

RESPONSE TO COMMENTS
Calico Mountains Complex-Wild Horse Capture Plan
Environmental Assessment, DOI-BLM-NV-W030-2010-0001-EA

In excess of 10,000 comments were received from individuals, organizations and agencies following the issuance of the Calico Mountains Complex-Wild Horse Capture Plan Preliminary Environmental Assessment, DOI-BLM-NV-W030-2010-0001EA. Greater than 9,500 of the comment letters received were one of three form letters. All comment letters were reviewed and considered and resulted in approximately 25 unique substantive comments. Substantive comments were utilized to finalize the EA as appropriate. BLMs responses to the comments received are identified in the table below. Comments received were organized into the following general categories:

- Herd growth/animal numbers incorrect
- Concerns about wild horse impacts on sensitive resources on non-BLM managed lands
- Affected environment/monitoring
- Concerns/effects/results of fertility control
- Outside of scope of analysis
- Viewpoint/matter of opinion
- Public perception regarding other uses in the Complex

No.	Commenter	Comment	BLM Response
1	Sierra Front-Northwestern Great Basin Resource Advisory Council	Supports the Calico Complex Wild Horse Capture Plan.	Noted.
2	Friends of Nevada Wilderness	Supports the Proposed Action.	Noted.
3	State of Nevada, Commission for the preservation of Wild Horses	Supports the Proposed Action.	Noted.
4	Toiyabe Chapter of the Sierra Club	Endorses the removal of wild horses to the minimum appropriate management level.	Noted.
5	Nevada Division of Wildlife	Supports the Proposed Action.	Noted.
6	Nevada Division of Wildlife	Concern about potential conflicts with a bighorn capture plan in the area this January.	BLM has coordinated with Nevada Division of Wildlife to avoid conflicts (Nov 2009). Jerome Fox (BLM) and Chris Hampson (NDOW) will continue coordination as gathers progress.
7	Summit Lake Paiute Tribe	The Summit Lake Paiute Tribe has estimated 200-250 wild horses have strayed from adjacent HMAs onto the Summit Lake Paiute Reservation and are damaging fragile riparian and lakeshore habitat including that for LCT. The Tribe is also concerned with the damage caused by wild horses to its Reservation boundary fences.	BLM has agreed to attempt to gather the horses from the reservation as these are wild horses that have moved from public lands onto tribal lands. BLM will coordinate with the Tribe's Natural Resource Department Director during the gather. The Summit Lake Paiute Tribe concerns have also been addressed in the EA. Refer to EA Sections 1.1, 3.23, 4.3, and 8.0.
8	Summit Lake Paiute Tribe	The Summit Lake Paiute Tribe requested more detailed information about locations of trap sites and holding sites so that the Tribe could assess potential impacts to cultural resources and spiritual or religious sites.	This information was provided in a letter dated November 18, 2009. In addition, previously used trap sites/holding sites have been added to EA Map 1.
9	Summit Lake Paiute	The Summit Lake Paiute Tribe expressed	This was clarified in a letter to the Tribe dated

	Tribe	concern about a statement in the EA that there were no known traditional cultural properties or sacred sites in the capture areas.	November 18, 2009, that there are known sites of spiritual or religious importance in the areas of trap sites or holding sites, i.e. areas that would be disturbed during the gather.
10	Summit Lake Paiute Tribe	The Summit Lake Paiute Tribe questioned statements about water quality in the EA.	Refer to the water quality Section 3.2.1 of the EA where further information and clarification has been provided regarding the affected environment.
11	In Defense of Animals	Formal request to extend the public comment period.	Comment period was extended to a total of 30 days (October 22, 2009 to November 22, 2009) as requested.
12	In Defense of Animals	Removal or phase-out of livestock grazing.	Addressed in EA (Section 2.1.5).
13	In Defense of Animals	Alternative for humane and cost-effective management of wild horses on the range.	Numerous alternatives were considered in the EA, including bait trapping. The use of helicopter to gather wild horses is humane and results in minimal injury and death (less than 1%). It is also the most efficient method to gather large numbers of wild horses from large areas. Section 2.1.5).
14	In Defense of Animals	Impacts of livestock grazing on range conditions and forage availability.	This comment is outside the scope of this environmental analysis. Livestock grazing is an authorized use of public lands and the impacts of this use have been analyzed in approved MFPs, FMUDs, and subsequent livestock permit renewals. Since the last gather to remove excess wild horses, livestock have grazed in accordance with permit terms and conditions while wild horse numbers currently exceed low appropriate management level by 5.5 times. Refer to Table 9 and 13 in Section 3.3.2 for information on permitted and actual use of livestock
15	In Defense of Animals	Negative impacts due to other private uses of public BLM lands.	This comment is outside the scope of this environmental analysis.
16	In Defense of Animals	Lacks valid scientific data on actual horse population numbers.	Current wild horse numbers are based on direct counts (aerial inventory) completed in March 2008 and September 2009. Refer to EA (Section 1.1, and 3.3.6).
17	In Defense of Animals	Lacks scientific data to support acceptable management levels.	Allocations of available forage to wildlife, domestic livestock and wild horses or burros within the Complex were made following in-depth analysis of resource monitoring data and issuance of Final Multiple Use Decisions (FMUDs), including consultation with the interested public, US Fish and Wildlife Service, Nevada Commission for the Preservation of Wild Horses and other interested individuals and organizations. The AMLs for all HMAs in the Complex were established through FMUDs issued by the Winnemucca District in 1993 and 1994 following completion of Allotment Evaluations. The AMLs were re-affirmed through FMUDs and Decisions completed in 2000, 2003, 2004 and 2005.
18	In Defense of Animals	Lacks scientific data to support range	Refer to EA (Section 3.2.4, 3.2.5, 3.2.6, 3.3.2,

