? There *are* several references to cattle being unauthorized in High Rock Canyon but it is inconclusive as to the scope of grazing being allowed within the High Rock HMA and the surrounding environment.

Another question on rangeland health that the Surprise Field Office ignored and failed to address was; "Has any other species within this HMA been documented in deteriorating range?"

EA# CA-370-06-16

Section 3.11 states:

"The HMA is a popular destination for pronghorn antelope, big horn sheep, mule deer, and upland game bird (chukar, quail, dove and sage-grouse).

EA # CA-370-06-02:

Pg 22

"Pronghorn also make extensive use of meadows associated with upland springs, as these locations often provide the only green forage during the hot season."

Obviously, there is a wide variety of wildlife and grazing of habitat that occurs within this HMA. What is the current population of pronghorn antelope? Have any effects been documented or attributed to their grazing habits? Could they be a source of over-grazing in the area? Or mule-deer?

The challenges and demands of attempting to balance such complex biodiversity and competing interests within the framework of public land management is not lost or under-appreciated. However, a "thriving ecological balance" cannot be achieved through the exclusions of other species grazing impact on rangeland health.

The Surprise Field Office has stated that answering the legitimate questions of other grazing impacts on the HMA is beyond the scope of this environmental assessment. This couldn't be further from the truth. The gather proposals and the required environmental assessments to implement them are the only reports ever issued regarding the management, health and habitat of the wild horse and burro populations.

Additionally, accurate removal numbers of horses to maintain a "thriving ecological balance" is essential for the multiple-use management concept and it's implementation. Refusal to provide information or consider the grazing impacts of other species that share the resources within the HMA cannot be in compliance with the federally mandated policies of the BLM.

This EA maintains the consistent assertion that all rangeland deterioration, riparian health and other negative impacts within the HMA are solely the result of equine impact and "excessive" numbers. This assertion is one of the cornerstones used for the proposed action to gather to the low appropriate management level.

Assigning damage done by other grazing species to horses in an unbalanced way has at least two very negative effects. First, it fails to adequately address continued improper utilization of resources allocated for that species and second, it creates a situation were removal numbers are improper and excessive and are not justified. This is a violation of both the spirit and the letter of Public Law 95-192, in which horses are to remain free of harassment, capture, and death.

### Special Species Status

In the gather proposal of the High Rock HMA, generalized statements of unspecified increases in wild horse population are cited as having impacts on the Greater-sage grouse community and habitat. It is asserted that removing horses and the impact they are making will increase the quality of habitat required for this sensitive species within the HMA.

EA# CA-370-06-16,  
Section 3.6 states:

“There are no known federally listed Endangered, Threatened, Proposed, or Candidate wildlife species using the areas in the HMA. However, Greater sage-grouse, a sensitive species is found throughout HMA, and use riparian areas and the sagebrush communities for year-round habitat.”

“Excessive wild horse numbers also have impacts on greater sage-grouse by consuming herbaceous cover needed in nesting sites, and by reducing the diversity and quantity of forbs available on uplands in the early spring and on riparian areas season-long.”

From Environmental Impact Study, Chapter 3 Section 3.5.3

Pg. 50

“Recently, sage grouse populations have increased as riparian conditions have improved on BLM lands..... Livestock grazing commonly occurs within the habitats of these animals.”

EA# CA-370-06-02

Pg. 31

“Summer and brooding habitats are somewhat limited in the analysis area. Limited water, poor meadow conditions, relatively low elevations, few north facing slopes and relatively shallow, rocky soils result in few areas with the potential to produce succulent forbs required by sage-grouse broods during the summer months.”

### **Another Consideration:**

There was also a great deal of evidence pointing towards the true priorities, motivations, future developments and trends of the Surprise Field Office and those whom they coordinate with. Notice how in the following excerpts, the needs and priorities of ranchers are paramount, how the discussions center around finding ways to alleviate ranchers fears, increase grazing allotments, and how the numbers of cattle for one sustainable ranch is more than the combined appropriate management levels allocated for the High Rock and Warm Springs HMA horses. Many of these excerpts came from a meeting *before* the Surprise Field Office issued the new AMLs.

Additionally, **almost a million and a half acres are identified as suitable for intensive level management.** That's almost *all the acres they manage*. How could the "rangeland deterioration associated with excessive horse numbers" rank so high on the list to be addressed and all that substandard acreage rank so low? It is clearly a double standard, demonstrates prejudice, shows improper multiple-use administration, and flagrantly is abusing personal authority while defying federal laws and regulations.

From Draft Resource Management, Chapter 2  
Section 2.8  
Pg. 2-39

"Livestock grazing occurs on virtually all lands administered by the BLM Surprise Field Office (SFO) and includes 49 grazing allotments with 1,445,443 total acres. Grazing is quantified in animal unit months (AUMs) where one AUM is equivalent to the average forage consumed by one cow and her calf for a one month period. The SFO authorizes **89,618 cattle**, 2,671 sheep and **176 horse AUMs** annually on 59 permits issued to 51 permittees. Average annual use for the 10-year period between 1994 and 2003 was approximately 64,550 AUMs. Of the 49 allotments, 25 (**1,379,176 acres**--including some land with National Conservation Area [NCA] designation) are **identified as suitable for Intensive (I) level management**. Four (41,590 acres) are identified for Maintenance (M) level management, and 20 (24,677 acres) for Custodial (C) management. Portions of eight allotments, including about 200,000 acres managed by the SFO, are within the Black Rock Desert and High Rock Canyon Emigrant Trails National Conservation Area."

