



U.S. Department of the Interior

Bureau of Land Management

Wyoming State Office

Rock Springs Field Office

February 2001



**DECISION RECORD and
FINDING OF NO SIGNIFICANT IMPACT for the
Late Winter Gathering of Wild Horses in the
Rock Springs Field Office Area
(WY-040-EA01-019)**



MISSION STATEMENT

It is the mission of the Bureau of Land Management to sustain the health, diversity, and productivity of the public lands for the use and enjoyment of present and future generations.

BLM/WY/PL-01/007+1060



United States Department of the Interior

BUREAU OF LAND MANAGEMENT
Rock Springs Field Office
280 Highway 191 North
Rock Springs, Wyoming 82901-3447

1792/4710 (040)

February 16, 2001

Dear Reader:

Enclosed you will find the *Decision Record and Finding of No Significant Impact for Late Winter Gathering in the Rock Springs Field Office Area* which describes the Bureau of Land Management's (BLM) decision for late winter gathering of excess wild horses in the Rock Springs Field Office area. This decision is subject to the procedures for gathering and removal operations described in Appendix A, Capture Plan, of the Decision Record approved on July 14, 1999. The 1999 Decision Record can be viewed or downloaded from the Internet at the following address: http://www.wy.blm.gov/currentnews/wildhorses/env_docs/Rock%20Sprgs%20DR%20&%20FONSI.pdf. In addition to the aforementioned Capture Plan, late winter gathering of wild horses would be subjected to the additional conditions described in the enclosed Decision Record.

On January 10, 2001, the BLM released the environmental assessment for *Late Winter Gathering of Wild Horses* for a 30-day review and comment period. Appendix 1 of the attached decision provides a summary of comments received and BLM's response.

The BLM appreciates the public's participation during the preparation of the environmental analysis. Copies of this decision are available in the Rock Springs Field Office area or can be viewed via the internet at: <http://www.wy.blm.gov/currentnews/wildhorses/WILDHORSEADOPTION.HTML>, then click on documents. Should you have further questions, please call Teri Deakins at 307-352-0211 or Thor Stephenson at 307-352-0369.

Sincerely,


Field Manager

Attachment

**DECISION RECORD
 FINDING OF NO SIGNIFICANT IMPACT
 LATE WINTER WILD HORSE GATHERING IN THE ROCK SPRINGS FIELD
 OFFICE**

EA Number WY-040-EA01-019

Decision

It is my decision to approve the Proposed Action as described in the *Late Winter Wild Horse Gathering in the Rock Springs Field Office Environmental Assessment* (EA) and may be viewed via the internet at http://www.wy.blm.gov/currentnews/wildhorses/env_docs/EA.WHSPR.pdf. Late winter gathering may be conducted during the period of February 15 through March 31 provided the following conditions outlined below are met. In calendar year 2001, gathering could proceed upon approval of this Decision.

The number of excess wild horses that will be gathered is dependent on best available census data in relation to appropriate management levels for individual wild horse herd management areas. For 2001, new census counts have been scheduled for the month of February. Until the 2001 census is completed, BLM will use the latest census conducted between February 2000 and June 2000.

**Appropriate Management Level by Herd Management Area (HMA)
 and Latest Wild Horse Populations**

Area	AML ¹	2000 Population Count	2000 Wild Horses Removed	2001 Projected Population
Great Divide Basin HMA	500 (415-600)	1,210	354	923
White Mountain HMA	250 (205-300)	527	189	363
Little Colorado HMA	100 (69-100)	200	0	240
Salt Wells HMA	365 (251-365)	1,020	24	1,071
North Baxter/Jack Morrow Hills Area (outside HMAs)	0	293	1	350
Totals	1,215 (940-1,365)	3,250	474	2,952

Gathering operations for subsequent years (starting in 2002) will be based on the latest census data available.

First priority for gathering and removal operations will be on checkerboard lands, lands containing mixed ownership, as shown on Map 1. Other areas where wild horses congregate may be considered for removal operations if the weather conditions described below allow.

Gathering and removal operations will be in accordance the *Wild Horse Capture Plan* found in Appendix A of the July 1999 *Decision Record and Finding of No Significant Impact, Gathering and Removal of Excess Wild Horses Inside and Outside of Wild Horse Herd Management Areas* (this document maybe viewed via the Internet at: http://www.wy.blm.gov/currentnews/wildhorses/env_docs/EA.WHSPR.pdf). In addition to those protective measures identified in the capture plan, gathering operations will proceed only if the following weather conditions are occurring on the day of scheduled operations at the trap site:

- dry or frozen roads
- temperature above 10 degrees Fahrenheit (Aviation Safety Manual 9430)
- clear to partly cloudy skies
- winds less than 25 miles per hour
- generally little or no snow cover (certain areas may have drifted snow cover)

A third-party veterinarian will assess the physical condition of the wild horses in the field prior to beginning late winter gathering operations. The veterinarian will determine the condition of the animals and recommend to the BLM whether the horses are fit for gathering.

Traps will be constructed in accordance with the capture plan and located adjacent to county, BLM, or other existing roads. No new roads will be constructed.

All horses identified for gathering operations will be within 10 miles of the constructed trap site. The horses will be moved at their own pace by the helicopter until close to the trap; then, the horses will be driven into the trap in accordance with the capture methods and herding and stress reduction procedures outlined in the capture plan.

If any mares are encountered with foals less than 2 months old, they will be dropped from the gathering operation. If the mares with young foals (less than 2 months old) cannot be separated, the band/herd will be dropped from the gathering operation.

Late winter gathering operations and trap sites will avoid the following areas:

- known active raptor nesting sites
- prairie dog town/complexes
- greater sage-grouse leks and ½ mile buffer¹
- concentrated herds of antelope, mule deer, and elk²
- fenced areas
- riparian, wetland, or open or frozen water areas

¹Grouse are not nesting during the gathering period.

²Avoidance of concentrated herds will provide sufficient protection for these wildlife species while allowing opportunity to gather horses.

Map 2 shows areas that will be avoided during late winter gathering operations. Consultation with the Wyoming Game and Fish Department (WGFD) concluded that avoidance of concentrated herds of big game (antelope, mule deer, and elk) is sufficient to avoid adverse impacts to these species. In addition, BLM will continue to consult with WGFD regional wildlife biologists as needed.

Removal of excess wild horses will be in accordance with the current wild horse removal policy of removing all captured wild horses. Any horses deemed “unadoptable” will be placed in sanctuaries. This interim policy suspends previous selective removal criteria as described in Appendix B of the 1999 Decision Record. The current removal policy is in effect to achieve appropriate management levels in a shorter period of time since Congress provided additional funds for removal operations.

Alternatives Analyzed

The EA analyzed in detail the proposed action (selected) and no action alternatives. In addition, several other alternatives were explored and objectively evaluated. Based on such evaluation, the following alternatives were dropped from further analysis in accordance with 40 CFR 1502.14(a) which states “Rigorously explore and objectively evaluate all reasonable alternatives and for alternatives which were eliminated from detailed study, briefly discuss the reason for their having been eliminated.” The alternatives considered include:

- Use of contracted crews and/or out-of-state facilities to preclude need for late winter gathering. Contracted crews and non-BLM facilities are considered an option but contracted crews or facilities may not be readily available due to scheduling conflicts or may be filled to capacity due to conditions beyond BLM’s control (i.e., severe drought, fire, etc.). The BLM-Rock Springs Field Office maintains a staff of qualified and experienced wranglers who are immediately available for gathering operations.
- The 1999 EA (incorporated by reference, p. 9-10) documented other alternatives including alternative gathering methods such as water trapping, saddle horse only (no helicopter), or capturing horses by roping. None were shown to be efficient or cost effective.
- Another alternative evaluated but dropped from consideration in the 1999 EA was the use of immunocontraceptive control. This alternative was dropped from detailed analysis because the drugs used for contraception have not yet been approved by the U.S. Food and Drug Administration. Also, the use of such methods would require that the horses be gathered and held in order to administer the drugs.

Rationale for Decision

My decision to approve late winter gathering and removal of excess wild horses is based upon the following:

Gathering of excess wild horses is in conformance with the Green River Resource Management Plan (1997). Latest census data show that wild horse numbers are well in excess of the appropriate management levels for wild horses in the established wild horse herd management areas. Wild horses outside of such herd management areas are considered excess and subject to removal.

The BLM is charged with the enhancement and maintenance of healthy rangelands in order to provide a “thriving ecological balance” for all species residing on the rangelands. Wild horse numbers above appropriate management levels are impacting the rangelands. The first priority for gathering will be on checkerboard lands. These lands are subject to a 1981 District Court of Wyoming Order (*Mountain States Legal Foundation and Rock Springs Grazing Association v. Cecil Andrus*, C79-275K) which requires BLM-RSFO to “remove all wild horses from the checkerboard grazing lands in the Rock Springs District except for the number which the Rock Springs Grazing Association (RSGA) *voluntarily agrees* [emphasis added] to leave in said area.” Most of the private lands within the Wild Horse Herd Management Areas (HMAs) are owned or controlled by the RSGA. These private lands make up a considerable portion of three HMAs including: Great Divide Basin HMA (25%), Salt Wells HMA (36%), and White Mountain HMA (38%).

