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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 13, 2008

RE: IBLA 2008-201
EA-NV-052-2008-223
NEVADA WILD HORSE RANGE HERD MANAGEMENT PLAN

1. COVER LETTER
2. SUBMISSION OF ELECTRONIC COPIES OF REQUEST FOR STAYS, APPEALS & ALL PRIOR COMMUNICATIONS TO THE BLM REGARDING WH&B MANAGEMENT OF THE NEVADA WILD HORSE RANGE WILD HORSES
3. SUBMISSION OF REFERENCE MATERIAL IN ELECTRONIC FORMAT
4. SUBMISSION OF ADDITIONAL EXHIBITS & EVIDENCE FOR FULL APPEAL OF NEVADA WILD HORSE RANGE HERD MANAGEMENT AREA PLAN
5. SUBMISSION OF ADDITIONAL EXHIBITS & EVIDENCE FOR PARTIAL APPEAL REQUEST FOR STAY – RECONSTRUCTION OF WATER DEVELOPMENTS.

IBLA 2008-201

August 13, 2008

RE: Additional Evidence for Appeal Nevada Wild Horse Range Herd Management Plan

Dear Honorable Judges of the Interior Board of Land of Appeals:

Not being a lawyer and unfamiliar with the full spectrum of legal requirements necessary to protest, dispute and appeal the BLMs management actions in the Nevada Wild Horse Range, I apologize for my lack of knowledge as to what would serve IBLA best in their review of my grievances.

Since my understanding has expanded through this process, the following is being submitted for your consideration and review of the BLM Las Vegas Field Offices recent approval and my Request for Stay and Appeal of the Nevada Wild Horse Range Herd Management Area Plan dated July 10 and July 23, 2008, respectively.

Because I was formerly unclear as to the legal framework surrounding the submission of electronic documents for verification and substantiation of my appeal points, and some of those referenced documents spanned hundreds of pages, I wanted to verify that these documents could be considered by the Court before submission.

I had also mistakenly assumed that references to BLM sourced documents would be provided to the Court and am now attempting to remedy this error through this additional submission.

I would like to apologize that some of the submitted referenced documents could not be located in a Word format, only PDF files, including many of BLMs own documents. However, I supplied any documents in the Word formats whenever they were available.

Furthermore, there appears to be some measure of confusion surrounding my appeals filed with IBLA at this time.

Specifically, the letter I received from IBLA dated July 14, 2008, which refers to my appeal and its docketing as:

Appeal of Cindy MacDonald, EA-NV-052-2008-223, Herd Management Plan
Docketed as IBLA 2008-201.

However, the Las Vegas Field Office signed two separate decisions based on this EA and Herd Management Plan. The first decision authorized the Herd Management Plan and the second decision authorized the Reconstruction of Water Developments within the Nevada Wild Horse Range.

BLM has stated that the reason they issued two separate decisions was so that any appeal of the Herd Management Plan would not prevent them from continuing to reconstruct and repair the older, dysfunctional water developments within the Nevada Wild Horse Range.

The Regional Solicitor, Nancy Zahedi, also submitted a Motion to Dismiss my appeal of the Reconstruction of Water Developments FONSI/DR on July 16, 2008 but no similar motion was made regarding the Herd Management Plan itself.

One of my main concerns filed in my appeals of both FONSI/DR's is that just because BLM issued two separate decisions, it appears to me that they are both authorized from the same EA and same Herd Management Plan.

As a result of BLM signing two FONSI/DR's, they have maintained that two separate appeals must be filed – one for each decision issued. Yet only one IBLA appeal has been docketed for these two separate decisions.

Contacting IBLA in efforts to obtain the docket number for the Water Development Reconstruction FONSI/DR, I was informed that it has already been docketed as IBLA 2008-201, the same docket number I have as the docket number for the Herd Management Plan.

Currently, it is unclear if IBLA has docketed both “appeals” under one docket number because they are indeed inseparable from the consolidated EA and Herd Management Plan or if this failure to provide a separate docket number for my appeal of the Reconstruction of the Water Developments was merely an oversight due to the amount of paperwork flying back and forth regarding the two separate decisions.

As a result, I do not know if I am suppose to file exhibits and evidence for both decisions under the docketed IBLA 2008-201 or if this was an oversight in docketing of the two decisions and I am suppose to file each separately.

It is my understanding that IBLA has time constraints regarding their need to issue decisions for Requests For Stays, of which I filed a Request for Stay on both BLMs FONSI/DRs, the Herd Management Plan and the Water Development Reconstruction.

Because of these time constraints, I am going to submit evidence and exhibits for both decisions now in case they are relevant and necessary for IBLA review. If, after review of the docket number situation, it is determined that an oversight has transpired and a new docket number is required for one of these two decisions, I hope the Court will allow me to resubmit these same exhibits and evidence under the new IBLA docket number if it is applicable.

As a result of these factors, I have created a series of documents divided into two parts, Part I is for the Herd Management Area Plan and Part II is for the Water Development Reconstruction as well as providing electronic copies of all pertinent and related documents.

Currently being submitted are electronic files of:

1. Electronic copies of all documents submitted to IBLA regarding the Request For Stays, Statement of Reasons, and Appeals of :
 - a) Nevada Test and Training Range Resource Management Plan, ROD, July 2004.
 - b) Nevada Wild Horse Range Herd Management Area Plan FONSI/DR, June 23, 2008.
 - c) Reconstruction of Water Developments, Nevada Wild Horse Range Herd Management Plan, FONSI/DR, June 23, 2008.
 - d) Electronic copies of all documents referenced throughout the above documents.
 - e) Electronic copies of all prior communications with BLM and the Las Vegas Field Office regarding the management of the Nevada Wild Horse Range.
 - f) Electronic copies of additional Exhibits supporting the appeal points.

Also included are hard copies of:

1. List of all documents included in electronic submissions.
2. List of all public comment submissions to BLM and the Las Vegas Field Office as well as some responses, when applicable.
3. Additional Exhibits and evidence in hard copy formats for ease of review.

In relation to my actions regarding the Water Development Reconstruction FONSI/DR, on July 18, 2008, I submitted a request via email to BLM Nevada State Director Ron Wenker and Nevada Wild Horse and Burro Lead Susie Stokke, requesting a separate EA and decision to implement water reconstruction that is clearly disconnected from the Herd Management Area Plan and have been waiting for BLMs response.

To date, no response has been received but I suspect they have no intention of either responding to this request or have decided against implementing it as it is my understanding the Las Vegas Field Office has already negotiated a Memorandum of Understanding with the Air Force to haul water for the Nevada Wild Horse Range wild horses through December 2008. I have also requested a copy of the MOU and Ms. Stokke requested the Las Vegas Field Office provide a copy to me on August 6, 2008.

If no response is forthcoming from BLM regarding the issuance of new management plans for the Water Development Reconstruction, I intend to attempt to negotiate a compromise through the Alternative Dispute Resolution process as my appeal of this decision was only a Partial Appeal.

I would also like to thank you for your patience as I work to supply the Court with what it needs for proper review and deeply appreciate the opportunity to participate in the stewardship, safeguarding and management of our irreplaceable national resources.