		health has deteriorated and horses are overpopulated.	3.3.3, 3.3.4, 3.3.5, 3.3.8, 3.3.6,).
19	In Defense of Animals	Lacks any substantiation of or evidence to support the claim that the wild horse increase between 20-23% annually.	The identified growth rates were derived by analyzing the numbers of foals captured during previous gathers in relation to the number of adults, as well as number of foals observed during aerial inventory. Gather and inventory data collected within the Complex indicates the growth rates are 20-27%. Refer to EA (Section 3.3.6).
20	In Defense of Animals	Fails to make monitoring studies and observation reports accessible.	No known requests have been received for specific monitoring data. This information is available from the Winnemucca District Office and are available upon request.
21	In Defense of Animals	Horses are accused of overgrazing but is silent on cattle impacts.	Refer to BLM's response to Comment 14.
22	In Defense of Animals	Violates the 1971 Act, HMA's were to be managed for the primary benefit of wild horses, not private livestock operators.	<p>This issue is outside the scope of this environmental analysis. Information about the Congress' intent is found in the Senate Conference Report (92-242) which accompanies the 1971 WFRHBA (Senate Bill 1116): "The principal goal of this legislation is to provide for the protection of the animals from man and not the single use management of areas for the benefit of wild free-roaming horses and burros. It is the intent of the committee that the wild free-roaming horses and burros be specifically incorporated as a component of the multiple-use plans governing the use of the public lands." (Senate Report No. 92-242).</p> <p>Under the 1976 Federal Land Policy and Management Act (FLPMA), BLM is required to manage public lands under the principles of multiple use and sustained yield. Managing use by cattle and sheep, together with wildlife and WH&B, and a host of other uses is a key part of BLM's multiple-use management mission under FLPMA. The Winnemucca District does not administer any Congressionally designated Wild Horse or Burro Ranges, which are "devoted principally but not necessarily exclusively to their welfare in keeping with the multiple-use management concept for the public land".</p>
23	The Cloud Foundation	You blame rangeland degradation on wild horses but have failed to produce any current range data in support of this removal.	Refer to BLM's response to Comments 14, 18 and 20 above.
24	The Cloud Foundation	You are aware of the minimum requirements for genetic variability yet removal of these animals to the levels proposed does not meet these minimum requirements.	Refer to EA (Sections 3.3.6 and 4.1.3).
25	The Cloud Foundation	You lack support for your estimate of	Refer to BLM's response to Comment 16. .

