

Observations of Owyhee, Rock Creek, Little Humboldt by Katie Fite

I am writing these observations because I have visited these lands recently in conjunction with my concerns and work for WWP.

When I returned to town Sunday evening, a colleague, Laura Leigh, has contacted me and asked for my assistance and observations in this matter due to my knowledge of the public lands, ecology and complex issues involved in the Tuscarora Horse gather.

I am also personally disturbed by the circumstances surrounding the Tuscarora Gather. BLM had had years to plan for this, and in fact had conducted Scoping for both Rock Creek and Owyhee Gathers in spring or summer 2009.

Many of the issues I as a Biologist for conservation groups had been working on related to BLM actions in these same allotments for a decade now remain unaddressed. These issues include the conditions of public lands and waters and status of wildlife populations such as Sage Grouse and other native biota. This is tied integrally to how BLM manages lands related to domestic livestock and wild horse uses, and how these uses are balanced.

I have found over the past decade that BLM documents and statements often obfuscate or mis-portray the situation that exists on the ground, rely on limited or stale data, or otherwise may largely be divorced from the current situation that exists on the ground. I have found that I need to verify on the ground what are often confusing or conflicting statements and analysis.

As a person who cares about humane treatment of animals, I was dismayed to learn of horses dying in this Gather. I was further dismayed upon reading in BLM's Interim Report of July 15 2010 that apparent human-caused manipulation of the physical setting of the lands inhabited by the horses in the HMA had created a dire situation for the wild horses. The Interim Report states that horses in the Owyhee HMA "were blocked from accessing a singular access point to a river that has historically been a watering point". This is on page 23, the next to last page of the "Interim Report of the Review Team Tuscarora Gather Elko, Nevada July 15, 2010".

I have become increasingly concerned about the events on the ground, including those that have led up to the Gather, and have sought to understand the situation on the ground as the Gather has unfolded.

I had been planning to prepare an Appeal of the BLM decision for WWP, and conduct a site visit in conjunction with a submission for that. I had returned to Boise from other

field work only to learn that BLM had imposed a sweeping closure of access on primary routes in the area.

I spend a lot of time in the course of my work in remote areas of Nevada. Concern about running low on gas is frequently an issue. In July fire danger too is a serious concern. This includes fire danger from both potential catalytic converter or other vehicle-caused fires if one is driving minor routes, as well as summer lightning storms where multiple fire starts could present a risk. Ever since almost driving into an area of lightning-caused fires north of Death several years ago, I have been wary about entering an area with limited route options. Broad route closures can inhibit my ability to safely perform my work, or enjoy recreational pastimes.

As I will explain later, I am also concerned about the fire risk to wild lands from BLM activities associated with the Gather – such as Gather activity Off-Road driving over tinder-dry grass.

I visited lands of the Rock Creek and Owyhee HMAs and surroundings on July 17 and 18, 2010.

I again visited lands of the Owyhee and Rock Creek HMAs as well as Little Humboldt and contiguous Snowstorm and Little Owyhee HMAs on July 19 and 20, 2010.

The following is a summary of some of my observations and concerns. Nearly all of these observations can be verified with photos taken with a Garmin camera and GPS, Option, or Pentax K 10 zoom lens camera. On a few occasions, I failed to photograph an observation, but have written a brief note on a map. On a few occasions, the GPS part of the combined camera-GPS device inexplicably or when batteries ran low, did not record a Waypoint.

Access Closure of Main Route

I left Boise Friday evening July 16, camped north of Duck Valley Reservation. On July 17, I drove to the IL Ranch access to the Owyhee allotment, arriving at around 10 am Pacific time. As soon as I came to BLM land, my access was blocked by signs on the main access route, as well as a smaller road that headed north. The signs said the public land was closed to access, and that there was a \$1000 fine and/or year in jail if the closure was violated. No BLM person was present in the vicinity to clarify if this still was the case, following Judge Hicks' Order of the previous public day, which I had read before leaving town Friday. Not wishing to violate a closure, I retreated from this primary access point.

I then decided to drive via Tuscarora and Willow Creek Reservoir to access portions of the Rock Creek and Owyhee HMAs. This had been my original destination, before I was blocked.

