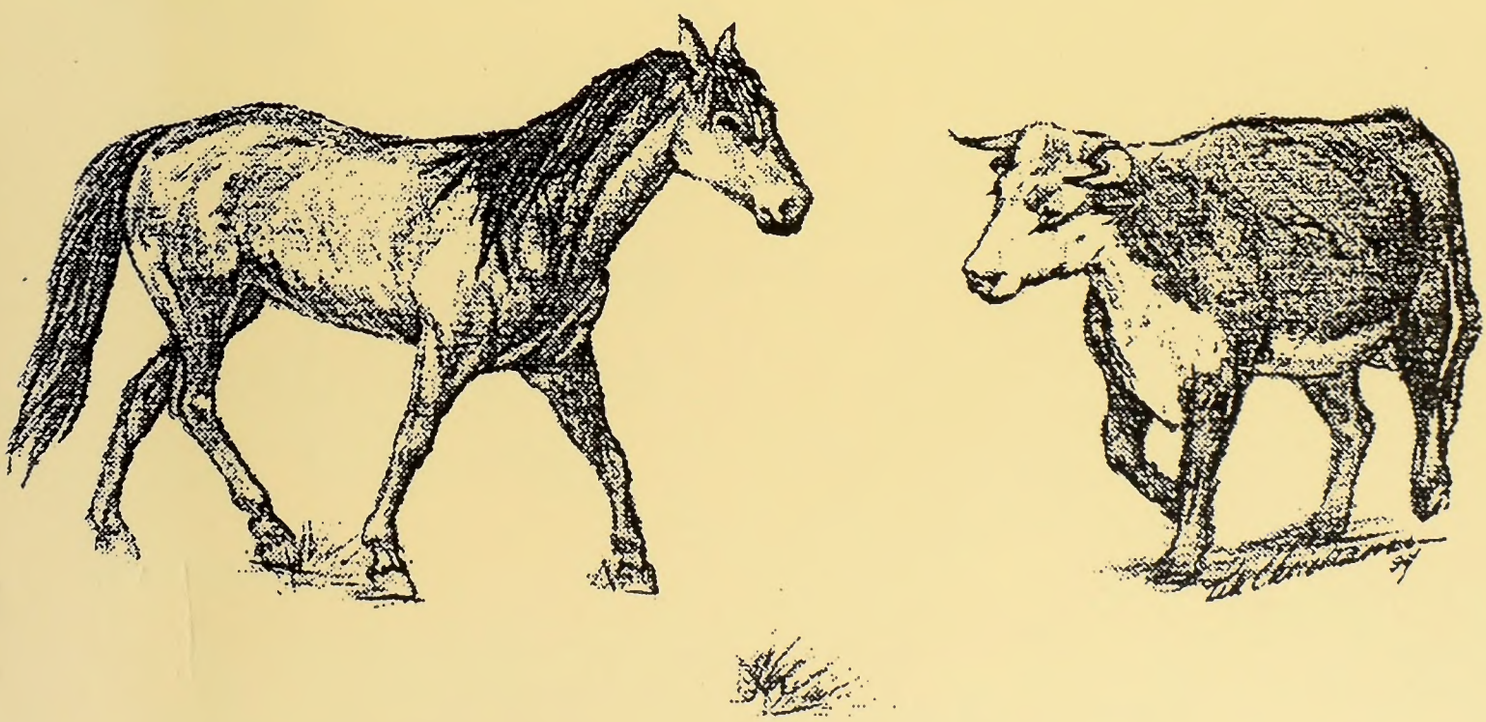
UNITED STATES DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

# REPORT OF THE REVIEW TEAM ON FORAGE ALLOCATIONS FOR WILD HORSES AND LIVESTOCK



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# EXECUTIVE SUMMARY

Wild horse and Burro groups believe that as reductions in grazing animals are made to balance forage demand with the forage carrying capacity, the common practice in the Bureau of Land Management (BLM) is to remove actual horses but only paper animal unit months for livestock. They are also concerned that wild horse appropriate management levels are decreasing at an alarming rate.

A team reviewed a sample of BLM districts in Idaho, Nevada, Utah, and Wyoming to determine the degree of consistency in the way forage allocation decisions are made, documented, and implemented. This report summarizes the results from only those districts.

The team found that there is a definite similarity in the process used to arrive at and implement allocation decisions. There is a difference in the types of information used to calculate allocations of forage; and there is a distinct difference with how Nevada conducts and documents the allocation process. Nevada uses what they call a Multiple Use Decision, an interdisciplinary decision document which follows an extensive evaluation process.

The team found a consistent pattern among the offices reviewed in the way reduction decisions were implemented under the pre-1995 grazing regulations. Once the decision was made to reduce both wild horses and livestock, the reduction for wild horses always constituted a real and immediate reduction in the number of wild horses on the range while the reduction in livestock was first taken from the active preference before reducing actual livestock numbers. The general trend from the early 70s to present, in those four states, appears to be an increase in the number of horses, a slight decline in the number of livestock licensed animal unit months, and a definite decline in the appropriate management levels of wild horses.

Team recommendations include the following:

* Forage allocation decisions should continue to be directly tied to the land use planning process.

* Emphasis should be directed to the result, not an arbitrary formula for making forage allocation decisions. The historical basis for allocations must be fully disclosed.

* The monitoring process must focus on cause and effect, particularly the animal causing range deterioration.

* All reasonable forage allocation alternatives should be explored with full public involvement and compliance with the National Environmental Policy Act.

* Appropriate management levels for each herd management area should be expressed as the minimum and maximum numbers of animals rather than a single number. Reports should summarize the totals for both. BLM should assess the value of statewide or bureauwide AMLs.

* BLM should continue to update and revise existing technical references on the monitoring process, particularly Technical Reference 4400-7 Analysis, Interpretation, and Evaluation.

* The National Program Office should review and revise existing census procedures. Consistency needs to be achieved between the Range Management and Wild Horse and Burro programs regarding foals, calves, and lambs and how they are considered in the evaluation process.

# INTRODUCTION

Since its inception the wild horse and burro program has been controversial. Prior to 1971 and passage of the Wild Free Roaming Horse and Burro Act (hereafter called the Act), it was open season on wild horses and burros on the public lands. Intermittent roundups by mustangers, ranchers, and others kept populations in check and the proper numbers of wild horses and burros versus the proper numbers of livestock was seldom an issue. The range adjudications of the '50s and '60s never attempted to allocate forage to anything other than livestock. However, with the passage of the Act the Bureau of Land Management (BLM) was mandated to manage and protect wild horses and burros on the public lands. This meant that the agency had to make explicit decisions about the numbers of wild horses, burros, and livestock where there was joint use.

Wild horse advocacy groups challenged early attempts to manage numbers of wild horses through gathers. They felt that the BLM lacked adequate documentation about the available forage resource, as well as present and future numbers of wild horses. Advocacy groups often viewed agency attempts to control numbers as a threat to the existence of the wild horse and as bowing to the political pressure exerted by livestock permittees. As BLM implemented Land Use Plans (LUPs) in the '70s and '80s, the decision process, and how to deal with the apparent conflict over the use of a finite forage resource, became more structured and provided for more public involvement.

However, the evolution of a more structured planning process did not settle, to the satisfaction of all, the issue of fairness between the number of wild horses and the number of livestock that both can and should be supported on the public ranges. In general, wild horse advocacy groups want more horses (or at least no fewer) and the livestock interests want fewer horses. As decisions are being made in more Land Use Plans (LUPs), the wild horse advocacy groups believe that a consistent and disturbing trend is apparent, i.e., actual horses are being removed while reductions on the livestock side amount to removal of only "paper AUMs".

AUMs reduced from a permit that do not result in removing actual livestock from the range are often referred to as "paper AUMs" or "paper cows". These "paper AUMs" are the difference between the permit preference level and the actual use authorized. For example, if the preference was for 1000 AUMs and the authorized actual use was 800 AUMs, there would be 200 "paper AUMs". In most situations, when the number of wild horses and livestock need to be reduced to achieve the sustainable carrying capacity, a specific number of actual wild horses are removed while "paper AUMs" of livestock use are first removed before there are any reductions in the actual number of livestock.

Take for example, a permittee that has a 10 year permit to graze a maximum 1000 AUMs/year. Following 5 years of monitoring, the carrying capacity was estimated to be 700 AUMs/year and a decision was issued accordingly, reducing the livestock use by 100 AUMs in the first, third, and fifth years. After the first year the maximum allowable use was 900 AUMs. However, because 700 AUMs was estimated to be the carrying capacity the grazing pressure even after the first years reduction was still 200 AUMs over the carrying capacity. Therefore, AUMs reduced from a permit that doesn't result in removing livestock from the range are often referred to as "paper AUMs" or "paper cows."

Both the wild horse advocacy groups and livestock permittees have raised the issue of fairness and equity and are challenging the manner in which the allocations of forage are being made between wild horses and burros and livestock. Because there are a number of different methods which can be used to arrive at and implement forage allocation decisions, a team was established to document the variables involved, particularly those actions which affect how and when forage is allocated among livestock and wild horses/burros. The discussion in this report is limited to wild horses and livestock, usually sheep or cattle, although the principles also apply to wild burros. It also limits discussion to only the results found in the districts reviewed.

The review team was led by Dave Little, Vernal District Office (currently Utah Associate State Director), and included Gerald Smith, Ely District Office (currently Battle Mountain District Manager); Kris Eshelman, Wild Horse and Burro National Program Office; Ken Harrison, Utah State Office (currently retired); David Aicher, Humboldt National Forest; and Cathy Barcomb, Nevada Commission for the Preservation of Wild Horses.

The team was requested to gather information on the present situation from a cross-section of BLM Districts and prepare a summary report. The approved study plan (Appendix 1) for the review was transmitted to the field in WO Information Bulletin 94-3512 (Appendix 2.) The team was asked to:

A. Determine the basis used for establishing the forage carrying capacity, i.e., the specific range survey, monitoring studies, etc.

B. Identify the methods and techniques for allocating forage among competing uses, i.e., historical use patterns, active versus non-use, public or other agency recommendations, etc.

C. Document the vehicles for actually putting those determinations into effect, i.e., LUPs and/or amendments, grazing decisions, allotment management plans, herd management plans, multiple use decisions (MUDs), or some other documented process.

D. Document the practical effect of implementing the decisions in terms of the number of wild horses and/or livestock actually removed from wild horse herd management areas (HMAs) and to the extent that data are available, plot the historical trend of wild horse and livestock numbers for at least several representative HMAs.

E. Summarize the degree of consistency among offices and states.

Team members visited eight districts in four states as follows:

| | |
|---|---|
| - Cedar City and Richfield Districts- | Gerald Smith and Cathy Barcomb |
| - Boise and Winnemucca Districts- | Kris Eshelman and David Aicher |
| - Elko and Ely Districts- | Ken Harrison |
| - Rock Springs and Rawlins Districts- | Dave Little |

Team members interviewed managers and staff in each district and reviewed LUP documents, wild horse Herd Management Area Plans (HMAPs), HMAP and allotment evaluations, and other available material relative to the five broad categories above. Summary reports for each of the site visits are included in this report as Appendices 3, 4, 5, and 6. The team found personnel at all offices very open and helpful, with a universal interest in the outcome of this forage allocation review.

The team initially convened in Reno, Nevada on September 12-14, 1994 to share the information gathered and to draft this report. During 1995 the document went through several review and comment cycles. The final report was prepared during May, 1996.

## APPROPRIATE MANAGEMENT LEVEL

The term "Appropriate Management Level" (AML), as it applies to target management numbers[1] of wild horses, has been with BLM since the origins of the Act in 1971 but there are significant differences in the way the term has been and is being applied. The review team feels that a discussion of the background and application of AMLs is essential to understanding the perceptions on the forage allocation issue.

