

**Wild Horse  
Gather & Removal**  
January 2007

**Stone Cabin Complex**  
Stone Cabin HMA, Saulsbury HMA,  
Reveille HMA, Monitor WHT



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To: Tonopah Field Station  
1553 South Main Street  
P.O. Box 911  
Tonopah, NV 89049

From: Cindy MacDonald  
REMOVED

January 16, 2007

RE: Stone Cabin Complex Wild Horse Gather  
Environmental Assessment NV065-EA07-028

Dear Ms. Felton:

Enclosed are my comments, input and questions regarding the environmental assessment and proposal to remove wild horses from the Stone Cabin HMA, the Saulsbury HMA, the Reveille HMA and the Monitor WHT scheduled for removal between January 22, 2007 and February 12, 2007.

The general conclusions that I have come to after reviewing and researching this proposal and the previous management activities implemented by the Bureau of Land Management regarding the wild horses within the proposal area compels me to urge that the "No Action" alternative be selected at this time.

I am grateful for the opportunity afforded me to participate in the management and preservation of the resources of our Nation and hope that my contributions will be of assistance in proper administrations and compliances that the Bureau of Land Management has been given to uphold.

Sincerely,

**Cindy MacDonald**

Upon researching this proposal, the following questions have come up.  
Please explain.

The last time this area was gathered, it was gathered as the Saulsbury Complex.  
Why is this same complex now being called the Stone Cabin Complex?

Regarding the Stone Cabin HMA:

In 2004, 104,764 acres were listed in “Other Herd Area Acres”.  
In 2005, only 4,227 acres were listed in same. What happened to this acreage?

In the EA on Pg. 8 it is stated that BLM is planning to remove 239.  
The 2007 National Gather Schedule is reporting 165 scheduled removals.  
Please explain.

Regarding the Reveille HMA:

The EA states that no gathers/removals will be done within the actual HMA.  
The 2007 National Gather Schedule is reporting plans to gather 128 and remove 52.  
Please explain this discrepancy.

Regarding the Saulsbury HMA:

This HMA was not reported at all in 1997 BLM statistics yet EA states that  
AML was established for HMA in 1992. When was this HA/HMA established?  
Please explain this discrepancy.

The population estimates given for the Saulsbury HMA have included the population of  
Monitor Wild Horse Territory to increase “excess AML percentages”.  
Monitor WHT has yet to establish AML’s for its 339,428 acres.  
The current proposal is seeking to establish a remaining population of 25 wild horses  
on 483,695 acres of public lands. Additionally, Monitor WHT was just gathered and removed  
wild horses one year ago.

Please explain why Monitor WHT population numbers are being reported as Sauslbury HMA  
population numbers.

Please explain why no information was reported or provided in this EA and to the public  
regarding the Monitor WHT, it’s population estimates, AML’s, or previous gather/removal  
history other than the statement within the EA that it was included within the gather/removal  
proposal.

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Please explain why BLM feels justified in wild horse removals and the resulting expense that  
will leave an estimated remaining population of 25 wild horses on 483,695 acres of land (the  
Saulsbury HMA and Monitor WHT, respectively).

Please explain why BLM states that wild horses within the Stone Cabin Complex interact with  
the Nellis Nevada Wild Horse Range horses versus the wild horses that comprise the Fish Creek  
Complex. The Nellis Nevada Wild Horse Range is located on a military installation that is

completely fenced to prevent movement or intrusions. How have horses managed to cross these military barriers?

What evidence does BLM have that documents movement of wild horses outside the Nellis Nevada Range, much less interaction with any of the Herd Areas that comprise Stone Cabin Complex?

What is the most current date of this documented movement between the Nellis Nevada Range wild horses and the Stone Cabin Complex wild horses?

This BLM assessment included the Nellis Nevada Wild Horse Range and its relative statistics as having impacts to the Stone Cabin Complex Herd Areas while excluding the Fish Creek Complex Herd Areas. Yet the Herd Areas that comprise the Fish Creek Complex are well documented for their proximity, impacts and herd interactions with the adjacent Stone Cabin Complex herds. Why would BLM exclude these well documented Herd Areas from analysis yet include an undocumented herd?

