July 7, 2013

Terri Frolli
Capital City Coordinator
Humboldt-Toiyabe National Forest
Spring Mountains National Recreation Area
4701 N. Torrey Pine
Las Vegas, NV 89130
Fax:

Re: FS Project #40960 and DOI-BLM-NV-S030-2013-0010-EA

Dear Ms. Frolli:

On behalf of The Cloud Foundation (TCF), a 501(c) 3 non-profit corporation, our thousands of supporters throughout the United States; Front Range Equine Rescue; the Colorado Wild Horse and Burro Coalition; The Equine Welfare Alliance; and the over 90 organizations represented therein thank you for the opportunity to submit the following comments on this scoping document for your consideration for the Sprins Mountains Wild Horse and Burro Complex (the Complex).

1. On the Range Management

The proposed action of rounding up and removing wild horses and burros with a helicopter beginning in 2014 is exactly the process that the National Academy of Sciences concludes is counter productive. In their recently released review of the Wild Horse and Burro Program they conclude that this management protocol stimulates greater reproduction. The wild horses and burros in the Spring Mountains Complex obviously have enough forage for a larger population than presently exists and further diminishing that population has the reverse consequence than the one desired. Reproduction rates increase.

Besides violating the least feasible management clause of the Wild Horse and Burro Act (the Act), roundup and removal is not a sustainable management tool. Most of the removed animals are not adopted and are warehoused at taxpayer expense in long and short term holding areas. We just visited the Canon City facility here in Colorado and there were hundreds of burros as well as thousands of wild horses in feedlot style pens.

So what actions can Forest Service (FS) and the Bureau of Land Management (BLM) take to manage the wild horses and burros primarily on the range? We agree with the portion of your proposed action which calls for the use of native PZP via field darting mares. We believe that the Cold Creek horses will be relatively easy to dart in the field based on our two visits to view them. The other areas might require a combination of bait trapping near water sources and darting mares/jennies in the capture corral. Then the band or individuals can be released. This minimizes disruption. Reproduction also increases when bands are shattered during helicopter roundups. Keeping the social order as stable as possible will help to diminish reproduction rates.

Skewing wild horse sex ratios is also counterproductive as it destabilizes the bands and increases fighting among males. In Wyoming the Lander WHB specialist has witnessed increased fighting among males as they compete for the relatively fewer females. He has also documented injuries. *Is there any wild horse research, which recommends skewing the wild horses populations to favor males in order to decrease reproduction?* Please include any such research papers in your upcoming EA. *Is there a reason that burros are not skewed?* Please explain why horses are singled out for sex skewing. It is our belief that the relatively few wild horse mares will compensate by foaling at a younger age and continuing to reproduce at an older age and so we conclude that it is cruel and counterproductive.

We recommend that jennies be given datable PZP as well. PZP works in burros just as in horses but, because burro births tend to be year round with a peak in the spring, careful identification of burro use areas and the individual animals must be recorded. NAS pointed out BLM should work more collaboratively with groups and interested members of the public. This is a perfect opportunity to get volunteer groups to help catalogue the horses and burros. We have samples of "horse lists" from the Pryors that we have been using years. Record keeping is essential to keeping track of animals, the time of darting, which hip, date, etc.

The Cloud Foundation would be happy to help you coordinate efforts to manage the wild horses and burros on the range. We have served as volunteers for the BLM in Billings and are certified darters. We have also kept horse lists for 18 years in the Pryor Mountains and can assist on how this is done and how horses and burros can be individually identified.

2. AML

The current reported wild horse and burro census in relationship to the hundreds of thousands of acres in the Complex appears to be disproportionately low (many thousands of acres per wild horse or burro). We suggest inclusion of data that substantiates the proposed AMLs along with range data that assesses other grazers in the Complex, their population stats and an assessment of who eats what, when and where.

What is the reason for excluding slopes in excess of 30% for wild horses and burros? Wildlife, including the wild equids, in the Complex should be making those choices. This makes no sense to us and we suggest that an explanation accompany the EA. In our experience, wild horses make use of many side slopes in excess of 30% and we have ample documentation of this fact. *With the inclusion of this acreage, can the AML be adjusted accordingly?*

3. Genetic Viability

The current populations are, in two of the three areas (Red Rock and Johnnie), below the standards for maintaining genetic variability. And you propose reducing these small

populations further. If you have genetic studies, those should be included in the upcoming EA. We request that you include which scientific research is guiding your proposed actions and to include pertinent research papers in the upcoming EA.

