

**Comments Draft EA DOI-BLM-OR-B00-2015-0055-EA
Mare Sterilization Research**

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The overall comment to this draft is that an EA is simply not appropriate and an EIS is required.

Whether an action must be analyzed in an EA or EIS depends upon a determination of the significance of the effects.

Major Actions Requiring an EIS.

A. An EIS level analysis should be completed when an action meets either of the two following criteria.

- (1) If the impacts of a proposed action are expected to be significant; or
- (2) In circumstances where a proposed action is directly related to another action(s), and cumulatively the effects of the actions taken together would be significant, even if the effects of the actions taken separately would not be significant,

The CEQ regulations explain in 40 CFR 1508.27:

“Significantly’ as used in the NEPA requires considerations of both context and intensity:

- (a) Context. This means that the significance of an action must be analyzed in several contexts ***such as society as a whole*** (*human, national*), the affected region, ***the affected interests***, and the locality. Significance varies with the setting of the proposed action. For instance, for a site-specific action, significance would usually depend upon the effects in the locale rather than in the world as a whole. ***Both short-term and long-term effects are relevant.***

****** As the context of this study is not simply to create a “study,” but a tool for utilization on a wild population, proper analysis is simply not outlined in this EA. No parameters, structure or appropriateness of any proposed tool created through this study is included in this EA (beyond a few minor anecdotal references). The proposed action is not simply to utilize desperately needed funding (rangeland health monitoring, temporary fertility control) on a pen trial where most of the effects are actual “knowns.” In context of management USFWS Sheldon Refuge is simply cited selectively, yet not inclusively (the behavioral and physical consequence of two of these “research projects” are knowns and shown to be unacceptable due to mortality and behavioral changes in management of a wild population as opposed to Sheldon that managed under a legally defined parameter of “feral” yet are not properly included in this EA. In context of Public Law 92-195, actions used to manage legally designated feral populations are likely inappropriate. The analysis presented in the EA is inadequate.***

- (b) Intensity. This refers to the severity of effect. Responsible officials must bear in mind that more than one agency may make decisions about partial aspects of a major action....” (40 CFR 1508.27).

Specifically:

- (1) Impacts that may be both beneficial and adverse. A significant effect may exist even if the Federal agency believes that on balance the effect will be beneficial. (*self explanatory*)

(4) The degree to which the effects on the quality of the human environment are likely to be highly controversial. (*The deficits in analysis are evident. A small segment of the public is elevated above there. Citing any recommendations from the WHB Advisory Board from the time Dr. Boyd Sprawling sat as chair while actively engaging litigation and other activities aimed at resumption of slaughter and sterilizations techniques that he and his colleagues could finically benefit from lacks integrity and could require closer examination if litigation becomes necessary*).

(6) The degree to which the action may establish a precedent for future actions with significant effects or represents a decision in principle about a future consideration. (*The proposed action is the creation of a procedure that would be implemented in a field situation in a wild population. The protocol, process and effects are not appropriately analyzed. USFWS used surgical sterilization broad scale. No analysis of implications to a wild population are included in this EA. No protocol or implications are outlined. An EIS is required*).

(10) Whether the action threatens a violation of Federal, State, or local law or requirements imposed for the protection of the environment. (*ref public law 95-192. EA selectively choses sections and not the law entire i.e. "wild population"*).

Note that to determine the severity of effect, you must look at direct, indirect, and cumulative effects (40 CFR 1508.25(c)).

This EA is absolutely inadequate ignoring standard veterinary practices for domestic horses where these procedures are only implemented to correct a preexisting medical condition, not fertility objectives, because the risks are so extreme. No analysis is done to address stress in newly captured populations that would compound risk. Fertility is but one objective, managing a wild population capable of reproducing itself is not analyzed. The National Academy of Sciences clearly stated the agency has little to no data to justify management decisions, to permanently close genetic pathways prior to creating actual defined (not anecdotal) measurable equations is irresponsible. These issues are not addressed in this proposed action.

Including the unsigned FONSI with the draft EA outlines the intention and justification for moving forward prior to public comment and dismisses an EIS.

Noting in the FONSI: "The BLM has determined that the context of the selected alternative is the ten westerns states with HMAs based upon widespread interest in the topic of sterilizing wild mares and the urgent need for new methods and techniques for wild horse population control" does NOT satisfy "context" as outlined by NEPA. It bases the assumption on anecdotal information and assertion. In fact the current fertility control methods are used in less than 4% of the population and moving any of these projects forward has become near impossible as opposition comes from a small segment of the population that proposes things like permanent sterilization and slaughter. The analysis done in the EA is bias and inadequate.

The FONSI does not reflect an accurate analysis of Intensity in many regards. The most absurd assertion is located on page 3, paragraph 3: "Results from the studies under the proposed action would aid in determining the social acceptability of each procedure because the studies would quantify complication rates, effectiveness and success rates of each technique."

These factors are knowns in domestic equine veterinary practices and the additional complications in creating a wild population (ie stress, lack of sterile environment) can be

logically assimilated within an actual analysis of this proposed action if appropriately addressed in an EIS.

We urge you move this proposed action into an EIS.

The object of any ROD is appropriate analysis determining appropriate action. An EA is simply not an appropriate process for this action and will create a need for appropriate public participation at the correct juncture through whatever means required.

As the EA contains multiple anecdotal assertions as factual, expressing opinion feels appropriate here.

Moving any project forward of this nature before appropriate data collection methods that identify populations, subsets, distinguish accurately wild horse use from domestic livestock, genetic equations etc. is extremely frustrating.

For decades the agency as a whole has failed to utilize available tools, appropriately assess rangeland health and compound problems. This project demonstrates exactly the same lack of "forethought and action" that continues to inflame the general public and cater to a small segment dominated by those associated with the livestock industry.

Sincerely,

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