I stopped periodically along my altered route, to look for any signs of wild horses, observe the general condition of the land. By horse sign I mean manure, or hoofprints. Though well outside the HMAs, BLM's May Census mapping showed horse sightings far south into the Willow Creek road area. I saw abundant cattle sign, a dead domestic sheep and sheep concentration area, but no horse sign. I spend a great deal of time driving gravel and dirt roads in the course of my work and recreation. I habitually scan the high desert expanses for wildlife, livestock, disturbed areas, interesting scenery, etc.

I note that winter was very dry, but May-early June 2010 was an exceptionally wet, moist and cold period. Runoff from mountains was delayed. Growth of grasses and forbs was also delayed. But after the weather warmed up, many areas experienced exceptional vegetative growth. I have been visiting this area since the 1990s, and have observed vegetative conditions under the extremes – from the drought of the early 2000s to exceptional moisture years. Both native bunchgrasses and cheatgrass exhibited exceptional growth in the higher elevations of the Rock Creek HMA. In lower elevations (Owyhee and some portions of Rock Creek), grasses have already dried out considerably, but for the particular species composition, these areas too have a relative abundance of growth, compared to drier years when I have visited.

Rock Creek HMA and Surroundings: Fence and Other Concerns

Pertinent to the free roaming nature of wild horses and conditions in the Rock Creek HMA: I wrote the Appeal for the vast Squaw Valley and Elevenmile Flat (Barrick Goldstrike) and Spanish Ranch (Ellison) allotments. The BLM's Decision was Stayed by BLM's Office of Hearings and Appeals. This was followed by an exhaustive two weeks of hearings in Elko on the Appeal, the post-hearing briefing by Attorney Todd Tucci. WWP prevailed. In the decision, ALJ Heffernan found that BLM had violated NEPA, particularly in its failure to analyze the impacts of fence reconstruction and proposed new fencing across this area.

During this process, BLM never did clarify all of the fences that had been built and existed on the ground. Portions of the land area had burned in wildfires and some new fences had been built and not taken down. In some cases, the same area had burned in multiple fires, and much confusion existed over the status and impacts of rebuilding fencing and the difference between existing and proposed fencing.

The 2004 FMUD identified fence construction, or re-construction, which is an integral part of the livestock grazing system that was set out in the FMUD. The Decision found: “BLM should have analyzed fence projects in the FMUD EA, because, contrary to BLM’s argument, the FMUD clearly commits BLM to constructing fences, as they are integral to the grazing systems outlined in the FMUD ...”.at 7.

The Decision at 7-8 discusses BLM proposal for the “completion of the Spanish Ranch-Squaw Valley allotments division fence”. . BLM’s Horse specialist Fuell voiced concerns about impacts on horses of reconstructing the Winters fence.

The Decision found: “The fencing projects and the locations of the fences may also have significant implications for sage grouse”. Fences can fragment habitat, and cause injury or death to Sage Grouse. And found significant implications of the fencing. (at 10).

BLM’s wild horse specialist testified that “fences are a significant hindrance to the movement of wild horses across allotments”. “Mr. Fuell testified that after reconstruction of the Winters fence, that fence will have to be laid down” or possibly have crossing sections constructed out of pipe so that wild horse migration is not unduly restricted” At 11. Page 11 also states “.. BLM’s failure to conduct adequate NEPA analyses of the fence projects violated BLM’s obligations to conduct NEPA analyses at the earliest possible time and prior to any irreversible and irretrievable commitment ...”. “BLM failed to take a hard look at environmental consequences of the fence projects and to demonstrate that any significant impacts from the fences will be rendered insignificant through mitigation measures”.

Page 17 describes confusing changes BLM made between the Proposed and Final MUD decisions related to wild horses – and BLM never gave the public a chance to comment on the horse changes.

It was also found that the BLM failed to consider alternatives to hot season grazing in good faith. (at 26). In ,y 2010 field visits, I observed cows present in Soldier Field, Winters Creek and some upper portions of Burner Hills in the hot season. BLM also failed to examine any alternatives that reduced grazing use.

