



DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES
COMMISSION FOR THE
PRESERVATION OF WILD HORSES

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August 25, 1998

Dear Plan Participants,

The draft plan is being provided to you for review and the opportunity to provide written comments to the Commission on the content. We believe we have captured all the comments and feelings that have been presented to us in our scoping process. We held two forums to reach consensus and make recommendations for the draft plan.

Please provide your written comments to the draft to the Commission office. Your comments must be received by this office no later than October 1, 1998, to be considered for the final. If you have any questions, please feel free to call me.

Cathy

DRAFT

8/1998

NEVADA WILD HORSE MANAGEMENT PLAN



FOR FEDERAL LANDS

Prepared for

**NEVADA DEPARTMENT OF CONSERVATION & NATURAL RESOURCES
COMMISSION FOR THE PRESERVATION OF WILD HORSES**

123 West Nye Lane, Room 248
Carson City, Nevada 89706-0818

Prepared by

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August 1998

PREFACE

The "Nevada Wild Horse Management Plan - For Federal Lands", is prepared under contract by *Nevada Ecological Consulting, Inc.*, Reno, Nevada, for the Nevada Department of Conservation and Natural Resources, through its Commission for the Preservation of Wild Horses, in response to Senate Bill 211 enacted during the 1997 Session of the Nevada Legislature. This bill requires the Commission to develop a plan consistent with the existing provisions of Nevada Revised Statutes 504.430 through 504.490 that define the primary duties of the Commission. Furthermore, the new legislation requires the plan to explain the manner in which money in the Heil trust fund will be expended in carrying out the duties of the Commission.

In preparation of this plan the legislation also required that public meetings be conducted throughout the State to identify public input of issues to obtain "The Nevada Perspective" pertinent to wild horse management on the federal lands located in this state.

This plan is the first written draft which is being mailed by the Commission to all interested participants on its mailing list with a thirty day written comment period from the date of mailing.

After written public comments are received, they will be reviewed and, where appropriated, used in the preparation of a Final Draft Plan. The Final Draft will be presented to the Commission for their review and approval, after which, the Final Plan will be prepared and printed for Commission distribution.

Cover photo courtesy of Jim Hansen

Two Central Nevada Stallions competing for a harem

ACKNOWLEDGMENTS

The Commission wishes to thank all those public individuals who so willingly provided their own time, travel and expenses to attend and participate in the public scoping process for identification and resolution of the many very difficult and complex issues involved with the management of Nevada's wild horse resource.

Special thanks is given to Terry Woosley, Maxine Shane, of the Bureau of Land Management-Nevada State Office , and Bob Mitchell, National Program Office, who so graciously devoted many hours of their time to interviews and in supplying pertinent information, and to Mark O'Brien, and Marcus Egge for preparation of Bureau's Nevada wild horse distribution map. Thanks also goes to the many District Wild Horse Specialists who also provide valuable information and led field tours during the public meeting process.

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In Central Nevada a small herd heads out across the desert.

Photo courtesy of Jim Hansen

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INTRODUCTION



A small band in the Red Rock area near Las Vegas.

Photo courtesy of Mary Sue Kunz ©

NEVADA WILD HORSE MANAGEMENT PLAN - FOR FEDERAL LANDS

1.0 INTRODUCTION

1.1 Purpose and Authority

The 1997 session of the Nevada Legislature enacted Senate Bill No. 211, amending Nevada Revised Statute (NRS) 232.090 which directs the Nevada Commission for the Preservation of Wild Horses (Commission) to prepare a statewide plan specifically for the management of wild horses on federal lands. Although burros are excluded from the legislation, actions proposed for the management of wild horses in most cases would be appropriate for wild burros. The plan is required to be consistent with the existing provisions of NRS 504.430 through 504.490 that define the primary duties and purpose of the Commission and which must also include proposed actions to delegate and expend the Heil trust funds pursuant to the duties of the Commission. The Commission in preparing the plan is required to conduct public meetings to receive comments from members of the general public.

The Commission's primary duties as specified by NRS 504.4701 in fulfilling its responsibilities to Nevada's wild horses and in preparation of the plan includes:

- Promote the management and protection of wild horses;
- Act as liaison between the state, the general public and interested organizations on the issue of the preservation of wild horses;
- Advise the governor on the status of wild horses in Nevada and the activities of the commission;
- Solicit and accept contributions for the Heil trust fund for wild horses;
- Recommend to the legislature legislation which is consistent with federal law;
- Develop, identify, initiate, manage and coordinate projects to study, preserve and manage wild horses and their habitat;
- Monitor the activities of state and federal agencies, including the military, which effect wild horses;
- Participate in programs designed to encourage the protection and management of wild horses;
- Develop and manage a plan to educate and inform the public of the activities of the Commission for the preservation of wild horses;
- Report biennially to the legislature concerning its programs, objectives and achievements;
- Take any action necessary to fulfill the intent of the Heil trust;
- Grant an award in an amount it considers appropriate for information leading to the conviction of a person who violates federal or state laws concerning wild horses; and
- Adopt regulations necessary to carry out the purposes of NRS 504.430 to 505.590, inclusive.

The Commission in carrying out its duties as defined by state statutes has developed a number of policy statements which are included in Appendix D.

1.2 Commission Mission Statement

Nevada Revised Statute 505.4701 states the Commission's mission as: "To preserve viable herds of wild horses on public lands designated by the Secretary of the Interior as sanctuaries for the protection of wild horses pursuant to 16 U.S.C. §1333 (a) , at levels known to achieve a thriving natural ecological balance within the limitations of the natural resources of those lands and the use of those lands for multiple purposes, and to identify programs for the maintenance of those herds."

Although there are no official sanctuaries in Nevada, the intent of the Statute has been interpreted by the Nevada Attorney General's Office under Opinion No. 98-16 as: "to mean the Commission should focus on the preservation of wild horses on federally designated wild horse management areas." In Nevada, the federal government specifically uses the terms Herd Areas (HA) or Herd Management Areas (HMA) as habitat areas occupied by wild horse and as such, these two terms are utilized throughout the text of this Plan.

This Statute also clearly identifies that the Commission's authority is limited to preserving viable herds of wild horses on federal lands only. The federal government has preemptive authority over wild, free-roaming horses and burros on public lands in the State of Nevada, however, in accordance with federal law 16 U.S.C. 1331 et seq., the State of Nevada, through its Division of Agriculture may exercise jurisdiction under estray provisions of NRS Chapter 569 over wild horses and burros customarily residing exclusively on private lands and over horses and burros that appear to have been domesticated. This is allowed being the federal government has disclaimed jurisdiction under those circumstances. The Nevada Attorney General's Office under Opinion No. 82-9, dated May 25, 1982, further clarifies this issue. The Virginia Range, east of the cities of Reno and Sparks, is the only area of the state where this issue is presently applicable.

1.3 Role Statement

The Bureau of Land Management (BLM) and United States Forest Service (FS) retains the principal authority for the management of wild horses on public lands in Nevada. An interagency cooperative agreement between BLM and the FS gives management authority to BLM for wild horse and burro habitat areas that overlap from FS boundaries to BLM boundaries. Public Law 94-576, Federal Land Policy and Management Act (FLPMA) of 1976, sets the multiple use and sustained yield mandates for BLM. Nevada's authority in federal land management is limited to its statutes and provisions under federal law and regulations. Consistent with FLPMA, the federal government has an obligation to recognize and pursue state land use plans that are consistent with this Act. As stated in Title II, Section 202, Part C: "Land use plans of the Secretary under this section shall be consistent with state and local plans to the maximum extent he finds consistent with federal law and the purposes of this Act."

It is the role of the Commission to facilitate the "Nevada Wild Horse Management Plan - For Federal Lands" (PLAN), as a compatible plan with proposed actions to assist the federal government in achieving its mandates, while meeting the expectations and desires of the citizens of Nevada.

1.4 Compliance with Federal Laws

A number of federal laws currently exist that exert implications and constraints to provide direction to BLM and FS for the management of wild horses and burros on the public lands. These laws as shown below, are also the authority in which regulations known as, "Title 43- Code of Federal Regulations Part 4700-Wild Free-Roaming Horse and Burro Management," are implemented relating to the protection, management, and control of wild horses and burros under the administrative control of these two federal agencies. Development of the PLAN is within the constraints "sideboards" of these federal laws, however, a list of "Other Actions mentioned by the public" which are outside the federal sideboards are provided in section 5.80.

National Environmental Policy Act of 1969 (Public Law 91-190)

This Act (NEPA) requires environmental analysis of management alternatives to support any federal record of decision affecting the rangeland health of public lands.

Wild Free-Roaming Horse and Burro Act of 1971 (Public Law 92-195)

The Wild Free-Roaming Horse and Burro Act (ACT) was signed into law on December 15, 1971. This Act of Congress states:

"Congress finds and declares that wild free-roaming horses and burros are living symbols of the historic and pioneer spirit of the West; that they contribute to the diversity of life forms within the Nation and enrich the lives of the American people. It is the policy of Congress that wild free-roaming horses and burros shall be protected from capture, branding, harassment, or death; and to accomplish this they are to be considered in the area where presently found, as an integral part of the natural system of public lands."

The ACT clearly defines the ecological role of wild horses and burros on federal lands. Wild horse and burro populations are to be managed in a manner that will, "achieve a thriving natural ecological balance."

Federal Land Policy and Management Act of 1976 (Public Law 94-579)

This Act (FLPMA) is considered the Organic Act for the Bureau of Land Management. This Act requires multiple use and sustained yield of our public lands by the direction of specific land use plans and identifies wild horses and burros as one of the resources that BLM must balance as it manages the range. FLPMA also amended the ACT to permit managing agencies to use helicopters to manage and/or remove excessive wild horses.

Public Rangelands Improvement Act of 1978 (Public Law 95-514)

This Act (PRIA) gives additional authority to BLM for managing resources on public lands in a manner

that maintains or improves them. PRIA also amended the ACT to require BLM to maintain a current inventory of wild horses and authorizes BLM to remove wild horses deemed to be in excess of what the range can support as documented by (1) land use plans completed under FLPMA; (2) court-ordered environmental impact statements of grazing programs; (3) information from a research program also established in PRIA; or (4) absent the previous, on the basis of all information currently available that excess animals need to be removed. Under PRIA, removal actions are to be taken to “restore a thriving natural ecological balance to the range, and protect the range from deterioration associated with overpopulation.”

Nevada Multiple Use Decisions

Nevada Bureau of Land Management issues Multiple Use Decisions (MUD) to establish rangeland carrying capacity and allocating forage for livestock, wild horses and burros, and wildlife. This process implements the land use plan goals and objectives to protect rangeland health. These decisions adjust livestock, wild horses and burro numbers or management systems in lieu of resource activity plans. These decisions are subject to administrative appeals to resolve issues with affected interests at and beyond the local level of decision making. Appeals of BLM decisions are all under the jurisdiction of BLM’s Office of Hearings and Appeals (OHA). An Administrative Law Judge (ALJ) hears all appeals on grazing allotment MUD’s for livestock, wild horses and burros and wildlife. The ALJ decisions are appealable to the Interior Board of Land Appeals (IBLA). The IBLA is a group of Interior Judges who report directly to the Secretary of the Interior. IBLA hears appeals and rulings on major issues of BLM’s Land Use Planning involving water, gas, oil and appeals from ALJ rulings. After appeals to the IBLA court, their rulings on issues can be appealed directly to Federal Court.

Rangeland Health Standards

Standards and Guidelines for grazing administration aimed at promoting healthy public lands specifically in Nevada, have been recently approved by the Secretary of the Interior, Bruce Babbitt, to address the State’s three distinctively different geographic areas, namely, The Mojave-Southern Great Basin, The Sierra Front-Northwestern Great Basin and The Northeastern Great Basin. Resource Advisory Councils (RAC) made up of ranchers, environmentalist, academics, various industry representatives and the general public are currently in place for each of these geographic areas and advise BLM on development of the standards and guidelines pertinent to rangeland health. The four fundamentals of rangeland health that these standards and guidelines are based on, includes:

- Watersheds are properly functioning;
- Ecological processes are in order;
- Water quality complies with state standards; and
- Habitats of protected species are in order.

Rangeland Health Policy

In addition to Rangeland Health Standards, specific Rangeland Policies are also in place to guide the

federal agencies in managing public rangelands in a healthy condition under the multiple use concept; these policies include:

- All Federal decisions or actions must be limited to the carrying capacity of Nevada's public rangelands;
- Carrying capacity determinations must be supported by accurate actual use and ungulate utilization data;
- Carrying capacity determinations shall be based upon proper utilization or allowable use levels of key vegetation species for wild horses; and
- Proper utilization limits on key forage cannot exceed the "moderate level" as defined in the Nevada Rangeland Monitoring Handbook.

1.5 Public Participation

To determine public issues to address in the PLAN, scoping letters were mailed on August 12, 1997 to select public interests including individuals, government entities and organizations in an effort to establish a mailing list of interested participants and to identify initial scoping issues pertinent to development of PLAN. By September 12, 1997, these groups had responded with a total of 65 individual issues. The participants mailing list is depicted by Appendix A.

A public meeting scoping plan and schedule was developed to secure further statewide public input for issue identification. Information obtained from the initial written public scoping effort provided for the development of a draft outline plan which was mailed to all mailing list participants and to local community groups and individuals for their review prior to conducting seven statewide public-scoping meetings. Issues gathered from these public scoping meetings were then compiled and provided to those participants on the mailing list prior to conducting two public-forum meetings in an effort to reach issue consensus. The list of issues identified as a result of the seven public-scoping meetings and synopsis of the final public-forum meeting is depicted in Appendix B and C, respectively. The public-scoping process for issue identification and consensus resolution is shown by Table 1.

Table 1 Public Scoping Process - Issue Identification And Consensus Resolution

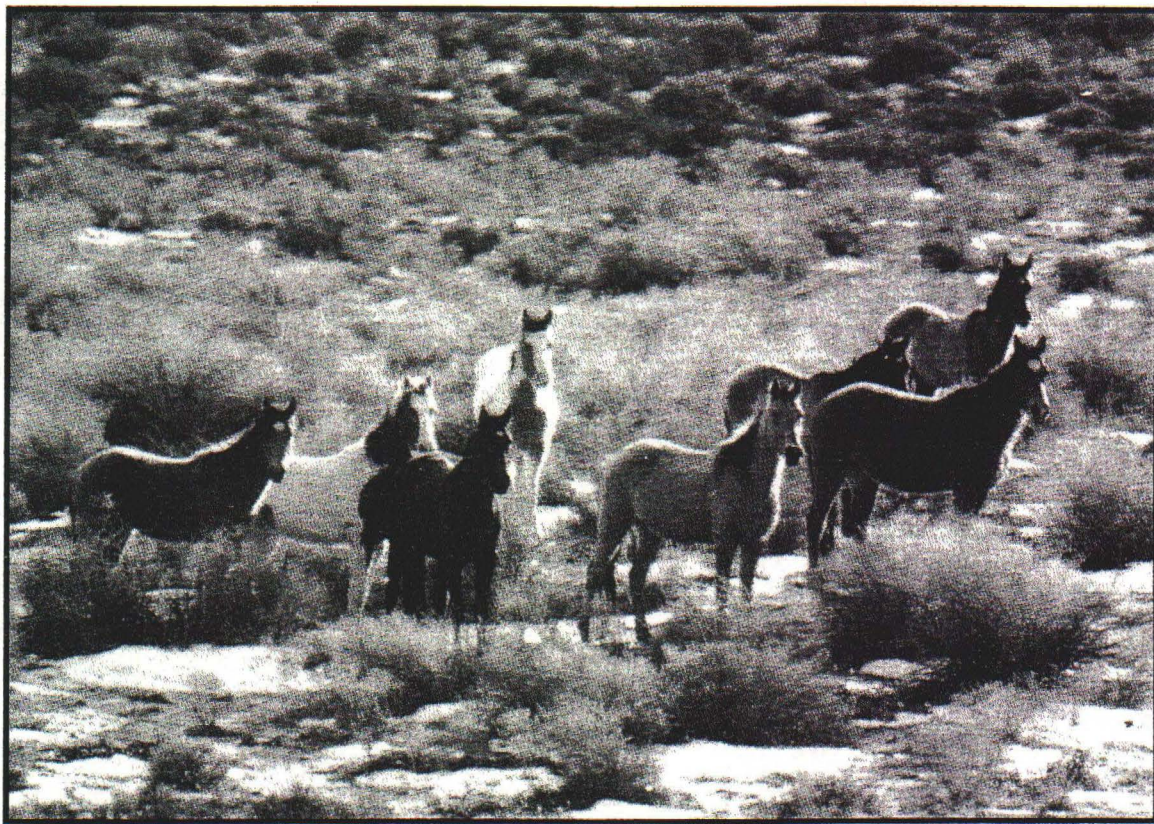
Location	Process	Date
Statewide	Scoping Issues Mailed	August 12, 1997
Eureka, NV	Public Scoping Meeting	October 10, 1997
Winnemucca, NV	Public Scoping Meeting	November 21, 1997
Carson City, NV	Public Scoping Meeting	December 9, 1997
Tonopah, NV	Public Scoping Meeting	January 30, 1998
Las Vegas, NV	Public Scoping Meeting	March 5, 1998
Caliente, NV	Public Scoping Meeting	March 6, 1998
Elko, NV	Public Scoping Meeting	March 31, 1998
Carson City, NV	Public Forum Meeting	April 22, 1998
Carson City, NV	Public Forum Meeting	May 13, 1998

1.6 Acronyms

A number of acronyms are used throughout the text of this document which are delineated below to aid the reader.

BLM	----- Bureau of Land Management
FS	----- United State Forest Service
NDA	----- Nevada Division of Agriculture
NDCNR	----- Nevada Department of Conservation and Natural Resources
NDEP	----- Nevada Division of Environmental Protection
NDOW	----- Nevada Division of Wildlife
NDWR	----- Nevada Division of Water Resources
NDSL	----- Nevada Division of State Lands
NRS	----- Nevada Revised Statutes
WHBP	----- Wild Horse and Burro Program
FLPMA	----- Federal Land Policy and Management Act 1971
NEPA	----- National Environmental Policy Act 1969
ACT	----- Wild Horse and Burro Act 1971
DOI	----- U.S. Department of the Interior
IBLA	----- Interior Board of Land Appeals
NPO	----- National Program Office (WHBP)
LUP	----- Land Use Plan

BACKGROUND



A band of wild horses feeds
along the Carson River area near Lahontan Reservoir
Photo by Bob Goodman

2.0 BACKGROUND

2.1 History of Horses in Nevada

Some 11,000 years ago during the Pleistocene Period the flora and fauna of Nevada was much different from what we know it today. Lake Lahontan covered a large part of Northern and Central Nevada, and pine trees grew to the valley floor in the vicinity of Las Vegas. Major animal species of the time included ground sloths, mammoths, camels, three-toed horses, and saber-toothed tigers. As the climate evolved to much drier conditions, all of these animals, including the prehistoric horse, became extinct (Martin and Guilday 1967). Horses did not appear again in Nevada until after the Euro-American movement west in the 1800s (Berger 1986).

Much of the information pertinent to the history of horses in what is now know as Nevada was generously provided by Robert P. McQuivey (1998) from his unpublished historical notes retrieved and recorded from the diaries and journals of early Nevada explorers and historic newspapers.

When Jedediah Smith traveled from the vicinity of the Great Salt Lake to Southern Nevada in 1826, he reported trading some of his worn and tired horses with the Indians along the Old Spanish Trail. Two years later, Peter Skeen Ogden traded horses with the Snake Indians in Northern Nevada and recaptured a few of his own horses that had been stolen by the Indians in Utah the previous year. Ogden also reported observing the tracks of some 400 head of horses that were being driven south by the Indians in the vicinity of the Humboldt River. During this time period there were no wild or free roaming horses in Nevada, nor did the resident Paiute or Western Shoshone Tribes of Indians utilize horses as part of their culture.

The diaries and journals of Jedediah Smith, Peter Skeen Ogden, John Work, Joe Meek, Joseph Walker, Zenas Leonard and several other early explorers between 1826 and 1841 not only document the lack of any free roaming horses in Nevada, but also reference the need for their parties to kill and eat some of their domestic horses to survive. John Work, for example, when in the vicinity of the Quinn River drainage of Northern Nevada, reported in his diary on June 25, 1831 as follows:

...The best hunters were out but as usual did not see a single animal of any sort. One of the men, P. Bernie, was under the necessity of killing one of his horses to eat. Thus are the people in this miserably poor country obliged to kill and feed upon these useful animals, the companions of their labors...

The first report of a free-roaming or wild horse in the area, which would later comprise the State of Nevada, may be found in the diary of John Bidwell, one of the leaders of the emigrant group that first attempted to bring wagons from the mid-west to California in 1831. After traveling down the Humboldt and approaching the sink of the river, during October of that year, Bidwell reported as follows:

...we saw a solitary horse, an indication that trappers had sometime been in that vicinity. We tried to catch him but failed; he had been there long enough to become very wild...