		wild horse population numbers.	
26	The Cloud Foundation	A quantitative comparison of impacts by cattle to the range as compared to wild horses is not provided.	Refer to BLM's response to Comments 14, 18 and 20.
27	The Cloud Foundation	You must reduce livestock AUMs to allow for genetically viable wild horse herds in this complex.	Refer to BLM's response to Comment 12 and 24.
28	The Cloud Foundation	We find it appalling that you kill a wild horse or burro that exhibits dangerous characteristics and urge that these animals be returned to the wild.	The Proposed Action is consistent with the BLM's policy which requires that unusually dangerous horses or burros be euthanized. Returning a horse to the range at the gather site, if transport is not required, may be an option.
29	The Cloud Foundation	You fail to recognize that the horse is a returned native species and act as though they are negative rather than allowing for a natural wild horse-containing ecosystem.	The Congress declared horses as wild and free-roaming under the 1971 WFRHBA. Under the law, BLM is required to manage wild horses in a thriving natural ecological balance and multiple use relationship on the public lands and to remove excess immediately upon a determination that excess wild horses exist. Refer to the EA (Section 1.2 – Purpose and Need).
30	The Cloud Foundation	We urge you to adopt the No Action Alternative at this time.	The BLM has analyzed the environmental impacts associated with No Action (refer to EA, Section 2 and 4). The No Action Alternative is not consistent with the Wild Free Horses and Burros Act or Code of Federal Regulations at 4700.
31	The Cloud Foundation	A census needs to be independently validated and an explanation needs to be included as to why horse herds are being gutted while livestock use is being expanded.	Refer to BLM's response to Comments 16, 18, 20, and 22 above.
32	The Cloud Foundation	We believe preparation of an Environmental Impact Statement is in order based on the size of the planning area and the cumulative impacts affecting multiple use applications via a number of site-specific decisions within the area.	The Federal court ruled that removal decisions will be supported with an appropriate NEPA analysis (i.e., an EIS is not required if there are no significant impacts). Refer to AHPA v. Andrus (R-78-105BRT, 1979). No significant environmental impacts have been identified as a result of the BLM's environmental analysis (refer to significance factors in the FONSI).
33	Western Watersheds Project	An EIS must be prepared. The full direct, indirect, and cumulative impacts of all existing livestock facilities on horses, wildlife, recreation, etc. must be examined here including permanent and foreseeable Ruby fencing and other Ruby disturbances. BLM has not detailed the extensive motorized activity that may occur, nor has it assessed the cumulative effects of burgeoning OHV use, weed spreading via Ruby pipeline, etc.	Refer to BLM's response to Comment 32. Also refer to EA (Section 5.0 - Cumulative Impacts Analysis).
34	Western Watersheds Project	We are concerned about long period of time needed to conduct this gather and the potential impacts of this disturbance on native wildlife species and wilderness	Refer to EA Sections 4.14 and 4.15

		values and recreation in the planning area.	
35	Western Watersheds Project	BLM has minimal to nonexistent information about sage grouse in the area.	Nevada Division of Wildlife has the management responsibility for sage grouse. Refer to Section 3.3.4.
36	Western Watersheds Project	It is hypocritical of BLM to limit the activity of other parties on the public land (i.e., Ruby Pipeline project) when BLM would impose an aerial and ground-based assault on wilderness and wildlife through the proposed wild horse gather.	Refer to EA Sections 4.7 and 4.14
37	Western Watersheds Project	There is no emergency here. The BLM has conjured up an emergency to meet the needs of the ranchers (2008 Soldier Meadows Allotment permit renewal in which cattle use increased from 30% to 50% of herbaceous forage) and the Ruby Pipeline project.	This is not an emergency gather at this time, but could easily become one through the winter or next summer if a gather does not occur. Refer to the EA Sections 3.3.6 and 4.13. also, refer to Appendix C for information about the No Action results of the population modeling.
38	Western Watersheds Project	It is hard to understand why horses are panicked by human presence. Someone appears to have been harassing them.	This issue is outside the scope of this environmental analysis. BLM has not received any reports of harassment.
39	Western Watersheds Project	During September 2009, we noted resource damage by unauthorized cattle grazing, not wild horses. Photos provided in the EA are meaningless – WWP would be happy to provide photos documenting near continuous cattle manure piles. BLM has provided no consistent, systematic and clear monitoring data from all HMAs that accurately reflects cattle use impacts, cattle trespass impacts, and separates these use levels and impacts out from wild horses.	This issue is outside the scope of this environmental analysis. Refer to comment 14.
40	Western Watersheds Project	There has never been an EA or EIS prepared to establish AMLs here – so there is essentially no NEPA. There has been no new site-specific look at the AMLs here.	Refer to EA Section 1.1 table 1, Section 3.3.6 and comment 17
41	Western Watersheds Project	BLM has never conducted NEPA or examined HMA expansion in this area.	This issue is outside the scope of this environmental analysis.
42	Western Watersheds Project	As BLM is aware, WWP believes there is no valid permit for livestock grazing in wilderness areas of the Soldier Meadows Allotment.	This issue is outside the scope of this environmental analysis.
43	Western Watersheds Project	How many cattle were denied access to public lands in 2009 due to drought? Where is systematic analysis of the effects of recent weather on vegetation and water across the HMA?	There was voluntary non use in this area by permittees. Refer to Table 13, Section 3.3.2.
44	Western Watersheds Project	We request the full appeal files for the 1994 decision which set the AML, all other supporting or associated documents with that the decision, the 2004 EA and the 2008 to be included in this gather record.	Noted