Shortly after the act was passed all offices conducted some form of census or made estimates to establish a baseline number of animals. For most offices this baseline number became their AML. During the late 70s and '80s, land use planning required offices to establish objectives for their wild horse populations. Most offices used the baseline figures as their new LUP AMLs. However, in other cases, such as in Nevada, the target management numbers became interim numbers of animals following the 1989 Interior Board of Land Appeals decision. According to the decision, AMLs were to be established only after inventory, monitoring, or both were completed over a period of time.

In most of the sites visited, the AML numbers have held relatively constant even through the 1990s when wild horse interest groups challenged the basis for these numbers. In Nevada the overall AMLs have decreased since the 1970s. However, in some areas AML numbers have increased slightly.

Until recently, most offices have interpreted the AML as the maximum number of horses allowed on the range. Several offices now use the AML as the average number of horses to be maintained over some designated period of time. This is usually the midpoint between a minimum population level and the maximum population level. The team found no situations where an AML was defined as the minimum population.

As long as the term is accurately defined for each area and is applied in a way that is consistent with the definition used, the variation in the definitions used for the AML do not directly impact the forage allocation issue. However, the differences in meaning do have a bearing on the understanding that BLM personnel and the public have on the numbers of wild horses for which the BLM is managing.
For example, differing definitions affect the accuracy of the National Report because if some AMLs are averages whereas others are maximums, accurate inferences about the total appropriate number (AML's) of horses on the public range are impossible to make.

A secondary issue relating to AMLs is the inconsistency among offices on the age classes used in a census and when young animals are counted as part of the official population. The review did not specifically address this issue until after field visits were completed. For the most part BLM does count all horses, including foals, toward the "official" population size. However, livestock AUM calculations do not include younger calves and lambs. Advocacy groups state that this may overestimate horse populations because it fails to account for declines in population due to foal death loss. Further, the advocacy groups want the wild horse program to use the same criteria as the grazing program to determine whether an animal is counted as an adult.

## THE FORAGE ALLOCATION DECISION PROCESS

The regulations in Title 43 of the Code of Federal Regulations, governing both administration of livestock grazing (Subpart 4100) and management of wild horses (Subpart 4700), tie decisions in these programs to the BLM's LUP requirements (Part 1600). The regulations set out broad guidance for the types of decisions to be made in the LUPs, but provide little direct guidance on how the authorized officer is to determine what is fair or equitable. For example, there is only one statement in the wild horse

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[1] Target management numbers, for the purposes of discussion, is defined as the objective population level without regard as to whether it is an interim number or a longer term number determined through LUPs, court order, or monitoring.

regulations that even indirectly provides some policy direction on how allocation decisions are to be made for competing use of the available forage resource by livestock, wild horses and other uses. At 43 CFR 4700.0-6(b) the regulation states: "Wild horses and burros shall be considered comparably with other resource values in the formulation of LUPs."

The team found that all districts and states adhered to the accepted planning process required by the regulations. The following steps illustrate the planning processes and the steps used to determine AMLs since passage of the Act:

A. Scoping/Issue Identification
B. Land Use Plan Development
C. Land Use Plan Decisions
D. Activity Plan Development (may occur after step F. when data is unavailable)
E. Monitoring/Data Acquisition- (When data is unavailable for resource decision-making)
F. Resource Use Decisions (Grazing Use, Wild Horse AML/Removal, etc.)
G. Land Use Plan Maintenance

From the team's review of documented decisions on the forage allocation issue, it is apparent that there is a wide variation in the way the forage allocation decisions have been arrived at as well as in the type of document that establishes the allocation decision. Yet all offices followed the standard procedures for LUP and resource decision making. During the review of each office the team attempted to establish the basis for the allocation, the general approach applied, and the method of implementing the decision. These are described in each of the individual district reports included in Appendices 3-6. Summaries of these reports follow.

A. Historical Basis for Forage Allocation Decisions

1. Wild Horses

There appear to be three primary approaches to establishing wild horse target management numbers in LUPs, which may be either the older Management Framework Plans (MFPs) or the newer Resource Management Plans (RMPs). These approaches are:

a) a census at one point in time (usually circa 1971 numbers or the population when the LUP was developed),
b) an agreement between affected parties and BLM, and
c) by court order.

The basis used by each Resource Area depended upon the unique circumstances in effect at the time the decision was made. For example, in the Rock Springs District a court suit brought by the Rock Springs Grazing Association, concerning wild horses on the "checkerboard" lands, led to a negotiated AML that then became a part of the court order.

In other districts there were negotiations over target management numbers with livestock operators and affected interest groups. Some of these early agreements are still in effect while in other cases they have been superseded by more recent decisions.

2. Livestock

The basis for livestock allocations (initial stocking rates) in all LUPs was more consistent among District Offices. They commonly used either the existing active preference or the average actual use of livestock over a specified period of time prior to the completion of the LUP. These were usually considered goals or objectives for livestock use which were to be subsequently adjusted based upon the resource capability as determined through monitoring data analysis, interpretation, and evaluation.

B. Current Approaches used To make Forage Allocations

1. Wild Horses

All the states visited, with the exception of Nevada, consider the management levels identified in the LUPs as the AML for wild horses. AMLs are changed following an analysis of monitoring data, through a LUP amendment, or if changes are minor, LUP maintenance. In Nevada the management levels identified in the LUP are not considered AMLs, based upon an interpretation of Interior Board of Land Appeals (IBLA) Decisions 88-591, 638, 648 and 679 decided June 7, 1989. These IBLA decisions required that AMLs be established through the analysis and evaluation of monitoring data to determine the "thriving natural ecological balance" for wild horses and burros with all other resource uses as specified in the Act.

Therefore, management levels identified in LUPs in Nevada are considered to be interim number. and are adjusted through analysis of monitoring data to reach a thriving natural ecological balance, taking into consideration all other resource uses. Other states also use an analysis of monitoring data to reach a thriving natural ecological balance. Since IBLA decisions establish a precedent for all states, not just the state from which the appeal was litigated, all states should continue to determine if they are in compliance with IBLA's interpretation of the Act.

2. Livestock

The approach used to make livestock adjustments was consistent throughout all the offices visited. Monitoring data is analyzed and evaluated to determine the authorized livestock use which will be in balance with the carrying capacity. In all cases, any reduction in livestock, resulting from a reallocation of available forage between livestock and wild horses, begins with first reducing the active preference of livestock.

C. Method of Implementation

In those States where the approach is to establish AMLs in the LUP, adjustments to the AMLs are made through amendments to or maintenance of the LUP based upon new information. Wild horse numbers are held within the established AML by the completion of gathering plans and associated National Environmental Policy Act (NEPA) documentation. Livestock are adjusted through the issuance of traditional grazing decisions to make livestock use levels consistent with the established carrying capacity of the natural resources.

In Nevada, MUDs are utilized to adjust herbivore numbers to reach a thriving natural ecological balance. MUDs are prepared subsequent to completion of LUPs and are based on the objectives established in the LUP and individual allotment monitoring and evaluations. They are a combination of decisions within one format that adjust terms and conditions of livestock grazing permits, establish wild horse AMLs, and recommend wildlife management numbers and/or habitat management. (See Appendix 7 for a general description of the MUD process.)

Another difference among states visited is the amount or degree of public involvement in the decision process. Throughout BLM, emphasis on public involvement appears to be greatest in those areas where there is active interest by advocacy groups. In some areas, the level of apparent interest by advocacy groups may be diminished because there is less actual concern, or because the lack of an open public decision process reduces the public's knowledge of and interest in participating in the process. In this latter situation, the resulting feeling by BLM managers may be that there is little interest by wild horse groups and, therefore, no need to solicit or offer opportunities for extensive public involvement beyond comments on the proposed decision. Livestock grazing use is, therefore, sometimes adjusted through agreements with the permittees with little or no affected public interest involvement or notification.

In Nevada, evaluations and adjustments of herbivore numbers following monitoring involve a large and diverse group of affected public interests. This may be the result of the fact that Nevada adjusts all herbivores with one document (MUD) at one time while most other states have adjusted their animals through different documents over a number of years. Whatever the reason, Nevada's extensive public involvement in the development of the MUDs is driven by public input.

## FORAGE ALLOCATION FOR WILDLIFE AND OTHER USES

The Act, particularly in Section 3, stresses the importance of coordinating wild horse and burro needs with those of wildlife. The Act states:

> *All management activities shall . . . be carried out in consultation with the wildlife agency of the State . . . in order to protect the natural ecological balance of all wildlife species, . . . particularly endangered wildlife species. Any adjustments in forage allocations on any such lands shall take into consideration the needs of other wildlife species which inhabit such lands.*

In the collection of data for this study, the team focused primarily on the division of forage among livestock and wild horses. However, the team recognizes that from a legal and ecological standpoint any valid forage allocation must consider both the total amount of forage available and all uses of the vegetative resource, including use by livestock, wild horses and burros, recreation, esthetics, watershed, wildlife, etc. It was not always possible to find explicit, documented allocations of the forage or vegetative resource for each use. Therefore, there is the potential for the combined uses to exceed the amount of vegetation.

This is a particular concern where there is a significant use of the forage resource by wildlife. The manner in which forage allocations have been made for wildlife appear to vary widely depending upon the extent of the perceived conflicts with other uses and the working relationship with the state wildlife agency. In some states, the number of wildlife is open ended and undefined while in others the numbers are jointly set by BLM and the state wildlife agency at some "reasonable" or "objective" level.

There are also problems in relating data for various kinds of wildlife herd units to data relevant to wild horse HMAs. This is particularly difficult when considering such things as the degree of dietary overlap and forage competition, seasonal use patterns, and comparing geographically broader wildlife herd unit information to more site-specific livestock allotments or wild horse HMAs.

In the team's review of the eight districts, there appears to be little consistency in the way forage is allocated to uses such as wildlife. In most areas, the local personnel did not feel that this was a problem because wildlife such as antelope and mule deer seldom appear to be a limiting factor in determining numbers of wild horses and livestock. However, in some site specific situations, use by wildlife is viewed as a significant issue because of such things as heavy use on browse in areas critical for winter survival of both horses and mule deer. Where numbers of elk are increasing and prior planning did not allocate sufficient forage for elk competition for forage with wild horses and livestock is becoming a significant issue.

## RESULTS AND TRENDS

The review team attempted to document the effects of the BLM's forage allocation decisions on wildlife, wild horses and livestock over time. This is a very complex task and information in summary form is generally not available. The information in this section is, therefore, a combination of specific information gathered and the collective sense of the review team members resulting from personal knowledge and interviews with the staffs of the offices visited.

A. Wild Horses

Data for a good analysis of trends in wild horse numbers on the public lands since 1971 are impossible to get. Estimated population numbers in the early '70s were derived from a combination of census data and "best guess". There were also problems associating numbers of wild horses with specific use areas. The designated HMAs were established using the initial "one-point-in-time" census surveys and often did not take into account seasonal movement of the animals out of one office's area of administration into that of another office, resulting in under counting or double counting. Estimates of numbers of horses has improved as experience and accuracy in census techniques has increased and personnel have become more knowledgeable of seasonal movements.

Wild horse populations numbers are published in BLM's annual report, Public Land Statistics. Because of the reasons given previously, the specific figures for some years may be questionable but they are the best available for showing trends. The data for wild horses, for the four states in this review, are summarized in Figure 1. for the years 1973 through 1993 for those years when specific population numbers were published.

During the 1970s BLM wild horses decisions generally maintained populations at the 1971 estimated census levels. As populations increased, little or no action was taken to adjust the numbers because of budget shortages, appeals, Memorandums of Understanding (MOU), and more often than not, political pressures. Wild horse populations consequently fluctuated as indicated in Figure 1. As AMLs were established, they usually remained the same as the 1971 target management numbers, while the actual populations of wild horses significantly increased.