The impacts on horses and other resources from gathering of excess wild horses during the late winter will not be significant. Horses will be treated in a safe and humane manner. Safety risks to BLM employees, contracted helicopter crew, and wild horses, including pregnant mares, will be minimized with application of measures in the aforementioned capture plan and the additional conditions that must apply before gathering operations can occur.

Since no listed, proposed for listing, or candidate species are anticipated to be affected by this action, concurrence from U.S. Fish and Wildlife Service is not necessary. U.S. Fish and Wildlife Service, Seedskaadee National Wildlife Refuge, and Wyoming Game and Fish Department are in support of removing excess wild horses which compete for forage with native wildlife species.

Although 587 individuals or organizations sent comments in opposition to late winter gathering, none of these commentators provided data to support their claims of undue stress on the wild horses and in particular, stress on pregnant mares before their 38th week of pregnancy. BLM records confirm that avoiding unaccustomed stress after the onset of the 38th week of pregnancy is an appropriate safeguard to avoid stress-induced abortion during removal and processing. BLM records further document that the vast majority of wild horses in the Rock Springs Field Office area

foal on or about June 1 each year and any late winter gathering operations will end on or before March 31st. Therefore, conducting additional environmental analysis or selecting the No Action alternative has not been shown to be necessary. Appendix 1 provides a summary of public comments and BLM responses.

Compliance and Monitoring

Gathering and removal of excess wild horses will be conducted in accordance with the capture plan (Appendix A of the 1999 Decision Record) and with the measures identified above.

Finding of No Significant Impact

Based on the analysis in the environmental assessment, I have determined that the impacts to the quality of the human environment from the proposed action are not expected to be significant. Therefore, an environmental impact statement is not necessary.

Appeal

This decision is issued full force and effect in accordance with 43 CFR 4770.3(c) which mandates in part: "decisions to remove...shall be effective upon issuance or on the date established in the decision." This decision is subject to appeal. If you wish to appeal this decision, as provided for in 43 CFR 4770.3 and 43 CFR 4, you must file an appeal in writing within 30 days of this decision with the Rock Springs Field Office, 280 Highway 191 North, Rock Springs, Wyoming 82901. The appeal shall state clearly and concisely why you believe the decision is in error.

Should you wish to file a motion for stay, the appellant shall show sufficient justification based on the following standards:

1. The relative harm to the parties if the stay is granted or denied;
2. The likelihood of the appellant's success on the merits;
3. The likelihood of immediate and irreparable harm if the stay is not granted; and
4. Whether the public interest favors granting the stay.

If you decide to also submit a petition for stay of the decision, a copy of the notice of appeal, statement of reasons, and petition for stay should be simultaneously filed with the Office of the Field Solicitor, Rocky Mountain Region, 755 Parfet Street, Suite 151, Lakewood, Colorado 80215.


Field Manager

2/16/2001
Date

Appendix 1

Five hundred and ninety-two comment letters were received in response to the environmental assessment. The vast majority of letters are considered “form” letters and most were received via electronic mail. In addition, many of the commentors did not provide full names or addresses. These comment letters were handled in the same fashion as a petition. The comments are summarized in italics and BLM’s response immediately follows the comment. The BLM would like to thank those who took the time to read the environmental assessment and provide comments.

1. Craig Downer

Please reconsider the proposed wild horse roundups in spring. In light of the recent killings of 37 wild horses and the need to maintain a viable population of wild horses on public lands, it would be wise to allow the herd to recover its numbers.

Wild horse populations are well above the appropriate management level in the Rock Springs Field Office area which is why the BLM is proposing late winter gathering of excess wild horses. Those wild horses killed were outside of designated herd management areas. According to our latest census data, the wild horse population is 2.5 times over appropriate management level of 1,215.

2. Carol Damberg, Seedskafee National Wildlife Refuge

Seedskafee Wildlife Refuge supports BLM’s preferred (proposed) alternative to gather and remove feral horses from the area. Feral horses have a direct and indirect negative impacts to habitat and wildlife including migratory birds, big game, and other resident species. Herds currently exceed established AML for the area and we urge BLM to gather enough horses to reduce the remaining number to well below the established AML. It will allow the range additional time to recover from damages caused by horses that exceed AML and if horse numbers are not reduced significantly below the AML, BLM will quickly find themselves in another gather situation based on recruitment rates of new horses.

Thank you for your comment.

Page 7 of the document reads that a third-party veterinarian will recommend initiation of a gather based on the condition of horses in the field. If the horses are not in good condition, it is reasonable to assume that wildlife species, particularly big game, are also not in good condition. Leaving horses on the range would only serve to further degrade habitat conditions at the expense of native wildlife. If horses are not in good condition, the horses would benefit from increased

food and medical care they will receive [if they are gathered]. Abandoning gather operations when a mare with young foals cannot be separated from the gathering operation is a questionable use of the limited funding for such operations, again at the expense of native wildlife. We support avoidance of gathering in sensitive areas.

A third-party veterinarian will be consulted prior to the commencement of late winter gathering; other veterinarians will be available for post-gathering actions. Should it be determined that horses are not in good condition, you are correct in assuming that native big game wildlife species would likewise not be in good condition. If that situation were to occur, the BLM would have to determine whether an emergency situation is occurring and take appropriate action at that time. This proposal is to take advantage of favorable climatic and animal conditions and facility availability in order to help achieve appropriate management levels for wild horses, benefitting all species residing on the rangelands. The BLM does not expect to encounter many foals less than 2 months old during the late winter gathering period. However, to accommodate concerns for young foals as raised during the scoping process, the BLM commits to segregating those foals and their mothers from gathering operations should any be encountered.

3.Linda Haney

My question to the universe is why is this such a cruel and inhumane world toward animals? Is it always a question of dollars and cents? When do we recognize our obligation to protect wildlife? BLM regulations require humane treatment of wild horses including handling that will not cause unnecessary stress or suffering to the animals. Roundups at this time of year when they are already weakened from winter stress, and mares especially need to conserve energy for giving birth. There is no justification for not considering alternatives such as increasing the capacity of the holding corrals or leasing holding facilities to accommodate larger numbers of animals later in the year. There are already thousands of wild horses in holding corrals waiting adoption due to the numerous emergency roundups that have occurred in the last year. Until the adoption pipeline is cleared, it makes little sense to remove even more animals, particularly at this time of year.

The BLM is proposing to conduct gathering operations in order to provide and protect habitat for the wild horses remaining on the range (within established appropriate management levels) as well as native wildlife species. Gathering operations are designed to minimize stress to the horses and all captured animals will be provided food, water, and medical attention. Our data show that gathering operations up to the 38th week of pregnancy do not cause unnecessary stress to pregnant mares (EA, page 17). The 38th week of pregnancy occurs on average after the March 31st cut off time for gathering under this proposal. Gathering operations would not occur unless a third-party veterinarian recommends gathering operations because in his/her opinion, the animals are not so “weakened” as to preclude gathering activities. Also, certain weather-related conditions must be met (EA, page 7). The alternatives you suggest are being implemented but

would not preclude the need for gathering as conditions allow. Wild horse populations are well above the established appropriate management level in the Rock Springs Field Office area and the BLM is charge with maintaining a “thriving ecological balance” for all species residing on the rangelands including antelope, mule deer, and elk to name a few. Wild horses deemed “unadoptable” would be placed in sanctuaries. As of February 1, 2001, there were 52 horses available for adoption at the Rock Springs facility. This facility can accommodate up to 350 wild horses.

The Rock Springs Field Office has agreements with the Rock Springs Grazing Association (private surface owner) for the number of wild horses allowed on checkerboard lands (mixed ownership as shown on Map 1). The BLM must maintain the ability to gather excess wild horses as conditions and the availability of facilities allow.

4. John Talbot, Glenda Crowley, Sean O’Brien, Betty Jean Herner, Carol Reed, Adela Pisarevsky, Lesely Parker-Rollins, Emil Bailey, Heidi Royea, Bonnie West, Pat Bryant, Doug Lenier, Karen Lenier, Stephanie Bell, Lesie McMahan, Lenore Krasner, Anna Harris, Vanessa Marcol, J. Arcarese, Cristina Forbes, Donna Bauer, Dottie Davis, John Arnold, Nancy Arnold, Hazel Zuzu, Jennifer Edwards, Robert Trimble, Steve Townsend, Tracy Jordan, Patty Rucker, Glenda Worley, Katharine Livingston. In addition, this same letter, or a similar version of it, was submitted anonymously, or the individual requested anonymity, from 269 individuals via email.

Object to wild horse roundups during the late-winter and spring. BLM regulations require humane treatment of wild horses including handling that will not cause unnecessary stress or suffering to the animals. Roundups at this time of year unnecessarily traumatize wild horses at a time when they are all already weakened from winter stress, and mares especially need to conserve energy for giving birth. There is no justification for not considering alternatives such as increasing the capacity of the corrals or leasing holding facilities to accommodate larger numbers of animals later in the year. There are already thousands of wild horses in holding corrals waiting adoption due to the numerous emergency roundups that have occurred in the last year. Until the adoption pipeline is cleared, it makes little sense to remove even more animals, particularly at this time of year.

Please see response to #3.

