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**USDI, DEPARTMENT OF INTERIOR
 BUREAU OF LAND MANAGEMENT
 Surprise Resource Area**

Phone: (916) 279-6101

Fax No.: (916) 279- 2171

FACSIMILE MESSAGE

TO: Rob Jettors OFFICE/DISTRICT: Susannahville
 NUMBER OF PAGES (INCLUDING THIS PAGE): 11 DATE: 7/28/93
 SUBJECT: Surprise Horse trailer comments from 7/28/93
 FROM: Richard Westman OFFICE: SURPRISE
 REMARKS: For your information

b7c to case 1

These are the copies
the Commission &
HCA comments received
the R.A. They are
eroxes.

GD 11/24/93



**COMMISSION FOR THE
RESERVATION OF WILD HORSES**

Stewart Facility
Capitol Complex
Carson City, Nevada 89710
(702) 687-5589

COMMISSIONERS

- Dan Kelserman, Chairman
Las Vegas, Nevada
- Paula S. Askew
Carson City, Nevada
- Steven Fulstone
Smith Valley, Nevada
- Dawn Lappin
Reno, Nevada

July 26, 1993

J. Anthony Dana
Surprise Resource Area Manager
BLM-Susanville District
Box 460
Cedarville, California 96104-0460

Dear Mr. Dana,

The Nevada Commission for the Preservation of Wild Horses has received and reviewed the Wild Horse Gathering and Removal for Bitner, High Rock and Wall Canyon Herd Management Areas Environmental Assessment. Setting appropriate management levels for wild horses is a Bureau of Land Management priority for FY 94 and this document represents a proposed manager's decision to adjust wild horse numbers to meet a thriving natural ecological balance.

In our previous discussions concerning the management of wild horses and burros within the Susanville District of Nevada, we have attempted to set specific guidelines that assure that wild horses are adjusted within the laws established for wild horse management and in concert to other ungulates with the end result of improved range conditions. In our view the environmental assessment must address specific land use objectives for key vegetation, critical habitat, multiple use and sustain yield mandates affecting all ungulates dependant on our public lands. In Nevada, as required by law which applies to California as well, wild horse appropriate management levels are established with the use of monitoring data in the allotment evaluation process. Wild horse decisions are issued as a part of Multiple Use Decisions per allotment. In this way, wild horses are adjusted in balance with livestock and wildlife on equal terms and assumptions within the Bureau's consistent format and methodology.

Due to inconsistencies and errors of this proposed decision and draft environmental assessment, we protest based upon the following errors:

Wild horse appropriate management levels are not in balance with active livestock preference of affected allotments.

The land use plan limited the utilization of key riparian species to the moderate range (40 to 60 percent). Use pattern J.

Anthony Dana, Area Manager
July 26, 1993
Page 2

mapping data in the appendix indicates the allotments were used by livestock, wild horses and wildlife. Wild horse appropriate management levels were set independent of any other adjustment to ungulates that affect riparian habitats.

For example, use pattern mapping for the Nut Mountain Allotment indicated heavy and severe use of riparian habitat when wild horses and livestock used the allotment in common. Wild horses are proposed to be reduced to meet the land use plan's moderate utilization limitation for riparian habitat. Livestock grazing permits are for active preference levels set in the land use plan. It would appear that the Susanville District has the same obligation to adjust livestock to meet the moderate utilization limitation of the land use plan.

Also, we are confused with your computations regarding AUM's. An AUM as we understand it equates to 1 AUM = 1 cow/calf, 1 horse, and 5 sheep or deer. How then can you calculate forage demand differently, i.e., for a cow 1 AUM = 800 lbs of forage, whereas 1 AUM for a horse = 1,000 lbs of forage (page 41). You reference on page 31, that "In the 1977 inventory and the MFP and AUM was 800 pounds for useable forage." Why then do your calculations differ just for wild horses?

Wild horse population data was not fully analyzed to determine current population estimates or projected recruitment rates for the proposed appropriate management levels.