Did BLM cite the Nellis Nevada Wild Horse Range as interacting with the Stone Cabin Complex herds merely for the sole purpose of including the Nellis AML of 500 horses to artificially inflate AML numbers for the proposal area in an attempt to hide unhealthy genetic AML's and populations as a result of this proposal and implementing its decisions?

Additionally, the Nellis Nevada Wild Horse Range has decreased its AML from 1,000 wild horses to 500 wild horses between 2004 and 2005 while at the same time increasing the Herd Area acreage by 699,642 acres.

If wild horses are interacting between these areas as BLM asserts in this proposal, why are AML's being reduced instead of increased with the corresponding increase in resources?

The proposed gather area is adjacent to many HMAs that were gathered in the summer of 2005 and the winter of 2006. 1,179 wild horses have been removed so far and this proposal will remove 521 more: 1,700 in a year and a half.

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It is stated on page 25 that the post-gather population estimates for the Stone Cabin Complex and the Fish Creek Complex, a co-managed wild horse area, is expected to be 540 wild horses once the proposed removals are completed. The total combined acreage of these two Complexes equals 2,027,945 acres.

The estimated "over-population" scheduled for removal within the Stone Cabin Complex is 521 wild horses.

Not only is the idea ridiculous that 1,061 wild horses dispersed over 2,000,000 acres (the current estimated population of the two complexes) is causing range deterioration, this proposal, as well as the previous gather and removal actions, is no longer considered "management" but

harassment. This is clearly evident and asserted within your own proposal that cites undocumented distribution and occupation patterns now being exhibited by wild horses within the proposal area and in the surrounding environments.

The HMA's and WHT's within this proposal, as well as the adjacent HMA's and WHT's managed under the Fish Creek Complex umbrella, indicate that previous aggressive removals within the areas are resulting in extreme stress to the wild horses, causing severe disturbances in normal distribution patterns and occupation by wild horses in areas that has never been documented before.

The current BLM management strategies are resulting in extreme harassment to wild horses within the proposed gather and removal areas that borders on eradication.

Further support for this harassment and aggressive excessive removals is provided on page 3 of this assessment, which states that reproduction rates have been noted at 23.5% for the last two years. While the EA cites the reason for higher reproduction rates being due to above-average rainfall, it is also common knowledge that large reductions in wild horse populations spur a compensatory reproduction rate in efforts to re-stabilize herd dynamics.

Why was this not considered or reported on as a reason for increased recruitment rates? Is it possible that this attempt to re-establish herd populations is the reason for increased reproduction rates versus additional available forage?

The 2004 Fish Creek Complex wild horse removal proposal, the November 2006 AML proposals released by the Austin-Tonopah Ranger District and this assessment, repeatedly state that seasonal wild horse movements and distribution patterns fluctuate widely within these wild horse territories.

In other words, the horses that reside within the two million acres move around it considerably. This means that these horses have been rounded up three times in a year and a half. This too shows, not "management", but harassment, which the 1971 Act was specifically written to prevent.

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The Mojave/Southern Great Basin Resource Advisory Council Rangeland Health Standards and Guidelines state:

- Guideline 4.3: "***Interaction with herds should be minimized. Intrusive gathers should remove sufficient numbers of animals to ensure a period between gathers that reflects national wild horse and burro management strategies.***"

Please explain how three gathers in a year and a half is in conformance with this guideline?

Please explain how three gathers in a year and a half are in conformance with the following Code of Federal Regulation?

43 CFR 4710.4: *“Management of wild horses and burros shall be at the minimum level necessary to attain the objectives identified in approved land use plans”*

The seasonal herd movements and distribution patterns also highlight another seriously questionable objective cited within this proposal.

BLM implements a national strategy during wild horse gathers and removals, which targets approximately 60% of the estimated wild horse population for removals to allow for a 3-4 year period between each round up.

Yet, the Reveille HMA has not been officially gathered for six years and they are still not exceeding AML as BLM projects, and this is despite reported “highs” in reproduction rates for the area. The reason for this failure to approach high AML is not reported on within this proposal.

What are the documented reasons this wild horse herd has failed to reproduce at the standard or high estimated reproduction rate? Are predators impacting the wild horse population? Have there been round ups and removals here that are unreported? Is seasonal movement into previously gathered areas documented by BLM and wild horses that move from this HMA removed anyway?