A copy of this and all referenced is also being sent to the Regional Solicitor as required.

Sincerely,

Cindy MacDonald

August 13, 2008

IBLA 2008-201
NEVADA WILD HORSE RANGE
HERD MANAGEMENT AREA PLAN
EA-NV-052-2008-223

Part I

1. Submission of electronic copies of:
 - a) Request for Stay/Notice of Appeal by Cindy MacDonald
Nevada Wild Horse Range Herd Management Plan
July 10, 2008
 - b) Full Appeal of Nevada Wild Horse Range Herd Management Area Plan
By Cindy MacDonald, July 23, 2008.
2. Submission of electronic copies of all prior public input and communications to BLM regarding the management of the Nevada Wild Horse Range, which includes:
 - 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.
3. Submission of electronic copies of referenced material in appeal of Nevada Wild Horse Range Herd Management Area Plan, July 23, 2008, which includes:
 - a) Nevada Department of Wildlife Big Game Book, 2007-2008 Big Game Status
 - b) Americas Mustangs & Burros: What's Left, The High Cost of Miscalculating and Will They Survive? C.R. MacDonald, July 2008.

- c) Nevada Commission for the Preservation of Wild Horses, Meeting Minutes November 14, 2003.
- d) Nevada Commission for the Preservation of Wild Horses, Meeting Minutes August 21, 2006.
- e) BLMs Draft Environmental Assessment for the Integrated Natural Resource Management Plan, Nellis Air Force Base and Nevada Test and Training Range, NV, May 2007.
- f) Nevada's Pronghorn Antelope, Ecology, Management and Conservation By George K. Tsukamoto, 1983, First Revision Edited and Written by Greg Tanner, Game Bureau Chief, Kraig Beckstrand, Larry Gilberston, Craig Mortimore, John Himes, May 2003, Published by Nevada Division of Wildlife, Nevada's Pronghorn Antelope-Biological Bulletin No. 13
- g) Letter from BLM California State Director Mike Pool, May 31, 2007.
- h) Letter from Cindy MacDonald to Director Pool, June 16, 2007.
- i) Letter from BLM California State Director Mike Pool, July 10, 2007.
- j) Wild Burros of the American West, A Critical Analysis of the National Status of Wild Burros on Public Lands – 2006, C.R. MacDonald.
- k) 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.
- l) BLM Las Vegas Field Office Interested Party Letter, Gather Postponement/Cedar Wells Reconstruction and Development – December 18, 2008
- m) BLM Tonopah Field Station, Montezuma Complex Rangeland Health Evaluation-2007, Appendix A.
- n) BLM Las Vegas Field Office Preliminary Environmental Assessment EA # NV-052-2008-223, Nevada Wild Horse Range Herd Management Area Plan, April 2008.
- o) BLM Las Vegas Field Office Final Environmental Assessment EA # NV-052-2008-223, Nevada Wild Horse Range Herd Management Area Plan, June 2008.
- p) BLM Las Vegas Field Office Approved Herd Management Area Plan for the Nevada Wild Horse Range Wild Horses, June 2008.

- q) 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.
 - r) 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.
 - s) BLM Tonopah Field Station/Battle Mountain Field Office, Stone Cabin Complex Wild Horse Gather, Environmental Assessment EA# NV065-EA07-028, FONSI/DR, January 26, 2007.
 - t) United States Department of the Interior, Bureau of Land Management, Authorized Use By Allotment Report, NV00082 Stone Cabin, Tonopah Field Station, AMP Implemented, 3/01/1983.
 - u) BLM National Program Office Wild Horse & Burro Program Herd Statistics, Fiscal Year 2004.
 - v) BLM National Program Office Wild Horse & Burro Program Herd Statistics, Fiscal Year 2008.
 - w) 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.
 - x) BLM Press Article. Nevada: Home To America’s Wild Horses and Burros, Spirit of the West.
 - y) BLM Nevada Wild Horse Range Description, Clark, Lincoln, and Nye Counties, Nevada.
 - z) Nevada Wild Horse Range - 1997 Evaluation.
4. Reference Points in Full Appeal of the Nevada Wild Horse Range Herd Management Area Plan, July 23, 2008 with additional Exhibits. Provides the specific reference points in my Appeal of the Nevada Test & Training Range Resource Management Plan and Record of Decision, July 2004 and the co-jointly authorized Nevada Wild Horse Range Herd Management Area Plan, FONSI/DR, June 23, 2008.

IBLA 2008-201

Appellant – Cindy MacDonald

Nevada Test and Training Resource Management Plan Record of Decision, July 2004

Nevada Wild Horse Range Herd Management Area Plan, June 2008

REFERENCES

I. References for Request For Stay/Statement of Reasons

Nevada Test and Training Resource Management Plan Record of Decision

Nevada Wild Horse Range Herd Management Area Plan

Dated July 10, 2008

1. Statement of Reasons #2

“The BLM has arbitrarily created artificial habitat boundaries designated as a “key or core area” within the HMA boundaries, using habitat limitations of their own choosing to determine the productive capacity of the Nevada Wild Horse Range habitat and its resulting Appropriate Management Levels.”

Supporting Documents:

1. Only known photos of two water sources within the Nevada Test and Training Range, location unknown. *See Exhibit I.*
 - a) Photo #1: Cover of Nevada Test & Training Range Proposed Resource Management Plan and Final Environmental Impact Statement, July 2003.
 - b) Photo #2: BLMs Draft Environmental Assessment for the Integrated Natural Resource Management Plan, Nellis Air Force Base and Nevada Test and Training Range, NV, May 2007, Figure 3-6, pg. 33. *Also See Electronic Submission.*
2. “Wild Horses Face Threat of Extermination”. Transcript from KLAS Channel 8, Las Vegas, Nevada. I-Team Investigative Report, Chief Investigative Reporter George Knapp, July 12, 2008. *See Exhibit II.*

Related Quotes:

“Last November, BLM's top Nevada horse official Suzie Stokke gushed about the range, "In terms of a great place for horses, as far as the habitat goes, it's a great place.”

“100 yards from a dusty water hole where three horses scrounged for a drink is a lush, green pond full of water supplied by a well and pump. But the water is fenced off so wildlife can't get to.”

“The sign on the door to the pump house shows that BLM knows there's water on the range, just not for horses.”

2. Statement of Reasons #4

“The Appropriate Management Levels were established based solely on water availability yet BLM only included and examined available water sources within the artificial and arbitrarily designated “core management area”, (CMA), not within the entire area occupied by wild horses at the passage of the 1971 Act nor within the newly designated HMA boundaries. As a result, the new AMLs are invalid.”

Supporting Documents:

1. Nevada Test and Training Range Proposed Resource Management Plan, Final Environmental Impact Statement, May 2003.
2. BLMs Draft Environmental Assessment for the Integrated Natural Resource Management Plan, Nellis Air Force Base and Nevada Test and Training Range, NV, May 2007, Chart 3.5, pg. 32. *See Exhibit III. Also See Electronic Submission.*

3. Statement of Reasons #9

“The BLM has authorized the introduction of sterilized, castrated stallions to be introduced as a component of the Nevada Wild Horse Range wild horses as a “pilot project” with the management requirement to study gelding behavior and impacts to herd social structure. Simultaneously, when BLM issued the FONSI/DR for the Water Development Reconstruction, also dated June 23, 2008, and tiered to the HMAP, under Rationale, the BLM asserted as to why Alternative 3 was not chosen by citing, *However, this alternative would also result in an intensive level of monitoring which is probably not feasible given current and expected future funding and the military's operations missions'”*.

