



United States Department of the Interior



BUREAU OF LAND MANAGEMENT

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DEC 28 2007

In Reply Refer To:
NV062 (4700)

RECEIVED

DEC 31 2007

Dear Interested Public,

DEPARTMENT OF ADMINISTRATION
OFFICE OF THE DIRECTOR
BUDGET AND PLANNING DIVISION

DECISION

Roberts Mountain Complex Wild Horse Gather

INTRODUCTION

This decision is being issued to gather and remove approximately 440 wild horses from the Roberts Mountain Complex administered by the Battle Mountain Field Office (BMFO), and removal of wild horses residing outside of HMA boundaries.

The Roberts Mountain Complex is located approximately 20 miles northwest of Eureka, Nevada, and includes the Roberts Mountain and Whistler Mountain Herd Management Areas (HMAs). A small portion of the Fish Creek HMA located north of U.S. Highway 50 is also included within the Complex. Refer to the attached map of the gather area.

Helicopter inventory of these HMAs were completed in May 28-29, 2007. The current estimated population within the Roberts Mountain Complex is 464 wild horses. The established Appropriate Management Levels (AMLs) for these areas are 170-184.

Through review of census and distribution data, habitat and wild horse condition, drought conditions, and potential negative impacts to resources and wild horses, it has been determined that an excess population of wild horses exists within these HMAs. It has also been determined that a post gather population of 104 wild horses within the Roberts Mountain Complex, would promote a thriving natural ecological balance within these HMAs.

On May 16, 2007, the BMFO, issued the Roberts Mountain Complex Wild Horse Gather Environmental Assessment (EA) # NV062-EA07-120 to the interested public for review (refer to Attachment 4). At the time, the gather of the Complex was tentatively scheduled to be completed in July 2007. Due to emergency wild horse gathers that became necessary within

Nevada and lack of available holding space, the proposed Roberts Mountain Complex gather has been delayed to January 2008.

Written comments were received from the Nevada State Historic Preservation Office and Cindy McDonald. Comments by phone were received from Jim Etcheverry and Martin Etcheverry. Comments have been reviewed and it has been determined that no changes or significant modifications to the EA are warranted. Delay of the gather to winter 2008 will have no additional environmental consequences that have not previously been analyzed. Comments have been addressed in Attachment 3.

The AML for the Roberts Mountain HMA was established through Final Multiple Use Decisions (FMUDs) for the Roberts Mountain and Three Bars Allotments evaluated in 1994. The AMLs for the Whistler Mountain and Fish Creek HMAs were established through FMUDs for the Lucky C and Romano Allotments issued in 2004. The Fish Creek and Whistler Mountain AMLs were established as ranges. The AML for Roberts Mountain HMA was established prior to the practice of establishing ranges, and represents the upper level of wild horses beyond which utilization levels would be exceeded and range degradation would occur. Refer to EA # NV062-EA07-120 for more detail.

Upon analyzing the impacts of the Proposed Action and Alternatives, and following issuance of the EA for public review, I have determined that the Proposed Action will not have a significant impact to the human environment, and that an Environmental Impact Statement will not be prepared. Please refer to Attachment 2, Finding of No Significant Impact (FONSI).

DECISION

In accordance with the Roberts Mountain Complex Wild Horse EA # NV062-EA07-120, it is my decision to implement the Proposed Action as follows:

- *Gather Whistler Mountain and Fish Creek HMAs to low range of AML, and gather Roberts Mountain HMA below AML, releasing 60% studs, and 40% mares.*

The following table displays the gather objectives for the Complex.

Table 1: Roberts Mountain Complex Population, Gather Figures

Gather Area		Estimated current population	Estimated Gather Numbers	Estimated #'s to remove	Estimated #'s to remain post-gather
1	Fish Creek HMA and outside HMA/Kobeh Valley	29	29	29	0
2	Roberts Mountain	408	388	318	90
3	Whistler Mountain	27	22	8	14
Totals		464	439	355	104

This decision constitutes my final decision to gather and remove excess wild horses and burros from within and outside the boundaries of the Roberts Mountain Complex. Pursuant to Title 43 of the Code of Federal Regulations at 4770.3(c), the Roberts Mountain Complex gather is approved for implementation upon the date of my signature below. Gather operations will begin on or about January 15, 2008.

Rationale:

Removal of excess wild horses is needed to achieve a thriving natural ecological balance between wild horse populations, wildlife, livestock, vegetation, and the available water as authorized under Section 3(b)(2) of the 1971 WFRHBA and section 302(b) of the Federal Land Policy and Management Act of 1976.

A gather is necessary to achieve the established AMLs, and remove wild horses from outside of HMA boundaries in order to protect the range from deterioration associated with overpopulation of wild horses. Additionally, excess wild horses need to be removed from the Complex to preserve wild horse health in light of continuing drought conditions that have reduced available forage and water. Conditions of the rangeland and wild horse habitat are detailed in EA # NV062-EA07-120, as well as documents completed towards establishment of the Fish Creek and Whistler Mountain HMA AMLs.

The proposed action would:

- prevent utilization objectives from being exceeded, and reduce the amount of use during the critical growth period for perennial grasses,
- decrease forage competition among wild horses, wildlife, and livestock,
- contribute to improved vegetation density, increased plant vigor, seed production, seedling establishment, and forage production over current conditions,
- promote continued improvement of the vegetation resources throughout the HMA, resulting in upward trend and increased frequency of key species.