In the early '80s, the wild horse target management numbers were established through revisions of MFPs, preparation of new RMPs, or through Coordinated Resource Management Plans, MUDs, social/political negotiations, or court established numbers. Since there had been little policy direction or budget for gathers previous to this, wild horse numbers were higher than the established AMLs because of the natural increases in the populations. As the new AMLs were being established, they were usually based on numbers higher than the established AMLs because of the natural increases in the then current '80s census information, rather than the original '70s numbers. In the states reviewed, this has generally resulted in the target management numbers of wild horses increasing in varying degrees.

In Utah, Wyoming, and Idaho, the target management numbers established in the LUP's of the early '80s have virtually remained the same. That is, the initial battles over numbers are over and, with very few exceptions, the numbers established in those plans have been managed for and maintained at that level except when monitoring data indicated that an adjustment was necessary. Again, budget shortages, appeals, court orders, MOUs, politics, and socio-economics have influenced wild horse removals and therefore affected the actual numbers of wild horses on the range.

In Nevada, the numbers established in the early '80s were maintained at that level until 1989 when a series of IBLA decisions mandated that target management numbers be established to achieve a "thriving natural ecological balance" rather than be based on an administratively determined number. Nevada therefore uses their MUD process to determine the specific objectives for wild horse numbers in each HMA. (See Appendix 7 for a description of Nevada's MUD process.) The MUD for eachgrazing allotment within a wild horse HMA is completed following preparation of a LUP (either a MFP or a RMP) and subsequent monitoring and evaluation. This is intended to be a continuing process whereby new monitoring data will be used to periodically update the forage allocation decisions on numbers of wild horses, wildlife, and livestock.

## REPORTED POPULATIONS OF WILD HORSES[2]

| FISCAL YEAR | NEVADA | UTAH | WYOMING | IDAHO |
|---|---|---|---|---|
| 1973 | 20,000 | 1,000 | 4,411 | 500 |
| 1975 | 22,258 | 1,803 | 8,833 | 874 |
| 1978 | 31,800 | 2,150 | 9,700 | 1,200 |
| 1980 | 31,260 | 1,714 | 10,448 | 935 |
| 1983 | 29,642 | 1,636 | 7,959 | 811 |
| 1984 | 32,975 | 1,810 | 7,604 | 630 |
| 1985 | 29,853 | 1,254 | 4,684 | 706 |
| 1986 | 29,416 | 1,309 | 3,455 | 709 |
| 1987 | 27,015 | 1,319 | 3,764 | 449 |
| 1988 | 27,230 | 1,778 | 3,303 | 431 |
| 1989 | 30,798 | 1,884 | 4,115 | 354 |
| 1990 | 28,266 | 2,006 | 5,109 | 355 |
| 1991 | 31,650 | 2,523 | 4,280 | 444 |
| 1992 | 32,655 | 2,726 | 5,208 | 409 |
| 1993 | 25,170 | 2,430 | 5,602 | 586 |

## LIVESTOCK AUTHORIZED USE AUM'S (000s)[3]

| YEAR | NEVADA | UTAH | WYOMING | IDAHO |
|---|---|---|---|---|
| 1973 | 1,977 | 1,019 | 1,295 | 1,183 |
| 1975 | 2,069 | 1,026 | 1,304 | 1,147 |
| 1978 | 1,847 | 831 | 1,183 | 1,105 |
| 1980 | 1,579 | 817 | 1,073 | 1,068 |
| 1983 | 1,432 | 919 | 1,168 | 1,064 |
| 1984 | 1,798 | 968 | 1,292 | 1,105 |
| 1985 | 1,924 | 1,037 | 1,117 | 1,122 |
| 1986 | 1,627 | 943 | 1,081 | 1,031 |
| 1987 | 1,759 | 1,037 | 1,281 | 1,089 |
| 1988 | 1,873 | 1,012 | 1,188 | 886 |
| 1989 | 1,823 | 952 | 1,364 | 983 |
| 1990 | 1,797 | 773 | 1,273 | 1,121 |
| 1991 | 1,675 | 701 | 951 | 1,021 |
| 1992 | 1,713 | 806 | 1,061 | 1,060 |
| 1993 | 1,526 | 779 | 1,050 | 906 |

Figure 1. Reported Populations of Wild Horses and Livestock Authorized Use

[2]Figures may or may not include animals inside and outside HMAs, claimed and unclaimed animals, and foals.

[3] Section 3 Lands (within Grazing Districts) includes all classes of livestock, excluding calves, lambs, and domestic foals under 6 months of age.

Many proposed gathers in Nevada were delayed by appeals because of a perception that there was a lack of reliable data. This delay in gathering horses allowed the numbers in Nevada to increase dramatically and then decrease as MUDs were completed and gathers were resumed. The total number, of wild horses in Nevada provided for in the 1980s LUPs, was about 20,000 horses. Since the 1989 IBLA decisions, the population grew to an estimated 32,655 horses in 1992. It has subsequently decreased because of drought, severe winter conditions, lack of available forage, rustling, and the accelerated removal of excess horses to a 1994 population level of approximately 25,000 animals.

In Nevada, the initial stocking levels for livestock and wild horses identified in the LUPs during the '80s were used in some cases, to set proportions (percentages of use) between the animals during the initial allocation of available forage. As previously discussed, the learning curve in applying census techniques and the limited knowledge on seasonal movements in the earlier counts for a few HMAs could make these ratios questionable for use in those HMAs.

However, these initial stocking levels established in the LUP's were done so in an open public planning process involving NEPA analysis and utilizing best available data. Therefore, the debate on their accuracy may be a moot subject at this time. Nevada uses many different methods to allocate forage and the LUP ratio technique is only one of the methods being utilized.

An over allocation of the available forage may also result from the application of the BLM's Strategic Plan for Wild Horses and Burros if animals are not removed down to the identified AML. Instruction Memorandum No. 93-30 (Appendix 8.) regarding "Policy on Selective Removal of Wild Horses," implements the Strategic Plan by establishing criteria to be used in determining which wild horses are placed into the adoption program. The policy uses age and adoptability as important factors in deciding which and how many horses are to be placed into the adoption program and how many are released back onto the range. Where the herd contains a large number of older animals, there are not enough "adoptable" animals available to remove to reduce the population to the AML. BLM policy addresses this concern by allowing the Wild Horse and Burro National Program Office to grant a waiver to the age limitation. However, even where waivers are granted, the numbers of wild horses remaining on the range may still significantly exceed the AML.

This becomes a serious forage allocation issue if the allocation is based upon a given level of stocking by grazing animals which cannot then be reached because of the limitations on the wild horses that can be removed and placed through the adoption program. If gathers are scheduled every three years, because of budget limitations it may take up to six years (three gathers at three year intervals, i.e., gathers at year 0, year 3 and year 6) or more to remove horses down to the AML through selective removal. In the meantime, if other grazing animals are not removed to balance the total grazing with the total forage allocation, the capacity of the range is exceeded and both the health of the wild horses and the health of the ecosystem may be damaged. At least one wild horse group has challenged BLM decisions through appeals because they feel that the BLM has not fully implemented it's forage allocation decisions.

B. Livestock

The amount of livestock use authorized to graze in those states included in the review, has varied from year to year but has not significantly changed. Authorized Livestock use for the period 1973-1993 is illustrated in Figure 1. Data are not available for comparing authorized livestock use and horse numbers where livestock allotments and wild horse HMAs overlap.

In all offices reviewed, it is common for operators who graze in areas shared with wild horses to carry a significant proportion of their grazing preference as voluntary nonuse, by agreement with, or through a decision from the BLM. Reasons for nonuse vary with the operator and area, but often include a recognition that either there is not sufficient forage for both the present numbers of wild horses and the preference level of livestock grazing or that the economics of the range livestock industry limit higher stocking rates, or both. Economic reasons for nonuse particularly apply to the sheep industry where there are depressed prices, difficulties with obtaining inexpensive labor, and problems with predators. To some extent then, livestock permittees have already taken reductions that have been impacting them financially for many years.

Livestock allocations based on active livestock preference are usually established at the same time AMLs for wild horses are set. Although the procedures used to arrive at an allocation decision vary among states and districts, a common practice in all offices reviewed is that reductions in livestock AUMs consistently have come first from the preference level, not the historic levels of actual use.

A rare problem allocating forage to livestock has involved conversions from sheep preference to cattle preference. Historically and in only a few instances, the conversion did not follow the typical five to one ratio commonly used to convert sheep to cattle AUMs (e.g., 1 cow equals 1 sheep instead of the more usual 1 cow equals 5 sheep). Sometimes the differing forage preferences or the suitability of the area based on type of vegetation, presence or absence of water, and topography were also not fully considered. The result in these areas has been an over allocation of the forage and a corresponding decline, or at least a lack of improvement, in range conditions.

Another issue voiced by the wild horse advocacy groups is that prior to 1995, any adjustment in livestock AUMs from active use greater than 10% was by regulation, to be phased in over a five year period unless an agreement was reached with the affected parties to implement the reduction in less than five years (43 CFR 4110.3-3(a)). Where reductions began at the preference level, the result was that the number of mouths feeding on the range until the fifth year was likely to be greater than the forage resource can support on a sustained basis or that provided for in the allocation decision. That appeared to be a potential conflict with other regulations, policy, and with proper resource management (especially when considering principles of ecosystem management).

C. Wildlife

The field reviews centered more on forage allocations for livestock and wild horses than on forage allocations to meet wildlife objectives. This was because specific information on trends in wildlife numbers was not available. Most staffs felt that wildlife was not a major competitor for forage with livestock and wild horses, except when elk were involved.

Detailed forage allocations for wildlife have been difficult to establish because State wildlife management agencies typically have not set specific objectives for wildlife populations based on identified carrying capacities. They usually use "reasonable numbers" obtained from wildlife counts, harvest data and professional estimates. There are few areas where State agencies can provide actual target wildlife population numbers tied to the forage capacity.

In the future, as wildlife conflicts increase, the BLM will be forced to incorporate more explicitly the forage use by wildlife in its decisions. This is especially true for elk because they directly compete with both wild horses and livestock for forage and their numbers in some areas are significantly increasing because of planned reintroductions, natural population increases, or migrations from existing elk herds.

## CONCLUSIONS AND RECOMMENDATIONS

A major conclusion of the team is that nearly every one is focusing on the process for making forage allocations rather than on the outcome. There seems to be a feeling both within BLM and among wild horse advocacy groups that if we only had the right formula or if we would only apply "good science" that the outcome would be more acceptable to everyone. Unfortunately, this does not appear to be a rational view of the real world.

A. The Forage Allocation Process.

Factors such as politics, socio-economics, the negotiation process, various kinds of agreements, coordinated resource management plans, memorandums of understanding, court decisions, etc., have often led to allocation of uses rather than allocations of resources based on the true capacity of the available forage resource. The 1990s have brought the BLM closer to allocation of the resource through improved inventory, census, and monitoring procedures.

1. Conclusions:

The team was able to document differences in the approaches used in making forage allocations, but there was also a surprising amount of consistency. The method of documentation is fairly consistent among Utah, Idaho and Wyoming but quite different for Nevada because Nevada uses their MUD document after their LUPs are completed. In nearly all cases, if reductions were made in both wild horses and livestock, the first reductions almost always came in the actual number of horses whereas livestock reductions were first taken from the "paper" AUMs. With some exceptions, livestock actual use has been reduced only after wild horse numbers have been reduced and monitoring has confirmed that the livestock numbers must also then be reduced. Grazing regulations, final in 1995, now provide for livestock adjustments to occur immediately.