5. Charlene McCarthy

BLM regulations require humane treatment of wild horses during transport. With a spring roundup, you are unnecessarily putting pregnant mares and unborn foals at risk with so much stress. Since corrals and holding facilities are already full with horses waiting to be adopted, it

doesn't make sense to capture even more causing crowded inhumane confinement. Please reconsider doing a spring roundup.

Gathering operations and transportation to the local facility are designed to minimize stress to the animals. Wild horses deemed “unadoptable” would be placed in sanctuaries, not in holding facilities. See response to comment #3.

6. Dominick Falzone, Natalie Whitlock, Jennie Cox, Ellen Black, Judy Salvadore, Gillian Brightwater, Jenni Kovich, Ron Douglas, Jean Fox, Jeanette French, Lori Pendergas, Linda VaVogue, Sherry Cordova, Misti Layne, Rebecca Crane, Lisa Allgood, Annelise Hall, Melissa Bahleda, Lisa Meyer, Robert Meyer, Robert Meyer, Joyce Foltz, Gary Minnick, Jay Minnick, Ann Meyer, Angie Christopherson, Moya Stone, Sue Martin, Crystal Davidson, Patricia Crowson, Mary de La Valette, Gwen Packard, Darin Griesey, Susan Williams, Prachi Patel, Kathleen King, Paula Johnson, William Matthes, Alicia Matthes, Noam Mohr, Barbara Biel, Annette Wood, G. Campbell, Suvi Viranta, Brenda Blaylock, Susan Schiavone, Eleanor Massoth, Brooke Peterson, Lorie Hopp, John Mitchell, Yael Trock, Jane-Renee Lund, Janet Hamada, Kelly Lynne Kelly, Jane Eckinger, Pearl Lang, Christina Babst, Edward Valler, Melisa Buie, Peggy Snyder, Carrie Lavigne, Kathryn Allen, Gayle Encomenderos, Stewart Family, Lisa Fortuna, Tiana Graves, Sean Godfrey, Larry Hirsch, Kelly MacGrady, Ron Usher, Cris Usher, Margaret Colony, Joy Barnett, Angela Cerutti, Laurie Bibbo, Bent Ellingsen, Alisha Conley, Robert Breslin, Nancy Breslin, Leland Gordon, Laurie Gordon, Marsha Rakestraw, Joyce Janicki, Kelly Moro, Courtney Cione, Leslie McLaughlin, George McLaughlin, Peggy Schramm, LuAnn McLain, Kathy Thompson, Jeanne Baggot-Guise, Lhyl Morello, Lisa Pemberton, Darynne Jessler, Lames Lewand, Eugene Timpe, Renate Bob, Joan Kirsten, Cheryldee Huddleston, Tina McElroy, Jackie Raven, April Hardy, Lynda Hardman, Trudy Strain, N. MacDonald, Ed Minghelli, Alma Blackwelder, Ruth Dehne, Myni Ferguson, Rodolfo Paredes, Eleanore Potter, Cynthia Risley, Virginia Stott, Amy Murray. In addition, 7 individuals submitted the same comment letter, or similar version anonymously.

Object to round ups at this time of year. Please delay the planned spring round ups of wild horses in Wyoming until later in the year, after the mares have foaled and the herds have had a chance to recuperate after the harsh winter. Mares foaling in crowded corrals could put them in jeopardy.

Please see response to #3.

7. David Hatch, George Narzinsky, C. Repeta, Gisela Langoussis, Marilyn Jasper, L. Marshall, Jean Fox, Madeline Ogle, Mary Alice Pollard, Geogiana Bishop, Linda Brenner, Harriet Horwath, Susan Gunther, Marilyn Meyers, Ali James, Sharon

Corbin, Ann Chynoweth. One other individual submitted the same comments anonymously.

Stop horse roundups, very bad animal management. Take care of the ones already in crowded pens. Must be a better way.

Thank you for your comment.

8. Joe Walsh, Ernesto Freyre III, Lisa Bisson

Please don't keep horses in corrals and pen them up this time of year. Let them run free. Respect the wild horses.

Thank you for your comment.

9. Ghazanfar Kan, Andrea Bates, Karren Slen, Darlene Brannen, Gail Heitman, Karen Bartell, Benjamin Domingo, Arleen Wiley, Karryn Hart, Sharyn Morris, Kerry Parmenter, Betsy Faryman, Linda Poplau, Ron Poplu, Kristen Poplau, R. Keene, Shanon Bryan, Amanda Youdale, Debbie Roosa, Laurie Thomson, Phyllis Bailey, Dennis Weaver, Delores Bruno, Julie Arfsten, Dawn Maracle, Darla Barnshaw, Annie Durrence, Derrell Durrence, Tenna Ruch, Renee Bachanan, Laine Caudell, Loretta Lange, Maureen Hall, Audrea Penwell, Lisa Marie Tabor, Linda Fields, Tara Hazlett, Iris Bentley, Greg McHaffie, Linda Perry, Judy Crawely Beverly Sandy, Judy Reed, Alice Dorsey, Donna Selquist, Gillian Carlsen, Cynthia Krueger, April Gessner, Deb Skup, Elain Ritchey, Cara Anderson, Jill Gamino, Lisa Jenkins, Carie Perkins, Dora Summa, Chandra Beal, Morgen Bowers, Jackie Pomies, Diana Zelnio, Leslie Woodward, Bryon Sundberg, Laura Winkle, Karen Rogowicz, Marian Kelner, Trudy Shan, Gabriele Baader, Renee Van Camp, Rebecca Burrows, Sarah Pelch, Annah Tackett, Dottie Romero, Richard Jones, Maureen Rodriguez, Madelaine Schorah, Linda Scullary, Lynda Lackner, Traci Schmitt, Constance Sweitzer, Mary Ann Wentzel, Erin Ehrhardt, Charles Battaglia, Janet Harding, Trish Cheston, Joyce Carter, Aprile Gessner, Marie George, Hali Winston, Lauren Devine, Marianne Merritt, Penny Gaillard, Marliese Bonk, Sheri Eardley, Cheri Vallone, Lauren Benson, Kelle Campbell, Lori Esposito, David Brunetti, Charmaine Curry, Carrie Kistner, Jennifer Johnson, Karen Lynch, J. Burmahl, Windy Kobylarz, Kari Koffman, Jennifer Arnold, Davnet Schaffer, Deborah Rosier, Saskia Staub, Sue Borden, Jeff White Sr., Lisa Sinke, Maureen Edwards, Rebecca Burrows, Shannah Quiros, Leah Levine, Judith Scher, Alvaro Visbal, Robynne Whitaker, Loretta Hollings, Thomas Yoon. In addition, one other individual submitted this comment or a version of it anonymously.

Wild horses are physiologically stressed at the end of the harsh Wyoming winter season, and many pregnant mares will be approaching their peak foaling date at this time. They can foal as early as March, and pregnant mares who are removed, handled, and transported around this time are subject to spontaneous abortion and other injuries. Those who survive the round up intact will still be forced to give birth within the holding corrals - stressful and crowded conditions which can place both the mare and foal in jeopardy. Regulations require humane treatment of wild horses, including handling that will not cause unnecessary stress or suffering to the animals. It simply makes sense to wait until later in the year to remove these animals.

Our data show that in over 25 years of gathering wild horses in the Rock Springs Field Office area, less than one percent of the horses are seriously injured or killed during gathering and handling. All mares that foal in the corral are segregated. The 'stressful and crowded conditions' referred to in your comment letter do not exist at the BLM's Rock Springs corrals. These corrals are open to public inspection in order to assure the public that BLM is following the regulations and treating gathered wild horses humanely. Please see response to #3.

10.Doreen Peretti

We have discussed with professionals the effect that winter has on domestic horses compared to those in the wild. It's disgusting that they are rounded up at all let alone to allow this to take place in late winter when they are stressed. Have you ever read the findings of what the Game and Fish Department found with respect to deer? The ranching industry wants everything off of public lands so they have free roam for their cattle. This includes antelope, deer, elk, and horses, You are supposed to police our public lands but it is obvious that you are failing miserably.

BLM is charged with promoting rangeland health in order to maintain a thriving ecological balance for all species residing on the rangelands. The proposed gathering of excess wild horses is intended to keep their numbers within the range specified in the existing land use plan. Healthy, vigorous, and viable wild horse populations in the Rock Springs Field Office will be maintained. The first priority for gathering excess wild horses are those horses residing on checkerboard lands (where every other section is privately owned) and are consuming privately owned forage at no cost to the American taxpayer. On the other hand, livestock permittees grazing livestock on public lands, even within the checkerboard, must pay fees for the consumption of forage on public lands. The Rock Springs Field Office appreciates the Rock Springs Grazing Association's generosity in continuing to allow wild horses upon their privately held lands. Please see BLM response to #9.

11.Dee Vaal, Karen Lee Masters

Understand need to relieve the land from overgrazing but these animals are suffering from a

harsh winter and poor grazing, the added stress will possibly be too much, making the horses even more distrusting of humans and more difficult to train. Horses can be very cruel to each other when confined in small areas. Pregnant mares will go off quite a distance from the herd to deliver their foals. To subject these mares and newborn foals to such harsh conditions of fear, closeness, and people is deplorable.

Please see response to #9.