To this day, BLM has never conducted the required NEPA analysis. Yet my site observations found newly re-constructed and constructed fencing with closed gates forming barriers to wild and free roaming horses inside the HMA in the area that I have visited in 2010. Despite viewing many miles of fences, I observed no crossing sections constructed out of pipe. Instead, I saw many miles of taut new or recently rebuilt metal post and metal corner fencing all with gates closed.

Why is this all critical to inform understanding of the situation in 2010, and the EA's adequacy?

BLM's 2010 EA states as part of the rationale for the Gather that 1) Horses are outside the HMA; 2) Horses keep breaking fences.

If BLM or others have constructed barriers to any animal obtaining its necessary needs of food, cover, and space, such problems can be expected. If wild horses cannot move across the landscape in the HMA to meet their needs, they will at times break fences, or move through fences if fences get downed. Additionally, winter snow drifts and snow accumulation may at times break wire fences. So do cattle and elk. If fences are built in such a way as to inhibit horse movement inside the HMA, it is reasonable to assume they may "break out" at times. Yet despite BLM's own OHA findings, to this day no analysis of the effects of the fences has been made. I recall reading BLM documents over past years that have described attentive BLM managers taking common sense action to move horses back into HMAs when they have gotten outside the HMA borders.

*My observations regarding fences in the **Rock Creek HMA** are as follows:*

Ridgeline allotment boundary fence between Squaw Valley and Spanish Ranch (Burner Hills Pasture). Gate closed. Vicinity 41 0 1360 N, 116 02229 W. Soldier Cap area. July 17.

Gate closed on pasture fence within Rock Creek HMA between Burner Hills and Soldier pasture higher elevations closed. 41 0 1431 N 116 0212 W. July 17. From this point, the boundary fence with Winters pasture higher elevations is visible approx. 0.1 mile to the north.

Gate closed on pasture fence within Rock Creek HMA between Winters and Soldier Pastures higher elevations. 41 0 1456 N, 116 02071 W. July 18.

Gate closed on pasture fence between Soldier and Winters Creek. 41 N 0 01472 N, 116 01994W.

Below high ridgeline distant from any access route.

Gate closed on pasture fence within Rock Creek HMA between Winters and Soldier pastures higher elevations

Gate closed on pasture fence within Rock Creek HMA between Burner Hills and Winters pastures lower elevations visible from road. No cattle seen in either pasture. 41 0 1694 N, 116 0 2273 W July 20.

Gate closed on pasture fence within Rock Creek HMA between Burner Hills and Winters pastures lower elevations) visible from road. No cattle seen in either pasture. 41 0 1664 N, 116 0 2274 W July 20.

*My observations regarding fences in the **Owyhee HMA** are as follows:*

Gate on western border of the southern area of Dry Creek pasture adjacent to Little Owyhee HMA closed. 41 0' 1879" N, 116 0 2274N. July 20.

Gate closed by cattleguard on border of Owyhee HMA (Dry Creek Pasture) and Rock Creek HMA (Burner Hills Pasture.) 41 0 1737 N, 116 0 2304 W July 20. No cattle visible in lower portions of either pasture. [Yet surface water flowing in portions of Chimney Creek is present 2-3 miles to the south in Chimney Creek in Rock Creek HMA]. Gate was also closed on July 18.

Gate closed on Chimney Creek pasture access. 41 N 0 1727 N, 116 01982 W. July 18 and July 19. .

*My observations of **Little Humboldt HMA**:*

Gate closed on southern Boundary between Spanish Ranch Burner Hills and Little Humboldt HMA. July 20.

Gate closed on Boundary between little Humboldt HMA and Snowstorm HMA. 41 01508 N, 116 02900 W. July 20.

General Observations July 17-18

I visited portions of the Rock Creek and Little Rock Creek drainage, where I saw only a small older horse stud pile. The access road to Rock Creek had been bladed, and was churned to powdery dust by the passage of many vehicles. Hundreds of cattle were present through this area in the hot season. July 17.

I visited ridgeline areas of the Burner Hills HMA west of the Frazier-Scraper Chimney road. I hiked approx. $\frac{3}{4}$ miles on the high ridges, and observed no horses. July 17.

I accessed the higher elevation areas of the Burner Hills, Winters and Soldier pastures on July 17 and 18. This area is east of the Frazer-Scraper-Chimney road. I drove in the access route and stopped periodically to scan for horses and wildlife. Many stud piles were visible in the road through the higher Burner Hills pasture.