From Draft Resource Management Plan, Chapter 2 Section 2.8.10  
Preferred Alternative  
Pg.2-44

"The Surprise Field Office would continue to authorize approximately 92,465 AUMs of livestock use annually. New grazing systems would be developed, and existing systems modified, to improve livestock distribution and increase forage production, while still meeting the objectives for other resources. **Seasonal closures, extended rest, long-term enclosure, and permanent withdrawal from grazing would be considered only if required to meet Standards for Rangeland Health**, to meet the needs of special status species, or to protect National Register-quality archaeological sites. In the absence of class specific monitoring data, adjustments between livestock AUMs and wild horse AMLs within herd management areas would be equitable."

Interesting that grazing withdrawal would only be considered for rangeland health standards unlike the elimination of horses within the HMAs is currently being considered for the exclusive benefit of bighorn sheep. Also the same document cites two different AUM authorizations from the Surprise Field Office.

From BLM North east California Resource Advisory Council Business Meeting,  
Eagle Lake Field Office, Susanville, CA  
Summary Minutes, September 26, 2003:

"Owen Billingsley said most of the land administered by the Surprise Field Office is already allocated to grazing. In Alturas Tim Burke said the only large ungrazed area is Timbered Crater WSA, but it is rugged and not accessible by livestock. Eagle Lake is fully allocated and there is **currently unmet demand for livestock grazing.**"

From BLM North east California Resource Advisory Council Business Meeting,  
Eagle Lake Field Office, Susanville, CA  
Summary Minutes, September 26, 2003:

**“-Assessments to restore suspended AUMs should be at the top of the BLM work priority list.**

-BLM should consider incentives, such as AUM increases for these partnerships. (about Resource Conservation Partnerships)

-He suggested development of a consistent policy for all three field offices. He said that the BLM must focus on protection of the natural resources, and **the needs of the ranchers**. Owen agreed that consistency is important on the drought issue.”

From BLM North east California Resource Advisory Council Business Meeting,  
Eagle Lake Field Office, Susanville, CA  
Summary Minutes, September 26, 2003:

“Henricus commented on ranchers fear that they will lose permits. He questioned how often permits have been revoked when there has been no abuse of grazing privileges. Managers said historically very few, if any, permits have been revoked under the circumstances Henricus specified. Tim Burke said he has never seen this occur in his 25 years of service.”

“Tim noted that reduction of AUMs has always been linked to deteriorating conditions of rangelands for a variety of reasons. Owen Billingsley noted that there has been a reduction in cattle numbers over the past 30 years, primarily for resource management and improvement. He said the reductions have led to resource improvements and added that he **does not foresee additional large reductions**. He also noted the arid conditions of rangeland limits forage production.”

From BLM North east California Resource Advisory Council Business Meeting,  
Eagle Lake Field Office, Susanville, CA  
Summary Minutes, September 26, 2003:

-“He agreed there is livestock industry concern about that a new administration could foster grazing management changes not favorable to the livestock industry.”

-“Pat Cantrall said AUM reductions have direct impacts on ranchers.”

-“John Erquiaga said a viable self-supporting ranch needs 400 to 500 head of cattle to survive, but there are many variables.”

From BLM Northeast California Resource Advisory Council Business Meeting,  
Eagle Lake Field Office, Susanville, CA  
Summary Minutes, April 21, 2006:

“Field Managers’ Reports: Surprise: Owen Billingsley distributed a written report. He stressed:

“The field office **priority workload is renewal of 10-year grazing permits** and completing the required environmental assessments required. There are 14 permits to be completed by the end of the fiscal year.”

EA# CA-370-06-02

Present Actions

Pg. 49

“The major present uses within the cumulative impact assessment area are ranching, recreation, wilderness management, livestock, wild horse and burro management, and wildlife management.

**Grazing is the dominant land use that occurs within the assessment area.”**

Environmental Impact Study, Chapter 3 Section 3.11.1.1

These and the following Western Region statistics are drawn from the 1994 Rangeland Reform EIS (RR 94; BLM 1994),

Pg. 61

"The cattle forage dependency percentages were 15 percent for California and 36 percent in Nevada."

From Draft Resource Management Plan-  
Executive Summary

Pg. ES-5

"GRAZ-3: Areas of the Black Rock Desert shown on Map 2-5 will remain unallocated for livestock grazing, except as noted in GRAZ-12. The ungrazed portion of the Massacre Mountain Allotment associated with High Rock Canyon and the Little High Rock portion of the Bare Allotment will not be grazed on a regular basis. Grazing in these areas may occur under an approved grazing prescription developed specifically to accomplish the objectives of the plan."

In EA# CA-370-06-16, the proposal to gather and remove horses, the following statements are found:  
Section 5.0 states:

"The **removal of animals** and the subsequent maintenance of AML would allow reduced utilization of riparian and upland habitats on a year-long basis. This management **coupled with a livestock grazing program**, which is based on the physiological needs of the vegetation would result in improved rangeland health"

Section 3.9 states:

"The High Rock Canyon area has been managed for long term rest from livestock grazing, although in the **future grazing may be prescribed to meet certain resources objectives.**"

Please explain how excessive removal of horses to dangerously low numbers is justified by lack of resources within their established HMAs, yet future grazing of those resources by livestock would meet certain resource objectives? What exactly are "resource objectives"? Reductions in horse and burro AMLs, their complete removal and redistributing HMA boundaries are all open for negotiation and *adjustments*. How is this balanced implementation of multiple-use?