The discovery of gold near Sutter's Fort in the Sacramento Valley during 1848 initiated a mass movement of people through the vicinity of Nevada that is commonly referred to as the 1849 California Gold Rush. Between 1849 and 1852, it has been estimated that in excess of 100,000 people traveled along the Humboldt River corridor, with others venturing into other sections of the State. With these emigrants came large numbers of horses, oxen, mules and other domestic livestock.

By this time in history, some of the resident Indian tribes of Nevada had acquired horses for domestic use, whereas others were interested in the animals as a food resource. There were still, however, no wild or free roaming horses in the area because of the demand for these animals by both the Indians and emigrants. One of the major documented problems facing the emigrants between 1849 and as late as 1859, was related to the Indians driving off or wounding horses, and then waiting for the emigrants to move on before capturing the animals. Eliza Ann McAuley, when in the vicinity of Battle Mountain on August 22, 1852, described this situation in her diary as follows:

...They had been out hunting some horses that were stolen by the Indians, and had eaten nothing since yesterday. They found one horse alive and the Indians eating another. The rest were scattered through the mountains so that they could not be found...

The Humboldt River portion of the movement west was one of the most dreaded stretches of the Emigrant Trail, and because of the emigrants need to reach the Sierras before winter, many horses, abandoned or strayed, were left along the trail. Lorenzo Sawyer in his diary relates the experience of a trip in the vicinity of the Lower Humboldt Sink and Forty Mile Desert on July 6, 1850 as follows:

...One of our company left a horse yesterday; this morning another was left to starve on the desert; another one was killed in mercy to the animal. We saw many dead by the wayside, and many more abandoned to shift for themselves...

Because of the continued focus and demand for horses by the Indians of Nevada between 1849 and about 1860, it is doubtful that any of the horses from the emigrant's movement west resulted in the initial establishment of a single wild horse herd anywhere in the state. Wild or free roaming horse herds would become established later, as a result of the settlement of Nevada, and based almost entirely on social, political and economic conditions.

The discovery of ore on the Comstock in Western Nevada during 1859 resulted in a reverse migration of prospectors from the west, and a renewed emigration from the east. By the early 1860s, as more ore deposits were discovered, numerous cities and towns were established throughout the Territory. With the mining towns, came a need for food, and as a result agricultural lands were developed to supply the demand. Because all activities required the use of horses, the demand for these domestic animals increased accordingly. While most of these animals were imported during the early years, they were also being raised in large numbers in most areas of the state.

By the mid-1870s there were sufficient horses in the State of Nevada to meet all the local needs, and in addition, a surplus, which was used to meet the demand in other states. At this point in time, export of

Nevada horses became an important economic consideration for ranchers. A majority of these animals were raised on the open range, and therefore commonly referred to as "range horses". While they may have been free roaming because of the lack of fences, they were neither wild nor unowned.

The business of raising range horses in Nevada, most of which were exported, was extremely prosperous during the 1880s. The price for these animals generally ranged between \$30 and \$100 each, depending on the size, age and quality. Large numbers of the animals were shipped to the mid-west and east by railroad, or driven in large bands to neighboring states. Because of the large number of horses living on the open range, little thought was given to those that escaped capture, particularly those considered of inferior quality. These "wild" bands of domestic horses increased significantly during this time period, largely because of the lack of natural predators, and noticeable lack of interest by most residents of the state.

The winter of 1889-90 was one of the most devastating ever recorded in the State of Nevada, particularly for domestic livestock. It is estimated that over 75 percent of all the cattle and sheep in many areas of the state perished. Although range horses were also seriously affected, they appear to have survived the harsh conditions and deep snow better than other domestic animals. The significance of this event relates to the fact that competition for forage on the open range during the next several years would be largely nonexistent, and the numbers of range horses would expand beyond expectations.

The increase in distribution and abundance of range horses throughout the Western United States during the 1890s was compounded by a significant decrease in demand for these animals. By 1894, most of the cities in the U.S. had established cable cars or trollies as major modes of transportation, and many other types of modern mechanized equipment were being invented. By the mid-1890s, the price for most range horses had dropped to an average of less than \$5 per head. As the surplus of horses continued to increase, the price continued to decrease, and the problems on the open range became more acute.

Due to the decrease in price and increase in abundance of rangeland horses, new markets were found for these animals in the mid-1890s. A rendering plant, for example, was established near Portland, Oregon, which resulted in the use of several thousand head of horses to make fertilizer, glue and other products. The source of these horses which were mainly from Oregon and Washington, but also from Nevada, Idaho and other states. Numerous horses were also killed for their hides and hair, which in 1895, hides sold for \$3.50, tallow for \$1.50 a pound and hair (tails and manes) for 15 cents a pound. Ranchers and farmers throughout the west were also slaughtering excess horses to be used for food for hogs. A large number of horses were also used to supply the European market for horse flesh, which was considered at the time to be a delicacy in many of the European countries.

Largely because of the indiscriminate killing of rangeland horses by many parties throughout Nevada during the mid-1890s, the ranchers in the state became very concerned. Not only were unbranded range horses being killed in large numbers, but also branded and unbranded domestic stock as well. In an effort to resolve this issue, and protect the interests of the ranchers, the state legislature passed a statute in 1897 authorizing the killing of range horses, which required approval and a permit from the county commissioners as a prerequisite.

Partly as a result of the 1897 statute, and certainly because of the large numbers of range horses found throughout Northeastern Nevada, a rendering plant was established near Elko in 1898. Approximately 5,000 head of horses were purchased for the operation, with prices ranging between \$1.50 to \$3 for each horse captured and sold. The plant was only in operation for about one month, however, before it was permanently closed, with the remaining horses being branded and turned back on the public lands.

By the turn of the century, there was a slight increase in the demand for range horses because of several worldwide events. The United States, for example, was involved in the war effort of the Philippines, which resulted in the demand and sale of horses to the U.S. Cavalry. Of even greater significance, however, was the Boer War of the British Government in South Africa, an effort which eventually resulted in the demand for 350,000 head of horses, most of which came from the Western United States. It was reported that the British Government needed such a large number of horses because those that were shipped to South Africa would normally contract a disease and die within six weeks. Whatever the reason, the price of horses in Nevada jumped from about \$3 a head to over \$10 a head in a short time.

Partly because of the increase in value for range horses, but mostly because of the concern expressed by ranchers, the statute which allowed the indiscriminate killing of range horses on public lands was repealed by the Nevada State Legislature in 1901. The resultant protection that the horses would receive during the next few years, because of this initiative, would again result in dramatic increases in population numbers in many areas of the state, and rekindle concerns of the public relative to range conditions, and need for the forage to raise livestock that was considered more valuable than free roaming range horses.

The United States Forest Service Reserves were established in Nevada between 1905 and 1907, not for the purpose of protecting or planting trees, but largely to provide needed protection for rangeland resources. Rangeland horse populations were once again on the increase, and there were few controls in place for cattle and sheep operations. Local ranchers were largely supportive of the Reserves, since nomadic sheep operators, many of whom were not citizens of the United States, operated on a first come first served basis. It was recognized that if grazing was to continue on the Nevada ranges, there needed to be some protective measures established. While domestic livestock grazing practices were improved during the first few years, little was done to control the range horse populations.

Because of the continued increase of range horses throughout much of the state, the Nevada Legislature again passed a statute in 1913 which allowed the killing of horses on public lands. As in 1897, any person pursuing such activity was required to obtain a permit from the county commission which had jurisdiction. At this point in time, however, the county commissioners were not so generous with the permits, and for the most part, issued permits only to ranchers in the area or to other individuals that were able to obtain support from the local ranchers. As had been the case since wild horse populations were first established in the 1860s, the bands were a mixture of branded and unbranded horses, and all of the offspring were direct progeny of domestic horses, many of which continued to be turned out on the public rangelands at regular intervals, and primarily to improve the genetic strains.

By 1926 the United States Forest Service (FS) in cooperation with the livestock industry, and with the

support of the general public, had established reasonable control over the use of domestic cattle and sheep on the Forest Reserves, but remained concerned about the numbers of rangeland horses. In order to address this issue, an order was issued by the Secretary of Agriculture on April 16, 1926 closing the Forest Reserve to all domestic horse use from July 1 through September 30 of the same year. Because it was known that the horse populations were in reality domestic horses allowed to run free, it was determined that after allowing the ranchers enough time to remove their branded horses, the remaining animals would also be removed by whatever means was most feasible.

The roundup on the Toiyabe Mountain range began during July of 1926, and after several days of pursuing horses in the rugged terrain, only 142 animals were captured alive. Because of the time and cost involved, and recognizing there was no market for the animals, the agency employed government hunters, who then completed the task by shooting an additional 1,128 horses and five or six burros. The following year an additional 1,046 horses were killed in Ione Valley, lowland area immediately west of the Forest Reserve. At the time, it was estimated that well over 20,000 additional free roaming range horses continued to inhabit the public lands of the Nevada, most of which were not on the Forest Reserves.

Largely because the horses in Nevada were not a native or wild animal species that evolved over a long period of time, there were no predators in the state that could control population numbers with any degree of success. That effort had to be accomplished by humans, and then only within socially, economically and politically established bounds. It was soon learned that the general public of the United State did not approve of the indiscriminate killing of what were now known as "wild horses" by government agents.

The control of horse numbers on the public rangelands in Nevada continued under the authority of state law, and via county commission jurisdiction for about the next 50 years. Additional provisions were added to the statutes as public demand dictated, but for the most part, the focus of keeping populations in check remained the same.

During the 1950s, the methods to gather and dispose of wild horses by mustangers, ranchers and hunters were publicly exposed throughout the nation as being ruthless, indiscriminate and wholly inhumane. As a result of the public outcry which followed, major support for reform and the humane treatment of wild horses throughout the United States began and continues today. Nevada's own Velma.B. Johnston, later to be known as "Wild Horse Annie", led the charge by mounting a fierce letter writing campaign for wild horse reform, that has only been exceeded by the written correspondence received by Congress over the Vietnam War. State and federal laws were enacted thereafter, which first prohibited use of aircraft and mechanized vehicles to gather and capture wild horses, and later provided for the establishment of three wild horse ranges in separate states, including the Nevada Wild Horse Range (1961) located within the Nellis Air Force Range in the southwest part of the state. Additional efforts towards federal legislation to protect, manage and control wild horses on public lands resulted in a bill being signed into law on December 15, 1971 by President Richard M. Nixon, as Public Law 92-195, now commonly known as, "The Wild Free-Roaming Horse and Burro Act of 1971".

Rangeland horses of the Western United States were officially designated as "wild horses" with enactment of the Wild Horse and Burro Act in 1971 (ACT) and are therefore, so termed in the text of this plan. Prior to this date, the rangeland horse was in reality, a "feral horse", meaning a wild state of existence for a domesticated animal. According to Berger (1986) the process of feralization is straightforward, it merely involves an animal's fending for itself and given sufficient time, individuals that survive and reproduce with other survivors creates a gene pool for the population. The only true existing native horse in the world, whose ancestry is linked directly to present day domestic horses and wild horses, are the Przewalski's horses which were endemic to ranges in China, Russia, and Mongolia prior to the turn of the century (Klimov and Orlov 1982). Przewalski's horses today are presumed extinct from their native habitats and are found only in zoos, which number approximately 500 animals.

2.2 Current Wild Horse Management

Federal Legislation known as, The Wild Free-Roaming Horse and Burro Act (ACT) was passed by the U.S. Congress in 1971 (Appendix D). This ACT replaced the authority of state and local government with federal government jurisdiction. The ACT places the authority to manage wild horse and burros with the Secretaries of the Interior and Agriculture who in turn have delegated those authorities to the Director of the BLM and Chief of the FS. The ACT requires the BLM and FS to protect, manage and control wild free-roaming horses and burros on public lands at population levels that assure a "thriving natural ecological balance" under the multiple use concept. Congress has defined "thriving ecological balance", as the balance on a long term sustained yield basis between wild horses and burro populations, wildlife, livestock and rangeland vegetation. The ACT does not apply to animals on all lands administered by Interior or Agriculture, nor does it apply to animals on private or state lands.

The BLM in 1992 developed the "Strategic Plan for Management of Wild Horses and Burros on Public Lands", that established long-term goals and objectives for the program recognizing these animals as part of the natural ecosystem and the biological, social and cultural attributes that they possess. The federal agencies manage wild horses and burros at the minimum feasible level to treat the animals as a wildland species and not as livestock. Management focuses on monitoring, removal of excess animals, preparing the animals for adoption through the Adopt-A-Horse Program, actual adoption process, compliance after adoption and finally titling after one year.

An Interagency Cooperative Agreement between the BLM and the FS gives management authority to BLM for wild horse and burro habitat areas that overlap from the two agencies common boundaries. BLM conducts the contract helicopter gathers, adoption preparation and adoptions on these common boundaries and bills the FS for their cost share of the operation.

Present management responsibilities of the Wild Horse and Burro Program (WHBP) is under the authority of BLM's Washington DC Office (WO), assigned by BLM's Director to the Assistant Director, for Renewable Resources and Planning (ADRRP). The ADRRP has formed a steering committee made up of Associate State Directors from five states and a representative from the FS to provide input to the internal direction, guidance and oversight of the WHBP. The committee meets at

least three times annually and is co-chaired by the WO and Nevada Associate Director representative (BLM/FS's 10th & 11th Report to Congress, 1995).

A WHBP National Program Office (NPO) is in place with responsibility for National program administration, logistics, gathers, adoptions, and public information and education. NPO also reviews all practices, regulations, policies, and handbooks for consistency and elimination of conflicting guidance.

NPO is organizationally placed under the direction of the ADRRP, however, is physically located in Reno, Nevada. The NPO has established a liaison position in the WO to coordinate communication with all BLM customers including, Congress, The Administration, BLM State Offices, National advocacy groups, and the recently reestablished National Wild Horse and Burro Advisory Board (Board).

The Board was re-established upon recommendations of the Pierson Report (1997) to advise the BLM director and FS chief on issues relating to the WHBP. The Board is authorized by Section 7 of the ACT and has been chartered four times (1972, 1986, 1990 and 1998, all two year terms) to advise the BLM and FS on possible solutions to major problems identified with the WHBP.

The Nevada BLM State Director and other Western State BLM Directors, who are administratively responsible for the WHBP within their respective states, report directly to the WO ADRRP for program direction, budget requests and final budget authorization. BLM State Offices build their budget submittals based upon the funding requests of their District Offices for costs of administration and management of the program within their respective districts. Approved State funding for the WHBP are normally appropriated to their Districts based on the percentages of the original funding requests.

The National budget for the WHBP, as reported by the DOI's 10th and 11th Report to Congress (1995) for fiscal years 1992-1995, has averaged between 16.2-17.7 million dollars. Of this total the BLM in Nevada received approximately 20% (3.2-3.4 million) for management of the wild horse program in Nevada, while reported that the state has approximately 60-64% of all the wild horses populations in the Western United States (Woosley, pers. comm., 1998).

2.3 Wild Horse Distribution

The ACT of 1971, authorized the identification of wild horse herd areas (HA), sanctuaries and ranges by BLM, and in the case of the FS, herd "Territories", from 1971-80 to recognize the approximate location of horses eligible for protection and management under the ACT by utilizing the best information available at that time for establishing boundaries. During the period 1980-88, BLM under the ACT's enabling regulations of Title 43-Code of Federal Regulations (CFR's) Part 4700 (Appendix D), further developed and identified horse habitat areas for the long-term management basis and termed them "herd management area" (HMA). Establishment of the HMA as well as "interim numbers" of wild horses and burros for HMA was accomplished through their public Land Use Planning process (LUP). However, in those cases where the LUPs neither established HMA or interim numbers, they were developed through the Coordinated Resource Management Process (CRMP) which

was composed of various public interest groups.

Currently, HAs are essentially defined as where the animals were located prior to the ACT, compared to HMAs which reflect where the animals are located and managed for today. BLM is considering a re-evaluation of all HMAs to ensure that a herd's complete yearly use area is contained within the designated HMA, and if not, to achieve by combining one or more HMAs into one HMA complex.

The Nevada BLM Office as of September 30, 1997, reports a total of 116 HAs within their state jurisdiction, of which 97 have been designated as HMAs while 19 HAs have been zeroed out as non viable herd areas (Appendix E). In addition the California BLM Office has jurisdiction within the state for 10 HAs all of which are termed viable HMAs in the northwestern corner of the State. The FS reports 17 horse Territories within their state jurisdiction of which 13 are actively managed as horse management areas and 4 are zeroed out as non viable herd areas. The total number of HMAs in Nevada under BLM's management jurisdiction amounts to 107, while the FS has state jurisdiction for 13 Territories. The combined horse management areas under federal agency control totals 120 as reported by the DOI's 10th and 11th report to Congress (1995) for fiscal years 1992-1995. Figures 1 and 2 depict the BLM's statewide HMAs and FS Territories boundaries, respectively.

The Nevada Wild Horse Range established in 1962 and mostly within the Nellis Air Force Bombing Range in southern Nevada, is the only wild horse range so designated in the State. BLM has an agreement in place with the United States Air Force which allows them limited access to the Range for wild horse management purposes. There are no wild horse or burro sanctuaries designated within the State of Nevada.

2.4 Wild Horse Population Trends

BLM is required by the ACT to census wild horses to maintain a current inventory of animals by HMA and to provide biological information for use in planning and monitoring herd management. Required information includes, herd size, distribution, social structure, herd area carrying capacity, condition and trend, and the physical characteristics of the animals.

Methods to determine wild horse and burro populations since the early 1970s, have employed various techniques over time to census populations. Use of vehicles in ground counts and marking and recounting of marked animals (Lincoln Index) provided limited success in estimating annual animal numbers and establishment of population trends. Utilization of contract helicopters census by BLM in 1973, to survey known HMAs and Territories during specific periods of the year, provided for the establishment of the most accurate and reliable method to date of population estimation. This census method was recommended by the National Academy of Sciences which had been field tested and employed by the Nevada Division of Wildlife as their standard big game census method. BLM's goal in the census is to survey at least a third of all HMAs every year and during the off-years to utilize population census models developed by the University of Nevada, Reno (Jenkins, 1996) in estimating herd populations for those HMAs not flown. Nevada's biennial wild horse populations for the years 1974-1996 as reported by BLM are shown in Table 2. These reported figures are broken out by Nevada

and California BLM and FS Districts which have administrative responsibilities for wild horses within Nevada.