Gathering the Roberts Mountain HMA to a level below AML would reduce the average population on the range until the next gather is scheduled in 2-3 years. According to population modeling summarized in EA # NV062-EA07-120, average populations could be 30% lower than if the upper level of AML was implemented, thereby reducing the overall utilization of forage on the range. The release of a larger proportion of studs than mares would further slow the growth rates, which could be 21% lower than if a sex ratio of 50:50 was established.

Within the Fish Creek and Whistler Mountain HMAs, populations of wild horses in excess of established AMLs are negatively affecting the rangeland resources. Implementing the AMLs established in the 2004 FMUD through the Proposed Action would ensure that allotment objectives are met and significant progress made towards achieving the Resource Advisory Council Standards for Rangeland Health.

The following constitutes the rationale for issuing this decision effective upon issuance:

(a) Potential Impacts to Animal Health.

Rangeland vegetation is limited throughout the lower elevations of the Complex due to drought and current range conditions; and waters are very limited due to drought. Wild horse health is at risk under the current situation, and unless the populations of wild horses within the Complex are reduced through the proposed removals wild horse body condition will decline through the winter. In the absence of wild horse removals death due to starvation and dehydration may occur.

(b) Potential Damage to Rangeland and Riparian Resources.

Population and resource monitoring has determined that current wild horse populations are exceeding the range's ability to sustain wild horse use over the long-term. Resource damage is occurring and will likely to continue to deteriorate without immediate action. Riparian areas are receiving heavy utilization, few watering sites are available, drought conditions are expected to persist, native perennial grasses are very limited in lower elevations and throughout essential winter habitat. Continued over population of wild horses will result in overutilization of remaining forage and further degradation of habitat utilized by wild horses, wildlife and livestock.

In accordance with 43 CFR 4720.1, upon examination of current information and a determination by the authorized officer that an excess of wild horses or burros exists, the authorized officer shall remove the excess animals immediately.

AUTHORITY

The authority for this decision is contained in Section 3(b)(2) of the 1971 Free-Roaming Wild Horses and Burros Act, Section 302(b) of the Federal Land Policy and Management Act (FLPMA) of 1976, and Code of Federal Regulations (CFR) at 43 CFR §4700.

§4700.0-6 Policy

- (a) Wild horse and burros shall be managed as self-sustaining populations of healthy animals in balance with other uses and the productive capacity of their habitat;
- (b) Wild horses and burros shall be considered comparably with other resource values in the formulation of land use plans;
- (c) Management activities affecting wild horses and burros shall be undertaken with the goal of maintaining free-roaming behavior;
- (d) In administering these regulations, the authorized officer shall consult with Federal and State wildlife agencies and all other affected interests, to involve them in planning for and management of wild horses and burros on the public lands.

§4710.4 Constraints on Management

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

§4720.1 Removal of excess animals from public lands

Upon examination of current information and a determination by the authorized officer that an excess of wild horses or burros exists, the authorized officer shall remove the excess animal immediately in the following order.

- (a) Old, sick, or lame animals shall be destroyed in accordance with subpart 4730 of this title;
- (b) Additional excess animals for which an adoption demand by qualified individuals exists shall be humanely captured and made available for private maintenance in accordance with subpart 4750 of this title; and
- (c) Remaining excess animals for which no adoption demand by qualified individuals exists shall be destroyed in accordance with subpart 4730 of this part.

§4770.3 Administrative Remedies

(a) Any person who is adversely affected by a decision of the authorized officer in the administration of these regulations may file an appeal. Appeals and petitions for stay of a decision of the authorized officer must be filed within 30 days of receipt of the decision in accordance with 43 CFR, part 4.

(c) Notwithstanding the provisions of paragraph (a) of §4.21 of this title, the authorized officer may provide that decisions to remove wild horses or burros from public or private lands in situations where removal is required by applicable law or is necessary to preserve or maintain a thriving natural ecological balance and multiple use relationship shall be effective upon issuance or on a date established in the decision.

APPEAL PROVISIONS

Within 30 days of receipt of this wild horse decision, you have the right to appeal to the Board of Land Appeals, Office of the Secretary, in accordance with regulations at 43 CFR 4.4. If an appeal is taken, you must follow the procedures outlined in the enclosed, "Information on Taking Appeals to the Board of Land Appeals." Please also provide this office with a copy of your Statement of Reasons. An appeal should be in writing and specify the reasons, clearly and concisely, as to why you think the decision is in error.

In addition, within 30 days of receipt of this decision you have a right to file a petition for a stay (suspension) of the decision together with your appeal in accordance with the regulations at 43

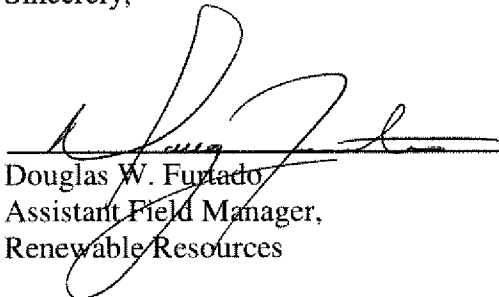
CFR 4.21. The petition must be served upon the same parties identified in items 2, 3, and 4 of the enclosed form titled "Information on Taking Appeals to the Board of Land Appeals." The appellant has the burden of proof to demonstrate that a stay should be granted.

A petition for a stay of decision pending appeal 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 of 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.

At the conclusion of any document that a party must serve, the party or its representative must sign a written statement certifying that service has been or will be made in accordance with the applicable rules and specifying the date and manner of such service (43 CFR 4.401 (c) (2)).