### **The Cost of Improper Administration**

The BLM adoption program reports that less than half of the horses gathered in fiscal year 2005 were adopted out. BLM holding facilities are already stretched to their limit and over half of the Wild Horse and Burro programs budgets, 20.1 million dollars, went towards containment costs of animals removed from the range. While rangeland health is obviously a very high priority to everyone concerned, arbitrarily and inaccurately removing horses deemed "excessive" by faulty analysis is very costly on many levels as well.

The growing concern over the cost and future liabilities of these types of decisions are not only happening within the public at large but within the Resource Advisory Council itself that the Surprise Field Office consults.

BLM Northeast California Resource Advisory Council Business Meeting,  
Alturas Field Office, CA  
Summary Minutes, Jan 5-6, 2006:

"Martin said the **RAC resolution supporting sale authority (approved at the August meeting)** was to reflect concern that the cost of maintaining un-adoptable horses causes a financial burden on the entire wild horse and burro management program."

This highlights another issue of great importance to those concerned with the health and welfare of the wild free-roaming horses and burros of our nation.

While it is acknowledged that the BLM is only responsible for the proper administrations of policies dictated by Congress or head administrators to the wild horse and burro programs, not the decisions they make, a significant change to Public Law 92-195 was issued in 2004, commonly known as the Burns Amendment, that immensely impacted the wild horse and burro program.

The passage of this amendment proved to be highly controversial both in how it was passed and what it contained. Efforts to revoke this amendment were immediately initiated within the legislative process and are currently making their way through the proper channels for decision.

The relevance to this gather and the proposed removal numbers are two-fold. The first is, the BLM has been placed in the awkward position of being charged with both the protection of wild free-roaming horses and burros from slaughter and undue harassment yet they also know that a percentage of animals gathered and held in containment are now eligible to be sold unconditionally. It is generally acknowledged that those interested in "unconditional sale" are often livestock auction operators whose sole purpose is slaughter. The second consideration is, while relief to over-flowing containment centers may currently be alleviated through the "unconditional" sale amendment, this may not be the case in the near future. If Congress revokes this mandate, more animals will be held in long-term containment, at increasing financial expense.

Therefore, it is crucial to consider the long-term impacts of gather decisions and removal numbers. The potential that every horse pulled off the range may end in slaughter is antithetical to the mission of the wild horse and burro management program. Equally important is the potential for excessive financial commitments that are unwarranted and unjustified through improper evaluations deeming animals as "excessive" without actually providing evidence to support such unsubstantiated claims.

Bureau of Land Management, Northeast California Resource Advisory Council Business Meeting,  
Eagle Lake Field Office, Susanville, CA  
Summary Minutes, April 21, 2006:

" He said (Bill Philips) the RMPs must recognize that the BLM must strive to manage and control wild horse and burro populations. **Protection is no longer a major issue.**"

Over one-third of the original Herd Areas from 1971 have been zeroed out. Southern California has no horses, New Mexico has one very small horse herd, Colorado, Montana, Oregon, all have greatly reduced herds and herd areas, and Nevada is zeroing out HMA's too. Herd Area acreage transfers to the National Park Service and other land management agencies have resulted in severe reductions or eliminations of thousands of horses and burros and their supposedly protected resources. BLM horses ended up at slaughter due to the "unconditional sale" authority and there are stories that "unbranded" horses are going directly to livestock auctions instead of short and long-term holding facilities as mandated.

Perhaps the field officers within this area need a refresher course on what has been happening to the wild horse and burros and why protection from "fast disappearing", harassment, capture and death are still as valid, if not more so today, than it ever was.

## Public Concerns

From BLM- Northeast California Resource Advisory Council Business Meeting,  
Eagle Lake Field Office, Susanville, CA  
Summary Minutes, April 20, 2006:

Regarding the Draft Resource Management Plan for Black-Rock/High Rock NCA

"There was discussion about public comments. Nancy Huffman noted that many people do not have the time to thoroughly review the documents sufficiently to provide meaningful and useful comments. There is an enormous amount of material to cover."

The effort that it took to research and locate the enclosed information was enormous. Relevant material was scattered through a variety of documents that sometimes numbered hundreds of pages. The general public usually does not have the time or resources to attempt to track down such elusive statistics. Therefore, supplying the necessary information within the environmental assessments regarding the health and proper management of wild horses and burros is essential for proper evaluation and accountability of BLM administrations.

The generalizations were so gross, information so incomplete and distorted within this gather proposal that the most obvious conclusion is this field office doesn't *want* the public to have access to vital information concerning the health and welfare of their wild horse and burro management.

Included at the back of this appeal are the questions and comments submitted by me to the Surprise Field Office concerning this proposal for the purpose of the Board of Appeals to determine for themselves if the questions were outside the scope of the EA. Additionally, I had called the Surprise Field Office on Friday August 25, to see if a decision had been made and was informed that "there were a lot of public comments and they were still reviewing them." When asked when a decision might be reached, "sometime next week" was the response. According to the date of the Final Decision, it had already been made on Friday.

The Finding of No Significant Impact/Decision Record issued on August 25, 2006 by the Surprise Field Office listed "prejudice towards horses" as a concern expressed by the public within the comment and input period of this environmental assessment.

There is evidence that supports this accusation and substantiates the very real concern that proper management and compliance to Public Law 92-195 is being subverted and the mission of the wild horse and burro program is not being applied within this HMA and the surrounding areas being administered.

From Chapter 2 Resource Management Plan (RMP),  
Section 2.27 Special Designations  
Pg. 2-18

**"Grazing by livestock will be permitted** within fenced portions of the ACEC (Areas of Critical Environmental Concern) when consistent with the recovery plan for the rare species within the ACEC. **Wild horse use will not be** allowed in the fenced portion of the ACEC."

