

Antelope G 9/29/04



United States Department of the Interior

BUREAU OF LAND MANAGEMENT

Elko Field Office
3900 East Idaho Street
Elko, Nevada 89801-4611
<http://www.nv.blm.gov>



In Reply Refer To:
4700(NV-012)

September 29, 2004

Dear Interested Party:

Introduction

The Elko and Ely Field Offices are proposing to gather approximately 1,606 wild horses, and remove 1,134 wild horses, from the Antelope, Antelope Valley, Spruce-Pequop, and Goshute Herd Management Areas (HMAs) in the winter of 2005 to restore the range to a thriving natural ecological balance and prevent deterioration of the range. Also proposed is implementing fertility control treatment on approximately 283 mares released back to the range following the gather. Past capture, census, and distribution data collected indicate inter movement among the horses of these HMAs. For this action, the four HMAs will be referred to as the Antelope Complex (Map1).

The South Pequop (NV010-035) Wilderness Study Area (WSA) lies within the Spruce-Pequop HMA. The Bluebell (NV010-027) and Goshute Peak (NV010-033) WSAs lie within the Goshute HMA. During the Goshute HMA gather it is proposed to utilize an historical trap site within the Bluebell WSA. The proposed site is located at Shafter Well, located at T33N, R67E, section 12 NWSE (Map 2). The site is currently used as a livestock water development just inside the WSA boundary. The well was in existence prior to the WSA designation and is a grandfathered use. The proposed gather activities would not create any additional disturbance affecting wilderness values. No gather activities would occur within the South Pequop and Goshute Peak WSAs.

Proposed Action

The Proposed Action is to gather approximately 1,606 wild horses, make available for adoption approximately 1,134 head, and return 264 mares and 208 studs to the Antelope Complex, located in the southeastern portion of Elko County and northeastern White Pine County. The gathers would be conducted to protect public rangeland from undue degradation caused by excessive numbers of wild horses. The post gather population of 472 wild horses would represent the lower level of the appropriate management level for the four herds.

Multiple capture sites (traps) would be used. Whenever possible, capture sites would be located at previously used sites. The Elko and Ely Field Office Wild Horse Specialists would record and sort captured horses by sex, age and color. To assess herd health, factors such as pregnancy, parasite loading, physical condition, etc., would be recorded. Animals would be returned to the HMAs based on desired characteristics for each herd.

To lengthen the time before a future gather may be required, BLM is also considering participating in immunocontraceptive research as part of this gather. All of the release mares would receive the drug, porcine zona pellucidae (PZP). This vaccine has been shown to be effective in preventing pregnancy for two years without undesired side effects.

Alternatives to Proposed Action

Two alternatives to the Proposed Action will also be analyzed. Alternative I would be the same as the Proposed Action, except the BLM would not conduct fertility research with the use of PZP. A No Action alternative will also be analyzed.