Sincerely,



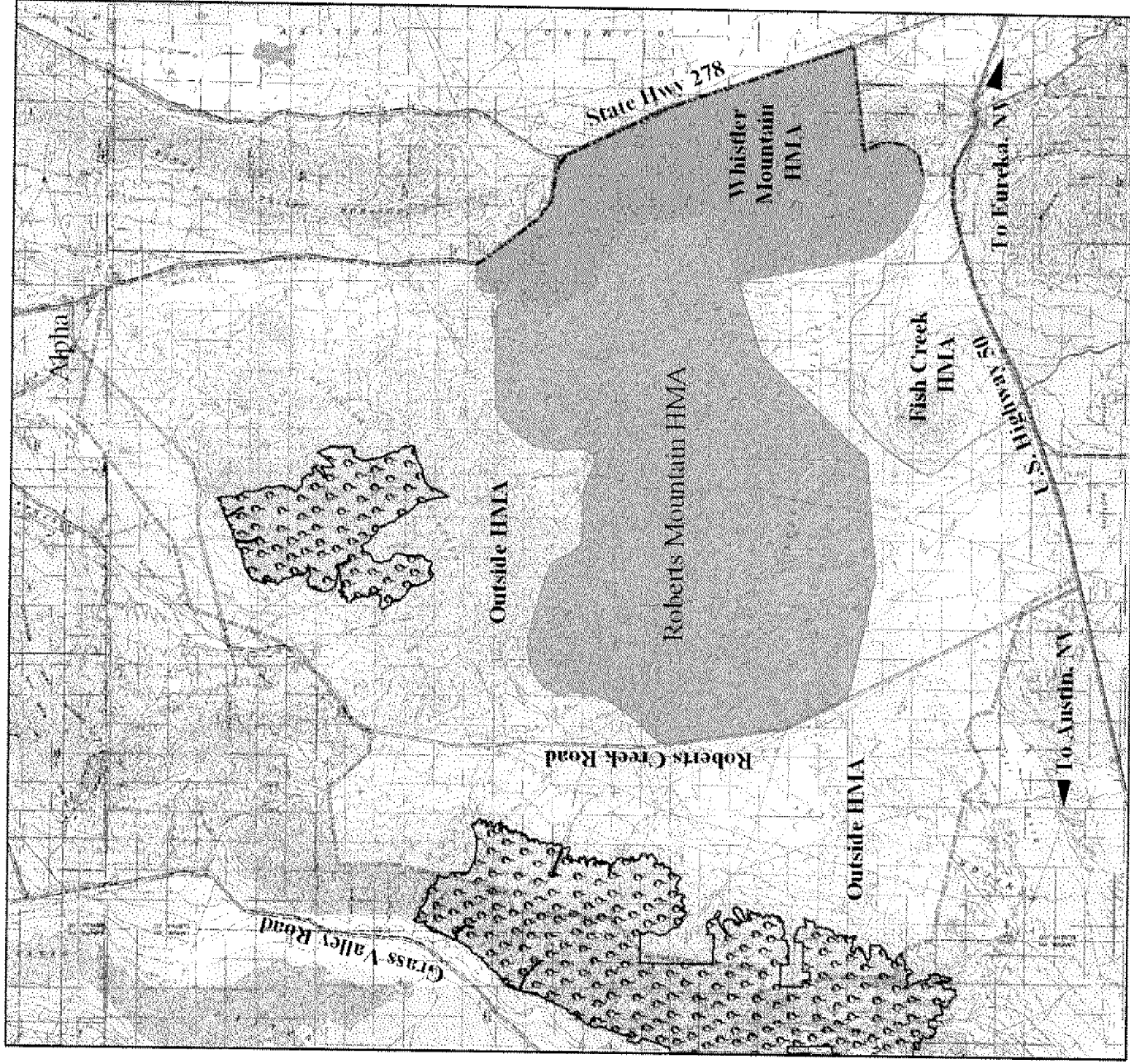
Douglas W. Furtado
Assistant Field Manager,
Renewable Resources

12/28/07
Date

Attachments: (4)

Attachment 1, Roberts Mountain Complex Gather Areas

Roberts Mountain Complex Gather Area -- 2008



Legend

- Wilderness Study Areas
- Gather Area
- Wild Horse HMAs
- HMA NAME
- Fish Creek
- Roberts Mountain
- Whistler Mountain
- Major Roads
- Private Land

United States Department of the Interior
Bureau of Land Management
Battle Mountain Field Office

50 Barton Road, Battle Mountain, NV 89820 (775) 635-4000

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ATTACHMENT 2

FINDING OF NO SIGNIFICANT IMPACT

for

Roberts Mountain, Whistler Mountain, and Fish Creek HMAs

Project # NV062-EA07-120

INTRODUCTION

Environmental Assessment (EA) NV062-EA07-120, dated May 16, 2007, has been reviewed through the interdisciplinary team process. After consideration of the environmental effects described in the EA and supporting documentation, it has been determined, that the Proposed Action identified in the EA is not a major Federal action and would not significantly affect the quality of the human environment, individually or cumulatively with other actions in the general area. Therefore, preparation of an Environmental Impact Statement (EIS) is not required as per Section 102 (2)(c) of the National Environmental Policy Act (NEPA). This finding and conclusion is based on my consideration of the Council on Environmental Quality's (CEQ) criteria for significance (40 CFR 1508.27), both with regard to the context and the intensity of impacts described in the EA.

