

Red Rock

m 9-14-99

W H O A

WILD HORSE ORGANIZED ASSISTANCE
P.O. BOX 555
RENO, NEVADA 89504
(702) 851-4817



... a note from

Dawn Y. Lappin

September 14, 1999

Mr. Mike Dwyer, Field Manager
Bureau of Land Management
4765 Vegas Drive
Las Vegas, NV 89108

Dear Mr. Dwyer:

Courtesy requires that I thank you for the opportunity to comment on the Proposed GMP and Draft DEIS for the Red Rock Canyon National Conservation Area, however, I also understand that for the Bureau to manage the PUBLIC'S RESOURCES, it cannot do so in a vacuum. It was extremely naive for WHOA to believe the Bureau had accepted its' responsibilities, would avoid specious arguments, and pompous attitudes; apparently this is not the case.

The proposal concerning the wild horses and burros is totally unacceptable; furthermore it is in direct violation to Congress' mandate which states "...Congress finds and declares that wild horses and burros are living symbols of the historic and pioneer spirit of the West; that they contribute to the diversity of life forms within the Nation and enrich the lives of the American public." Your arrogance in arguing that they are technically non-native, flies in the face of Congress. Your, I, and millions of humans are non-native, yet you make no such suggestion that people be eliminated from this sensitive area. I find it incongruous that you can manage "domestic horses, water, and millions of visitors; but cannot manage a few wild horses and burros.

There is absolutely no confusion on that part of advocacy groups or the public about where the wild horses and burros were at the passage of the Act. That permanent records or history were not protected reflects

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the same apparent attitude on maintaining and protecting the few herds the District does have. We wonder where Las Vegas District has been over the past 5-10 years? The Commission, of which I served for nine years, WHOA, The National Mustang Association, the Wild Horse Organization, BLM, and others have cooperatively developed waters for wild horses and burros with multiple use by wildlife and livestock to be its' intent. In the 1980's I was present when the State Water Engineer, Peter Moros declared wild horses and burros to be beneficial use. You use confusion as an argument then with the same breath suggest abandoning historical herd names to adopt new ones????

On one hand BLM argues that fences increase the opportunity for better management of the rangelands, without harming the use of their habitat by wild horses and burros; and on the other, uses fences to justify elimination! Go figure! What we cannot understand is why, a District that is so heavily impacted by millions of visitors would not use this special area as an opportunity to educate the public about riparian protection and herd management; while maintaining a portion of that history. We vehemently disagree with your premise that wild horses and burros have no special status. And unless you have discovered some method of developing water so that only wild horses or burros could consume it, then the development would also help humans and wildlife. Again you propose to eliminate one of the unique features of this NCA, the horses and burros. I can see no purpose for lopping off portions of their habitat, unless it is to be used at some future date as insufficient habitat for a viable population.

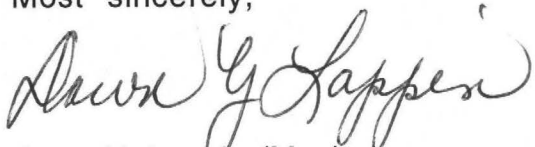
WHOA has no objection to the protection of riparian values through fencing, but the it is possible to maintain herds and protect the riparian; it is a case of "wanting to do it." Nor do we object to the establishment of herd size through monitoring and allotment evaluation processes. It occurs to WHOA that you have made every attempt to legitimize this action through incorrect arguments of natural waters, fences, and habitat size; none of which are valid. You have absolutely no valid reasoning for the elimination of the area west of State Route 159 and north of the Spring Mountain Park from the HMA. In fact, you may attempt to eliminate the animals, but according to law, the HMA remains in tact. However, unless you want to share WHOA's extensive files on

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Las Vegas herd areas and CRMP files in court; we do not suggest you take this action. We have no doubts that wild horses and burros, for that matter other animals, prefer the tender young species of forage. Can you tell us how much is consumed by rabbits, tortoise, grasshoppers, ants, etc., or do you plan to eliminate them as well.