Expected Decision Date

January 2005

Expected Implementation Date

February 2005

Scoping

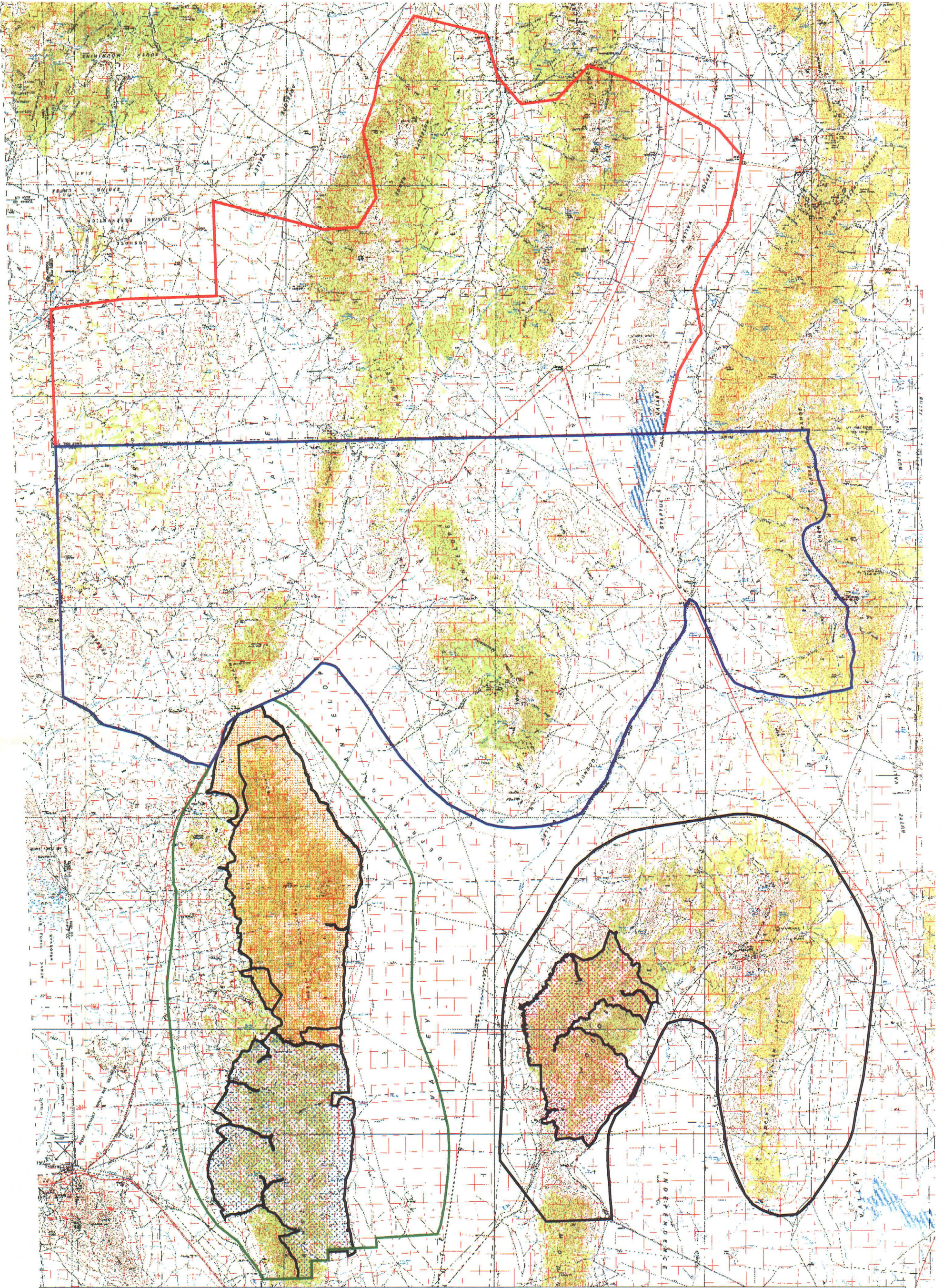
An environmental assessment is being prepared for this gather. Written scoping comments for this proposed wild horse management are due on or before October 29, 2004. **Please address your comments to the BLM Elko Field Office, Attention: Elko Field Manager, Helen Hankins, 3900 East Idaho Street, Elko, NV 89801.**

Thank you for your interest in wild horses, wilderness, and public land management. If you have questions concerning WSA issues please contact Tamara Hawthorne at (775) 753-0356. Any questions concerning the proposed wild horse gather please call Bryan Fuell at (775) 753-0314.

Sincerely,

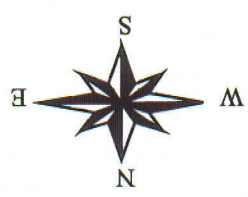


Helen M. Hankins,
Field Manager



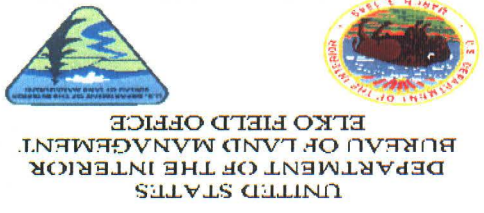
Map 1

-  Antelope Valley HMA
-  Antelope HMA
-  Goshute HMA
-  Spruce-Pequo HMA
-  Bluebell WSA
-  Goshute Peak WSA
-  South Psequo WSA



8 0 8 16 Miles




NO WARRANTY IS MADE BY THE BUREAU OF LAND MANAGEMENT AS TO THE ACCURACY, RELIABILITY, OR COMPLETENESS OF THESE DATA FOR INDIVIDUAL USE OR AGGREGATE USE WITH OTHER DATA.