Table 2 Biennial Wild Horse Populations in Nevada 1974-1996

Year	BLM-NV	BLM-CA	BLM-Totals	FS	All Totals
1974	20,000	2,497	22,497	1,174	23,671
1976	22,258	3,521	25,779	1,305	27,084
1978	31,800	3,080	34,880	1,042	35,922
1980	31,260	2,412	33,672	951	34,623
1982	26,050	2,764	28,814	1,139	29,953
1984	29,642	3,418	33,060	490	33,550
1986	29,853	1,960	31,813	571	32,384
1988	27,015	1,461	28,476	560	29,036
1990	30,798	1,453	32,251	1,152	33,403
1992	31,650	1,674	33,324	1,240	34,564
1994	25,170	1,877	27,047	746	27,793
1996	22,173	1,754	23,927	746	24,673

Notes:

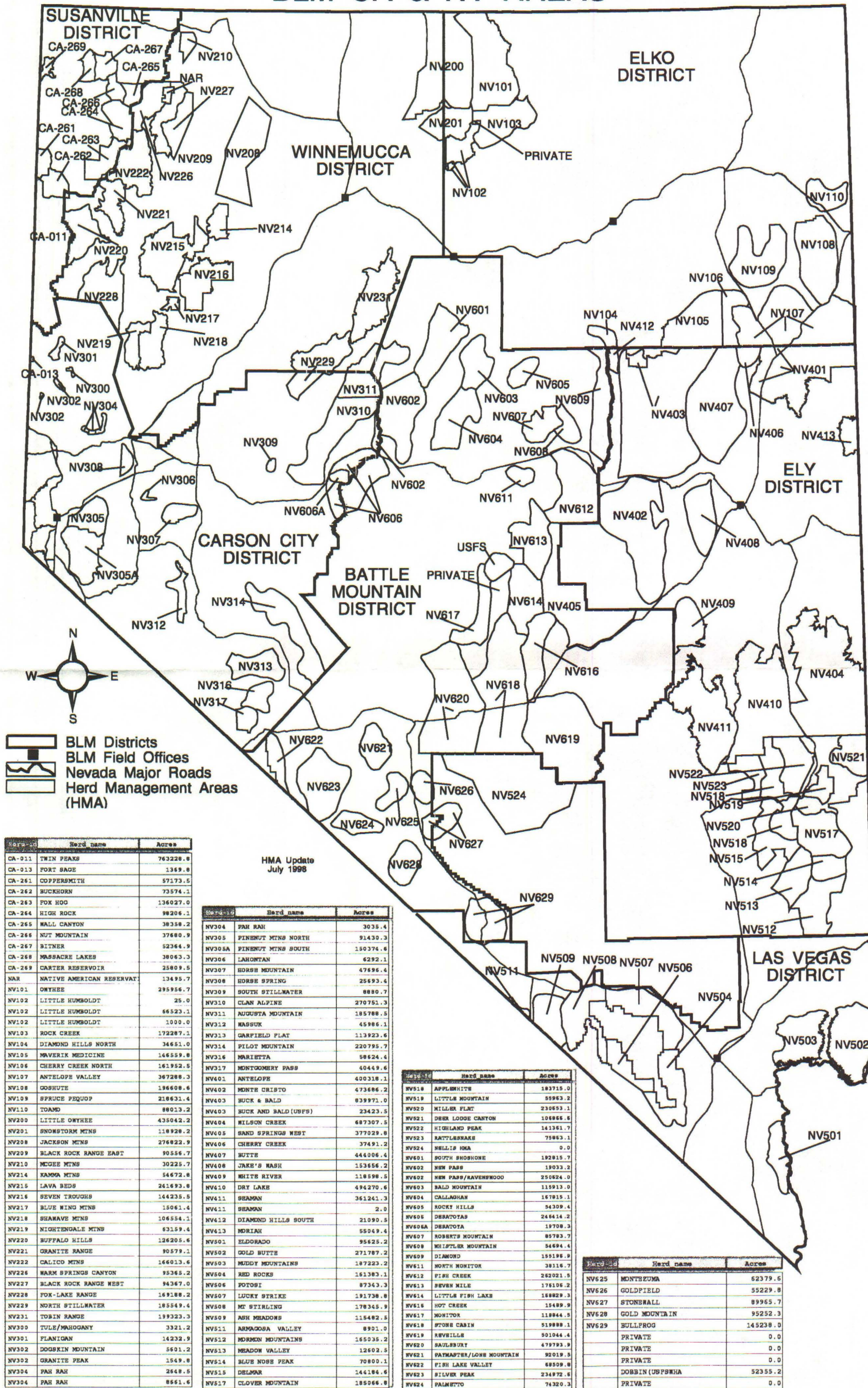
1. Data as reported from DOI BLM 8th, 10th, and 11th Reports to Congress on Administration of the Wild Free-Roaming Horses and Burros Act.
2. All population estimate totals by biennial year includes foals.

Since passage of the ACT in 1971, the issue of how many wild horses and burros to manage for on the public rangelands has been and continues to be extremely controversial, with the argument of equitable forage allocations among livestock, wild horses and burros, and wildlife of paramount concern. Public law was, and is currently absent to address how to establish forage allocations among these grazing ungulates. The ACT established "appropriate management level" (AML) as the term for numbers of wild horses or burros in HMAs, designated as in balance, with other users under the multiple use concept. Shortly after passage of the ACT all BLM districts conducted some form of census to establish baseline numbers of wild horses in HAS or HMAs. In most cases BLM districts used baseline numbers synonymously with AMLs. During the late 1970s and 1980s in Nevada, interim numbers of wild horses and burros were established for the HMAs through the LUPs and CRMPs and by the early 1980s interim numbers represented approximately 22,000 animals statewide. In 1984, a district court ruling (Dahl v. Clark) found that BLM was not required to manage wild horse and burro populations numbers at 1971

FIGURE 1

BLM'S NEVADA HMA BOUNDARY MAP
WILD HORSE & BURRO HMA'S
BLM CA & NV AREAS

Figure 1.



Herd #	Herd name	Acres
CA-011	TWIN PEAKS	763226.8
CA-013	FORT SAGE	1369.8
CA-261	COPPERSMITH	57173.5
CA-262	BUCKHORN	73574.1
CA-263	FOX HOG	136027.0
CA-264	HIGH ROCK	98206.1
CA-265	WALL CANYON	38358.2
CA-266	NUT MOUNTAIN	37680.9
CA-267	BITNER	52364.9
CA-268	MASSACRE LAKES	38063.3
CA-269	CARTER RESERVOIR	25809.5
NAR	NATIVE AMERICAN RESERVAT	13495.7
NV101	OWYHEE	295956.7
NV102	LITTLE HUMBOLDT	25.0
NV102	LITTLE HUMBOLDT	66523.1
NV102	LITTLE HUMBOLDT	1000.0
NV103	ROCK CREEK	172287.1
NV104	DIAMOND HILLS NORTH	34651.0
NV105	MAVERIK MEDICINE	146559.8
NV106	CHERRY CREEK NORTH	161952.5
NV107	ANTELOPE VALLEY	367286.3
NV108	DOOSHUTE	196608.6
NV109	SPRUCE PEQUOP	210631.4
NV110	TOAMD	88013.2
NV200	LITTLE OWYHEE	435042.2
NV201	SNOWSTORM MTS	118928.2
NV208	JACKSON MENS	276822.9
NV209	BLACK ROCK RANGE EAST	90556.7
NV210	MCOE MTS	30225.7
NV214	KAMPA MTS	54672.8
NV215	LAVA BEDS	241693.8
NV216	SEVEN TROUGHS	144235.5
NV217	BLUE WING MTS	15061.4
NV218	SHAWAVE MTS	106554.1
NV219	NIGHTINGALE MTS	63159.4
NV220	BUFFALO HILLS	126205.6
NV221	GRANITE RANGE	90579.1
NV222	CALICO MTS	166013.6
NV226	WARM SPRINGS CANYON	95365.2
NV227	BLACK ROCK RANGE WEST	94367.0
NV228	FOX-LAKE RANGE	169188.2
NV229	NORTH STILLWATER	185549.4
NV231	TOBIN RANGE	199323.3
NV300	TULE/MAHOAGNY	3321.2
NV301	FLANTGAN	14232.9
NV302	DOGSKIN MOUNTAIN	5601.2
NV302	GRANITE PEAK	1549.8
NV304	PAR RAH	2648.5
NV304	PAR RAH	8661.6

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Herd #	Herd name	Acres
NV304	PAR RAH	3035.4
NV305	PINENUT MINS NORTH	91430.3
NV305A	PINENUT MINS SOUTH	150374.6
NV306	LAHONTAN	6292.1
NV307	HORSE MOUNTAIN	47696.4
NV308	HORSE SPRING	25693.4
NV309	SOUTH STILLWATER	8880.7
NV310	CLAN ALPINE	270751.3
NV311	AUGUSTA MOUNTAIN	185788.5
NV312	NASSUK	45986.1
NV313	GARFIELD FLAT	113923.6
NV314	PILOT MOUNTAIN	220795.7
NV316	MARIETTA	58624.4
NV317	MONTGOMERY PASS	40449.6
NV401	ANTELOPE	400318.1
NV402	MONTE CRISTO	473686.2
NV403	BUCK & BALD	839971.0
NV403	BUCK AND BALD (USFS)	23423.5
NV404	WILSON CREEK	687307.5
NV405	SAND SPRINGS WEST	377029.8
NV406	CHERRY CREEK	37491.2
NV407	BUTTE	444006.4
NV408	JAKE'S NASH	153656.2
NV409	WHITE RIVER	118598.5
NV410	DRY LAKE	494270.6
NV411	SEAMAN	361241.3
NV411	SEAMAN	2.0
NV412	DIAMOND HILLS SOUTH	21090.5
NV413	MORIAN	55049.4
NV501	ELDORADO	95625.2
NV502	GOLD BUTTE	271787.2
NV503	MUDDY MOUNTAINS	187223.2
NV504	RED ROCKS	161383.1
NV506	POTOSI	87343.3
NV507	LUCKY STRIKE	191738.8
NV508	MT STIRLING	178345.9
NV509	ASH MEADOWS	115482.5
NV511	ARMAGOSA VALLEY	8901.0
NV512	MORSON MOUNTAINS	165035.2
NV513	MEADOW VALLEY	12602.5
NV514	BLUE NOSE PEAK	70800.1
NV515	DELMAR	144184.6
NV517	CLOVER MOUNTAIN	185066.8

Herd #	Herd name	Acres
NV518	APPLEWHITE	183715.0
NV519	LITTLE MOUNTAIN	55963.2
NV520	MILLER FLKT	230653.1
NV521	DEER LODGE CANYON	108866.6
NV522	HIGHLAND PEAK	141361.7
NV523	BATTLESHAKE	75963.3
NV524	MELLS HMA	0.0
NV524	SOUTH SHOSHONE	192013.7
NV524	NEW PASS	19033.2
NV524	NEW PASS/RAVENWOOD	250624.0
NV524	BALD MOUNTAIN	115913.0
NV524	CALLAGHAN	167815.1
NV524	ROCKY HILLS	54309.4
NV524	DEBROTAS	244414.2
NV524	DEBROTAS	19708.3
NV524	ROBERTS MOUNTAIN	85783.7
NV524	MELTZER MOUNTAIN	54694.4
NV524	DIAMOND	155195.9
NV524	NORTH MONITOR	38116.7
NV524	FISH CREEK	262021.5
NV524	SEVEN MILE	176106.2
NV524	LITTLE FISH LAKE	168829.3
NV524	HOT CREEK	15489.9
NV524	MONITOR	118844.5
NV524	STONE CABIN	519888.1
NV524	ARVILLE	501044.4
NV524	SAULSBURY	479793.9
NV524	PATMASTER/LOVE MOUNTAIN	92019.5
NV524	FISH LAKE VALLEY	68509.8
NV524	SILVER PEAK	234872.6
NV524	PALMETTO	74320.3

Herd #	Herd name	Acres
NV625	MONTZUMA	62379.6
NV626	GOLDFIELD	55229.8
NV627	STONSWALL	89965.7
NV628	GOLD MOUNTAIN	95252.3
NV629	BULLFROG	145238.0
	PRIVATE	0.0
	PRIVATE	0.0
	PRIVATE	0.0
	DOBBIN (USFS/BLM)	52355.2
	PRIVATE	0.0

FIGURE 2

FS NEVADA TERRITORIES MAP

(Boundary map not available for draft)

levels as described in the ACT, but rather they were to manage population numbers at AML, representing the median number of adult animals determined through a public rangeland monitoring process, which at that time was being developed by a group of BLM Nevada staff personnel and wild horse advocates. The group finished their task for development of a public rangeland monitoring process which is known today as the Allotment Evaluation/Multiple Use Decision (MUD). This particular process was designed and is consistent with the objective of achieving and maintaining a thriving natural ecological balance and multiple-use relationship in a particular herd area.

In June of 1989, the Interior Board of Land Appeals (IBLA) ruled that BLM could not reduce wild horse and burro populations to interim management levels without monitoring data to document that excess animals were the cause of rangeland abuse and the major cause for not maintaining a thriving natural ecological balance amongst all users. As a result of this ruling, the BLM in Nevada adopted the MUD process for requiring current monitoring data to set AML for wild horse and burros and grazing management levels for livestock and wildlife.

The Resource Advisory Councils (RAC), of which there are three established for the State of Nevada, including the Mojave-Southern Great Basin Area, Sierra Front-Northwestern Great Basin Area and the Northeastern Great Basin Area, aids in the reviews and makes recommendations to the federal agencies in reviewing and making recommendation to BLM for the standards and guidelines pertinent to monitoring of rangeland health.

Since 1990, the percentage of AMLs fully established in Nevada for identified HMAs or Territories using the MUD process amounts to less than 50% for BLM (NV & CA Offices) and even less for the FS. Approximately 52% of BLM's AMLs are yet to be set by the MUD process, however, BLM's present goal is to have all AML established by the end of fiscal year 1999 (Woosley, pers. Comm.,1998).

The 1997 statewide AMLs for wild horses reported for HMAs and Territories in Nevada by the BLM (NV & CA Offices) was 13,917 animals, comprised of 13,325 for the Nevada BLM, and 592 for the California BLM. Data pertinent to the FS's 1997 AMLs is unavailable at this time, however, data from DOI's 10th and 11th Report to Congress (1995), listed the FY'95 AMLs at approximately 537 animals.

AMLs reported for BLM's HMAs are misleading since their totals do not clarify the number that have been established by the required MUD process versus those established by other processes. This is particularly so for the 1997 Nevada data, since only 48% of state wide AMLS are shown to have been established through the MUDs as required by the IBLA ruling. The remaining 52% of referenced AMLS are either the interim numbers used from the LUPs or are only partly allocated for a few allotments through the MUDs.

The BLM's 1997 Nevada herd area status, from which HMAs and AMLS data are reported, is shown in Appendix E entitled, Nevada Herd Area Statistics 1997. The summary of this herd area statistics is depicted in Table 3 entitled, Nevada BLM Wild Horse HMAs and AMLS Data for 1997.

Table 3 Nevada BLM Wild Horse HMA and AML Data for 1997

No. HMAs Designated	No. HMA Acres	No. HMAs Mud/AMLs	No. HMAs Mud acres	% HMAs Mud AML	% acres Mud AML	%HMA w/o MUD AML
97	16,217,434	47	8,399,688	48%	52%	52%

Notes:

1. Reference data for table is contained in Appendix E.

The short term BLM objective is to set and reach statewide AMLs in Nevada by the end of fiscal year 1999 and then plan to maintain those population levels thereafter to achieve a thriving ecological balance.

The annual wild horse recruitment rate in Nevada, as reported by BLM during the last 25-year period, has ranged between 15 to 25 percent dependent mainly upon forage availability. Low recruitment rates are experienced during below average precipitation periods while high rates are reported after several years of above normal precipitation rates. As an example, the recruitment rate in Nevada for 1997, as reported by BLM, was approximately 24 percent after three years of above normal precipitation rates. High recruitment rates have also been recorded for HMAs the year immediately after gathers.

2.5 Adoption Trends

The BLM in 1973 implemented its Adopt-a-Horse-Burro Program to place "excess animals" removed from public lands into the hands of qualified private citizens. This adoption process allows BLM and the FS to dispose of excess animals in meeting their legal mandates to set, reach and maintain AML for HMAs and Territories, while providing for a thriving natural ecological balance under the multiple-use concept for the public lands.

Prospective adopters are screened for suitability to adopt a wild horse or burro by making advance application, and, if approved, qualified adopters pay a \$125 adoption fee for each animal. The adopter, at the time of adoption, is required to sign a Private Maintenance and Care Agreement which commits the adopter to provide humane care of the animal; and after one year of humane treatment, the adopter may receive title. Upon titling, the animal becomes private property and loses its protected status under the ACT. A total of four animals may be adopted per year by a qualified adopter. Figure 3 displays BLM's, "Application For Adoption of Wild Horses or Burros."

The BLM utilizes contract helicopter services in Nevada during the prime gathering periods of fall and winter to remove excess wild horse numbers from the HMAs. In some cases, where environmental

conditions warrant, water trapping may be used as the preferred gather method. When gathers are in progress, BLM wild horse specialists and Nevada brand inspectors are on site to monitor the operation to ensure the safe and humane treatment of the animals. Captured animals are aged and sexed at the trap site then transported in most cases to the National Wild Horse and Burro Center, located at Palomino Valley 20 miles north of Sparks, Nevada, for adoption preparation and shipping. While at this facility they are freeze branded, immunized for major horse diseases, wormed, Coggins tested for Equine Infectious Anemia, and, if deemed adoptable, are segregated by age and sex. Adoptable animals are held at the Palomino Valley facility for up to six weeks then are transported by truck (within a 24-hour period) to the Elm Creek, Nebraska holding and adoption center. Animals may be adopted from this facility or after two to four weeks transported to BLM's Eastern States Holding Facility in Cross Plains, Tennessee for adoption. BLM also conducts "satellite adoptions" at some 40 temporary sites located mainly in the eastern states, of which animals may be shipped to from the Cross Plains Holding facility or from other preparation, holding or distribution across the country (Culp Report, 1997). The prime time for adoptions as experienced by BLM has proven to be mid-March to July. The average time period from gather to actual adoption averages 150 days, with the best being 75 days.

During the past five-year period, Nevada has gathered between 5,100 to 6,700 animals per year. During fiscal year '98, sufficient funds are budgeted to gather another 5,000 animals. As reported by BLM's Culp Report (1997), the average total costs for gather, preparation, transportation, feeding and adopting out a wild horse is \$1,100 per animal. The current average cost alone to gather each animal is approximately \$300. Humane treatment of the animals is a prime consideration throughout the gather, preparation and adoption process.

Nevada's Palomino Valley facility has a maximum storage capability of 1,500 wild horses or burros. The facility itself adopts out an average of 200 wild horses annually. However, approximately 95% of all animals gathered from Nevada are transported from Palomino Valley and placed with adopters in mid and eastern states.

Being that adopters generally prefer younger animals, BLM since 1992, in Nevada has implemented a "selective-removal policy" of only removing animals five years of age or younger for adoption, with the remaining animals returned to the HMA. This selective-removal policy, however in many instances, resulted in limited success of removing enough animals to achieve and maintain AMLs. As a result, BLM, in 1996, amended its select-removal policy to remove all animals nine years of age and younger from HMAs in an attempt to reach AML. Animals over nine years of age are still returned to the HMA where captured or released to an adjacent HMA which is below AML.

While the ACT allows for the humane destruction of unadoptable animals, the BLM director and FS chief, by policy in 1982, placed a voluntary moratorium on the destruction of any healthy wild horse or burro and Congress, since 1988, in its annual Appropriation Bill to the Department of the Interior, specifically prohibited the destruction of any healthy horse. This is the main reason why animals over nine years of age are still returned to HMAs by BLM.

Research, by BLM since 1992, in Nevada has supported and implemented an experimental birth control

method known as "immunocontraception" in an effort to reduce annual wild horse herd recruitment rates. This process involves inoculating mares at trap sites with a contraceptive vaccine that is effective for 1 to 3 years, dependent upon the number of shots given within a 30 day period. Initial results after one year have shown that 95.5 percent of the vaccinated mares from the same herd did not get pregnant. This research project is continuing today to develop a one shot birth control vaccine that will be effective up to three years, reducing program cost and the necessity of annual gathers for inoculations.

The Nevada BLM state office in 1993, implemented a Memorandum of Understanding (MOU) with FS Region 4, which states the FS is responsible for all legal documentation to remove wild horses within their jurisdiction and that FS will reimburse BLM for all costs of capture, preparation and adoption of animals from FS lands. A similar MOU exists between BLM and the National Park Service to cover management of wild horse and burros in the Lake Mead National Recreation Area located in Nevada and Arizona.

Table 4 depicts the number of wild horses gathered in Nevada by BLM and FS and adopted through BLM's Adopt-A-Horse program. Nevada wild horse compliance inspections and titles issuance, for the period 1974-1997, are reported in the table from DOI BLM Nevada Land Statistics, DOI BLM reports to Congress on the Administration WHBA, and from NPO's Aspen/2 data base.