I have determined the Proposed Action is in conformance with the Battle Mountain Field Office (BMFO) Shoshone-Eureka Resource Area Management Plan (RMP), Record of Decision (ROD) dated 1986 and the Shoshone-Eureka RMP Amendment, ROD dated 1987. The Proposed Action is also consistent with the plans and policies of neighboring local, county, state, tribal, and federal agencies and governments.

FINDING OF NO SIGNIFICANT IMPACT

Based on the analysis of potential environmental impacts detailed in Environmental Assessment NV062-EA07-120, I have determined that the impacts associated with the Proposed Action are not significant. Therefore, preparation of an environmental impact statement is not required.

RATIONALE

The Proposed Action identified in the accompanying Decision would, as best as can be determined, prevent unnecessary or undue degradation of public land resources. Resource review and analyses have been coordinated with other federal and state agencies. Resources determined to be potentially impacted were analyzed in the EA specific to the Proposed Action. Based on the analysis, impacts, including cumulative impacts, to these resources are considered insignificant (see definition of significance in 40 CFR 1508.27).

CONTEXT

The Roberts Mountain HMA and portions of the Whistler Mountain HMA were last gathered in July 2001, Kobeh Valley and the northern portion of the Fish Creek HMA were last gathered in 1994. Final Multiple Use Decisions issued in 2004 determined that the northern portion of the Fish Creek HMA would be censused, gathered and otherwise managed with the Roberts

Mountain and Whistler Mountain HMAs. Through these FMUDs, AML ranges for the northern portion of the Fish Creek HMA and for the Whistler Mountain HMA were established as 6-10 and 14-24 wild horses respectively. A single AML of 150 was established for the Roberts Mountain HMA through FMUDs issued in 1994. Currently, wild horse populations are in excess of established AMLs, and wild horses exist outside of HMA boundaries.

The wild horse removal proposed in the EA involves removing approximately 440 excess wild horses from this Roberts Mountain Complex, to result in a post gather population of approximately 104 wild horses within the Complex. The Proposed Action would result in a post gather population below the established AML for the area in order to prevent the wild horse population from exceeding the AML for 3-4 years, promote recovery of drought stressed rangeland vegetation communities, prevent further degradation to the range, and prevent deteriorating health of the wild horse population. The gather area is administered by the Bureau of Land Management's Battle Mountain Field Office, and is located approximately 20 miles northwest of Eureka, Nevada in Eureka County.

INTENSITY

1) *Impacts that may be both beneficial and adverse.* The Environmental Assessment considered both beneficial and adverse impacts of the gather and removal of wild horses across identified HMAs. Removing excess wild horses from within the HMAs and from areas not within designated Herd Management Area boundaries would reduce the level of use endured by rangeland and riparian vegetation, and help alleviate competition for resources between wildlife, livestock, and wild horses. Removal of excess wild horses will allow for the recovery of natural resources, such as soils, vegetation, watersheds, wildlife, fisheries and wild horse habitat.

Archaeological site clearances would be conducted prior to the construction of temporary trap sites and holding facilities. Standard Operating Procedures would be followed to minimize stress on wild horses and impacts to other resources. Wild horses removed from the project area would be transported to wild horse and burro holding facilities and prepared for adoption or long-term holding.

2) *The degree to which the proposed action affects public health or safety.* The Wild Horse and Burro Standard Operating Procedures (EA, Appendix A) would be used to conduct the gather and are designed to protect human health and safety, as well as the health and safety of the wild horses and burros. The Proposed Action would have minimal affects to public health or safety.

3) *Unique characteristics of the geographic area such as proximity to historic or cultural resources, park lands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas.* There are no park lands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas within the gather area. A cultural resources inventory would be completed prior to constructing temporary trap sites and holding facilities. If cultural resources are found in an area, a new location would be determined to set up temporary trap sites and holding corrals. Wild horse gather activities would not be conducted within Wilderness Study Areas.

4) *The degree to which the effects on the quality of the human environment are likely to be highly controversial.* It was determined that the implementation of the proposed action would not be highly controversial in terms of the effects on the quality of the human environment. Few public comments were received following issuance of the Gather Plan/EA to the interested public on May 16, 2007.

5) *The degree to which the possible effects on the human environment are highly uncertain or involve unique or unknown risks.* The Proposed Action has no known effects on the human environment which are considered highly uncertain or involve unique or unknown risks. This is demonstrated through the effects analysis in the EA.

6) *The degree to which the action may establish a precedent for future actions with significant effects or represents a decision in principle about a future consideration.* Future projects occurring within the gather area would be evaluated through the appropriate NEPA process and analyzed under a site-specific NEPA document. The Proposed Action does not set a precedent for future actions.

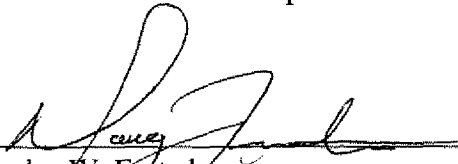
7) *Whether the action is related to other actions with individually insignificant but cumulatively significant impacts.* The Proposed Action is not related to other actions within the project area that would result in cumulatively significant impacts. Proper NEPA analysis would be completed for all proposed actions in the future. Cumulative impacts of the Proposed Action were analyzed in the EA.

8) *The degree to which the action may adversely affect districts, sites, highways, structures, or objects listed in or eligible for listing in the NRHP or may cause loss or destruction of significant scientific, cultural, or historical resources.* The Proposed Action would not affect significant scientific, cultural, or historical resources. A cultural resource inventory would be completed prior to trap and corral construction. Temporary trap sites and holding facilities would be cleared to determine the presence of sites that are unclassified, eligible, or potentially eligible for the NRHP. Archaeological site clearances and avoidance measures would ensure that loss or destruction of significant scientific, cultural, or historical resources does not occur.