Despite not exceeding AML, BLM is still planning on gathering the wild horses within the area. One of the main reasons for gathering wild horses in Reveille is cited as wild horses residing outside “horse managed areas”. It is estimated in this proposal that currently 49 horses are occupying public land outside the HMA.

Yet research shows a rather curious acreage allocation has been transpiring around this herd. In 1997, BLM reported that the Reveille herd had a Herd Area and Herd Management Area of an equal allocation of 125,400 BLM acres. In 2006, this acreage is now reported as 387,558 Herd Area acres while the “managed” acreage known as HMA has been reduced to 104,515 acres.

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So through management decisions, in less than 10 years BLM has reduced the “managed” portion of The Reveille wild horse herd by 20,885 acres. This would probably be why BLM recently re-negotiated and reduced the Reveille “appropriate management level”.

Yet, the Herd Area acreage, acreage not previously acknowledged as a wild horse area, has increased to 387,558 acres. This is an increase in Herd Area acreage in less than 10 years by 262,158 acres. What is the purpose of BLM increasing previously unallocated acreage for wild horse use by 262,158 acres?

Even more puzzling is, this acreage is not officially “managed” for wild horse use. The current illegal strategy of removing wild horses outside HMA’s would indicate that increasing Herd Area acreage for wild horse use when wild horses are just removed from this

area if they “stray” into it, indicates that no purpose is served for the benefit of the wild horses by increasing Herd Area acreage.

So why has BLM issued decisions that increased this acreage by over 300% in less than 10 years when they will not allow wild horses to live there? I believe the term BLM is fond of is, “horse-free areas”.

So this leads to the next issue of contention concerning the gathering and removing of wild horses outside the Reveille HMA.

The Bureau of Land Managements Code of Federal Regulations states the following:

**CFR 4710.4, Constraints on Management.**

*“Management of wild horses and burros shall be undertaken with the objective of limiting the animals’ distribution to herd areas.”*

Under CFR 4700.0-5, (d), (i), (j),

(d) the herd area they are residing on is their habitat,

(i) this public land/herd area they are residing on is part of their habitat,

(j), the horses being scheduled for removal are residing on public lands/habitat administered by BLM with whom specific constraints have been established as to the actions they may take regarding their management and removals.

The wild horses being proposed for removal are residing in their legally protected herd area. BLM is not authorized to remove these horses according to their own regulations and proposing to do so is in direct violation of it’s own policies.

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In addition to violating its own regulations, the gather proposal is also in violation of the Mojave/ Southern Great Basin Resource Advisory Council Rangeland Health Standards and Guidelines, which state:

- Guideline 4.1: “Wild horses and burro population levels in HMA’s should not exceed AML”

By BLM’s own admissions, the Reveille population does not exceed the established Appropriate Management Level within the HMA. Yet, despite all of these clearly delineated policies, BLM is still proposing management actions that do not conform to them, worse still, are in direct defiance of them.

Please explain how BLM feels the proposed action is not in direct violations of these policies.

Please explain how this proposed action is not in direct violation of the protections afforded wild horses on public lands as decreed through the 1971 Act and the resulting public law established by Congress, protections and rights that were re-affirmed in the 1976 FLPMA?

Please explain why, when BLM published on page 6, under authorizations through citation of CFR 4710.4, they censored, omitted, re-worded and inaccurately quoted this regulation.

This proposal reports this regulation as:  
43 CFR 4710.4:

*“Management of wild horses and burros shall be at the minimum level necessary to attain the objectives identified in approved land use plans.”*

Yet this CFR regulation actually reads:

*“Management of wild horses and burros shall be undertaken with the objective of limiting the animals’ distribution to herd areas. Management shall be at the minimum level necessary to attain the objectives identified in approved land use plans and herd management area plans.”*

This shows a deliberate attempt by BLM officers to manipulate information with the sole intention of misleading the public regarding the appropriateness of this proposal and its implementation. By quoting this regulation, it also shows that BLM is fully aware that they have no authority to remove the Reveille horses that are residing in their legally designated and protected herd area but are blatantly disregarding the “constraints and limitations” that they are required to follow.

For what purpose does BLM “spin” their own regulations to remove wild horses without proper authority within their legally protected area and in direct violation of public laws and agency policies?