FIGURE 3

BLM'S APPLICATION FOR ADOPTION OF WILD HORSES OR BURROS

Form 4710-10 (October 1997)	UNITED STATES DEPARTMENT OF THE INTERIOR BUREAU OF LAND MANAGEMENT APPLICATION FOR ADOPTION OF WILD HORSES(S) OR BURRO(S)	FORM APPROVED OMB NO. 1004-0042 Expires: February 28, 1998										
APPLICANT'S LAST NAME: _____ FIRST: _____ M.I.: _____ STREET ADDRESS OR P.O. BOX: _____ CITY: _____ STATE: _____ ZIP CODE: _____ DRIVER'S LICENSE NO.: _____ STATE: _____ BIRTHDATE: _____ HOME PHONE (include area code): _____ BUSINESS PHONE (include area code): _____												
Number of animals requested for adoption: Horses _____ Burros _____												
1. Attach map to show where wild horse(s) or burro(s) will be located.												
2. Have you read and do you understand the PROHIBITED ACTS and the TERMS OF ADOPTION on the reverse side? <input type="checkbox"/> Yes <input type="checkbox"/> No												
3. Facility information												
a. Describe your corral size, fence height and construction materials:												
b. Describe your shelter size, height, and construction materials:												
c. Describe the type and amount of feed you will provide:												
d. Describe the type of watering system you will provide:												
e. Describe the trailer used to transport the adopted animal:												
4. Will more than four untitled wild horses or burros be kept at the location where you will keep the animals requested in the application? <input type="checkbox"/> Yes <input type="checkbox"/> No												
5. Will someone other than you select or care for the animals requested? <input type="checkbox"/> Yes <input type="checkbox"/> No												
6. Have you previously adopted animals through the Federal Government's Wild Horse and Burro Adoption Program? <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, what was the date and location? _____												
7. Have you ever been convicted of abuse or inhumane treatment of animals, violation of the Wild Free Roaming Horse and Burro Act or the Wild Horse and Burro Regulations? <input type="checkbox"/> Yes <input type="checkbox"/> No												
_____ (Signature of Applicant)		_____ (Date)										
Title 18 U.S.C. Section 1001 and Title 43 U.S.C. Section 1212 make it a crime for any person knowingly and willfully to make to any department or agency of the United States any false, fictitious or fraudulent statements or representation as to any matter within its jurisdiction.												
FOR BLM USE ONLY												
Application (Check appropriate box) <input type="checkbox"/> Approved <input type="checkbox"/> Disapproved (If "disapproved," give reason.)												
_____ (Signature of Authorized Officer)		DATE: _____ STATE: _____ <table border="1" style="margin-left: auto; margin-right: auto;"> <tr> <td style="width: 20px; height: 20px;"></td> <td style="width: 20px; height: 20px;"></td> <td style="width: 20px; height: 20px;"></td> <td style="width: 20px; height: 20px;"></td> <td style="width: 20px; height: 20px;"></td> </tr> <tr> <td style="text-align: center; font-size: 8px;">Mo</td> <td style="text-align: center; font-size: 8px;">Day</td> <td style="text-align: center; font-size: 8px;">Yr</td> <td colspan="2"></td> </tr> </table>						Mo	Day	Yr		
Mo	Day	Yr										

Table 4 BLM and FS Nevada Wild Horse Removals, Adoptions, Compliance Inspections, and Titles Issued by Fiscal Year for the period 1973-1997

Year	Removals			NV	Adoption In	Compliance	Titles
	NV-BLM	CA-BLM	FS		Other states	Insp. NV	
1973	0	0	0	0	0	0	0
1974	7,412	0	0	0	0	0	0
1975	5,588	0	0	0	0	0	0
1976	1,893	0	0	0	0	0	0
1977	4,461	0	0	0	0	0	0
1978	5,522	0	0	0	0	0	0
1979	1,705	0	0		1,705	0	0
1980	4,276	0	0	1,296	2,253	0	0
1981	3,672	1	0	1,713	2,111	0	0
1982	2,909	3	0	949	1,265	0	0
1983	2,533	3	94	355	796	54	98
1984	1,410	1	0	345	1,264	19	197
1985	10,441	1	122	3,320	4,072	21	259
1986	8,189	320	0	254	6,978	9	32
1987	6,600	396	0	95	6,151	17	64
1988	2,796	103	0	213	2,395	78	77
1989	1,258	527	0	93	1,050	38	106
1990	2,930	282	0	89	2,138	138	110
1991	3,060	212	62	754	2,306	405	49
1992	3,603	203	0	286	3,317	455	249
1993	4,632	282	57	152	4,480	228	453
1994	4,881	199	0	209	4,672	142	174
1995	5,637	257	18	172	5,465	149	248
1996	4,497	333	0	104	4,393	147	153
1997	5,957	1	0	179	5,778	131	123
Ttl.	105,862	3,124	353	10,578	62,589	2,031	2,392

Notes:

1. Data for 1973-1991 is from DOI BLM's Nevada Public Land Statistics.
2. Data from 1992-on is from DOI BLM 10th & 11th Report to Congress on Administration of the Wild Free-Roaming Horses and Burros Act and NPO's Aspen/2 data base.
3. The 1973-77 fiscal year was July 1 through June 30th; for 1978 and beyond Oct. 1 through Sept. 30th.
4. Removals reported for 1974 through 1977 were claimed by private persons.
5. The 1973-97 figures reported as adoptions in other states, excludes totals for animals brand claimed, turned back, sick, lame and destroyed animals, and animals carried over/forward at Palomino Valley facilities after close/start of the fiscal year.

2.6 Present Management Problems

A number of the DOI's internal written reports over time have documented management problems with the WHBP since inception of the program in 1971, of which various recommendations have been made to resolve these problems. These reports are listed by name as follows:

- 1) *Rangeland Management, Improvements Needed in Federal Wild Horse Program*. Report to the Secretary of the Interior. U.S. General Accounting Office (GAO/RCED-90-110) August 1990.
- 2) *Strategic Plan for Management of Wild Horses and Burros on Public Lands*. BLM June 1992.
- 3) *White Paper for the Wild Horse and Burro Program*. BLM August 1996.
- 4) *Wild Horse and Burro Evaluation*. BLM (Pierson Report) January 1997.
- 5) *Audit Report, Expenditures Charged to the Wild Horse And Burro Program*. DOI-OIG (Report No. 97-I-375) February 1997.
- 6) *Wild Horse and Burro Adoption Program - Policy Analysis Team Report*. BLM (Culp Report) April 1997.
- 7) *Audit Report, Management of Herd Levels, Wild Horse and Burro Program*. DOI-OIG (Report No. 97-I-1104) August 1997.

In addition to those reports as listed above, The National Wild Horse and Burro Advisory Board has been convened a total of four times (1972, 1986, 1992 and 1998) at the request of the director of the BLM to solicit the Board's input and recommendations for resolution of those management issues of national concern within the WHBP. The first meeting in 1972 was dedicated to discussions of the ACT and necessary enabling regulations to implement the ACT. At that time, the group's charter name was referred to as, "Council" rather than "Board," which remained the group's charter name for their 1986, 1992 and 1998 meetings.

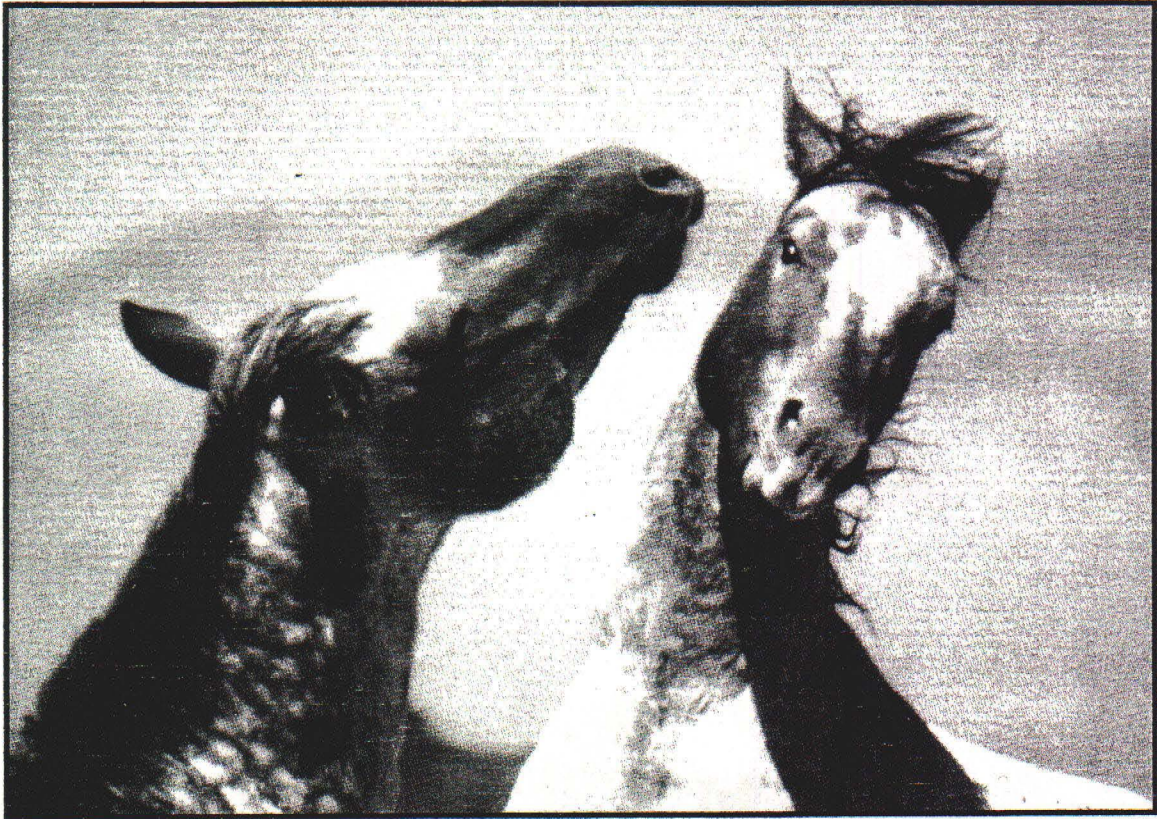
Summary of the common-issue themes for the seven internal reports since 1990, and the Board's 1992 recommendations, has been amazingly similar and can be encompassed into a limited number of category issues as follows:

- Strategic Planning
- National Wild Horse and Burro Advisory Board
- Organizational Considerations
- Management Oversight and Accountability
- Herd Areas, Herd Management Areas or Territories (as in the case of the FS)
- Appropriate Management Levels
- Selective-Removal Policy

- Adoption Program
- Fertility Control
- Compliance and Titling
- Program Manpower and Funding
- Management Accountability
- Training
- Public Education

A considerable number of recommendations were made in these reports to resolve identified issues, some of which the BLM and FS have implemented, some that are on going, and some that are in various stages of implementation.

LIFE HISTORY



Two of the boys sparring out in Central Nevada.

Photo courtesy of Jim Hansen

3.0 LIFE HISTORY

3.1 Genetic Status

Taxonomists identify six existing native species of horses in the Equidae family (equid), comprised of three species of African zebras (Common, Mountain and Grevy's), an African ass, an Asiatic half-ass and the Przewalski's horse of Asia. The ancestry of today's common domestic horse is linked to the Przewalski's horse, *Equus ferus przewalskii*. Although the Przewalski's horse is now thought extinct in its native habitats of Southern Mongolia, Russia, and Northern China, there are up to 500 animals surviving in zoos (Berger 1986).

Wild horses of the eleven western states are direct descendants of domestic horses escaped or released by explorers, emigrants, miners, ranchers or American Indians (Berger 1986). They are classified to genus and species as *Equus caballus*, members, which are either domesticated or feral. The original domestic stock quickly adapted to the western ranges and became feral in nature (feral in scientific terminology refers to a wild state of existence for domesticated animals) and did not receive their official sanctioned "wild horse" status until passage of the ACT in 1971. The ancestry of wild horses in the western states is from many domestic breeds of European, Asian, African and American breed horses. Specific breeds includes, Percherons, Hambletonians, Shires, Morgans, Bashkir Curly, Irish stallions and mares, Arabians, Thoroughbreds, Appaloosa, Palominos, Pintos and Quarter horses.

3.2 Morphology

Wild horses of the western states range in size from just larger than ponies at less than 14 hands (one hand equals 4 inches), to draft-horse size of 16 to 17 hands with weights normally between 550 to 1200 pounds. Adult pelage varies greatly in color, pattern and texture, including, palomino, pinto, roan, dun, sorrel, bay, and buckskin, dependent upon geographic location and breeding ancestry. Horses' skulls are elongated and well suited for chewing and grinding with 40 teeth, comprised of 12 incisors for cropping grasses, 4 canines used for grooming, threat displays, and biting, and 24 large cheek teeth (6 premolars and 6 molars on each cheek side) for grinding up food (Getty 1975). The neck and mane is long and well suited for grazing while the muscular body has long legs with strong hooves adapted for running on hard or rocky ground. A long and coarse tail is normal in most animals which proves very useful in swatting pesky insects. Equids have monosacculated stomachs with the cecum acting as the primary site of fermentation, rather than other ruminants which possess four-chambered stomachs and the primary sites of fermentation. The cecum system of digestion and energy absorption is less efficient than ruminants and therefore requires greater forage consumption by body weight than ruminants. However, the advantage of the cecum system is that these animal can subsist on lower quality diets than ruminants and can even consume their own dung piles for survival during periods of scarce forage. Equids are known to consume 60 to 70 percent more forage per day than ruminants when forage quality is comparable.

Wild horse-capture data from BLM's National Program Office (NPO) during fiscal years 1988 through 1991, for 33,929 horses, documents some animals living to 30 years of age; however, these old-age

animals made up only 0.1 percent of the total. Ages of horses 0 through 2 years represented 47.5% of all captures, 0 through 4 years of age 64.7% and 0 through 10 years 91.3%. Animals aged 11 through 20 years represented only 9.1% of the total and those from 21 through 30 years of age only 0.7 % of the total. Berger, (1986) in his study of wild horses in the Granite Range of Washoe County, define old- age wild horses as 14 to 19 years of age, and those exceeding 20 years as very old.

This same capture information delineated the age ratio of all captured animals as 47.8 % males and 52.2% females. Table 5 delineates Wild Horse Capture Data for FY's 1988 through 1991.

3.3 Reproduction

Females may reach sexual maturity after one year of age (mare) with the fecundity period lasting as long as twenty-two years. Mares are seasonally polyestrous, experiencing four to six days of receptivity followed by about 15 days of nonreceptivity before returning to estrus (Warning 1983). Stallions may be sexually mature at the same age, however, are normally in bachelor groups and do not breed until attainment of their own harem (mares, foals and yearlings) at approximately four to six years of age. May and June are the peak breeding periods in the Great Basin. The gestation period averages 340 days (11.5 mos.) with peak foal drop during April and May. One foal is the normal and is generally weaned in nine to eleven months by the mare. Sex ratios of foals at birth have been reported as 1.30 males per 1.0 females by Berger (1986).

3.4 Behavior

Wild horses are social animals surviving in small family groups termed "bands" or "harems," consisting of two or more individuals. The band normally consists of mares, foals, and yearlings protected by a harem stallion. Young males when reaching approximately two years of age are normally driven out of the band by the harem stallion, after which the young male joins with other males of the same age forming bachelor bands. These bachelor bands remain together until each male finds an unattached wandering mare or wins a band of mares by successful combat with a harem stallion. The young male is normally three to six years of age at this time. Aggression amongst males is common in their attempts to secure mares or in guarding their harems. One band encountering another band typically results in aggressive behavior amongst the harem stallions and remaining young males of each band. A hierarchy exists amongst the mares in a band with one being dominant over the others and acting as the band co-leader with the stallion. The stallion actually protects the band from predators and other stallion intruders, while the dominant mare leads the harem in its quest for food, water and shelter. Members of the band communicate with one another mainly through body language using gestures and posturing of head, ears, eyes, body and feet in addition to scenting, neighing and squealing. Habitation of bands within one geographic area (HA) during all seasons of the year are considered to be members of the same herd.

Table 5 BLM Program Wide Wild Horse Capture Data for FY's 1988 through 1991

Age	No. of Male	No. of Females	No. of Animals	Percent by Age
0	3,286	3,468	6,754	19.9
1	2,359	2,666	5,024	14.8
2	1,966	2,358	4,324	12.7
3	1,440	1,805	3,245	9.6
4	1,158	1,433	2,591	7.6
5	782	964	1,746	5.1
6	995	1,313	2,308	6.8
7	957	942	1,899	5.6
8	612	646	1,258	3.7
9	334	371	705	2.1
10	374	351	725	2.1
11	235	165	400	1.2
12	466	371	837	2.5
13	102	81	183	0.5
14	149	80	229	0.7
15	306	238	544	1.6
16	40	36	76	0.2
17	33	23	56	0.2
18	79	62	141	0.4
19	28	9	37	0.1
20	342	243	585	1.7
21	8	7	15	0.0
22	16	10	26	0.1
23	15	5	20	0.1
24	29	12	41	0.1
25	72	33	105	0.3
26	10	5	15	0.1
27	11	3	14	0.1
28	2	0	2	0.0
29	1	0	1	0.0
30	16	7	23	0.1
Tls	16,223	17,707	33,929	100

3.4 Food Habits

Wild horses will feed primarily upon grasses as their preferred food source if available. Species of grass utilized depends upon availability by local area and season of use, which in Nevada can be composed of Nevada blue- grass (*Poa nevadaensis*), bearded bluebunch wheatgrass (*Agropyron spicatum*), indian

ricegrass (*Oryzopsis hymenoides*) and bluestem wheatgrass (*Agropyron smithii*) to mention a few. As grasses become less available in late summer and early fall and as early snows arrive, horses begin utilizing shrubs in greater percentages which can include such species such as four winged saltbush (*Atriplex canescens*), winterfat (*Ceratoides lanata*) antelope bitterbrush (*Purshia tridentata*) and rubber rabbitbush (*Chrysothamnus nauseosus*). Shrub species are used heavily during the winter as snows cover any available understory. During severe winter periods when snows cover shrubs, horses will feed upon juniper trees (*Juniperus sp.*) and bark from quaking aspen trees (*Populus tremuloides*) and from old horse dung piles. Wild horses feed up to 12 hours per day while consuming up to 25 pounds of forage.

3.5 Migration

Wild horse bands typically exhibit elevational migrations from summer range on high mountainous areas to fall/winter ranges located in the valley floors. These seasonal migrations are triggered by snow cover of remaining grasses in the high country in conjunction with cold temperatures, windy days, and shortening of the photo period. In early spring, reverse seasonal migrations occur with longer days and temperature rises, initiating band movement up the mountain following grass green-up as the snow melts. Other factors such as insect abundance, abrupt temperature rises and need for shelter may cause bands to exhibit diurnal elevational moves to afford themselves protection from these elements. Most researchers believe that snow cover is the most important factor which triggers the seasonal elevational migrations.

3.6 Forage Allocation

BLM in Nevada administers its grazing program on public lands by means of its LUP and MUD in establishing rangeland carrying capacity and allocating forage for livestock, wild horses and burros, and wildlife. The MUD process adjusts forage allocations amongst grazing ungulates by utilizing forage monitoring techniques guided by a set of "Standard and Guidelines" specific to Nevada (a process that measures rangeland health and determines what methods and practices are needed to achieve healthy rangelands through acceptable best management practices). Carrying capacity may vary from year to year on a given area due to a number of variables including climatic conditions, which in turn determines forage production, changes in number of grazing species on the area, and the grazing management practices applied. However, the process if applied properly, is geared to adjust forage allocations amongst grazing ungulates to achieve a thriving natural ecological balance of public rangelands while sustaining the desired plant community and providing for viable populations of livestock, wild horses and burros and wildlife.

BLM allocates available forage to each class of grazing ungulate based on Animal Unit Months (AUM), which is defined as the amount of forage required to sustain for one month, five weaned or adult sheep or goats, or one cow with calf up to six months of age, or one cow, bull, steer, heifer, horse or mule. All ages of horses are deemed as one AUM whether they are considered domestic or wild. Wildlife species forage use is based on population levels and AUM conversion rates, which vary in the number of animals it takes to equal one cow AUM. The AUM conversion rates for wildlife species for which

forage usage is calculated includes; mule deer 6.7:1, pronghorn antelope 8.3:1, bighorn sheep 5.5:1, and elk 0.7:1. Table 6 shows the number of AUMs utilized in Nevada for 1997 by grazing ungulates, and percent use by species. This data also reflects that total grazing ungulate forage use by group of animals equaled 68.4 percent by domestic livestock, 14.3 percent by wild horses and burros, and 17.3 percent by wildlife.

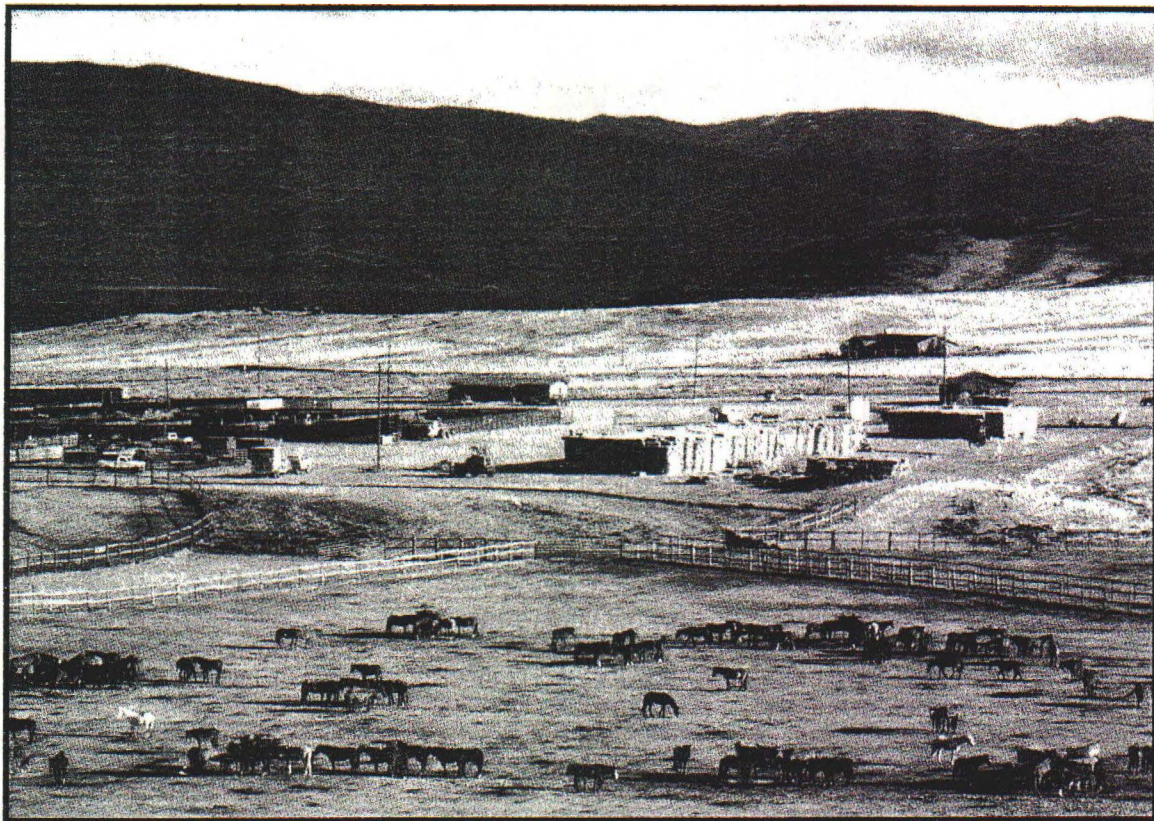
Table 6 Nevada 1997 Grazing Ungulate Forage Utilization & Percent Use by Species

Species	AUM's Allocated	% of Allocation
Cattle	1,314,514	63.0
Domestic horses & burros	5,010	0.2
Sheep & goats	107,567	5.2
Wild horses	293,148	14.0
Wild burros	6,888	0.3
Mule Deer	242,740	11.6
Pronghorn Antelope	21,239	1.0
Bighorn sheep	14,551	0.7
Elk	82,491	4.0
Totals	2,088,148	100

Notes:

1. Domestic livestock licensed AUMs billed by BLM in 1997 as reported by DOI-BLM Public Land Statistics, 1997.
2. Wild horse forage utilization based on Table 2 population for 1997 times 1.0 AUM value times 12 months use.
3. Wild burro forage utilization for 1997 as reported by DOI-BLM Public Land Statistics, 1997.
4. Wildlife forage utilization based on 1997 wildlife populations as reported by NDOW Big Game Status and Quota Recommendations (1998), and the AUM conversion factors for mule deer, pronghorn antelope, bighorn sheep and Elk as reported by Holcehek, J.L. et. al., 1995.