Supporting Documents:

1. Nevada Commission for the Preservation of Wild Horses, Meeting Minutes November 14, 2003, pg. 1-3. *See Electronic Submission.*
2. Nevada Wild Horse Range - 1997 Evaluation, pg. 2. *Exhibit IV. Also See Electronic Submission.*

Relevant Quote:

“BLM's management of resources is compromised by the DOD and DOE missions. Due to national security issues, BLM cannot reasonably manage horses that migrate beyond the "designated areas.”

4. Statement of Reasons #10

“The BLM was in error in stating that the No Action Alternative as published in the Preliminary HMAP would not include the use of the fertility control drug PZP. The Nevada Wild Horse Range wild horses have been another “pilot project” in administering PZP since 1996. Therefore, the BLM mislead and inaccurately portrayed the conditions of the No Action Alternative in violation of the National Environmental Protection Act.”

Supporting Documents:

1. 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. *See Exhibit V. Also See Electronic Submission.*
2. BLM Press Article. Nevada: Home To America’s Wild Horses and Burros, Spirit of the West, Population Management, pg. 2, above photo. *See Exhibit VI. Also See Electronic Submission.*

5. Statement of Reasons #11

“The BLM has asserted the Nevada Wild Horse Range wild horses have a preponderance of club footed wild horses. While they offered the explanation that this may have been a result of a recessive gene, these wild horses have also been undergoing experimental chemical injections of PZP for over 10 years. When information was requested as to the results of these studies, if these deformities could be a result of BLMs prior management of these wild horse herds, BLM has failed to respond or address these concerns.” *Emphasis added.*

Supporting Documents:

1. Public Comments Submission from Cindy MacDonald – 10/17/07
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. *See Electronic Submission.*
 - a) pg. 2, paragraphs 2-6,
 - b) pg. 3, paragraphs 7-8
 - c) pg. 4, paragraphs 1-2, 4-5, 8
 - d) pg. 5, paragraphs 5-8
2. Letter to BLM Las Vegas Field Office from Cindy MacDonald, 1/03/08
See Electronic Submission.

6. Statement of Reasons #12

“The removal of 300 additional wild horses from the Nevada Wild Horse Range poses risks to their free-roaming status while the merits of this appeal are being reviewed. Due to the amendment of the WFRHBA allowing BLM to unconditionally sell wild horses past 10 years of age or after three unsuccessful attempts at adoption, or even the newly proposed need to euthanize “excess” wild horses and burros to save BLM money, currently, there is no system in place to return the Nevada Wild Horse Range wild horses once they have entered BLMs “system” as they may be sold or dead by the time IBLA rules on this appeal. Therefore, the former AMLs of 600-1,000 wild horses must stand until this issue is decided.”

BLM has failed to prove that 600-1,000 wild horses are “excessive” on the Nevada Wild Horse Range, therefore 600 wild horses must remain on the Nevada Wild Horse Range at this time.

Supporting Documents:

1. Text of 2004 Wild Horse and Burro Sale-Authority Law Fiscal Year 2005 Omnibus Appropriations Act – PL 108-447—Division E, Section 142 (e). *Exhibit VII*
2. Seattle Times, “Plan to euthanize horses criticized” by Martin Griffith, Associated Press, July 7, 2008. *See Exhibit VIII.*

II. References for Appeal

Nevada Test and Training Resource Management Plan Record of Decision
Nevada Wild Horse Range Herd Management Area Plan
Dated July 23, 2008

1. Appeal: Herd Area, Herd Management Area, pg. 2

“Prior to the new Herd Area acreage designations authorized in the 2004 ROD for the NTTR, BLMs reported the previous Herd Area in Fiscal Year 2004 Herd Statistics was 601,986 acres.”

Supporting Documents

1. BLM National Program Office Wild Horse & Burro Program Herd Statistics, Fiscal Year 2004. *Exhibit IX. Also See Electronic Submission.*
2. Nevada Wild Horse Range Herd Management Area Plan, Final Environmental Assessment, EA# NV-052-2008-223, Map 1, Nevada Wild Horse Range, NWHR Herd Management Area, pg. 2.

BLM Las Vegas Field Office list prior HMA area as “399,000 acres”

2. Appeal: Core Management Area, pg. 6

“BLM is also in error in that they fail to stipulate what the actual acreage of the CMA is for wild horse and burro management as decided on by the 2004 RMP ROD under WH&B Management.”

Supporting Documents

1. Nevada Test and Training Range Resource Management Plan Record of Decision, July 2004
 1. Section 2.6.11 Wild Horse and Burro Management, Management Direction, pg. 14
“Restrict the active management of wild horses to the Herd Management Area identified in Figure 2-1.”

No acreage identified on page 14 or throughout the entire approved ROD.
 2. Alternatives Included in the Proposed Action, Alternative B (Agency Preferred), pg. 4
“BLM’s interpretation of the available data was used to identify the area for management of wild horses as the entire north range of the NTTR, with a core area containing approximately 474,370 acres. See (Figure 2-2 of the Draft Plan) with an Appropriate Management Level (AML) of 600-1,000 horses”

2. Proposed Nevada Test & Training Range Resource Management Plan and Final Environmental Assessment, Proposed Plan.
 1. Figure 2-1, pg. 2-5
 - a) No acreage is identified in Figure 2-5 for the new Core Management Area
 - b) No acreage is identified within the entire section of 2.6 Proposed Plan for the new Core Management Area.
 - c) No acreage is identified within section 2.6.11 Wild Horse and Burro Management for the new Core Management Area.
 2. Figure 2-2, Visual Resource Management and Area of Critical Environmental Concern, pg. 2-8. No relation to wild horse CMA.
 3. Table S-1 Summary of Alternatives, Alternative B, pg. S-5

“Alternative B redefines the HA and the HMA to be identified in size at 1,330,540 acres, which includes all of the northern planning area north of Pahute Mesa and west of the Belted Range and Sand Springs Valley. This HA is coincident with the estimated 1971 HA. Forage and water supplies within a 474,370 acres subunit of the HA/HMA would be used to calculate the herd’s appropriate management level. Eighteen of the twenty perennial water sources would be available to the horses. Manage for healthy, genetically viable herd at current AML of 600-1,000 horses in thriving ecological balance with other rangeland resources. Maintain the wild, free-roaming character of the wild horses on public lands”
3. BLM Las Vegas Field Office, Nellis Wild Horse Range, Preliminary Gather Plan Environmental Assessment EA# NV-052-2007-362, September 2007.

See Electronic Submission.

 1. Background Information, Map 1, General Reference Map, pg. 3

Herd Management Area cited as 1.3 million acres.
 2. Change the Current Established AMLs, pg. 10

“The current AML of 300-500 wild horses was established in the July 2004 ROD for Approved Nevada Test and Training Range RMP/FEIS (page 14).”