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This proposal for the gathering and removal of wild horses within their legally protected and managed areas is clearly “reaching” for reasons to remove wild horses; there is no substantive evidence provided that wild horses are excessive by any standard within the complex area, only vague generalizations and assertions about “potential possibilities”.

It is reported that water is not an issue within all the proposal areas but one, yet states that an over-population of horses can result in wild horses starving to death and is cited as one of the reasons why removals are necessary.

The known Animal Unit Months (AUM’s) that BLM has authorized for livestock grazing within the Stone Cabin Complex is 44,282 AUM’s or 13,248 head of cattle while wild horse use has been allocated at 6,564 AUM’s or 547 head of horses. The AUM’s that BLM has authorized for livestock grazing within the Reveille herd area is listed as 25,730 AUMs or 8,781 head of cattle of permitted use.

If that much forage is available, how can horses starve to death?

What is really being stated and managed for is this forage is reserved for livestock use and that the Tonopah Field Station needs to remove wild horses to make sure that every bit of spring forage is made available and will be provided for cattle consumption.

The inclusion of the statement that “horses can starve to death” is intentionally and deliberately misleading to the general citizen who trusts BLM to accurately report rangeland and wild horse conditions during these assessments.

It also shows prejudice by failing to accurately report multiple-use management. The inclusion of a statement that is obviously false would seem to indicate that BLM does not feel confident enough in its management decisions to be forthright with the simple truth; the food is for livestock, not horses. The reason they are not confident is it’s illegal and in direct defiance of how they have been instructed to manage wild horses and burros on public lands.

Also, this assessment cites that within BLM’s own Code of Federal Regulations that, “Wild horses and burros shall be managed at self-sustaining populations of healthy animals and in balance with other uses and the *productive capacity of their habitat.*” (43 CFR 4700.0-6, a)

Obviously, the habitat is very productive; yet only a marginal amount is allowed for wild horse use.

Please explain how over 13,248 head of cattle versus 547 horses is either balanced, appropriate or complies with this regulation?

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Additional support for BLM’s failure to comply with its mandates and own policies is evidenced by issuing AML’s for the proposal area that do not meet adhere to CFR §4700.0–6 Policy.

(b) “*Wild horses and burros shall be considered comparably with other resource values in the formulation of land use plans.*”

All definitions of “*comparably*” cite “equal” as the definitive term.

Please explain how the current multiple-use allocations of 13,248 head of cattle (or 44,282 AUM’s) versus 547 horses (or 6,564 AUM’s) are comparable or equal?

Please explain how the current multiple-use decisions for wild horse and burro management within the proposed area comply with CFR4700.0-6?

Furthermore, not only has BLM been directed to manage wild horses and burros in an equal manner with other uses in the area, they are specifically required to close public lands to livestock grazing if it becomes necessary to protect wild horses and/or their habitat.

CFR §4710.5 Closure to livestock grazing.

(a) “***If necessary to provide habitat for wild horses or burros, to implement herd management actions, or to protect wild horses or burros from disease, harassment or injury, the authorized officer may close appropriate areas of the public lands to grazing use by all or a particular kind of livestock.***”

This regulation clearly delineates BLM's responsibilities in the management of wild horses and burros in comparison to livestock grazing within wild horse designated territories. Not only has BLM been charged with ensuring that wild horses and burros are to be the principal essence on public lands within their herd areas, reducing and/or completely removing livestock to protect them is one of the mandates within their own policies and directives.

Please explain how the current management strategy and administrations by the Tonopah Field Office complies with the directive, which is now resulting in this proposal to remove more wild horses again, while still allowing livestock operations to dominate public lands reserved for wild horse and burro use?

Additionally, page 7 reports that:

“Roy Clifford of the Stone Cabin Partnership states concerns that horses have starved to death in the fenced-off Willow Creek Allotment because of lack of forage during an unusually heavy snowfall” and that “The Stone Cabin Ranch strongly urges BLM not to allow any horses on Willow Creek (Allotment) for this reason.”

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Is BLM allowing a livestock operator to dictate public lands policy, implement rangeland “improvements” that are clearly detrimental to wild horse habitat and health, and violating a variety of laws and regulations, the most glaring being CFR 4710.5?