PLAN VISION



Overview of the Palomino Valley wild horse and burro facilities near Reno with the corrals and support buildings.
Photo by Bob Goodman

4.0 PLAN VISION - THE NEVADA PERSPECTIVE

4.1 Plan Expectation

State and federal representatives, public user groups and individuals who participated in one or more of the COMMISSION's seven statewide public scoping meetings in addition to the two public issue resolution forums in Carson City, Nevada, expressed their expectation of this planning effort as follows:

The COMMISSION is to develop a state wild horse management plan for federal lands within Nevada which identifies the major issues and problems with the wild horse program, and come to resolution amongst the user groups as how to address these problems. Positions and realistic actions for implementation of problem resolution will then be provided as action recommendations from the "Nevada Perspective". How the State Plan is approached should be the primary role of the COMMISSION with public user group input, and should give the Nevada Legislature a clear understanding how Nevadans feel wild horses should be managed in this state.

Nevadans expect the federal government to reduce excess numbers of wild horses in all designated HMAs to meet established AMLs by the year 2005, and thereafter maintain herds at or below AML by scheduling removals of animal increases attributed to yearly recruitment rates at least once every three years dependent upon success of birth control efforts.

4.2 Common User Themes

Public Forum consensus by the various user groups concerning issues and problems identified with the present wild horse program were expressed as common user themes as follows:

- Rangeland Health must be considered the most important goal in management of the public rangelands;
- HMAs must be clearly delineated to encompass the entire yearly use areas of wild horses;
- Emphasize the evaluation of horse habitat areas by quality rather than quantity;
- Set, reach and maintain AML and HMA objectives for the short and long term periods;
- Wild horse program must be habitat resource driven recognizing multiple use concepts;
- Healthy wild horse bands must be the result of the implemented management program;
- Expansion of the adoption program outlet and elimination of the pipe-line blockage needs to be addressed and rectified for the program to be efficient;
- Other alternatives for placement of unadoptable horses must be found;
- Humane methods of handling and placement of wild horses is of paramount concern;
- The wild horse program must emphasize strong public involvement and public education by use of designated sites, liaison and cooperation amongst all pertinent state/federal/local agencies and concerned public;
- A strong marketing/promotion program for Nevada wild horses needs to be developed;

- Tourism promotion and coordination amongst state/federal agencies is needed for the wild horse program;
- Progress and success of the wild horse program must be tracked by a strong monitoring program; and
- Adequate funding and manpower at both Federal and State levels must be secured and put in place to effectively manage wild horse herds in Nevada as required by law.

4.3 Plan Vision Statement

The Nevada Wild Horse Management Plan For Federal Lands (PLAN) as prepared by the COMMISSION shall promote the management and protection of wild horses at levels known to achieve a thriving natural ecological balance within the limitations of the natural resources of those lands and the use of those lands for multiple use purposes, and to identify programs for the maintenance of those herds. In meeting this vision the PLAN shall also offer recommendations for state and legislative actions to accomplish Heil trust fund operations and expenditures, public education of wild horses, research, and coordination of the program amongst federal, state, and local governments.

4.4 Plan Vision Major Headings

- Rangeland Health (Habitat Management)
- Herd Management (HMA & AML)
- Animal Removal & Placement
- Research
- Funding
- Education
- Federal/State/Local Cooperation
- Tourism
- Program Monitoring

GOALS, STRATEGIES & ACTIONS



A private contractor to the BLM uses a helicopter to bring
wild horses to a capture site on the Owyhee Desert.
Photo by Bob Goodman

5.0 GOALS, STRATEGIES, AND ACTION RECOMMENDATIONS

The goals, strategies, and action recommendations of this portion of the PLAN are within the federal and state law constraints “sideboards” as defined by Section 1.4 Compliance with Federal Laws, page 3.

Other actions mentioned by the public during the public meeting process which are outside the federal and state law “sideboards” are noted in Section 5.80, page 51 as a courtesy to the public and COMMISSION and **are not** to be construed as recommendations of this PLAN or from the COMMISSION. These actions would require specific amendment to the annual Congressional Appropriations Act, or amendment to the ACT itself.

5.1 Rangeland Health

Public participation in the preparation of this PLAN revealed unanimous consensus amongst user groups in Nevada, that the base resources of land, water and vegetation are of the upmost importance for consideration in the planning and management of the public lands. The Rangeland Health statement, prepared by the Public Forum Group was stated as, “Shared vision and implementation of balanced management that meets the needs of all multiple uses and is focused on maintaining or improving rangeland conditions to meet or exceed the needs of today and into the future”. This same group emphasized that quality of rangelands identified as equid habitat was equal or more important than the quantity of the area delineated. All users realize that the future of their interests on the public lands is dependent upon maintenance and improvement of rangeland conditions and that the quality and quantity of these rangelands are the ultimate factors that will determine the number of grazing ungulates that can be accommodated by the land. Plan success indicators of rangeland health will determine if short and long term objectives are being met, and if not, what adjustments are required.

Approximately 87 percent of the land in Nevada is federally owned and mostly under the control of the BLM and FS which provides the bulk of habitat for wild horses. Other federal land entities which provide habitat for wild horses includes the United States Air Force, National Park Service, U.S. Fish & Wildlife Service, and various Indian Reservations, all of which has sole or shared management authority for wild horses with BLM and FS through cooperative agreements. Private lands are also important but are relatively small compared to federal lands and may be subject to zero populations of horses because of the checker-board land status. Large continuous blocks of private lands, such as the Virginia Range east of Reno, that have stray horses are subject to state statutes. All lands administered by the BLM and FS are managed under the authority of the Act specific to wild horses. In a few cases lands owned and administered by the Nevada Division of State Lands (NDSL) also provides habitat for a limited number of wild horses in which case the ACT governs. Coordination and collaboration by the COMMISSION with all these land entities is critical in relation to meeting the goals and objectives for the management and protection of wild horses that inhabit these lands.

5.11 Goal 1: To effectively participate in the land management planning processes of federal entities to preserve and enhance wild horse populations on Nevada rangelands.

5.12 Strategy: Network with BLM and FS in developing realistic schedules for preparation of all activity plans relating to the management of wild horse on the public rangelands.

Strategy: Actively participate in and provide recommendations to BLM and FS on development of allotment evaluations, environmental assessments and multiple use decisions affecting habitat and management of wild horses.

Strategy: Review, evaluate and provide recommendations to the BLM and FS on their multiple use decisions and land use plan re-evaluations affecting wild horses.

Strategy: Review all rangeland monitoring data affecting wild horse herds on public rangelands and provide input to BLM and FS decision making processes relative to appropriate and beneficial management actions of wild horses in Nevada.

Strategy: Encourage counties, local government, Conservation Districts, permittees, horse advocate groups and other interested persons to actively participate in all activities pertinent to the planning and management of wild horses on public rangelands.

5.13 Action Recommendations:

- ✓ COMMISSION review and provide timely input to all BLM and FS documents affecting wild horse HMLs and AMLs.
- ✓ COMMISSION request notification from all BLM districts of time, date, and location of pending meetings, planning and other activities, where public participation is appropriate, far enough in advance to permit timely notification to interested persons and organizations.
- ✓ COMMISSION develop and maintain an active mailing list of state, county and local government entities, permittees, public user groups and other interested individuals pertinent to wild horse issues.
- ✓ COMMISSION act as a clearinghouse to notify appropriate state, county and local government entities, permittees, public user groups and other interested individuals pertinent to pending issues involving HMAs within their local areas.
- ✓ COMMISSION continue to use public notices and news releases to keep the public

informed of actions and issues related to wild horse management.

- ✓ COMMISSION continue to use public scoping process to provide public involvement and recommended resolutions of wild horse program issues.
- ✓ COMMISSION coordinate and participate with BLM, FS, permittees and other interested parties in rangeland monitoring of habitats occupied by wild horses to assist in determining wild horse utilization and impact.

5.14 Goal 2: To coordinate and collaborate with BLM and FS and private landowners to enhance wild horse habitat and reduce land user conflict through various cooperative land and water improvement projects.

5.15 Strategy: Support vegetal and water manipulation projects which benefits wild horses, livestock, and wildlife and which recognizes the special emphasis on sustaining federally listed species.

Strategy: Support new water developments and re-engineering of existing water developments to recognize multiple use objectives both on federal and private lands.

Strategy: Evaluate existing allotment fences and all new proposed fence to recognize the habitat and movement requirements of wild horse herds.

Strategy: For all vegetal, water and fencing projects, support post treatment and maintenance monitoring to insure that stated project objectives are being met.

5.16 Action Recommendations:

- ✓ COMMISSION should on a site by site basis provide specific input to BLM and FS on all new or re-engineered vegetal, water or fencing projects within any HMA to protect habitat and populations of wild horses using these areas.
- ✓ On vegetal manipulation projects to restore site productivity, the COMMISSION should recommend to the land management agency a mixture of native and non-native grasses, forbs and browse species adaptive to specific site characteristics that will benefit wild horses in conjunction with other multiple uses of the land.
- ✓ COMMISSION should consider partnership contributions to vegetal, water and fencing developments based on available funding and the overall benefits to wild horse populations. Heil trust funds could be utilized to develop and enhance these land and water base resources on a cost share basis.
- ✓ COMMISSION should provide the land managing agencies specific cover

recommendations for wild horses in any HMA which is considered for vegetal manipulations to the tree canopy.

- ✓ COMMISSION should work with federal and private land owners to provide adequate water supplies within an livestock allotment to meet the needs of wild horses and wildlife.
- ✓ COMMISSION where appropriate, should help in facilitating agreements with private landowners to leave water sources running for wild horse and wildlife use, after permittee has removed his livestock from the allotment. Commission should consider partnership contribution with BLM or other entities for the cost of pumping for this purpose should the permittee agree to the pumping agreement.

5.17 Goal 3: To encourage and support land exchanges of mixed ownership lands that can be blocked up into public ownership for the enhancement of wild horse habitat and population management.

5.18 Strategy: Review all land exchanges where HMAs are known to be present and applicable for transfer to public ownership for the benefit of wild horses and the improvement in rangeland management.

5.19 Action Recommendations:

- ✓ COMMISSION evaluate and provide comments to the land managing agency concerning whether targeted exchange lands with known HMAs should be included in the public lands or relinquished due to conflicting uses.

5.20 Goal 4: To support federal and state rangeland health policies, and guidelines and standards, for monitoring of Nevada rangelands to determine if goals and objectives of rangeland health are being met.

5.21 Strategy: Encourage all users of the public lands in Nevada to actively participate in its Resource Action Councils in providing advice to the federal land managing agencies in development of standards and guidelines to promote healthy public lands in Nevada and monitoring of these lands to meet the established goals and objectives.

Strategy: Participate in LUP updates and revisions to insure that new information pertinent to rangeland condition is recognized and implemented to improve rangeland health.

5.22 Action Recommendations:

- ✓ COMMISSION draft a rangeland health policy which identifies objectives specific to

Nevada recognizing pertinent federal and state laws, policies and rangeland science.

- ✓ COMMISSION work towards obtaining consensus agreement on their draft rangeland health policy with federal, state and local governments including Indian tribes.
- ✓ Utilize the COMMISSION consensus rangeland health policy in NEPA process, lobbying efforts and resolution of conflicts at the local basis.
- ✓ COMMISSION request of the BLM and FS to update their LUPs at least once every five years and implement recommended adjustments within one year after update.

5.30 Herd Management

Wild horse HMAs and AMLs are objectives of driving force pertinent to all subsequent management actions of the wild horse program. These objectives and their consideration must be viewed as the first step building blocks for the proper management of the wild horse resource. BLM and FS, being the responsible federal agencies for management of wild horses on public lands, are required and guided in establishing these objectives as delineated by the ACT, FLMA, NEPA, MUD and allotment evaluation processes. Adherence to these various federal acts and their planning processes will assure that the establishment of HMA and AML objectives have been developed under the multiple use concept which will perpetuate and protect viable wild horse populations on public lands. The user public expects the federal government with input from state and local governments and the public, to attain AMLs on consolidated, more effectively managed HMAs, with greater program efficiency and less conflict, while improving resource conditions and better involving and educating the public. The COMMISSION in fulfillment of its legal mandates is expected to participate, coordinate and provide recommendations to the land management agencies and state legislature in all program actions to improve, preserve and efficiently manage wild horse populations in Nevada. In meeting its legal mandates, the COMMISSION with public input has identified the following goals, strategies and recommended actions it believes will improve wild horse herd management.

5.31 Goal 1: To establish proper HMAs and Territories statewide based upon biological needs and management feasibility.

5.32 Strategy: By the year 2000, begin the process to reduce, consolidate, or combine HMA and Territories into complexes encompassing the entire year-long herd boundaries as exhibited by ingress and egress from the same wild horse bands.

Strategy: Utilize the land use planning process with public input to evaluate, adjust and better define HMAs and Territories boundaries.

Strategy: Evaluate land ownership acreage as a suitability factor in any determination of HMA boundary establishment or adjustments.

Strategy: Prioritize all HMA and Territory concerns within each BLM and FS District.

Strategy: By the year 2005, all HMAs and Territories will be clearly defined statewide to attain greater program efficiency with less conflicts amongst users while improving rangeland conditions.

5.33 Action Recommendations:

- ✓ COMMISSION request of the BLM and FS to plot all current and future boundaries of HA, HMA and Territories onto statewide GIS data base maps and make available for easy public dissemination.
- ✓ COMMISSION request of the BLM and FS to use the LUPs for adjustments to HMA and Territories considering as criteria, the competition and displacement of federally listed species, and conflicts with wildlife and domestic livestock.
- ✓ COMMISSION request of the BLM and FS to consider HMA and Territories suitability in relationship with ephemeral and perennial ephemeral ranges.
- ✓ COMMISSION should consider recommending to BLM that the Nevada Wild Horse Range in southern Nevada be eliminated as a viable HMA due to it many conflicts including ephemeral range, lack of water, land ownership and agency administration, limited management authority and limited public/state/federal access.
- ✓ COMMISSION request of the BLM and FS to utilize biological herd boundaries to reflect true needs of the herd rather than arbitrary geographic, political, state or county boundaries.
- ✓ COMMISSION request of the BLM and FS that HMAs and Territories be prioritized which are most suitable to wild horses based on the land and water resources.
- ✓ COMMISSION, BLM and FS districts and user groups should jointly establish HMA and Territory priorities through the established planning process.
- ✓ COMMISSION request of the BLM and FS that they prioritize HMA conflicts considering the problems with user groups, urban sprawl, mining, energy production and national defense needs.
- ✓ COMMISSION request of the BLM and FS to identify HMAs with no established AMLs and those HMAs with current AMLs requiring action on, and provide the list to the COMMISSION by the year 2000.

- ✓ COMMISSION request of the BLM to prioritize HMAs needing legislative funding to resolve conflicts.
- ✓ COMMISSION request of the BLM and FS to prepare for public review a progress status review of all HMAs and Territories concerning prioritized conflicts by the year 2000, and annually thereafter.

5.34 Goal 2: To establish AMLs for each viable HMA.

5.35 Strategy: By the year 2000, establish AMLs for HMAs that are without AML, based on limiting resource factors and multiple use capabilities.

Strategy: By the year 2005, all AMLs will be established, reached and maintained within all HMAs and Territories statewide.

Strategy: Support approved monitoring techniques and procedures established for Nevada to determine vegetal utilization by class of grazing ungulate and in making adjustments to forage allocations.

5.36 Action Recommendations:

- ✓ COMMISSION support long term continuation of BLM and FS establishment of AMLs by simultaneously utilizing monitoring data of allotment evaluations/environmental assessments and the MUD for the entire HMA.
- ✓ COMMISSION request of the Nevada State Legislature that BLM develop a plan by the year 2000, which details the methods and costs for achieving AMLs on all delineated HMAs and that requirements be established to collect and analyze comprehensive data on the health of wild horses within these HMAs. This plan is to be fully implemented by the year 2005.
- ✓ COMMISSION request of the Nevada State Legislature that BLM use AMLs to guide management actions in the wild horse program, rather than the current adoption goals.
- ✓ COMMISSION support the BLM and FS use of standards and guidelines, LUP decisions and fundamentals of rangeland health as specific criteria for decisions in establishing AMLs.
- ✓ COMMISSION request of the BLM and FS to schedule review of multiple use decisions and re-evaluations of AMLs on a three to four year cycle.
- ✓ COMMISSION request of the BLM and FS to conduct actual use and use pattern mapping studies to determine forage utilization by class of animal and based on this

data to make the necessary forage allocation adjustments to the offending class of animals.

- ✓ BLM and FS District Managers should be made responsible and accountable for establishing AMLs within the specified time period.
- ✓ BLM and FS identify funding and manpower needs for necessary collection of monitoring data to establish, reach and maintain AMLs with requested support from COMMISSION and state legislature.
- ✓ COMMISSION, BLM and FS consider the establishment of a Regional Oversight Committees to insure that the necessary monitoring data is accomplished to meet AML objectives. The existing RAC's could be utilized to fulfill this function.
- ✓ BLM and FS should consider the establishment of voluntary rangeland monitoring teams made up of user group participants to aid this effort.
- ✓ COMMISSION, BLM and FS jointly share as the public information dissemination source on wild horse population models, estimates, and other scientific research materials dealing with meta-populations of herd management areas.
- ✓ COMMISSION and the Nevada State Legislature should request the FS to be more responsive and become more involved in the management of wild horses on FS lands as mandated by the ACT.
- ✓ COMMISSION should consider and adopt regulations necessary to carry out the provisions of NRS 504.430 to 504.490, inclusive.

5.37 Goal 3: To insure Genetic uniqueness and herd viability for each HML.

5.38 Strategy: Wild horse gather plan criteria must include color, sex ratio, longevity and recruitment potential data for each herd.

Strategy: Coordinate research and public information programs relating to requirements for herd integrity, longevity, production, and introductions of wild horses into other herd areas.

Strategy: By the year 2005, complete all HMA plans utilizing HMA, AML, genetic uniqueness and herd viability criteria as described in Herd Management section of this PLAN.

5.39 Action Recommendations:

- ✓ COMMISSION request of the BLM and FS that surviving herd composition after HMA gathers be determined by the gather protocols of the Herd Management Area Plan.
- ✓ COMMISSION request of the BLM and FS that they utilize the adult mare production data to predict annual herd recruitment and survival factors for AML maintenance and future planning.
- ✓ COMMISSION request of the BLM and FS that excess wild horses not be returned to gathered HMAs or released in other HMAs.
- ✓ COMMISSION should assist the BLM and FS in the public dissemination of research information concerning herd genetic uniqueness and viability.

5.40 Goal 4: To insure that research and technical developments are directed and implemented into management actions affecting wild horses and HMAs.

5.41 Strategy: Assess all available fertility control study data pertinent to the "Antelope and Nevada Wild Horse Management Areas" to determine broad application in Nevada.

Strategy: Promote studies for development of comprehensive census techniques for population estimation and procedures in determining carrying capacity and forage allocation based on actual use data.

