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U.S. DEPARTMENT OF THE INTERIOR
OFFICE OF HEARINGS & APPEALS
INTERIOR BOARD OF LAND APPEALS
801 N. QUINCY ST. MS 300-QC
ARLINGTON, VA 22203

August 20, 2008

RE: IBLA 2008-233
REQUEST FOR PROPER ADMINISTRATIVE REVIEW
IMPROPER WILD HORSE REMOVALS & EUTHANASIA'S
NEVADA WILD HORSE RANGE

APPELLANTS RESPONSE
AND FULL APPEAL

IBLA 2008-2003
Nevada Wild Horse Range
Wild Horse Removals & Euthanasia

**RE: Appellants Response – Appeal of the Administrative Procedures and NEPA Violations
Nevada Wild Horse Range Wild Horse Range Removals & Euthanasia**

Statement of Reasons

The unlawful removal of the Nevada Wild Horse Range wild horses by the BLM Las Vegas Field Office is adverse to me for the following reasons:

1. BLM has admitted that removals of wild horses in the Nevada Wild Horse Range were being planned for several months prior to the surprise “emergency declaration” on June 23, 2008 that swept them off the range in violation of appropriate NEPA process and BLMs own policies and there is sufficient documentation published by BLM to support this fact.

BLM Las Vegas Field Office published a Preliminary Gather EA for the Nevada Wild Horse Range (NWHR) wild horses in September 2007 (Exhibit I), postponed the gather in an Interested Public Letter dated December 18, 2007 (Exhibit II), referenced this same postponement in their Question & Answer Sheet sent out on June 23, 2008, (Exhibit III) and referenced a need to conduct wild horse removals “tentatively scheduled” for December 2008 in their newly approved NWHR Herd Management Area Plan, FONSI/DRs also dated June 23, 2008 (Exhibit IV) while simultaneously declaring an emergency gather would be conducted in their Question & Answer Sheet mailed the same day.

2. The BLM through Nevada Wild Horse and Burro Lead Susie Stokke has provided the evidence that the removal of the Nevada Wild Horse Range Wild Horses violated BLMs own policy regarding the necessary NEPA process requiring an environmental assessment be presented for public review as well as appropriately signed decisions that authorized BLM actions on public lands through an email dated July 21, 2008, which included the attachment of IM 2004-151 as authorizing these removals. (Exhibit V)

Through this document, it was clearly detailed that the removals of the Nevada Wild Horse Range wild horses were to be considered and defined as an “Escalating Problem” and as such, required appropriate NEPA process. The BLM willfully and intentionally acted in an illegal manner in an attempt to avoid accountability, to both the public and the laws they are bound to uphold, not betray.

I have been heavily involved in the management of the Nevada Wild Horse Range over the last year and have submitted extensive public comments, concerns and questions to both the Las Vegas Field Office (Exhibit VI) and Nevada Wild Horse and Burro Lead Susie Stokke (Exhibit VII).

Ms. Stokkes involvement stems from a letter sent from BLM Nevada State Director Ron Wenker on February 13, 2007 requesting that I no longer contact individual Field Offices regarding issues related to wild horses and burros but to utilize Ms. Stokke as my “point of contact to avoid overlapping requests”. (Exhibit VIII).

3. BLM has employed this sort of tactic before citing the removals were necessary under an emergency declaration but fabricated evidence to support their claims. There are known instances with supporting evidence to show that BLM has come to rely on an unchallengeable and unquestioned authority to remove wild horses under an emergency umbrella or deemed as “excessive” in relation to AMLs with no supporting data but with evidence to the contrary.

One of these incidents specifically involved Nevada Wild Horse and Burro Lead Susie Stokke in her capacity as a Field Manager for the BLM Surprise Field Office to push through both invalid Appropriate Management Levels and to remove wild horses under an “emergency declaration”.

The authority granted to BLM as necessary to protect rangelands and resources has become unregulated and has led to abuse through combinations of manipulations of data, evidence, photographs, refusal to release pertinent information regarding relevant proposals in a timely manner, using wholly outdated rangeland assessments that fail to even marginally reflect actual or current ecological conditions or health and of course, the decisions issued from these has left the interested public bereft of opportunity to address management issues, options or legal recourse.

