

July 15, 2013

Spring Mountain National Recreation Area

Attn: Randy Swick, Area Manager

4701 North Torrey Pines Drive

Las Vegas, NV 89130-2301

smwhbcomplex@fs.fed.us

Re: Spring Mountain Complex Project Scoping Comment

Red Rock Wild Horse and Burro Territory (WHBT)

Red Rock Herd Management Area (HMA)

Spring Mountains Wild Horse and Burro Territory (WHBT)

Wheeler Pass Herd Management Area (HMA)

Johnnie Wild Horse and Burro Territory (WHBT)

Johnnie Herd Management Area (HMA)

USFS Project # 40960; BLM Project # DOI-BLM-NV-S030-2013-0010-EA

I am writing to express my strong opposition to the Bureau of Land Management (BLM) and U.S. Forest Service (USFS) plan to drastically reduce the number of Wild Horses and Burros living in the Spring Mountains Complex. These are the last remaining wild horses and burros in the Las Vegas area, and could be a popular ecotourism destination for visitors from all over the world. There is no concrete or scientifically verifiable data provided that would indicate an overpopulation of Wild Horses or Burros, or that there is justification for any removals.

THE LAW STATES

"It is the policy of Congress that wild free-roaming horses and burros shall be protected from capture, branding, harassment, or death."

<http://uscode.house.gov/download/pls/16C30.txt>

CONGRESS FINDS AND DECLARES THAT WILD FREE-ROAMING HORSES AND
BURROS ARE LIVING SYMBOLS OF THE HISTORIC AND PIONEER SPIRIT OF THE
WEST; THAT THEY CONTRIBUTE TO THE DIVERSITY OF LIFE FORMS WITHIN
THE NATION AND ENRICH THE LIVES OF THE AMERICAN PEOPLE; AND THAT
THESE HORSES AND BURROS ARE FAST DISAPPEARING FROM THE AMERICAN
SCENE. IT IS THE POLICY OF CONGRESS THAT WILD FREE-ROAMING HORSES
AND BURROS SHALL BE PROTECTED FROM CAPTURE, BRANDING, HARASSMENT,
OR DEATH; AND TO ACCOMPLISH THIS THEY ARE TO BE CONSIDERED IN THE
AREA WHERE PRESENTLY FOUND, AS AN INTEGRAL PART OF THE NATURAL
SYSTEM OF THE PUBLIC LANDS.

The following are my concerns and comments on the proposed EA:

THE AML MUST BE RAISED

By setting and maintaining such unnaturally low allowable population levels far below levels where horse and burro populations would exhibit density-dependent regulation, the FS/BLM are continuing a practice that the National Research Council (NRC) has identified as *contributing to higher reproductive rates on the range*.

As stated in the NRC report:

USING SCIENCE TO IMPROVE THE BLM WILD HORSE AND BURRO PROGRAM: A WAY FORWARD

“The BLM’s policy of maintaining artificially low wild horse population levels and conducting frequent removals of large numbers of horses actually increases wild horse reproductive rates and worsens agency management problems.”

Furthermore, the levels are too low to maintain the genetic viability of these herds. The genetic viability issue is particularly critical for wild burros, of which an estimated 5,800 are left in the U.S. According to the NRC report: *“Removing burros permanently from the range could jeopardize the genetic health of the total population.”* The NRC advised that *“the BLM (this would also apply to the USFS) may also need to assess whether the AMLs set for burros can sustain a genetically healthy total population.”*

The NRC Report also highlighted the importance of public opinion as well as the BLM’s failure to offer a collaborative policy making process in which the public can meaningfully participate. The NRC’s findings regarding social considerations for BLM include:

Horse and burro management and control strategies cannot be based on biological or cost considerations alone; management should engage interested and affected parties and also be responsive to public attitudes and preferences. Three decades ago, the National Research Council reported that public opinion was the major reason that the Wild Horse and Burro Program existed and public opinion was a primary indicator of management success (NRC, 1982). The same holds true today.

STALLION/MARE RATIOS

I oppose any sex ratio skewing. There is no scientific data to indicate any possible benefits to Wild Equine Herds derived from sex ratio skewing. There is, however, a powerful argument against such a practice. Please read and consider the following excerpts from an article written by Dr. Bruce Nock:

Dr. Bruce Nock, Liberated Horsemanship
“Ecological Balance”

“But, if the goal is to establish “a thriving natural ecological balance,” then it seems to me management practices which disrupt social interactions within a herd or alter

herd structure are automatically eliminated.” “It just makes sense. You can’t have a natural ecological balance by doing things that cause unnatural social interactions or social disruption, like adding or taking away herd members.” “Horses normally form stable breeding groups made up of one adult male, one or more adult females and their offspring. The overall ratio of males to females is generally about 50/50.”

http://liberatedhorsemanship.com/Free_Articles_files/Ecological%20Balance%20Article.pdf