In conclusion, the Proposed GMP and Draft DEIS is data deficient; filled with invented excuses to eliminate the herds; conclusions based speculation and facts not presented in evidence. Furthermore, nothing in the 1990 Act requires this drastic action!

Most sincerely,

A handwritten signature in cursive script, reading "Dawn Y. Lappin".

Dawn Y. Lappin (Mrs.)
Director

cc: Fund for Animals
National Mustang Association
American Horse Protection Association
Humane Society of the United States

Wild horse advocates oppose BLM plan to relocate animals

LAS VEGAS (AP)— Wild horse enthusiasts are criticizing a plan to relocate 15 wild horses and nearly 50 burros currently roaming the Red Rock Canyon National Conservation Area east of Las Vegas.

Bureau of Land Management specialists claim overgrazing has taken its toll on the area's ecosystem.

But a majority of the 71 speakers at Monday's public comment meeting oppose the plan.

"The BLM is totally missing the big picture when it comes to the educational potential of the horses and burros in Red Rock," said Craig Leets, president of an advocacy group called the National Wild Horse Association.

"They have a captive audience of thousands of people to educate about these animals and to show if an area is managed properly, we can all live and enjoy the resource together," he said.

Many speakers were members of the National Wild Horse Association. Most say the bureau's plan for removing horses from the canyon

until that part of the range can recover lacks a sound, scientific basis.

"That's a tough question to answer when it comes to scientific evidence. It's difficult to say how much is enough," BLM Field Manager Mike Dwyer said later.

Some speakers said they feared removing wild horses and burros from the heart of the canyon would strip the canyon of its legendary symbol, its charm and natural identity.

Only a few speakers, such as Howard Booth of the Sierra Club and John Hiatt, conservation chairman of the Red Rock Audubon Society, supported temporary relocation or permanent removal of the horses and burros.

"The health of the land is paramount here," Hiatt said.

To recover from the damage caused by more than a century of grazing, the number of horses must be reduced down "to a very low number, or zero," he added.

The BLM extended the public comment period for the plan to Oct. 31.



DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES
COMMISSION FOR THE
PRESERVATION OF WILD HORSES

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August 23, 1999

Mr. Mike Dwyer
Field Office Manager
Bureau of Land Management
4765 Vegas Drive
Las Vegas, Nevada 89108

Dear Mr. Dwyer

Thank you for the opportunity to comment on the Proposed General Management Plan (GMP) and Draft Environmental Impact Statement (DEIS) for the Red Rock Canyon National Conservation Area (RRCNCA).

We are very concerned with the approach for management of wild horses and burros beginning on page 40 of the proposed GMP. We do not believe the approach is consistent with either the RRCNCA Establishment Act of 1990 or the Wild Free Roaming Horse and Burro Act of 1971. The opening language of the 1971 Act states:

“... Congress finds and declares that wild horses and burros are living symbols of the historic and pioneer spirit of the West; that they contribute to the diversity of life forms within the Nation and enrich the lives of the American people; and that these horses and burros are fast disappearing from the American scene. It is the policy of Congress that wild free-roaming horses and burros shall be protected ... and to accomplish this they are to be considered in the area where presently found, as an integral part of the natural system of public lands.”

Many of the other sections of the proposed GMP emphasize interpretation and presentation of natural and cultural values for general public enjoyment. Yet the wild horse and burro section

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takes exactly the opposite approach and attempts to eliminate or minimize this unique feature of the RRCNCA.

With regard to the name of the HMA we do not concur that there is confusion regarding the name of the area. Red Rocks HMA versus Red Rocks Canyon National Conservation Area seems clear, particularly if they are depicted properly on a map. We recommend that the historical names be retained. This applies not only to the Red Rock HMA, but the Wheeler Pass, Lucky Strike, Blue Diamond, Bird Springs and Potisi areas as well. It may be appropriate to refer to the area as a complex (e.g. Spring Mountain Complex), however, we recommend that each HMA keep its original name to facilitate better record keeping.