From EA # CA-370-06-02:  
Pg. B-12

"This alternative would enhance the naturalness of the area by **reducing or removing a non-native ungulate** and their associated impacts from the Wilderness."

From EA # CA-370-06-02:

Pg. B-5

“Several springs in the area within bighorn habitat are currently be impacted by wild horses and livestock. Because both livestock and wild horses are **non-native animals** and are intentionally and consciously managed by BLM their impacts could be considered a “trammeling” effect on the wilderness. This may require some form of action to reduce the impact to the areas “untrammled” character.”

The following was an alternative being considered for implementation within the Black Rock-High Rock Resource Management Plan released this year. It was not the preferred alternative selected within the plan. However, the fact that it was even considered as an option is truly astounding considering that HMAs are legally directed to be “devoted principally” to wild horse and burros.

Draft Resource Management, Chapter 2, Section 2.8.7

Alternative 1

Pg. 2-43

“New grazing systems would be developed, and existing systems modified, to maximize livestock distribution and forage production. Seasonal closures, extended rest, long-term exclosure, and permanent withdrawal from grazing (i.e., permanent retirement or ‘unallotting’) would be considered only if required to meet Standards for Rangeland Health, to meet the needs of special status species, or to protect National Register-quality archaeological sites. **Within herd management areas (HMAs), wild horses would be secondary to livestock when additional forage allocation is considered.**”

BLM Northeast California Resource Advisory Council Business Meeting,

Eagle Lake Field Office, Susanville, CA

April 21, 2006:

“Bill Phillips said wild horse and burro management is a priority topic for these management plans. He said there are 2.7 million acres with more than a million acres allotted for wild horse and burro use. **It will continue to be a controversial topic and needs to be adequately addressed.** There will always be conflicts between wild horses and other users. He said managing to maintain AML is important.”

How does this attitude and classification comply with the mandate that **horses are to be considered as an integral part of the natural system of the public lands?**

What studies have proved conclusively that the effects of cattle are not equal or more benign than the effects of horses?

If an area is of critical environmental concern, why would **any grazing be allowed**, much less selective grazing?

The WH&B program is in its 35 year and it still hasn't been adequately addressed?

Much of the controversy cited in Mr. Phillips statement is the results of lack of standards, double-standards, failure to acknowledge or comply with laws that protect horses, using generalizations instead of specific data, and being less informative or honest with the public than they are supposed to be.

High Rock HMA Statistics

Herd- High Rock HMA (CA0264)

Reported Last Gathered: FY06 9/01  
 FY05 9/01  
 FY04 9/01

Reported AML established in: \_\_\_\_\_ Wild Horses \_\_\_\_\_ Burros \_\_\_\_\_ Comments \_\_\_\_\_

FY 06 2004	FY 06 AML- 120	Zero
FY 05 2004	FY 05 AML- 120	
FY 04 2004	FY 04 AML- 120	

Reported Population: FY 04 263  
 + 20% 53  
 Estimated Population: 316

Reported Population: FY 05 308  
 + 20% 61  
 Estimated Population: 369

Reported Population: FY 06 402  
 + 20% 80  
 Estimated Population: 482

A 30% reproduction rate was applied to the Fiscal Year 2006 herd population estimates as reported on BLM Herd Area Statistics available on the BLM website under the Wild Horse and Burro home page. The actual herd population, based on the standard and accepted 20% reproduction rate, would be 442 head, 40 less than gather proposal is estimating.

Acreage of High Rock HMA

<u>Year</u>	<u>Herd Areas (HA)</u>	<u>Herd Management Areas (HMA)</u>	<u>Comments:</u>
FY 06	BLM 138,510	BLM 94,606	<u>Between FY04 and FY05:</u>
FY 05	BLM 138,510	BLM 94,606	BLM HA acreage: - 69,531
FY 04	BLM 208,041	BLM 94,497	Other HA acreage: -3,344
			BLM HMA acreage: +109
FY 06	Other 527	Other 94	Other HMA acreage: + 3
FY 05	Other 527	Other 94	
FY 04	Other 3,871	Other 91	

Herd Areas are not managed for horses by the BLM, only the Herd Management Areas. Herd Areas were the original territory assigned to herds as mandated by Congress in the 1971 Wild and Free-Roaming Horse and Burro Act, also known as Public Law 92-195. In later years, BLM developed a "new" system that assigned acres to be managed for horses that did not always correspond with the original territory. The HA acreage lost between Fiscal Year (FY) 2004 and 2005 was more than two thirds of the designated HMA. The current difference between the HA acreage not managed and the HMA acreage which is managed is, 43,904 acres, almost 50% of the currently established HMA.

Acres per horse at the current established "high" appropriate management level: 788 acres

The reported statistics of the High Rock herd population and acreage add to the questions of proper administration and management of this HMA.

Herd Areas (HA), the original boundaries allotted for wild horse use, are often of a much greater percentage of acreage than the re-drawn Herd Management Areas (HMA), as is the case with the High Rock HMA. Fiscal Year 2004 shows a HA that's over twice as large as the "managed" portion of the High Rock herd, 117,324 acres to be exact. That's a huge difference in where horses and burros are "allowed" to live and where they are not, even though that land is part of the "officially designated acreage" of the Wild Horse and Burro Program.