12.Liza Zarifi

BLM is responsible for preserving and protecting wild horses and burros and acts to manage healthy rangelands, home to these horses. We need to protect the environment in which mares give birth and raise their young. Corralling them in crowded spaces for continued lengths of time will be detrimental. They are part of the land and balance of nature and have been living off the land for hundreds of years. Please work to protect them in a humane and concerned manner.

Please see response to #9.

13.Gayle Mellone

Stop senseless and wasteful spending of BLM funds. Holding additional horses in corrals when the current lot from previous roundups are still available [for adoption] is horrific. Why schedule round ups during the foaling season is cruel and wasteful. Mares are pregnant and mal-nourished and will give birth in an unhealthy environment. These foals need the first two months of life along side their mothers in a natural, peaceful environment, not a BLM holding pen.

As of February 1, 2001, there were 52 horses available for adoption at the Rock Springs facility. The facility can accommodate up to 350 wild horses. Captured horses are guaranteed good quality food, water, and veterinary attention. The vast majority of pregnant mares captured will be before their 38th week of pregnancy . Domesticated horses often give birth in corrals. Any mares that foal will be segregated and the corrals are cleaned on a regular basis. While true that winter is the most stressful time for most animals, one cannot assume that this necessarily means they are in poor condition. Please see BLM's response to comment #3.

14.Teresa Facinelli, Deanna Radaj

Late winter gathering is wrong. Horses are at their lowest energy level because of lack of food, warmth, and water. Gathering will kill many of them. Pregnant mares being ran down may cause them to lose their colts. That certainly would reduce the number of horses in the area. If you must round them up, why not use men on horses, not helicopters and 4-wheelers. Horses only need to be sold once a year and many are left over after the sale. So why have another sale?

Horses don't only eat grass, they eat the tips of sagebrush and we have plenty of that. If we keep managing these horses, there will be none left to show our children's children. These horses are a legacy left here for us but are taken for granted by those who live in Wyoming because we see them all the time. Less grass means less cattle. You helped the wolves, the eagle, and the ferret. What about the horses?

BLM is charged with protecting habitat for all animals residing on the range and also for managing wild horses that use the habitat (Wyoming Game and Fish Department manages native wildlife). Helicopters are used because they provide the most efficient means of gathering excess wild horses and at the least cost to the American taxpayer. At no time are horses pursued with any wheeled vehicle. With implementation of procedures to reduce stress, our data show that very few horses are seriously injured during gathering operations. Any animal living on the rangeland is subjected to stress whether from predation, lack of food or water, and injury or disease. It is simply part of life. Wolves, [bald] eagles, and [black-footed] ferrets are listed species under the Endangered Species Act. Unlike the species just mentioned, the wild horse is not listed under the Endangered Species Act. Wild horse populations in Southwest Wyoming are well over appropriate management levels. If the BLM does not reduce their numbers, habitat for native animals as well as the wild horses could become degraded.

BLM holds adoptions throughout the year to provide the public regular opportunities to adopt wild horses.

15.Barb McCarthy, Carrie DiCecca

Opposed to spring round up of wild horses. Pregnant mares could give birth during this time. Regulations require humane treatment of horses. It is inhumane to subject them to stress and possible injuries or early birth of colts. I'm concerned that horses adopted are sold to slaughter houses within months of adoption. I urge you to charge these individuals to the fullest extent of the law. I believe it may be a felony to adopt a horse and sell it to a slaughter house for profit.

See response to comments #3 and #9. Individuals who adopt horses in Wyoming must provide appropriate care for 12 months before they receive title, at which time, the horse becomes the property of the adopter. Before the adopter can receive title to the horse, they must sign a declaration that states they have no intent of selling the horse for slaughter.

16.Laure Hamilton

I am writing again to protest your ill-timed roundup scheduled for February. Do you people read your emails or listen to what the population (other than ranchers) have to say about this issue. I don't want these horses rounded up so that they can languish in holding pens. If vegetation is scarce, drop hay like the taxpayer-funded Wyoming National Guard does for ranchers' stranded

cattle. Just what is your excuse for running pregnant mares and mares with young foals, breaking up family units, etc., other than you are doing the rancher's bidding. You have never answered that question for us.

Gathered horses would not be left to languish in holding pens. Horses deemed unadoptable will be transported to sanctuaries and the rest made available to the public for adoption. The Rock Springs Grazing Association has been most generous in allowing their private lands to be incorporated into designated wild horse herd management areas. As stated in BLM's response to comment #10, these animals graze forage owned by the Association at no cost to the American taxpayer. Any mares with foals would be separated out of the gathering operation. If they can't be separated, then the entire band would be dropped from gathering operation. Nor would these animals be "ran" for long distances; they are moved at their own pace until close to the trap wings (fences covered in jute used to funnel the horses into the trap).

17.Amelia Lincoln

Why can't you wait until the mares have foaled. Why do you need to do it now so that they will foal in crowded corrals. Why can't you use dart contraception on these mares as I've heard they do with deer to help overpopulation.

See response to comments # 3 and #9. Use of contraception on wild horses has not been approved by the U.S. Food and Drug Administration. Although vaccines to control fertility are being developed and tested, the current method of administering such vaccines would still require that the horses be gathered.

18.Judy Stimson

The wild horse situation in Wyoming is critical, taking into account weather, food, populations, adoption rates, etc. I have reviewed the wild horse round up information and am against late winter roundups since holding corrals are still crowded, adoption rates low, adopted animals being sold for food, and pregnant mares will be put at needless risk.

Please see BLM responses to comments #3, #9, and #16. Weather in Wyoming has not been abnormally harsh, native forage is available (not deeply covered in snow), and wild horses in the Rock Springs Field Office area are in very good shape.

19.Dave Pauli, Rocky Mountain Region, Humane Society of the U.S.

I'm the regional director of the HSUS for Wyoming, Montana, Idaho, North Dakota, South Dakota, and Alaska. My office has more than 20,000 members with more than 2,000 in the State of Wyoming. We continue to be very uncomfortable with the late winter gathering of horses. We

recognize that BLM is attempting to maximize its utilization of both human and material resources, but believe this is a potential threat to the very resource you are attempting to manage. We oppose these late winter round ups because of the threat they can cause to pregnant mares or in late March, newborn foals. We believe the protection and energy conservation of these mares at this time is critical to both the gestating mare and her developing foal. Any unnecessary expenditure of energy is not in the best interest of the individual horse or horse herd. We are also deeply concerned about removal of any additional horses when your own records indicate an already jammed adoption pipeline. We recognize Wyoming is targeting a huge 2001 reduction of horses from herd management areas, but are concerned about BLM's ability to ensure that this large number can be absorbed regionally and whether they can be adopted into inspected and approved adoption sites. We oppose winter removals and suggest BLM reevaluate Wyoming's potential to humanely remove, process, transport, house, pre-screen, and adopt the proposed huge volume of horses. Removing and stockpiling horses wastes scarce wild horse and burro budget dollars.

Please see BLM's response to comments #3, #5, #9, and #13. The proposed action is specific to Rock Springs Field Office, not to other states or BLM Field Offices. As of February 1, 2001, the Rock Springs Field Office had 52 horses available for adoption. Congress has allocated additional funding for the purpose of achieving the appropriate management level over the next four years and includes all aspects of the program (e.g., removal, adoption, long-term care, management on the range, etc.). The Rock Springs Field Office must have the option, should favorable conditions allow, for the safe and humane removal of excess wild horses in order to help reach appropriate management levels. Reaching and maintaining appropriate management levels will benefit all species residing on the rangeland including wild horses.

20. Millie Mooring

Food is mighty scarce this winter for wild horses with such a dry summer. The sooner they are brought in the better. Horses are a hardy lot and herding them is no big deal. They need to be controlled.

Thank you for your comment.

21. Jenn Sullivan

Is the government in support of humane treatment of animals or only concerned with the numbers of "successes" they have to report? Horse roundups need to be done in a humane way, and all aspects of the program need to be analyzed so that I can be assured, as a citizen whose taxes support this program, that the horse's best interests and health are the number one priority of the government.

Please see BLM response to comments # 3, #9, and #14.

22.Marilyn Meyers

Read with sadness a report on your yearly roundups of wild horses and dismayed they are rounded up at all. They are 'wild' and should remain so. Our modern world is intent upon destroying not just the actual bodies of our few remaining wild animal species but their spirit as well. Saving what is left for my grandchildren is the consuming passion in my life. Read about the fate of these horses, how BLM employees buy them at auction and then sell them to a slaughter house for profit. Horses are magnificent creatures and we have used them badly and cruelly over the years. Please leave the wild horses wild.

Wild horse populations increase at a rate of approximately 20 percent per year and must be controlled to prevent damage to wildlife as well as their own habitat. Wild horse numbers presently exceed appropriate management levels. BLM is charged with maintaining such populations within appropriate management levels to benefit all species found on the range, including the wild horses. BLM employees do at times adopt wild horses, as does the general public, but they are not sold for slaughter as suggested in reports you have read. Any adopter of a wild horse must sign a declaration which states they have no intention of selling the horse to slaughter. Please see BLM response to #10.

23.Karen Fitch

Please consider a more humane way to deal with the wild horse situation. I'm opposed to early spring roundups. Where I live, it is minus 18 degrees and there is a lot of snow on the ground. Winter will likely get worse in February and March. As a citizen of Wyoming, I would hate for the rest of the country would look to us on this issue and assume that this is the measure of respect we have for our fellow creatures on our planet. Surely this is not a reflection of the degree of "heart" that we feel for other creatures or for the "horse" who is our state symbol. Please do the humane thing and roundup later in the season when the weather is warmer.

