

To: United States Department of the Interior
Office of Hearings and Appeals
Interior Board of Land Appeals
801 N. Quincy St. Suite 300
Arlington, VA 22203

From: REMOVED

Re: IBLA #2006-292
Dispute of EA# CA-370-06-16
High Rock Herd Management

October 25, 2006

Dear Honorable Sir:

I am submitting this written notice to notify the court of my intent to respond to the Surprise Field Office "Statement of Reasons" and associated documents dated October 10, 2006 within 30 days of the date above.

In addition to this Notice of Intent to Respond, I am also requesting that the court request documentation from the Surprise Field Office and the Litchfield Corrals to provide evidence and proof for the following statement issued by the Owen Billingsley, Surprise Field Office Manager in the submission of "Statement of Reasons", pg. 4, which claims:

"several bands of wild horses were in poor physical condition due to a lack of adequate forage and water conditions".

I am including an excerpt from an eyewitness account of the High Rock Herd Gather held September 11 thru September 19, 2006, which provides contrary testimony to this assertion from the Surprise Field Office.

The following is taken from a response and rebuttal to an article printed in **Audubon**, September 10, 2006 by Ted Williams. The author of this rebuttal, Craig C. Downer, Wildlife Ecologist, author, A.B., M.S., Ph.D. studies, was an eyewitness to the High Rock Herd Gather and the following is being used with his permission.

“... I would add that I have recently visited the High Rock Wild Horse Herd Management Area in NW Nevada to which Ted Williams alludes in his article. Here I observed nearly 500 wild horses being brutally cleared out of their legal home by contracted helicopter pilots and buckaroos under the supervision of the BLM. **These horses were in good shape** (emphasis added) and were adapting harmoniously with the ecosystem in their nearly 100,000 acre herd area, in spite of the BLM Surprise Field Office’s arbitrary and tendentious claims that they were "overpopulated". What I, in fact, observed was: (1) a game animal monopolization in the eastern two-thirds of their herd area established to cater to bighorn, deer and upland game bird as well as varmint hunters; and (2) a disgraceful overpopulation of cattle within the lower western third of the legal wild horse herd area occurring in the more well watered, grassier areas where cattle were despoiling the streams and lakes and overgrazing their riparian meadows, rendering these a mucky mess full of cattle excrement, urine, flies, and germs. The formerly lush vegetation around these water sources during this unusually wet-winter year had been ripped down to the roots or along with the roots. As anticipated, here, as at nearby Soldier Meadows to the east, I observed cattle camping on and trashing the wet meadows. Amid all this mayhem, I discerned a few neat and narrow wild horse trails proceeding from the individual band home ranges of the wild horses to the edge of the streams or lake thus evincing the horses rapid, orderly and ecologically non-destructive provisioning themselves with water. “

“This was a far cry from what the cattle were doing and serves to point out the gross injustice of lumping wild horses with cattle! Yet, this is precisely what our public servants in the BLM and USFS, in cahoots with wild horse enemies, particularly public lands ranching permittees, have been so unfairly doing for years! This discrimination against the wild horses within their own legal herd areas established in 1971 under Public Law 92-195 is clearly illegal because the law clearly states that the wild horses/burros shall be treated as the "principal" presence in these areas, which represent only around 10% of the public domain lands! Livestock occupy over 90% of all the public lands, including many wildlife refuges under the authority of the National Fish and Wildlife Service (e.g. the Sheldon-Hart NWR nearby to High Rock).

“I also visited two wild horse herd management areas in adjacent NE California: The Devil’s Kitchen (USFS) and Ravensdale (BLM). In both of these I found plenty of cattle but no wild horses! Here I also found a heavy emphasis by land managers on bolstering game animals for hunters to shoot. I learned from the BLM wild horse specialist that the entire Alturas resource area had only one wild horse herd area – named the Red Rock – with any wild horses left in it, and that the Appropriate Management Level here was only 16 horses. She showed me a map of the area that was covered with yellow-colored livestock grazing allotments and finally informed me that under their new proposed management plan for the resource area the BLM is recommending "zeroing out" all wild horses from this HMA!”

One of the assertions I have made in this appeal is, while the Surprise Field Office and Surprise Field Office Manager, Owen Billingsley has asserted the authority to remove “excess horses” for the purpose of preventing range deterioration associated with “excessive horse populations”, EA # CA-370-06-16 and the FONSI issued on August 25 and August 30, 2006 failed to establish that horses were indeed, excessive or that deteriorating range conditions were the result of the horse population within the HMA.

This eyewitness account of a trained wildlife ecologist of the existing HMA conditions and the High Rock Herd gather provide contrary evidence to the assertions made by the Surprise Field Office about the “excessive populations” within the HMA and that horses were in “poor physical condition due to lack of forage and water”.

Therefore, I ask that the court request of the Surprise Field Office and the Litchfield Corrals, where the horses were shipped too, that they provide documentation and evidence of this assertion about the poor physical condition of these horses through submitting the Henneke body condition scores of the 364 surviving horses gathered between 9/11/06-9/19/06.

Also, since photo documentation is required for determining breed characteristics, body type, etc., of herds and gathered animals, I would like to ask the court to request the photographic evidence be submitted of the 364 surviving horses so that this assertion may be visually verified.

I will also personally submit this letter of “Notification of Intent to Respond” and the request for documentation to the Regional Solicitors Office, the Surprise Field Office and the Litchfield Corrals so that all parties involved are aware of this request and intent.

Again, I thank the court for its consideration and truly hope it sees fit to request this evidence be submitted within this appeal process and that it be provided in a timely manner so as to ensure fair and impartial evaluation of the issues cited within my appeal.

I would appreciate notification from the court when it reaches a decision about my request, as well as the reasons and basis for its decision.

Sincerely,

REMOVED

