

m 1/20/90

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January 20, 1990

Mr. Gene Drais, Manager
Egan Resource Area
Ely District Office, BLM
HC 33 Box 150
Ely, NV 89301-9408

Dear Mr. Drais:

Thank you for the opportunity to respond to the following four allotments: Fort Ruby, Six Mile, S. Pancake, Becky Creek. As per our phone conversation of 1/17/91, regarding the length of time to respond to these proposed allotment decisions, I appreciate the extension from 1/20 to 1/22 due to those being a weekend and holiday day. It would be very helpful in future document deadlines if the BLM would specify if calendar or working days are to be used. I assumed that I had 15 working days from the day of receipt which would make the deadline 1/25/91.

I did mention to you that I would protest these proposed decisions; however, I did not have the opportunity to evaluate Fort Ruby when I mentioned these protests to you. I mistook Fort Ruby for the Ruby Valley allotment which is of great concern to me. If I understand your description of the lay of the land, I do commend you for your wise decision to remove one horse out of FORT RUBY where the public land is surrounded by private land which is fenced. I agree with this proposed decision.

I do not agree with the following proposed decisions and I hereby protest these decisions based on Public Law 92-195, Sec 2 (f)(2) - "excess animals means wild free-roaming horses or burros which must be removed from an area in order to preserve and maintain a thriving natural ecological balance and multiple use relationship".



MONTE CRISTO HMA

SIX MILE: (0613)

The BLM has not met 6 out of 10 land use objectives.
To rectify this, the allotment was changed to an I category;

- A. Sheep preference is maintained at 922 AUMs with flexibility of allowing sheep numbers up to 3,000 head.
- B. Cattle AUMs are reduced over 5 years by a total of 145 AUMs which then go on suspension with a flexibility of a maximum of 300 head.
- C. Wild horse AUMs are reduced to 135 or 11 animals.

Point 1: Multiple use is defined as "harmonious use of range more than one purpose. NOT NECESSARILY the combination of uses that will **yield the highest economic return or greatest unit output.**(FLPMA)

NO REMOVAL - Sheep
TEMPORARY REMOVAL - Cattle
PERMANENT REMOVAL - Horses

Point 2: I cannot agree with the number of horses (11) that has been determined for this allotment when you base that number on yearlong use. The census map of 2/5/86 shows no horses at that time in this allotment. Therefore since your monitoring does not show seasonal migration patterns, and horses are in this portion of the HMA, I must conclude that they are not there yearlong. If horses use this portion of the HMA only one month, than 135 horses should be allowed.

Point 3: In the recent IBLA ruling of the Monte Cristo HMA, the issue of AMLs set in RMPs were invalid because they were not supported by monitoring. Therefore wild horses cannot be managed at 96 since this figure is invalid. Futhermore, to fragment the HMA by allotment by allotment to establish AUMs and numbers of horses does not produce sound management considerations for wild horses. It fails to meet the specifications of NEPA which requires integrated management. (It is interesting to note that the two allotments chosen only have a small portion of the HMA within them and are category M, while the Duckwater, a category I allotment containing approximately 3/4 of the HMA was not selected.) It would make more sense if the HMA were evaluated before individual allotments. Finding out habitat evaluation and censusing from the entire HMA would meet NEPA requirements. To add to further confusion, the management action selection report states that AUMs will be reduced to 135 when in fact the Rangeland Program Summary shows that they are 104. Arriving at horse AUMS appears arbitrary and capricious.

Point 4: Several of the maps of the HMA and allotment that I have seen need clarification on the boundaries of the HMA. It appears that the HMA extends into the seeding areas and if that is so, those areas should not be fenced off to horses and other wildlife.

Point 5: In the winterfat bottom areas, it is unclear as to which animal contributed most to overutilization (horse or sheep). Data shows that numbers are much greater for cattle(144) and sheep(1,256 in E. Native - 1,351 in W. Native) as compared to a proposed 11 horses.

In summary, multiple use considerations have not been applied to horses. Horse numbers cannot be determined in regard to AUMs when seasonal migration is not monitored to determine period of use in the allotment. Allocation of forage to establish AML cannot be determined unless actual use by horses is ascertained through the monitoring process. Determining what animal contributed to what amount of damage would result in evenhanded correction of resource damage.