This has happened yet again during the “emergency” removals of the Nevada Wild Horse Range wild horses between June 27 and July 10, 2008.

The specific proposals include:

- a) Emergency Removals and Establishment of AMLs in June 2001 for the Little High Rock Home Range of the High Rock Herd Management Area, EA# CA-370-01-07. Ms. Stokke, as Field Manager for the Surprise Field Office approved of or personally falsified information regarding the condition of the Mahogany Creek and wild horse impacts and utilization levels. In this EA, BLM cited Mahogany Creek as experiencing “severe wild horse use (utilization levels of 80-100%)”. (Exhibit IX)

However, a recently released Biological Assessment by for the Soldier Meadows Grazing Allotment in July 2007 cited a 1999 evaluation for Mahogany Creek found riparian and stream habitat conditions to be at 100% of the systems potential (Jensen) and rated Mahogany Creek at “good” and in Proper Functioning Condition with zero ungulate damage recorded between July 1997 and July 2001. (Exhibit X)

The High Rock wild horses were then removed without public notification through a declaration of the necessity of an “emergency removal” before the public comment period had even closed on the Preliminary Gather EA. It was Ms. Stokke who signed that FONSI/DR using BLMs Full Force and Effect authority. (Exhibit XI)

- b) Ms. Stokke was also cited as a Preparer in the establishment of the Johnnie, Muddy Mountains and Wheeler Pass Herd Management Areas Environmental Assessment for Establishment of Appropriate Management Levels, December 2005 (Exhibit XII).

Some of the known issues included no carrying capacity data or forage production, no water flow data, fluctuating AUMs and “misleading averages” (per Nevada Department of Wildlife’s Brad Hardenbrook) (Exhibit XIII) and utilization levels cited as “heavy” (61-80%) in 1996, which spanned 48,957 acres – the equivalent of 76.4 miles. (Exhibit XIV) and would have most likely resulted in utilization levels being achieved in the neighboring town of Pahrump and beyond. (Exhibit XV and Exhibit XVI)

- c) Emergency removals of the Antelope and Antelope Valley wild horses in December 2007 due to the potential “catastrophic loss of life” over the winter due to severe lack of forage as a result of drought conditions. Photographic evidence provided by BLM cited as detailing the current rangeland conditions proved to be one year old from the stated “emergency conditions”. (Exhibit XVII)
4. There are discrepancies through official BLM communications and documents regarding the number of wild horses euthanized and/or removed from the range during the Nevada Wild Horse Range gathers conducted June 27, 2008 through July 10, 2008.

While the Las Vegas Field Offices Post-Gather Report for the Nevada Wild Horse Range removals cited 946 were removed with 33 deaths (Exhibit XVIII), an email communication from Bea Wade of the National Program Office stated only 817 animals had been logged into BLMs adoption system 10 days after the gathers came to a halt. (Exhibit XIX) – a difference of 96 animals.

Additionally, BLM stated the wild horse population was approximately 1,400 wild horses pre-gather and projected to remove 1,100. However, the Nevada Wild Horse Range Post-Gather Report states that approximately 250-300 wild horses are still estimated on the range. The 946 reported as removed plus the remaining 250-300 wild horses only accounts for 1,196 – 1,246 animals, a difference of approximately another 154-204 wild horses. Over all, approximately 250-300 wild horses are currently unaccounted for.

According to BLMs September 2007 Preliminary Gather EA of the Nevada Wild Horse Range and the Nevada Wild Horse Range Herd Management Plan, BLM cited the necessity to remove a preponderance of club-footed wild horses from the HMA. BLM has made it a policy to euthanize club-footed wild horses during gathers. (Exhibit XX)

Based on the euthanasia reports from the Las Vegas Field Office, where almost no club-footed horses were euthanized, the evidence suggests either this preponderance of club-footed wild horses was not nearly the problem BLM has cited or they have deliberately failed to report the actual wild horses euthanized in their post-gather report, possibly due to fear of public questioning or outcry.

