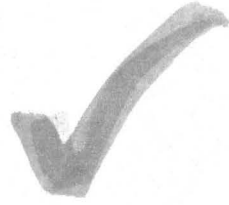


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January 2, 2065

Mr. Rodney Harris
District Manager
Bureau of Land Management
3900 East Idaho Street
Elko, Nevada 89801

Re: Appeal- Full Force and Effect Decison for Pequop Area Wild
Horse Gather

Dear Mr. Harris:

Nevada's Commission for the Preservation of Wild Horses has an established responsibility by law and affected interest status concerning the management of wild horses within the Wells Resource Area of the Elko District. Our administrative protest to the Wells Resource Management Plan Wild Horse Amendment and Decision Record was denied based upon the 1983 IBLA Decision. Pursuant to our concerns the Commission must appeal the implementation of this amendment through this Final Decision.

We find the following errors:

THE ENVIRONMENTAL ASSESSMENT IS INADEQUATE AND CANNOT SUPPORT THE WELLS RMP WILD HORSE AMENDMENT OR FINAL DECISION.

The Wells Resource Management Plan/Decision Record, land use plan, established a criteria to determine utilization limits for key vegetation species for monitoring, evaluations and manager decisions. Riparian objectives to protect 250 spring sources, 2,518 acres of deteriorated riparian areas, and improve aquatic/riparian habitat are short and long term objectives. Monitoring studies based upon the land use plan objectives were to enable the District to make multiple use decisions to adjust livestock, wildlife and wild horses to carrying capacities to maintain, protect and restore natural resources.

Utilization limitations on key vegetation species were to be based upon area specific studies consistent with the Nevada Rangeland Monitoring Handbook (1984). The environmental assessment's determination to limit wild horse use of fall key species to 10 percent was not supported by any specific study or recommendation

of the Nevada Rangeland Monitoring Handbook. Allowable Use criteria the Nevada Rangeland Monitoring Handbook suggest a moderate to heavy (50 to 90 percent) for fall grazing seasons. While we agree with many Districts that 55 percent use of annual growth by grazing animals is ecologically sound, we find limiting wild horse use to 10 percent arbitrary and bias against wild horses.

The amendment environmental assessment state that wild horses cause damage to riparian systems: "... reduce concentration areas around water. Trampling and overuse leads to death of plants resulting in bare ground." However, the environmental assessment did not consider alternatives or management actions to address this major land use plan issue.

Monitoring studies based upon meeting allowable use levels or utilization limits of key vegetation species were to establish carrying capacities for grazing animals. The environmental assessment analyzed wild horse use pattern mapping data for winter key forage species in relationship to an arbitrary 10 percent utilization limit for wild horses. The environment assessment present no data or computation that would support the RMP Wild Horse Amendment's initial Spruce-Pequop Herd (82 animals) would meet 10 percent utilization prior to livestock turnout or meet 55 percent overall use after the livestock grazing season.

Reduction of the Spruce-Pequop Wild Horse Herd Area did not consider the biological needs of the herd. The environmental assessment only excluded the "checkerboard lands" without considering the seasonal use or distribution of the herd. For example, if winter range is the limiting factor of grazing animals within the herd area, then distribution and population data should have been analyzed to determine the "initial herd" of the RMP Wild Horse Amendment. Precluding wild horses to "checkerboard lands" will eliminate percentages of summer or winter ranges, the environmental assessment did not analyze habitat in determining the "initial herd".

THE PREVIOUS AGREEMENTS INFLUENCED THE FINAL DECISION.

The Final Decision's reduction of the Spruce-Pequop Wild Horse Herd area and population has no biological rationale to support reducing the herd from 150 to 82 horses. Information found in the "Interim Allotment Management Plan For Spruce Allotment", March 9, 1993, by the consulting firm Resource Concepts, contains similar agreements and projects found in the Wells RMP Wild Horse Amendment. According to this signed agreement with the Resource Manager, the permittee' position on wild horses management is "the allotment should be designated as horse-free." To this end, the permittee and Bureau agreed to jointly fund 16 miles of allotment fences by FY 93. Though not specifically delineated in the interim agreement, these fences most likely include those identified in the RMP amendment to limit horse distribution.

The Final Decision's determination to limit wild horses to 10 percent of winter key forage prior to livestock turnout corresponds to agreements made in the "Interim Allotment Management Plan for Spruce Allotment". This allotment agreement converted domestic sheep to cattle and increase competition with wild horses. The permittee agreed to have utilization levels set for key species, but only agreed to 60 percent allowable utilization on seedings paid for by the Bureau of Land Management. Signatory, BLM and permittee, made no specific agreement to utilization limitations addressing competition of cattle with wild horses.

CARRYING CAPACITIES WERE NOT ESTABLISHED.

The Final Decision did not establish a carrying capacity to justify the initial herd. Carrying capacity computations must consider all land use plan objectives. Riparian habitat was not assessed in the environmental assessment and must be considered.

As an example, using existing data the following computation could be applied to establish an appropriate management level:

$$\frac{\text{wild horse and livestock aums}}{80 \text{ percent or heavy utliz.}} = \frac{\text{carrying capacity}}{55 \text{ percent Desired utl.}}$$

Allocation of the carrying capacity or desired stocking rate could be proportional to the composition of existing animals. Further adjustments in wild horses could be proportional to percentage of loss in habitat necessary to support the remaining herd. Livestock adjustments would be made to meet a natural ecological balance.

THE FINAL DECISION EXECUTES A PROCESS TO ELIMINATE THE SPRUCE-PEQUOP WILD HORSE HERD.

The Final Decision adjust the existing population from 150 animals to 82 animals for an interim period. The Final Decision established the Standard Operational Procedure to further reduce the herd based upon the arbitrary and excessive limitation of 10 percent of winter key species prior to livestock turn out. Implementation of the Strategic Plan for the Management of Wild Horses will require the Final Decision to leave older age class horses within the herd area. These combined actions will reduce the Spruce-Pequop Wild Horse Herd below its biological threshold and jeopardize the herd in the long term.

If it can be assumed that by reducing the herd 50 percent, that utilization of winter key species will result in 50 percent use, then implementation of the Final Decision will result in the following:

1994 Actual Wild Horse Use = 82 head or 984 AUMs
Actual Utilization = 25 percent utilization
Desired Utilization = 10 percent

Using TR 4400-7 Example D Uniform Utilization

$$\frac{984 \text{ aums}}{25 \text{ percent}} = \frac{\text{desired stocking rate}}{10 \text{ percent}}$$

Desired Stocking Rate = 393.6 AUMs
Appropriate Management Level = 33 horses

Elimination of all young productive horses for adoptions will result in all surviving horses being over 10 years of age. Such a reduced herd below its potential will not be able to retain its genetic pool to retain a viable herd beyond the next gather. Restructuring of the age classes jeopardizes the herd existence due to winter kill and disease.

THE FINAL DECISION IS BIAS AGAINST WILD HORSES.

The Final Decision provides forage for the livestock conversion and agreement for the Spruce Allotment. Amending the land use plan to initially adjust the wild horse herds to resolve the private land owner conflicts has only set the initial steps eliminate competition for livestock foraged created by the permittee agreement with the Bureau of Land Management.