MONTE CRISTO HMA

SOUTH PANCAKE(0615)

The BLM has not met 6 out of 10 land use objectives. It appears that the allotment has been changed to an I category because the Management Action Selection Report states, "Maintain sheep preference at 1154 AUMS with more intensive management".

Point 1: Management objectives need to be revised since objectives are based on wild horse numbers from the RMP. In the recent IBLA ruling of the Monte Cristo HMA, the issue of AMLs set in RMPs are now invalid since they were not based on monitoring.

Point 2: I cannot agree with the number of horses (40) that has been determined for this allotment when you base that number on yearlong use. The census map of 2/5/86 shows no horses at that time in this allotment; therefore, they are not there yearlong. Your monitoring does not show seasonal migration patterns or actual use. One could speculate that some of these horses may migrate to the Six Mile Allotment and could possibly be counted twice. Excess horses cannot be determined if seasonal migration patterns have not been monitored.

Point 3: In your proposed decision you state the following: "In accordance with 43 CFR 4720.1, all wild horses in excess of the appropriate management level of 40 animals will be removed" This language is no longer accepted since the final version of the rule making. The language reverts back to the statutory language concerning excess.

Point 4: As I have stated before, fragmentation of the HMA to determine AUMS and numbers of horses does not produce sound management considerations for wild horses.

Point 5: In the winterfat bottom areas it is unclear as to which animal contributed most to the overutilization. Use pattern maps do not indicate where horses are in relation to sheep. The eastern side of Barrel Springs Road is near the winterfat bottom areas which may not preclude sheep from grazing in the winterfat bottoms. If final decision does not stipulate that sheep **cannot** graze in the winterfat bottoms, we have no guarantee that sheep will not graze there; thereby, competing with horses for available AUMs.

In summary, horse numbers cannot be determined in regard to AUMs when seasonal migration is not monitored to determine period of use in the allotment. Allocation of forage to establish AML cannot be determined unless actual use by horses is ascertained through the monitoring process. Determining what animal contributed to what amount of damage would result in evenhanded correction of resource damage.

ANTELOPE HMA

BECKY CREEK(0404)

Point 1: There is conflict within the Rangeland Program Summary, Proposed decision, and Management Action Selection Report in regard to horse numbers. The Rangeland Program Summary states 101 AUMs for horses. The Proposed Decision (under LUP objectives) shows 14 horses are to managed in the herd use area, and (under RPS objectives) initially three horses in Becky Creek. The Management Action Selection Report states 8 horses yearlong with 100 AUMs.

Point 2: In your proposed decision you state the following:
" In accordance with 43 CFR 4720.1, in the future, all wild horses in excess of the appropriate management level of 8 animals will be removed. This language is no longer accepted since the final rule making. The language reverts back to the statutory language concerning excess.

Point 3: AUMs cannot determine numbers of horses unless actual use is determined by noting migration patterns of horses and seasons of use.

Point 4: Fragmenting the Antelope HMA and determining AML allotment by allotment does not produce sound management considerations for horses. Fragmentation fails to meet the specifications of NEPA which require integrated management.

Mr. Gene Drais
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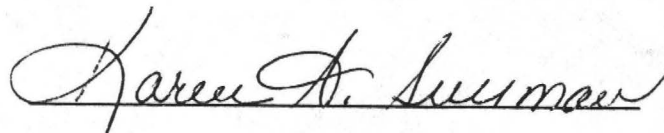
Point 5: Proper Management Number(eg, "AML") is the optimum level of horses who have the right to the entire habitat area designated as the Antelope HMA which must take into account their biological needs, habitat requirements, seasonal ranges, spacial needs.

In summary, Horse numbers cannot be determined in regard to AUMs when seasonal migration is not monitored to determine period of use in the allotment. Allocation of forage to establish AML cannot be determined unless actual use by horses is ascertained through monitoring. Fragmentation of the HMA to determine horse numbers allotment by allotment results in unsound management considerations for horses.

SUMMARY

ISPMB protests the proposed decision on the following allotments:

Six Mile Allotment
South Pancake Allotment
Becky Creek Allotment



Karen A. Sussman, President