5. BLM has repeatedly euthanized club-footed wild horses though the condition is known to be correctable with proper care. There are also additional questions that former experiments conducted by BLM on the Nevada Wild Horse Range wild horses may have caused and/or contributed to the preponderance of club-footed wild horses now cited as occurring within the Nevada Wild Horse Range and BLM has failed to provide even a shred of data or evidence to the public that their former management policies were NOT directly responsible for the creation of conditions these wild horses are now being euthanized for through injections of unknown chemicals for “fertility control” in 1992 and repeated injections of the fertility control drug PZP since 1996.

While PZP has a long, upstanding history of use with a wide body of credible peer-reviewed support, it is not known what chemical was used in 1992 (Exhibit XXI and Exhibit XXII), it is not known if it reacted to PZPs introduction in 1996, and it is not known if chemicals in or around the Nevada Wild Horse Range through its proximity to military operations may have caused unusual adverse effects through the introductions or cumulative impacts of either fertility control agent.

BLM initiated the use of fertility control as a “experimental pilot project” in 1992. Due to the NWHR wild horses being on a closed military area, it is even more imperative that BLM responsibly report the results of these prior management plans and actions to the general public.

As it currently stands, BLM initiated an on-going “experiment” 16 years ago and today, they have clearly stated there a preponderance of physical deformities in these same wild horses.

While it can be appreciated that if all things were equal, the Court would defer to BLMs authority on their management actions, in this instance, there is no possible way for the public to provide ANY independent information due to these wild horses inhabiting areas prohibiting public access.

It is unreasonable to allow BLM to initiate “experiments” with wild horses and burros, to not have to report on the results of these experiments, studies or pilot projects, to not have to follow through with monitoring or recording the results, to not have to release any data to the public if they did follow through, and to be allowed to conduct these experiments, studies or pilot projects without any accountability for their actions.

A variety of documents, most published by BLM, have expressed concerns regarding BLMs prior management actions for the NWHR wild horses.

These included a Team Evaluation done in 1997 (Exhibit XXIII) expressing concerns for gender and age ratios, recent concerns expressed by the Las Vegas Field Office themselves as to the preponderance of club-footed wild horses now occurring in the NWHR, as exhibited in both their September 2007 gather EA and their newly approved Herd Management Plan, (which it is interesting to note this health issue failed to even be mentioned in the 1997 Team Evaluation), as well as concerns expressed by long time Administrator for the Nevada Commission for the Preservation of Wild Horses, Cathy Barcomb, regarding the administration of fertility control drugs to critically stressed animals with absolutely no monitoring or follow up. (Exhibit XXIV)

I had requested more information as to the results of these experiments in my public comment submissions in October 2007 and this was a reasonable request. I felt no need to pursue answers further until BLM had the opportunity to address these concerns when they released their Final Environmental Assessment regarding the NWHR wild horses, as is proper procedure. I did not expect these concerns would never be addressed through the tactical ploy of a sudden “emergency declaration” in order to circumvent the Final EA process.

Now I find BLMs stance is, it is up to ME to prove that their experiments caused adverse impacts, to provide reports and data on the results of these experiments and that it is insufficient that the evidence suggests maybe something went terribly wrong.

If I am expected to provide irrefutable proof of BLMs errors, why isn't BLM required to provide even marginal data or proof that their former management strategies are not the source of the current physical deformities? Addressing the preponderance of physically deformed wild horses in the NHWR has now clearly become a priority focus for future management strategies and BLM euthanizes club-footed wild horses.

To initiate experiments that may have had adverse impacts, caused physical deformities, refuse to release information that can either say either “Yay or Nay” and then kill them to discard the potential evidence of malfeasance is extremely adverse management policies to me.

6. Through the willful and intentional circumvention of appropriate NEPA processes and violations of BLMs own policies regarding classifications of potentially problematic (Escalating Problems) or actually sudden emergencies that must be immediately addressed (Emergency Declaration), BLM has denied the public the opportunity to Request a Stay on the removal of 300 additional wild horses and any burros in the NWHR. BLMs former management policies have returned mostly older horses (over 10) with a BLM Evaluation done in 1997 stating that the average age was 14 years old. .