9) *The degree to which the action may adversely affect an endangered or threatened species or its habitat that has been determined to be critical in the ESA of 1973.* The bald eagle (*Haliaeetus leucocephalus*) is the only known threatened and endangered species that may occur in the gather area; however, no critical eagle habitat exists in the area, and no documented reports of the eagle occurring in the proposed gather area exist. There are no known threatened and endangered plants present in the project area.

10) *Whether the action threatens a violation of Federal, State, or local law or requirements imposed for the protection of the environment.* The Proposed Action would not violate or threaten to violate any Federal, State, or local law or requirement imposed for the protection of the environment. The Proposed Action is in conformance with all applicable 43 CFR (Code of Federal Regulations). The Proposed Action would not violate the Migratory Bird Treaty Act or Endangered Species Act.

The Proposed Action detailed in the EA and FONSI have led to my decision that all practicable means to avoid or minimize environmental harm and unnecessary or undue degradation of the public land have been adopted.



Douglas W. Furtado
Assistant Field Manager,
Renewable Resources

02/28/07
Date

**Attachment 3
RESPONSE TO COMMENTS**

The following written comments were received from Cindy McDonald (1-13), and the Nevada Historic Preservation Office (14). Comments received by phone are identified at the end of the document.

Comment/Response Roberts Mountain/Whistler/Fish Creek HMAs	
1	<p>Comment: There is concern that the postponement of these gather proposals will result in an emergency situation for the wild horses in the South Shoshone and Roberts Mountain Complexes.</p> <p>...the following HMAs are still planned for their regularly scheduled removals: Jackson Mountains, Owyhee, Augusta Mountains, Jakes Wash/Moriah, Callaghan Complex, North Stillwater, Nevada Wild Horse Range and New Pass/Ravenswood.</p> <p>Since the South Shoshone and Roberts Mountain Complexes are located in a drier portion of Nevada than some of the other HMAs still scheduled for removals, I would like to recommend that these become the first priority in removals to prevent the looming and most likely emergency situation the wild horses in these Complexes will face.</p> <p>If this is unfeasible, then coordination for the emergency situation should begin now in order to prevent abrupt removals and mitigate unnecessary stress and possibly death to the wild horses in the HMAs being postponed for round up.</p> <p>Response: The Battle Mountain Field Office coordinates with the Nevada State Office and National WHB Program Office to identify gather priorities, and schedules according to available facility space, wild horse health concerns, and available funding. The BMFO also conducts monitoring to identify potential water shortages or wild horse health issues as early as possible to facilitate proactive planning. Monitoring of the forage and water availability has continued through summer and fall 2007.</p>
2	<p>Comment: I would like to recommend a reasonable alternative to emergency removals; payment and reimbursement to livestock operators to turn on or leave on their wells as viable water sources for the wild horses and wildlife in the areas during this situation. This would diffuse the entire situation and create a win-win situation for all concerned while still protecting valuable riparian areas for overuse.</p> <p>Also, as I have already informed the BLM via emails on June 8, 2007, I have been approached by a group interested in providing funding to help wild horses stay "in the wild" and who felt the idea of reimbursement to the permittees for their water use was an "ideal project" for them to undertake and was in compliance with their "mission objectives."</p> <p>Response: Comment noted. This recommendation is outside of the scope of the analysis.</p>
3	<p>Comment: In the scoping period, I had strongly urged the BLM to utilize bait and lure trapping for wild horse removals versus helicopter removals. This option was dismissed for a variety of reasons, the most significant being the number of removals necessary was too large to be "efficient", as well as the assertion that the amount of water sources available in the area are abundant enough to prevent wild horses from utilizing the trap locations.</p> <p>Response: When planning for wild horse gathers, the BLM identifies the most appropriate method for capture considering the national and state gather needs, contractor availability, land areas, resource and animal condition, and population sizes. Bait and water trapping are utilized when small numbers of animals need to be removed such as through removal of nuisance animals or during emergencies. In fact, bait and water trapping were employed by the Tonopah Field Office to capture nuisance burros in Beatty, Nevada and nuisance wild horses in Dyer, Nevada in 2007. Bait and water trapping would be pursued in the future if found to be the appropriate method.</p>

Comment/Response Roberts Mountain/Whistler/Fish Creek HMAs

Public hearings are held annually on a state-wide basis regarding the use of helicopters and motorized vehicles to capture wild horses (or burros). During these meetings, the public is given the opportunity to present new information and to voice any concerns regarding the use of these methods to capture wild horses (or burros). The Nevada BLM State Office held a meeting on May 16, 2007; 2 oral comments, 8 written comments and approximately 120 e-mail comments were entered into the record for this hearing. Specific concerns included: (1) the use of helicopters and motorized vehicles is inhumane and results in injury or death to significant numbers of wild horses and burros; (2) bait and/or water trapping or removal by horseback are more humane methods of removal; (3) misconduct by gather contractors or others must be immediately corrected. One commenter commended BLM for the safe, effective, and humane use of helicopters and motorized vehicles to capture and transport wild horses and burros.

Based on the number of concerns expressed with respect to the use of helicopters and motorized vehicles, BLM thoroughly reviewed the Standard Operating Procedures to assure that all necessary measures are in place to humanely capture, handle and transport Nevada's wild horses and burros during the upcoming gather season. No changes to the SOPs were indicated based on this review.