Over allocation of the forage resource appears to be a serious concern in some places because of past practices in conversion of sheep permits to use by cattle, inaccurate census of wild horse numbers, increasing numbers of elk, or other factors.

The ultimate concern of the wild horse advocacy groups is with the collective results of the forage allocation process. That is, how many wild horses are going to be on the public ranges after this round of planning, and how many can they reasonably be sure will be there in the future? While there may be some concerns with inconsistencies among various BLM offices, the real concern of these groups is that AMLs for wild horses continue to decline.

The team concluded that "good science" can help define the extent of the forage resource as well as the possible options for utilizing that resource and for maintaining a "thriving natural ecological balance". However, the ultimate decision on the balance between wild horses and livestock is a social and political one based on public perceptions of values. The appearance given by the common practice of reducing real horse numbers but, at least initially, paper livestock numbers is that the BLM is favoring livestock at the expense of wild horses.

2. Recommendations:

a) The team recommends that forage allocations continue to be directly tied to the LUP, either directly in RMPs or in subsequent MUDs that are tiered to specific objectives in the RMPs consistent with the regulations and the Supplemental Program Guidance for Planning. In either case, BLM policy should ensure full public involvement in the process and compliance with the National Environmental Policy Act. Where there are several grazing allotments within a wild horse HMA or more than one office involved in administering a HMA, BLM needs to do a better job of coordination and consultation among all the involved parties. The goal should be to have consistent objectives and implementation plans for the entire

HMA. Regardless of the document used, each time there is a decision to be made about numbers of wild horses and cattle, there should be a full exploration of all of the reasonable alternatives.

b) Before decisions are made on livestock numbers, there should be a full disclosure of the historical basis for the present grazing preference and levels of active use by livestock . There should be a clear message from the BLM leadership that a set formula, regardless of this history, is not an acceptable way of allocating forage among competing uses. A cookbook approach will not work in the long term. BLM policy should emphasize the importance of allocating vegetation, including the forage resource, among all competing uses, not just wild horses and livestock.

c) The monitoring process must gather data on cause and effect agents. The monitoring program is very efficient at measuring effect but has more difficulty determining the cause of rangeland deterioration. The primary conflict among wild horses, livestock and wildlife is forage competition where caused by dietary overlap. Every effort must be made to determine which animal is causing deterioration of the natural resources.

d) Each alternative should have a specific range of numbers, (i.e., maximum and minimum) for wild horses and a discrete number for livestock, and should fully disclose the differing effects on the resources as well as the social and economic impacts. Everyone must then recognize that the final decision on which alternative to select is not only based on science, but is also a social and political decision. "Good science" can then assure that the alternative chosen will maintain sustainability and, if necessary, will lead to the improvement of the resource.

B. Appropriate Management Levels (AMLs).

1. Conclusions:

The way AMLs for wild horses are viewed and reported varies considerably from district to district and, in some cases it varied among Resource Areas in the same district. The most significant result of this is that there is no way to sum up the AML numbers to get a picture of the total target management numbers of wild horses for a district, state, or the BLM as a whole. This leads to serious misunderstandings about the long-term outlook for wild horses on the public ranges. A single number is also very misleading since it will never match the actual population because of the continual changes in numbers from natural population increases which are periodically offset by gathers and removals.

There is inconsistency in the way in which wild horses are counted and reported in relation to the AML, i.e., the age at which a wild horse should count toward the AML. This is important both for reporting purposes and for calculating the amount of forage that will be consumed by a given number of horses. BLM procedures provide for methods to collect accurate information about age class, sex ratios, natality, mortality, recruitment, and other population attributes of local importance. It seems, however, that many offices collect only the minimum information required to make estimates of populations.

Seasonal movements of wild horses can lead to inaccurate counts if census activities are not coordinated. The team found this to be a problem in the '70s, but found no direct evidence of this in the '90s. However the team recognizes that the problem may still occur if coordination lapses.

2. Recommendations

The team recommends that the BLM establish a policy which defines the AML as a range, expressed as the maximum and as the minimum population within which the wild horse population will be allowed to fluctuate. The breadth of this range should consider the need "to reach a thriving ecological balance, the biological/social needs of the herds, economics, cycles of gathering, genetic diversity, and the population at which resource deterioration would be expected

to begin. BLM should then report wild horse numbers based on the sums of the minimum numbers and the maximum numbers to establish the target range for the BLM rather than an unrealistic and artificial single number. The BLM, in consultation with all other involved parties, should also evaluate if there are significant advantages to establishing statewide AMLs or a Bureauwide AML.

The team recommends that the National Program Office review and revise existing census procedures. The team should include one or more wild horse interest group representatives.

C. Application of Monitoring Data.

1. Conclusions:

At the time of the field visits, the team and many of the field managers and resource specialists interviewed felt that the regulatory requirements delayed improvement and recovery which contributed to resource deterioration and decline in ecosystem health. Under the old regulations, decisions on livestock reductions were based on monitoring and reductions in active use greater than 10% were usually phased in over a five year period.

The common practice was to collect at least three to five years of monitoring data before initiating an intensive allotment evaluation which often took another year to complete. This meant it often took six years just to determine if there was a problem and to decide what to do about it. If the decision on the number of livestock was issued the same year as the allotment evaluation, it could take another five years to actually reduce livestock to the established carrying capacity. The decision on wild horses was often implemented the same or next year after the evaluation and decision.

Wild horse advocacy groups comment that by the third year of the scheduled livestock reduction, if monitoring detected an improvement in forage conditions because of fewer total foraging animals (primarily less wild horses), BLM could abandon the third and fifth year livestock reductions. They feel the result of the previous regulations is that horses have been reduced to the objective level, while livestock do not receive immediate actual reductions. Therefore, long-term goals for resource improvement are not met or are met through reductions in horses only. The team found no instances of where the concerns might be valid, and feels that the regulations finalized in 1995 will reduce the likelihood of this scenario.

The above discussion assumes that a Resource Area has the funding and personnel to follow through with a good monitoring program. The team found that monitoring is being done in all areas although the methods and intensity vary. However, there seems to be a reluctance in some areas to make difficult decisions (e.g. livestock reductions) even where monitoring data is available. This reluctance may be due in part to perceptions by managers that monitoring data may not be regarded as defensible when challenged. Regardless of the reason, it appears that monitoring data is not being utilized to its fullest extent and that this may adversely impact the BLM's effectiveness and efficiency in making proper and timely resource management decisions, including those on forage allocations.

If it is true that there is a reluctance to use available monitoring data on a timely basis and a feeling that more analytical scientific data is needed prior to making the tough decisions, this means that the resource continues to absorb the various identified and monitored impacts. This leads to ecological conditions which are less than satisfactory and continued delays in changing trends towards improvement and further reenforces the perception by wild horse advocates that the BLM is often ready to reduce wild horses but not livestock.

2. Recommendations:

a. The team did not have time to thoroughly investigate and document whether the concern about the abandonment of third and fifth year decisions is real. However, the BLM should follow up to assure that this scenario does not happen and, if it has happened, direct the appropriate managers to follow through with their commitments to reduce planned levels of livestock as well as wild horses.

b. The BLM should continue to review and revise existing technical references on monitoring to ensure staff and management retains confidence in the process. Technical References needing an update include Utilization Studies TR-4400-3, Trend Studies TR-4400-4, and Analysis, Interpretation, and Evaluation TR-4400-7.

c. The evaluation process leading to a forage allocation decision must use the best available monitoring data and the allocation decision must provide for a thriving natural ecological balance and maintain a healthy viable herd of wild horses.

## FORAGE ALLOCATION STUDY PLAN

ISSUE: Several wild horse advocacy groups have questioned the way in which the BLM allocates forage among competing livestock and wild horses.

BACKGROUND: Since the passage of the Wild Free-Roaming Horse and Burro Act of 1971, the BLM has been charged with management of wild horses and burros on the public lands. At the time of the Act there were serious resource conflicts associated with the number of livestock, wildlife, and wild horses and burros. This caused an early emphasis on removal of "excess" wild horses and burros with little definition of just how to determine how many were "excess".

The 1994 regulations at 43 CFR 4700.0-6 (a) state:

> *Wild horses and burros shall be managed . . . in balance with other uses and the productive capability of their habitat.*

Under the subheading "Land Use Planning", the regulations at 43 CFR 4710.1 state:

> *Management activities affecting wild horses and burros . . . shall be in accordance with approved land use plans prepared pursuant to part 1600 of this title.*

Under the subheading "Herd Management Areas", the regulations at 43 CFR 4710.3-1 state in part:

> *In delineating each herd management area, the authorized officer shall consider the appropriate management level for the herd . . .*

And, finally, under the subheading "Removal of excess animals from public lands", the regulations at 43 CFR 4720.1 state:

> *Upon examination of current information and a determination by the authorized officer that an excess of wild horses or burros exist, the authorized officer shall remove the excess animals immediately . . .*

In the BLM Manual, Section 1622.4, the Supplemental Program Guidance for Wild Horse and Burro Management gives guidance on the types of decisions that are "required in every resource management plan" unless certain exceptions apply. Under "Management Objectives" the Manual at 1622.41A2 states:

> *Identify habitat related objectives for each herd management area. Where these areas also provide habitat and forage for other large herbivores (wildlife or livestock), the objectives should address use of the forage by all species.*

The Manual in Section 1622.41A3b under the heading "Adjustment Criteria" states:

> *Outline criteria for making adjustments, if necessary, in the initial herd size. These should include a statement of the critical resource use levels that will not be exceeded, as well as criteria that might guide necessary adjustments among consumptive uses.*

The issue raised by the wild horse advocacy groups is that in making forage allocations and determining what animals are "excess", the result often is that wild horses end up being reduced in actual numbers while livestock reductions are often paper reductions.

OBJECTIVES OF THE STUDY: The Forage Allocation Study Team has been asked to document the various methods of arriving at the forage allocations among livestock and wild horses and the subsequent result in actual animal numbers, including the degree of consistency or inconsistency among the Districts and States.

STUDY METHODS: The Team will collect data through visits to a representative sample of the involved Districts. They will conduct interviews and review relevant documents. While we are most interested in the present situation and how we got there, it may also be useful to summarize the way in which allocations have been made in the past. The major concern is for how allocations are made among livestock and wild horses, but it may be necessary to also include allocations to wildlife or other competing uses to get a complete picture.

STUDY REPORT: The Team in their final report will do at least the following:

1. Determine the basis being used for establishing the forage carrying capacity, i.e., the specific range survey, monitoring studies, etc.

2. Identify the methods and techniques for allocating forage among competing uses, i.e., historical use patterns, active versus non-use, public or other agency recommendations, etc.

3. Document the vehicles for actually putting those determinations into effect, i.e., land use plans and/or amendments, grazing decisions, allotment management plans, herd management plans, multiple use decisions or some other documented process.

4. Document the practical effect of implementing the decisions in terms of the actual number of wild horses and/or livestock actually removed from wild horse herd management areas. To the extent that data are available, plot the historical trend of wild horse and livestock numbers for at least several representative herd management areas.

5. Summarize the degree of consistency or inconsistency among offices and states.

DEADLINES:

The final report of the team will be provided to the National Program Office and the appropriate staffs in the Washington Office no later than October 26, 1994.

UNITED STATES DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
Washington, DC 20240

In Reply Refer To
4700 (NPO-960)

August 17, 1994

Information Bulletin No. 94-3512

To: State Directors

From: Director

Subject: Forage Allocation Review Team

Serious issues have been raised over how the Bureau allocates forage among competing uses. For example, wild horse advocacy groups are questioning the manner in which the Bureau has been allocating forage among livestock and wild horses.