The likelihood is very high that the additional 300 wild horses BLM removed during between June 27 and July 10, 2008 are now at serious risk of being sold unconditionally or euthanized within the next few months. (Exhibit XXV)

BLM knew I intended to appeal the newly established appropriate management levels and the “Core Management Area” as established in the Nevada Wild Horse Range Resource Management Plan and Record of Decision as I clearly stated so in my public comments submitted in May 2008 regarding the Preliminary Herd Management Plan and EA # NV-052-2008-223.

I had repeatedly expressed concerns about prior management, the lack of data regarding the establishment of the new AMLs, manipulation of data to support those new AMLs, management actions that have withdrawn critical resources from wild horse use, prior mitigation measures that failed to be acted upon, etc.

Because I believe BLM has manipulated data to support foregone conclusions to push through AMLs based solely on administrative convenience but more importantly, for arbitrary and merely capricious inclinations, I firmly believe the old AMLs of 600-1,000 wild horses were valid and the removals of an additional 300 wild horses (though based on BLMs post-gather report, it may be as high as 350) was unnecessary as they were not “excessive” in relation to rangeland carrying capacity and maintaining both its health and other resource values.

I also believe BLM knew they stood a chance of losing if this fact was actually contested and so they decided to be very clever and just wait until summer, exert their authority and remove the NWHR by stealth to assure their own success of cutting wild horse populations down to 250-300 wild horses and removing every burro they could find.

Why would BLM do this when they have been charged with protecting these same wild horses and burros?

Because an independent examination of BLMs own reports since 2000 on population, reproduction and removal statistics indicate they have continued to remove wild horses and burros inappropriately and well past their achievement of national appropriate management levels, announced by BLM to have been reached on December 11, 2006, at the National Wild Horse and Burro Advisory Board Meeting in Las Vegas, as well as evidenced through independent applied methodology of BLMs same statistics.

Yet BLM has still continued to remove wild horses and burros at a phenomenal rate – over 75,000 since they launched their Health Rangelands Initiative in 2001. (Exhibit XXVI)

7. The wild horse and burro populations in Southern Nevada and Southern California have almost been completely eliminated in my lifetime.

Though the Nevada Wild Horse Range wild horses and burros are closed to public access, they are the last herd “standing” of any size or significance as well as being the first herds to be declared “protected” in both Nevada and in the United States, something I am very proud of as a Nevadan and would like to see preserved!

I grew up in a very remote rural area outside of Las Vegas, Nevada. Because of the remoteness of the location, traveling to “anywhere” was always an extensive trip, so my circle extended out much farther than most circles would.

Places that were part of “my area” growing up that had wild horses and burros on the Nevada side included the Red Rock HMA near Las Vegas, the Wheeler Pass HMA on the other side of Mount Charleston, the Johnnie HMA near Pahrump, the Gold Butte, Eldorado and Muddy Mountains HMA around Lake Mead, Amargosa, Chicago Valley, and the Clark Mountain HMAs towards the California side and of course, the Death Valley burros that are now totally gone.

When driving into Las Vegas, the Red Rock wild horses could often be seen from a distance everywhere and on both sides of the highway and it was well-known that when driving at night, to go slowly and watch for wild horses and burros. All those wild horses are gone now with BLM establishing a new AML of 25 for wild horses and they are all kept completely out of the public eye in a little corner of the Red Rock HMA near Sandy Valley, almost on the extreme southern side of Mt. Potosi, far from view and far from any of Red Rocks natural springs.

The Red Rock wild burros were a long-time legend around the Red Rock scenic loop and yes, people were always stopping their cars in the middle of the road to get out and take photos or doing the “naughty” of feeding them whatever they had on hand. Okay, it may not have been too healthy for the burros (one person I knew feed them bubble gum – good grief) but those burros were so much a part of my past, the area, of the life there and people loved them! They were almost as famous as the Oatman burros but now, they is only a handful left and everywhere has been completely fenced off in every direction.

BLM zeroed out all the Johnnie wild horses in September 2005 but had to leave a few after the January 2007 removals because U.S. Forest Service still had an AML of 50 and these two agencies had failed to coordinate their AMLs. USFS has promised me that when they do re-do the new AMLs for Johnnie, the wild horse numbers will definitely be much lower if not completely eliminated.

The Wheeler Pass wild horses use to roam the entire “back side” of Mount Charleston and these herds could also be seen from the highway on a very frequent basis.