I stopped and hiked to a prominent high point on the southern pasture boundary fence between Burner Hills and Squaw Valley near the border of the Soldier and Frazier pastures. I observed and photographed 7 horses in the distance on the Squaw Valley side. Location I was standing when horses were observed in the distance: 41 0 1360 N, 116 02229 W. Horses were approximately $\frac{1}{4}$ mile or more to the east. July 17.

I hiked back to my vehicle, and proceeded to the area of the convergence of the Burner hills, Winters, and Soldier pastures boundary fence. I camped in the vicinity of the fence., at a high point with vistas in both directions. Stud piles were present on both sides of the fence, but cattle use had trampled much of the area. There was an obvious fence line contrast between Burner Hills and Soldier pasture grass heights, with Burner appearing to have received significant grazing use in the 2010 season. Enroute to this area, I had observed cattle by spring or drainage areas with water present in numerous locations.

On the morning of July 18, I hiked to a high ridge and ridgeline fence to scan the surrounding lands for wild horses and wildlife. I saw no horses. I could see far north into the Owyhee Desert, and saw dust generated by BLM/Contractor Gather activities 15 or more miles to the north.

I returned to my vehicle, and proceeded to the vicinity of a closed gate between Soldier pasture and Winters pasture. I parked my vehicle, increasingly concerned about grass in the road, and set out on foot following the access road on foot. I then proceeded down to a drainage distant from any road looking for horses and wildlife, and observed a nice band of antelope and a coyote moving across a slope. I proceeded down this drainage (believe it is Chimney headwater fork) almost a mile to a point approximately 41 01481 N, 116 0 2094 W. Cattle at times moved off in some areas, sending up dust. If horses has been present on sideslopes or where I had somehow overlooked them it is likely I would have detected telltale dust and detected their presence. This was the case throughout both July visits to the HMAs. In several instances over these two trips, I detected antelope from the dust the kicked up when running.

I then returned to the access route, walked to near divide with the Winters drainage, and proceeded hiking crosscountry to high points between Soldier and Winters pasture, particularly seeking vistas into the Soldier area. I encountered the fence separating the two allotments below a ridge. On a point in the ridgeline here, I flushed one make sage Grouse, and found another area where horses appeared to have bedded down within the

past few days (bed impressions in drying grass and manure in area 41 01460 N, 116 01985 W). I did not see horses here though. From portions of high points, I obtained expansive vistas of the Soldier pasture area to the south. I did not see any wild horses. I did see hundreds of cattle on the flatter terrain surrounding the headwater forks of Soldier Creek. Every animal form that I could see clearly enough to distinguish was a bovine, not an equid. I then proceeded back to my vehicle, where I had left my dogs not wanting to subject them to a three hour hike in heat. Enroute, I verified my cattle "identification" from a distance by getting closer to a herd of around 50 cattle. At one point, there may have been horse tracks all in the road, but they were obscured by cattle. This was near 41 01471N 116 02072W . It was odd that tracks were in the road, not the tracks seen by the many small wet areas were cattle hoofs and recent sign was cattle manure. I then returned to the main access road, and headed north to the Owyhee allotment. The gate was closed at the boundary between the Owyhee and Rock Creek HMAs.

Enroute to the border fence with the Owyhee HMA, I passed a fairly recent dug out stock pond area in the Chimney Creek drainage. Oddly, there was not recent horse trampling activity as the runoff water receded. The pond had been dug into a flowing spring section of the drainage, and flowing water was present upstream – but there too horses tracks were absent. (Discussed later).

As a general observation: Cattle appeared to have been grazed early in the spring in the lower and mid elevation portions of Burner Hills, and only some remained only at higher elevations.

I then proceeded to the intersection with the route in the southern Dry Creek pasture to the Little Humboldt area indicated by a BLM sign within the Owyhee allotment. I spoke to a man with a Nevada Bighorns cap in a large diesel pickup, who said that the route through the IL was Open, and that he had just been there. Enroute to the IL, I observed gates open on watered private lands to allow cattle to have access to BLM lands in non-HMA areas.