MAP 2

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
ELKO FIELD OFFICE



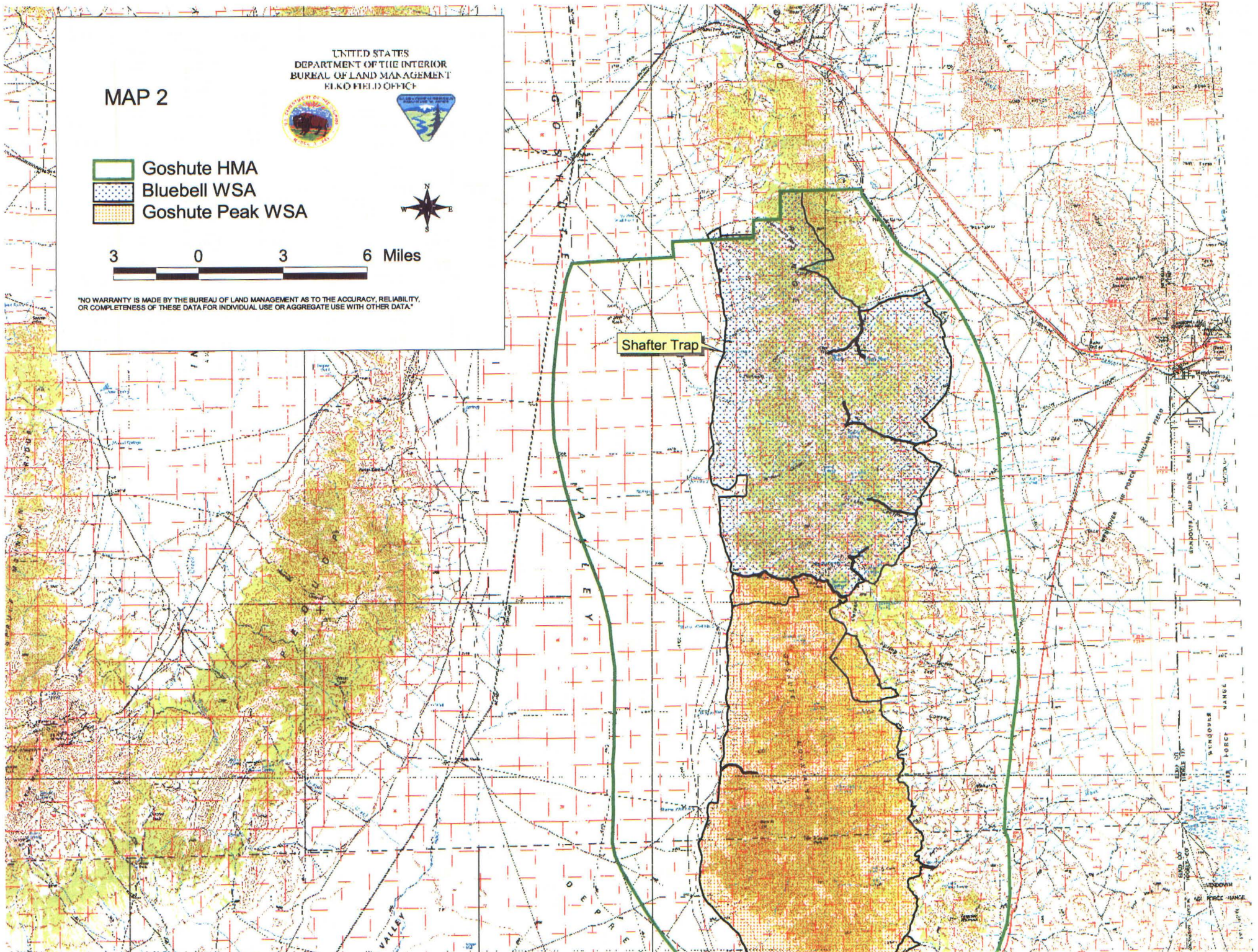
-  Goshute HMA
-  Bluebell WSA
-  Goshute Peak WSA