As stated in the Decision Record, the BLM would cancel the gathering operation if certain weather related conditions (i.e., temperature above 10 degrees, little or no snow cover, winds less than 25 miles/hour) were not met. BLM is committed to conducting all operations in a safe and humane manner. The BLM does, in fact, gather excess wild horses later in the year. We anticipate that the majority of horses that are gathered in the Field Office area will be gathered after July 15th.

24.Megan Metzelaar, Friends of Animals

Conducting roundups at any time of year causes extreme stress and suffering for wild horses and

burros but this is particularly true during times when animals are pregnant. Moreover, traumatizing these animals now when they are already weakened from the winter just adds insult to injury. If BLM cannot find adopters for the thousands of horses already captured, why is the agency even considering more roundups? BLM should stop catering to ranchers and cattlemen who want to monopolized the land these animals call home.

The BLM is responsible for maintaining habitat for all species residing on the public rangelands. Wild horses would only be gathered if a third-party veterinarian, after examining the horse herds, recommends that BLM gathers the excess wild horses. As of February 1, 2001, the Rock Springs Field Office had 52 horses available for adoption. Please see BLM response to # 10.

25. Patricia Fazio

Question the decision to gather at this time of year. BLM's data from the EA explains that 96% of the foals are born between April 15 and June 30 with 85% born after May 14th. (Page 17). Assuming that BLM feels it's better to gather pregnant mares in late winter than to gather young foals later in the year. Pregnant mares would be subject to roundups with parturition taking place in the holding facilities or under the care of a new adopter. BLM should conduct gathers in late summer or early fall. Adult horses would be in better nutritional and physiological condition and most foals have had the opportunity to gain strength and mature some. BLM should consider immunocontraceptive control via PZP. This method of reproductive control is far more humane than roundups which disunite family and bachelor bands, remove gene pool elements forever, and greatly stress free-roaming wild horses. I feel these horses are a form of native wildlife despite their domesticated livestock (feral) appellation. Noted wild horse behaviorists (e.g., James Dean Feist) have documented that once-domesticated horses quickly return to native equid behaviors upon release into the wild. Dr. Jay Kirkpatrick (reproductive physiologist at ZooMontanta, Billings) refers to wild horses as 're-introduced native wildlife.' He also noticed that Equus caballus has existed as a contiguous species for 1.7 million years, according to recent mitochondrial DNA analysis. I believe the entire wild horse and burro adoption program is flawed and want to see it abandoned and replaced by immunocontraceptive control.

It is correct that 96 percent of the foals are born between April 15th and June 30th but the vast majority are born after May 14th. Our experience with gathering wild horses has been that pregnant mares do withstand gathering operations and all mares with newly born foals are segregated. No horses will be gathered in the Rock Springs Field Office area until an examination by a third-party veterinarian determines that the physiological condition of the horses is acceptable enough to recommend proceeding with the gathers. Immunocontraceptive control methods have not been approved by the U.S. Food and Drug Administration and would require gathering horses to inoculate them. Thus, the impacts of gathering would be the same. All horses found on the rangelands in the Rock Springs Field Office area are considered feral. Please see BLM response to #22 and #23.

26. Andrea Lococo, Fund for Animals, Animal Protection Institute, Humane Society of the U.S.

Writing on behalf of Fund for Animals, the Animal Protection Institute, and the Humane Society of the U.S. Removal of wild horses is a national program. Therefore the general public is entitled to know how its wild horses are managed and to scrutinize management policies and practices to determine if they comply with federal laws and regulations. NEPA is one mechanism for assisting the public in assessing management proposals. The current EA offers only a cursory analysis of the proposed action. The only alternative offered is the “no action” which for all intents and purposes, is dismissed. BLM dropped from consideration the very alternatives that should be analyzed such as coordination of scheduling contract crews later in the year, as well as use of alternative BLM facilities as well as leasing alternative facilities. Given the latter is under consideration by Wyoming BLM officials, it is inexplicable why the BLM decided that this alternative did not warrant analysis.

The Rock Springs Field Office prepared a comprehensive environmental analysis for gathering of wild horses in 1999 to which this EA is tiered. The Decision Record specified that BLM must further analyze the potential impacts of gathering during the late winter period. The spectrum of alternatives analyzed in this EA, as well as the 1999 EA, includes those alternatives considered but dropped from detailed analysis. The BLM met the requirement to “...rigorously explore and objectively evaluate all reasonable alternatives...” (40 CFR 1502.14 (a)). You did suggest the above-mentioned alternatives during scoping but after thorough evaluation, they were determined to be unreasonable. As further required by 40 CFR 1502.14 (a), we briefly discussed the reasons for eliminating them from detailed study (EA, p. 8-9).

With further regard to your comment that the BLM only did a ‘cursory analysis of the proposed action,’ the BLM, in order to meet NEPA requirements regarding the depth of analysis in EAs, uses the guideline provided in an Interior Board of Land Appeals ruling (147 IBLA 107 (1998) referencing *Don’t Ruin Our Park v. Stone*, 802 F. Supp. 1239, 1247-48 (M.D. Pa. 1992) which states in part:

An EA need not discuss the merits or drawbacks of the proposal in exhaustive detail. By nature, it is intended to be an overview of environmental concerns, not an exhaustive study of all environmental issues which the project raises. If it were, there would be no distinction between it and an EIS. Because it is a preliminary study to determine whether more in-depth study analysis is required, an EA is necessarily based on “incomplete and uncertain information.” *Blue Ocean Preservation Society v. Watkins*, 767 F. Supp. 1518, 1526 (D. Hawaii, 1991). ***. So long as an EA contains a “reasonably thorough discussion of ... significant aspects of the probable environmental consequences,” NEPA requirements have been satisfied. *Sierra Club v. United States Department of*

Transportation, 664 F. Supp. 1324, 1338 (N.D. Ca. 1987) *** quoting *Trout Unlimited v. Morton*, 509 F. 2d 1276, 1283 (9th Cir. 1974).

Under purpose and need, BLM Rock Springs Field Office is analyzing the “option” of gathering wild horses should favorable climatic conditions allow for their safe removal (EA, p.1). If late winter removals are considered only an “option” not a necessity, then other options must exist for both the short-term achievement as well as the long-term maintenance of AMLs. The EA must analyze these options. Although the EA indicates use of contract crews and in-state or out-of-state facilities may be an option, these alternatives are unjustifiably dropped from further analysis. It defies reason to conclude that BLM could not arrange the scheduling of contract crews and use of alternative facilities later in the year. Has BLM considered how it will respond if weather conditions are not met or if other circumstances prevent roundups during the late winter (EA, p. 7)? We specifically asked that contingency plans be analyzed in the EA. No such analysis was prepared and demonstrates a serious deficiency in the EA.

BLM is required by law to manage wild horse populations. This management includes gathering and removing excess wild horses as necessary to maintain “a thriving ecological balance” for all species residing on the rangelands, including wild horses. Late winter gathering will not, in itself, meet this requirement. It is designed to provide the BLM additional time outside the time frame discussed in the 1999 EA, if favorable climatic conditions exist, in order to meet our legal obligation. No other option was found that would meet the need of removing excess wild horses during a time period when government personnel and facilities are available.

BLM must maintain the option of gathering and removing excess wild horses as conditions allow. If conditions do not allow for gathering, any scheduled operations will be canceled for that day. Use of contract crews or facilities have no bearing on late winter gathering. The Rock Springs Field Office maintains a qualified, experienced staff of wranglers and has the facilities to accommodate late winter gathering.

Use of contract crews is an option at any time of year. However, use of contract crews during summer and fall time period as an alternative in lieu of late winter gathering was not considered reasonable as there were other concerns associated with such an alternative, namely availability. BLM-Wyoming attempted to contract with a private gathering crew last year but was unsuccessful due to scheduling conflicts. Only two contractors are currently available. BLM has personnel available in the Rock Springs Field Office area

We disagree with BLM Wyoming contention that contract crews will not exercise the same care in handling wild horses as will [BLM’s] Wyoming crew. We have not seen any evidence to substantiate this belief. If such evidence exists, we are requesting that it be made available. Given every other state regularly uses contract crews for roundups, such information about the problems associated with their use would be of great interest to the wild horse and burro

advocacy community. If such evidence does not exist, then it cannot serve as a basis for Wyoming BLM's failure to seriously consider alternatives.

BLM has never made the contention in the EA that "...contract crews will not exercise the same care in handling wild horses as will [BLM's] Wyoming crew." Our primary concern about the use of contracted crews was their availability and the fact that we have our own crew readily available.