BLM has considerable experience in allocating forage to competing uses, mostly as the result of range surveys or the monitoring process and the associated analysis, interpretation and evaluation. Because there are a number of different methods which can be used to arrive at and implement allocation decisions, a team has been established which will document the variables involved, particularly those actions which affect how and when forage is allocated among livestock and wild horses.

The team will be led by Dave Little, Vernal District Manager, and will include Gerald Smith, Ely District Office; Kris Eshelman, Wild Horse and Burro National Program Office; Ken Harrison, Utah State Office; David Aicher, Humboldt National Forest; and Cathy Barcomb, Nevada Wild Horse Commission.

The team has been requested to gather information on the present situation from a cross-section of Districts and prepare a summary report. To accomplish this, they will be looking for information and/or documentation on such things as:

1. The basis used for establishing the forage carrying capacity, i.e., the specific range survey, monitoring studies, etc.

2. The methods and techniques for allocating forage among competing uses, i.e., historical use patterns, active versus non-use, public or other agency recommendations, etc.

3. The vehicles for actually putting those determinations into effect, i.e., land use plans and/or amendments, grazing decisions, allotment management plans, herd management plans or some other documented process.

4. The result of implementing forage allocation decisions, i.e., the long-term trend in the number of wild horses and livestock removed from wild horse herd management areas.

I would appreciate your assistance in helping the team gather the appropriate information. Team members will be contacting the involved offices to schedule site visits to gather together copies of the relevant documents and to interview those involved in the process. They will try to do this in a way that is the least disruptive to your ongoing work, but this phase of the study needs to be concluded by September 12, 1994. The following Districts will be visited by the indicated team members:

Cedar City and Richfield Districts - Jerry Smith and Cathy Barcomb

Boise and Winnemucca Districts - Chris Eshelman and David Aicher

Elko and Ely Districts - Ken Harrison (if scheduling permits, David Aicher will join Ken for the Elko visit)

Rock Springs and Rawlins Districts - Dave Little

We appreciate the assistance of the team members as well as those offices participating in the review. If you have any questions, please call me at 702/785-6583 or Dave Little of the Vernal District at 801/789-1362.

Bruce Dawson

Bruce Dawson
Chief, Wild Horse & Burro,
National Program Office

1 Attachment:
Forage Allocation Study Plan (3pp)

REVIEW OF THE CEDAR CITY AND RICHFIELD DISTRICTS

1) Decision Process

Cedar City, Beaver River Resource Area...The initial basis for wild horse numbers was the 1971 census. The Land Use Plan (LUP), a 1983 MFP, utilized the 1982 census numbers and established that number as the Appropriate Management Level (AML). Two exceptions were made where Herd Management Area Plans (HMAPs), were completed and wild horse AML's were established by agreement. During the allotment analysis process, which was completed around 1982, the number of wild horses and wildlife which were present on a given grazing allotment were given a priority forage allocation adequate to provide for existing needs. Forage which remained after allocation to horses and wildlife was allocated to domestic livestock. The LUP dictated that adjustments be based on the soil-vegetation inventory method (SVIM) data; however, adjustments were not entirely implemented to livestock because policy was modified to require monitoring data in combination with inventory data to make adjustments. These initial reductions were generally limited to 10 percent per year, though on occasion larger adjustments of primarily "paper AUMs" were agreed to. Reductions to livestock permits amounting to approximately 11,000 AUMs have occurred in the Pinyon planning unit from 1983 to the present. At the present time wild horse numbers have remained static at LUP AMLs with all subsequent adjustments to the carrying capacity made to livestock. This process was implemented utilizing livestock agreements or decisions.

* Notice should be taken that the Cedar City District is calculating AUMs at 1 AUM for livestock and 1.25 for wild horses.

Richfield, Warm Springs and House Range Resource Areas...The initial management of wild horses was by agreement with the counties in 1968. A West Desert Wild Horse Capture Plan was written in 1977 that recommended and implemented wild horse gathers in 1978 to reduce their numbers to the 1971 census level. In part, the capture plan was based on 1976 studies, both vegetative and herbivore. Between 1978 and 1987 when the LUP's were developed, addendums to the original capture plans were developed that recognized existing increasing numbers as appropriate with the carrying capacity based on the 1976 studies. In 1987, Resource Management Plans (RMPs) for both resource areas were developed that recognized those AMLs established through the addendums. Wild horses and wildlife were given priority allocation of forage (IN BLOOD). One RMP established current use for wild horses and wildlife as opposed to the other which established wild horses at current populations while wildlife were established at an increased objective. Livestock remained at existing levels to be adjusted through the use of monitoring data. At the present time wild horses have been maintained at the established AML's with a few exceptions based on evaluations of monitoring and census data.

* Within both Districts the allotment analysis utilized monitoring data and was documented through the allotment evaluation process.

2) Appropriate Management Levels (AMLs)

With few exceptions based on HMAPs, both the Cedar City and Richfield Districts established AMLs in their LUPs based on existing population numbers. Since that time with little exception, capture plans have been initiated to reduce wild horses to those LUP numbers.

Both Districts indicated that in their interpretation the AMLs are written IN BLOOD! One District manages for an established set AML, while the other District manages for the established AML with a minimum and maximum range.

3) Wildlife

Wildlife were given priority in the forage allocation process during the establishment of the LUPs. In two of the Resource Areas wildlife numbers were established at current population numbers while in the third area interviewed, objective numbers established in the LUP were greater than the current use.

Wildlife forage allocation appeared not to be a major issue since livestock monitoring adjustments are designed to compensate for wildlife objectives.

4) Trend

**Wild Horses:**

In the '70s the trend was to maintain the wild horse levels at the 1971 census. As the populations increased, Cedar City took little or no action to adjust the numbers since the population levels were fairly low and not a resource issue.

In the late '70s the Richfield District gathered the West Desert HMAs to maintain 1971 levels. After this point the herds were allowed to increase to the LUP established levels and have been maintained at that level to present.

**Livestock:**

In Cedar City, active preference has been status quo following the LUPs, while actual use has slightly increased within HMAs.

In Richfield, livestock use remained fairly constant until completion of the LUPs, when subsequent evaluations and livestock agreements reduced active preference. These were primarily "paper AUMs".

*Trend information cannot be compiled at this time; the database is not available within the time constraints provided.

REVIEW OF THE ELKO AND ELY DISTRICTS

WELLS RA

Draft RMP Alternatives:
NO ACTION: RESOURCE PRODUCTION:
MIDRANGE: RESOURCE PROTECTION:
PREFERRED:

Objective: To continue management of the six existing wild horse herds consistent with other resource uses.

Short and Long-Term Management Actions:

1. Continue to monitor wild horse populations and habitat conditions.
2. Conduct wild horse gatherings as necessary and allow wild horse populations to increase so as to maintain populations within a range from 557 to 692 animals. The Toano herd would be maintained at 20 animals.
3. Construct.....
4. Remove WH&Bs from private lands if required.

Proposed RMP:
Objective: To continue management of the six existing wild horse herds consistent with other resource uses.

Short and Long-Term Management Actions:

1. Continue to monitor wild horse populations and habitat conditions.
2. Conduct wild horse gatherings as necessary and allow wild horse populations to increase so as to maintain populations within a range from 550 to 700 animals.
3. Construct.....
4. Remove WH&Bs from private lands if required.

Approved RMP/Record of Decision:
1. Monitor wild horse populations and habitat conditions; maintain populations within a range of 550 to 700 animals.
2. Construct six water development projects.
3. Remove WH&Bs from private lands if required.

WH&B DRMPA:

NO ACTION:
PREFERRED:
This alternative combines the management of the six existing herd areas in the Wells RA into four herd management areas. All areas of checkerboard land ownership, including all of the Toano Herd Area and portions of the Goshute and Spruce-Pequop Herd Areas, will be managed as horse-free areas. The management of wild horses begins at initial herd size and will be maintained in designated HMAs. Adjustments will be based on monitoring and grazing allotment evaluations. Wild horse numbers in excess of the initial herd size would be removed within statewide priorities.

Objectives:

1. To manage wild horses only on areas where requests for removal of animals will not hinder management.
2. To manage wild horses within HMAs and maintain a thriving natural ecological balance consistent with other resource needs.
3. To combine portions of the wild horse herd areas where horses intermix between herd areas.

Management Determinations: 1. Delineate four HMAs...

ELKO RA

ELKO DRMP-1985

ALTERNATIVE A:

1. Continue management of current population levels on four existing wild horse herd areas with an existing population of 330 horses.

2. Conduct wild horse gatherings as needed to maintain current numbers.

ALTERNATIVE B:

1. Manage the four wild horse herd areas, with a target population of 220 horses.
2. Conduct wild horse gatherings as needed to maintain current numbers.

ALTERNATIVE C:

Short-Term Management Actions:

1. Evaluate wild horse habitat to reduce or eliminate conditions that would prevent population numbers from increasing.
2. Construct three water development projects (catchment type) each with a storage tank and trough.

Long-Term Management Actions:

1. Manage the four wild horse herd areas with a target population of 660 horses.
2. Conduct wild horse gatherings as needed to maintain numbers.

ALTERNATIVE D (PREFERRED ALTERNATIVE):

1. Manage the four wild horse herd areas, with a target population of 330 horses.
2. Monitor wild horse populations and habitat conditions.
3. Construct two water development projects (catchment type) each with a storage tank and trough.
4. Conduct wild horse gatherings as needed to maintain numbers.

ALTERNATIVE E:

Short-Term Management Actions:

1. Monitor wild horse populations and habitat to reduce or eliminate conditions that would prevent population numbers from increasing.
2. Construct three water development projects (catchment type) each with a storage tank and trough.

Long-Term Management Actions:

1. Manage the four wild horse herd areas, with a target population of 660 horses.
2. Conduct wild horse gatherings as needed to maintain numbers.

ELKO PRMP-1986:

1. Manage the four wild horse herd areas, with a target population of 330 horses.
2. Monitor wild horse populations and habitat conditions.
3. Construct two water development projects (catchment type) each with a storage tank and trough.
4. Conduct wild horse gatherings as needed to maintain numbers.

ELKO ARMP/ROD-1987

1. Manage the four wild horse herd areas, with a target population of 330 horses as follows:

| HMA | AML | ALLOTMENT |
|---|---|---|
| Owyhee | 58 | Owyhee |
| Little Humboldt | 107 | Little Humboldt |
| Rock Creek | 119 | Rock Creek |
| Diamond Hills | 46 | Red Rock, Brown |

2. Monitor wild horse populations and habitat conditions.
3. Construct two water development projects (catchment type) each with a storage tank and trough.
4. Conduct wild horse gatherings as needed to maintain numbers.

No gathers made since LUPs, no WH&B amendments, no grazing decisions involving WH&B areas.

SUMMARY

1. ALLOCATION DECISION PROCESS

ELKO DISTRICT
WELLS RA: Completed a RA-wide RMP Amendment which refined HMAs and established AMLs. Alternative levels were analyzed in an apparently legitimate multiple use context to arrive at final levels. Nevada's MUD process used to arrive at both livestock and wild horse allocations, all legitimately tiered to the RMP and RMP Amendment for wild horses. This is the cleanest documentation of the decision process of the four RAs reviewed.

ELKO RA: The same process as Wells has been forecast but nothing significant has occurred as yet. First allotment evaluation will be this year.

ELY DISTRICT

SCHELL RA: Used the MUD process exclusively; no amendment to the MFP was done.

EGAN RA: Using the MUD process exclusively and independent of the RMP.

All RAs expressed some of the same problems, e.g., no valid allocation among vegetation users, previous conversions from sheep operations to cattle operations have resulted in significant levels of "paper" AUMs,
have not been successful in a full multiple-use approach to monitoring, no one available at the interview time could certify a known tie between an identified vegetative carrying capacity and the allocations resulting from a number of independent actions (i.e., land use planning, wild horse management pushes, livestock use monitoring). All RAs have relied on analysis of monitoring data to arrive at "carrying capacity".