There is much debate and disagreement with BLM from wild horse advocates about the "adjustments" made to the originally allocated lands. This becomes even more aggravated when the acreage difference is as large as this HMA. Horses that "spill outside" the HMA are often just living on the land they always did. Yet now, with the "new and revised" boundaries, which historically have been continuously re-adjusted, transferred and re-allocated, including valuable resources like the water sources within them, the horses are scheduled for removal.

In Fiscal Year 2004, 72,875 acres were removed from the designated High Rock Herd Area. That's almost as much as the current total acreage of the HMA boundaries the horses now reside in. The constant chipping away of the homes and territories in which wild horse and burros live, is a constant threat to their continued sustainable existence.

The last reported census of this HMA was in 2001. Yet in 2005, a 30% population increase was reported despite assertions that the High Rock herd had maintained a consistent 16-20% reproduction rate. This question was ignored in the Surprise Field Office response portion of the FONSI Decision Record. Also questioned was the number of horses estimated outside the HMA that would be removed. This question was also not addressed. There seemed to be a blanket response to any questions the Surprise Field Office deemed "outside the scope" of the gather proposal. Yet the relevancy of these two questions were very pertinent to the proposal and the refusal to address them is both highly curious and possibly illegal under the public's "right to know" provisions often contained in government guidelines.

There is a concern that the inflated population numbers reported for the High Rock herd is hiding the true population numbers. By removing the number of horses consistent with the proposal, approximately 400, this will actually leave 40 less on the range than stated in the proposal, yet it would be difficult to prove. This would put the horses considerably under low AML and pose a very serious threat to their genetic viability.

By refusing to provide the estimated number of horses outside the HMA, padding of gather numbers, removal numbers, and numbers to remain can produce impossible verification of proper administration. The refusal to provide information that can be audited, leaves the public with no way of knowing if what BLM is doing "adds up". Surely this cannot be in compliance with BLM regulations and laws.

The following is an excerpt my submission to the Surprise Field Office during the public comment period.

"Based on the historical evidence of BLM management, a more accurate assessment of data indicates that BLM will gather less than 482 head in the High Rock HMA. They will claim that more horses avoided capture than BLM anticipated. Since the operation proposed is to span up to fifteen days, that claim is highly unlikely.

Alternative 1, the proposal BLM is leaning towards and will most likely be implemented, states in section 2.2.1- "402 horses would be permanently removed from the HMA, and 55 horses would be selected to be returned to the HMA, along with the ungathered horses to maintain AML". This proposal indicates that 457 horses will be involved while 25 horses avoid capture.

Alternative 2, section 2.2.2 states- " ....capture about 458 horses and remove 402...Notice both population gather estimates are extremely close. Also, when the 20% reproductive rate is applied to the 2001 census of herd population, the population estimate results in 443 head, also very close to the projected gather numbers. This evidence suggests that BLM is aware of the true population numbers and has "padded" population estimates to 482 so that they may leave even less horses than low AML."

“Evidence suggests that ALL horses will be gathered and only 56 horses will be returned to the HMA. The removal numbers will be difficult to verify because BLM is gathering all horses outside the HMA while not reporting any population estimates. Because they are combining both populations, actual removal numbers of the HMA herd will be hidden and unverifiable.”

How is addressing the questions and concerns regarding the population estimates, gather numbers, reproduction rates, and removal numbers “not relevant to the scope of the proposal?”

The gather proposal states that “historically, horses infrequently moved to that direction until populations exceed AML.” However, the current AML was just established in 2004. How can they have a history of exceeding AML? Furthermore, it has been stated that the horse population has almost always exceed AML for 34 years. Despite the fact that the herd has infrequently been at appropriate management levels, there are several references to **reducing it again, before the Surprise Field Office has even monitored the impact of appropriate management levels.**

EA# CA-370-06-02

Pg. 32

“Wild horse habitat is rolling terrain with slopes generally less than 30%, containing stands of grasses, and within several miles of water. About 85% of the High Rock area meets these criteria. Wild horses are successful in their use of this potential habitat in northwestern Nevada; BLM census data consistently shows wild horse population increases of 15 to 20% per year.”

EA# CA-370-06-16

“The population size has increased to the level that animals now have moved outside the HMA.”

EA# CA-370-06-02

Pg. 49

Wild Horses and Burros

“Over the past 34 years wild horses and burros have occupied both the High Rock Canyon and Warm Springs Canyon HMAs. For most of this period **horse numbers in both HMAs exceeded the established AMLs.** Horses were last gathered from the High Rock HMA in 2001. Wild horses and burros were gathered in the Warm Springs Canyon HMA in 1986, 1988, 1994, 1996, 2000, and 2004. A cumulative total of 2,055 animals were removed from the HMA over the specified time period.”

EA# CA-370-06-02

Pg.13

“Adjustment to Appropriate Management Levels or Herd Management Area Boundaries”

**An alternative was considered that would decrease the Appropriate Management Levels (AMLs) of the High Rock and/or Warm Springs Canyon Herd Management Areas (HMAs).** The Warm Springs Canyon HMA was last gathered by the Winnemucca Field Office in December 2004. Currently, estimated wild horse and burro populations are within their established AML ranges (105 to 175 horses and 14 to 24 burros) with a 2006 estimate of 139 horse and 21 burros. The High Rock HMA population is currently estimated at 482 horses, well above the AML range of 78 to 120 animals. The High Rock HMA is scheduled to be gathered in 2006 to the lower end of the AML range. The Warm Springs Canyon HMA has been gathered six times since 1986. However, due to the free roaming nature of wild horses and burros from neighboring fenced and unfenced HMAs it has been difficult to achieve and maintain AML populations in this area. However, the Surprise and Winnemucca BLM Offices are currently working closely together to coordinate management actions such as census, gathers, and field monitoring across administrative boundaries, including two grazing allotments. This coordination is essential to adequately maintain wild horse and burro populations within established AML ranges. Once wild horse and burro AMLs are achieved, monitoring of resource conditions would provide data to **reaffirm or reestablish AML** numbers to achieve and maintain a thriving natural ecological balance and multiple-use relationship.”