As already cited, no acreage is determined on page 14 or throughout the entire section on Wild Horse and Burro Management in the NTTR in the ROD.
4. Nevada Wild Horse Range Herd Management Area Plan, Preliminary Environmental Assessment, EA # NV-052-2008-223
 1. Conformance with Existing Land Use Plans, pg. 1,

“...The RMP restricts the active management of the wild horses to the Herd Management Area (HMA) identified in Figure 2-1 (see Map 2 in this document).
 2. Map 2: Nevada Wild Horse Range, pg. 3

No acreage is cited in Map 2, pg. 3

3. General Description of Affected Environment, pg. 16
“Under the 2004 ROD, the 394,000 acre core area (1965 NWHR boundary) was used as a “key management area” in establishing the AML as a range of 300-500 wild horses.”

5. Nevada Wild Horse Range Herd Management Area Plan, Final Environmental Assessment, EA# NV-052-2008-223. *See Electronic Submission.*
 1. Conformance with Existing Land Use Plans, pg. 1
“...The RMP restricts the active management of the wild horses to the Herd Management Area (HMA) Core Area (refer to Map 1).”

 2. Map 1, Nevada Wild Horse Range Herd Management Area, pg. 2
“NWHR HMA Core Area – Approximately 484,000 acres”.

 3. General Description of the Affected Environment, pg. 16
“...Under the 2004 ROD, the 484,000 acre NWHR HMA core area was used as a core area” in establishing the AML as a range of 300-500 wild horses.”

3. Appeal: Livestock Operations: 2. Stone Cabin Livestock Allotment, pg. 20

“This allotment has more relevance as it is closer to the proposal area and BLM has stated the Stone Cabin Herd Management Area and the Nevada Wild Horse Range wild horses intermingle due to their proximity.”

Supporting Documents:

1. BLM Tonopah Field Station/Battle Mountain Field Office, Stone Cabin Complex Wild Horse Gather, Environmental Assessment EA# NV065-EA07-028, FONSI/DR, January 26, 2007, Comment C, BLM Response, pg. 2. *See Electronic Submission.*

“....In addition, movement occurs throughout the complex to various degrees. Movement also occurs between the HMAs of the Stone Cabin Complex, the Nevada Wild Horse Range to the south....”

2. United States Department of the Interior, Bureau of Land Management, Authorized Use By Allotment Report, NV00082 Stone Cabin, Tonopah Field Station, AMP Implemented 3/01/1983. a) Renewed 02/12/2001 b) Renewed 03/01/2003. *Exhibit X.*
Also See Electronic Submission.

3. Montezuma Complex Rangeland Health Assessment- 2007, Map 5.0, pg. 17.
Map of Herd Management Areas Surrounding Nevada Test and Training Range including Stone Cabin Herd Management Area directly adjacent to the NTTR. *Exhibit XI.*
Also See Electronic Submission.

4. Appeal: Water Availability, pg. 27

“Continuing drought is limiting the amount of water available for wild horse use. Of the five key water sources used by wild horses, Cedar Well and the north gate pond are completely dry; water at Cactus Spring and Silverbow is very low....”

Supporting Document:

1. BLM Las Vegas Field Office, Nellis Wild Horse Range, Preliminary Gather Plan Environmental Assessment EA# NV-052-2007-362, September 2007, Wild Horses, Affected Environment, pg. 12, paragraph 3.

5. Appeal: 2004 Wild Horse Management Plan, pg. 2

“Yet BLM never filed for water rights, despite an approximate estimation of \$1,000 to do so on all wells considered....”

Supporting Documents:

1. Personal Communication with BLM Nevada Wild Horse & Burro Lead, Susie Stokke dated 1/31/08. Reasons for Failing To Yet File for Promised Water Applications. *Exhibit XII. Also see Electronic Submission*
2. Personal Communication with BLM Nevada Wild Horse & Burro Lead, Susie Stokke dated 3/20/08. Cost Estimate. *Exhibit XII. Also See Electronic Submission.*

6. Appeal: 2004 Wild Horse Management Plan, pg. 29

“Ms Stokke added that BLM was still working on getting the waters done on the Nellis range. That some work had been done but the logistics of working on the test site and their schedules has hampered their efforts. She stated that Nellis was spending more time on the war effort and that was their priority. She informed the Commission that they would be doing a tour in September to look at the developments, that she expected 1,000 – 1,200 horses by next summer and that the BLM wanted to have more waters in place ahead of time for next year in case water would have to be hauled.”

Supporting Document:

1. Nevada Commission for the Preservation of Wild Horses, Meeting Minutes August 21, 2006, pg. 10. *See Electronic Submission.*

7. Appeal: Wildlife, pg. 35

“Wildlife populations were also reported as expanding on every area of the NTTR in BLMs Draft Environmental Assessment for the Integrated Natural Resource Management Plan, Nellis Air Force Base and Nevada Test and Training Range, NV, May 2007, though no population estimates have been provided in any of the documents.”

Supporting Document:

1. BLMs Draft Environmental Assessment for the Integrated Natural Resource Management Plan, Nellis Air Force Base and Nevada Test and Training Range, NV, May 2007, pg. 42, Lines 43-46, *See Electronic Submission.*

8. Appeal: Wildlife, Figure 9, Map of Nevada Pronghorn Antelope Distribution , pg. 37

Supporting Document:

1. Nevada’s Pronghorn Antelope, Ecology, Management and Conservation
By George K. Tsukamoto, 1983, First Revision Edited and Written by Greg Tanner, Game Bureau Chief, Kraig Beckstrand, Larry Gilberston, Craig Mortimore, John Himes, May 2003 Published by Nevada Department of Wildlife, Nevada’s Pronghorn Antelope-Biological Bulletin No. 13, pg. 23. *See Electronic Submission.*

9. Appeal: Wildlife, Wild Horse Statistics, pg. 39

“Conversely, wild horse populations continue to be adjusted downward, both nationally and within the state of Nevada overall.....” Spans entire page.

Supporting Document:

1. Americas Mustangs & Burros: What’s Left, The High Cost of Miscalculating and Will They Survive? C.R. MacDonald, July 2008, Part II, The High Cost of Miscalculating, pg. 37-41. *See Electronic Submission.*

10. Appeal: Wild Burro Appropriate Management Levels, pg. 44

“When the Las Vegas Field Office was questioned about this during the public comment period for the newly developed Nevada Wild Horse Range Herd Management Area Plan, BLM responded by stating this question was “outside the scope” of the Herd Management Plan.”

Supporting Document:

1. Nevada Wild Horse Range Herd Management Area Plan, Final Environmental Assessment, EA # NV-052-2008-223, June 2008, Appendix K, Comment 17, BLM Response.