2. APPROPRIATE MANAGEMENT LEVELS FOR WILD HORSES

ELKO DISTRICT
WELLS RA: Used HMAs and numbers determined administratively between 1972 and 1982 through census methods. Final HMAs (checker-board ownerships were dropped) were established formally through an amendment to the Wells RMP. In this same action, AMLs were established in the form of a range of numbers for each HMA. Interviews indicate they regard the **range** as the AML, not as min/max. Strong correlation between numbers in the RMP and MUD decisions now in place. Seems to be a concerted effort to maintain numbers within the range of the AMLs.

ELKO RA: AMLs considered to be the historic levels (71-?). There have been no gathers in recent history and no grazing decisions issued after monitoring, so the acceptability of these AML numbers has not yet been a serious question. Elko RMP established "target" AML numbers, but does not define that in relation to maximum, minimum or average. In addition, the RMP decisions reflect total RA (four HMAs) numbers rather than for the individual HMAs (unless that's buried in a table that the reviewer missed). Elko RMP did not accomplish specific allocation of forage among the many competing uses.

ELY DISTRICT
SCHELL RA: AMLs used census ('72+) figures as a starting base for monitoring. AMLs were solidified in the MFP ('83) as a result of a comprehensive census of that year. All "I" category allotments have been completed (MUD) and decisions issued with none going to court. Current numbers are at or near the AMLs identified in the MFP.

EGAN RA: Same general scheme as Schell RA, through the completion of the Egan RMP. Grazing decisions are now in progress. AMLs are established by allotment, aggregating upwards to the HMA. Cumulative decisions have little to do with AMLs established in the RMP. "AMLs in the RMP have kept RMP AML numbers updated." (Note: Plan Maintenance **can not** result in changing the RMP Decision (i.e., numbers)!

3. WILDLIFE ISSUES
All RAs visited expressed the same problems though of varying degrees of severity. No target management numbers established for wildlife and, therefore, no known and documented balancing of the various competing uses of vegetation; elk numbers in particular have risen far above historic levels (Wells RA has issued a Draft RMP Amendment addressing this issue, but has yet to reach resolution with State.)

4. TRENDS

All RAs indicated same general trends though documentation was not immediately available: wild horse populations "exploded" during the gathering moratoriums of the 70s and 80s, only "priority areas" in the state have been able to bring them down to a manageable range, grazing/wild horse decisions have generally reduced only wild horses because of extensive voluntary non-use by livestock operators, the major problem being previous conversions of sheep to cattle operations without regard to the differing forage demands/vegetative availability of/for the two kinds of livestock.

REVIEW OF THE WINNEMUCCA AND BOISE DISTRICTS

I. INTRODUCTION

A. Purpose of review - To find out how forage is being allocated.

B. Format of report - Six major topics were identified by the team. These topics are discussed specifically by state.

II. ALLOCATION/DECISION PROCESS

A. Basis:

1. Nevada- In the Winnemucca District, the census following the Wild Free Roaming Horse and Burro Act (WFRHBA) was used as the basis for AMLs for all Herd Management Areas. A census, completed in 1982, was the basis for development of the Management Framework Plan (MFP) planning documents during the middle 1980's. The MFP set goals and objectives for management of livestock, wildlife, and wild horses. In general, the use levels occurring in 1982 established ratios of livestock to cattle which are still in use today.

During the mid to late 1980's the Coordinated Resource Management Planning (CRMP) process was used to establish use levels on some allotments and HMAs. Livestock numbers were generally aligned along long-term actual/licensed use whereas horse numbers were determined to be maximum numbers.

The early 1990s have seen a shift to interdisciplinary and more interest group involvement. An intensive analysis and evaluation process is used to determine use levels appropriate to the natural resources involved.

2. Idaho- In the Boise District, the census following the WFRHBA was used as the basis for AMLs for all Herd Management Areas. MFPs set goals and objectives for management of livestock, wildlife, and wild horses.

The early 1990s have seen a shift to interdisciplinary and more interest group involvement. An intensive analysis and evaluation of data is used to determine use levels appropriate to the natural resources involved.

B. Method of Implementation.

1. Nevada used the MFP to implement all WHB, wildlife, and livestock decisions and used the RMP process in the 1990's. Multiple use decisions are used to implement management decisions (see Appendix 7.)

2. Idaho also used the MFP/RMP process to implement planning decisions. Grazing decisions and gather plans were the means to complete administrative procedures.

C. Approach.

1. Nevada. 1971 census figures were used as the basis for management up until 1982, then proportions were based on politics/socio-economics of the affected area which greatly influenced the numbers set in the new RMPs. This was done through negotiations, agreements, or the CRMP process.

2. Idaho. 1971 census figures were used as the basis for management through the 1990's RMP.

III. APPROPRIATE MANAGEMENT LEVEL (AML)

A. Nevada: AMLs are considered to be maximum numbers. Originally set in 1971 with census as required by law. Based on existing numbers at that point in time. Not based on resource conditions. HMA's boundary determined at same time.

AMLs set may not be equitable with resource capability (i.e., at time of initial census, WH&Bs were seasonally displaced and not counted, or possibly double counted, or out of the area). This same situation occurred in the '80s when census was taken prior to RMP development.

CRMPs, MOUs, political agreements either aided in setting or modifying the RMP levels set for WH&Bs.

B. IDAHO: AMLs are considered to be maximum numbers. Staff specialists, however, mentioned that they would prefer using a range of numbers (Minimum/Maximum). Originally set in 1971 by census as required by law. Has remained the same since.

Some HMAs have had AML set based on available water. Currently in process of draft RMPs, however, original 1971 census numbers and established AML's are still used.

IV. WILDLIFE

A. NEVADA: Nevada Division of Wildlife (NDOW) does not set population(s) numbers based on identified carrying capacity. They use "reasonable numbers" they obtain from wildlife counts and professional estimates. Therefore, wildlife numbers given to BLM for RMPs, and other decision type documents are "reasonable numbers". There are only a very few areas where the State (NDOW) can provide actual population numbers tied to an area's capacity.

B. IDAHO: Idaho State Game and Fish has population goals and objectives, however, they are not tied to a land base's actual capabilities/carrying capacity. The majority of Idaho's objectives are to maintain or increase what they currently have. Actual population numbers are difficult to obtain from the State. Therefore wildlife allocations in RMPs and decisions involving WH&Bs may not be equitable with other resource allocations considering livestock and WH&Bs.

V. TRENDS

A. NEVADA:

1. HORSES - Horse numbers from 1971 (census and AML establishment) have increased. WH&B numbers as set in the 80's through the RMP development, CRMP and other social/political negotiations process were increased from the original census/AML set. This was due to higher horse/burro numbers existing at that time.

Multiple Use decision process (MUDs) have been utilized to reach a more equitable Thriving Natural Ecological Balance (TNEB) which has resulted in gathers to reduce WH&Bs to the AMLs set in the 1980's through the RMPs.

2. LIVESTOCK - Livestock licensed numbers have essentially remained same over time. Operators have taken non-use from preference due to economics and drought situations throughout the 1980s. The MUD process has attempted to reduce authorized numbers and done so in places. Regulations require livestock reductions be phased in over five years.

3. WILDLIFE - Population goals/objectives remained same/constant. Populations have fluctuated due to natural dynamics, however, have remained static.

B. IDAHO:

1. HORSES - Original AML set in 1971 based on census. Gathers have maintained overall herd numbers at original AMLs. RMPs are utilizing initial numbers for horses/burros as set in 1971. A recent appeal has allowed one herd to grow until data indicates deterioration of the resource.

2. LIVESTOCK - Grazing EISs are still evaluating numbers. Authorized numbers are less than preference.

3. WILDLIFE - Population numbers have remained status quo with natural population dynamics. Elk have increased, causing overlap and conflict with livestock and horses in some areas.

VI. CONSTRAINTS

A. NEVADA:

1. The original 1971 census was based on number of WH&Bs there at the time and was not directly related to the actual carrying capacity of the area.

2. MFPs in '80s based on new census information and generally increased the WH&B numbers over the original 1971 levels. These numbers were used to set proportions in MFPs between livestock (existing preference) and number of WH&Bs. The number of WH&Bs censused may not be correct in some HMAs due to seasonal movements, locations, etc. So proportions in some HMA's may not be correct, which may result in poor percentage reductions coming out of MUDs.

3. Politics/social economics - The negotiation process through agreement, CRMPs, MOUs etc. - leads to allocation of uses rather than allocations based on the capacity of available resources. Even though this is a reality, this caused over allocations which is in conflict with regulations, policy and proper resource management.

4. The review process through various levels of organization adds time before implementation. This affects timely decisions which in turn delays resource improvement.

5. AMLs set in RMPs are not necessarily meeting the need of the resources on the ground.

6. Reducing livestock numbers based on the decision process usually takes five (5) or more years which constrains and retards timely resource improvement.

B. IDAHO:

1. Other resource programs have committed/allocated resource (i.e.- livestock, recreation) spatially and temporally (i.e.- spring recreational use). These other uses are a direct conflict with foaling areas and competing uses which in effect is an over allocation of available resources.
2. Resource availability may be a constraint. For example, water may be controlled by permittee and not the U.S. Government. Or, when areas are unserviceable (poor or non-functional range improvements, i.e., water developments) allocations may have been made anyway, thus over allocating the resource.

3. One HMA had a very small herd size far below the 50 recommended by some geneticists.

REVIEW OF THE ROCK SPRINGS AND RAWLINS DISTRICTS

## I. BACKGROUND

Rock Springs District:
There are three primary wild horse Herd Management Areas (HMAs)in the Rock Springs District. All are within the Green River Resource Area:

| | |
|---|---|
| Whitwe Mountain | 392,600 acres |
| Great Divide Basin | 778,900 acres |
| Salt Wells Creek | 1,193,300 acres |

A portion of a fourth herd management area, the Adobe Town HMA is partially in the Green River Resource Area, with the rest of the HMA in the Great Divide Resource Area of the Rawlins District to the east. This HMA, by agreement, is administered by the Rawlins District.

The Green River Resource Area contains a substantial amount of "checkerboard" lands, both north and south of Interstate 80, which are included in all four of the herd management areas. These lands create a substantial management problem under the Wild Horse and Burro Protection Act because the alternating sections of public and private land result in wild horses moving freely between public and private lands. The Rock Springs Grazing Association (RSGA) controls administration of the bulk of the private lands within the checkerboard area.

Rawlins District:
The Rawlins District has four wild horse HMAs. None are in the checkerboard area, so the issues are quite different than those in the Rock Springs District. Of the four HMAs, one is in the Lander Resource Area (encompassing 6 herd areas) and three are in the Great Divide Resource Area, including the Adobe Town HMA shared with the Rock Springs District.

## II. FORAGE ALLOCATION DECISION PROCESS

Rock Springs District:
The objectives for the number of wild horses to be maintained were set by agreement. In 1979, representatives of the Rock Springs Grazing Association (RSGA) met with a local wild horse interest group, Wild Horse Yes, and the International Society for the Protection of Mustangs and Burros to establish mutually agreeable numbers for wild horses. They agreed to numbers both north and south of Interstate 80 and then presented their numbers to the BLM. Generally, the agreed upon numbers called for 1,000 wild horses north of I-80 and 600 wild horses south of I-80.

In March 1981, in response to litigation brought by Mountain States Legal Foundation on behalf of the RSGA, the Federal District Court ordered BLM to "remove all wild horses from the checkerboard grazing lands in the Rock Springs District except that number which the Rock Springs Grazing Association voluntarily agrees to leave in said area." This litigation was precipitated by the inability of the BLM to control wild horse populations to the previously agreed upon levels.

