

August 21, 2018

Maria Ryan, Project Manager, BLM Ely District, Bristlecone Field Office, 702 North Industrial Way, Ely, NV 89301

RE: DOI-BLM-NV-L010-2013-0028-EIS (Gold Rock Mine Project)

Dear Ms. Ryan:

This letter represents the comments of Wild Horse Education, it's staff and members.

Statement of Laura Leigh:

On July 30, 2018 I began searching the internet for potential projects that could impact the Pancake HMA. My search was prompted by the announcement of an "emergency" removal operation on July 6th, a Friday, to begin on Monday July 9th.

I was contacted and told operations were suspended after one day of operations and public observation was suspended. I was told I would be notified if more horses were captured. I was not. The cumulative total on the BLM website is 85 captured, 3 died.

Observation of this operation was critical as BLM placed holding onto tribal lands when multiple other areas were available. We had engaged the office to allow observation and were informed we would be included, we were not "kept in the loop."

The operation did not "feel right." So I went to look.

I have observed those horses for over 7 years. Our board and members frequent the area. Our board even held our training this year in that area. The horses were not in rapid decline. A small sector was under concern.

On July 30th I found the FEIS for Gold Rock.

I contacted the Wild Horse and Burro Specialist, Ben Noyes, and asked why I was not notified in scoping or on the draft EIS. He responded that he did not know.

I requested additional, basic, information from the project manager on this EIS. I was denied.

Earlier this year we sent a request to the field office to discuss possibility of creating a data/temporary fertility control project in this area. After 7 years of monitoring we felt capable of effectively addressing management protocols.

I now know why we got no response to that request.

The following are the comments prepared for Wild Horse Education.

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NEPA is a public process that protects against hasty or wasteful federal decisions by fostering government transparency and accountability. The NEPA process works toward the law's stated goal of improving the quality of the human environment by, most importantly, requiring the *analysis of reasonable alternatives to a proposed action and by empowering people affected by agency decisions to participate in that analysis.*

Under NEPA, the identification and evaluation of alternatives must be grounded in sound science and transparency.

NEPA serves as the primary means by which American communities, individuals, and organizations are informed about and participate in federal agency decisionmaking.

The agency is required to take "*a hard look*" at impacts and the identification and consideration of alternatives with the public, in particular where there are "unresolved conflicts" (which requires consideration of alternatives even where impacts are not expected to be significant). 42 U.S.C. § 4332(2)(E).

The analysis for wild horses in this EIS is not only inadequate, it is non-existent. An outline of Herd Management Area (HMA) boundaries, an estimated population, assertions of “no harm, no foul,” without even additional monitoring proposed as mitigation is not analysis.

The project area is a key area for the main herd of Pancake. The project area includes habitat critical to the permanent bands in the area as well as the significant transient population.

The area under analysis represents one of the last places in the state of Nevada where a member of the public can enjoy an undisturbed view of truly wild horses in the company of sage grouse, hawks, mule deer and elk without having to traverse extremely “rough country.”

*Nowhere* does this EIS provide analysis of seasonal habitat, migratory patterns, critical habit, critical waters, within the Pancake HMA to provide an appropriate measure of the impact to this HMA.

*Nowhere* does this EIS propose any appropriate mitigation for the impact of this project.

This “analysis” provides no model of vehicular collision risks. The proposed roads traverse an area of continual movement to and from water of the bands in the area. In the last twelve months at least two removals of wild horses , one directly across the highway from Pancake, were conducted due to “safety” issues due to vehicular collision risk, not any range degradation. These removals took precedence over herds that were in areas of range degradation to the extent of health risks.

*Nowhere* does this EIS propose appropriate monitoring, tracking or any other type of mitigation action to address this impact that will, most likely, lead to the removal of the core herds of Pancake.

- This project proposes extreme, long term risk, to the stability and integrity of the Pancake HMA.
- NO appropriate engagement of effected wild horse interests were attempted.

- NO analysis is provided in this EIS of the impact that follows the intention of the NEPA process on scientific integrity or public engagement.

Evaluating new information and making all existing information analyzed for purposes of, especially in the context of the magnitude of the proposed action analyzed in the EIS, should be, at a minimum, provided in Supplemental Information Report (SIR), supplement to this EIS, or an EA with appropriate public involvement.

The National Academy of Sciences (NAS) reiterated the importance of public participation, and public transparency, in their review of the BLM Wild Horse and Burro Program, “A Way Forward.” They, additionally, affirmed that the wild horse program is deficient in data collection and analysis appropriate in a “rigorous, hard look,” influencing impacts of management decisionmaking.

- Resolving conflicts with polarized values and opinions regarding land management rests on the principles of transparency and community-based public participation and engagement in decision-making. Decisions of scientific content will have greater support if they are reached through collaborative, broadly based, integrated, and iterative analytic-deliberative processes that involve both the agency and the public.
- Thus, BLM should engage with the public in ways that allow public input to influence agency decisions, develop an iterative process between public deliberation and scientific discovery, and codesign the participatory process with representatives of the public.
- Maximizing long-term knowledge of the system and thereby improving management hinge on several fundamental tenets of research and monitoring design, including the use of controls and replication and controlling for variability over time. Uncertainty should be explicitly incorporated into estimated measures (such as herd size or utilization rate on an HMA).

The information received by the NAS from the agency was so jumbled and non-scientific that, in more than one instance in their review, the NAS stated: *It was unclear from the data that the committee received which of those assumptions (not data) was made by BLM managers for individual records.*

***The impact of the proposed project is, in truth, extremely significant to the core herd of Pancake, the entire health of the area including transitory movement of elk, deer and the resident population of sage grouse, that the lack of scientific, complete, accurate, analysis of impacts to wild horses, is a glaring error.***

***We ask that a Supplemental Information Report (SIR), Supplemental EIS, be prepared with an appropriate involvement period offered to those that face a substantial impact by this project but were omitted from appropriate notification, information requests, and time to respond.***

Sincerely,

A handwritten signature in black ink, appearing to read 'Laura Leigh', written over the printed name.

Laura Leigh

President, Wild Horse Education

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