Note: I have not yet visited the specific area of the lands described as most acute in BLM's Interim report - Star Ridge and apparently somewhere in northern Dry Creek. I did not want BLM to raise concerns about disturbance to horses there.

Also, my understanding of Pasture configuration in Rock Creek here comes from the most detailed map that I have, which is one BLM supplied to the public in association with a wildfire called the Winters Fire in summer 2006. BLM's mapping with the EA is

done at a scale, that is much too general, and has overlapping pasture colors, masking clear understanding of details.

Owyhee Fence and Gate Concerns Documented in the Past

I have raised concerns about the effects of fencing and closed gates altering free roaming horses in the Owyhee allotment and HMA, and in fact in 2008 while on a two day site visit, wrote a letter to Elko BLM concerning gates, and horses.

See 2008 Fite Letter to Elko BLM.

Interim Report on Owyhee HMA Conditions

BLM's report that horses in the Owyhee HMA "were blocked from accessing a singular access point to a river that has historically been a watering point". This is on page 23, the next to last page of the "Interim Report of the Review Team Tuscarora Gather Elko, Nevada July 15, 2010".

BLM has described the horses now being by drying up ponds. The small stock ponds in the plateau across the Owyhee typically dry up and do not retain water all summer long. They go dry. This is normal. Water availability in these ponds is fleeting.

Horses exist in the HMA by moving across the landscape, accessing water at accessible sites on the South Fork Owyhee River, or moving through gates to Desert Ranch Reservoir, portions of Fourmile Creek, or other areas.

BLM's Gather Site Locations or Activities Not Detailed and Examined in EA

The full details of BLM Gather sites have not been provided in the EA. When I reviewed the map of BLM closure sites, what struck me was that the position of the Gather sites could potentially block wild horse or wildlife access to traditional water use areas, as well. From as nearly as I can tell from the BLM mapping of Closure areas, these Closure sites are associated with or near primary water sources.

From review of Agency FOIA documents associated with past Round Ups in the Soldier Meadows area (Calico Round Up), I had read of BLM manipulating fences associated with water sources and other activities in previous Gathers there. Not only could physical barriers be present to concentrate or alter horse movement, the presence of a high degree of human disturbance in advance could also have displaced horses.

In that same allotment, I have seen the remains of burlap material placed on fencing in association with a past Horse Gather, and left to decay on fences.

BLM's EA fails to provide specific details of all the various activities associated with Closure and Gather activity sites.

Impromptu Gather Activity Site In Native Vegetation and Off-Road Activity

On the morning of July 20, I drove to the western boundary of the Owyhee allotment in the Dry Creek pasture, to see if the gate between the Owyhee allotment and Little Owyhee allotment had been kept closed during this emergency. The gate by the cattleguard was indeed closed.

Enroute, as I approached the plateau area above Milligan Creek (a dry draw in western Dry Creek pasture of the Owyhee HMA), I observed an area where native vegetation had very recently been crushed by vehicles. I stopped to document conditions. I observed fresh shoe impressions from at least three different sets of shoes. There was a horse whip on the ground, left behind, and some litter (pieces of hay rope, plastic bottle). Note: I sent a photo of the whip object to Makendra Silverman at the Cloud Foundation, who identified it as an object used in a Horse Gather.

This impromptu site was located at 41 0 1882 N, 116 0 2685 W. I paced off the distance vehicles had driven off roads and crushed all native vegetation (native bunchgrasses, and sagebrush). It was 79 paces. Approximately 40 of my paces is 100 feet distance, so this was nearly 200 feet. This was not a previously "disturbed" area. BLM's EA said that Gather activities would be conducted in disturbed areas. BLM's land status map shows all lands in this area as being BLM land ownership.

I then proceeded west, and as I dropped down into the Milligan Draw, saw that a wide tired vehicle had driven off road to the north. The vehicle drove right through a tall patch of cheatgrass growing in disturbed soils by the road, and proceeded to crush intact mature Wyoming big sagebrush with native understories. This appeared to be a vehicle with a very wide distance between wheel tracks.

Then, on the south side of the road in this same area, a vehicle with a similar wide track pattern had driven off road crushing intact mature Wyoming big sagebrush and native bunch grasses on a rather steep sideslope. I paced off the distance from the path of the vehicle furthest from the road – it was 60 paces, or approximately 150 feet. The area of the path of the vehicle was much longer in both instances, and I did not pace it.