If horses are removed, care needs to be taken to determine which horses will have the least impact on genetic diversity. Regardless of whether horses or burros are removed it is essential to tier each of the young, adoptable aged animals (1-3 years of age) as was accomplished in the recent bait trapping and removal of yearlings and two year-olds in the Pryor Mountain and McCullough Peaks HMAs. We can give you more information on how this was done.

If future removals take place, any horses or burros removed from the range should be excluded from DNA sampling because these animals are no longer contributing to the genetic makeup of the herd. Including removed horses or burros in the genetic analysis obscures the negative impacts of excessive future removals. At the very least any DNA samples inadvertently drawn from horses or burros that are no longer on the range must be flagged so that researchers are made aware of this when they conduct the genetic analysis.

Conducting removals, which will necessitate the addition of horses or burros from other herds in order to maintain genetic diversity, is not a fiscally responsible management protocol. It also does not allow for a self-sustaining herd, which is a requirement per the Wild Horse and Burro Act.

4. Forage Utilization/Range Improvement

Regarding Primary and Secondary utilization of areas in the Complex, we recommend range improvements (reseeding, noxious weed treatment, water improvements) so that the wildlife spreads its use throughout the complex. The creation of new water catchments in the Pryor Mountains (MT) has been effective in spreading the use of not just horses but other species, including mule deer. New water sites have been created in the McCullough Peaks (WY) to spread the use, and repairs of existing water sources were made last year in Sand Wash Basin (CO). These range improvements in the Complex should eliminate the need for removals if coupled with the aggressive use of PZP.

6. Benefits of Wild Horses and Burros

If BLM removes large numbers of wild horses and burros, the agency will remove the benefits which these animals provide to the range and to the other wildlife that share the Complex with them.

A significant amount of forage passes undigested through an equid's system, thereby reseeding the land and building nutrient-rich humus, a critical component of healthy soils. In winter, horses use their hooves to break through ice that has blocked water sources, thereby enabling not only themselves, but also other wildlife—pronghorn, deer, smaller mammals, and birds—to drink. In this same way, they open up seeps that have become clogged during the dry season.

Wild burros and horses move around day and night to facilitate digestion. This dispersion protects the range from overgrazing assuming there are adequate water sources. Wild horses prefer upland grazing habitat. They venture 10 miles or more from water sources, allowing healthy riparian zones, unlike livestock who "camp out" at water sources. We encourage FS and BLM to allow for the beneficial impacts of wild horses and burros.

7. Timing and Method of Gather

Helicopter roundups are inhumane and costly. The public increasingly calls for a cessation of this technique. Bait trapping is a low-technique, low cost alternative and we recommend it. Bait trapping is not "rocket science" even though some professional bait trappers want you to believe that it is. We have witnessed trapping on two occasions—once with a professional bait trapper and once with in house staff. The in house staff was far and away more successful.

Removing horses using helicopters is inhumane and should not be considered when there are alternatives such as bait trapping, coupled with dartable PZP—techniques that require no handling of the animals.

We encourage you to contact Billings BLM's Wild Horse & Burro Specialist, Jared Bybee, on this method which was used to capture Pryor wild horses or Trisha Hatle who successfully used in the McCullough Peaks in Januay. To ensure successful bait trapping it is essential to conduct field monitoring to identify the bands. Those who know the herds well will be able to assist on recommendations on which horses or burros to remove and where to place the trap sites to capture certain carefully targeted young horses (tiered removals).

Selecting bait trapping would enable BLM to avoid the exorbitant costs involved in a helicopter roundup. The subsequent removals and holding would only add to the taxpayer burden. We recommend on the range management in which bait trapping is the selected method of capture. Bait traps could be set up near watering holes/seeps, etc., which the horses and burros use. When each band/individual is captured, all females one year and older would be darted with a PZP primer, which is good for the life of the female. Careful data could be acquired at this time, which includes the makeup and identification of each animal in that specific family unit. Subsequent darting of the bands would include the booster, which will render the females infertile for one to two years. Darting the mares with the native PZP primer while they are in the trap is logical, less expensive, and more humane.