The use of helicopters and motorized vehicles has proven to be a safe, effective and practical means for the gather and removal of excess wild horses and burros from the range. Over the past three years, of the nearly 18,000 animals BLM has gathered, mortality has averaged only one-half of one percent which is very low when handling wild animals. BLM also avoids gathering wild horses prior to or during the peak foaling season and does not conduct helicopter removals of wild horses during March 1 through June 30.

Comment: Though BLM stated this water abundance prohibited effective bait/lure trapping as reason to dismiss this more humane removal method, there were several sections in the EA that disputed this assertion.

On page 12, Section 2.3.6, Capture through Bait or Water Trapping, dismissed this alternative from consideration citing ample water as well as this capture method tended to be reserved for drought emergencies. It goes on to state that, "emergency conditions do not exist."

Yet, page 96, Appendix D stated that, "Information obtained from the U.S. Drought Monitor (www.drought.unl.edu) for 2007 indicates current negative departures from average precipitation through most of Nevada....The U.S. Drought Monitor indicates moderate drought conditions through most of Nevada as of mid-April 2007, with severe drought indicated for western and southern Nevada."

The EA quotes them by saying, "prospects for significant drought relief across California, the Southwest, and the Great Basin are dim..." and, "overall drought conditions will not improve significantly across the region".

In other words, though the Bait & Water Trapping are dismissed due to the "current" lack of emergency conditions, BLM KNOWS IT'S COMING and has a high probability of transpiring within the exact time frame that the South Shoshone and Roberts Mountain Complexes were scheduled to be rounded up.

Is BLM intending to wait, despite this knowledge, until the "emergency situation" gets so severe that damage to wild horses and rangeland resources are inevitable?

What management actions is BLM considering or will employ to negate these effects?

Response: Refer to response 3 above. Should water shortages within Kobeh Valley or Whistler Mountain HMA cause emergency conditions, water trapping would be considered as a capture method. Monitoring of water sources has continued through summer and fall 2007.

Comment/Response Roberts Mountain/Whistler/Fish Creek HMAs	
5	<p>Comment: This would suggest to me that movement patterns and critical key habitat requirements (i.e., water) were not considered in the restructuring of the Kobeh Valley Herd Area through the creation of the Whistler Mountain HMA, that known water resources utilized by wild horses inside the original Herd Area but outside the "new" HMA boundaries failed to be included in the planning process and HMA structuring.</p> <p>Response: Little was known about the wild horses using the various areas when the Shoshone-Eureka Land Use Plan was completed in the mid-1980's. Documentation is lacking for the rationale utilized to delineate the original HMA boundaries. Through monitoring, census and gathers, a great deal has been learned about the limitations of the areas, and the use of areas by wild horses. These issues were addressed through the Fish Creek Complex Rangeland Health Assessment completed in 2004. Additional analysis will be completed through formulation of a Herd Management Area Plan, and recommendations for HMA boundary changes carried forward when the SERA LUP is revised in the future.</p>
6	<p>Comment: BLM removes wild horses outside HMA boundaries and in an area of limited water sources, known areas utilized by wild horses for water were excluded from the HMA boundaries creating a perpetually legal authorization for removals. Please address this. What management actions is BLM considering or will employ to negate these effects?</p> <p>Response: The BMFO has identified the need to manage the original Kobeh Valley Herd Area in conjunction with the Roberts Mountain HMA. The Kobeh Valley HA included the northern portion of the Fish Creek HMA, north of U.S. Highway 50, and the present day Whistler Mountain HMA. Documented rationale for the HMA boundaries designated in the SERA LUP are lacking. The BMFO did not purposely exclude waters to enable the removal of horses from outside of HMA boundaries. Even if the HMA boundaries included the waters within Kobeh Valley, there would still be issues relating to water shortages within the area. Through the Fish Creek Complex Rangeland Health Assessment, it was determined that incidental use of the Kobeh Valley area by wild horses was appropriate, and would prevent emergency situations in the future.</p>
7	<p>Comment: Is livestock grazing being reduced since the wild horses cannot be gathered?</p> <p>Response: At this time, livestock are not being removed from the allotments due to the wild horse gather delay. Due to drought conditions, many livestock permittees have voluntarily reduced livestock numbers or removed livestock from the allotments earlier than scheduled. Few livestock use Kobeh Valley within the Roberts Mountain, Fish Creek and Whistler Mountain HMAs due to lack of water and forage.</p>
8	<p>Comment: Has any effort been made towards my prior suggestion to coordinate with the livestock operators for water availability?</p> <p>Response: If water shortages become an issue threatening wild horse health, available opportunities would be pursued, including the pumping of wells and use of private water sources if necessary.</p>
9	<p>Comment: Under the known circumstances of the situation of looming emergency drought conditions, why isn't Bait and Lure Trapping being considered?</p> <p>The costs of Helicopter Removals is enormous, the containment centers are overflowing and bringing in small batches for processing is more conducive at this time than large numbers anyway.</p> <p>Also, BLM is required to administer "minimum feasible management". The cost of utilizing BLM employees to Bait and Lure Trap is considerably less than the costs of utilizing Helicopters to remove wild horses and burros and the removals of small numbers of wild horses into an adoption system that is already extremely over saturated would give the smaller numbers more of a chance to be adopted (thus reducing containment costs) before more are then introduced to the system.</p> <p>Again, I submit that all evidence points to the utilization of Bait and Lure Trapping of the wild horses in this area as the most humane and cost effective means of removals.</p>