Strategy: Support research for alternative humane methods of birth control which are workable and cost efficient at the field level.

Strategy: Support continued research on birth control drugs to achieve a one shot contraceptive vaccine that is effective in prohibiting pregnancy in mares for three years.

Strategy: Support studies to assess conflicts between livestock, wild horses and wildlife which are habitat related and causing interspecific strife.

Strategy: Support the establishment of a National Wild Horse and Burro Center in Nevada which would act as an Educational/Outreach Interpretive Center and also be responsible for research and development enhancement for all phases of the wild horse program.

5.42 Action Recommendations

- ✓ COMMISSION request of the BLM to determine herd recruitment and population dynamics by analysis of fertility immunization in mares over six years of age and observed longevity data.
- ✓ COMMISSION request of the BLM and FS to re-align HMAs based on scientific sound data and that all forage allocations to grazing ungulates on these HMAs be based on the sustained yield of rangeland carrying capacity under the multiple use concept.
- ✓ COMMISSION request of the BLM and FS that they consider proper seasonal surveys and timing to document winter and summer use patterns for improvement of herd population estimates, determination of recruitment rates and key range use areas, and documentation of foals, yearling, adults, band integrity , colors, distribution and densities.
- ✓ COMMISSION request of the BLM and FS that they assess all age, sex, productivity and longevity data collected at wild horse gathers to determination accurate population estimates and herd composition and make data available on a timely basis to the COMMISSION.
- ✓ COMMISSION consider contributing funding towards continuing birth control studies to develop a one shot contraceptive vaccine using Heil trust funds.
- ✓ COMMISSION support the BLM and FS adjustments to grazing ungulates as research data becomes available pertinent to habitat related interspecific strife amongst classes of animal.
- ✓ COMMISSION recommend sites to the BLM for establishment of the National Wild Horse and Burro Public Interpretive Center in Nevada based on criteria such as, occurrence of a major HMA in close proximity of a major interstate highway, excellent viewing areas and land availability.

5.50 Animal Removal and Placement

Since inception of the ACT in 1971, BLM through experience and legal constraints found that gathering and offering for adoption to the general public certain age classes of wild horses, was the most effective humane removal method for HMAs in excess of established AML. Gathering and adoptions of excess numbers of young age animals (9 years of age and under BLM's current selective-removal policy) is geared to maintain conducive herds population levels in harmony with good rangeland health under the multiple use concept. Conceptually this method seems acceptable, however, in reality this method does not address the problem of placement of excess

numbers of the older-age animals where populations still exceed AMLs. The gather and adoption program at the present time appears to be the driving force of funding expenditure and direction of the wild horse program, rather than wild horse management to achieve and maintain AMLs in the designated HMAs. BLM's other alternatives for placement of excess unadoptable numbers have run into problems at the present time. These alternatives included humane destruction, placement in wild horse sanctuaries and utilization of fertility controls. Humane destruction of excess animals, although, allowed by the ACT, has been prohibited by Congressional Appropriational Act language since 1988, because of public outcry. Federal sanctuaries have been tried in various states but have proven cost prohibitive and not a solution for placement of large numbers of animals. Fertility control studies to date have not resulted in measures that are successful beyond one breeding season with a one time contraceptive inoculation at capture sites. These present constraints, leaves BLM with adoption as the only legal option available to place excess animals without changes in Congressional Appropriation Act language or changes in the Act itself. It is appropriate that the affected states develop goals, strategies and action recommendations to federal entities and state legislatures to overcome these constraints to allow BLM removal of excess unadoptable wild horses for attainment and maintenance of AMLs within designated HMAs. A strong public education and outreach program will be essential to meet these objectives.

5.51 Goal 1: To support methods that are humane and effective for removal and placement of excess wild horses from federal lands.

5.52 Strategy: By the year 2000, BLM's "Selective Removal Policy" for Nevada needs to be eliminated or adjusted to a workable policy to achieve AMLs in all HMLs by year 2005. The current policy of removing only animals nine years and younger for adoption purposes may aid in adoptions, but works against achieving AMLs, herd viability.

Strategy: Require through the MUD process the preparation and completion of Wild Horse Capture and Removal Plans by BLM and FS as a prerequisite to proposed gathers in or outside the boundaries of any HMA or Territory.

Strategy: Coordinate with the BLM, FS and the public in development of criteria for placement of excess numbers of unadoptable animals by the year 2000. This criteria will jointly meet the objective to establish AML on all HMAs by the year 2000.

5.53 Action Recommendations:

- ✓ COMMISSION to establish by year 2000, their own policy on animal removal and placement and forward policy to BLM and FS for consideration in revision of their selective- removal policy. This policy should also include the prohibition of gathers during the peak foaling period of March 1 through June 30.

- ✓ COMMISSION request and maintain a current list of BLM and FS, HMAs and Territories in excess of AML for scheduling purposes in participation and development of Wild Horse Capture and Removal Plans and appropriate gather dates.
- ✓ COMMISSION attempt to be present at as many gathers as practical to monitor and gain experience in the gather, removal and adoption preparation methods and procedures. This on the ground experience will help COMMISSION in developing their own policies pertinent to removals and handling of unadoptable animals.
- ✓ COMMISSION develop criteria and establish policy by year 2000, for placement of injured and healthy unadoptable animals, including when euthanasia is to be utilized as a last resort.
- ✓ COMMISSION coordinate with BLM and FS in placement of large numbers of unadoptable horse with youth risk programs, mounted police, state and federal color guards, and other similar programs.
- ✓ COMMISSION request of the BLM to consider changes in their adoption policy to allow for the free replacement of a wild horse to a qualified adopter of a recently deceased (diseased or old-aged) wild horse.
- ✓ COMMISSION request of the BLM to consider changes in their adoption policy that would allow a current adoption holder of a wild horse to receive at a reduced rate or free of charge, an older-age unadoptable wild horse as a companion to his existing animal and in the event of death of this animal it be replace with another free of charge. This policy if acceptable to BLM would be termed the "Companionship Program" and is an incentive to adopt older-age animals.
- ✓ BLM should retain the alternative to place large numbers of healthy unadoptable wild horses in sanctuary settings should this option become available in the future by the gift, purchase or lease of suitable lands..

5.54 Goal 2: Improve and expand the National Wild Horse Adoption Program to allow AML objectives to be accomplished by the year 2005, and the adoption demand to be greater than available animals.

5.55 Strategy: BLM develop and implement plans by the year 2000, to increase wild horse adoptions in the eastern and western states which will address methods to adopt up to 10,000 animals yearly until the year 2005, and up to 6,000 animals yearly thereafter. These plan must successfully address methods to eliminate any adoption pipeline plugs that stops or impedes adoption flow and prohibits reaching and maintaining AML objectives.

Strategy: Support BLM's implementation of adoption recommendations of the Culp Report which are still appropriate and would be considered for inclusion into adoptions plans by the year 2000.

Strategy: Support the BLM in improving and expanding the marketing and scope of their adoption program to include new innovative methods .

Strategy: Promote with the BLM the improvement and expansion of the wild horse education and public outreach program.

Strategy: Consider and promote the tourism opportunities of the wild horse resources in Nevada and their value to the local communities.

Strategy: Support BLM's effort to increase numbers of compliance checks and issuance of adoption titles in Nevada by the year 2000.

5.56 Action Recommendations:

- ✓ COMMISSION work with and provide input to the BLM on development of adoption planning specific to removing and adopting wild horses from Nevada in efforts to reach and maintain AML by the year 2005.
- ✓ COMMISSION establish an adoption protocol criteria which identifies reasonable opportunities and time frames to adopt all animals. Submit this policy to BLM for consideration for inclusion in their national adoption policy.
- ✓ COMMISSION coordinate and help BLM with scheduled adoptions within Nevada to adopt 500 animal annually.
- ✓ COMMISSION recommend to the BLM that they consider expanded marketing methods for adoptions which includes privatization by qualified interest groups, professional public relations firms, video auctions, and other applicable methods.
- ✓ COMMISSION coordinate with the BLM in determination of which Culp Report recommendation are still applicable for implementation in Nevada.
- ✓ A cooperative effort by the COMMISSION, other state agencies and the BLM should be undertaken to communicate the goals of the wild horse program to state and federal legislatures and the public, by use of public relations contracts, networking and informational flyers, BLM media contacts, television, radio, movies videos, logos and through tourism channels.
- ✓ COMMISSION explore with the State Office of Tourism the possibility of developing

a wild horse tourism plan for the State of Nevada. If the opportunity exists, request of the Nevada State Legislature to provide funds to accomplish the task, or possibly fund from the Heil trust.

- ✓ COMMISSION request of the BLM that a 95 percent compliance check of untitled adopted wild horse be achieved annually and that all adopters be issued title when the animal is eligible for titling.

5.57 Goal 3: Improve and increase cooperation and coordination amongst federal and state agencies charged by statute with management of wild horses.

5.58 Strategy: Support increased coordination meetings between the BLM, FS and United States Air Force to address management issues pertinent to wild horses on overlapping HMAs and Territories of the Nevada Wild Horse Range and by consensus agreement provide appropriate action recommendations.

Strategy: Promote and support BLM coordination meetings amongst adjoining states, and districts to work out problems with HMAs which overlap state or district boundaries.

Strategy: Explore the possibility of establishing a Western States Wild Horse Coalition for the purpose of addressing wild horse management issues of mutual state interest and as a means to provide unified state recommendations to the DOI for their consideration.

5.59 Action Recommendations:

- ✓ COMMISSION request of the BLM and FS to establish quarterly federal/state interagency coordination meetings to address wild horse management problems of mutual concern.
- ✓ COMMISSION develop HMA problem lists pertinent to overlapping boundary jurisdiction between federal agencies and participate in their regularly schedules interagency coordination meetings to address these problem issues.
- ✓ COMMISSION poll the western states, which have wild horses, to explore the idea of forming a Western States Wild Horse Coalition with participation made up of representatives from each state agency with statutory responsibility for wild horses. If other states are conducive to the idea schedule several discussion meetings at mutually agreed locations..
- ✓ COMMISSION request of the DOI to consider and support a western state coalition approach towards addressing state and federal issues pertinent to the national wild

horse management program.

- ✓ COMMISSION interact and coordinate with local municipal entities on an as needed basis to gather public input on wild horse management issues affecting local communities.

5.60 Funding

Inadequate Federal funding and associated manpower shortages have both been identified by the Nevada public scoping process, internal federal audits, and interviews with federal program employees as significant reasons for not fulfilling the goals and objectives of the wild horse management program nationwide. These problems are even more aggravated in Nevada, since this state accounts for approximately 60-64% all the wild horses found in the western states, however, only receives approximately 20% of the total annual budget allocated nationwide for wild horse management. Funds are specifically lacking in Nevada to conduct adequate and defensible population censuses to determine population levels by HMA, so critical in establishing, reaching and maintaining AMLs. Even more important is the funding necessary to monitor range carrying capacity and forage utilization by class of grazing animal to determine adjustments needed in forage allocation by offending animals in attainment and maintenance of healthy rangelands. With Nevada's 1997 wild horse population reportedly exceeding AMLs, it is imperative sufficient funds for the short term and long term goals of population census, removal and adoptions, be provided to correct this situation to achieve proper herd and rangeland health. While proper fiscal year funding procurement for wild horse management in Nevada, is primarily the responsibility of BLM and FS, it behooves the COMMISSION, state legislature and citizens of the state to support federal funding requests by all manners possible. Scrutiny and accountability of the how these funds are applied in the wild horse program is also warranted to assure to the American tax payer that his dollars are being utilized in the most efficient manner.

Senate Bill No. 211 approved by the Nevada State Legislature on July 16, 1997 (Appendix D), requires in Sec.9.1., that the "Nevada Wild Management Plan - For Federal Lands", must include an explanation of the manner in which the money in the Heil trust earmarked for wild horse management in Nevada, will be expended to carry out the COMMISSION's duties. Currently, as stipulated by NRS 504.450 this trust fund is a continuing fund without reversion and all money in the fund is invested in the same manner as other money of the state is invested. All principal and interest earned on the deposit of fund money is credited to this fund and may be used only for the preservation of wild horses in Nevada. The director of the NDCNR, has the authority by statute to administer the interest and principal of the fund with the restriction that the principal not be reduced to less than \$900,000, unless the money is needed for an emergency and the expenditure is approved by the legislature, if in session, or the interim finance committee, when not in session. The normal operating expense of the COMMISSION is authorized to be paid from the interest earned on the fund balance, which includes the COMMISSION administrator's salary, per diem and operating costs to run the office in Carson City and printing

of various informational items pertinent to the wild horse program in Nevada. The annual interest generated from this fund is approximately \$72,000 depend on current interest rates and principal balance. It is readily apparent that interest alone from this fund is inadequate to fulfill the COMMISSION's duties for the management of Nevada's wild horse resources as required by provisions of NRS 504.430 to 504.430, inclusive.

5.61 Goal 1: To insure adequate funding of the BLM and FS nationwide program for management of wild horses that will meet the goals and objectives of herd and rangeland health.

5.62 Strategy: Support BLM and FS fiscal year funding requests specifically to meet the State of Nevada's attainment of AMLs in all HMAs by the year 2005.

Strategy: Support all accelerated BLM funding requests for Nevada wild horse management actions necessary to achieve AMLs as identified by goals for short term by year 2000, and long term by year 2005.

5.63 Action Recommendations:

- ✓ COMMISSION network with the BLM and FS state offices to specify their fiscal year funding packet to achieve goals and objectives of wild horse management in Nevada with the idea of requesting Nevada State Legislative support in procurement of subject federal budgets.
- ✓ COMMISSION, Nevada State Legislature and the public request through congressional channels that congressional appropriations be allocated in that amount requested by BLM and FS to accomplish identified goals and objectives for AML in all HMAs of Nevada.
- ✓ COMMISSION, Nevada State Legislature and the public request through congressional channels that congressional appropriations be funded to BLM and FS necessary to conducted accelerated wild horse programs in Nevada.

5.64 Goal 2: To explain current manner of expenditures of the Heil trust fund for the preservation of wild horses in Nevada and priorities for future expenditures.

5.65 Strategy: Continue expenditures from the Heil trust fund to cover the COMMISSION expenses of salary, travel and operational costs, as well as the administrator's salary, per diem and office expenses and others operational costs such as educational and promotional materials.

Strategy: Consider utilization of Heil trust funds as a source to increase funding and associated manpower requirements of the COMMISSION to fulfill its legal

responsibilities as defined by NRS 504.430 to 504.490, inclusive, and to recommend legislation to the 70th Session of the Nevada State Legislature to accomplish this objective.

5.66 Action Recommendations:

- ✓ For fiscal year 1999, continue funding the normal COMMISSION expenses from interest gained from the principal balance of the Heil trust fund.
- ✓ During FY 99, COMMISSION should evaluate and consider, in coordination with the director of the NDCNR, the possibility of upgrading the COMMISSION to a Division of the NDCNR and increase the funding and manpower appropriately to accomplish its statutory duties.
- ✓ COMMISSION should consider in consultation with the director of the NDCNR the use of Heil trust funds for necessary manpower and operational costs in fulfillment of COMMISSION's statutory duties of NRS 504.430 to 504.490. Request legislative changes be made to NRS 504.450 during the 70th Legislative Session to allow an appropriate amount of this fund to be used for this purpose beginning in fiscal year 2000.
- ✓ If utilization of the Heil trust fund for increased COMMISSION funding and manpower needs meets with favorable response by both COMMISSION and director of the NDCNR, then the COMMISSION should develop a manpower and budget funding request for submittal to the 70th Legislative Session. This manpower and budget request should at least list the minimal manpower needs of one clerical and one technical staff person with identified tasks and associated operational costs as well as additional office tasks and associated costs.
- ✓ If the Heil trust fund approach is not supported for use to fulfill statutory duties, then the COMMISSION should be considered for Divisional status as a state funded agency and appropriate manpower and budget requests submitted to the 70th Session of the Nevada Legislative for consideration as described above for the Heil trust funding proposal.
- ✓ COMMISSION should list, evaluate and prioritize proposed cost sharing projects to be supported partially by the Heil trust fund. The cost sharing projects could include: public education programs geared towards wild horse management; research studies pertinent to herd population control methods, gender ratios and viable populations; studies concerning competition and interspecific strife amongst livestock, wild horses and wildlife; studies which establish BLM and FS requirements for monitoring and evaluating herd health; public land exchanges which would benefit wild horse herds; and land and water habitat improvements to benefit wild horses.

5.70 Plan Success Indicators

To monitor and evaluate if the action recommendations are accomplishing the goals and strategies as delineated in this PLAN, specific success indicators are listed by the major issue categories of Rangeland Health, Herd Management, Animal Removal and Placement, and Funding.

Rangeland Health

- A Stable or upward trend of desired plant community.
- A Stable condition of soil resources.
- Water quality which meet State Water Quality Standards.
- Appropriate monitoring in place and data readily available.
- Wildlife, wild horse and livestock recruitment trends stable or upwards.
- Availability of forage utilization data by class of grazing animal.
- Wild horse herd health.
-

Herd Management

- Monitoring data to balance wild horse numbers with the desired plant community objectives..
- HMA delineation status.
- AMLs set for all HMAs.
- The number of HMAs at AMLs.
- Increased proportional wild horse program funding.
- Increased public interest and involvement.
- National Wild Horse and Burro Public Interpretive Center.
- Program funding status.
- Reduced horse damage complaints.

Animal Removal and Placement

- Perception of wild horse gather process by public.
- Workable removal policy in place.
- Attainment and maintenance of AML.
- Humane treatment of excess animals.
- Empty holding facilities at beginning of gather season.
- Adoption requests greater than demand.
- Special event adoption promotions.
- Increased communication and efficiency between program managers and public.
- Compliance checks an titling showing customer satisfaction and fewer returns
- Increased volunteer support.
- Increased number of repeat adopters.

Funding

- Funding sufficient to meet national program objectives.
- Appropriate share of national program funding dedicated to Nevada to meet objectives..
- Funding of COMMISSION to adequately fulfill statutory duties.
- The public perception of COMMISSION's information, education and tourism programs for wild horses in Nevada.

5.80 Other Actions mentioned by the Public

During the COMMISSION's public meetings several actions were mentioned by the public that were outside the current federal and state legal constraints or "sideboards" that would require amendment to the annual Congressional Appropriation Act, or amendment to the ACT itself. These other actions **are not** alternatives of this PLAN, however, are mentioned as a courtesy to those who presented them and to the COMMISSION as informational actions only.

The single major issue category for which all these other actions were pertinent to falls under the heading of **Animal Removal and Placement**.

5.81 Goal: To support methods that are humane and effective for the removal and placement of excess wild horses from federal lands.

5.82 Strategy: Consideration should be given to privatize the national wild horse management and adoption programs to improve program management and cost efficiency. The first step would be the establishment of a few pilot trial areas with local permittees under cooperative agreement with BLM to evaluate success of this approach prior to program expansion.

Strategy: By the year 2005, reach AML on all delineated HMAs by removal of unadoptable wild horses (as a last resort), either by euthanasia methods preferably on home range, or by sales authority granted to BLM with all sale receipts earmarked to defray program costs.

5.83 Actions:

- ✓ BLM and Congress should consider implementation of the privatization approach to wild horse management and necessary amendment of the ACT pursued to allow this concept.
- ✓ BLM and Congress should abide by the provision of the ACT allowing euthanasia as a humane method for removal of excess numbers of unadoptable wild horses, and that

the euthanasia prohibition in the annual Congressional Appropriations Act for funding of the wild horse program be rescinded.

- ✓ Congress should consider amending the ACT to allow sales authority to BLM for placement of unadoptable wild horses where a reasonable number of adoption attempts have failed to place the animals. All sales receipts from such placement to be earmarked to the state of origin to defray costs of the program.
- ✓ BLM and the FS with input from the public, should consider the identification and establishment of disposal criteria for unadoptable wild horses, including the definition of what constitutes a reasonable number of attempts at adoption.
- ✓ BLM should consider initiating studies on time delay "sunset" euthanasia drugs which would allow humane death of known unadoptable wild horses on home range to spare the animals the stress of shipping and corral storage and to eliminate these program handling costs.
- ✓ BLM and the FS should consider that the interim short term approach to set AMLs by the year 2000, be by utilizing the present Resource Advisory Councils to summarize existing monitoring data then setting target AML's recommendations in concurrence with BLM and FS, and by the year 2005 will be revised by the allotment evaluation and MUD process.

GLOSSARY



A mare captured November of 1995
from the Granite Range shows her freeze brand.
Photo courtesy of E. Letcher

6.0 GLOSSARY

Activity Plan: A detailed and specific plan for managing a single resource program or plan element undertaken as needed to implement the more general resource management plan decisions.

Active Preference: The difference between grazing preference and suspended preference.

Active Use: Authorized livestock use for the current billing year.

