

Bureau of Land Management
White River Field Office
Attention: Melissa Kindall
220 East Market Street
Meeker, Colorado 81641

Re: CO-110 (WRFO) 4700
DOI-BLM-CO-110-2010-0088
Wild Horse Removal Plan

July 15, 2010

Dear Ms. Kindall;

The Cloud Foundation, a 501(c)3 non-profit corporation, on behalf of our thousands of supporters throughout the United States; Ginger Kathrens personally; The Equine Welfare Alliance; Front Range Equine Rescue; Hilary Wood personally; and the over 90 organizations represented thereby submit the following comments for your consideration. The Equine Welfare Alliance is based in Chicago, Illinois and represents horse organizations worldwide. The Cloud Foundation is dedicated to the preservation of wild horses and burros on our public lands and is committed to educating the public about the natural history of these animals and their place on America's Western public lands. Front Range Equine Rescue is a Colorado horse rescue with years of experience in mustang rescue, rehabilitation and training.

Federal Judge's Decision

Considering the ruling by Federal District Court Judge Rosemary M. Collyer in 2009, we are perplexed by your most recent attempt to "zero out" the small, historic herd of wild horses residing in the West Douglas Herd Area. Judge Collyer found that the BLM exceeded its authority to remove all wild horses from the West Douglas Herd Area in Colorado. The judge struck down the plan and stopped the BLM from implementing it. Since, in this EA, BLM relies on the 1997 White River Resource Management Plan and the 2005 Amendment to that Plan as the basis for removing all the horses, rather than any determination that the horses are "excess," Judge Collyer's opinion would control this EA and require that it, too, be set aside.

The plan, known as the 2008 Gather Plan, was to remove all wild horses from this area beginning October 2008. *"The gather methods used w[ould] include helicopter drive trapping, helicopter assisted roping, water trapping, or bait trapping."*

The Wild Free Roaming Horses and Burros Act provides that *"Congress finds and declares that wild free roaming horses and burros are living symbols of the historic and pioneer spirit of the West; that they contribute to the diversity of life forms within the Nation and enrich the lives of the American people; and that*

these horses and burros are fast disappearing from the American scene." 16 U.S.C. §1331.

The Act further provides that "[i]t is the policy of Congress 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". The BLM says that the term "where presently found" means "the geographic area identified as having been used by a herd as its habitat in 1971." 43 C.F.R. § 4700.0-5(d).

The Court found the BLM had not determined there was an overpopulation of wild horses in this herd, nor were the horses "excess" animals.

The Court concluded that a "decision to remove an entire herd of concededly non-excess wild free-roaming horses and burros is ... impermissible". With that finding, Judge Rosemary Collyer put an end to the BLM's overreaching claim that it can round up the entire West Douglas Herd whether or not they are deemed "excess". The judge put it bluntly, "Congress did not intend for BLM's management authority to be so broad."

Allotment Management Plan

Despite this decision, BLM is back with yet another EA designed to wipe out this small herd. By eliminating the wild horse herd, the BLM will be free to achieve the desired results of an Allotment Management Plan (AMP) prepared in 1999. This AMP, by the way, was created without the presence of any member of the wild horse advocacy community, even though advocates who wanted to participate made requests. The reason for rejecting these requests was that the BLM did not intend to manage for wild horses in the West Douglas Herd Area (HA) past the year 2007, so having a representative for the wild horses present for the design of the AMP was unnecessary.

It appears that the subsequent AMP is designed to increase Animal Unit Months (AUMs) for cow/calf pairs while eliminating the wild horse herd and forage allocated to wild horses added to livestock AUMs. The forage allocated for cow/calf pairs is already 9285 versus 1290 for the wild horse herd. Wild horses are allotted less than 13% of the forage while cattle are allotted nearly 82%. With this formula, only 107 wild horses are allowed versus 773 cows and 773 calves. With the removal of all the horses, the 1290 AUMs would be available for an additional 107 cows and 107 calves.

Reasons to Eradicate

On page 6 of your current EA, you state the reasons for not managing wild horses in West Douglas: *Intensive management would be required to maintain genetic viability of the herd, provide adequate horse habitat and suitable conditions for other competing uses, keep the horses within the boundaries of the*

management area, and to carry-out horse gathers in the localized rough terrain.