Comment/Response Roberts Mountain/Whistler/Fish Creek HMA's	
	<p>Response: Refer to Response 3 above. The BMFO appreciates the rationale that smaller groups of wild horses could be accommodated more easily in the facilities. However, the sheer numbers of wild horses that need to be removed from the range throughout the western United States each year in order to maintain AMLs does not allow for this method of removal across all gathers.</p>
10	<p>Comment: BLM seems to only be considering the "most efficient means possible" in wild horse removals without regard to its impacts to wild horses, the many known problems that arise out of helicopter removals, the "track record" of the contractors BLM consistently employs, the long-term damage and impacts that is done to wild horses through this method, as well as the humane handling procedures violations that have been documented regarding this method.</p> <p>Response: Refer to Response 3 above. As described within the EA, very minimal injury or death loss occurs as a result of the BLM helicopter gather operation during wild horse removals. Death or injury requiring euthanasia is less than 1 percent of the total horses gathered, and is zero in many cases. Serious injury is also very rare. This is remarkable considering that this is the capture of wild animals. BLM staff is on-site at the gathers at all times to ensure that wild horses are handled safely and that their best interest is at the forefront of the gather activities. It is inevitable that some accidents occur, given the inherent nature of the operation. Every phase of the gather from planning to trap design, transport and sorting are carried out to minimize the potential for injury to animal and human. The methods utilized have been honed and perfected for over 30 years. Even a bait trap operation would involve certain risks, and wild horses would still be injured or could be killed during sorting, loading and transporting. There is no evidence of "long-term damage" to wild horses or "violations" of humane handling procedures.</p> <p>Wild horses are frightened of the helicopter, but not as much as one might think. During census flights, it is common for wild horses to continue to run across a valley in the same direction as the census flight path. If wild horses were panicked by the helicopter, they would run in the opposite direction. Once captured, wild horses recover quickly (both mentally and physically) from the gather. Experience gained through wild horse gathers administered by the Battle Mountain Field Office indicates that recently gathered and released or adopted wild horses rebound quickly from the ordeal of being captured and do not necessarily exhibit a heightened fear of humans. The interested public is welcome to attend a gather and observe the operations.</p>
11	<p>Comment: Additionally, in the original scoping period and comments submitted, it was requested that the BLM provide the expected mileage and terrain that the wild horses will be driven over during this removal operation yet no estimate was provided as to the miles. Does this give BLM an open-ended contract to drive them any length that is "convenient for BLM" regardless of the consequences to the wild horses in their care? Are the removal operations and projected areas so unfamiliar that estimates cannot be deduced? Does BLM not have the authority to set up traps located in such a manner as to limit the distances the wild horses must run, especially so in the heat of summer?</p> <p>What is the reason BLM has failed to include the estimated miles wild horses will be driven? Please address this question.</p> <p>Response: This comment was addressed in the EA, Appendix A Wild Horse Gather Plan and Standard Operating Procedures, Section C General Overview of Wild Horse Gather Methods. This section was expanded based on scoping comments received.</p> <p>The EA states "Distances average 2-10 miles over mixed terrain which may consist of rolling foothills, or steeper terrain, drainages, ridges, and valley bottoms. The horses often follow their own trails. The pilot and the BLM staff monitor the condition of the horses to ensure their safety, checking for signs of exhaustion, injuries etc. The contractor and pilots are very skilled at developing traps, and safely herding the horses to them. Generally, wild horses are very fit, and recover quickly from being captured. Distances that the horses travel is modified to account for summer temperatures, animals in weakened condition, young foals, or older/lame animals".</p>

Comment/Response Roberts Mountain/Whistler/Fish Creek HMAs	
	Because terrain, ground condition, temperature, and animal condition vary from gather to gather, there are no set distance limitations for gathers. Additionally, many factors are considered in trap location selection. If animals appear to be overly exerted upon arrival at the trap, the BLM instructs the contractor to modify gather distances or speed, or to construct new traps closer to the animals. Conversely, during winter gathers, if horses are moving along at their own pace, and conditions are ideal, the contractor may herd them 10 miles to a trap. The important thing to know is that the BLM is on site, and even though the contractors are highly skilled, if problems arise, the BLM takes action quickly to remedy the situation.
12	<p>Comment: Since fertility control is not being utilized in this proposal, gathering all mares possible in this operation is not necessary (even though darting in the field is often employed). The reproductive rate of the wild horses in the area is also reasonably stable due to the history of the limited round ups conducted in these areas.</p> <p>The “stacking” of additional males in the HMA, which is known to cause considerable friction, fighting, injuries and destabilization of band dynamics is not in the best interests of the wild horses, only the BLM and others who seek to achieve “maximum” utilization” from the areas resources at the expense of the wild horses well being. Therefore, a 50-50 gender ratio is again, strongly urged for implementation in the removal proposals.</p> <p>Response: Comment noted. Information does not exist to suggest that the additional 10% of the post gather population being male would cause “considerable friction, fighting, injuries and destabilization of band dynamics”. Possibly lowering the reproduction rates of the population and extending the time period before another gather is necessary would benefit the wild horses and band dynamics.</p>
13	<p>Comment: I also strongly urge BLM to begin immediate coordination of emergency drought conditions by negotiating proper compensation to the livestock operators and permittees within the effected areas to head off the coming drought disaster for proper stewardship and preservation of wild horses, livestock, wildlife and rangeland resources as well as utilizing bait/lure trapping in wild horse removals through the proposed areas.</p> <p>Response: The BLM has been proactively planning for potential emergencies. Should water shortages occur, they would be dealt with in an appropriate manner depending upon the situation and the resources available.</p>
14	<p>Comment: Proposal supported as written</p> <p>Response: Comment noted</p>

Through development of the EA and Gather Plan for the Roberts Mountain Complex, general comments were received by phone on numerous occasions. Jim Etcheverry, permittee for the Three Bars Allotment stated that wild horses were heavily utilizing and damaging riparian areas in the Cottonwood Creek area, and supports the gather of the horses to the AML or below the AML. He also supports release of a higher proportion of studs than mares, and is opposed to release of equal numbers or a higher proportion of mares.