“Any adjustments to AML must be accomplished with sufficient utilization, trend, actual use, and seasonal production data through a reasoned interdisciplinary analysis and Environmental Assessment, including public involvement and appropriate coordination (4710 Handbook). **Adjustments to AML are indicated if monitoring indicates wild horses or burros to be a causal factor in non-attainment of resource objectives.** Both BLM Field Offices are currently collecting monitoring data in support of **future AML or HMA reviews.** Additional scoping would be required so that publics and agencies interested in wild horse and burro related issues and management would be aware of any alternatives that propose changes in AMLs or HMAs pertaining to wild horse and burro populations. In addition, **HMA boundary adjustments** would require a land use plan amendment. Either option would require substantial time and BLM is seeking to respond to NDOW’s request to address impacts of wild horses on springs in a timely manner.”

EA# CA-370-06-02

Pg. 50

Reasonable **Foreseeable Future Actions** (RFFAs)

The RFFAs applicable to the assessment area are:

- Issuance of multiple use decisions and grazing permits for livestock operations through the allotment evaluation process.
- Construction and maintenance of projects in support of the achievement of Land Health Standards.
- Periodic wild horse and burro gathers to manage populations with AML range.
- Evaluations and **adjustments of HMA boundaries and AMLs.**
- Changes in livestock grazing practices to allow the achievement of Land Health Standards.
- Development and implementation of local Sage-grouse Management Plans
- Augmentations or removals of bighorn sheep from NDOW Unit 012.
- Preparation of a Wilderness Management Plant, including monitoring and management actions designed to retain the wilderness characteristics of the East Fork High Rock Canyon wilderness.
- Increased limitations on recreational users within High Rock Canyon as described in Section 3.3.1

EA# CA-370-06-02

Pg. 53

Present Actions

“Periodic gathers of wild horses and burros and occasional **adjustments of AMLs or HMA boundaries** should support attainment of Land Health Standards supporting high quality wildlife habitats.”

One of the most significant concerns raised through researching this HMA is the already approved water developments. The potential impact to herd health and survival is immense. By excluding the horses from the water sources and making them dependent on “systems” that may require repair, they will be in a highly vulnerable position.

The evidence cited that the “fence between the two HMAs had a long history of needing repair” has produced deep concern that maintenance and repair may not come in a timely manner if it’s needed. Since rangeland health and thriving ecological balance is dependent on proper allocations of resources, and the Surprise Field Office either lacked the funding, manpower, or incentive to secure this important component in it’s preservation, confidence in their ability to secure functional water is rather low as well.

Within the Las Vegas area, there is a BLM managed water system that was reported as having “dead animals floating in the water and weeds and grass choking the system for over a year.”

This story was done about 6 months after a gather had taken place in the area. While personnel were at the site, no effort was made to do even the most minor maintenance (like fishing the dead animals out). When the local BLM WH&B specialist was asked why and how this had happened, she responded, “Sometimes we can’t get out there as often as we would like.”

What assurances does the public have that the Surprise Field Office will properly maintain the new “water system” now that horses have been excluded from accessing reliable water?

Also, it would be interesting to know how many wild horse advocates were on the interested party list of notification about the “Wildlife Water Developments” proposal that is removing and re-routing the water and forage the horses are currently utilizing.

From EA # CA-370-06-02:

Pg. 44-45

“Water improvements are dependant on the maintenance of functioning structures (pipelines, valves, and troughs). **Water may not be available if the structures become non-functioning. Limiting access** to any accessible watering site will increase the use on remaining available sites. It is not uncommon to observe between 30 - 100 horses waiting to water when numerous small dirt catchments dry up in the summer and pressure on low volume producing springs increases. This is especially true if any of the few developed waters become non-functioning during the summer/fall seasons. The result would be to decrease summer/fall water availability in the drier portions of the two HMAs. However the water source that would be eliminated from horse use is of low volume and is only capable of providing water to a few horses during the hottest part of the summer within the High Rock HMA. **Loss of this water would reduce the available summer/fall horse habitat *by several thousand acres*.** However the ability of the remaining habitat within the High Rock HMA could be capable of supporting the 30 to 40 head associated with the AML for the east of High Rock home range.”

One of the questions posed to the Surprise Field Office concerned the amount of wild horse habitat the proposed water developments would effect. This question was also ignored. According to this excerpt, several thousand acres, is an incredibly significant statement and certainly it is within the scope of the environmental assessment. Isn't that the essence of an environmental assessment? To survey and report on significant factors, data, and the conclusions that result from analyzing the data?

How can the Surprise Field Office, in good conscience, report that water sources or the lack of them, is a significant contributing factor in the AMLs and removal numbers knowing they approved of systems that would drastically change the resources and wild horse access to them? Then they go even further by stating that answering for their actions, for this change, including information about this change, is beyond the scope of the EA? Are there other environmental assessments issued about wild horse and burros that BLM issues just for “information purposes” that aren't a gather proposal or AML reductions?

### **Genetic Viability**

An increasingly significant topic of contention and debate is the genetic viability of herds and the increasingly reduced AMLs BLM is assigning to the herds within their HMAs. Many believe BLM is deliberately establishing genetically unsustainable numbers to justify complete elimination of current herds in future evaluations. This topic has become the one of the most significant threats to continued future herd health and existence. Research is still being done in this field and no concrete parameters have yet to be fully established.