Nevada witnessed winter losses of entire bands of wild horses in 1993. We have personally found and documented the loss bands up to 40 head on the Susanville District with reports from permittees totally approximately 100 dead horses. Suffering wild horse bands were shot by the Winnemucca District adjacent to these wild horse management areas in 1993. We have no reason to believe that the general lack of wild horses within these management areas in the spring of 1993 are because of delayed migration from other areas. A population survey should be conducted to verify the population estimates.

Recruitment rates are essential to population estimates, appropriate management and restructuring of the herd. Actual counts of wild horses vary due to habitat, season and methodology. The percent of foals in the population is an index as to the health and viability of the herd. These data must be collected analyzed to determine proper management of the herds.

Age and sex data collected in previous gathers should be expressed in the document. This data must be analyzed to determine how the herd is to be re-structured.

Utilization rates for key riparian species of key riparian habitat are not consistent with other federal land management agencies.

The land use plan MFP III decision limits utilization of key

J. Anthony Dana, Area Manager
July 26, 1993
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forage to moderate or 40 to 60 percent. Specific Standard and Guidelines of the U.S. Forest Service does not allow over 50% utilization on riparian habitats. On degraded riparian habitats in need of improvement, the Service has implemented utilization limits that will not exceed 25% of the annual growth. In allotments with livestock, wild horses and wildlife, the allowable use level or utilization limit is proportionally distributed between user. For example, the utilization limit is 50% for upland wetland riparian habitat.

Monitoring data indicates that all key riparian habitats within these herd management areas are degraded. We suggest the District implement the lower limit of 40% utilization to restore these riparian areas. Computations for livestock and wild horses carrying capacities should use proportions that maintain a viable wild horse herd.

Wild horse appropriate management levels are below the threshold for a viable population.

In a recent Multiple Use Decision for wild horse appropriate management levels within the Black Rock Range of Nevada, the Bureau of Land Management could not reduce the herds below 50 individuals. The Bureau's rationale was based upon research that found that herds less than 50 risks the loss of it's genetic diversity after as few as five generations.

Violations in setting Wild horse Appropriate Management Levels

In 1989, IBLA ruled that wild horse appropriate management levels must be established according to monitoring data. This was established nation wide not just for Nevada. We are disappointed that after all the meetings on this issue between ourselves and your District that this legal requirement is still not being followed. In this document you have shown what the AML "would be" if you used your monitoring data, however you refer to your old MFP numbers which are no longer viable and use those numbers to set your AML. This is not allowed for by law. As an example, using your own data on Nut Mountain, your data shows that the AML should be 69 wild horses, that number is the AML. To conduct a gather you would set a lower amount to be released allowing the herd to grow to the AML, keeping in mind minimum numbers necessary for genetic diversity.

PROTEST SUMMARY

The issues of this protest are to elevate previous concerns of WHOA to the Susanville District. We view these issues and concerns as constructive input to assure the preservation of these herds and that wild horses are treated fairly and consistently. We encourage the District to provide additional

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data, expand the scope of this decision and provide sound rationale to support a Multiple Use Decision that will protect our state's natural resources.

If you have any questions, please feel free to contact us. We would welcome the opportunity to discuss this with you prior to your issuance of a final.

Sincerely,

A handwritten signature in cursive script that reads "Catherine Barcomb".

CATHERINE BARCOMB
Executive Director

WVHOA

WILD HORSE ORGANIZED ASSISTANCE
P.O. BOX 555
RENO, NEVADA 89504



a note from

Dawn Y. Lappin

July 26, 1993

J. Anthony Dana
Surprise Resource Area Manager
BLM-Susanville District
Box 460
Cedarville, California 96104-0460

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J. Anthony Dana, Area Manager
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J. Anthony Dana, Area Manager
July 26, 1993
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Sincerely,

Dawn Y. Lappin

by CB

DAWN Y. LAPPIN
Director



STATE OF NEVADA
DEPARTMENT OF WILDLIFE

1100 Valley Road
P.O. Box 10678
Reno, Nevada 89520-0022
(702) 688-1500
Fax (702) 688-1595

July 20, 1993

BOB MILLER
Governor

WILLIAM A. MOLINI
Director

Mr. Tony Danna
Surprise Resource Area
Bureau of Land Management
P.O. Box 460
Cedarville, California 96104-0460