3 0 3 6 Miles

"NO WARRANTY IS MADE BY THE BUREAU OF LAND MANAGEMENT AS TO THE ACCURACY, RELIABILITY, OR COMPLETENESS OF THESE DATA FOR INDIVIDUAL USE OR AGGREGATE USE WITH OTHER DATA."

Shafter Trap



For Dawn - scoping 10-29-04
The "Shin" with a 001

Wild Horse Observers Association



New Mexico The Horse Friendly State

Patience O'Dowd
Wild Horse Observers assoc. (WHOA)
PO Box 932
Placitas, NM 87043
A 501C3 Non Profit Org.
Ph/fax 505-867-5228

Helen Hankins
Elko Field Manager
3900 East Idaho Street
Bureau of Land Management
Elko, Nevada 89801

Oct 29, 2004

Re: Antelope Complex (Map1) Proposed Action Written Scoping Comments.

Dear Ms. Hankins,

I have provided previous scoping comments to the Elko Field office recently on other wild horse gather possibilities. Please accept all of my comments below on the Rock Creek Scoping as now also referring to the Antelope Complex(Map1) and even more so since this is also yet another huge herd reduction. You must address and justify all of the herds of Nevada and what the plans are as a whole.

Please addressed in depth is how you know that more Elk and Deer will not just move in to take the place of these horses, and if so, is this somehow justified by hunting fees? WHOA believes that this is not in the spirit of the 1971 Free Roaming Wild Horse and Burro Act.

I also suggest that having this public comment due during voting season might suggest that the BLM does not really want public comment as most activist citizens who might take time to make public comment may be otherwise busy as patriots getting out the vote.

Also, a detailed accounting of grazing fees, gas/oil, hunting revenue, capture fees, holding fees, predator reduction, and all other costs associated must be included.

Sincerely,

Patience O'Dowd for WHOA

Mike Brown
Public Affairs Officer
Bureau of Land Management
Elko Field Office
3900 Idaho Street,
Elko, Nevada
Fax 775-753-0260

July 23, 2004

Re: Public Comment on BLM Scoping Rock Creek Herd Management Area.

Dear Mr. Brown,

Thank you for this opportunity to supply public comment for WHOA on this scoping document. Below are many recommendations for inclusion into your scoping and Environmental Analysis/process. WHOA is concerned with loss of our National Treasures such as is being proposed. **The reduction of a herd from 1215 to 220 needs more notification to the public than the usual Federal Register Notice and a mailing to a few of the locals. A reduction such as this, needs all due publicity. This constitutes the thievery of our National Heritage.**

AML

1. Include a clear scientific justification for the AML that has been discussed in this scoping document.
2. Include copies of all and any complaints regarding these horses. This includes anything from gas or oil or other energy related concerns/business'.
3. Include the number of gas or oil wells in this horse territory by what companies. Include any futures proposed at the time of this scoping.
4. How can you ensure not losing genetic variation when such a large reduction from over 1000 horses to 150?
5. Please include all and any genetic information you have currently and that you would plan to obtain.
6. What age/sex ratios are you looking for, and what do you currently have?
7. How does this impact the overall number of horses in Nevada versus what they are now?
8. What ages do you plan to put into long term holding, short term, adoption. How long will horses remain in short term holding before being transferred into long term holding.
9. How many horses are already in long term holding, short term holding, and adoption preparation at this time? Are they at capacity?
10. How many horses are still in the wild in Nevada and the US?
11. Name all the holding facilities and their address'. Which holding facilities will you send these horses to? Provide representative pictures of each.
12. How are horses managed at the holding facilities. Include band make up allowed, birth control or separation etc.