One of the most breathtaking and exciting experiences of my life included these horses during a hike through the outskirts of this area to follow a stream that ran for miles down Mt. Charelston, under the highway 160 and almost to the valley bottom floor – though for some reason, it stopped flowing many years ago.

Our dog had wandered away from our hiking path but came back at a dead run with a wild white stallion hot on his heels. Salty brought that stallion almost right to our feet when he turned the corner of that streambed and both of us, humans and horse, were absolutely stunned by the sudden appearance of “the other”.

When the stallion saw us, he abruptly pulled up his charge and changed his plan (which apparently was to kill Salty or at least run for miles trying). Despite changing plans, he did spend several minutes rearing, snorting, pawing the air, tossing his mane and screamed warnings at us to not come any closer to the herd, which we finally noticed as grazing about a mile or so away. That stallion and all those horses are gone now too.

Though it was years later, either BLM finally drove some of these same wild horses to look for new, safer territories or they ended up following that same stream mentioned above - but whatever the reason, a herd of wild horses ended up roaming around the community for awhile and I could watch them from my window - but then BLM came and took them too.

Going to Lake Mead, there were always burros around - but not anymore.

The Amargosa Valley wild horses were zeroed out to protect the pupfish. The Chicago Valley wild horses in California between Pahrump and Shoshone have an AML of 12, though honestly, I never saw any wild horses there in my travels.

The Clark Mountain wild burros were on the other side of the mountains I used to look at during sunset and the Death Valley wild burros, where I had my first job, are all gone now too.

The point is, in the entire area I grew up in, they are almost all gone now. It happened gradually, one herd at a time until now, Southern Nevada can only lay claim to one large wild horse herd, the Nevada Wild Horse Range wild horses.

BLM has left a few token herds here and there but compared to what they use to be as I was growing up, there is nothing left, only a shadow of what they once were, if even that.

There are no words to describe how this feels; the loss, the sadness, the emptiness that now envelopes where they once use to be and knowing no one from the “younger generations” will have these experiences or memories too, will even know they existed “once upon a time”. And then to learn how this has been systematically done is beyond heart breaking.....

However, BLM and many of those who support total annihilation of America’s wild horses and burros are fond of trying to relegate any emotional expression of the actual human experience that bears witness to these wonderful, amazing forms of wildlife or how they impact one’s internal world through their presence, as merely “romantic notions” to be completely discounted, ridiculed and denigrated.

Therefore, even if it totally fails to communicate this personal connection and history or the fact that I *am* human, perhaps a more appropriate statement for the Court would be:

I find these decisions and their cumulative impacts “adverse” and have caused irreparable harm to the American scene, complete with betrayals of the public trust regarding stewardship of culturally valuable and historically significant species that were declared by the United States Congress, with overwhelming public support, to be protected and preserved as wild free-roaming horses and burros were recognized as enriching the lives of the American people - through their magnificence, through their iconic embodiment of freedom and the Spirit of the West, and through their addition to the diversity of life forms within our Nation as a natural component of the public lands system and its thriving natural ecological balance - or at least they use too.

Relative Harm

1. BLM harms their credibility, the Department of the Interior, the hundreds if not thousands of ethical, hard working employees in the public lands systems by resorting to unsavory, unsubstantiated, unsupported and flat out dirty tactics to achieve hidden agendas through any means available.

2. BLM destroys public trust and confidence when they so blatantly circumvent laws they are sworn to uphold. The malignancy of an arrogance that seems to have grown out of control was clearly illustrated in the case Ms. Stokke sent IM 2004-151, which clearly supported the Nevada Wild Horse Range wild horses were NOT removed according to outlined procedure – yet she didn't even care and was so confident that nothing could be done, she actually provided the evidence of this very blatant violation with obviously little concern as to any possible consequences for BLM's actions ultimately authorized through her.
3. The unnecessary removals of an additional 300-350 wild horses from the Nevada Wild Horse Range caused increased burdens to the National Wild Horse and Burro Program, already overburdened, as is clearly outlined in Exhibit XXV and increased burdens to the American taxpayer as well.
4. The unnecessary removals of an additional 300-350 wild horses also has placed them in jeopardy of potential slaughter via Instant Titling (Exhibit XXVIII) and/or euthanasia at the hands of BLM themselves. These wild horses could very well be dead long before IBLA even begins to review the merits of this case, despite the fact that they were not “excessive” to begin with.

