



**FOAL** Friends of a Legacy

*Keeping the Mustangs Wild and Free*

*www.FriendsofaLegacy.com*

**PO Box 1043 Cody, Wyoming 82414**

August 11, 2023

BLM Cody Field Office  
Attn: Abel Guevara, Project Lead  
1002 Blackburn Street  
Cody, WY 82414  
aguevara@blm.gov

RE: Public comment concerning the McCullough Peaks HMA Bait Trap Gather Environmental Assessment

Dear Mr. Guevara:

Thank you for the opportunity to provide comments to the preliminary EA for the McCullough Peaks HMA Bait Trap Gather. In an on-going effort to continue our long-standing productive relationship with the BLM, please consider our comments as positive suggestions for improving the EA document.

It has come to our attention that as a prerequisite to performing a gather, a detailed analysis should be made which demonstrates that the population of wild horses is having a negative impact on the habitat. Because the Preliminary EA, as written, fails to provide that analysis, we request that it be redrafted and reissued for public review and comment. We make this request because the current draft of the EA fails to analyze available resource monitoring data as required by BLM directives.

The following directives are found in the **BLM Handbook, H-4700-1; Wild Horses and Burros Management Handbook: Page 30, GENERAL**: *The authorized officer is required to identify, plan, collect and analyze the resource monitoring data necessary to prepare resource management plans, plan amendments, gather plans, herd management area plans or other associated environmental documents through which WH&B management decisions are made.*

*Inventory (monitoring) shall be completed in order to determine:*

- *If an overpopulation of WH&B exists and action is needed to remove the excess animals.*
- *WH&B AML's; and*
- *If AML's should be achieved by removal of the excess animals or other appropriate means.*

*Monitoring data is needed to support AML establishment and decisions to remove excess WH&B. Various rulings from the Interior Board of Land Appeals (IBLA) underscore the need to base WH&B management decisions on the result of monitoring.*

Also from **BLM Handbook H-4700-1, page 47, Section 7.1.2**: *"Justifying a removal based on nothing more than the established AML is not acceptable."*

The premise that the AML for the McCullough Peaks herd should remain as specified by the RMP, written in 2015, raises the question as to whether or not range conditions have changed during the last 8 years. We submit that range condition should be shown to be deteriorating prior to the removal of any horses. Furthermore, impacts caused by livestock grazing should be factored in when monitoring range condition.

It is our observation that the Thriving Natural Ecological Balance is showing improvement in recent years. That said, we recognize that the current system of BLM management makes it necessary to consider removal of some horses from the HMA. We request that the Cody Field Office proceed with any removal of horses in a moderated

fashion. We suggest that removals be done in increments, with monitoring of the population of horses and monitoring of range conditions to be considered before setting the target numbers for removal for each increment.

We note that the preliminary EA's Proposed Action does not clearly state the targets for the number of horses to be removed or the mares that will be treated with GonaCon. Our suggestions, which are in large part based upon the current age classes of the McCullough Peaks herd and the probability that there will be extensive age-related attrition of the herd during the next five years, are to be conservative in setting a target number for the removal of horses, and to strictly limit the use of GonaCon. Recognizing that the BLM is committed to removing some horses, we submit that a target of 21(or fewer) horses to be removed in 2024 is reasonable. We also suggest that GonaCon should be used to treat only those mares over the age of 13 that have not responded to treatments with PZP (ie. those mares that have produced more than two foals after being successfully treated with PZP in multiple years). It is our understanding that there are currently 3 mares within the McCullough Peaks herd that meet those stipulations. As to determining how many horses should be removed in subsequent years, we propose that those decisions should be based upon the results of field monitoring of the horse population, as well as range condition monitoring. Field monitoring is preferable to monitoring from either helicopter or airplane as it is less costly and it causes less stress to the horses. If monitoring results for the year 2024 show a decline in the population (ie. less than 160 adult horses), then removals should be delayed at least one year, with future monitoring to be utilized in determining the need for any future removals. Plans for future removals should be made available for public review and for public comments.

We note an inconsistency in the dates for starting and finishing the bait trap gather. That should be easily corrected. We suggest Nov. 1 through Feb. 28 as appropriate dates.

Finally, as to modeling, we note that the ages of the horses in the McCullough Peaks, as shown to be older on average than horses in other HMA's, have not been factored into most of the models. We submit that this is pertinent because it could change the model.

We recognize that our request for a rewrite of the Preliminary EA places an added burden on the Cody Field Office, which we regret; however, it our belief that the rewriting of the document is necessary to fulfill the BLM's own requirements.

Thank you again for this opportunity to comment.

Respectfully yours,

Marshall Dominick, Board Member  
on behalf of the Board & Exec. Director:  
Heather Green, Executive Director  
Mary Scuffham, President  
Frances Clymer, Vice President  
John McGee, Treasurer  
Buzzy Hassrick, Secretary  
Jack Machen, Board Member  
Hap Ridgway, Board Member  
Vicki Olson, Board Member  
Michaele Dimock, Board Member  
Allison Mclver, Board Member

cc: Cade Powell, Cody Field Office Manager, cpowell@blm.gov  
Matthew Marsh, District Manager WR-BHD, mmarsh@blm.gov  
Andrew Archuleta, Wyo. State Director, aarchule@blm.gov  
June Wendlandt, Wyo. State Lead for WH&B, jwendlan@blm.gov