45	Animal Welfare Institute	AWI is strongly opposed to the Proposed Action. The BLM has not provided any evidence to substantiate the need for the proposed action.	Refer to BLM's response to Comment 14, 18 and 20, and Section 1.1 and 1.2 of the EA.
46	Animal Welfare Institute	The BLM needs to consider an aggressive and long-term non-lethal reproduction control program.	Refer to BLM's response to Comment 13.
47	Animal Welfare Institute	Formal request to extend the public comment period.	Refer to BLM's response to Comment 11.
48	Animal Welfare Institute	The outcome of the Calico PEA is predetermined and in violation of NEPA. NEPA analysis should be completed before the BLM schedules the gather.	The BLM's gather schedule is a planning tool, not a decision tool. With respect to the Calico Mtns, the BLM has identified and analyzed a range of alternatives which respond to the Purpose and Need to varying degrees. Included is a detailed analysis of the No Action Alternative. Refer to the EA (Sections 2 and 4).
49	Animal Welfare Institute	The BLM engaged in the hasty preparation of the EA and provides no credible evidence to substantiate its allegations regarding wild horse impacts to range condition.	Refer to BLM's response to Comment 14, 18 and 20.
50	Animal Welfare Institute	The BLM has failed to provide a legitimate purpose and need for the proposed action.	Refer to BLM's response to Comment 14, 18 and 20 and 45.
51	Animal Welfare Institute	The BLM has failed to analyze a reasonable range of alternatives and should have analyzed alternatives to include but not be limited to: an alternative employing different immunocontraceptive vaccines as part of a long-term experiment to assess their effectiveness, an alternative providing for the incremental reduction of the horse population coupled with immunocontraception.	The suggested alternatives were considered but dismissed from detailed analysis (refer to EA, Section 2.1.5). The BLM continues to explore alternative methods for fertility control. Other than PZP-22, no others have been approved for implementation at this time. In the future, when such approvals are received, the BLM will begin using alternative fertility control methods.
52	Animal Welfare Institute	The BLM has failed to disclose all relevant information and to adequately evaluate the environmental consequences of the proposed action and its alternatives on the quality of the human environment. Without disclosing all relevant evidence about the census methodologies used in the past and present, the public is not able to determine the reliability and accuracy of the census/ survey results.	Refer to BLM's response to Comment 14, 16, 18, and 20. Refer to the EA Sections 3.3.6 and Chapter 4
53	Animal Welfare Institute	If the BLM has no evidence wild horses are impacting cultural resources, then it can't claim that the proposed action or its alternatives would have any impact on cultural resources. Similarly, BLM's analysis of the impacts of wild horses on migratory birds, TES and their habitat, water quality, wetland/riparian zones, wilderness, fisheries, soils, special status species, wildlife, and vegetation	Refer to EA Sections 1.1, Section 3.2.4, 3.2.5, 3.2.6, 3.3.2, 3.3.3, 3.3.4, 3.3.5, 3.3.8, 3.3.6,).