We do not agree with BLM's interpretation that the 1981 Wyoming District Court Order is still in effect. There is nothing in the Court order that require wild horses to be removed during the late winter season, especially if doing so will unnecessarily risk the welfare of the wild horses, a direct violation of BLM regulations. The discussion regarding the physiological and anatomical impacts to pregnant mares, foals, and other wild horses is entirely inadequate. BLM's reliance on two studies conducted more than 20 years ago and a one-year field observation offers little assurance that the welfare of wild horses is being appropriately considered. The limited studies cited indicate that approximately 15% of the foals were born before April 1 in 1978 and 1979 and 9% of the foals were born before April 1 in 1999. We understand that roundup operations had to be suspended last year in certain areas because foals were discovered on the ground. Foaling statistics tells us little about whether abortion occurred, whether foals suffered compression or other injuries, the level of foal mortality, the frequency of colic and other conditions, etc. Was the Hansen and Mosley study cited in the EA conducted in the late winter? What methodology was used to arrive at their conclusions? Did they measure biochemical and other physiological responses of wild horses to the roundups during late winter? This information should be detailed in the EA.

We are not aware of any expiration date associated with the District Court Order. We do have agreements with the Rock Springs Grazing Association to maintain wild horse numbers at AML, particularly on checkerboard lands which make up a significant portion of three HMAs. With that said, late winter gathering will not, in itself, address the 1981 District Court Order or our legal obligation to manage wild horses. This proposal was designed to take advantage of favorable climatic conditions to improve the efficiency of gathering operations while not compromising the health of the horses. With implementation of the protective measures, BLM does not agree that late winter gathering risks the health or the welfare of wild horses. While the BLM cannot guarantee the absolute safety of every individual horse, precautionary measures are taken during gathering and at the corrals. As a standard operating procedure, we discontinue gathering operations during the peak period for foaling. Because pregnant mares and foals can be encountered at any time of the year, mares with young foals or the band, if they cannot be separated, are dropped from gathering operations.

The late winter roundup was suspended in the Rawlins Field Office area in 2000 because the horses moved out of the area analyzed and approved for gathering. Some bands with foals were

encountered but those bands were dropped from the gathering operation as required by protective mitigation. To emphasize again, it is BLM policy and a component of the proposed action that if any mares with young foals are encountered during gathering operations (late winter, summer, or fall), they will be dropped from the gathering operation. If they cannot be segregated and dropped, then the entire band/herd would be dropped from gathering operations.

Late winter gathering EA is tiered to and incorporates by reference the Environmental Assessment for Wild Horse Gathering Inside and Outside Wild Horse Herd Management (1999) and the associated Decision Record (1999). One alternative that was not considered in the 1999 EA/DR is the possibility of amending the Green River RMP in order to recognize the right of wild horses to use certain herd areas: original Rock Springs, Triangle, and Gold Creek herds areas and another herd area immediately east of the current Little Colorado HMA. The majority of these areas encompass what is referred to as the North Baxter/Jack Morrow Hills area, currently classified as outside the HMAs but designated as herd areas and used by wild horses historically and presently. It is unclear what rationale was used to decide not to manage for wild horses in these areas given their migratory behavior and historical use. Designating these areas would mean that wild horses would not be considered excess and subject to removal. Establishment of AMLs for these areas would help reduce the frequency of roundups and decrease the sense of urgency perceived by the BLM to remove wild horses from these areas because they would no longer be considered outside [established] HMAs.

As required by the Free-Roaming Wild Horse and Burro Act, BLM is continually monitoring and evaluating habitat, wild horses, and HMAs. As a result, management decisions are periodically updated through the planning process. For example, the Green River Resource Management Plan updated wild horse management by eliminating the Figure 4 HMA since monitoring showed that habitat conditions were not conducive to year round use by the horses and the fact that the horses were spending the majority of their time in the area now known as the Little Colorado HMA. The RMP established the Little Colorado HMA. If monitoring indicates a need for additional changes in the future, they will be made through the planning process.

Increasing the AML would not have the effect you desire. Your claim that if AMLs were raised, fewer horses would need to be gathered would only be true for very short period of time. For example, if the AML were immediately raised to the current estimated population of 3,000 wild horses, there would be no need to reduce the population today to maintain AML. At the expected 20 percent rate of increase, the population would rise to 3,600 horses the following year. Therefore, the AML would then be exceeded by 600 animals in one year. The year after that, the population would grow to 4,320 and so forth. Failure to remove all excess animals in any given year requires the removal of even more animals to make up for those not previously removed. Raising AML will not reduce the number of animals subject to removal and would, in fact, increase it. If your concern is relative to the impact associated with gathering on individual animals, then a lower AML would better suit your desires.

There is no emergency situation in that the EA acknowledges that wild horses in areas managed by the Rock Springs Field Office survived a severe drought in 2000 and are in good shape. We understand that this was equally true for the 33 unfortunate wild horses that were illegally shot to death in this general area. An examination of the considerable loss of habitat available for wild horses in Wyoming over the years through the land use planning is disturbing and a proposal to reallocate habitat to which wild horses are legally entitled to is not only reasonable but should facilitate wild horse management. Wild horses naturally migrate to their original herd areas and efforts to remove them have been less than successful, thereby making management more efficient and humane.

See the above response.

It appears the decision has been predetermined in violation of NEPA. The cover letter with the EA states that comments will be accepted through February 9, 2001 yet the Federal Register Notice states that gathering periods will be from February 1 through March 30, 2001, weather permitting. The EA analyzes gathering operations from February 15 through March 31st. How can the public expect comments to be seriously considered if the Federal Register notice states that gathering will begin before the deadline for comments. If BLM has scheduled helicopter crews, arranged for trap construction, veterinary consultation, transportation, etc., it is evident the decision has been predetermined and hereby request such information. For these reasons, we request that BLM withdraw the current EA and prepare a comprehensive EA that considers the alternatives it has repeatedly failed to analyze without cause.

Dates in the Federal Register Notice are approximate. Should the Rock Springs Field Office conduct any late winter gathering in 2001, it will be between the signature date and March 30th of 2001. The EA states that gathering will not occur before February 15th and will be in effect in subsequent years. The Rock Springs Field Office has not scheduled any gatherings, has not constructed any traps, and no wild horses have been gathered as of this writing within the Rock Springs Field Office area.

27. Trina Bellak, American Horse Defense Fund, Inc.

Our organization objects to the timing of the BLM proposed spring roundups due to the risks to pregnant mares, unborn foals, and any new born early-season foals. This time-frame is especially poor given that the harsh winter will have taken it's toll on the condition, fat, and energy reserves of the horses. Many of the mares subject to the roundup process will be heavy with foal. Good horse husbandry principals dictate that whether chased at a trot, canter or gallop, late term mares will be stressed by the roundup, confinement, human presence, handling and subsequent transporting. Even if the stress was confined to the actual chase and confinement, these events would be enough to warrant rescheduling the roundups. Adding to these well

documented stressful events, the proximity of people, branding/medical treatments, chutes and fences, you have a good formula for spontaneous abortions and trampled foals. Transporting these animals in vehicles, even if the trips are short, horses being in close proximity to strange horses (not from their band/herd), increases fighting and injuries considerably. Well documented research indicates that most injuries to horses being moved is during loading/unloading from vehicles. Slips and falls are common during careful loading and unloading of even domesticated horses and is clearly not good for pregnant mares. Foals born during these stressful weeks of capture, transport, holding corrals and relocation will be put in jeopardy due to the obvious and the fact that mares are protective of their young. We strongly urge BLM to reschedule roundups to September - October when the foals are strong enough to sustain the trauma of capture.

Procedures are in place to reduce stress to the animals during gathering and transporting. Please see BLM response to comments #3, #9, #13, and #23.

28. Michael Long, U.S. Fish and Wildlife Service

We have reviewed the EA and based upon the information provided, it is unlikely any listed, proposed for listing, or candidate species would be adversely affected. Nor is the proposal likely to result in any take of migratory birds. Should any raptor nests be affected within _ mile (1 mile for bald eagles and ferruginous hawks), please contact our office. We believe BLM's efforts to reduce grazing pressure will enhance range conditions, and commend your efforts to this end. Excessive grazing is well documented and affects many species of migratory birds, other native wildlife, and plants. This action will help reduce the impacts of non-native ungulates on your management area. We appreciate your efforts to ensure the conservation of endangered, threatened, and candidate species, migratory birds, and other wildlife.

Thank you for your comments.

29. Art Reese, Wyoming Office of Federal Land Policy

Given that wild horse numbers are more than twice the AML as established in the Green River Resource Management Plan, and provided BLM exercises the actions noted in the EA regarding weather conditions, veterinary certification, and pre-gather separation of mares with foals less than 2 months old, we support this late winter gather of excess wild horses. We appreciate the Bureau's hard work to reconcile the need to gather excess wild horses with the concern for the horses' welfare, and to place unadoptable wild horses in sanctuaries.

Thank you for your comments.

30. Bill Wichers, Wyoming Game and Fish Department

Range management objectives dealing with forage allocations and habitat quality depend on aligning wild horse numbers with their population objectives. While we have some concerns for the potential disturbance of big game species due to the wild horse gather during this time of year, the benefits of removing excess wild horses from big game ranges outweigh those concerns. We ask that BLM coordinate the gathers with our regional Biologists so that avoidance of areas where big game are particularly stressed due to drought and harsh winter conditions can be achieved.

As stated in the Proposed Action, BLM will avoid gathering activity where concentrated herds of big game (antelope, mule deer, and elk) are located. BLM Wildlife Biologists will continue to coordinate with regional staff members to assure that native big game species are avoided.

