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United States  
Department of  
Agriculture

Forest  
Service

Inyo  
National  
Forest

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Reply to: 1500

Date: May 5, 1993

USDI-Bureau of Land Management  
ATTN: John Matthiessen, Walker Resource Area Manager  
1535 Hot Springs Road; Suite 300  
Carson City, NV 89706-0838

Dear Mr. Matthiessen:

I have reviewed your proposed Multiple Use Decision for the Basalt Allotment, and the accompanying Wild Horse Management Decision, both of which were provided to us under cover of your letter dated April 22, 1993. This letter is being provided to serve as a formal protest to that Wild Horse Management Decision. My protest is being submitted pursuant to regulations at 43 CFR 4160.2 and is based upon the procedures that were used to develop your proposed decision, and upon the potential impacts your proposed management of the Basalt Allotment may have on the Montgomery Pass and White Mountain Wild Horse Herds.

PROCEDURAL MATTERS

On August 18, 1992, you provided the Inyo National Forest, for our review and comment, the "Basalt Allotment Evaluation". The boundaries of the Montgomery Pass Wild Horse Territory (MPWHT) that you displayed in that document were consistent with the boundaries for the territory that were identified in the Coordinated Resource Plan (CRP) for the MPWHT (June, 1988). This had been the boundary that had been recognized for years as the official designated boundary of the Herd Management Area (HMA) for the MPWHT, and it was assumed that this was the official HMA boundary for the MPWHT that was established pursuant to the Wild Horses and Burros Protection Act of 1971. Therefore, since you had accurately displayed the MPWHT, and since your 8/18/92 Basalt Allotment Evaluation accurately cited the wild horse use of the allotment and cited no other management concerns or objectives associated with that use, the Inyo National Forest reviewed your evaluation and had no comments or concerns to provide in response to it.

Your proposed April 22, 1993 Wild Horse Management Decision now contains significantly different information concerning the MPWHT and the management of wild horse use within the Basalt Allotment than that which was disclosed in your 1992 Allotment Evaluation. You now state that a portion of the MPWHT identified in the CRP as being within a significant portion of the Basalt Allotment was mistakenly identified; that the official HMA boundary of the MPWHT is that which is now identified in your April 22, 1993 decision document. If your office has indeed discovered that a mistake was made in the CRP and its identification of the boundaries of the MPWHT, then corresponding revisions to your Basalt Allotment Evaluation document should also have been made. Concerned parties





John Matthiessen, Walker Resource Area Manager

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should then have been given a second opportunity to review and comment upon these findings and their potential implications concerning your proposed management of wild horse use within the Basalt Allotment. Furthermore, if your findings as to the official HMA boundary of the MPWHT are indeed correct, then a revision or an amendment to the CRP may also be warranted to accurately reflect this official boundary of the MPWHT. The potential impacts that these boundary revisions may have concerning management of the MPWH Herd should be addressed through the coordinated resource planning process, rather than being made independently in a single agency decision document.

#### POTENTIAL IMPACTS TO WILD HORSES

Your proposed Wild Horse Management Decision cites objectives for management of wild horses from the Montgomery Pass and White Mountain Herds during their annual, intermittent use of portions of the Basalt Allotment (wild horse use of the Basalt Allotment occurs primarily during the winter months of each year). Following are statements made in your proposed decision that appear to be management objectives for the Basalt Allotment that are of most concern regarding their potential effect on wild horse use and management within the allotment:

"Based upon the insignificant portion of the Montgomery Pass Wild Horse Territory contained within the Basalt Allotment, the Appropriate Management Level for wild horses will be zero (0)."

"...efforts will be made to re-establish wintertime use by the wild horses within the boundaries of the (Montgomery Pass Wild Horse) Territory."

"There appears to be some use by wild horses from the White Mountain Herd in the allotment. Increased monitoring is needed to substantiate if this is indeed occurring, and to suggest steps that may be needed to resolve this situation if it proves to be more than a temporary response to drought."

Though your proposed decision does not directly say so, the above statements infer an overall management objective to eliminate all wild horse use of the Basalt Allotment. Your agency's objectives for the management of wild horse use within the Basalt Allotment should have included formal consultation and coordination with the MPWHT Steering Committee, and should have been made a part of your decision-making process. One of the objectives of the coordinated resource planning process cited in the 1988 CRP was to provide a forum "by which resource owners, managers, and users work as a team to develop and implement actions for the management of all major resources within the MPWHT". Although your proposed decision states your District's participation in the development and implementation of the CRP, you have failed to fully utilize the coordinated resource planning process in your decision making process for management of the Basalt Allotment, and wild horses from the MPWHT that utilize that allotment.





REMEDIES TO PROTEST ISSUES

To remedy the above concerns, the Walker Resource Area should suspend the planned implementation of their proposed multiple use decision for wild horse management within the Basalt Allotment. During this period of suspension, the Walker Resource Area should conduct the following:

1. Formally meet and consult with the MPWHT Steering Committee:
  - a. Address the Walker Resource Area's findings regarding the official boundary of the MPWHT;
  - b. Identify the impacts of those findings, if any, on the management objectives of the 1988 CRP for the MPWHT;
  - c. Identify any resultant amendments or revisions to the CRP that may be warranted by changes in the official boundaries of the MPWHT; and
  - d. Incorporate into the Walker Resource Area's decision document for management of wild horses on the Basalt Allotment any issues and concerns of the Steering Committee regarding potential impacts to the MPWH Herd.
  
2. Consult with the District Ranger of the White Mountain Ranger District, Inyo National Forest, concerning specific management objectives your agency has concerning wild horse use on the Basalt Allotment, and how those objectives may impact the White Mountain Wild Horse Herd. Issues or concerns which the District Ranger may have regarding those objectives should also be addressed in your agency's decision document for management of wild horses within the Basalt Allotment.

If you have any questions or concerns regarding this protest, please contact Randy Karstaedt, Acting District Ranger on the Mono Lake Ranger District of the Inyo National Forest, at (619) 847-3000.

Sincerely,

*for* *Nancy Upham*  
DENNIS W. MARTIN  
Forest Supervisor

cc:  
D51  
D53  
Steering Committee, CRP ✓