Since Mr. Clifford has voluntarily admitted that his current use of the public lands authorized for wild horse protection is posing a serious hazard to their habitat and welfare, it is BLM's responsibility to exercise their authority by closing this area of public land off to livestock grazing and remove the fences that are creating this hazard.

Why has BLM shirked its mandates by allowing this life-threatening hazard to be installed on public lands reserved for wild horse protection and habitat?

Why did BLM not address this hazard by proposing the elimination of the fence and the livestock grazing within this proposal as soon as this fact was reported?

If the fence is removed and the allotment closed, as it should be according to CFR 4710.5, a resulting increase in forage allocations for wild horse use would thereby be obtained as well as obviously mitigating population and rangeland “pressures” that would negate the need for wild horse removals in the area.

Failure to acknowledge this, address it and actually “promote” this as a reason to remove wild horses in the area indicate severe and egregious prejudice being exercised toward wild horse populations being administered through the Tonopah Field Station.

Please explain how the current “management strategy” of the wild horses in the proposal area, who have been allocated 700% less forage than livestock, conforms to the following directives provided in the 1971 Wild and Free-Roaming Wild Horse and Burro Act (Public Law 92-195), The Federal Lands Management Policy Act of 1976, or The Public Rangelands Improvement Act of 1978 (Public Law 95-514).

The Federal Lands Management Policy Act of 1976 states:

Title 3, Administration, Section 302. [43 U.S.C. 1732] (a) states:

*“The Secretary shall manage the public lands under principles of multiple use and sustained yield, in accordance with the land use plans developed by him under section 202 of this Act when they are available, **except that where a tract of such public land has been dedicated to specific uses according to any other provisions of law it shall be managed in accordance with such law.**”*

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Title 7, Effect on Existing Rights; Section 701. [43 U.S.C. 1701 note] (a) states:

*“**Nothing in this Act, or in any amendment made by this Act, shall be construed as terminating any valid lease, permit, patent, right-of-way, or other land use right or authorization existing on the date of approval of this Act.**”*

Title 7, Effect on Existing Rights; Section 701. [43 U.S.C. 1701 note] (f) states:

*“**Nothing in this Act shall be deemed to repeal any existing law by implication.**”*

Title 7, Effect on Existing Rights; Section 701. [43 U.S.C. 1701 note] 6 (h) states:

*“**All actions by the Secretary concerned under this Act shall be subject to valid existing rights.**”*

*“nothing in this Act shall be construed as modifying in any way law existing on the date of approval of this Act with respect to the creation of right, title, interest, or estate in or to public lands or lands in National Forests by issuance of grazing permits or leases”*

*“The permittee or lessee **accepts the terms and conditions** to be included by the Secretary concerned in the new permit or lease”*

Title 1, Declaration of Policy, Section 102-(7), as follows:

*“goals and objectives be established by law as guidelines for public land use planning, and that the management be on the basis of multiple use and sustained yield **unless otherwise specified by law:**”*

The Public Rangelands Improvement Act of 1978 (Public Law 95-514) states:

*“continue the policy of protecting wild-free roaming horses and burros from capture, branding, harassment, or death....”*

*“the policies of this chapter shall become effective only as specific statutory implementation is enacted by this chapter or by subsequent legislation and **shall be construed as supplemental to and not in derogation of the purposes for which public rangelands are administered under other provisions of law**”*

All land use plans require that those plans conform and are compliant with valid and existing rights, rights granted to wild horses and burros who occupied public lands at the time of the passage of the Wild and Free-Roaming Horse and Burro Act of 1971. These protections were reaffirmed by these inclusions in the FLMPA of 1976 and PRIA of 1978. The current wild horse management strategy being administered through BLM is non-compliant with these public laws.

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The only thread that BLM clings too to justify an over population exists is the Saulsbury HMA AML being exceeded and this was only accomplished by “lumping in” the Monitor WHT populations into the Saulsbury HMA.

First, the AML that BLM approved in it’s multiple-use decisions for the area is truly reflective of their failure to protect wild horse interests against those who seek to exploit our public lands and National resources; 40 wild horses on 144,267 acres of land. That is only for the Saulsbury HMA, not the 339, 428 acres that comprise the Monitor WHT.

Second, the overwhelming documentation that cites continuously changing distribution patterns within the area make the current *need* for removals highly questionable. How long has the wild horse population “exceeded AML”? A month? Two months?

