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12/19/96

December 19, 1996

Re: Proposed Diamond Mountain Range Wild Horse Removal Plan

Dear Mr. Smith:

The Commission for the Preservation of Wild Horses has participated in all tours and meetings of the Eureka Working Group. In 1992 the Commission provided 14,000 dollars to the Battle Mountain District to collect wild horse data to best address the resource problems in the Diamond Mountains. Resource protection and wild horse management are our primary concern and investment in the Diamond Mountains.

To date, many issues have been debated in Eureka and some significant gains in the group's consensus on major issues. Unfortunately, the three Districts have not had consistent representation and no record exists of our work. Now with pending contracts for a predetermined removal of 1,000 wild horses, we seek confirmation in this decision for data and rationale to support any type of appropriative management level affecting these herds.

SPECIFIC COMMENTS

The purpose of a gather plan is to outline procedures to gather and not to establish appropriate management levels. Gather plans do not serve as an allotment evaluation or environmental assessment to present data and select management alternatives. We recommend a supplemental document that discloses at least one year of use pattern mapping data, allotment specific objectives, actual use and carrying capacity calculations be provided. Any livestock agreements for the "interim" or adjusted permits should be presented.

The Act and regulations require that a viable herd sustained. It was the consensus of the group that the North Diamond Hills, South Diamond Hills and Diamond Range Herd Management Areas be managed as a meta population. A gather plan should address the herd's age, sex and genetic composition. A gather plan should assess the status and impacts of administrative fences to assure adequate movement to sustain viable population.

The working group agreed that a fence analysis would be provided in the decisions.

The Railroad Pass Allotment Final Multiple Use Decision was appeal by the Commission. On June 3, 1996 the Ely District Manager verbally vacated this decision as a commitment to the Diamond Mountain planning process. The 1996 use pattern mapping data collected on Railroad Pass Allotment validated the fact that the implementation of the Decision had no affect on the condition of the natural resources of the allotment. As previously argued, there is the need to manage all the herd areas as one and apply proper decision making processes to manage the herd and protect natural resources. The Eureka Working Group embraces and working towards these ends. In a good faith effort the Commission provided the District a settlement agreement to endorse our intentions and issues presented to the Eureka Working Group, the District has made no response in over three months. We recommend that the District reach agreement and implement its contents in the proposed plan and others.

Programmatic Environmental Assessments prepare ten years ago are not valid. It can be assumed that the wild horse program has collected new and meaningful data to support or modify existing adoption policy of the Bureau. The purpose of this gather plan is to disclose meaningful data to the public and affected parties rather than elude to reference libraries in distant District Offices. We recommend that the EA be provided in the final gather plan and amended as needed.

Census data is critical to any meaningful decision affecting these herds. As mention, the Commission provided funding for data collected in 1992. No wild horse specialist or this document makes reference to these intensive studies intended to avoid any confusion concerning wild horse numbers and distribution.

The 1996 census was conducted by three specialist from each District. In the Eureka Working Group, it was felt reasonable to expect that not all horses were observed. There was agreement that 10% above the observed could represent the population. The author disputes the agreement and rationalized 100% observation. In determining the range carrying capacity and allocation of forage it is essential that actual use of wild horses is determine accurately. We recommend a post gather census and population estimate based on real data with modeling.

Rangeland monitoring data are required to make any adjustment in wild horses. Use pattern mapping data collected by the Bureau or Eureka County are not disclosed. No assessment of the data are provided to the public to support each allotment statement. Input by the Commission and the proposed agreement for Railroad Pass are not recognized. Our efforts to set for parameters to establish an appropriate management level and future monitoring appear to be rejected by the Bureau of Land Management. We exercised extreme care in our recommendations to be assured that monitoring request were within the capabilities of the BLM.