With regard to elimination of the area west of SR 159 and north of Spring Mountain Park from the HMA, no supporting rationale is offered. It is not appropriate to include in the rationale for elimination of the area from an HM the statement, "There has been, and is, on-going confusion as to exactly where wild horses and burros existed on the public lands in the Las Vegas area at the time of passage of the Act...". To our knowledge (based on BLM records) the presence of wild burros in 1971 in the bulk of the area proposed elimination from the HMA has never been an issue. This, then, should not be used as rationale for elimination of the entire area. We believe the BLM should rely on the historical data available in the Las Vegas office and where there are discrepancies they should be noted as a matter of record. This record should include reference to the appropriate source document for each boundary. Where there is a difference and both sources are well founded, our preference is that the one most favorable to the wild horses or burros should be used. This is based on the fact that areas can be eliminated from the wild horse and burro program, but they can never be expanded beyond where the animals were found in 1971; i.e. HMA's are a finite and ever-decreasing resource. It is clearly not appropriate to use a minor boundary discrepancy as rational to eliminate a much larger, undisputed area from an HMA. Elimination of the disputed area could be argued, but elimination of the bulk of the HMA is not appropriate.

In the same paragraph on page 41 the document makes the statement, "Additionally, the documented, and significant, damage to, or loss of, riparian areas and vegetative resources due to wild horse and burro use, or improvements constructed to facilitate wild horse and burro use, is a clear indication that a thriving ecological balance is not being maintained." This is followed by numbered paragraphs dealing with fences, water, damage to riparian areas and ecological condition.

Numbered paragraph 1 on page 41 implies that due to fencing SR 159 the remaining areas are too small to support a wild burro herd. In reality to fences offer a unique opportunity to implement a grazing system with one pasture on either side of SR 159. The plan should consider this as an

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opportunity rather than an impediment.

Numbered paragraph 2. on page 41 seem to make the assumption that water be "natural" (a stream or spring) in order to be used for the management of wild horses and burros. This is not correct. In fact BLM has a long history of developing water for both domestic livestock and wildlife as well as wild horses. Previously, this Commission and private advocacy groups have provided funds for such waters. With this erroneous assumption eliminated there are numerous opportunities to reduce water availability as a limiting factor. Specifically, the pipeline from the RRCNCA visitor center to the recreation permit holder's site east of SR 159 could easily (under \$1000) be tapped to provide drinking water for wild burros in the vicinity of Red Rock Vista. This creates an excellent opportunity for viewing and interpretation consistent with the intent of the RRCNCA Establishment Act. Other opportunities also exist, but have not been included because of the false assumption regarding the need for "natural" waters. We have serious doubts about the validity of the 25% factor applied to allocation of water. In addition, no source of flow rates is identified for the various springs listed in this paragraph and in appendix 10. We notice that the data in appendix 10 appears to have been collected in one observation rather than over a period of time; sometimes in the winter and sometimes in the summer. We are sure you recognize the unreliability of this data and ask that you not use it as your basis for eliminating wild horse and burro use. We recognize that water is a potentially limiting factor. However, we believe there are ways to maximize what water is available through proper spring development, increased storage to capture water during the wet times and through supplementing natural water with wells and pipelines. The paragraph is based on the sketchy flow data and the erroneous premise that water can not be developed for wild horses and burros and . Why must burros "break through the fence" when adequate water could be piped away from the riparian source to provide for wild horses and burros as well as other wildlife. No mention is made of water consumed by domestic horse use authorized through recreation permit, special events and casual use.

Numbered paragraph 3. on page 42 addresses "significant and substantial" damage to springs and riparian areas. It is our understanding that most, if not all of the effected riparian areas and springs have now been fenced, thus eliminating this as a factor. While we share the BLM's concern for management of riparian areas we have an additional concern that this fencing was without proper documentation or environmental analysis. If we are not correct, would you please send us copies of the environmental analyses. What mitigation measures (other than elimination of all of the animals) were considered for reducing the impacts to those animals that previously relied on these areas as sources of water? Would it be possible to pipe a portion of the water away from the riparian for consumption by wildlife and wild horses and burros? The proposed GMP does not address this in light of the questionable flow data.