The Court Order further required that:

*. . . the Rock Springs District . . . shall within two years . . . remove all excess horses from within the Rock Springs District.*

*. . . excess as defined in this Order and the Act means that the wild horse population exceeds the number deemed appropriate by a final environmental statement. In the absence of such a statement excess means that the number of horses exceeds the number present in the same area at the time the Act was passed....*

*The original court order was amended in February of 1982 to include the following:*

*. . . the Bureau of Land Management has determined that the appropriate management level for the horse herds on the Salt Wells/Pilot Butte checkerboard lands is that level agreed to by the landowners in that area. All horses on the checkerboard above such levels are "excess" within the meaning of 16 U.S.C. 1332(f). . .*

*. . . in the Final Environmental Impact Statement for the Sandy Area, the Bureau of Land Management's proposed action was for an average herd management level in that area of 825 horses. All horses in the Sandy Resource Area above that level are "excess". . .*

*. . . "excess," as used in this Order, means those wild horses above the population level that the Bureau of Land Management has determined to be appropriate, in accordance with its multiple-use management responsibilities under 16 U.S.C. 1332(f) and 1333; or, in the absence of such a determination, the number of horses above the number present at the time the Act was passed.*

Planning decisions concerning wild horses are documented in the Big Sandy and Salt Wells Management Framework Plans. The AML for wild horses was not changed from the original numbers agreed to by the RSGA because any additional numbers allowed on public land could, at some point, be found on private checkerboard lands covered by the District Court Order. Horse numbers are also mentioned in the Sandy Grazing EIS and the Salt Wells/Pilot Butte Grazing EIS. Herd Management Plans were completed for the Divide Basin HMA in 1981 and the Salt Well Creek HMA and White Mountain HMA in 1982. Each of these plans and EISs accepts as the decision the original agreed upon number of 1600 wild horses.

Gathering EAs and decisions were appealed by wild horse interest groups in 1990. On February 22, 1991, the IBLA affirmed BLM decisions to gather wild horses according to the 1990 gathering EA and recognized the district's approach to using AMLs from the Court Order to establish AMLs for wild horse management areas that include checkerboard lands. They stated that "The issue of AMLs of wild horses and what constitutes 'excess,' has been determined with finality by the District Court Orders."

The Green River Resource Area is in the process of completing a Resource Management Plan to replace the two MFPs. The Draft Green River Resource Area RMP/EIS on page 16 states:

> The Green River RMP EIS will consider appropriate management levels for horses in accordance with an existing court order and related agreements.

The currently used appropriate management levels (AML) for wild horses were based on the numbers agreed to and on existing land use plans.

The AML for wild horses in the solid block public land areas was not changed from the numbers agreed to by the Rock Springs Grazing Association, because any additional numbers allowed on solid block public land would, at some point, be found on checkerboard lands covered by the District Court Order.

The management of wild horse populations must be in compliance with the District Court Order. Therefore, it is assumed that wild horse numbers in compliance with the District Court Order are those numbers agreed to by the Rock Springs Grazing Association, and that any wild horses above that number are "excess", in the meaning of the Act, and are subject to gathering.

On page 142 the preferred alternative in the draft RMP says:

Permitting for livestock grazing would continue until monitoring, negotiation, or a change in resource conditions indicate that a modification is needed.

On page 143 the draft RMP says:

Authorized grazing preference may be reduced in areas with excessive soil erosion and poor range condition, if allotment evaluation warrant such a change or if necessary to provide forage for wildlife, wild horse, and recreational use.

The current authorized active livestock use and existing forage reservations for wildlife and wild horses would be maintained. Existing rangeland monitoring would continue and additional rangeland monitoring would be initiated to determine the need for forage allocation adjustment.

Rawlins District:
The district used public input through its MFP process to set the original AMLs. Interested and affected groups were asked to comment on the AMLs and at that time everyone was, of course, very aware of the law suit ongoing in the adjoining Rock

Springs District. RMPs have now been completed for both Resource Areas and Herd Management Area Plans have been completed for each of the four herd management areas. These plans set the AMLs for each of the HMAs. These AMLs were reassessed in wild horse evaluations completed for each of the two Resource Areas, 1992 for the Lander RA and 1994 for the Great Divide RA.

The 1988 Medicine Bow-Divide (Great Divide Resource Area) RMP set a total AML for the Great Divide RA described as a range of 406 - 735 animals for the three HMAs in the Resource Area, the same as provided for in the earlier MFP. An evaluation of the HMAs in the Great Divide Resource Area completed in 1993 resulted in a new decision to maintain the AML for the Resource Area at a median of 995 animals.

The decision on the number of wild horses in the 1987 Lander RMP was to continue the 1983 interim wild horse herd management levels established in the Green Mountain Management Framework Plan. This provided for a median population of 580 animals with a minimum number of 420 animals and a maximum number of 815. The RMP on page 80 states "This initial or interim population level will be monitored, along with the habitat, to allow further adjustments as necessary to maintain viable herds and satisfactory range condition."

The 1992 evaluation of the Lander HMA slightly increased the forage allocation for wild horses to provide for a new total of 490 to 836 adult animals. The evaluation document also states that monitoring studies in grazing allotments within the herd areas will continue to be used to determine if adjustments in active grazing preference and changes in livestock/range management are needed.

The 1993 decision to gather horses in the Lander HMA resulting from the decisions in the 1992 evaluation of the HMA was appealed to the IBLA by the Animal Protection Institute of America. The IBLA decision on the appeal is still pending. Two of the four issues on appeal include the accusation that the BLM decision on removal is not based on monitoring and that BLM has not determined how many wild horses must be removed to restore the thriving ecological balance.

## III. APPROPRIATE MANAGEMENT LEVELS

Rock Springs District:
The original agreement on a total of 1600 head of wild horses in the district viewed these numbers to be the maximum number of horses for the district. Beyond that number, wild horses are considered to be "excess" as defined in the Court Order. However, for management purposes, the AMLs for wild horses in the Rock Springs District are managed to maintain numbers within a certain range. It was assumed that excess wild horses in a herd management area would be gathered at least every two years and that there would be a 20 percent annual increase in population.

North of I-80 the AMLs fall about the middle of the identified range, with 1000 head being the maximum in accordance with the agreement. South of I-80, the AML is defined as the top of the range rather than the middle. The maximum number allowed is the 600 head in conformance with the District Court Order. The areas north and south of I-80 were in two different Resource Areas that have subsequently been combined into the present Green River Resource Area.

Rawlins District:
AMLs were set considering the amount of nonuse historically being taken, the heavy utilization of some riparian areas, the horses' social behavior and space requirements which at some level of numbers cause the horses to begin to move outside of designated herd areas and the availability of water.

Page 3 of the 1993 evaluation of the Great Divide HMAs, states: "The AML becomes the median of the range..." In calculating the upper and lower limits, it was assumed that excess horses would be rounded up every three years and that the rate of population increase was 20% per year.

## IV. WILDLIFE ISSUES

In neither the Rock Springs nor the Rawlins district was wildlife viewed as a significant factor in allocating forage to wild horses. The degree of dietary overlap for antelope and mule deer was slight and, when combined with the seasonal timing of their use compared with that of the wild horses, led to a general conclusion that

there was little direct conflict among most wildlife and wild horses. There were, however, a few site-specific areas where use by elk was Considered a competitive use and this was considered when evaluating causes for decline in some riparian areas and the decisions on the numbers of horses in some of the Rawlins herds.

V. RESULTS AND TRENDS

Rock Springs District:
The numbers of wild horses within the Rock Springs District has fluctuated because of budgetary constraints on roundups and appeals, but the target number of horses or AML has remained the same since 1982.

The staff of the Green River RA said that they feel there is little direct competition among wild horses and livestock at the present time. Livestock use within the HMAs is primarily winter sheep grazing and a substantial amount of nonuse has been occurring for a number of years. Some of this nonuse has been because of the presence of the wild horses, but most has more to do with the problems within the sheep industry. The amount of nonuse was not further documented because the present allocation of forage to wild horses was established independent of the forage allocation issue and because monitoring indicates there is sufficient forage for both the agreed upon numbers of wild horses and the historic level of use by livestock. However, the RMP currently being prepared recognizes that at some time in the future an allocation may need to be made and establishes a basis for considering reductions in livestock numbers if needed.

Rawlins District:
The decision made in the 1993 evaluation report for the Great Divide RA increased the AML from a range of 406-735 wild horses set in the 1988 RMP to a new AML of 995, which is to be the median of the range in the number of horses. There was no adjustment in the number of livestock.

For the 10 years preceding the 1993 evaluation livestock use in the allotments in the Great Divide RA that are within the HMAs has been considerably below the preference. Averages for percent of active preference actually used ranged from about 17 percent to 73 percent with the average for the 19 allotments being about 47 percent. Nonuse has been partially the result of voluntary adjustments because of the presence of the wild horses, but the primary reason for nonuse has been labor and other economic problems within the livestock industry, especially within the sheep industry.

In general, monitoring has shown that within the HMAs in the Great Divide RA that utilization, condition and trend on most upland areas does not present a problem. However, riparian areas are consistently overgrazed for too long a time, are in less than desirable condition and are not improving.

The 1986 RMP for the Lander Resource Area set the number of wild horses at a median population of 580 animals with a minimum number of 420 and a maximum number of 815. The 1992 evaluation of the Lander HMA resulted in a slight increase in the forage allocation for wild horses to provide for a total of 490 to 836 adult animals. The evaluation document also states that monitoring studies in grazing allotments within the herd areas will continue to be used to determine if adjustments in active grazing preference and changes in livestock/range management are needed.

The actual livestock use for the Lander HMA for the years 1982 to 1991 for the allotments that are located within the herd areas ranges from a low of 45 percent of preference to a high of 88 percent of preference with an average of about 68 percent. During the same period of time, the actual numbers of wild horses was considerably above the AMLs. For example, in February of 1992 as the evaluation was being prepared, about 1100 adult horses were counted, compared to the AML at that time which set the upper limit at 815 and a median of 500.

The Lander HMA evaluation found that the range trend in general is static to slightly up. However, utilization is high on all riparian areas within all of the allotments inside the HMA (upwards of 80%) and riparian conditions are only fair to good. Some riparian sites are still in less than desirable condition (mid to low fair) and the evaluation concluded that in some areas continued implementation of a combination of management actions is still needed. Livestock management actions taken to date to help alleviate the pressure on the resource include fencing, herding and changes in livestock turnout dates.

VI. CONSTRAINTS

The primary constraints for establishing the allocation for wild horses in the Rock Springs District has been the acceptance of a reasonable number of horses on the private lands within the checkerboard area by the Rock Springs Grazing Association.

The primary constraints for the Rawlins District appeared to be that number of wild horses above which the horses begin to move onto checkerboard lands and other lands outside established HMAs and the site-specific condition of some riparian areas.

ALLOTMENT EVALUATIONS TO MULTIPLE USE DECISIONS

Presented to the "NATIONAL WILD HORSE AND BURRO FORUM" May 8, 1991 by Brad Hines.

HISTORICAL BACKGROUND

The Bureau of Land Management (BLM) in Nevada is implementing multiple use management on nearly 48,000,000 acres of public land under the direction of fourteen existing Land Use Plans (LUP) that have been prepared throughout the State. Generally these LUPs correspond to the twelve Resource Area boundaries that occur within the six district offices.

Beginning in the late 1970's and continuing into the late 1980's the BLM in Nevada was in an intensive LUP phase. The emphasis which began this effort was the court settlement (NRDC v. Morton), agreed to between the National Resource Defense Council, the BLM and Federal Court wherein, the BLM was to prepare 212 Environmental Impact Statements (EIS) to analyze the impacts of grazing domestic livestock on public lands.