Public Interests Favors Granting A Return of 300 Wild Horses to the Nevada Wild Horse Range

I have seen the argument presented that wild horses and/or burros are capable of renewing their populations and therefore, if BLM unnecessarily removes them, they are still capable of returning to their former population levels solely through reproductive means. This was then translated into, it is not necessary to return wild horses and burros to their home ranges, even if they are taken inappropriately because of their reproductive abilities.

However, rangeland health and habitat is equally capable of renewing itself through nature's own prolific reproduction processes, a fact BLM managers utilize all the time in their management decisions for livestock authorizations and wildlife habitat preservation.

So why is it appropriate to cite wild horses and burros abilities to renew themselves but not account for their habitat's ability to renew itself as well? Why should the American taxpayer be forced to pick up the bill for introducing wild horses and burros into an adoption system when it was unnecessary, when those same taxpayer dollars go to line the pockets of the few or pick up the legal fees of having to appeal yet another inappropriate BLM decision when the application of proper range management was all that was required to begin with?

If BLM was made accountable for the decisions like this that removed 300-350 wild horses unnecessarily, maybe they would think twice before trying to pull maneuvers like this again.

What if IBLA issued a ruling that restored some measure of balance to the Full Force and Effect authority?

Though it is understandably necessary in certain instances to protect habitat due to unforeseen circumstances or emergency conditions or to prevent instances of litigation causing excessive damage to rangeland health, it has swung too far the other way and wild horses, wild burros, their habitat and the public is seriously paying the price for this lack of balance or accountability.

What if BLM knew the public had the option when a Request for Stay or Appeal is initiated, to have those wild horses and burros gathered unavailable for sale, long-term holding or adoption until IBLA issues a decision on the Appeal?

Could that result in consequences to the Wild Horse and Burro Program and related budgets that would force BLM to think a little harder before they so blatantly ripped these animals off the range without just cause, forcing us to pay for these kinds of choices in terms of dollars, betrayals of public trust through inappropriate stewardship of public resources and most specifically, through impacts to wild populations themselves?

As in this instance, the removal of the additional 300 wild horses from the Nevada Wild Horse Range contains a very high risk of irreparable adverse impacts to individual animals, specifically their deaths, one way or the other.

Why should these wild horses be forced to die just because BLM is playing politics with their lives instead of properly managing their populations or habitat? Why would IBLA support the potential unnecessary deaths of these animals?

Merits and Likelihood of Success

If BLM had followed appropriate NEPA process, I would have had the opportunity to appeal the new, lower AMLs and consequently, the number of wild horses BLM proposed to remove.

I have supplied a vast body of evidence to support my case and I believe the merits of my success are high. Even if IBLA does not ultimately agree, generally granting a Request for Stay would have resulted in BLM leaving 600 wild horses on the range anyway, not 300 as they were able to do by circumventing the proper application of legally required NEPA processes.

The photographs I supplied in my first Petition for Relief/Request for Administrative Review of the reported Nevada Wild Horse Range wild horses at the Palomino Valley processing facility in Nevada with the N's on the rumps showed very healthy animals – despite the population being reported by BLM as numbering nearly 1,400 (including foals) or twice as many as the 600 wild horses I believe the evidence supports as an appropriate “low range” for wild horse AMLs in the Nevada Wild Horse Range.

Returning 300 wild horses would not allow BLM to get away with this underhanded tactic, would provide significant savings to the American taxpayer, could possibly prevent the unnecessary deaths and/or Instant Titling granting Sale for Slaughter of 300 wild horses and would allow BLM the opportunity to gather rangeland data, as they have again promised to do, for wild horse populations with an AML range of 600-1,000.

Though BLM tries to defend the 300-500 AMLs by citing they need to gather rangeland data to see if this number is appropriate, they failed to provide any evidence that a 600-1,000 wild horse population was ever measured, monitored or recorded to begin with or how this population level was found to be inappropriate and needed to be adjusted downward.