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Numbered paragraph 4. on page 42 deals with ecological condition. The data presented is not quantified ("substantially reduced") and only contains subjective 'condition' information. There is no mention of trend and no utilization information contained in this paragraph. It is not appropriate to propose elimination of an area from an HMA or change in animal population without a more complete picture. The only source of trend information in the entire document is on page DEIS 149 and pertains to Mud Springs #1 enclosure. The information indicates the trend is "upward" inside the enclosure and "static to upward due to cover & Indian rice grass" outside of the enclosure. There is also a very brief discussion of utilization on page DEIS 151 which indicates utilization "falls within the moderate range." In summary, there is no data presented in support of the statement, "... the current grazing by wild horses and burros is sufficient to prevent grass species from re-establishing themselves due to selective grazing of young plants." Observations documented on pages DEIS 147-151 contradict this statement.

On page 45 the proposed GMP indicates that the USFS established a 0 AML for three canyons in the Humboldt-Toiyabe NF adjacent to the west side of the RRCNCA. Appendix 10 indicates 4 springs with an aggregate flow at a remarkable 15.40 GPM. The proposed GMP refers to the area as "an isolated island of RRCNCA lands", when in fact this 'isolated island' is approximately 83,000 acres of public land. It is larger than that portion of the RRCNCA that is proposed for use by wild horses and burros to the south. In addition, this 83,000 acres is adjacent to other HMA acres that extend well beyond the boundary of the RRCNCA. The only rationale offered in the proposed GMP is, "Allowing horses [sic] to remain in this area would render the SMNRA moot since there is no barrier to prevent horses [sic] from moving into the area closed to horse [sic] use." This is not appropriate rationale for summarily fragmenting and HMA eliminating the opportunity for wild horse and burro. The rationale has no ecological basis and is, at best, arbitrary. While the Forest Service may have administrative responsibility for management of this herd, this does not relieve the BLM from their ultimate responsibility for implementation of the Act of 1971 on public lands. The agreement between the FS and BLM is for administrative convenience and efficiency, not a license to abrogate responsibility assigned through law.

In the succeeding paragraph the proposed GMP states that the AML established by the FS is 26 wild horses and zero burros. Since page 42 indicates that 50 is the minimum size necessary to maintain a viable herd (we do not concur with this figure), this raises the question of intent. Does the FS propose to eventually eliminate the 26 head using the logic that 26 head is not a viable herd? This type of fragmentation of habitat, elimination of areas from HMA's and failure to consider the area as a "complex" (e.g. the Spring Mountain Complex) will ultimately set in motion a series of steps that will eliminate wild horse and burro use from the entire Spring Mountain area. It is our understanding that documents to establish AML are in progress and scheduled for completion within the next 12 months. We would prefer to see this process completed and not made a part of this proposed GMP process. To do otherwise is to piece meal

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management and promote the fragmentation described above. In addition, to summarily eliminate wild horse and burro use from such a vast area (83,000 acres) without analysis on a par with an allotment evaluation is arbitrary and therefore not acceptable.

With all due respect and apologies, the text on pages 40-45 lacks imagination and reads more like excuses to eliminate wild horses and burros rather than an attempt to meet the desires of Congress as stated in the Acts of 1971 and 1990.