31. Valerie J. Stanley and Nancy Brown-Kobil, Animal Legal Defense Fund

Before BLM may conclude that it must remove wild horses from the Rock Springs Field Office (RSFO) area, current inventorying and monitoring must show that an overpopulation exists in the RSFO and that removing wild horses is necessary to maintain a thriving ecological balance.

A complete wild horse inventory was completed in early June of 2000 and is considered current. We have, however, scheduled a new annual inventory. Table 1 of the EA (p. 2) displays the results of the 2000 census. The BLM counted 3,250 wild horses. The appropriate management level is 1,215. The 2000 population exceeded the AML by 2,035 animals. Four hundred and seventy-four wild horses were removed subsequent to the census. Even if no additional foaling (unlikely) and no mortality is assumed, the 2001 population would be 2,777 animals or 1,562 over AML. Clearly an overpopulation of wild horses exists. All wild horses above appropriate management level and in areas outside of HMAs are, by definition, excess and subject to removal.

The EA was released to the public on January 10, 2001, and the time prior to the release was spent preparing the document. A January/February census would not have been available by the time the document was released to the public. The number of horses that could possibly be gathered during the late winter period is only a fraction of the number that need to be removed and the 2001 census data will be available long before resuming gathering operations in mid-July.

BLM itself admits that its census activities that were to occur in January and February 2001 were not available for this EA . . . BLM admits that it lacks any current data to determine whether and if a wild horse overpopulation (sic) exists and is contributing to rangeland degradation....

See the above response.

BLM presents no evidence, as required by the WHBA, that those numbers of horses above the Appropriate Management Level (“AML”) are contributing to rangeland degradation.

The law does not require that rangeland “degradation” occur prior to removing excess wild horses. In fact the standard from the Act is to “preserve and maintain a thriving ecological balance and multiple use relationship in that area.” To wait until range degradation has occurred in order to manage wild horse populations would violate the law. An ecosystem in balance cannot be deteriorating and if the ecosystem is deteriorating, it certainly could not be considered to be thriving. Current data indicates that most of the range within established HMAs is presently in ecological balance and with the amount of existing ‘upward trend, the range could be considered to be “thriving.” Rangelands in the RSFO are purposefully managed conservatively for all uses of the forage/vegetative resource. We do not believe that risking the existing, healthy habitat by waiting until range deterioration has occurred because of too many wild horses would be wise, legal, or in the best interest of the citizens of the United States.

BLM must use current inventorying and monitoring to establish AMLs. BLM instead illegally insists on adhering to AMLs that were established twenty years ago and established as a result of negotiations with private groups.

As you are well aware, the “negotiation with private groups” was codified in the District Court Order, “the Bureau of Land Management shall within one year from the date of this Order to remove all wild horses from the checkerboard lands in the Rock Springs District **except** that number which the Rock Springs Grazing Association voluntarily agrees to leave in said area.” The significance of the alternate sections of private and federal land known as the checkerboard is detailed on pages 1 and 2 of the EA.

During the development of the Green River Resource Management Plan, monitoring and inventory data were analyzed to determine if any changes in AMLs were indicated. The existing AMLs were determined to be appropriate to maintain a thriving ecological balance. In addition, BLM established the Little Colorado Herd Management Area. The Record of Decision for the RMP was signed in August of 1997. During the land use planning process, no input was received from the public relative to wild horse numbers and appropriate management levels. The only protest with regard to wild horses was due to the establishment of the Little Colorado HMA. AML has not been reached since 1994. Presently, AMLs are exceeded by a factor of 2.5 times.

AMLs are not once in time numbers that BLM must adhere to in perpetuity. Rather, AMLs for wild horses for a particular range set through the land use planning process can only lawfully be considered interim numbers, or numbers to be used as an initial benchmark, from which variations are continually being made based upon thorough and accurate monitoring and inventorying of forage and all multiple uses of the land.

The existing AMLs were originally established through the preparation of Herd Area

Management Plans in the early 1980's. Wild horse numbers were then monitored and verified in the Green River Resource Management Plan (see above response). The Land Use Plan is the over-riding authority governing the management of all resources managed by BLM, including wild horses. The regulations at 43 CFR 4710.1 state "Management activities affecting wild horses and burros, including the establishment of herd management areas shall be in accordance with approved land use plans...." The allusion to annually adjusting the AML related to existing or predicted range conditions is not only unscientific, but also would deprive the public of any assurance of the numbers of horses for which the BLM is managing. To re-set the AML annually would require so much time for data collection, document preparation, public review, and appeal periods, BLM would never complete the process.

The Court Order does not authorize BLM to remove wild horses beyond two years from the date of the Courts Order.

The District Court ordered the BLM to act to remove all wild horses from the checkerboard. We believe your interpretation that the dates referred to in the Court Order are limited in scope or time is incorrect. The dates were intended to force the BLM to act to provide relief for the plaintiffs in a timely fashion, not to limit the Order. The dates were rendered moot by the exception to manage for an agreed upon number of wild horses. Therefore, all horses were not required to be removed from the checkerboard land since the plaintiffs agreed to allow a certain number of wild horses to use their private land.

Any number of wild horses that exceed AMLs established by the Rock Springs Grazing Association and wild horse advocacy groups are considered excess as defined by the WHBA and the Federal Land Policy and Management Act is erroneous and illegal under both statutes.

Thank you for your comment.

A wild horse is only considered "excess" if it must be removed to preserve and maintain a thriving ecological balance."

AMLs in the RSFO as established and maintained will guarantee that a thriving ecological balance will be preserved within Herd Management Areas. Wild horses outside of HMAs have not been allocated forage and therefore would upset the balance.

BLM may only make removing wild horses from private lands a "first priority" if it receives a written request to do so. A two-year old request pointing to a twenty year old court order does not relieve the private landowner nor the BLM of this requirement.

Removing wild horses from private lands has not been made a "first priority." All gathering activities will be related to the need to remove animals from areas of largest concentrations. The

private lands in question, under agreement with the Rock Springs Grazing Association, are a part and parcel of the Herd Management Area. No request is needed to adhere to the agreement, the Herd Area Management Plans, and the RMP.

We doubt that Congress anticipated nor considered the unique situation found in the RSFO. On the one hand, Congress could not have anticipated that management of wild horses would include the voluntary inclusion of nearly a million acres of private land being included in wild horse HMAs. Nor could Congress have anticipated the impact of wild horse management in the checkerboard area of Wyoming. We do not believe that you would suggest that hundreds of miles of fencing, one mile on a side, covering a stretch of land 40 miles wide and 80 miles long be constructed so that the RSGA can protect their land from the public's wild horses.

BLM admits that wild horses migrate into the checkerboard areas of HMAs in the winter only to return to the solid block areas of the HMAs when the weather turns warmer. There is no need to conduct round-ups on private lands because the horses living there are only there intermittently only to return later to those areas where BLM allows them to exist.

The EA, as is stated on page one paragraph one, is tiered to the 1999 EA and therefore only analyzed additional impacts due to the unique circumstances during the late winter period. Wild horses do move from summer ranges on solid block public lands to the checkerboard. The number of animals migrating in any year is related to the severity of the weather and the total number of wild horses occupying the range. Horses also live year-round on areas of the checkerboard within established HMAs. Your assumption that no horses use the checkerboard at times other than the winter is incorrect. BLM and the RSGA allow wild horses to live on vast amounts of the checkerboard (50 percent is private land).

Due to their topographic position and the concentration of wild horses on the checkerboard during the winter, it is only appropriate that late winter gathering efforts be directed at the checkerboard area regardless of land status. Most of the solid block portions of HMAs are inaccessible to vehicles during the average winter.

BLM continues to refuse to consider the reasonable alternative of summer roundups.

The Rock Springs Field Office has every intention of gathering wild horses from mid-July through the end of the calendar year as stated in the January 24, 2001, Federal Register Notice and in accordance with the Decision Record for *Wild Horse Gathering Inside and Outside Wild Horse Herd Management Areas* (July 1999).

The EA fails to consider the impacts upon already -weakened and stressed horses by the use of a helicopter at this time of the year.

The safe and humane use of the helicopter to gather wild horses is well documented. A recent hearing in Rawlins, Wyoming, on the use of helicopters to round up wild horses garnered not one negative comment. Mitigation built into the proposed action will guarantee that “already weakened” animals will not be gathered.