Adjudication: The apportionment of grazing use on public rangelands among eligible applicants.

Allotment Management Plan (AMP): A livestock grazing management plan dealing with a specific unit of rangeland and based on multiple use resource management objectives.

Animal Unit: A unit of measure for rangeland livestock equivalent to one AUM based on the average daily forage consumption of 25 pounds of dry forage matter per day.

Animal Unit Month (AUM): The amount of forage needed to sustain one cow (with calf less than 6 months of age), one cow, bull, steer, heifer, horse, mule or five adult domestic sheep or goats for a month.

Appropriate Management Level (AML): Numbers of wild horses or burros designated as in balance with the herd management are under the multiple use concept.

Bachelor: A young male wild horse that has left the harem, or a old stallion without a harem.

Band: A small family group of wild horses made up of mares, foals, yearlings, and a guard stallion; synonymous to the term harem.

Biotic: The living components of an ecosystem including all plants and animals.

Carrying Capacity: The maximum stocking rate of grazing ungulates that a specific Rangeland area will support without damage to the vegetation or related resources.

Class of Livestock: Description of age or sex group for a particular kind of livestock, (e.g. cow, bull, calf, yearling, ewe, ram, lamb or horse).

Desired Plant Community (DPC): The plant community that has been determined through a land use or management plan to best meet the plan's objectives for a range site.

Ecological Balance: The present state of vegetation of a range site which remains at the same stage in relationship to its use by grazing ungulates.

Ephemeral Range: Rangelands composed mainly of annual growth plants and which does not consistently produce enough forage to sustain a yearly livestock operation.

Euthanasia: Humane method of killing or permitting the death of sick, injured, old, or unadoptable wild horses and burros.

Foal: An offspring of a stallion and mare.

Forage Allocation: AUM's of forage proportioned to grazing ungulates.

Genetic Uniqueness: Genetic differences in wild horse and burro herds that are readily distinguishable by visual inspection.

Grazing Intensity: A reference to grazing density per unit of time.

Habitat: The natural living space of plants and animals.

Harem: A band or family group made up of mares, foals, yearlings and normally guarded by a stallion.

Herd: All the bands of wild horses utilizing and expressing the same egress and ingress for the same particular living space.

Herd Management Area (HMA): Bureau of Land Management designated habitat boundaries of specific wild horse and burro herds which exhibits all their seasonal use areas.

Indicators: Observation or measurements of physical, chemical, or biological factors used to evaluate site conditions or trends, appropriate to the potential of the site.

Land Use Plan (LUP): A resource management plan developed through public participation under provision of FLMA to establish management direction for resources on public lands.

Management Plan: A program of actions designed to reach a given set of strategies or objectives.

Mare: A female horse that is old enough to mate.

Meta-population: All naturally occurring age classes and sexes of wild horses and burros in bands considered as one herd in any given HMA.

Monitoring: The orderly collection, analysis, and interpretation of resource data to evaluate progress towards achievement of management objectives.

Morphology: The form and structure of an organism with special emphasis on external features.

Perennial Range: Rangelands composed mainly of plants which persist for several years or more and consistently produces enough forage yearly to sustain a livestock operation.

Rangeland Trend: The direction of change in ecological status or resource value rating observed over time for a given rangeland site or area.

Stallion: A male horse that is old enough to mate.

Standards and Guidelines: Goals to be strived for in livestock management practices designed to achieve healthy public rangelands with success portrayed by specified indicators.

Territories: Forest Service designated habitat boundaries of specific wild horse and burro herds that exhibits all their seasonal use areas.

Utilization: The proportion of current year's forage production that is consumed or destroyed by grazing animals.

Yearling: A young horse between one and two years of age.

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Horses crowd together in a trap site corral
in Central Nevada to avoid the humans outside.
Photo courtesy of Jack Hamby

7.0 REFERENCES

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APPENDICES



Heading back, a family group moves
across the Central Nevada desert.
Photo courtesy of Jim Hansen.

APPENDIX A
LIST OF PARTICIPANTS

APPENDIX A - LIST OF PARTICIPANTS

Senator Harry Reid
Congressman Jim Gibbons
SubCommittee on National Parks & Public Lands
Senator Lawrence Jacobsen
Senator Dean Rhoads
Senator Dina Titus
Assemblyman John Marvel
Assemblyman John Carpenter
Assemblywoman Marcia DeBraga
Assemblyman Lynn Hettrick
Assemblyman Bob Price
Pete Morros, Director, Department of Conservation & Natural Resources
Commissioner Frank Cassas, Chairman
Commissioner Mike Kirk, DVM
Commissioner Elaine Letcher
Commissioner Mark McGuire
Commissioner Gracian Uhalde
Public Lands Advisory Board
Legislative Counsel Bureau/Stewart
Nevada Division of Wildlife/Molini
Division of State Lands
Nevada Division of Environmental Protection/Copperthwaite
Nevada Department of Agriculture/Iverson
Nevada Conservation Commission/Freeman
Bob Abbey, BLM Nevada State Director
Sandra Allen, BLM Deputy State Director,
Tom Pogacnik, BLM National Wild Horse and Burro Program
BLM Las Vegas/Guerrero
BLM Tonopah/Hamby
BLM Winnemucca/Christensen
BLM Battle Mountain/ Weeks
BLM Ely/Kolkman
US Forest Service/Gillam
Humbolt/Toiyabe National Forest/Howell
Las Vegas Forest Service/Mayben
Elko County Commission
Eureka County Public Lands Commission
Eureka County Department of Natural Resources
Lincoln County Public Lands Commission/Wadsworth
White Pine County Public Lands Users Committee
Pershing County Sportsmans Association
Wild Horse Organized Assistance/Lappin
Wild Horse Spirit
National Wild Horse Association
American Mustang and Burro Association
Virginia Range Wildlife Protection Association
Nevada Humane Society
Sierra Club/Strickland
Nevada Cattlemens Association

Nevada State Grazing Boards
Nevada Farm Bureau/Busselman
People for the West/Collard
Desert Bighorn Council
Red Rock Audubon Society
Mule Deer Foundation
Desert Research Institute
Developments Consultants/Helton
Resource Concepts/McLain
Getchell Gold Corporation/Whiting
Chamber of Commerce/Stout
Marta Agee
Rey Flake
Del Haas
John Jones
Mary Sue Kunz
Alan Levinson
Bevan Lister
Robert Maichle
Laurie Howard Malm
Les McKenzie
Toni Moore
Roy & Mary Risi
Kenneth Brose
Joyce Brown
Maggie Brown
Dave & Sue Cattoor
George Condon
Rhonda Cook
Joe Dahl
Paula Del Guidice
Craig Downer
Charlie Fisher
Gary Griffith
Russell Rowley
Ray Salisbury
Vernon Schulze
Susan Selby
Stanley Smith
David Tattum
Tony & Jerrie tipton
John Turner, PhD
Ray Williams
Luther Wise
John DeLong
Eric Watkins
Ed Wagner
Claude Ackerman
Mike Baughman
Donrey Capitol Bureau/Vogel
Las Vegas Review Journal/Caramaria
Las Vegas Review Journal/Rogers

APPENDIX B
PARTICIPANTS ISSUE LIST

PARTICIPANTS ISSUE LIST

LISTING A - ISSUES IDENTIFIED THROUGH INITIAL PUBLIC SCOPING PROCESS THAT ARE WITHIN THE LEGAL "SIDEBOARDS" OF THE WILD HORSE & BURRO ACT OF 1997

Rangeland Health

- 1) Impacts on livestock grazing and wildlife habitat.
- 2) Reduce wild horse populations to a minimum in the Seven Troughs, Trinity, and Antelope Ranges of Western Pershing County which contribute to the extinction of sage grouse.
- 3) Reduce wild horse numbers dramatically in the Lava Beds, Shawave, Nightingale, Truckee, Selenite, Blue Wing, and Kamma Ranges to improve habitat for chukar, deer, antelope and other non-game species.
- 4) Wild horses dishonestly blamed for public lands deterioration due to livestock overgrazing and other exploitive abuses of the public lands.
- 5) Identify the standards used in stocking levels and determine whether they are applied in all animal classifications
- 6) Investigate whether closure is necessary in some areas to provide for wild horses.
- 7) Publicize the number of wild horses on public lands when the Commission started vs what the population is at the end of the Management Plan.
- 8) Determine livestock use and season of use within wild horse herd areas.
- 9) Educate all interests in the LUP process and PL 92-195 (Wild Free Roaming Horse and Burro Act, 1991).
- 10) Address fencing of herd areas to facilitate livestock management.
- 11) Limits on Recreation Use.
- 12) Protection of Sensitive Ecosystems and Species.
- 13) Protection of Wilderness Values in Wilderness and WSA's.
- 14) Opportunities of Developed Recreation.

- 15) Unregulated General Recreation.
- 16) Summer Homes.
- 17) Management of Wildlife.
- 18) Commercial use of public land.
- 19) Prescribed fires.
- 20) Risk of wildlife.
- 21) Energy conservation.
- 22) Protection of heritage resources.
- 23) Disposal of National Forest Land within the Spring Mtns. National Recreation Area.
- 24) Address the interactions between livestock and wild horses.
- 25) It is imperative the BLM develop a positive strategy regarding the necessity of management for all range users with rangeland health the sole purpose.
- 26) Management and control of wild horses in Nevada is necessary for proper rangelands health and the State of Nevada needs to provide and state their recommendations for wild horse management.
- 27) Include Nevada Rangelands Monitoring Handbook guidelines for monitoring in appendix.
- 28) In glossary define BLM terms for AUM, livestock grazing preference, actual use and conversions rates.

Herd and Habitat Management

- 1) Improve wild horse habitat on public lands to healthy conditions.
- 2) Manage wild horses at healthy population levels.
- 3) Correct wild horse over populations in small isolated areas.
- 4) BLM's reluctance to manage wild horses at population levels found in 1971.

- 5) Inventory and monitor wild horse populations.
- 6) Effectiveness of BLM to manage wild horse herds.
- 7) Use of collaborative, facilitated process for determining management objectives for the wild horse herds of the state.
- 8) Horse numbers and male/female ratios need to be constantly monitored to maintain a balance between overall animal numbers and the environment.
- 9) Monopolization of public lands by the livestock industry.
- 10) Unfair treatment of wild horses by government officials.
- 11) Alternative live styles for achieving larger numbers of wild horses on public lands and restoring them to areas where they have been eliminated to stress positive contributions of wild equids to ecosystem.
- 12) Determine whether LUP's provide measurable objectives in providing sufficient water, food, cover, and space to maintain viable populations of wild horses or burros.
- 13) Surface water should be provided to wild horses in water deficient areas since State NRS states wild horses are a beneficial use of water.
- 14) Investigate the release of wild horses and burros outside their historic herd areas and whether this practice jeopardizes their survival.
- 15) Set statewide AML.
- 16) Determine whether sufficient agency employees exist to monitor, plan, and manage wild horse and burros in each of the 100 HMA's.
- 17) Relocation of wild horse and burros from one HMA to another HMA to achieve AML's.
- 18) Control of wild horses and burros.
- 19) Review of HMA's.
- 20) Determination of AML's or wild horse and burro densities by area.
- 21) Address wildlife/wild horse and burro conflicts which are habitat related and causing interspecific strife.

- 22) Consider using BLM Standards and Guidelines for the goal of rangeland health.
- 23) Ecological balance of grazing ungulates on public rangelands.
- 24) Priority balance on use of public rangelands between wild horses, wildlife and domestic livestock.
- 25) Use of public lands for multiple purposes.
- 26) Sustain wild horse AML range at low levels.
- 27) Clarify in plan that wild horses are in reality feral introduced/exotic species and are not wildlife.
- 28) AML herd size should not interfere with long term existing livestock grazing preference.
- 29) Support the 1971 delineation herd areas for wild horses consistent with the federal laws and regulations which state wild horses will be maintained at a thriving natural ecological balance with other resource uses.
- 30) Neither existing adjudicated grazing privileges nor wildlife populations should be ignored when determining "carrying capacity" or "thriving natural ecological balance" within the herd management areas (HMA).
- 31) Commission should be aware that the determination of what is the "AML" or "thriving natural ecological balance" of wild horses does not require the issuance of a "Multiple Use Decision" - it may be accomplished simply by determining that the number of horses exceeds the level which results in a thriving natural ecological balance with other resource uses.
- 32) Nothing in the "Wild Horse Act" requires the maximizing of wild horses within a designated HMA, and should in reality be kept at the minimum to alleviate exceeding the range carrying capacity and so that BLM does not have to remove horses annually.
- 33) It is undesirable to continue herd lineage in areas where inbreeding or cross-breeding has resulted in individuals which are malformed or of unsound conformation and are unadoptable.
- 34) "Herd Area" boundaries that overlap with other herd areas and that have many bands of wild horses of the same herd should be reviewed and consolidated into one herd area.
- 35) BLM should coordinate amongst Districts to determine census flights and timing of flights for an entire herd area where overlap of District boundaries exist to most

efficiently track population, recruitment, mortality and seasons of use of the entire herd.

- 36) BLM needs to monitor vegetal utilization by user group to determine who ate what, when, where and in what amount. Only then, can the over-utilization of the range resource be pin pointed the offending animal and adjustments made accordingly in fairness to all users.
- 37) Developed waters on public lands should not be shut off to wild horse and wildlife use after permittee has removed his stock from the allotment, but rather BLM should provide compensation to the permittee to leave the water running.
- 38) BLM should pursue an exchange of AUM use with permittees in areas of private checkerboard lands where wild horses use these lands for short periods of time.
- 39) Political trespass is still trespass, and should be treated as such by BLM.
- 40) Too much money is currently being spent on the wild horse program.
- 41) Nevada needs to establish some wild horse sanctuaries so the viewing public can see these animals in their natural environments.
- 42) BLM's established AML's may not be achievable due to lack of funding, proper removal documentation (MUD) in place for gathers, and holdups in the adoption program.
- 43) BLM should emphasize cooperation amongst the Districts in the states of Nevada, Utah, California, Idaho and Oregon for the management of wild horses where herd areas overlap into adjacent states.
- 44) Cooperation and good stewardship of the Public Lands amongst all user groups is necessary to benefit all users and the most importantly the base land and water resources..
- 45) Better cooperation is needed amongst all parties including federal, state, local municipalities, counties and permittees.
- 46) Pilot Program areas for the Wild Horse Program should be established to identify and test proper management methods.
- 47) Make sure all issues identified within the Plan are within the constraints of the current established Act.
- 48) Wild horse management should be established by allotment and HMA.
- 49) Range inventories need to be done immediately on closed grazing allotments to determine

future livestock turn on dates.

- 50) Establish and maintain a public data base of HMA's in Nevada and identified AML's for these respective areas.
- 51) Examine on an ongoing basis the proper criteria/needs of HMA's relative to habitat requirements and management feasibility of land areas designated as HMA's.
- 52) Address the impact of fencing within a HMA, the impact of private water developments in HMA's and whether BLM permits for construction considers wild horses.
- 53) Address the impacts of wild horses on permittee's livestock numbers and distribution.
- 54) Permittees should be compensated for any loss in grazing privileges because of excessive wild horse numbers.
- 55) Wild horses are the most destructive animals to public lands.
- 56) Wild horse populations need to be managed based on the land/water carrying capacities and not over utilized.
- 57) The Nevada Wild Horse Management Plan should be developed with an emphasis on science.
- 58) Commission should emphasize in plan the needed improvement to the base resources of land and water.
- 59) The Act and regulations direct the BLM to manage as follows: "Wild horses and burros shall be managed as self-sustaining populations of healthy animals in balance with other users and the productive capacity of their habitat" (43CFR 4700.0-6a).
- 60) Plan needs to list alternatives for goal/objectives/strategies.

Animal Removal

- 1) Practice humane wild horse and burro removal and adoption from public lands.
- 2) Only fillies and mares should be made available for adoption to control herd numbers.
- 3) When the need arises to remove male horses, only old age animals should be removed from the population and relocated to areas of excess lands, e.g. wilderness areas. Stud horses need to be gelded to eliminate reproduction should someone introduce a mare to the area.

- 4) Set parameters on “emergencies” and related monitoring on removals.
- 5) Develop cooperative systems wherein wild horse and burro management and removal costs can be reduced.
- 6) Euthanasia should be reconsidered for disposal of aged, crippled, sick or other unadoptable wild horses.
- 7) “Sunset Drugs” which causes delayed death after injection at capture sites or aerially applied should be investigated as a disposal method on rangelands for old, crippled, sick, or other unadoptable wild horses.
- 8) Address the use of site specific water traps for the capture of wild horses over other more costly methods.
- 9) Those BLM Districts that have all the proper planning/decision documents in place of wild horse management should not be “bumped” from implementing these decisions due to emergency gather in other Districts which don’t have the proper decision documents in place, and those Districts without “decision documents” should be serviced last.
- 10) Those Herd Areas with established AML’s and without appeals, should have priority schedules.
- 11) Include BLM’s guidelines for emergency removals.
- 12) BLM age policy for adoption (the over 9 yr. standard) do not take and (under 5yrs. standard) for HMA’s do take, seems to be the source of many management limitations and should be looked at closely for revision.

Animal Placement

- 1) Address “excess” older age animals.
- 2) Since the State of Nevada provides for over half of the habitat for wild horse and burro populations in the nation, management actions proposed for Nevada should consider the impacts to the national wild horse and burro program, including adoption preparation capabilities and adoption of excess animals.
- 3) Open auctions should be considered for adoptable wild horses and the funds received from these actions to be returned to the BLM District from which the horses came from for management off set cost of the program within this District.

- 4) Consider the creation of a "Companion Program" which would give an older age horse free of charge to current owner of an adopted younger horse.
- 5) When an adopted young horse dies replace it with another at no cost to adopter.
- 6) Innovative methods of disposal of adoptable wild horses should be pursued, such as video marketing.
- 7) BLM should Investigate the cost-benefit-ratio between wild horse holding facilities vs range improvements.
- 8) The adoption program should not dictate the wild horse protection and management program because some animals are more adoptable than other, that is not the intent of the "Wild Horse Act".
- 9) A definition of "healthy wild horse" needs to be determined publicly for adoption purposes.
- 10) Greater public awareness of adoptions (and sales) is essential to be effective and needs increased publicity through all available medial outlets by BLM and the Commission.
- 11) An adoption plan should be developed that provides self-sufficient funding for the program.
- 12) Adoption fees should be what the market will bare and adoption titles issued expediently.

Research

- 1) Intensify research toward the management of wild horse herds to determine appropriate censuring techniques, census trends, modeling, database currency relevance and validity, criteria for fertility control, limited growth vs. ZPG VS. reductions, gene pool considerations, cost, role of politics and biology managing herds.
- 2) Develop research data on the economic effects of wild horse management to state, regional and local livestock operators and on local economies and their related social effects.
- 3) BLM needs to investigate the interaction of county governments and permittees to wild horse management.
- 4) Herd areas using fertility drugs should be planned a year in advance to determine pros and cons of selecting the particular area.

- 5) Research and develop herd management criteria to protect herd integrity and develop recommendations for on-the-ground applications.
- 6) Serve as a clearinghouse and information source for information on population models and estimates as well as scientific research materials dealing with Meta-population of HMA's.

Law/Policy/Regulation Enforcement

- 1) Effective prosecution of those who kill or poach wild horses on public lands.
- 2) Demand that laws, regulations and policies regarding public notification and comment period be safeguarded.
- 3) Include the Pierson and Culp Reports as well as all Nevada Land Use Planning documents in the Issue Reference section of the Plan.
- 4) Rights of American Indians.
- 5) Clarification of the goals and objectives of the Wild Horse and Burro program will help focus the planning process and lead to a better plan.

Tourism

- 1) Promote wild horses as a unique and beautiful resource of all Nevadans and visitors to our state.
- 2) Assessment of economic gain to local communities because of adjacent wild horse herds.
- 3) Visual resources.
- 4) Any wild horse viewing areas so designated within the state must be easily accessible and visible for the public.
- 5) Tourism pertinent to wild horse viewing should be dove-tailed with the Nevada Commission on Tourism.
- 6) There are opportunities for developed recreational viewing of wild horse herds and the possibility of viewer tag fees implemented through licensed guides.
- 7) Revenue generated through tourism (viewing of wild horse herds) needs to be modeled for rural communities to determine feasibility.

Funding

- 1) Funding distribution and management intensity of wild horses and burros in Nevada should reflect that the State contains 75% of the nation's wild horse and burro populations.
- 2) Plan needs to consider funding requirements for on-the-ground management actions for wild horses.
- 3) Plan should address provisions to utilize "matching funds" from any available source as well as "in-kind labor match"
- 4) The criteria for expenditure of the Heil Trust Fund are required by NRS to be identified in the Plan and will also require an action plan.