Because of the uncertainty of this issue, it is in the best interest of the herds managed by BLM that they maintain an awareness of this danger and properly conduct and coordinate their management activities to ensure future herd health.

Some studies have been done and currently the established number for stable herd viability done by geneticist Dr. Cothran from the University of Kentucky, has projected 150-200 head as a sustainable and genetically viable number. 150 head was also the number used in planning for stable bighorn sheep populations by NDOW.

The current AML has established a “high” of 120 head, 30 head under what many believe is a sustainable population. While FONSI issued on this gather proposal addresses the public concerns about the genetic threat of this established AML, the response from the Surprise Field Office states that there are several herds in the area that all inter-mix, thereby mitigating any adverse impacts. However, as the previous excerpts show, the Surprise Field Office and the Winnemucca Field Office are attempting to stringently prevent intermixing in order to manage at appropriate levels for rangeland health. The first order of business before the actual gather is to make sure that the fence between the two HMAs is repaired so *there won't be any crossover*.

Also, in a recent environmental assessment (EA# NV065-EA06-149) issued from the Tonopah Field Office, it was cited that one of the significant contributing factors to the elimination of the Silver Peak herd is signs of inbreeding are being reported. The number of horses being removed from Silver Peak: 71. This is only 7 head under what the High Rock herd gather proposal was decided on. If more numbers are removed than this, as is suspected, and only 58 horses are returned to the range, the chances of inbreeding are almost guaranteed.

The Surprise Field Office states in the gather proposal EA that “no evidence of inbreeding was found in the Genetic Analysis of the Little High Rock Canyon, CA Feral Horse Herd”. Yet, those tests were done with a significantly greater population base, one above currently proposed standards for stable populations. Lack of awareness about inbreeding reports from smaller populations is evident in this statement.

The proposed action mentions that animals from other HMAs could be used to add to the breeding population if necessary to ensure genetic viability. Public Law 92-195 clearly states that no one has the authority to transfer horses from one area to another. Additionally, removing horses to such excess and then placating those concerned by suggesting “maybe” we will add more later isn't proper, and in most cases, probably not honest management.

When the knowledge is combined of excessive removal numbers and constant references to reducing or eliminating the High Rock and Warm Spring Herds, the conclusions drawn are fairly obvious. This gather proposal is **not in the best interest of the herds' health or future**. In fact, it's contrary to it.

Since the Surprise Field Office seems to be so open to adjustments in future AMLs and HMA boundaries, perhaps a re-evaluation of AMLs at a more genetically viable number of 150-200 should be considered. Also, perhaps allocating the full acreage of the herd area to the managed area would be appropriate.

BLM Northeast California Resource Advisory Council Business Meeting,  
Eagle Lake Field Office, Susanville, CA  
April 21, 2006 :

“Bill Phillips said wild horse and burro management is a priority topic for these management plans. He said there are 2.7 million acres with **more than a million acres allotted for wild horse and burro use**. It will continue to be a controversial topic and needs to be adequately addressed. There will always be conflicts between wild horses and other users. He said managing to maintain AML is important. He said **the lower population number in the AML range represents what wild horse interests say is the minimum to preserve herd viability**, the upper number is the BLMs determination of the maximum population the range can support in balance with other users. He said it is important to continue to show the population range in the resource management plans.”

“He said the RMPs must recognize that the BLM must strive to manage and control wild horse and burro populations. **Protection is no longer a major issue.**”

"The HMP sets the objective of providing habitat in sufficient quantity and quality capable of supporting a **stable population of California bighorn sheep of at least 150 animals** on 45,600 acres of suitable habitat within five years". Currently NDOW estimates the population of the entire hunt unit 012 (of which the High Rock Canyon Area is a part of ) at 190 bighorn sheep."

### **The Proposal**

The High Rock herd has consistently been managed at herd numbers above the currently established high AML of 120. A re-evaluation of gathering to 120 head with the use of fertility control should be considered. This would put the herd at closer levels of stable genetic viability until more information is available that supports lower levels.

While the WinEquus 1.4 seems to be the standard population-modeling tool utilized by BLM, its use and projections within this proposal were meaningless as the only entry submitted was high herd modeling after ten years with no established parameters.

Since the constant reproduction rate of 20% has proved to be reasonably accurate, a simple chart that illustrates reproductive numbers with the use of fertility control provides more accurate and realistic projections. Using this method, population numbers would reach 215 head after foaling season in 2012, still 50% of the current estimated population. This is 6 years away and gather cycles run every 3-4 years.

While the idea of using fertility control is to reduce the number of gathers need within a fifteen year span, the current over-all removal of horses on the range has been almost unprecedented in recent years due to available funding. The results have been over-flowing containment centers, efforts to recruit new containment centers, exploding containment costs and general frustration regarding the responsibilities of maintenance and care.

This reduction in removal numbers, though small, would still be 42 horses less than originally proposed for removal. The current amount BLM pays for containment per horse is \$1.25 p/day. The estimated cost of annual containment for these additional 42 horses, without any other cost included, is \$19,162.00. While this may be insignificant in light of the BLM budget, it is still of significant savings to the taxpayer.

While I am not aware of the length of time it takes to "process" an appeal, if it was decided in a timely manner, the originally scheduled gather could take place, thereby eliminating any concerns due to hunting season conflicts.