Fertility Contraception

WHOA believes that fertility contraception must be an integral part of the Scope and Environmental Assessment (EA).

1. Incorporate fertility contraception using porcine zona pellucida (PZP) immunocontraception as an integral part of the proposed action.
2. Use the 2-3 yr pzp and where you will then be able to do smaller gathers and send horses for adoption once every 6 years.
3. It is true that the use of pzp is only approved by the FDA on a research basis. However, that is due only to manufacturing volume technicalities, not due to any issues it causes with the horses. The BLM in Boise Idaho as with other herd management areas in and outside of the BLM, have used, and do currently use immuno-contraception fertility control following the required program per the Humane Society.

COST

1. **Warehousing:** Too many "Wild" Horses are in holding pens already, 15,000 at the end of 2003. With numbers like these, to unnecessarily add more is irresponsible, against the spirit of the 1971 Act, as well as very costly to the tax payer \$\$\$ (See details below under Federal Spending)
2. **Include the overall spending scenario;** This means include monies received from grazing fees, monies spent on predator control, fencing for cattle rotation, adoption readiness, short and long term holding, round-ups. In other words, the entire balance sheet so that we the public can see how our money is being spent here and what we are getting for it.
3. Include tourism monies generated by this herd historically as with a reduction like the BLM has proposed here this will likely be curtailed.
4. What are the grazing fees per cattle/month at Rock Creek?

ADOPTIONS/RISKS/COSTS

1. **Freedom/Wild:** These horses should remain free if at all possible considering they are protected under the "Free Roaming Wild Horses and Burro Act." Not the "Almost Free horse to many who don't know how to train a horse and can't afford a trainer anyway Act of 1971". (Not to say that all adoptions go wrong but it can safely be said that given a choice it's likely that any horse would choose his own natural home and family.)
2. **Adoptions:** These almost free adoptions also very likely financially impact the many breeders of the following: Spanish Colonial horses, Barbs, Horse of the Americas Barb, Spanish Mustang, Original Indian Horse, Colonial Spanish or Cayuse. See URL <http://www.horseoftheamericas.com/> National Horse Registry.
3. **Slaughter:** Even horses which are adopted to "good" homes often end up at slaughter houses. This is due to incorrect training, the adoptee ends up scared, loses employment, loses interest, or just because the horses later grow old. The adoptee can then take their now legally livestock animal (versus wild horse) to auction to meet a fate usually unbeknownst to the adoptee.

This is a travesty as the federal commercial transportation laws are deplorably inhumane (Authority: 7 United States Code 1901, 7 Code of Federal Regulations 2.22, 2.80 and 371.4 – EFFECTIVE 2/5/2002) and worse yet the US 1958 Humane Slaughter act has NEVER been enforced and many animals are skinned and dismembered conscious although they have been beat in the head multiple times by a captive bolt (without compressed air) which is still legal even after the mad cow scare.

Or, they may end up on a riveting live shipment to Japan, France, Mexico (very likely) where they will then be slaughtered who knows how, and end up on some ones dinner plate after all their current personal service to mankind and their historical significance through the ages. Hey Thanks!

However, a horse that has not been adopted still has its "wild horse" legal status cannot be legally slaughtered. The US slaughtered 42,000 horses and sent another 48,000 horses outside the country for slaughter in the yr 2002. A Large percentage of these horses are young sound horses per the USDA's Dr Timothy Cordes at 301-734-3279 who administrates the federal commercial transportation law.