Martin Etcheverry, the permittee on the Roberts Mountain Allotment is in support of the gather to bring the wild horse population in balance with existing resources.

Kelly Hoekenga, representative of the Lucky C Allotment supports removal of wild horses from Kobeh Valley to promote the improvement of the rangeland, and prevent wild horses from entering her private land.

Attachment 4
Roberts Mountain Complex Interested Public Mailing List

AMERICAN HORSE PROTECTION ASSOC.
1000 29TH ST NW SUITE T-100
WASHINGTON DC 20007

ANIMAL WELFARE INSTITUTE
D.J. SCHUBERT, WILDLIFE BIOLOGIST
3121 D FIRE RD PMB 327
EGG HARBOR TOWNSHIP NJ 08234

BATTLE MOUNTAIN BAND COUNCIL
MICHAEL YOUNG, CHAIR
37 MOUNTAIN VIEW DR SUITE C
BATTLE MOUNTAIN NV 89820

DUCKWATER SHOSHONE TRIBE
RUBY SAM, CHAIR
PO BOX 140068
DUCKWATER NV 89314

DIAMOND CATTLE CO.
MARTIN ETCHEVERRY
7933 CALLOWAY DR.
BAKERSFIELD CA 93314

EUREKA LIVESTOCK CO.
JIM ETCHEVERRY
7805 CALLOWAY DRIVE
BAKERSFIELD CA 93312

EUREKA LIVESTOCK
16249 WINFIELD AVE
BAKERSFIELD CA 93314

LARRALDE SHEEP CO.
MARTIN LARRALDE
6200 OLIVE DR
BAKERSFIELD CA 93308

EUREKA LIVESTOCK CO
JIM ETCHEVERRY
HC 62 BOX 62540
EUREKA NV 89316

NATIONAL MUSTANG ASSOCIATION
PO Box 1367
CEDAR CITY UT 84721

M W CATTLE Co.
JOHN COLBY
HC 62 BOX 62310
EUREKA NV 89316

NEVADA COMMISSION FOR PRESERVATION OF WILD
HORSES
CATHY BARCOMB
885 E LAKE BLVD
CARSON CITY NV 89704

NATURAL RESOURCES ADVISORY COMMISSION
JIM BAUMANN, CHAIRMAN
PO BOX 682
EUREKA NV 89316

SOUTH FORK BAND COUNCIL
21 LEE UNIT B 13
SPRING CREEK NV 89815

NEVADA DEPARTMENT OF WILDLIFE EASTERN REGION
STEVE FOREE, SUPERVISORY HABITAT BIOLOGIST
60 YOUTH CENTER ROAD
ELKO NV 89801

TE-MOAK TRIBAL COUNCIL
PAT STEVENS
525 SUNSET STREET
ELKO NV 89801

NEVADA STATE CLEARING HOUSE
KRISTA COULTER
209 EAST MUSSER ST ROOM 200
CARSON CITY NV 89701

WESTERN SHOSHONE DEFENSE PROJECT
PO BOX 211308
CRESENT VALLEY NV 89821

SMITH CREEK RANCH CO., LTD.
SMITH CREEK RANCH CO., LTD.
911 NORTH DOWNS LANE
FALLON NV 89406

WILD HORSE CATTLE CO.
JOHN FRASER
PO BOX 578
FERNLEY NV 89408

WESTERN SHOSHONE COMMITTEE
PO Box 425
OWYHEE NV 89832

YOMBA SHOSHONE TRIBE
DENNIS BILL, CHAIR
HC 61 BOX 6275
AUSTIN NV 89310

WESTERN WATERSHEDS PROJECT
KATIE FITE, BIODIVERSITY DIRECTOR
PO Box 2863
BOISE ID 83701

WILD HORSES ORGANIZED ASSISTANCE
DAWN LAPPIN
PO Box 555
RENO NV 89504

CHAD & ROSIE BLISS
PO Box 585
EUREKA NV 89316

DAVID AND LINDA WOOLFOLK
PO Box 1030
EUREKA NV 89316

KENNETH BUCKINGHAM
BOX 10
PARADISE VALLEY NV 89426

ROY AND MARY RISI
3625 S. HARMON RD
FALLON NV 89406

VINCE FERREIRA
1400 LONGVALLEY RD
RENO NV 89506

EUREKA COUNTY COMMISSIONERS
P.O. Box 677
EUREKA, NV 89316

CINDY MACDONALD
3605 SILVER SAND CT
N. LAS VEGAS NV 89032

JAMES ITHURRALDE
PO Box 26
EUREKA NV 89316

PAM SCUTT
PO Box 1114
VERDI NV 89439

THOMAS GARDNER
PO Box 187
PARAGONAH UT 84760

USDA FOREST SERVICE AUSTIN DISTRICT
DISTRICT RANGER
PO Box 130
AUSTIN NV 89310

EUREKA COUNTY DEPT. OF NATURAL RESOURCES
P.O. Box 682
EUREKA, NV 89316

KELLY HOEKENGA
P.O. Box 597
EUREKA, NV 89316