We recommend that all females one year and older (both jennies and mares) are darted with the primer. The herd becomes a "one shot" herd. Select mares or jennies or all mares and jennies could be subsequently field darted from January through April to prevent pregnancy. Jennies would be boostered after foaling and before they are bred. If field darting proves too difficult in some areas, bait traps could be employed to dart mares while in the corral. Bait trapping requires a very small crew that works throughout the

year in the case of burros and seasonally (late winter- early spring) in the case of wild horses.

8. Population Control Agents

We recommend native PZP rather than PZP-22. The one-year PZP formulation is the only contraceptive that has been thoroughly tested for safety and effectiveness. It is far less expensive than PZP-22 and offers an additional advantage: it can be administered remotely by dart. We advise that a remote shot of the primer be administered to all mares and jennies so that in future, the herd will become a "one-shot" population. As mentioned above, a subsequent booster will render over 90% of females infertile for at least one year.

Adaptive Management allows for you to see the results and alter the number of females to be boostered on a year-by-year basis. That is the beauty of a completely reversible vaccine. We refer you to Jay F. Kirkpatrick, Ph.D., Director, the Science and Conservation Center at Zoo Montana, for details and advice on managing the herds through the use of this vaccine.

Constant roundups increase the rate of reproduction (compensatory reproduction and density dependency), as the herd endeavors to replenish their ranks in order to avoid extinction and to fill their niche. This biological phenomenon has been documented in Dr. Dan Rubenstein on the Shackleford Banks herd on East Coast barrier islands and is noted in the recent NAS report on the management of the wild horses and burros in the West as mentioned earlier in our comments.

9. The No Cost Control Agents

TCF advocates using native predators to control native wild horse and burro populations. Mountain lions (cougars) are natural predators of wild horses, primarily of foals. Unfortunately, Wildlife Services has a history of eliminating predators for the convenience of farming, ranching, and hunting interests. Eradicating predators is no longer acceptable to the vast majority of Americans who do not want their tax dollars spent this way.

We recommend that you create a Memorandum of Understanding (MOU) with wildlife officials in order to work to protect mountain lions in the Complex.

Recent studies have confirmed that mountain lions prey on wild horses more frequently than previously believed. For instance, Canadian biologists found that cougars " ... tended to kill younger animals, especially when preying on feral horses ... for which nearly all predation events (86%) involved animals <2 years old." In an interview with the Billings Gazette, the study's lead researcher, Kyle Knopf, described observing a cougar that brought down a feral horse in less than 30 yards from where it attacked. Mountain lions are quite capable, all by themselves, of keeping wild horse populations in check. Here are some examples:

The Montgomery Pass Wild Horse Territory, on the California/Nevada border, has had its population managed by cougars alone. An eleven-year study concluded that the growth of this herd was limited by cougar predation. In fact, the population actually decreased over the course of the research.

The Pryor Mountain herd, in southern Montana, averaged no population growth over a four-year period due to predation by mountain lions. Only when those lions were killed, at the behest of the BLM, did the wild horse population begin to grow.

The Nevada Wild Horse Range (current designation) averaged negative population growth due to cougar predation from 1989 to 1998 (Greger and Romney, 1999).

We do not claim that the Spring Mountain Complex can be managed solely through predation right away. However, BLM should transition to predation as its management strategy for controlling the wild horse population. BLM is charged with managing wild horses and burros at the minimum feasible level. Predation meets that standard. It requires little if any management intervention by BLM. Predation is the no-cost option. No bait trapping required, and certainly, no expensive helicopter contractor required.

10. Herd Dynamics

As you know wild horses are social creatures, not solitary ones. They live in small bands of 2 to 20 individuals or even more. They are unique among hooved animals in our hemisphere in that the stallion guards and keeps the family band together year-round. There is an established order in equine society, and interactions are complex and nuanced. Understanding and appreciating the dynamics of wild horse society can lead to more enlightened management decisions in regards to maintaining the integrity of that family unit to diminish social disruption and reproduction. These two consequences of poor management are linked and the NAS mentions increased reproduction as a result of constant roundups and removals. These two phenomena are referred to as compensatory reproduction (compensating for a low population) and density dependence (a species attempting to fill their niche).