5. **Over Burdened Adoption Program:** Pregnant horses are also inadvertently sent to the BLM holding pens where their offspring add another 400 to 800 babies a yr to the already burdened adoption program. For example in 2003, of the 10,000 or so horses up for adoption beyond the 11,000 in long term holding, approximately 4000 went unadopted. (See attachments 1,2,3)
6. **Non Compliance on rangeland quality:** During years that the holding pens are past capacity, and new holding pens are not added quickly enough, needed gathers have gone on hold with a result of reduced rangeland quality causing inordinately high winter death rates such as 150 horses in the fall and only 18 left in the spring at one BLM herd in Oregon.
7. Whoa believes that birth control on a frequent basis (every 3 years with the long acting PZP) could and should substantially minimize this cruel practice of separating equine families and individuals from their natural environment and the risk of meeting their end at some distant slaughter house.
8. How many horses die do to fear of captivity and running into a fence or any other accident.
9. How many die during round-up.
10. If a spring round up is performed, how many foals born die during round-up or during foaling in captivity.

METHOD OF ROUND UP

1. Include the method and season of round-up. Include the mortality rates of each method by category including gender and age ranges.
2. Please discuss the use of bait round-ups with <http://www.mttaylor Mustangs.com/> Dan Elkins. He has used humane methods of round-up with the Forest Service at EL Rito Carson National Forest in New Mexico.
3. Please discuss who will be allowed to audit and film the round ups.
4. How will you keep mothers and babies together?
5. Will you keep bands together?

Federal Spending

At the end of 2003, the BLM nationwide already had 15,000 horses in holding pens with the large majority >11,000 in long term holding pens. This is approximately one third of our Wild horses in holding pens with only a little over 37,000 horses living free on our National Wild Horse territories. Another 4000 horses have already been captured to date in 2004.

With numbers like these, what is the probability that any wild horse would actually live out its entire life as a wild horse in a natural society with its life long band members? With the Restoration of Threatened Watersheds Initiative, this expensive warehousing of our nations deserving wild horses will only increase. Now is the time to get aggressive with fertility control. Also, this expensive warehousing is certainly incongruent with the spirit of the 1971 Act.

The BLM alone spent \$34.6 per year Million in 2003 (Not to mention USDA Forest Service Funding) for this incarceration with a mere \$75K of this going toward birth control or it's research. However, fertility control was called for in the 1971 Act (long ago!).

Less than 4 Million of the \$34.6 Million was spent on herd management and monitoring. Most of this whopping \$34.6K is spent on non-proactive warehousing. (See Attachment 1)

(Budget data above are from Mr. Don Glen of the Department of Interior. Contact Info: Wild Horse & Burro Specialist, WO 260 Washington, DC 202-452-5082, Cell 202-744-6097)

Other Issues Summary

1. Provide an explanation as to the historical numbers of cattle grazing and their seasons of grazing. This gets a little strange having to ask this time and time again when it is of utmost relevance. This as well as other ungulates numbers.
2. Provide the historical numbers of horses in the area and an explanation for any changes.
3. What is the proposed number of cattle?
4. What is the number of permittees and permits.
5. **Fencing and it's impact on the horses.**
6. **Priority/Ratio.** Please explain if cattle receive priority over horses in both numbers and management and the legal justification.
7. **Loss of or Impact to tourism potential explored loosing/reducing a "large" herd such as this will hurt the viewing, photography, painting possibilities.**
8. **The amount of grazing fees** received relative to the amount that is spent on the WHB incarcerations program and predator reductions programs. (This is just not good math but could be improved once again by fertility contraception.)
9. **The loss of legal wild horse status** once adopted enabling an adoptee to treat these creatures as a material item "livestock" and thereby allowing their slaughter legally.
10. **The number of adoptions.** With the BLM adopting out thousands of horses each year for too small a fee I might add, these horses are no longer free roaming. Therefore the numbers of horses in captivity and in holding pens versus those running free must over the years outnumber those running free. **This again transforms The 1971 Act into a harsh and pretentious facade.**
11. **Condemned at a young age.** The gathering and long term holding of horses over 10 yrs old when they could be given birth control and released. Horses wild and domestic, often live to 30 plus yrs. As per various BLM documents, **Age Class Ten Years and Older:** A horse will live only 10 out of its 30 yrs in the wild with 20 yrs in a holding pen. This is not justice.
12. **Please include the money spent on an average horse in long term holding.** Per Don Glen it is \$6000 over it's lifetime. It would be more feasible and humane to employ fertility control. As well as being in keeping with the 1971 Act.
13. **Alternative Energy Use.** Please include the use of this land for alternative energy purposes versus gas and oil.
14. **Include analysis of Endangered Species.**

American tax payers far out number the special interests that continue to demand the wipe-out of our wild horses, our National Treasures. Americans would like to be able to visit these herds but many are kept so small it makes viewing difficult at most.