There is certainly fire risk from such activity in July and throughout summer, not to mention disturbance to native sagebrush communities in a landscape that has suffered much recent sagebrush loss. This taller big sagebrush is required for nesting by migratory birds like Sage Thrasher or the sensitive Loggerhead Shrike, and also mature sagebrush serves as nesting cover for Sage Grouse.

I had camped on the evening of July 19 in the general Bookkeeper Draw area. A wide track span vehicle had crushed 3 foot tall big sagebrush that had recolonized a washed-out access route there as well.

Strange Absence of Recent Horse Sign

In June 18, I observed a fairly newly excavated stock pond without horse tracks in the lower Chimney drainage in Burner Hills. 41 0 1580 N, 116 02287 W.

A pond had been dug or re-dug on top of a flowing spring segment of the drainage. The pond had captured runoff water - but that water had since receded, leaving dried mud banks that lacked recent horse and cattle sign.

There was a pile of horse manure in one area, but other than that, there was very limited sign. Flowing sections of the drainage visible above the pond also lacked horse trampling.

This struck me as so odd, that I re-visited the area on my return on June 20 and again confirmed my initial observations.

I then continued south on the main access road, and drove in a minor jeep trail to the east to access a higher point on the Chimney Creek drainage. Vicinity 41 0 1535 N, 116 02294W. I hiked around a half mile up the drainage. There were many segments of the drainage here that contained water, but there was no sign of recent horse use. There was also limited recent cattle sign – with use appearing to have occurred in the spring.

I then returned to my vehicle, and drove to the access route to the Little Humboldt and Snowstorm area. There was a pool of water remaining in a drainage, yet there was no recent horse sign. This was on the route approximately one mile west of the “main” access road near the Willow Creek watershed. Yet large studpiles of horse manure were present on the ridge near this site.

Thus, horses appeared to be absent from portions of the Burner Hills area for a significant period time. And I had not encountered horses higher in the Chimney watershed portions of the Burner Hills on my preceding visit of July 17-18.

On the evening of July 19, I had camped in the vicinity of what I believe is the Bookkeeper area draw in the Owyhee HMA. That area had received significant very recent horse use from some horses, and water was very limited and nearly dry. So I have a clear on the ground situation of recent horse use to compare the resounding absence of horse use at water sources in lower to middle portions of the Burner Hills.

BLM/Contractor, Permittee Pre-Gather Activities Not Described

I have thought much about this situation over the past several days, and my observations on the ground over the past week, in trying to understand what all may have occurred pre-gather to explain the absence of many horses and recent horse sign over significant areas, and other concerns.

From my observations of absence of horses and recent horse signs in some areas of the HMA with water, a logical explanation seems to be that horses had been moved out of the HMA prior to Gather initiation.

Dry Trough and Cattle Presence in Little Humboldt

BLM, after cutting off the portions of the HMA with abundant water and flowing streams under a "Range Agreement", greatly reduced the HMA area and water availability to horses.

In the afternoon of July 20, 2010, I drove approximately two miles into the HMA, and then parked my car, fearing setting a wildfire if I continued, due to tall grass on the jeep trail. I then hiked approximately another two miles, much of it crosscountry. I saw no horses.

I encountered a trough associated with the Pipeline that BLM described as being built "because water sources in this HMA can be unreliable, the Castle Spring pipe was installed in 1982 to improve livestock and wild horse distribution and to reduce livestock and wild horse use on (and impacts to) seeps and springs in Castle Ridge". (recent BLM Response to Appeal filed by IDA and WWP).

Further, in a Footnote, BLM stated that Castle Ridge Pasture has not been re-opened to grazing use. But there has indeed been cattle grazing use in Castle Ridge. There is 2010 cattle manure in the vicinity of the dry trough, appearing to be from a spring grazing event.

I also saw four cattle in the allotment. Two were standing in the bottom of the drainage in the valley formed by the ridges below the "Castle" part of the range. A band of antelope came down a steep hill approaching the site. The band stopped above the cattle, and hesitated for minutes before coming into drink at the point the cattle were standing. I photographed this from a distance on July 20.