		resources is speculative and cannot be used to justify the Proposed Action.	
54	Animal Welfare Institute	It is illegal for BLM to give preference to livestock within any Herd Area or HMA. Furthermore, the requirement to maintain a TNEB is relevant only to wild horses and wildlife, and does not include any mandate to include livestock as part of the TNEB equation.	Refer to BLM's response to Comment 22 above. The BLM has allocated forage to domestic livestock, wildlife and wild horses and burros through an in-depth analysis of resource monitoring data, preparation of an environmental assessment and issuance of a FMUD (years) with public involvement. Also refer to EA (Section 1.1, 3.2.2, 3.3.6, 4.9, 4.12, and 4.13).
55	Animal Welfare Institute	No data was provided about the existing health of wild horses in the planning area. Has BLM developed a model that considers mortality should the wild horse population reach 7000 animals in size? If range conditions could permit the population to grow to 7000 animals, this calls into question the legitimacy of the current AML. Why aren't the social impacts/disruption of the herd under Alternative 1 discussed in the same terms as those described under Alternative 3?	Allowing wild horse populations to grow to this number would be contrary to law and regulation. Refer to EA, Section 4.13
56	Animal Welfare Institute	The BLM has failed to properly address the cumulative impact of the proposed actions and its alternatives.	Refer to the EA (Section 5).
57	Individual	AML's should be higher in this area	Addressed in Section 1.1, 3.3.6 of the EA.
58	Individual	Genetic viability among the existing herd and remaining population	Addressed in Sections 3.3.6 and 4.13 of the EA.
59	Individual	Using horses to reduce flammable vegetation, a.k.a. fuel load	This comment is outside the scope of this environmental analysis.
60	Individual	Fertility control and favoring of males in released horses would lead to increased stress among those remaining wild horses.	Addressed in Section 4.13 of the EA.
61	Individual	Passage of the ROAM bill in U.S. House of Representatives , this gather should be called off	This comment is outside the scope of this environmental analysis. However authorities are in Section 1.4 of the EA.
62	Individual	Differentiate the effect of wild horses from livestock on threatened and endangered species and other resources.	This comment is outside the scope of this environmental analysis. Refer to comment 14. Refer to Table 5., Section 3.2.5.
63	Individual	Should not euthanize horses who are very wild because of their indomitable spirit	Refer to comment 28. Addressed in Sections 2.1.1 and 4.13 of the EA
64	Individual	Reinstatement of native predators like the puma or wolf for population control	This comment is outside the scope of this environmental analysis.
65	Individual	Wild horses complement rather than distract from wilderness values. Reference 3.2.7 of the EA.	3.2.7 of the EA does not state horses distract from wilderness values.
66	Individual	Livestock are getting the "hog's share" of the forage and its nutrition. Not following the intention of the Wild Horse Act.	Refer to comment 55 and Section 3.3.2 of the EA. This comment is outside the scope of this environmental analysis.
67	Individual	300% increase in cattle grazing in this area last year	This comment is outside the scope of this environmental analysis. However, Section 3.3.2 shows the permitted livestock use and there was not increased in 2009.

68	Individual	Nowhere in the EA mentions that there are thousands of cattle and sheep grazing this land.	Section 3.3.2 shows the permitted livestock use.
69	Individual	How does BLM justify the acres being 950 acres per horse post gather?	This comment is outside the scope of this environmental analysis. However, the land use plans referenced in the EA set stocking rates for AUM's, AML's and wildlife allocations. The BLM does not use acreage figures to establish AML, but rather the productivity of the land and the ability of it to support wild horses in balance with the land and other users. This information is derived from continued monitoring and data analysis.
70	Individual	Take into consideration the benefit of having wild horses and burro on this land for many reasons.	This comment is outside the scope of this environmental analysis. However, the BLM is not removing all horses and burros, just reducing numbers to appropriate AMLs.
71	Individual	Environmental impacts that will result after removal of thousands of horses.	Addressed in Section 4.13 and Chapter 5 of the EA.
72	Individual	How did the horse population go from 575 in 2005 to over 3,000 in 2009?	Addressed in Section 1.1 and 3.3.6 of the EA
73	Individual	The HMA has been set aside for the mustangs as the principle species	The commenter misunderstands the difference between the terms Herd Management Areas (HMAs) and Wild Horse or Burro Range. HMAs are areas designated in the Land Use Planning process for the long term management of wild horses. The Winnemucca District administers 20 HMAs but does not administer any Congressionally designated Wild Horse or Burro Ranges, which are by definition in the Act "devoted principally but not necessarily exclusively to their welfare in keeping with the multiple-use management concept for the public land".
74	Individual	Round-ups cost the tax payer too much money.	This comment is outside the scope of this environmental analysis.
75	Individual	Adopt Alternative 3 No Action	Refer to Comment 30.
76	Individual	Reducing individual herd levels below 100 puts their long-term genetic health into jeopardy.	Table 12 of the EA shows the AML per HMA. Only Black Rock Range East and West HMAs have AML below 100. Black Rock East and West are essentially one wild horse area and are simply identified as two separate HMAs because of an allotment boundary that is partially fenced between them. The combined AML for the two HMAs is 112-186 wild horses. Refer also to Section 3.3.6 and 4.13 of the EA.
77	Individual	On page 23 the AML range of 188-314 makes no sense.	This was corrected in the Final EA in section 3.3.6
78	Individual	BLM only proposed 3 alternatives.	Addressed in EA section 2.1.5, in which more alternatives were considered following comments from the interested public.