Let's examine this statement piece by piece. Basically, you are saying that maintaining a herd of 150-200 adult wild horses would require intensive management. What kind of "intensive" demands would be required to simply allow the herd to grow naturally, without removals, until it reaches a population range which would insure the herd's future survival without inbreeding?¹

However, because this herd has been managed at genetically non-viable numbers for years, it would be wise to consult with Gus Cothran, PhD (a recognized authority on equine genetics at Texas A&M), to get his advice regarding the need to introduce several horses from another herd which most closely matches the genetic characteristics of the West Douglas horses. This may not be necessary, but if it is advised, then it could be easily accomplished. BLM has done these types of introductions many times with small herds, even in Colorado (Spring Creek, Little Book Cliffs). Introductions have usually been done, as I understand it, because a herd area is not large enough to accommodate 150-200 adult wild horses. However, it is hard to imagine a scenario, in which 123,000 acres of the West Douglas Herd Area cannot easily accommodate a herd in excess of 200 mustangs since it currently accommodates over 1,200 head of cows and potentially 1,200 calves.

As far as the difficulty of providing adequate horse habitat and suitable conditions for other competing uses, taking 1,000 AUMs from the cattle side and allocating them to the wild horses would solve this situation. BLM has the authority to reduce livestock grazing permits given them in CFR 4710.5 and 4710.6G.

Regarding the "problem" of keeping wild horses in the Herd Area, the BLM needs to reexamine the substantial lost acreage taken away from the wild horse herd area and reinstate the many thousands of acres taken away which would allow for buffer zones so that the horses might reoccupy their traditional lands. Why was this acreage taken away in the first place? Adequate summer and winter range must be taken into account and an understanding of the horses' natural migratory patterns to meet their biotic needs must be considered and understood as well.

Lastly, the argument that has been made for years that the area is too "rough" to manage wild horses in is ridiculous. If permittees can remove their cows on a regular basis, why can't the BLM remove some horses using bait and water trapping, and when necessary, helicopter drive trapping? This is obviously possible or you would not be asking the taxpayers to fund at considerable expense the total removal of the herd via helicopter roundups.

¹ Genetically viable defined here as a population of horses 1 year and older that is at or above 150-200 individuals with a Ne (genetic effective number) of 50 or more. This is the bare minimum for genetic viability of wild horse and burro population.

On page 44, you discuss why reducing the number of cattle would not reduce range degradation stating: *Progressive and accelerating declines in rangeland conditions beyond 2014 may prompt remedial action (e.g., reduction in livestock use). Efforts at reducing total grazing load through livestock would not resolve declining rangeland conditions attributable to sustained season-long grazing regimens in areas inhabited by wild horses.*

I would point out that you have “season-long grazing” by the majority of the cattle using this area: *The Twin Buttes Ranch Co. runs 1,157 cattle (cow/calf pairs) on the public lands throughout the year.* This is a herd of registered Hereford cattle. On a purely personal note, let me say that I am partial to registered Herefords. My family had some of the best breeding and show stock in the Midwest at one time. However, we would never have supported the total removal of a spectacular wildlife species like our North American wild horses in order to run a few more head of cows and calves—be they Herefords or any other breed.

GAO Report

Beyond this personal statement, let’s examine the science or lack thereof behind your assertion that reducing cattle numbers would not improve range conditions. Most scientists and range managers agree that wild horses do *no more* damage than cattle to public lands and in fact, *far less*. In 1990 the Government Accountability Office Report underscored that wild horse removals did not significantly improve range conditions. The report pointed to cattle as the culprit as they vastly outnumber horses on BLM-managed public lands. They reported that wild horse removals are not linked to range conditions and mentioned the lack of data provided by BLM.

It seems that very little has changed over the past 20 years. What science are you using to make the outlandish statements on page 44?