As long as the federal government is not going to allow natural predators and as long as they are not going to seriously pursue birth control, the "Free Roaming" Wild Horse and Burro Program is, in effect, a puppy mill, an annual (horse)crops program, an expensive headache, along with a federal jobs program which includes horse warehousing and other programs for killing off of predators (albeit for different interests).

Without fertility control, the "Free" Roaming "Wild" horse and Burro Program" is an expensive and even sad misnomer where horses are frequently and routinely harassed and then incarcerated for more than half of their lives. That is If, they are one of the lucky American Wild Horses who don't end up at a slaughter house or on some distant shore.

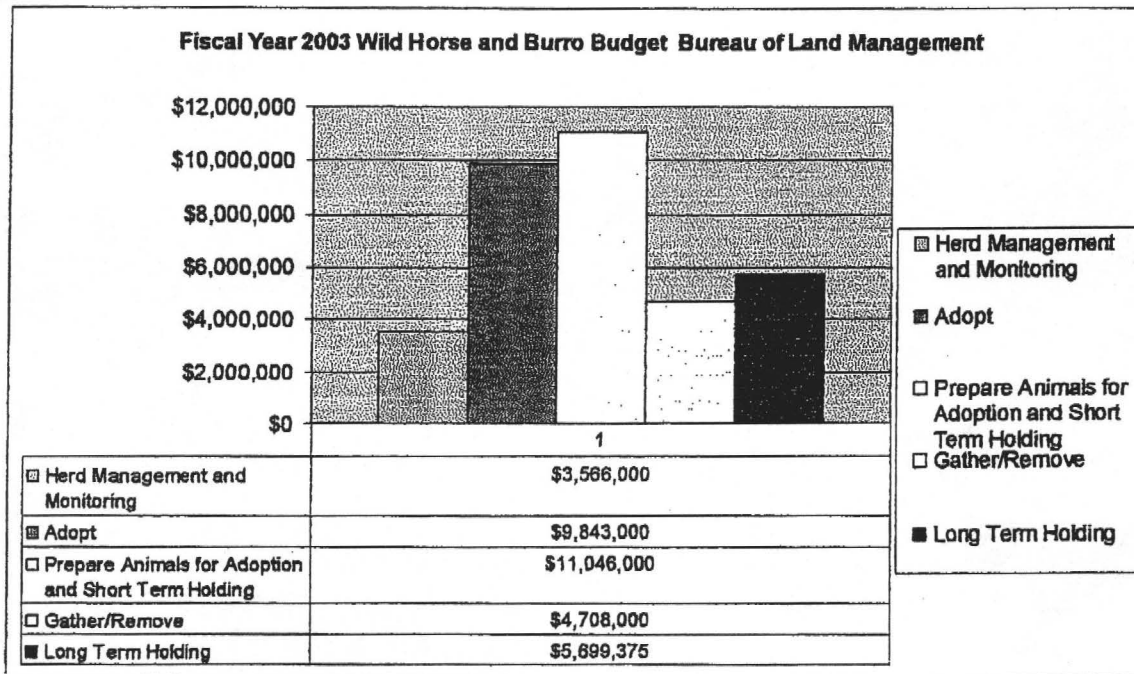
Attachment 1.

Received Fri 5/28/04

Ms. O'dowd, Attached is a chart that shows the breakdown for the 2003 wild horse and burro budget nationwide. If you need more info, please reply

(See attached file: budget2003.doc)

Don Glenn
 Wild Horse & Burro Specialist
 WO 260 Washington, DC
 202-452-5082
 Cell 202-744-6097



Attachment 2.