11. Appeal: Wild Burro Appropriate Management Levels, pg. 43

“The BLM Tonopah Field Station recently provided historical accounts of wild burros in lands adjacent to the NTTR with descriptions of regular migratory routes into and out of the NTTR from the Stonewall, Goldfield, Bullfrog and Montezuma Peak HMAs. (See Exhibit I)”

Supporting Documents:

1. Montezuma Complex Rangeland Health Assessment- 2007, Herd Management Areas. Map 5.0, pg. 17. *See Exhibit XI. Also See Electronic Submission.*

12. Appeal: Wild Burro Appropriate Management Levels, pg. 44

“In relation to the “thriving ecological balance”, BLM has issued a statewide wild burro population objective, adjusted for AMLs being counted towards statewide objectives but where no populations actually exist, of merely 730 wild burros still being allowed on Nevada public lands with a national population objective of less than 3,000.”

Supporting Document:

1. Americas Mustangs & Burros: What’s Left, The High Cost of Miscalculating and Will They Survive? C.R. MacDonald, July 2008, Part II, The High Cost of Miscalculating, pg. 40. *See Electronic Submission.*

13. Appeal: Wild Burro Appropriate Management Levels, pg. 45

“As for the bighorn sheep wild burros were removed to protect, Nevada Division of Wildlife reports the 2008 desert bighorn population is the highest ever recorded, now estimated at 6,600 adults – over twice as much as the national wild burro allowable level and nine times higher than the allowable populations for wild burros in Nevada specifically.”

Supporting Documentation:

1. Nevada Department of Wildlife Big Game Book, 2007-2008 Big Game Status, Big Game Status Statewide Summary, Desert Bighorn Sheep, pg. SS-2. *See Electronic Submission.*

14. Appeal: Wild Burro Appropriate Management Levels, pg. 45

“When BLMs Needles Field Office issued the final decision to zero out the historic Clark Mountain burros in December 2006, one of the last remaining wild burro herds in Southern California, I submitted an analysis compiled of wild burro statistics based on BLMs numbers, historical populations and habitat titled, “Wild Burros of the West, A Critical Analysis of America’s Wild Burro Herds” in efforts to provide evidence that BLM decisions were having tremendous cumulative impacts on viable, self-sustaining wild burro herds.”

Supporting Document:

1. Wild Burros of the American West, A Critical Analysis of the National Status of Wild Burros on Public Lands – 2006, C.R. MacDonald. *See Electronic Submission.*

15. Appeal: Wild Burro Appropriate Management Levels, pg. 45

“California BLM State Director Mike Pool refused to accept this information or address it in context with the site-specific proposal to eliminate the Clark Mountain wild burros and though this report has also been submitted to the National Wild Horse and Burro Advisory Board as well as to BLMs National Program Office, to date, BLM has failed to respond in any capacity to its startling conclusions about wild burro populations and habitat decline.” *See Exhibit XIII. Also See Electronic Submission.*

Supporting Documents:

1. Letter from BLM California Director Mike Pool, May 31, 2007.
Director Pool authorizes split response of BLM management of wild burro herds in California; the Needles Field Office will address public comments submitted while the National Program Office will analyze “Wild Burros of the American West” report. *See Exhibit XIII. Also See Electronic Submission.*
2. Response Letter from Cindy MacDonald, June 16, 2007.
Protest of BLMs refusal to analyze cumulative impacts of site-specific management decisions to California’s wild burro herds and habitat in relation to the zeroing out of the Clark Mountain wild burros. *See Exhibit XIV. Also See Electronic Submission.*
3. Letter from BLM California Director Mike Pool, July 10, 2007.
Termination of analysis or response of any aspect of the elimination of the Clark Mountain wild burros or any analysis by the National Program Office of the cumulative impacts of BLM site-specific decisions to wild burro herds across the West. *See Exhibit XV. Also See Electronic Submission.*

16. Appeal: Nevada Wild Horse Range Herd Management Plan, Final Environmental Assessment EA# NV-052-2008-223, pg. 48

“In the Preliminary EA, pg. 15, BLM stated that the management of the entire population as a gelding herd was eliminated from analysis. Yet in the FONSI/DR, the BLM approves the inclusion of “consideration given to manage the NWHR for a non-breeding population in its entirety”.

Supporting Document:

1. Nevada Wild Horse Range Herd Management Area Plan, 2008, Actions To Be Taken (Adaptive Management), Far Right Column, Last Entry, pg. 7.

17. Appeal: Nevada Wild Horse Range Herd Management Plan, Final Environmental Assessment EA# NV-052-2008-223, pg. 49

“Due to the approved changes in the gender ratios through the HMAP, there is now no standard for comparison of reproductive impacts and consequently, no reasonable way to measure if geldings are slowing the reproductive rate down or not. This of course is necessary as BLM has authorized an increase in castrated stallion populations based on the determination of geldings providing an impact on slowing down those same reproduction rates.”

Supporting Documents:

1. Nevada Wild Horse Range Herd Management Area Plan, Preliminary Environmental Assessment EA# NV-052-2008-223, Cover Page, Interested Party Letter, 2nd paragraph.
2. Nevada Wild Horse Range Herd Management Area Plan, Approved June 23, 2008, Bullet Point #1, pg. 2.
3. Nevada Wild Horse Range, 1997 Evaluation, Findings, pg. 1. *Exhibit IV*
Also See Electronic Submission.

Relevant Quote:

“Previous gathers manipulated the age structure to create a population with an approximate age of 14 years old, excluding the foal crop. These gathers disrupted normal age band structures for herd interaction, causing additional stress to already critically stressed animals. Also, there are some concerns regarding the sex ratios of the herd”.

18. Appeal: Nevada Wild Horse Range Herd Management Plan, Final Environmental Assessment EA# NV-052-2008-223, pg. 50

“BLM reported under “existing management” that PZP was not being administered to the NWHR wild mares released post-gather. Yet reference was made to wild mares being subjected to fertility control experiments as far back as 1992, again in 1996 and again in 2004.”

Supporting Documents:

1. 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. *Exhibit V. Also See Electronic Submission.*
2. BLM Press Article. Nevada: Home To America’s Wild Horses and Burros, Spirit of the West, Population Management, pg. 2, above photo. *See Electronic Submission.*
3. Nevada Commission for the Preservation of Wild Horses, Meeting Minutes November 14, 2003, pg. 1-3. *Exhibit IV. Also See Electronic Submission.*

19. Appeal: II. Nevada Wild Horse Range Herd Management Plan, Final Environmental Assessment EA# NV-052-2008-223, Error, pg. 51.

“BLM is in error as they have approved of forage utilizations at merely slight to light levels through out only 1-3 mile radius from existing water sources. Pronghorn antelope, the predominate large ungulate in the proposal area, is well-documented as only ranging 1-3 miles from water sources. Conversely, wild horses are known to have a much greater range in forage activities. As a result, the BLM has place excessive restrictions on rangeland utilization levels the wild horses in the NWHR can never hope to attain.”

Supporting Documents:

1. BLM Nevada Wild Horse Range Description, Clark, Lincoln, and Nye Counties, Nevada, Location/Habitat, pg. 1. *Exhibit XVI*. Also *See Electronic Submission*.

Relevant Quote:

“The animals sometimes have to travel up to fifteen miles from food to water and back during the drier part of the year.”