RANGE MANAGEMENT

Keep wild horses and burros within the Complex by repairing and expanding water sources and implementing other range improvements to help the animals utilize all suitable habitat areas. Habitat improvements suggested by the Spring Mountains Alliance include the following, which should be incorporated into any HMAP and EA:

Implement a comprehensive ON THE RANGE/RESERVE DESIGN management plan: THE ESTABLISHMENT AND MANAGEMENT OF NATURE RESERVES is one of a variety of methods promoted to help conserve biological diversity. Over the past couple of decades, the number of protected natural areas has increased dramatically worldwide, and the theory and practice of reserve design has developed into a sub-discipline of conservation biology. <http://rewilding.org/rewildit/images/Focal-Species-for-WND.pdf>

Implement range improvements such as:

Build water guzzlers and retention basins across the range to disperse the impacts of grazing Wildlife

Fence off ecologically sensitive areas

Protect predators

Remove fencing that obstructs natural Wild Herd migration patterns or that would poses a threat to Wildlife that could become entangled in it.

Remove any/all cattle guards or retrofit with “Wild Horse Annie” safety features, so as to allow WH&B to cross them without danger.

Encourage eco-tourism:

Build blinds or road-pull-outs for safe viewing access to Wild Horses and Burros

FORAGE ALLOCATIONS

The public must be provided with information showing all forage allocations per each grazing allotment for the past 10 years so that comparisons can be made.

% forage allocated to Livestock

% forage allocated to Wildlife
% forage allocated to Wild Horses and Burros

WATER ALLOCATIONS

The public must be provided with information showing a complete and detailed breakdown of water allocations for multiple use projects such as:

% of water allocated to mining projects
% of water allocated to gas/oil explorations/ extractions
% of water allocated to wind projects
% of water allocated to solar projects
% of water allocated to geothermal projects
% of water allocated to other multiple use projects
% water allocated to Livestock
% water allocated to Wildlife
% water allocated to Wild Horses and Burros

PROHIBIT HELICOPTER ROUNDUPS

According to the scoping notice, numerous species of concern are present in this area and could be impacted by helicopter stampeding of burros. This is unacceptable and must be reviewed and other options considered.

ECONOMIC IMPACTS

The public must be provided with the economic impacts of the proposed action:

Costs of capture and removal operations
Cost of processing
Costs of short-term holding
Costs of long-term holding
Costs of adoption preparation

The public must be provided with A COMPARISON OF COSTS for alternative actions, such as: ON THE RANGE/RESERVE DESIGN MANAGEMENT which follows and abides by the mandates of the Wild and Free Roaming Horses and Burros Act:

<http://www.animallawcoalition.com/wild-horses-and-burros/article/1059>

"[m]anagement activities affecting wild horses and burros shall be undertaken with the goal of maintaining free-roaming behavior." 16 U.S.C. §1333, 43 CFR 4700.0-6 "All management activities shall be at the minimal feasible level".

The USFS/BLM must follow the mandates of the Free Roaming Wild Horses and Burros Act. This is the law.

ENDANGERED SPECIES

Per the scientific community, the wild burro is listed on the endangered species list which includes but is not limited to the lands of the United States of America. Regardless of the

recent politically driven and non-scientific name change by the USFW from *Equus asinus* to *Equus africanus*, the wild burro remains on the endangered species list as follows:

The IUCN Red List of Threatened Species™

Equus africanus

CRITICALLY ENDANGERED

Taxonomy [\[top\]](#)

Kingdom	Phylum	Class	Order	Family
ANIMALIA	CHORDATA	MAMMALIA	PERISSODACTYLA	EQUIDAE

Scientific Name:	<i>Equus africanus</i>
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<http://www.iucnredlist.org/details/7949/0>

As part of the proposed EA I require the BLM/USFS to verify that the wild burro on American land and within the Spring Mt. Complex is or is not the same animal as is listed above on the endangered species list OR the *Equus asinus* which is also on the endangered species list. Since it is apparent that the wild burro within the Complex (regardless of which name is used) is on the endangered species list, then I hereby am notifying the BLM and USFS that any capture of these burros will be in violation of the Endangered Species Act and subject to all consequences as applicable for the violation.

SUMMARY

The NRC Report also highlighted the importance of public opinion as well as the BLM's failure to offer a collaborative policy making process in which the public can meaningfully participate. The NRC's findings regarding social considerations for BLM include:

Horse and burro management and control strategies cannot be based on biological or cost considerations alone; management should engage interested and affected parties and also be responsive to public attitudes and preferences. Three decades ago, the National Research Council reported that public opinion was the major reason that the Wild Horse and Burro Program existed and public opinion was a primary indicator of management success (NRC, 1982). The same holds true today.

I urge the USFS/BLM to work and partner with the Spring Mountain Alliance and other community members. It is imperative that we keep our Wild Horses and Burros WILD and FREE on the range. Future generations will either blame you or thank you for the decisions that you make and the actions that you take.

Thank you for considering my comments.

Sherry Oster
stoptheclockagain@hush.com