Without the inclusion of the “imaginary” habitat limitations cited as a Core Management Area that BLM admits was used solely for establishing AMLs based on the water availability within these new “boundaries” (with the majority of all water sources removed from wild horse access to boot!), there isn’t one shred of other rangeland data to support BLMs claims that the old AMLs of 600-1,000 were invalid or excessive in relation to the Nevada Wild Horse Range habitat and its carrying capacity.

The return of 300 wild horses would provide an opportunity to rectify this error and actually demand BLM cough up some real data and monitoring information before they are allowed to permanently eliminate half the NWHR herds.

Copies of this and the submission of electronic Exhibits are being sent to the Regional Solicitor as required.

Cindy MacDonald

August 20, 2008

IBLA# 2008-233
Nevada Wild Horse Range
Wild Horse Removals/Petition for Relief

LIST OF EXHIBITS
Submitted in Electronic Format

- I. Department of the Interior, Bureau of Land Management, Las Vegas Field Office, Preliminary Capture Plan for the Nevada Wild Horse Range Wild Horses, EA # NV-052-2007-362, September 2007.
- II. BLM Las Vegas Field Office Interested Party Letter, Gather Postponement/Cedar Wells Reconstruction and Development, December 18, 2008.
- III. BLM Las Field Office Question & Answer Sheet, Nevada Wild Horse Range Herd Management Area, Herd Management Area Plan and Emergency Removals of Nevada Wild Horse Range Wild Horses.
- IV. Department of the Interior, Bureau of Land Management, Las Vegas Field Office, Nevada Wild Horse Range Herd Management Plan Documents. Including:
 - a) Preliminary Environmental Assessment EA # NV-052-2008-223, Nevada Wild Horse Range Herd Management Area Plan, April 2008.
 - b) Final Environmental Assessment EA # NV-052-2008-223, Nevada Wild Horse Range Herd Management Area Plan, June 2008.
 - c) BLM Las Vegas Field Office Approved Herd Management Area Plan for the Nevada Wild Horse Range Wild Horses, June 2008.
 - d) BLM Las Vegas Field Office Interested Party Letter and FONSI/ROD Nevada Wild Horse Range Herd Management Area Plan, FONSI/ROD for NWHR HMAP and FONSI/ROD Water Development Reconstruction, June 23, 2008.
- V. Email from Nevada Wild Horse and Burro Lead Susie Stokke, July 21, 2008. Authorization for Removals plus IM 2004-151.
- VI. Public Comments Submitted to the Las Vegas Field Office and Nevada Wild Horse and Burro Lead Susie Stokke, which include:
 - a) Letter to BLM Las Vegas Field Office - July 31, 2007
Expressed concerns for capture methods and fertility control results on wild mares.
 - b) Letter to BLM Las Vegas Field Office - August 13, 2007
Submitted public comments regarding the Scoping Period for the Preliminary Capture Plan for the Nevada Wild Horse Range wild horses.

- c) Public Comments, RE: Bureau of Land Management, Las Vegas Field Office, Preliminary Capture Plan for the Nevada Wild Horse Range Wild Horses, EA # NV-052-2007-362, September 2007
 - d) Letter to BLM Las Vegas Field Office – January 3, 2008
Requested BLM address questions posed during public comment period.
 - e) Letter to BLM Las Vegas Field Office – May 29, 2008
Submitted public comments regarding the Preliminary Nevada Wild Horse Range Herd Management Area Plan.
- VII. Personal Communications between BLM Nevada Wild Horse and Burro Lead Susie Stokke and Cindy MacDonald, January 31 thru March 20, 2008.
- VIII. Letter from BLM Nevada State Director Ron Wenker dated February 13, 2007.
- IX. Americas Mustangs & Burros: What’s Left, The High Cost of Miscalculating and Will They Survive? C.R. MacDonald, July 2008. Appendix V, #5. BLM Surprise Resource Area, June 2001, EA# CA-370-01-07, Gather and Establishment of AMLs Little High Rock Home Range of the High Rock Herd Management Area, Primary Water Sources in Little High Rock Home Range, pg. 7.
- X. Bureau of Land Management, Winnemucca Field Office, Nevada, Biological Assessment for the Soldier Meadows Allotment Livestock Grazing Permit, July 2007, Table 4. NDOW Stream Survey results on Mahogany Creek, pg. 11.
- XI. BLM Surprise Field Office, Little High Rock Home Range, High Rock Herd Management Area, EA# CA-370-01-07.
- a) Interested Party Letter, Preliminary Environmental Assessment to establish the appropriate management levels and gather of wild horses. Susie Stokke, Surprise Field Manager, June 8, 2001.
 - b) Decision Record/FONSI, EA# CA-370-01-07, Little High Rock Appropriate Management Level Establishment/Capture Plan, September 25, 2001, pg. 1, last paragraph.
- XII. BLM Las Vegas Field Office, Johnnie, Muddy Mountains and Wheeler Pass Herd Management Areas Environmental Assessment for the Establishment of Appropriate Management Levels, September 2005, Johnnie HMA.
- XIII. BLM Las Vegas Field Office, Johnnie, Muddy Mountains and Wheeler Pass Herd Management Areas Environmental Assessment for the Establishment of Appropriate Management Levels, Interested Public Letter, FONSI/DR, Comment 2, pg. 3.