The Native Wild Equids

Across the board, the BLM fails to acknowledge the value of wild horses to their native environment. It is well known that the horse, with its post-gastric digestive system can reseed the range and greatly aid in building nutrient-rich humus, a critical component of healthy soils. The horses break water, allowing pronghorn, deer, smaller mammals and birds to drink. Unlike cattle that ruminate— often near riparian areas where they defecate in the water the horses keep moving for most of the day and night to assist in digestion. They prefer upland grazing habitat, unlike exotic cattle that cluster in lowland areas along streams and water sources. (note p. 44 EA. . . *wild horses in the Texas Mountain area tend to aggravate cattle loitering on the West Douglas Creek valley.*) Because BLM wants to do away with the West Douglas herd, it hasn’t even bothered to consider, much less analyze, the benefits of having a herd of wild horses in this area. This demonstrates BLM’s single-minded, scientifically devoid approach to

wild horse management. Telling is BLM's failure to consider **any** alternative to removal of the wild horses despite being commanded to do so by the plain language of the statute in the "least feasible management" requirement of 16 U.S.C. § 1333. As Judge Collyer observed, removal of wild horses from the range is the antithesis of least feasible management activity.

Cows generally graze within a mile of water. In comparison, wild horses are highly mobile, moving 5-10 miles from water and grazing on more rugged terrain, hence their love of their West Douglas home. Cows not only eat 26lbs. of grass daily but they consume as much as 30 gallons of water a day. Given the above factual statements on cattle vs. wild horse behavior, a re-analysis of future damage should be done before removing one horse from its legal home on the range.

The horse, as a returned native, fits into an environment from which they were missing for only 7,000 years—the blink of an eye in geologic time. The "green" wild horses should be embraced as part of the eco-system of this wild and beautiful area. Instead, they are marginalized and you have determined they need to be eradicated. Across the board BLM does not adequately control cattle on the public's land and has not sustainably balanced the use of the "forage", water and space. We'd like to see this remedied in West Douglas and across the West.

Zero Population Growth

It is clear from BLM's own data that the West Douglas herd has remained static, with no growth, and a slight decrease in population since 2005 when a helicopter count in the pre-foaling period recorded 97 wild horses. When adding 20% for foals yearly (BLM applied formula) and subtracting a removal in 2006 of 38 horses, the 2010 total without foals would be over 200 adult wild horses. Instead, this EA reports a population of only 86 "excess" wild horses, which represents the total population pre-foaling. Despite these statistics, BLM continues to apply a 20% increase in population, knowing that it is inaccurate. The EA projects a population of 300 wild horses by 2016 when the statistics over the past five years show a decline in population.

In the EA, page 28, BLM admits that the herd appears to be in a static growth pattern: ". . . it is unknown whether intraspecific competition at these population levels has stabilized the number of wild horses these preferred ranges can support." Is this not what is desirable in a wild horse herd—zero population growth in which births equal deaths? Instead the EA throws up page after page of red flags concerning population growth of 20% a year, which BLM's own data for this herd contradicts.

The High Cost of Removals

Please consider that the removal of a mustang costs already strapped American taxpayers over \$2,000 in addition to a possible \$2,098 to \$470/year holding cost for the rest of the horse's life if they are not adopted or sold. Why not apply the initial savings of over \$172,000 to range improvements, livestock and fence removals, noxious weed treatment, water improvements, and any number of projects that would improve the condition of the West Douglas area for wild horses and all the other wildlife species.

Reducing livestock AUMs would save money in the long run, considering the administration of the public lands grazing program runs in the red by \$123 million a year. It is not our wish to harm the livelihood of ranchers but current inequities should be rectified. The BLM must transition from managing only for extractive uses to managing the land for the good of the public on the whole and the wildlife, including wild equids, that share this land with overwhelming numbers of privately-owned livestock.

No Range of Alternatives

As far as a "range of alternatives," you have given the public options A and B, which deal with the total removal of the herd, and the No Action Alternative. This is not a range of alternatives and does not meet the requirements of NEPA. Having said this, we strongly advise that you select Alternative C, the no action alternative, which is the only legal option available in this EA.

We further request that you modify the Allotment Management Plan and all plans to accommodate a genetically viable herd of wild horses and to reduce livestock grazing if the area will not accommodate 150-200 adult mustangs. We request that you add acreage removed from the HA and change the designation of the West Douglas Herd Area to a Herd Management Area immediately.

Thanks very much for your time. We would appreciate an answer to the questions included in our comments.

Sincerely,

Ginger Kathrens
Executive Director
The Cloud Foundation, Inc.