RE: Protest - Proposed Gather Plan - Bitner, High Rock, Nut
Mountain, and Wall Canyon HMAs

Dear Tony:

Our agency appreciates the opportunity to review and comment on the Surprise Resource Area Wild Horse Gather and Removal for Bitner, High Rock, Nut Mountain and Wall Canyon Herd Management Areas. Six years of drought and winter conditions of 1992-93 had a dramatic impact on wildlife populations in northern Washoe County. Management actions to restore and improve critical wildlife habitats are necessary to allow wildlife populations to achieve their potentials.

Nevada's Bureau of Land Management has implemented national policy by issuing allotment evaluations and multiple use decisions for livestock, wild horse/burros and wildlife. We find that the proposed management actions of this gather plan do not fully assess ungulate impacts or present an integrated vegetation management system to assure wildlife habitat will be protected.

SPECIFIC COMMENTS

The Cowhead/Massacre Planning Unit MFP 3 Summary is the record of decision for the final grazing environmental impact statement. MFP 3 goals, objectives and decisions are the essential elements of the land use plan. Wild horse management consistent with the land use plan must establish a viable free roaming herd coexistent with livestock and wildlife to achieve a thriving ecological balance.

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Page 4, Definition

Please include definitions for "thriving natural ecological balance and viable free roaming herd".

Page 5, Issues

Please include livestock use and impact to riparian habitat.

Page 7, Wildlife

Wildlife depend upon riparian vegetation for food and cover. Species like the short-ear owl and northern harrier require residual vegetation for nesting cover. Utilization or allowable use levels on riparian habitat must produce stubble heights adequate to provide cover for wildlife.

Page 7, Wild Horses

The District concludes that wild horses were in good health and condition during the fall of 1992, suffered no winter loss and had an estimated rate of recruitment of 20% per year within these herd management areas. It is surprising to the Department that the Bureau did not feel wild horses were impacted by the drought and winter conditions of 1992-93.

Department of Wildlife helicopter surveys revealed extremely stressed wild horses in the fall of 1993. Severe reduction in free water, lack of forage and competition between livestock reduced the physical condition of wild horses and caused mortality in foals. Wild horses adjacent to the Susanville District were shot by the Bureau of Land Management for humane reasons in February 1993. The Winnemucca District conducted emergency gathers where 90 percent of the wild horses were in jeopardy. We cannot find supportive data for conclusions contained in your document relative to wild horse condition, mortality or survival.

Page 10, Current Wild Horse Population Levels

We agree that the mild winters since 1988 resulted in good survival of foals and an increase in wild horse populations. However, actual survey data collected in October 1992, should have provided adult to foal ratios to establish the 1992 recruitment data. These data should be provided to support the assumed 20% recruitment rate in 1992 for the 1993 population estimate.

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The observation of "bony horses" in March 1993, and general lack of horses within the herd management areas during May 1993, does not support the conclusion there was no winter loss during 1992-93. We suggest that wild horse surveys be conducted in August 1993, to determine numbers, distribution and foal survival.

Page 13, Monitoring Results and Recommended Management Levels

The terms "thriving natural ecological balance and carrying capacity" require definition.

The land use plan or MFP 3 Decisions set a management level for wild horses. A recent IBLA Hearing judgement required that wild horse appropriate management levels be set based upon rangeland monitoring data specific to wild horses. Use pattern mapping data, collected on livestock allotments within the herd management areas, are in Appendix 5. We assume that these allotments were jointly used with livestock and that livestock use varied depending upon voluntary non-use by the permittee. Since wild horse appropriate management levels are being established upon this use pattern mapping data, then how was ungulate use differentiated? Failure to disclose data, analyze and make livestock decisions with available rangeland monitoring data is contrary to Bureau of Land Management land use planning, policy and law.