Received 6/3/04

1. For the yr 2003 what was the number of horses and burros in the long term holding Dark Purple Bar? The number increased throughout the year, but by the end of FY2003 there were approximately 11,000 horses in long term holding. 2. For the yr 2003 what was the number of horses represented in/by the Adopt/Bar (plum colored)? 6119 3. How many of the horses in the Adopt/Bar were adopted out in 2003? 6119 4. For the yr 2003 what was the number of horses represented in/by the Prepare Animals for adoption/short term holding Yellow Bar. 10,081 5. For the yr 2003 what was the number of horses represented in/by the light blue Gather/Remove Bar. Was this the planned number or the actual? 10,081 6. What is the total number of horses living free on our National Wild Horse Territories at the end of 2003 (after the gathers of 2003)? I know this number usually entails partial counts and then estimates of some percent higher than those actually counted. As this is the number used to justify a gather, these estimate number's totals are what I would like. 37,186 7. For the yr 2003 how much of the Herd management and monitoring money of 3,5660 was spent on birth control? \$75,000 8. How much money was spent on Birth Control research and testing in 2003? Which Bar does this get included in? \$75,000 in the Herd management bar.

Further Questions that you may be able to answer or steer me in the right direction as to who can answer them are as follows:

9. When does the BLM plan to be using birth control as their major herd management or population control technique? BLM is beginning to study fertility control on a population as opposed to an individual animal basis, so it will be used on a larger scale over the next few years, however the drug being used must be used under a research protocol (is not approved for general use by FDA) so it is unknown at this time when this will be a dependable population control technique.

10. It appears that the BLM/Forest Service stopped sending their Joint Administrative Report to Congress as required by the 1971 Act. The last report I have seen is from 1995. Is this true? If so, what was the basis for halting these reports to Congress? The last formal joint report to congress by BLM and the USFS was published in 1995. Since 1998, when the BLM's Wild Horse and Burro Advisory Board was rechartered all initiatives, plans, proposals and progress have been reported to the board. Board meetings are public. Since that time BLM has also been in constant communication with congress on the progress and direction of the program through the budgeting process. This spring BLM submitted a report to congress entitled: A Report to Congress: Reaching Appropriate Management Levels in Wild Horse and Burro Management (March 2004). This report is not available to the public at this time. BLM has also endeavored to keep the public informed through the internet, where a great deal of information about the program is available to the public.

Don Glenn
Wild Horse & Burro Specialist
WO 260 Washington, DC
202-452-5082
Cell 202-744-6097

Attachment 3.

Received 6/8/04

Ms. O'Dowd,

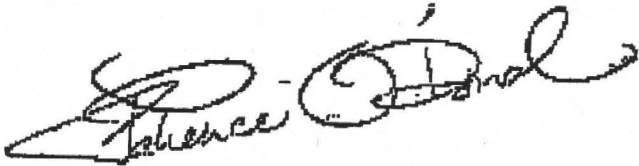
Here are the answers to two of your latest questions.

1. Does the FDA regulate drugs for wild animals as well as humans? Or is it only when the animals that may possibly end up in the human food chain? The FDA regulates all drug testing and use in the United States. This includes drugs intended for use in humans, wildlife, and veterinary applications.

2. What is the difference between the the Adopt/Bar (6119 equines) and the Prepare Animals for adoption/short term holding Yellow Bar. (10,081 equines). It appears these are not the same horses are they? Why are they designated in separate bars? The adopt/bar shows the number that were actually adopted (6119). The prepare animals for adoption/short term holding bar shows the number of animals that were prepared for adoption or were prepared for placement in long term holding facilities which is the same as the number removed from the range (10,081).

Don Glenn
Wild Horse & Burro Specialist
WO 260 Washington, DC
202-452-5082
Cell 202-744-6097

Sincerely,

A handwritten signature in cursive script, appearing to read "Patience O'Dowd". The signature is written in dark ink and is somewhat stylized, with the first name "Patience" written in a smaller, more compact script than the last name "O'Dowd".

Patience O'Dowd for WHOA