- XIV. Americas Mustangs & Burros: What's Left, The High Cost of Miscalculating and Will They Survive? C.R. MacDonald, July 2008. Appendix V, #4, pg. 15.
- XV. Personal Communication from Nevada Wild Horse and Burro Lead Susie Stokke, Johnnie Wild Horse Removals/Nuisance Animals in Pahrump, January 30, 2008.
- XVI. Johnnie Wild Horses Being Offered for Adoption through the National Wild Horse Association. Captured January 3, 2008.
- XVII. Antelope and Antelope Valley Herd Management Area. Includes:
- a) United States Department of the Interior, BLM Ely and Elko Field Office, Emergency Wild Horse Gather Plan and Preliminary Environmental Assessment for The Antelope Valley Herd Management Areas, EA# NV-040-08-EA-04, November 2007.
 - b) Personal Communication from Kyle Hansen, Deputy Assistant Field Manager, Renewable Resources, Ely Field Office, Ely, Nevada, December 7, 2007. Includes attachment of one photo for the Antelope HMA. Check photo properties, EXIF file system.
 - c) Due to the file size of the photographs, Mr. Hansen phoned me and stated he would mail a CD with photos copied to it. The digital camera's date stamp under "Properties", EXIF file system, indicates all photos were taken in December 2006, not 2007.
- XVIII. Department of the Interior, Las Vegas Field Office, Nevada Wild Horse Range Post-Gather Report, August 2008.
- XIX. Personal Communication from Bea Wade, National Program Office, Wild Horse and Burro Program, August 7, 2008.
- XX. Department of the Interior, Rock Springs Field Office, Wyoming, White Mountain HMA Post-Gather Euthology Report, November 2007. Courtesy of Wyoming Wild Horse and Burro Lead, Alan Shepherd.
- XXI. Retterer, T.E. 1998 Nevada Wild Horse Management Plan – For Federal Lands – Draft Nevada Ecological Consulting Firm, Inc. Reno, Nevada. 57 pp. plus appendices. Prepared for Nevada Department of Conservation & Natural Resources, Commission for the Preservation of Wild Horses, Carson City, Nevada. Pages 20, 21, and 41.
- XXII. BLM Press Article. Nevada: Home To America's Wild Horses and Burros, Spirit of the West.
- XXIII. Nevada Wild Horse Range - 1997 Evaluation.

- XXIV. Nevada Commission for the Preservation of Wild Horses, Meeting Minutes, November 14, 2003, pg. 4. Administrator for the Nevada Commission for the Preservation of Wild Horses, Cathy Barcomb, regarding the administration of fertility control drugs to critically stressed animals with absolutely no monitoring or follow up.
- XXV. News Article, “Plan to Euthanize Horses Criticized”, Associated Press, Marty Griffith, Seattle Times, July 9, 2008.
- XXVI. Americas Mustangs & Burros: What’s Left, The High Cost of Miscalculating and Will They Survive? C.R. MacDonald, July 2008.
- XXVII. Letter to Don Glenn, Wild Horse and Burro Division Chief, July 29, 2008.