As indicated in the table, the proposed gather plan reduces wild horses by 80 percent and increases livestock actual use by 5,324 AUMs or 38%. While the Eureka Working Group all embrace the restoration of rangelands to enable permittees to reinstate their permitted use, the management of wild horses cannot stand alone in the interim or long term. There is a need to better explain to better explain interim measures to protect natural resources from the management perspectives of both wild horses and livestock.

As support to this decision, BLM vaguely assures the Commission of multiple use decisions within three to five years that may affect livestock. All land use plans influencing these herd areas are now ten years old holding similar assurances to implement the goals and objectives. We recommend that BLM "buy in" to the Eureka Working Group and commit to multiple use decisions within two years.

Jerry, we recognize your imposed deadlines for proper documentation, decisions, contracts and coordination to remove 1000 wild horses from the Diamond Range Complex. We also recognize your authority to conduct "emergency gathers" to prevent undue suffering or losses in case of an event. However, the Commission's pursuit of proper procedures and rationales have been consistent throughout our participation in your land use planning efforts and should leave little room for misunderstanding. We ask that some changes and commitments be made to clarify our issues and assure that wild horses properly managed and monitored in a manner to resolve the controversy surround the present situation. We support a reduction that will significantly contribute to the restoration of these public lands, but pre-gather and post-gather data must show positive and measurable results on key vegetation species critical to the Diamond Range.

Diamond HMA - August 28

The tour is for the entire Diamond Mountains. Issues are being limited to the determination of the interim AML and set the stage for long term planning. Permits are not being run at active preference at this time, due to permittee cannot afford animals.

Tuesday tour of northwest and northeast Diamonds. Started at Horse Canyon, then Five Mile and Railroad Pass. Canyons have not used by cattle. Willows re-established. Uplands basically just cheatgrass. Permittee pointed out wild horse damage only. Permittee wife offered to rest the land after horse removal. No pressing need for livestock. It appears the few cows they own are in the flats or winter range. The seedings on northeast corner are severely used by horses. The gather caught about 180 horses and 89 were released back.

Group agreed that a areawide census is necessary. This area is divided between Battle Mountain, Ely and Elko Districts. Fragmented HMAs, allotment boundaries and District boundaries have prevented any meaningful management. A large portion of the east Diamonds is not an HMA, therefore horses are not being managed according to rules.

Allowable use levels were discussed. No opposition to concept. BLM is slow to except objectives for horses to distinguish user. Data may exist to make a determination for AML.

BLM field personnel are weak and resentful to Commission. Eureka people are listening but harsh, one individual near threatening. BLM Managers are dealing with issues well and supportive to Commission intervention in process. District managers are committed to resolution, while field BLM are defensive to Commission because of previous appeals. Jeff Weeks is receptive to changes to make better decisions, lessen confusion and move on. Jerry Smith is committed to making it work and realizes that any AML is going to be reinforced with livestock changes. Elko field personnel are supportive and appreciative to new management in Elko and Wells. Possible to settle on issues in Elko with new players.

August 29

Tour of southwestern Diamonds. Livestock use of upper basin overused bitterbrush and headcut stream. Rancher and Balliette agreed. Need projects for water and valley seeding to accomplish objectives. Ranchers don't want cuts and would not consider sharing water rights. No horses.

Cottonwood allotment. Rest provided willow growth in streams. Most understory cheatgrass and poverty weed. Bitterbrush in good form class. Burn has \$100,000 in fences and seed. Bitterbrush crown sprouting. Cattle in upper basin. Ranch wants water on bench with seeding to keep cattle off the mountain. Few or no horses. Domestic sheep may have cause the loss of aspen suckers. Sheep on the ridge.

Three mile had some cows earlier. Riparian hit. Slopes limit cow use of the uplands. Sheep had trespassed. Rancher wants water project and seeding.

Tour end. Discussion: Elko wanted a quick agreement and hide under an emergency. Battle Mt. wanted allocation by land use plan proportions. Both contested. We want horse data, objectives and decision independent of cows or lup. Meeting for September or October in Eureka.