Research on PZP has found higher infidelity rates between mares and stallions, compounded by increased breeding activity because the mares continue to cycle monthly. When the fabric of the equine family unit begins to fray and members switch bands with abnormally high frequency, yearling fillies lose the guardianship of their sire. In their new band, with a stallion that is not their father-protector, the yearling fillies can be bred and, as two-year olds, they can give birth. These inappropriate matings could be compared to teen pregnancies in humans. For this reason, whenever PZP is in use, we now recommend that all fillies one year and older receive the native PZP vaccine (the one-year formulation) to prevent their conceiving as yearlings and giving birth as two-year-olds.

Finally, we would like to address the management of older wild horses. Elder horses tend to rank higher in the dominance hierarchy. Removing dominant members would further destabilize herd dynamics. Allowing older horses to remain would be in keeping

with the goal of having fewer horses placed in holding and would decrease the costs borne by the American taxpayer.

We recommend that you only remove younger horses and allow elderly horses to die a natural death on their home range. Some senior herd members may be non-reproducers so allowing them to die in peace on the range is much better than the trauma of a roundup and handling, a process that has led to their death on numerous occasions in other herd areas.

Burro society is far less structured and bonds are looser. Yet, many of the management principals are just as apt for them as for wild horses. Roundup and removal still triggers the species to reproduce at a higher rate and so on the range management protocols are important for them as well.

11. Range Improvements

Range improvement projects are relatively low-cost, and they benefit all users of the HMAs—wild horses, other wildlife, and livestock. We are disappointed at the lack of range improvements implemented in the Spring Mountain Complex. We recommend the following:

- Prioritize the construction of new water developments and maintaining existing ones. Water catchments are especially useful because their covers reduce evaporation. The covers also prevent small animals from falling into the catchments, becoming trapped, and polluting the water, as so often happens with watering troughs. Having numerous water sources will help to protect streams and riparian zones. This has helped the Pryor Mountain herd in dispersing bands across the range, especially in the winter months.
- Re-seed rangelands where damage has occurred.
- Treat noxious and invasive weeds. The EA mentions an increase in noxious weed growth, so emphasis should be placed on this.

Range improvements will result in more forage of a higher quality. Dispersed water developments throughout the Complex will lead to healthier rangelands.

12. Adaptive Management

The wild horses of the West belong to "We the People." The American people come from all across the country. The People want their wild horses and burros free on the range, in self-sustaining herds, with priority to forage in those areas designated as wild horse territories. BLM should honor the wishes of the greater public. It's time for a more humane and less costly change.

We urge FS and BLM field offices to implement Adaptive Management per the Department of the Interior's initiative and as noted in the recent NAS report. The Adaptive Management model focuses on learning and adapting, through partnerships of managers, scientists, and other stakeholders. Together, these parties learn how to create

and maintain sustainable ecosystems. This holistic method promotes flexibility in management strategies, resulting in decisions that are more likely to be seen as fair by the affected stakeholders, who include wild horse and burro advocates.

Local communities are stakeholders too. These communities near the wild horse and burro ranges could boost their economy through wild horse and burro ecotourism. We know of individuals and groups that are already involved in this endeavor. Their excursions, either on horseback or in tour-vehicles to see the Spring Mountain Complex fits with the area's recreational attractions. We urge the FS and BLM to meet with them, if you haven't already. Promoting this type of ecotourism could create jobs and generate income for the greater area.

13. Summary of Recommendations

- We recommend no removals in 2014. Instead, FS and BLM should increase the use of PZP to limit future herd growth by giving the drug to all females one year and older. Bait trapping could assist with burros and wild horses too skittish to approach within darting distances. <u>The goal should be no removals because mortality and reproduction are roughly equal over time.</u>

- Any truly excess animals would be removed via bait trapping. No costly and disruptive helicopters would be used. Bait trapping is not rocket science. It can be accomplished in a cost-effective way by BLM employees as was accomplished in the Pryor Mountains. In future, the Wild Horse and Burro Specialist will accomplish bait trapping in the McCullough Peaks.

- All older animals would be allowed to die on the range.

- Reseeding and other range improvements such as the building of water catchments would be utilized to spread the use of the wild horses and burros, which will increase range health.

- The BLM would use volunteers to assist in range study and adaptive management would be used in preference to removals.

Thanks for considering our comments as you prepare your EA. We are eager to work with you and to make recommendations after consulting with you as was suggested by the NAS. We look forward to partnering with FS and BLM to make the WHB program more transparent, sustainable and effective.

Please keep us on your mailing list for any future documents regarding the Spring Mountain Complex. Feel free to contact us if us would like further elaboration of our suggestions.

Sincerely,

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