The proposed action in the early planning efforts which were analyzed in the EIS contained, in part, a forage allocation to livestock, wild horses and burros and wildlife. These proposed actions used "one point in time range land inventories" as a data base to determine the overall carrying capacity of the range and proposed various allocations of the capacity between varying uses. This policy became controversial and centered around the validity of using "one point in time inventories" as the main criteria for allocations. As a result of this controversy, in 1982 the BLM Director issued a new policy that required adequate monitoring data to be required in addition to the "one point in time inventory" data when changes in livestock grazing preferences were implemented.

As a result, the 14 LUPs for the State made the following types of decisions:

1. Livestock Grazing

   a. Identified objectives for vegetation goals.
   b. Determined where livestock would and would not be allowed.
   c. Identified the degree of range improvements deemed to be necessary to meet LUP objectives.
   e. Identified kind of livestock to be permitted by area.
   f. Identified goals for authorized levels of livestock use.
   g. Identified "initial levels" of authorized livestock grazing.
   h. Identified that "monitoring" would be used to adjust livestock grazing. (It was determined that the existing authorizations were not meeting the LUP objectives).

2. Wild Horses and Burros

   a. Identified Herd Management Areas.
   b. Identified "initial levels" of WH&B.
   c. Identified that "monitoring" would be used to adjust WH&B levels.

3. Wildlife

   a. Identified habitat objectives by kind and area of wildlife.
   b. Identified "reasonable numbers" of wildlife by kind and area.
   c. Identified aquatic habitat objectives.

This approach to our LUP decisions was again challenged in Federal District Court (NRDC v Watt) or the Reno Grazing EIS lawsuit. This suit challenged both the National Environmental Policy Act (NEPA), and the Federal Land Policy and Management Act (FLPMA), compliance of BLM LUP/EIS. They also alleged that the BLM policy of not using "inventories" for allocation was illegal. That our LUP decisions were "..delaying indefinitely management actions needed to improve unacceptable range conditions."

The Federal Judge ruled that he ..."refused to become the Range Manager for the State of Nevada." He also stated the BLM had clearly stated that "monitoring" would be used to determine what changes in existing management of the public lands would be implemented. He "invited" the plaintiffs back into his courtroom if the BLM did not implement their approved LUPs.

Subsequent to this ruling, the BLM Director issued a policy direction which stated that within 5 years of issuance of the Record of Decision and the Rangeland Program Summary the BLM would do the following on all Intensive (I) and Maintenance (M) category allotments:

1. Establish multiple use allotment specific objectives.
2. Implement a monitoring program to assess the obtainment or lack thereof in meeting the LUP objectives.
3. Based upon an analysis of the monitoring data either:
   a. Enter into a livestock use agreement which implements the needed changes in existing management or;
   b. Issue a decision which implements the needed changes in management or;
   c. Document the file if monitoring establishes that existing management is meeting the LUP objectives.

THE NEVADA ALLOTMENT EVALUATION PROCESS

To meet the goals established by BLM policy, the Nevada BLM has implemented an interdisciplinary allotment evaluation policy that creates the opportunity for interested parties or affected interests to become involved in the process.

At the beginning of the fiscal year each resource area sends a listing of the allotment evaluations that they will be working on to their mailing list of interested publics. This letter requests that if you want to become involved or if you want to identify yourself as an affected interest on a particular allotment to notify the authorized office in writing. Additionally the letter requests that if you have information that will assist the BLM in determining if the current management is or is not meeting the LUP objectives to please provide this information.

As this list is developed the area office will then keep you involved in the consultation, cooperation and coordination process on a particular allotment(s).

The evaluation process consists of five basic parts which are:

1. What do you want? (Allotment specific objectives for those LUP objectives that are or may be impacted by grazing animals.)
2. Data analysis.
3. What's broke (and what broke it) and what's not broke?
4. How do you fix what's broke?
5. Management Decision.

NEVADA'S MULTIPLE USE DECISION PROCESS

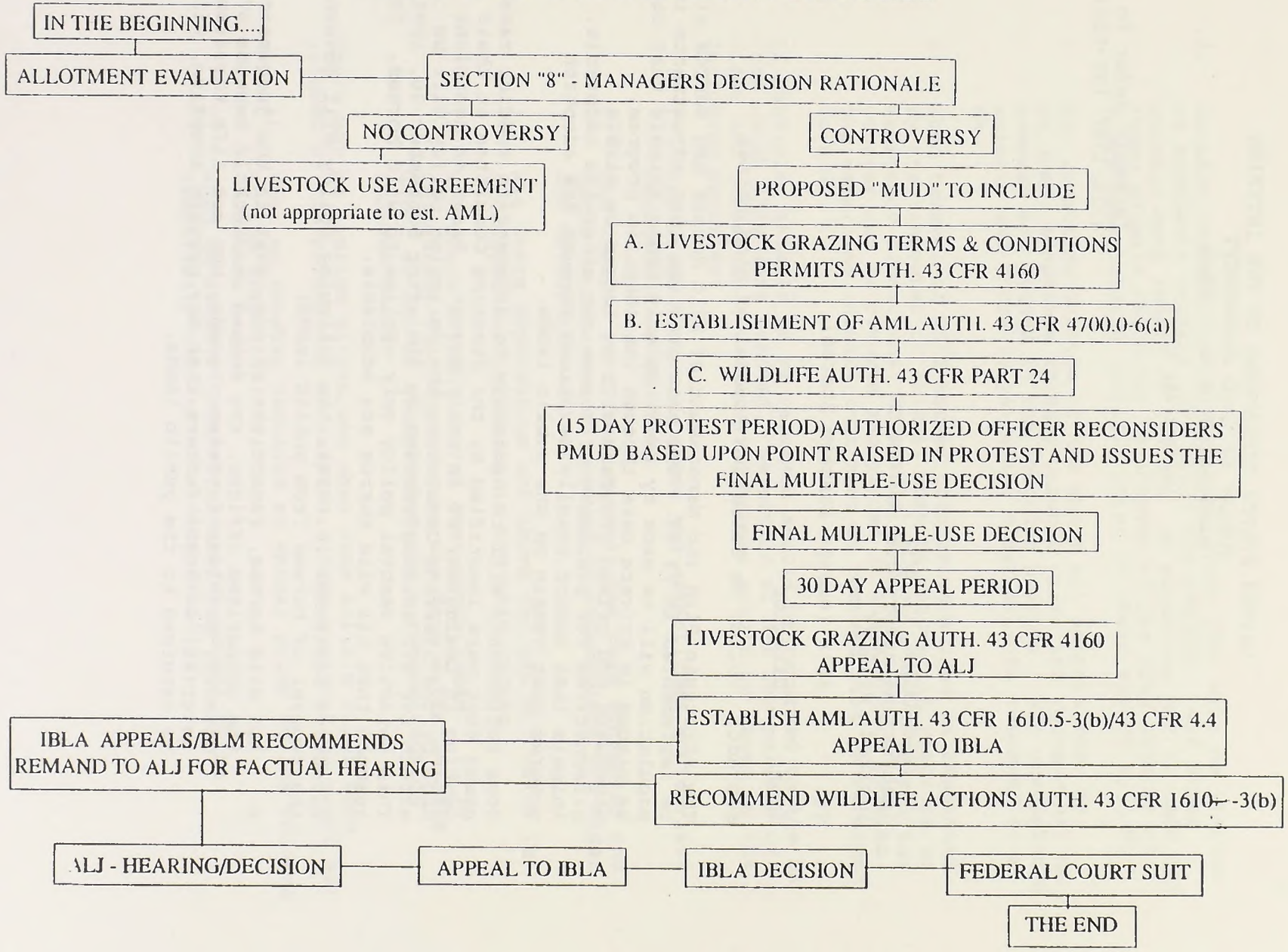
At the conclusion of the evaluation process Nevada BLM uses a Multiple Use Decision process to establish:

1. The terms and conditions of the grazing permits.
2. The Appropriate Management Level for Wild Horses and Burros that occur within the allotment.
3. Any recommendations for wildlife populations or habitat management actions required if it is determined that these actions are necessary.

This format addresses the above items in a manner that must be consistent with the LUP for the area.

Should any protests or appeals be initiated as a result of these decisions it is intended that they all be consolidated for the purpose of holding one hearing on the issues. The rationale for this is that the issues of livestock grazing, wild horse and burro management and wildlife issues are all interrelated. The basis of the decision is monitoring information collected on the resources of the allotment. Any adjudication of these decisions should consider all the users of the vegetation resources, rather than separate forums adjudicating single issues.
(See attached flow sheet for more detail.

# MULTIPLE USE DECISION PROCESS



UNITED STATES DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
WASHINGTON, D.C. 20240

October 23, 1992

In Reply Refer To
4720/1760 (NV-960)

EMS TRANSMISSION 10/29/92
Instruction Memorandum No. 93- 30
Expires 9/30/94

To: SD's (except Eastern States)

From: Director

Subject: Policy on Selective Removal of Wild Horses

The Strategic Plan for Management of Wild Horses and Burros will be implemented in FY 93. The plan provides that adjustments in population will be made by removing only those animals that can be placed in private care through the adoption program. Sanctuary and prison programs will no longer be viable alternatives for placement of horses not otherwise adoptable. Animals that cannot readily be placed through the adoption program must remain on the public lands.

Some refinements will be necessary to accommodate special removal needs that were identified by the Steering Committee at their meeting in Lexington, KY in early August. Based on decisions made by the Steering Committee, the following policy will be in effect for all animals removed by BLM after September 30, 1992. This selective removal policy only applies to wild horses. It is assumed that all wild burros are adoptable.

Effective September 30, 1992, the following policy will govern the removal of horses from public lands:

A. All wild horses, regardless of age, that in the judgement of the authorized officer, are deemed unadoptable because of defects, previous injuries, recent, but not life threatening injuries, or other factors that may prevent adoption, will be returned to the public lands.

B. Animals removed from within herd areas (HA) will be limited to adoptable animals five years and younger. All other animals must remain on the HA. An exception may be made for those animals which may be adopted at the trap site or at a short term holding facility prior to their return to a HA.

C. For locations outside of HAs where all animals must be removed, adoptable animals under 9 years and younger may be removed and placed in the adoption program. All unadoptable animals and those 10 years and older will be returned to a HA.

D. When removal of wild horses from private land is requested by the landowner or animals must be removed in response to emergency conditions, adoptable animals 9 years of age and younger may be removed and placed in the adoption program. The remaining animals that must be removed will be returned to a HA.

If possible, animals to be released should be returned to the HA from which they were removed. Selection of HAs for release of older and unadoptable excess wild horses should be based on the following priority:

1. HAs which are at or below the established appropriate management level (AML).

2. HAs where a concurrent removal has been scheduled and extra animals can be removed to accommodate the older and unadoptable animals.

3. HAs where populations are above the AML but which is scheduled for gathering in the near future.

4. HAs where no AML has yet been established. It is recognized that these areas may have extra animals until an AML is established and a removal action implemented.

There may be limited situations when some animals older than allowed by the policy can be adopted. Such a situation might be:

1) When an adopter requests an animal prior to its release at the trap site; or

2) When an adopter requests an older animal being temporarily held at a holding facility.

In these situations, where an adopter is readily available, these older animals may be adopted. However, barring these types of situations, older animals will not be placed in the adoption pipeline, nor will they be held in holding facilities for extended periods of time. They must be returned to the range.

We understand this policy may be very difficult to implement in some situations. When this is the case, a written request to deviate from the policy should be forwarded to the Wild Horse and Burro National Program Office.

Questions or comments concerning this policy should be directed to Vern Schulze of the National Wild Horse and Burro Program Office at (702) 785-6583.

Henry Noldan

Henry Noldan
Acting Assistant Director, Land and Renewable Resources