Even a few cattle present on wet areas during the hot season months can have a very significant impact.

This situation typifies my experience in relation to cattle vs. horses or wildlife impacts – cattle are often where they are not supposed to be according to the papers in BLM's office files. And if an area is not scheduled for cattle use, unfortunately, high levels of degradation that occur typically get blamed on horses or wildlife. In fact, when I first reported very high levels of cattle use in a portion of the Black Rock Range (Calico Gather area) to Winnemucca BLM in the early 2000s, I was informed by BLM's Range personnel that the levels of use I was seeing was from horses, because the area was closed to cattle. Yet I had seen cattle present, and photographed abundant fresh cattle manure.

I observed no wild horses in the Little Humboldt in the portion of the Little Humboldt that I visited, despite scanning slopes, and being able to see over a significant area of the HMA. Perhaps horses were at the highest elevations that I did not have time to access. I again stress that the trough was bone dry. BLM was providing no water for the horses or wildlife. This is typical of so many range "improvements". They are built with great promises, but in the end reliance on unnatural or artificial water sources very often fails in the real world of remote arid western public lands.

After I encountered the trough, I continued hiking and scanning the benches and slopes for horses. I observed 4 black animals, and hiked close enough to determine that the animals were cattle. Two of the animals were standing down in the very bottom of the drainage.

BLM claims the HMA was reduced due to observations of areas used by the horses—but this could be a result of limited seasonal observations. In fact, I specifically recall seeing wild horses in the early 2000s in the area now cut off from the HMA, as well as skeletons of several horses on a small bench on a road above flowing water – my impression at the time was that those horses had met a human-caused demise.

My Qualifications

During most of the 1990s, I worked for the Idaho Department of Fish and Game as a Wildlife Habitat Technician, advising public and private landowners on measures to improve wildlife and upland bird habitats, providing input to agencies on projects affecting public lands, as well as performing many other duties, including plant identification, vegetation survey including riparian inventories in the Idaho portion of the Owyhee-Bruneau watersheds related to redband trout habitats as part of BLM Challenge Cost-Share grants, and as a skilled observer in wildlife surveys for Sage Grouse, Bighorn Sheep, Mule Deer and Elk.

From 1999-2003, I had been employed by the Committee for the High Desert as a Biologist. Since 2003, I have been Biodiversity Director for Western Watersheds Project. WWP is an Interested Public in all Elko BLM grazing allotments, and I myself review agency documents for approximately 50 million acres of BLM and Forest lands in Nevada, Idaho and some other areas.

My involvement in livestock grazing processes, including as they relate to wild horses and analysis of impacts under NEPA or other requirements, goes back to circa 2002 in the Owyhee, and 2004 and prior in Squaw Valley and Spanish Ranch. I had written letters to Elko BLM expressing concerns about conditions caused by grazing prior to participating in the "official" agency decision processes.

I have participated in dozens of agency field tours with agency specialists, livestock industry reps, and other members of the public. In 2008, I participated in a BLM field trip in the Owyhee allotment related to sagebrush mowing projects BLM planned. My observations during this trip were documented in a later letter to BLM. In this letter, I expressed concerns about the absence of horses in many areas, and questions about gate closure within the allotment. See . In 2009, I participated in another Elko Fuels Project tour including lands of the linked Barrick Elevenmile allotment and other areas to the south, and then with a volunteer with WWP, camped in portions of the Squaw Valley allotment, and returned north through the Owyhee allotment and portions of the Rock Creek and Owyhee HMAs. I recorded my observations to BLM in a letter then as well. I expressed concerns about conditions (cattle grazing in Squaw Valley south of the Rock Creek HMA, cattle grazing occurring in the Rock Creek HMA in the Owyhee allotment, and recorded the fact that Mr. Hayes and myself observed no horses.

I first visited the lands of the Owyhee, Squaw Valley and Spanish Ranch area in the 1990s, while recreating and sightseeing on public lands. I first visited the Little Humboldt lands circa 2000. I also visited portions of the Owyhee while working for IDFG collecting specimens of Silver Sagebrush from the region. I have visited the lands of the Owyhee at least a dozen times since then, and Squaw Valley and Spanish Ranch almost as frequently.