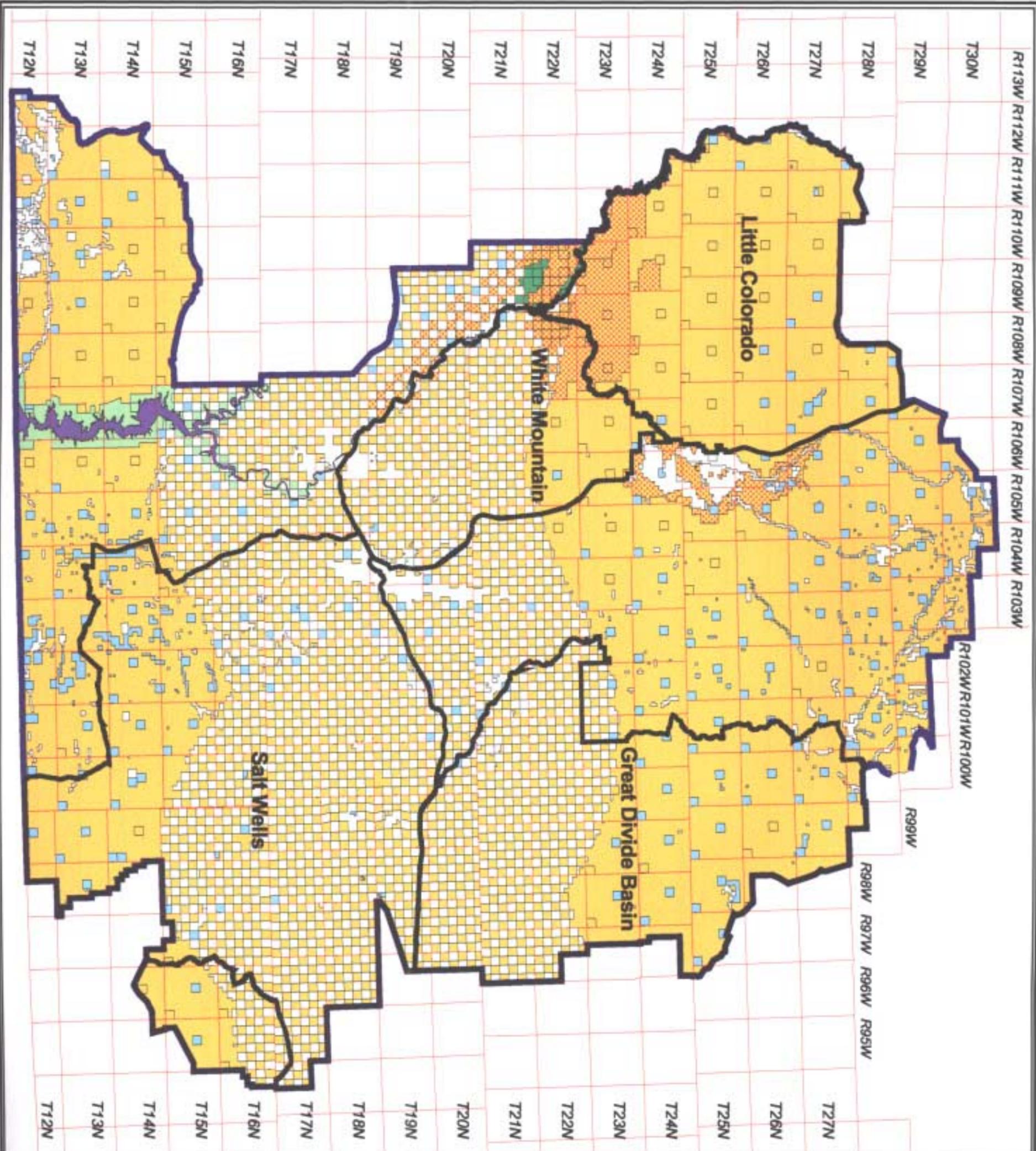
32. Ginger Kathrens, Colorado Wild Horse and Burro Coalition

I wish you folks could put yourself in the hooves of these animals.

Thank you for your comment.

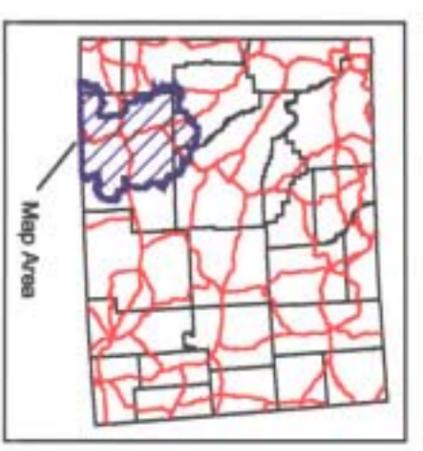
I have been told that there are 7,000 horses awaiting adoption and am wondering what spaces are available and what chances these animals have of finding decent homes? As I understand it, the law specifies that a roundup can occur when there is an adoption demand. Is there one?

There is a backlog of unadopted wild horses nationwide which is largely due to emergency removals that occurred this fall in other states. At the present time, the facility at Rock Springs has room for all the horses we anticipate to be removed under this action. There is always a demand for wild horses.



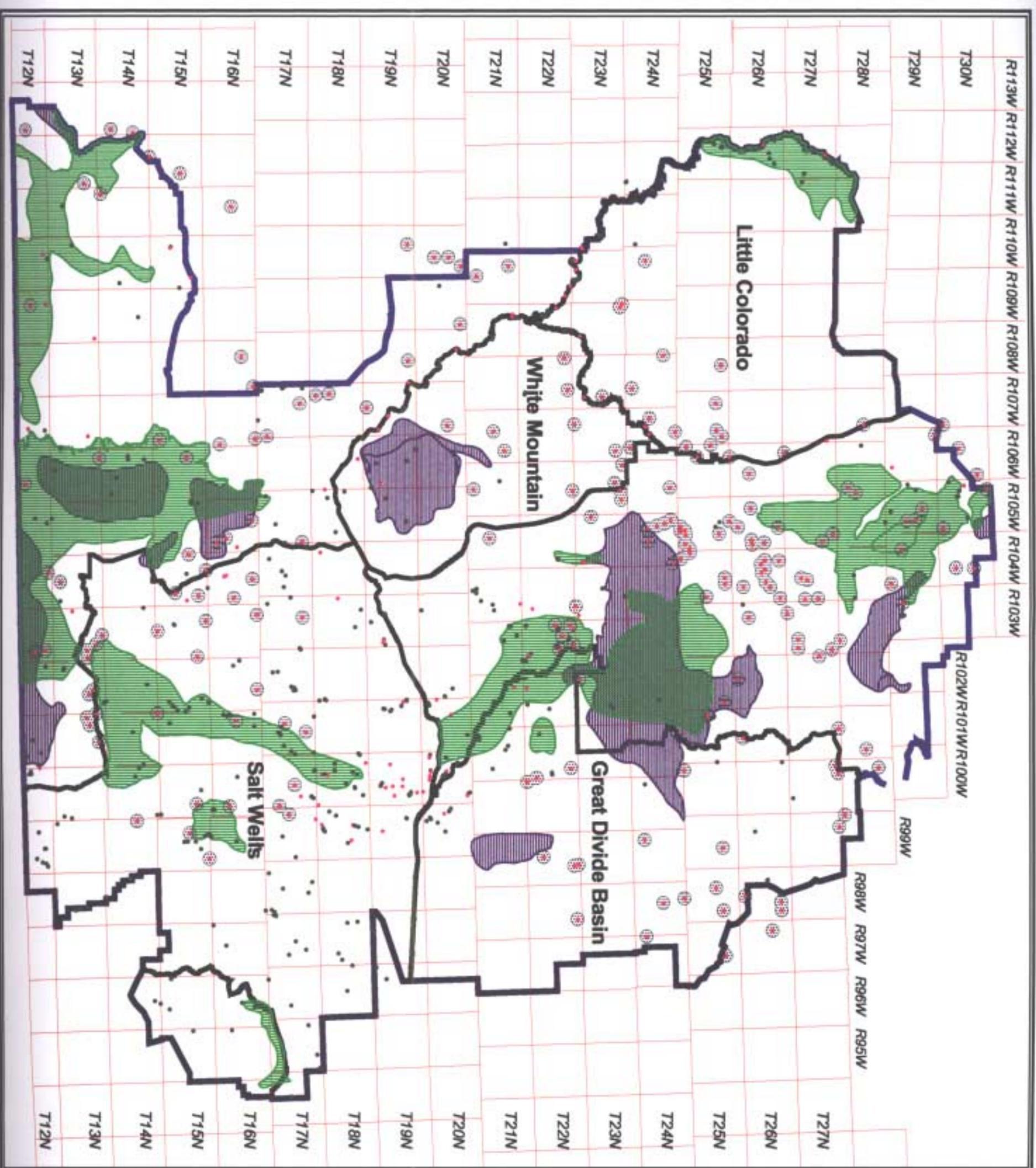
Map 1
Landstatus & Herd
Management Areas

Legend



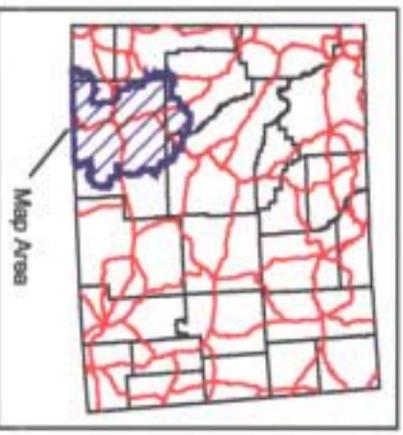
No warranty is made for data
 usage purposes not intended by the
 Bureau of Land Management

Map produced by:
 Rock Springs Field Office
 GIS Specialist
 Rock Springs, WY
 02/15/2001



Map 2
Wildlife & Herd
Management Areas

Legend



- Sagegrouse lekks
- Sagegrouse 1/2 mile buffer
- Raptors
- Golden Eagle
- Great Horned Owl
- Crucial Muledeer Range
- Crucial Elk Range
- Wild Horse Herd Mngmt. Areas
- RRSFO Boundary



No warranty is made for data
 usage purposes not intended by the
 Bureau of Land Management

Map produced by:
 Rock Springs Field Office
 GIS Specialist
 Rock Springs, WY
 02/15/2001