On page 53 the proposed GMP discusses "Equestrian trail use." While we strongly support equestrian use, when it is encouraged in an area inhabited by wild horses and burros certain precautions are appropriate. Domestic horses can serve as a vector for common equine diseases. The loss of several Utah wild horses to equine infectious anemia in 1998 was a wake up call regarding the reality of this threat. We would like to see protective stipulations for organized equestrian events regarding disease. We would be willing to work with BLM and other State agencies to provide language already in use for horse shows, rodeos and other events where horses are brought into close proximity to each other. An outbreak of any equine disease among wild horses or burros would be disastrous to the population as well as to the BLM's adoption program. Such stipulations could include a requirement for a current Coggins test for all participants, separate water sources away from water frequented by wild horses and burros and other simple precautions. This same stipulation regrading separate water sources should apply to casual use by domestic horses. We recognize that this would be difficult to enforce and may merely serve as a reminder for horseback riders. To reduce the opportunity for the spread of disease we also ask that special stipulations (or physical barriers) be put in place to prevent co-mingling of the wild horse and the domestic horses held in the facility on BLM administered land immediately north of the Blue Diamond town site.

We also note that special water sources are proposed for domestic horse use on the White Rock loop and Keystone Thrust trails. This seems entirely appropriate, but begs the question; why does the plan unquestioningly propose water sources for domestic horses for which BLM has no responsibility, yet there is overwhelming reluctance to make the same accommodation for wild horses for which BM has complete responsibility?

Not addressed is the need to restrict domestic horse loading and other congestion of vehicles in the vicinity of the underpasses on SR 160 used for north-south migration by wild horses in the southern part of the RRCNCA. We asked that such a restriction be put in place.

This concludes our comments on the Proposed GMP. The following are comments on the Draft Environmental Impact Statement. Our comments on the proposed GMP also apply to the DEIS where the same text is used in both sections.

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We were disappointed that no mention was made of wild horses and burros in the "Description of the Planning Area" on page DEIS 4. Cultural resources, geology, wilderness, vegetation, wildlife and historic values were all listed, but wild horses and burros were not. While this may seem like a mundane or trivial comment it conveys the subtle message that the BLM does not value this unique feature of the area with the same enthusiasm as Congress when the Act of 1971 was enacted.

On page DEIS 10 it is inappropriate to state, "Wild horses and burros are non-native species in the Spring Mountain ecosystem and contribute serious impacts to the NCA environment." Please refer to the language on page 1 of these comments which quotes the intent of Congress relative to wild horses and burros. While the statement is technically correct, it is inflammatory and contradicts the theme of the Act of 1971. It is the equivalent to saying humans are non-native species ... etc. ... technically correct, but equally inappropriate. The problems and concerns listed in the next few pages are the product of BLM's failure to properly manage populations or to design management facilities in a manner to minimize impacts potentially attributable to this legitimate use of the public lands.

Text on page DEIS 28 pertains to drilling of wells specifically for wild horse and burro use. We disagree with the conclusion that wild horses and burros have no special status. Please re-read our comment on page 1 of this letter. Most significant is the quote from the Act of 1971 which states, "that these horses and burros are fast disappearing from the American scene. It is the policy of Congress that wild free-roaming horses and burros shall be protected." This concept is paraphrased on page DEIS 168, but otherwise seems to be ignored. There should be no doubt about the meaning of these words regarding the importance of these animals. Further, to imply that wild horse and burros would be the sole beneficiary from a water south of SR 160 is not correct. The proposed plans human use and use by wildlife, both of which can benefit from the presence of reliable well water. In addition, a well would reduce use of the springs and associated riparian zones. It is inappropriate to not carry forward the possibility to drill a well south of SR 160. This tends to reduce the merits and viability of the four alternatives. Because of the failure to consider wells in any of the alternatives we regard the entire DEIS as insufficient in that it fails to consider all viable alternatives.

We sincerely appreciate the proposal to provide water for wild horses and burros outside of fenced riparian areas described on page DEIS 31 under the heading "Management Common To All Alternatives". This comment also pertains to "maintenance or reconstruction of historic projects or developments" also found on page DEIS 31.

We do not support removal of wild horses and burros from the Wheeler Pass HMA as described on page DEIS 32. Please refer to comments above for discussion. We request that the area

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retain HMA status and the AML be set through the allotment evaluation process used by BLM in other areas.