2. Nevada’s Pronghorn Antelope, Ecology, Management and Conservation
By George K. Tsukamoto, 1983, First Revision Edited and Written by Greg Tanner, Game Bureau Chief, Kraig Beckstrand, Larry Gilberston, Craig Mortimore, John Himes, May 2003, Published by Nevada Department of Wildlife, Nevada’s Pronghorn Antelope-Biological Bulletin No. 13, pg. 10. *See Electronic Submission*.

Relevant Quote:

“In Wyoming, available drinking water was found to have marked effects upon the summer distribution of pronghorn (Sundstrom, 1969). Intensive summer surveys on the Red Desert of Wyoming indicate that 95 percent of the pronghorn observed were within three miles of a water source.”

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EXHIBIT I

Only two known photos of water sources on the NTTR: locations unknown.

Photo #1: Cover of Nevada Test & Training Range Proposed Resource Management Plan and Final Environmental Impact Statement, July 2003.

Photo #2: BLMs Draft Environmental Assessment for the Integrated Natural Resource Management Plan, Nellis Air Force Base and Nevada Test and Training Range, NV, May 2007, Figure 3-6, pg. 33. *Also See Electronic Submission.*

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Exhibit I

Photo #1: Cover of Nevada Test & Training Range Proposed Resource Management Plan and Final Environmental Impact Statement, July 2003.



Photo #2: BLMs Draft Environmental Assessment for the Integrated Natural Resource Management Plan, Nellis Air Force Base and Nevada Test and Training Range, NV, May 2007, Figure 3-6, pg. 33.



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EXHIBIT II

“Wild Horses Face Threat of Extermination”.

Transcript from KLAS Channel 8, Las Vegas, Nevada.

I-Team Investigative Report, Chief Investigative Reporter George Knapp.

July 12, 2008.

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Exhibit II

Transcript of "Wild Horses Face Threat of Extermination"

George Knapp: Chief Investigative Reporter

July 12, 2008

<http://www.lasvegasnow.com/Global/story.asp?S=8664333>

Wild horse groups are outraged over plans by the BLM to euthanize thousands of wild horses that have been captured, most of them from ranges here in Nevada.

BLM says it has no choice but to put horses to death because it can no longer afford to feed the ones it already has.

Critics say the initials "B.L.M." more accurately stand for Bureau of Livestock and Mining, since those industries are so often the beneficiaries of federal land policies. Horses certainly aren't in good standing with BLM.

BLM says it has no choice but to pull the trigger on thousands of captured horses. Others say BLM created this crisis by clearing 75,000 horses off the range in the last seven years, for reasons that appear specious at best.

At a muddy depression in the Nevada desert, three healthy looking wild horses, surrounded by dozens of antelope, plop around while warily eyeing our camera.

Just down the road at the gate of the classified Tonopah Test Range, trucks are loaded with the remnants of a makeshift corral, the last vestiges of a roundup effort that carted away hundreds of other horses.

The trucks will head down the road in anticipation of the BLM's next roundup.

It's uncertain how these three horses dodged the government this time, but if you believe the BLM, the horses out here are dying of thirst or starving.

There basically is no grass. The animals are eating brush, which is not their normal food. They die of starvation on the range and there is no more inhumane death for an animal," said Don Glenn.

Glenn has spent 30 years in Washington working on wild horse issues, but seems unaware that a lack of grass on Nevada ranges isn't exactly unusual. Critics say the BLM rarely gets its story straight about reasons for roundups.

Last November, BLM's top Nevada horse official Suzie Stokke gushed about the range, "In terms of a great place for horses, as far as the habitat goes, it's a great place."

We didn't know it at the time of that interview, but Stokke had already decided to remove most of the horses on the range near Tonopah, not because they were starving, but because they might be starving some time in the future.

The BLM says the 1.3 million acres can support, at most, 500 horses -- one horse for every 2,600 acres. That's to protect the horses and the range.

"I don't think they use any science. It has little to do with current range conditions and a whole lot to do with we just want to get them out of there," said wild horse advocate Jerry Reynoldson.

Reynoldson has long contended that BLM simply makes it up as it goes along when it wants to justify a roundup. Former BLM Range Scientist Craig Downer says that's why he left the bureau, "It's very skewed data, very arbitrary statements. They just come out and say the wild horses are a detriment to the ecosystem without any proofs."

It's also no accident that more than 30,000 horses are currently living in BLM pens.

Documents obtained by the *I-Team* show the Nevada BLM spends millions each year on roundups and on feeding horses in corrals, but only 4-percent of its budget on finding homes for the horses.

A backlog was inevitable which led Reynoldson to make this prediction more than a year ago, "At some point, somebody will say, 'We've just got to put these horses down. It's the only answer.'"

That point is now here.

BLM says it needs to begin euthanizing horses soon, starting with the ones housed in holding pens like the one near Reno. No decision has been made on how many to kill but they have talked about how.

"They approve three methods: One is an overdose of barbiturates. Two is a bullet to the brain. Three is a captive bolt to the brain," said Glenn.

Drugs, bullets, or bolts -- a bolt is what is used in slaughterhouses. Slaughtering horses for meat might also be back on the table if BLM gets the okay. The bureau says no action will be taken until the GAO finishes auditing the program.

As far back as 1991, a Congressional audit found that BLM removes horses from the range without studying the land and at the urging of cattle ranchers.

BLM says it okayed this most recent gather because the drought has made it tough on horses, but there's water on the range -- enough for large alfalfa fields on BLM land and hundreds of antelope.

100 yards from a dusty water hole where three horses scrounged for a drink is a lush, green pond full of water supplied by a well and pump. But the water is fenced off so wildlife can't get to.

The sign on the door to the pump house shows that BLM knows there's water on the range, just not for horses.

Following the BLM announcement about plans to kill horses, a disturbing email was sent by Dr. Russ Mason, Chief of the Game Division of the Nevada Department of Wildlife.

According to Mason, wild horses are already being shot.

He wrote that the National Park Service is the only agency that effectively manages wild horses and burros because it shoots them, even at Lake Mead.

We investigated this allegation and while the Park Service may have killed horses in years past, it doesn't any more. A spokesman said this is categorically untrue and they have no idea how a state official could make such a statement.

From everything we've seen, the Park Service does not kill horses.

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EXHIBIT III

BLMs Draft Environmental Assessment for the Integrated Natural Resource Management Plan, Nellis Air Force Base and Nevada Test and Training Range, NV, May 2007, Chart 3.5, pg. 32. *Also See Electronic Submission.*

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Exhibit III

BLMs Draft Environmental Assessment for the Integrated Natural Resource Management Plan, Nellis Air Force Base and Nevada Test and Training Range, NV, May 2007, Chart 3.5, pg. 32. *Also See Electronic Submission.*