Page 16, Livestock

The Cowhead/Massacre Grazing Final Environmental Impact Statement and MFP 3 Decisions did not set carrying capacities for allotments within these herd management areas. This draft document shows that MFP 3 wild horse numbers and livestock active preference figures were available several years since finalization of the land use plan. This document further explains that continued overutilization of riparian habitats contributed to ongoing degradation of these natural resources. Livestock numbers established in the land use plan are based upon average actual use prior to the MFP 3 Decisions. No later than five years after the land use plan, rangeland monitoring data were to be used to adjust livestock and wild horse numbers to carrying capacity and a thriving natural balance. Now, twelve years after the land use plan, the first attempt to adjust numbers is being made based upon monitoring data.

Failure to prepare allotment evaluations, issue manager's decisions or implement drought policies to protect natural resources has resulted in degraded rangeland conditions within the

Mr. Tony Dana
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Surprise Resource Area. As found in the appendix, the permittees have been licensed in 1993 to stock near livestock active preference levels. Any benefit to riparian by the reduction of wild horses will be lost to increases in livestock stocking.

Page 18, Wild Horses - Impacts to the Proposed Alternative

We agree with the author's statement: "Wild horses can either be allowed to increase, over populate their range, and, as in the winter of 1992-93, starve to death during a snowy winter." As previously pointed out, the projected population estimate assumed no winter loss in 1992-93, and in fact showed a 20% increase in population. Management of livestock and wild horses within the carrying capacity of the range is the only solution to prevent catastrophic losses in wild horses and wildlife as observed in the winter of 1992-93.

Efforts to re-structuring wild horse herds should consider other criteria than adoptability. Recruitment rates, productivity of mares, sex ratios, herd size thresholds and life span criteria should be major factors in determining a viable wild horse herd. All data collected from previous gathers should be presented and analyzed.

Improvement to riparian habitat is the objective of the land use plan decision, Bureau policy and the basic criteria for the proposed wild horse gathers. The proposed action should produce a measurable improvement in riparian vegetation at the key management areas. We suggest that utilization limits or allowable use criteria for riparian vegetation be expressed as a stubble height.

Page 31, Appendix 2, Desired Actual Use Computations

We agree that Technical Reference 4400-7 should be utilized along with use pattern mapping data to assess wild horse use of key riparian management areas. Use pattern mapping data found in Appendix 5 illustrates heavy and severe use on riparian habitats. It should be noted that the mean percentage of "severe " is 90 percent and not the 70 percent applied in all computations as the observed actual utilization. Also, the mean percentage of "moderate" is 50 percent and not 60 percent as used as the desired utilization. These assumptions by the District significantly alter the mathematics for the carrying capacity computations.

MFP 3 Decisions allow only for overall moderate use, which ranges from 40 to 60 percent utilization. Due to the drought and past livestock and wild horse use of riparian habitat, it would be consistent with other federal land management agencies to limit

Mr. Tony Dana
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utilization to the minimum 40 percent, rather than the proposed maximum limit of 60 percent.

While accurate carrying capacity computations with existing data can be used to establish appropriate management levels for wild horses, the District's failure to fully account for livestock use on these allotments makes it difficult to manage for joint use. If reductions are made in wild horse numbers and livestock are permitted to near active preference levels, then we foresee problems with attaining the objective to improve riparian habitat.

Page 36, Influence of Livestock Management

Licensing of livestock is undertaken by issuing a 10 year license along with issuance of annual preference statements. These licenses are issued without environmental assessments and without consultation with affected interests. Increasing livestock actual use in 1993 was not assessed using monitoring data, in the same fashion the data was used to propose for wild horse numbers in this gather plan. Since the data, procedures and policies are identical for both ungulates, we encourage the District to conduct full allotment evaluations and issue manager's multiple use decisions.

Sincerely,

WILLIAM A. MOLINI, DIRECTOR



Gregg Tanner
Acting Region I Manager
Region I

REL:rl/

CC: Habitat, Reno
Mike Dobel
NCPWH - Catherine Barcomb