BLM knows that wild horses move from this area and rarely reside there on a permanent basis in any great numbers. Yet, this gather proposal targets a specific time of year where wild horse use is documented at it’s peak, with hopes that the migratory population patterns will achieve the highest wild horse population level, which in turn *may* cause the population to temporarily exceed this ridiculously low AML and to justify the removals.

BLM is not only insisting, but twisting its own rules in an attempt to justify this highly intrusive wild horse gather and removal proposal. If its motivations are not based on actual rangeland health and needs, proper monitoring or multiple-use distribution, then its motivations become suspect.

BLM leases or “sells” the forage from our public lands for profit, both to the Bureau itself as well as for the profit of the authorized livestock grazing permittee. Removing wild horses for

direct or indirect financial gain is expressly forbidden in CFR 4700.0-5, section (c) under **commercial exploitation**.

Furthermore, due to highly controversial changes in the 1971 Act which allows for the direct sale of “excess” wild horses removed from public lands, the BLM now receives money and financial gain directly through implementing decisions that “approve” of removing wild horses from our public lands, which can thereby be immediately sold with the resulting proceeds deposited in BLM's account.

Could this be the reason BLM omits and re-write regulations, threatens wild horse starvation if immediate action isn't taken, fails to accurately report rangeland conditions to the public, attempts to mislead the public in its reports, and habitually issues “full force and effect decisions” in strategic time-frames that effectively prevents any accountability or challenge to their wild horse “management” goals and strategies?

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All evidence points to the conclusion that BLM's issuance of this proposal is for the express purpose of commercial exploitation of our public lands and resources, of multiple-levels of financial gain, both directly and indirectly, and that the removal of wild horses from our public lands is not based on an objective analysis, proper stewardship, or legal compliance but to generate funding and profit for livestock operators and the agency itself.

Please explain how the current AML and multiple-use decisions for the proposal area is not designed to maximize “profit” on public land at the *expense* of proper stewardship of public resources?

Please explain why the BLM has determined that it is more feasible to have the taxpayers pay for wild horses to live in long-term holding facilities while ranchers pocket the profit gleaned from utilizing the forage on our public lands, forage that is by legal right and mandate reserved for wild horses to a much larger extent than currently allocated within their designated herd areas.

Please explain how the current forage allocation that has resulted in BLM declaring wild horses are excessive and must be removed, conforms and is compliant with the following mandate in The Federal Land Policy and Management Act of 1976?

Title 1, Definitions-

Section 103 [43 UUSC 1702] (c):

*“The term “multiple use” means the management of the public lands and their various resource values so that they are utilized in the combination that will best meet the present and **future needs of the American people; making the most judicious use of the land for some or all of these resources** or related services over areas large enough to provide sufficient latitude for periodic adjustments in use to conform to changing needs and conditions; the use of some land*

*for less than all of the resources; a combination of balanced and diverse resource uses that take into account the long-term needs of future generations for renewable and non-renewable resources, including, but not limited to, recreation, range, timber, minerals, watershed, wildlife and fish, and natural scenic, scientific and historical values; and harmonious and coordinated management of the various resources without permanent impairment of the productivity of the land and the quality of the environment with consideration being given to the relative values of the resources and **not necessarily to the combination of uses that will give the greatest economic return or the greatest unit output.**”*

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Since any evaluation of this proposal by the public that endeavors to look beyond the most superficial “facts” that are presented here will result in the obvious conclusion that malfeasance is being demonstrated by the BLM, this brings me to the next issue I would like addressed; the legal rights of the general public to challenge BLMs decisions, assertions and demand accountability and compliance with proper stewardship of our National resources.

First, the BLM began the “scoping process” on this proposal in May 2006, eight months prior to issuing this “preliminary gather proposal”. The 2007 National Gather Schedule indicates that this proposal will not only be approved of regardless of whatever comments or concerns may be raised by the interested parties and general public, it will be implemented six days after the close of the comment period.

Furthermore, the EA states that a population census will be done on the proposal area AFTER the issuance of this assessment. BLM is required by law to issue this “environmental assessment” to inform the public of it’s proposal and to report on relevant factors within the proposal for consideration and comment. Why then was the census not done prior to the issuance of this EA so that the public has the opportunity to have the most current, up-to-date information available for their consideration?