SURFACE WATER	NUMBER	SURFACE WATER	NUMBER	SURFACE WATER	NUMBER
Unnamed Seep	1	Johnnie's Spring	32	White Rock Spring	66
Stonewall Spring	2	Black Rock Spring	33	Stinking Springs	67
Jerome Spring	3	Kihibab Spring	34	Fork Spring	68
Wildhorse Spring	4	Antelope Reservoir	35	N. Antelope Reservoir	69
Alkali Spring	5	Chalk Spring	38	Antelope Reservoir	70
Alkali Spring	6	Rock Spring	37	Nixon #1	71
Monte Cristo Spring	7	Tub Spring	38	Nixon #2	72
Rock Spring	8	Cane Spring	39	Tunnel Spring	73
Trappman Spring	9	Wire Grass Spring	40	Corral Spring	74
Tule George Spring	10	Quartz Spring	41	Reservoir #2	75
Pillar Spring	11	Indian Spring/Canyon	42	Cane Spring	76
Larry's Seep	12	Tim Spring	43	Tognoni Spring	77
Jackpot Reservoir	13	Sand Spring	44	Sundown Reservoir	78
Unknown	14	Shale Cut Spring	45	Shirley Spring	79
Antelope Spring	15	White Rock Spring	46	Indian Spring	80
Cactus Spring	16	Quail Spring	47	Live Oak Spring	81
Cactus Spring	17	Summit Spring Drainage	48	Pony Spring	82
Silverbow Spring	18	Beck Spring	49	Silverbow Canyon	83
Silverbow Creek	19	Summer Spring	50	Crescent Valley Res #2	85
Coyote Pond	20	Summer Spring	51	Pink Hills Reservoir	86
Horse Spring	21	Cedar Spring	52	Tule Spring	87
Unnamed Spring	22	Cedar Spring	53	Miners Spring	88
Unnamed Spring	23	Rose Spring	54	Disappointment Spring	89
Cliff Spring	24	Log Spring	55	Belted Reservoir #2	90
Kawich Tank	25	Stealth Seep	56	Naquinta Reservoir #1	91
Lamb's Pond	26	Urania Mine Seep	57	Indian Spring	92
Unnamed Drainage	27	Phantom Spring	58	Cattle Spring	97
Wildcat Spring	28	Sandeen Spring	59	Cliff Spring	98
Gold Spring	29	Thunderbird Spring	60	Reservoir #4	99
Indian Spring	30	Coral Spring	62	Cane Spring	100
Indian Spring	31	Granite Spring	65	Oak Springs	101
Johnnie's Water	32				

Tan Shading: Springs or seeps

Green shading: Dugouts or manmade reservoirs

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EXHIBIT IV

BLM Evaluation of the Nevada Wild Horse Range - 1997

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EXHIBIT V

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. *Also See Electronic Submission.*

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EXHIBIT VI

BLM Press Article. Nevada: Home To America's Wild Horses and Burros, Spirit of the West, Population Management, pg. 2, above photo.

Also See Electronic Submission.

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EXHIBIT VII

Text of 2004 Wild Horse and Burro Sale-Authority Law

Fiscal Year 2005 Omnibus Appropriations Act – PL 108-447—Division E, Section 142

**TEXT OF 2004 WILD HORSE AND BURRO SALE-AUTHORITY LAW
(Fiscal Year 2005 Omnibus Appropriations Act -- PL 108-447 --
Division E, Section 142)**

SEC. 142. SALE OF WILD FREE-ROAMING HORSES AND BURROS. (a) IN GENERAL- Section 3 of Public Law 92-195 (16 U.S.C. 1333) is amended--

(1) in subsection (d)(5), by striking `this section' and all that follows through the period at the end and inserting `this section.'; and

(2) by adding at the end the following:

`(e) SALE OF EXCESS ANIMALS-

`(1) IN GENERAL- Any excess animal or the remains of an excess animal shall be sold if--

`(A) the excess animal is more than 10 years of age; or

`(B) the excess animal has been offered unsuccessfully for adoption at least 3 times.

`(2) METHOD OF SALE- An excess animal that meets either of the criteria in paragraph (1) shall be made available for sale without limitation, including through auction to the highest bidder, at local sale yards or other convenient livestock selling facilities, until such time as--

`(A) all excess animals offered for sale are sold; or

`(B) the appropriate management level, as determined by the Secretary, is attained in all areas occupied by wild free-roaming horses and burros.

`(3) DISPOSITION OF FUNDS- Funds generated from the sale of excess animals under this subsection shall be--

`(A) credited as an offsetting collection to the Management of Lands and Resources appropriation for the Bureau of Land Management; and

`(B) used for the costs relating to the adoption of wild free-roaming horses and burros, including the costs of marketing such adoption.

`(4) EFFECT OF SALE- Any excess animal sold under this provision shall no longer be considered to be a wild free-roaming horse or burro for purposes of this Act.'.

(b) CRIMINAL PROVISIONS- Section 8(a)(4) of Public Law 92-195 (16 U.S.C. 1338(a)(4)) is amended by inserting `except as provided in section 3(e),' before `processes'.

Public Law 92-195, The Wild Free-Roaming Horses and Burros Act of 1971

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EXHIBIT VIII

Seattle Times, "Plan to euthanize horses criticized" by Martin Griffith, Associated Press, July 7, 2008.

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Exhibit VIII**

http://seattletimes.nwsourc.com/html/localnews/2008036582_wildhorse07m.html

Plan to euthanize horses criticized

Animal-rights activists and ranchers are split over federal officials' proposal to euthanize wild horses to deal with surplus numbers on...

By **MARTIN GRIFFITH**
The Associated Press

Related

- [National Wild Horse and Burro Program](#)

RENO, Nev. — Animal-rights activists and ranchers are split over federal officials' proposal to euthanize wild horses to deal with surplus numbers on the range and in holding facilities.

Horse advocates will mount a campaign against the proposal announced last week by the U.S. Bureau of Land Management, said Chris Heyde, deputy director of government and legal affairs for the Animal Welfare Institute based in Washington, D.C.

Agency officials said they're faced with tough choices because wild horses have overpopulated public lands in the West and they no longer can afford to care for the number of animals that have been rounded up.

But Heyde said the agency is just looking for a "magic bullet." Its roundups left too many horses for the public to adopt, requiring the agency to fund more long-term holding facilities.

"[The proposal] is killing pure and simple to balance the books for an agency whose reckless management has caused immeasurable harm to a national treasure at considerable cost to the American taxpayer," Heyde said.

Ron Cerri of the Rebel Creek Ranch in Orovada, president-elect of the Nevada Cattlemen's Association, said ranchers would prefer horses be adopted but that euthanasia may be necessary to keep numbers down.

There are an estimated 33,000 wild horses in 10 Western states. The agency has set a target appropriate management level of horses at 27,000. About 30,000 more horses are in holding facilities.