Additionally, the main concern cited in the gather proposal is rangeland health but evidence was found that did not totally support these assertions or that horses were the sole cause; lack of available water and forage, over-utilization of riparian areas, etc. The measurements taken from 2005 on the riparian areas plants indicated that horse population numbers exceeding the 120 head by 3 times that amount were not over-utilizing the plants to unhealthy levels. Within the gather proposal itself, evidence is supplied that, only recently, numbers have possibly become excessive.

This adjustment to the gather proposal would be more in compliance with all laws and standards, would be more beneficial to the health and future sustainability of the herd, still accommodate for the other wildlife and resources in the area, provide an opportunity for field data to be gathered at a more "viable" herd number than has often been the case, and provide more fiscally responsible management of the wild horse and burro program.

EA# CA-370-06-16  
Section 1.0

“**Recent** information indicates that current populations of wild horses are significantly impacting riparian resources.”

EA# CA-370-06-16  
Section 2.2.3

“...historically horses infrequently moved to that direction until populations exceed AML.”

EA# CA-370-06-16  
Section 1.0

“The current population is estimated at 482 horses, including foals. The population size has increased to the level **that animals now have moved outside the HMA.**”

As submitted within APPENDIX A; Summary of Population Modeling of Wild Horses, the BLM and WinEquus 1.4 software program assume the fertility control effectiveness to be:

94% the first year  
82% the second year  
68% the third year

With these percentages as the basis for actual impact on herd populations if gathered to high AML, the following is submitted:

<u>Year</u>	<u># of Breeding Mares</u>	<u>Fertility %</u>	<u># of Foals</u>	<u>Estimated Population</u>
2007	60	06%	2	122
2008	60	18%	5	127
2009	60	32%	10	137
2010*	61	100%	24	161
2011	64	100%	26	187
2012	69	100%	28	215

\*marks first year that foals from previous years become of breeding age. Subsequent years assume a 50/50 gender ratio increase with 40% reproductive rate of breeding mares.

## **Regulations & Laws**

“The legislation also recognizes “free roaming horses and burros” as one of the areas values (Public Law 106-554 as amended 2001).”

EA# CA-370-06-02

Pg 31

Wild Horse and Burro

“BLM is responsible for the protection and management of wild horses and burros (WH&Bs) on public lands as designated by the Wild and Free-Roaming Horse and Burro Act of 1971 (PL 92-195) as amended and with all applicable regulations found in 43 CFR (Code of Federal Regulations) 4700 and policies. A key provision of the law is to protect and manage these WH&Bs in a manner designed to achieve and maintain a thriving natural ecological balance and multiple-use relationship. A key regulation is to manage as self-sustaining populations of healthy animals in balance with other uses and the productive capacity of their habitat (CFR 4700.0-6). The appropriate management level (AML) is the number of animals determined through a Multiple Use Decision to be consistent with the objectives of achieving and maintaining healthy populations and a thriving natural ecological balance and multiple-use relationship in a Herd Management Area (HMA).”

Public Law 92-195

“(c) “range” means the amount of land necessary to sustain an existing herd or herds of wild free-roaming horses and burros, which does not exceed their known territorial limits, and which is devoted principally but not necessarily exclusively to their welfare in keeping with the multiple-use management concept for the public lands;”

g. Sec. 302 (a) requires the Secretary to manage BLM lands under the principles of multiple use and sustained yield, in accordance with, when available, land use plans developed under Sec. 202 of FLPMA, **except that where a tract of BLM lands has been dedicated to specific uses according to any other provisions of law, it shall be managed in accordance with such laws.**

21. The Taylor Grazing Act of 1934, 43 U.S.C. 315, “[T]he Secretary of the Interior is authorized, in his discretion, by order to establish grazing districts or additions thereto... of **vacant unappropriated and unreserved lands from any part of the public domain...**which in his opinion

f. Sec. 202 (f) and Sec. 309 (e) provide that federal agencies, state and local governments, and the public be given adequate notice and an opportunity to comment on the formulation of standards and criteria for, and to participate in, the preparation and execution of plans and programs for the management of the public lands.

Black Rock-High Rock RMP July 2004 Appendix B:  
California and Nevada Rangeland Health Standards and Guidelines  
pg.B-5

“In some circumstances, an exception to the Standards or Guidelines may be necessary or unavoidable; however, ***these instances should be under extreme conditions only, and fully justified (documented) in order to be acceptable.*** The Guidelines for grazing management are the types of grazing management methods and practices determined to be appropriate to ensure that standards can be met or that significant progress can be made toward meeting the standard. The Guidelines were designed to provide direction, yet offer flexibility for implementation through activity plans and terms and conditions for grazing permits. The Bureau of Land Management (BLM) must operate within the constraints of other regulatory requirements that may affect how standards and guidelines are applied for livestock grazing, for example the Wild Free-Roaming Horse and Burro Act (1971).”

In conclusion, I greatly appreciate the opportunity the Board of Appeals has afforded me to present the information and evidence that I have found regarding the High Rock HMA and the current management practices within it. I sincerely hope that my appeal is given more consideration and thought than my input submitted to the Surprise Field Office.

I found the evidence overwhelming as to the error and errors of this environmental assessment, the proposals, the general and specific management practices and most importantly, to the lack of fairness and proper administrations to the horses themselves.

I am unaware of the scope or authority that this Board of Appeals must operate under, so I am unsure as to the appropriateness of the alternate proposal. However, in good conscience, I felt compelled to include it.

Because I have invested so much time and effort in learning about this area and the critical issues concerning it, I would greatly appreciate any information or findings that this Board could offer regarding the questions and concerns raised.

Thank you,

REMOVED