With regard to the various alternatives the nature of this Commission causes us to prefer the alternatives in descending order from 1 to 5. However, we recognize such a comment has little value in making your final decision. Therefore we request you seriously consider the following criteria and specific comments when preparing the final GMP and EIS and subsequent record of decision.

We strongly request that HMA status be retained (or designated) for all areas used in 1971 by wild horses and burros within the RRCNCA. It is management of the populations that provides impacts. To reduce the spacial area available for use unnecessarily reduces the options and opportunities to manipulate use and meet multiple management objectives. We request that herd size be the primary management tool used to achieve coordinated objectives with other such values as riparian area management; wildlife habitat management (including threatened, endangered and sensitive species), cultural resources management and recreation use. We request that the AML be established through the allotment evaluation process in use in other areas of BLM.

Availability of water is the most limiting factor for all renewable resource objectives for the RRNCA. We request that all potential water sources identified in all of the various alternatives be developed for use by wild horses and burros and in support of other public values. In addition, we strongly encourage development of an additional water source west of SR 159 in the vicinity of the Red Rock Vista (on the visitor center pipeline). We were unable to find this in any of the alternatives.

The view that only "natural" waters (springs, seeps, streams, etc.) may be used in support of wild horses and burros is inappropriate and presents a fatal flaw to the entire DEIS including its alternatives and impact analysis. This is not the policy employed in other BLM HMAs and has no legal basis.

The discussion of HMA boundaries found on page DEIS 168 is very complete and is more appropriate here than as used on page 41 of the proposed GMP. The wild horse and burro section in Chapter 3 (pages DEIS 168-174) is thorough and well written. We appreciate the detail and effort that went into this section.

Text on pages DEIS 176-178 supports the need for protection of riparian values through localized fencing and management of wild horse and burro numbers. However, the text does not support elimination of areas from the HMA. We concur with the need to eliminate wild horse and burro

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use, as well as other human activity, in the immediate vicinity of the riparian areas. Such fencing should include modifying design of facilities and development of new facilities to provide water away from the riparian areas as discussed on page DEIS 217. However, we do not believe there is data presented in the document to support the impacts to other non-riparian ecosystem components described at the top of page DEIS 217. There is no basis for the statement, "The heavier utilization of forage north of the now fenced off State Route 160, ... would continue." Information of page DEIS 151 indicates use is in the moderate range. Perhaps the use of the word "heavier" is intended to be relative to the lighter use south of SR 160. This reinforces the need to improve distribution through the development of water south of SR 160. This supports our statement that the document is flawed (unnecessarily and inappropriately constrained) by the misconception that well water can not be developed for use by wild horses and burros.

On page DEIS 218 (and other pages in subsequent alternatives) there is a discussion of mitigating impacts to wild horse foaling from organized recreational events. We support this, but were unable to find it in any of the alternatives or the proposed GMP. We request that it be specifically included in the final GMP and EIS along with other mitigating measures described on this page.

As discussed above we believe the final GMP and EIS should include a discussion and mitigating measures relative to the transmission of equine diseases from domestic horses to wild horses and burros.

We appreciate the opportunity to comment on the proposed GMP and DEIS. We compliment the authors and managers on their work. When the schedule of public meetings is finalized we would appreciate a copy in order that we might attend if at all possible. We strongly urge that you not decrease the size of any HMA, but rather use population control and other management techniques to coordinate wild horse and burro use with the many other demands on the resources of the RRCNCA. We also ask that you abandon the concept regarding only relying on natural water sources in support of wild horse and burro management. Further we expect that setting of AML will be done through the allotment evaluation process used in other areas and eluded to on page DEIS 169.

Sincerely,


CATHERINE BARCOMB
Administrator

cc: Kenny C. Guinn, Governor
State of Nevada

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cc: Peter G. Morros, Director
Department of Conservation and Natural Resources

Frank Cassas, Chairman
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Bob Abbey, State Director
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National Wild Horse & Burro Association

Robin Lohnes, American Horse Protection Assn.
Chairman, National Wild Horse and Burro Advisory Board

Alan Rutberg, Humane Society of the United States