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EXHIBIT IX

BLM National Herd Statistics FY2004

Nevada Wild Horse Range Acreage: 601,986

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EXHIBIT X

United States Department of the Interior

Bureau of Land Management,

Tonopah Field Station

Authorized Use By Allotment Report,

NV00082 Stone Cabin Livestock Grazing Allotment

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EXHIBIT XI

United States Department of the Interior

Bureau of Land Management

Tonopah Field Station

Montezuma Complex Rangeland Health Assessment- 2007,

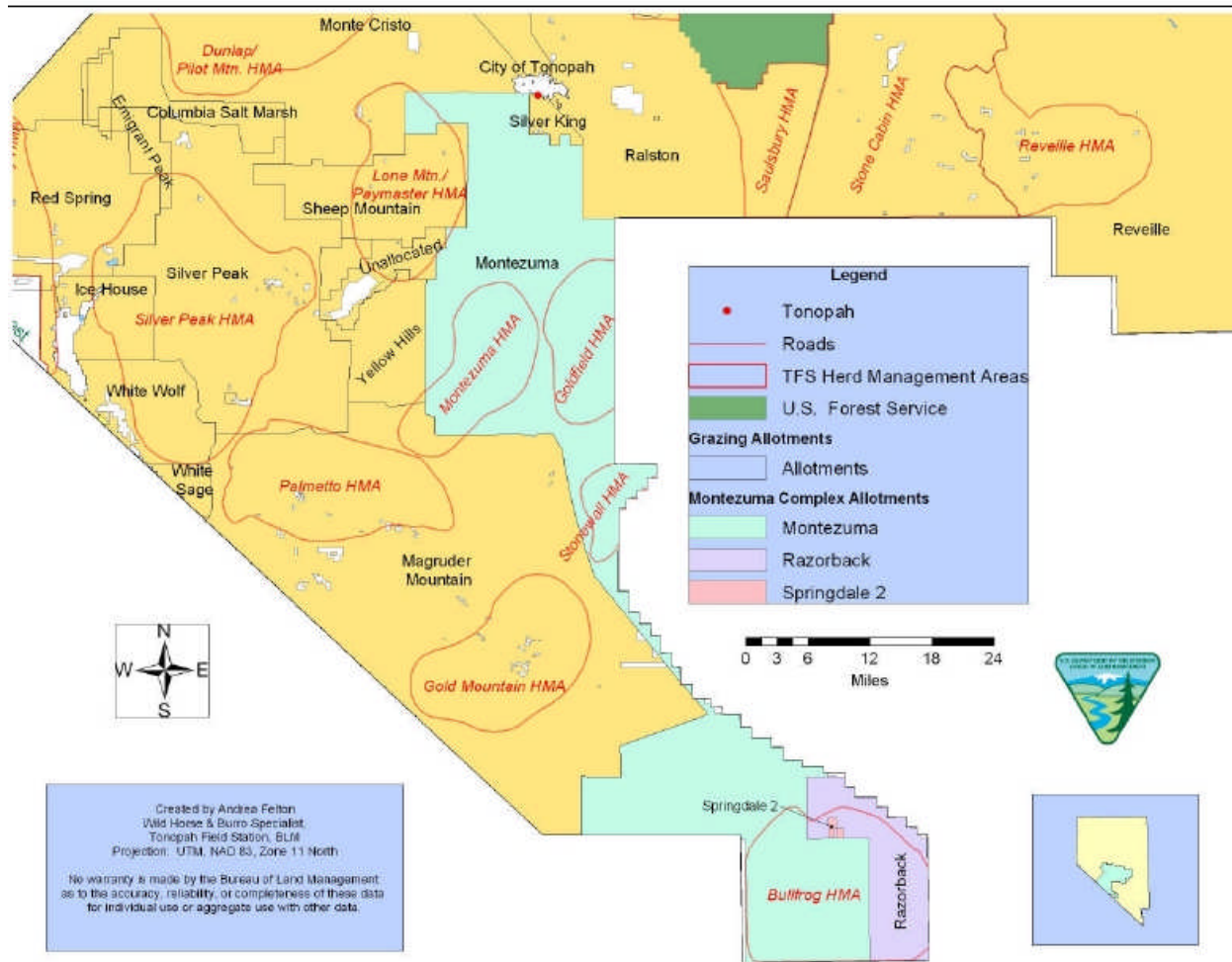
Herd Management Areas - Map 5.0, pg. 17.

Also See Electronic Submission.

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 Exhibit XI

Montezuma Complex Rangeland Health Assessment- 2007,
 Herd Management Areas - Map 5.0, pg. 17.

Herd Management Areas and Grazing Allotments of the Montezuma Complex



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EXHIBIT XII

Personal Communication with BLM Nevada Wild Horse & Burro Lead, Susie Stokke

Also See Electronic Submission.

- 1. Reasons for Failing To File for Promised Water Applications, January 31, 2008.**
- 2. Cost Estimate For Well Applications, March 20, 2008.**

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Exhibit XII

----- Original Message -----

From: Susie_Stokke@nv.blm.gov

To: cindy

Sent: Thursday, January 31, 2008 2:07 PM

Subject: Re: Johnnie Wild Horse Removals

BLM has not yet applied for water rights applications to facilitate development of 3-4 wells on the NWHR for several reasons. The primary reason is that BLM has focused its limited staff resources over the past 2 to 3 years on maintaining the existing water developments and developing a plan to reconstruct those existing developments which have outlived their useful life. To that end, materials have been purchased (and pending improved ground conditions, the LVFO plans to replace Cedar Well in FY2008). Also, if the necessary funding can be found, the goal would also be to reconstruct Cactus Spring in FY2008 as well. Additionally, an interdisciplinary team is evaluating Silverbow with the goal of reconstructing this development, which is of key importance to wild horses on the NWHR.

In addition to focusing on maintenance/reconstruction of existing water developments, the LVFO staff has focused on fertility control research followup, population census and on the ground monitoring as well as working toward the development of a gather plan to remove excess wild horses and a herd management area plan which would guide management of the herd over the next 10-20 year period. This work on the NWHR has been in addition to their responsibilities for the Spring Mountains and Lake Mead area HMAs.

Because of your continuing and passionate interest in Nevada's wild horses and burros, you may want to consider partnering with BLM and other interested individuals/groups by raising the funding necessary to allow us to move forward with reconstruction of the Cactus and Silverbow developments this fiscal year. Approximately \$150,000 is needed to complete this work. Those who are concerned about the future management of the NWHR may be interested in joining with you to support these critically needed developments.

I hope the above information is helpful.

----- Original Message -----

From: Susie_Stokke@blm.gov

To: cindy

Cc: Ron_Wenker@blm.gov

Sent: Thursday, March 20, 2008 1:07 PM

Subject: Re: NWHR

Dear Cindy,

In answer to your other questions (I apologize for having missed them earlier):

1. What is the cost of applying for the water rights for these wells?

The cost to apply for a water right is estimated at approximately \$250 per application + up to another \$50-60 if the water right is obtained for proof of beneficial use and proof of completion of work. It should be noted the LVFO has not yet applied for water rights not due to the cost of the application(s) but because of other workload priorities, including working to maintain and/or reconstruct the existing water developments within the NWHR, and setting and achieving AML for the

other HMAs they manage, among other critical workload priorities.

2. What is the estimated length of time for the NV State Engineer's process to issue a decision on BLMs applications?

The length of time necessary for the State Engineer to issue a decision is at the discretion of the State Engineer and can vary widely depending on the basin, backlog, whether or not protests are filed and need to be resolved, etc.

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EXHIBIT XIII

Letter from BLM California State Director Mike Pool, May 31, 2007.

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EXHIBIT XIV

Response Letter from Cindy MacDonald to Director Pool, June 16, 2007.

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EXHIBIT XV

Letter from BLM California Director Mike Pool, July 10, 2007.

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EXHIBIT XVI

BLM Nevada Wild Horse Range Herd Management Area Description

Date of Publication – Unknown.