Please explain why, knowing eight months in advance about this proposal, knowing that a population census would be done, BLM chose to schedule the census within a time frame that excludes reporting these figures to the public?

This is in direct opposition to the mandate established in The Public Range Management Act, Section 1903. Rangelands inventory and management; public availability, (a):

*“...shall be kept current on a regular basis so as to reflect changes in range conditions; and shall be available to the public.”*

The BLM is aware of this public law and mandate, are they not? Isn't BLM's failure to report current rangeland conditions of wild horse populations to the public in this environmental assessment, the very core this removal proposal is centered on, a violation of this mandate?

If these figures are released to the public *after* the comment period is closed, what possible purpose can it serve to the public?

What it does point to is BLM making a concerted effort to keep the public as ignorant as possible of the truth about current conditions. Yet, since they are required by law to report these figures to the public, they will release them at a time that has made them irrelevant for public participation.

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The second issue I would like BLM to address regarding public participation is why they have issued this EA so late after the initial scoping period, yet only days before the scheduled wild horse removals?

The public is entitled to appeal decisions issued by the BLM if they believe those decisions to be in error or to cause relative harm. The public can also request a “Stay” of these decisions if evidence suggests that the current proposal is non-compliant and not in the best interests of the public at large.

However, BLM has developed a pattern of strategically issuing EA's in a manner timed to circumvent this only forum of public protest to land use, resource abuse and the Bureaus accountability to the public for its actions.

The current standard procedures now being implemented by the BLM will be to issue a final decision of the Preferred Alternative with No Significant Impact within one or two weeks of the proposed wild horse removals. The 2007 National Gather Schedule states it will be less than week from now. They will issue this decision under a “Full Force and Effect” clause that was originally intended to prevent rangeland deterioration due to extensive litigation or emergency conditions.

When this “new” Full Force and Effect clause and its resulting authority was first introduced, BLM assured the public that it would only be utilized under “Emergency Conditions” and that it posed no threat to the public's opportunity to examine or challenge BLM's decisions.

Now, BLM issues **all decisions** under the Full Force and Effect clause and deliberately times the release of the EA's to the public so that any hope of stopping ill-conceived and ill-founded proposals has been eliminated. The public's role has been reduced to nothing more than a "host" in a parasitical system with whom our only opportunity to participate in any meaningful way is to "pay the bills"; taxation without representation, which BLM cites as "beyond the scope of the proposal".

Please explain why BLM failed to release this EA in a manner that would be timely enough to allow for the public to request a stay and appeal the decision if warranted?

Please explain why BLM waited so long to release this EA for public comment if the scoping process began almost a year ago?

Please explain why the Tonopah Field Station has refused to allow the public the opportunity to comment via e-mails, a very common and convenient forum of public participation? Doesn't it *want* to hear from and consider the public concerns?

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Examination of this proposal leads to the following conclusions:

BLM has failed to assert its authority and mandates to protect wild horse interests on public lands. This is reflective in the approved "appropriate management levels" for the proposal areas which wholly favor the leasing of public lands for profit, at the expense of the wild horses they are charged with protecting, as well as the failure to address serious hazards and threats to wild horses and their habitat.

BLM has failed to provide any evidence in this proposal that an overpopulation of wild horses exists, which could result in threats to rangeland health and deterioration. The evidence that is presented demonstrates that excessive livestock operations are being allowed and approved of to generate revenue for private individuals at the expense of the general public.

BLM, through issuing decisions to remove wild horses that are not excessive, increases the agencies potential to increase their own revenue through both taxpayer funding of this proposed action as well as the funds acquired through the direct sale of the wild horses they remove.

BLM is failing to provide proper stewardship of public lands and resources, is causing excessive costs to taxpayers through their exploitation of public resources "for sale", and is knowingly defying laws and regulations established through their own agency and Congress which have been established to protect our resources, now and for future generations.

It would be in the public's best interest, as well as serving the National interests of proper stewardship of our resources, for the BLM Tonopah Field Station to indulge itself in a "crisis of conscience" and merely chose the No Action Alternative regarding this proposal.

**Comments/ Input    Stone Cabin Complex Wild Horse Removals NV065-EA07-028**  
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