Education

- 1) BLM Wild Horse Specialists and Managers need to have the appropriate education and training pertaining to the overall management of the wild horse program and have equal management decision authority with their peers in range management.
- 2) All interest groups need to be educated in the Land Use Planning process and PL 92-195 (Wild Free Roaming Horse and Burro Act, 1991).
- 3) A public education program is needed for the Red Rock Wild Horse Area in Clark County to protect wild horses in the area.
- 4) Development of a Public Information Program is needed to influence public opinion pertinent to adequate wild horse management.

**B. LISTING - ISSUES IDENTIFIED THROUGH INITIAL PUBLIC SCOPING
PROCESS THAT WOULD REQUIRE AMENDMENT TO THE WILD HORSE &
BURRO ACT OF 1997**

Herd and Habitat Management

- 1) The National and State wild horse and management and adoption programs should be allowed to be privatized for management efficiency and cost benefit.
- 2) Investigate setting up a trial area where the permittee would take all necessary action to manage wild horses in HMA with close observation by BLM and Nevada Wild Horse Commission.
- 3) Cooperative agreements between permittees and BLM may be a better method for management of wild horse herds and for range improvements.
- 4) Wild horse management in Nevada prior to the 1971 ACT was better in the hands of local ranchers who provided quality horses by proper culling, controlled populations at reasonable levels and at no expense to the tax payer.

Animal Removal

- 1) Amendment to the Wild Horse & Burro Act of 1971 is needed to include a sales authority clause to remove excessive numbers of unadoptable animals with sale proceeds earmarked to defray program costs.

APPENDIX C
SYNOPSIS OF PUBLIC FORUM

STATE OF NEVADA
COMMISSION FOR THE PRESERVATION OF WILD HORSES
Synopsis of Public Forum Consensus Meeting
Carson City, NV - April 22, 1998, 9:00a.m. - 5:00 p.m.
State Legislative Capitol Building Room 3161

The meeting was opened by Commissioner/Vice Chairman Dr. Mike Kirk and turned over to Terry Retterer who introduced the two facilitators for this meeting as Steve Lewis and Dr. Hudson Glimp. Mr. Lewis addressed the group by explaining the meeting agenda (attached) and steps he to follow in achieving issue consensus.

1. **Meeting Outcome**

Identify major wild horse management issues in Nevada and assist the Commission in developing a management plan.

2. **Guidelines**

- All ideas count - build on each others ideas
- Limit side conversations
- Respect differences of opinion
- Make sure we understand each other

3. **Consensus**

- I can easily accept the action
- I can accept the action but it may not be my preference
- I can accept the action if there are minor changes made
- I can't accept the action but I support the group
- I can not accept the action unless major changes are made

4. **Group Break-outs to look at Issues - Check For**

- Understanding
- Appropriate Grouping
- Anything Missing? Add to list
- What needs to be accomplished

5. **Breaking into Groups Describe the Ideal Situation For**

- Rangeland Health - Group 1
- Herd Management - Group 2
- Animal Placement - Group 3

in the year 2005 by using Key Action words

6. **Key Action Words for each Major Issue Category**

- List these words by issue category
- Utilize these words to write a statement to describe your group headings for the year 2005

7. **What are the Indicators of successfully creating the Ideal Situation? or meeting the goal (s)**

- List Indicators

8. **Additional Issue Categories to Address**

- Animal Removal
- Research
- Law/Policy/Regulation Enforcement
- Tourism
- Funding
- Education

9. **Meeting Results - send to everyone on the Mailing list if possible by May 1, 1998**

- Provide cover letter inviting comment and participation at May 13, 1998 meeting.

GROUP MEETING RESULTS

Group 1 - John Balliette, Doug Busselman, Mark McQuire, Cathy Barcomb, Roy Leach, Dave Tattam, Les McKenzie, Pete Christensen, Jim Linegaugh, Hudson Glimp.

Rangeland Health

The group first listed their issues pertinent to specific category as follows:

Wildlife -1,2,3,5,10,12,13,18,20

Livestock -1,4,5,6,8,10,12,13,17,18,24

Recreation - 4,6,10,11,13,14,15,18,23

Private Lands - 16,23

Other (mining, timber harvest, emergency situations, etc. - 18,19,22,23

Basic Agency Responsibilities - 5,6,7,12,13,19,20,25

Key Action Words of the group to describe the ideal situation for Rangeland Health by the year 2005 were identified as:

stable (ecosystem)
options (future)
involvement (process)

balance (use)
compromise (process)
commitment (process)

biodiversity (ecosystem)
vision (future)
local (process)

The three most important words were rated as:

- Stable (ecosystem)
- Balance (use)
- Biodiversity (ecosystem).

The Group 1 statement on Rangeland Health was massaged by all groups to read as follows:

Rangeland Health Statement: Shared vision and implementation of balanced management that meets the needs of all multiple uses and is focused on maintaining or improving rangeland conditions to meet or exceed needs of today and into the future.

Group 1 listed their success indicators as:

- Stable or upward trend of desired plant community
- Condition of soil resources
- Water quality
- Appropriate monitoring data available
- Wildlife, wild horse and livestock (calf/lamb) recruitment trends
- Utilization data for different grazing uses - determine what animal is eating what

All groups generally agreed with above indicators for Rangeland Health, however, there was discussion concerning the impacts of water quality on some users and maybe should be exempt. State statutes concerning water quality as regulated by NDEP is applicable to all users unless so exempt by statute.

Group 1 further developed the following strategy pertinent to Rangeland Health as:

Strategic Wild Horse Management Policy
Rangeland Health

- Issue - Adoption pipe-line plugged keeping animals above AML from being removed and trashing resource
- Issue - Need to have strategic management plans to deal with excess horse numbers that aren't adoptable. The current age criteria prevents from getting to AML in timely manner
- Issue - AML needs to be established for each herd management area to protect rangeland resource.
- Issue - Herd management needs to accomplish at-or-below AML

Group 1 identified other category issues from the Issue A. list that apply to Rangeland Health as follows:

Animal Removal - 4,11,12

Research - 2

Law Enforcement - 5

Tourism - 2,7,6

Funding - 2,3,4

Education - 1,2,4

Group 2 - Mike Kirk, Jim Baumann, John McLain, Barbara Curti, Norma Tattam, Gracian Uhalde, Maxine Shane, Jeff Weeks, Don Henderson.

Herd Management

Key Action Words of the group to describe the ideal situation for Herd Management by the year 2005 were identified as:

multiple use
conservation/mgnt.
viable HMAs
habitat mgnt/improvement
cost effectiveness

consolidate/reduce
common sense
est. AMLs
program control/accountability
unique characteristic mgnt.

defined
quality not quantity
research/monitoring
education/outreach
visitor center/tourism

The three most important words (s) were rated in priority as:

- a) Education/Outreach
- Visitor Center
- b) Herd Area Habitat Management & Improvements
-research & monitoring
-quality, not quantity
-conservation
- c) Viable HMAs
-consolidate
-reduce
-combine

The Group 2 statement on Herd Management was massaged by all groups to read as follows:

Herd Management Statement: To attain appropriate management levels on fewer, more effectively managed HMA's, with greater program efficiency and less conflicts, while improving resource conditions and better involving and educating the public.

Group 2 listed their success indicators by priority as follows:

- a) Monitor to balance horse numbers with DPC (desired plant community) objectives
- b) The number of HMAs at AML
- c) Increased proportional program funding
- d) Increased public interest and involvement
- e) Build and operate visitors center (public will come) showing BLM or State HMA mapping
- f) Achieve AMLs without increasing program costs
- g) Reduced horse damage complaints

Group 2 category priorities for Herd Management.

- Consolidate 97 herd areas to define more manageable areas (quality not quantity)
- Consolidation based on feasibility of management
 - foreseeable future conflicts
- Can we consolidate further or develop alternative areas based on biological factors, not simply where they were in 1971?

Other Issue Categories looked at and addressed by Group 2.

Animal Removal

- Research alternative humane methods of birth control and trapping, block supplements

Problems:

- Ineffective animal disposal methods
- Inconsistent and inadequate funding
- Insufficient monitoring and slow establishment of AMLs

Solutions:

- Education program (public & Legislators) to explain and promote sale authority to attain AMLs (sunset) - use sale revenues to better manage herd areas at AMLs - improve placement planning and monitoring programs
- Commission and State should be lobbying Congress to implement this concept
- Commission establish criteria for elimination of unadoptable horses in excess of AML
- Commission establish criteria for horses removed to attain AML both for old, young and any gender of horses
- Methods of adoption
 - video adoption
 - 3 strikes and you're out by either sale or euthanasia

Policy Changes

- BLM needs input on criteria for disposing of injured horses*
 - Policy to remove ≤ 9 year horses*
 - Criteria for adoptable or unadoptable horses*
- *Need Commission's assistance to provide improved public involvement

Priorities For Expenditure of Heil Funds:

- Education for increased removal and adoption
- Director should be paid by State and Commission staff paid by Heil Fund
- Research on population control methods (i.e. fertility block supplement)
 - horse effects on TES
 - gender ratios/viable populations
- Augmenting BLM monitoring program

Group 3 - Marta Agee, John Carpenter, Leta Collard, Rey Flake, Elaine Letcher, Terry Woosley, Pat Phillips

Animal Placement

This Group first decided to form agreement on List A. before proceeding to the Animal Placement issue category.

Agreed on issue points:

- We have an excess of horses in some areas
- Nevada should provide the lead for what is best for Nevada.
- Nevada has $\pm 50-70\%$ of the Nations horse and should therefore receive the same percent in funding for management
- Must have humane treatment
- Not in favor of slaughter
- Sunset on range for the known unadoptable
- Adoption expansion should classify some public groups for adoption of larger number of horses (e.g. sheriff Posse, military color guards, schools)
 - utilize video auction and the Internet for adoptions
- Wild Horse population control needed
- Recognize range condition affect on reproduction
- Special appropriation to get to AML then regular appropriations to maintain WH program
 - failure to fund adequately causes explosion in herd numbers and habitat degradation
- Marketing is essential for adoption
- Some horses that can not be adopted should be sparrd shipping and storage in corrals and rather disposed of on home range

- Must balance range use by wildlife, wild horses and livestock
- Must be more consideration of wildlife
- Multiple use must be adhered to

Key Action Words of the group to describe the ideal situation for Animal Placement by the year 2005 were identified as:

cooperative efforts	privatization	marketing
lower cost	other outlets	increased demand
tiered adoption	relieve numbers	companion adoption
training of personnel & public	quality vs quantity	unadoptable humane program
euthanasia	Animal movement	

The five most important words were rated as:

- Cooperative efforts
- Privatization
- Lower costs
- Other outlets
- Increased demand

The Group 3 statement on Animal Placement was massaged by all groups to read as follows:

Animal Placement Statement: In the year 2005 Nevada's unique resource of wild horses will have 1) appropriate management levels achieved and 2) adoption demand greater than available number of horses.

The tools to reach group 3 objectives were identified as:

- a) Cooperative efforts
- b) Develop other outlets through creative marketing
- c) Humane program for unadoptable/excess animals
 - early sunset
 - companion program
- d) Replacement of the "Companion" horse with a free young or old wild horse as an incentive to the public adoption to provide home to older unadoptable.

Group 3 listed their success indicators as:

- Adoption requests not all filled
- Empty holding facilities at beginning of gather season
- Old, sick and lame animals requiring humane disposal on the range will be no more than 5% of Statewide AML

- Public support and approval of wild horse program
- Time from gather to adoption minimized
- Adoptions promoted as special (exciting & informative) event
- Increased communication and efficiency between program managers and public
- Compliance checks showing customer satisfaction and fewer returns
- Increased volunteer support group
- Increased number of repeat adopters

Other Issue Categories looked at and addressed by Group 3.

Animal Removal

- Issue #2 disagreed with, good for placement but bad for herds
- Issue #6 concerning euthanasia should be restated as , excess horses that cannot be adopted and cannot be returned, then euthanasia is the last resort option
- Issue#12 provides for better placement however leaves a less desirable herd, recommend euthanasia by early sunset for these older excess horses
- The WH&B Act provides for euthanasia, however regulations and Congressional Appropriation bills do not, recommend regulations and appropriation bills conform to Act as last resort control of horse populations

Tourism

- Tourism helps with wild horse placement
- Wild horse Interpretive Centers should include concept of multiple use

Research

- Issue# 3 is management issue not research

Common Themes Identified by Groups

- Sale authority (outside Law) and euthanasia criteria review
- Education
- Liaison - coordination between user groups
- Research - gathering, fertility
- Establishing AML's
- Multiple Use

APPENDIX D

LAWS, REGULATIONS, POLICIES

- THE WILD FREE-ROAMING HORSE AND BURRO ACT OF 1971
- SENATE BILL NO. 211-COMMITTEE ON NATURAL RESOURCES
- TITLE 43-CODE OF FEDERAL REGULATIONS (as of 7/1/94)
- COMMISSION POLICIES (11/21/97)

THE WILD FREE-ROAMING HORSE AND BURRO ACT OF 1971

(Public Law 92-195) as amended by The Federal Land Policy and Management Act of 1976 (Public Law 94-579) and the Public Rangelands Improvement Act of 1978 (Public Law 95-514)

To require the protection, management, and control of wild free-roaming horses and burros on public lands.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Congress finds and declares that wild free-roaming horses and burros are living symbols of the historic and pioneer spirit of the West; that they contribute to the diversity of life forms within the Nation and enrich the lives of the American people; and that these horses and burros are fast disappearing from the American scene. It is the policy of Congress that wild free-roaming horses and burros shall be protected from capture, branding, harassment, or death; and to accomplish this they are to be considered in the area where presently found, as an integral part of the natural system of the public lands.

Sec. 2. As used in this Act-

(a) "Secretary" means the Secretary of the Interior when used in connection with public lands administered by him through the Bureau of Land Management and the Secretary of Agriculture in connection with public lands administered by him through the Forest Service;

(b) "wild free-roaming horses and burros" means all unbranded and unclaimed horses and burros on public lands of the United States;

(c) "range" means the amount of land necessary to sustain an existing herd or herds of wild free-roaming horses and burros, which does not exceed their known territorial limits, and which is devoted principally but not necessarily exclusively to their welfare in keeping with the multiple-use management concept for the public lands;

(d) "herd" means one or more stallions and his mares; and

(e) "public lands" means any lands administered by the Secretary of the Interior through the Bureau of Land Management or by the Secretary of Agriculture through the Forest Service.

(f) "excess animals" means wild free-roaming horses or burros (1) which have been removed from an area by the Secretary pursuant to application law or, (2) which must be removed from an area in order to preserve and maintain a thriving natural ecological balance and multiple-use relationship in that area.

Sec.3.(a) All wild free-roaming horses and burros are hereby declared to be under the jurisdiction of the Secretary for the purpose of management and protection in accordance with the provisions of this Act. The Secretary is authorized and directed to protect and manage wild free-roaming horses and burros as components of the public lands, and he may designate and maintain specific ranges on public lands as sanctuaries for their protection and preservation, where the Secretary after consultation with the wildlife agency of the State wherein any such range is proposed and with the Advisory Board established in section 7 of this Act deems such action desirable. The Secretary shall manage wild free-roaming horses and burros in a manner that is designed to achieve and maintain a thriving natural ecological balance on the public lands. He shall consider the recommendations of qualified scientists in the field of biology and ecology, some of whom shall be independent of both Federal and State agencies and may include members of the Advisory Board established in section 7 of this Act. All management activities shall be at the minimal feasible level and shall be carried out in consultation with the wildlife agency of the State wherein such lands are located in order to protect the natural ecological balance of all wildlife species which inhabit such lands, particularly endangered wildlife species. Any adjustments in forage allocations on any such lands shall take into consideration the needs of other wildlife species which inhabit such lands.

(b) (1) The Secretary shall maintain a current inventory of wild free-roaming horses and burros on given areas of the public lands. The purpose of such inventory shall be to: make determinations as to whether and where an overpopulation exists and whether action should be taken to remove excess animals; determine appropriate management levels of wild free-roaming horses and burros on these areas of the public lands; and determine whether appropriate management levels should be achieved by the removal or destruction of excess animals, or other options (such as sterilization, or natural controls on population levels). In making such determinations the Secretary shall consult with the United States Fish and Wildlife Service, wildlife agencies of the State or States wherein wild free-roaming horses and burros are located, such individuals independent of Federal and State government as have been recommended by the National Academy of Sciences, and such other individuals whom he determines have scientific expertise and special knowledge of wild horse and burro protection, wild-life management and animal husbandry as related to rangeland management.

(2) Where the Secretary determines on the basis of (i) the current inventory of lands within his jurisdiction; (ii) information contained in any land use planning completed pursuant to section 202 of the Federal Land Policy and Management Act of 1976; (iii) information contained in court ordered environmental impact statements as defined in section 2 of the Public Rangelands Improvement Act of 1978; and (iv) such additional information as becomes available to him from time to time, including that information developed in the research study mandated by this section, or in the absence of the information contained in (i-iv) above on the basis of all information currently available to him, that an overpopulation exists on a given area of the public lands and that action is necessary to remove excess animals, he shall immediately remove excess animals from the range so as to achieve appropriate management levels. Such action shall be taken, in the following order and priority, until all excess animals have been removed so as to restore a thriving natural ecological balance to the range, and protect the range from the deterioration associated with overpopulation:

(A) The Secretary shall order old, sick, or lame animals to be destroyed in the most humane manner possible;

(B) The Secretary shall cause such number of additional excess wild free-roaming horses and burros to be humanely captured and removed for private maintenance and care for which he determines an adoption demand exists by qualified individuals, and for which he determines he can assure humane treatment and care (including proper transportation, feeding, and handling): Provided, That, not more than four animals may be adopted per year by any individual unless the Secretary determines in writing that such individual is capable of humanely caring for more than four animals, including the transportation of such animals by the adopting party; and

(C) The Secretary shall cause additional excess wild free roaming horses and burros for which an adoption demand by qualified individuals does not exist to be destroyed in the most humane and cost efficient manner possible.

(3) For the purpose of furthering knowledge of wild horse and burro population dynamics and their interrelationship with wildlife, forage and water resources, and assisting him in making his determination as to what constitutes excess animals, the Secretary shall contract for a research study of such animals with such individuals independent of Federal and State government as may be recommended by the National Academy of Sciences for having scientific expertise and special knowledge of wild horse and burro protection, wildlife management and animal husbandry as related to rangeland management. The terms and outline of such research study shall be determined by a redesign panel to be appointed by the President of the National Academy of Sciences. Such study shall be completed and submitted by the Secretary to the Senate and House of Representatives on or before January 1, 1983.

(c) Where excess animals have been transferred to a qualified individual for adoption and private maintenance pursuant to this Act and the Secretary determines that such individual has provided humane conditions, treatment and care for such animal or animals for a period of one year, the Secretary is authorized upon application by the transferee to grant title to not more than four animals to the transferee at the end of the one-year period.

(d) Wild free-roaming horses and burros or their remains shall lose their status as wild free-roaming horses or burros and shall no longer be considered as falling within the purview of this Act-

(1) upon passage of title pursuant to subsection (c) except for the limitation of subsection (c)(1) of this section, or

(2) if they have been transferred for private maintenance or adoption pursuant to this Act and die of natural causes before passage of title; or

(3) upon destruction by the Secretary or his designee pursuant to subsection (b) of this section; or

(4) if they die of natural causes on the public lands or on private lands where maintained thereon pursuant to section 4 and disposal is authorized by the Secretary or his designee; or

(5) upon destruction or death for purposes of or incident to the program authorized in section 3 of this Act; Provided, That no wild free-roaming horse or burro or its remains may be sold or transferred for consideration for processing into commercial products.

Sec. 4. If wild free-roaming horses or burros stray from public lands onto privately owned land, the owners of such land may inform the nearest Federal marshal or agent of the Secretary, who shall arrange to have the animals removed. In no event shall such wild free-roaming horses and burros be destroyed except by the agents of the Secretary. Nothing in this section shall be construed to prohibit a private landowner from maintaining wild free-roaming horses or burros on his private lands, or lands leased from the Government, if he does so in a manner that protects them from harassment, and if the animals were not willfully removed or enticed from the public lands. Any individuals who maintain such wild free-roaming horses and burros on their private lands or lands leased from the Government shall notify the appropriate agent of the Secretary and supply him with a reasonable approximation of the number of animals so maintained.

Sec. 5. A person claiming ownership of a horse or burro on the public lands shall be entitled to recover it only if recovery is permissible under the branding and estray laws of the State in which the animal is found.

Sec. 6. The Secretary is authorized to enter into cooperative agreements with other landowners and with the State and local governmental agencies and may issue such regulations as he deems necessary for the furtherance of the purposes of this Act.

Sec. 7. The Secretary of the Interior and the Secretary of Agriculture are authorized and directed to appoint a joint advisory board of not more than nine members to advise them on any matter relating to wild free-roaming horses and burros and their management and protection. They shall select as advisers persons who are not employees of the Federal or State Governments and whom they deem to have special knowledge about protection of horses and burros, management of wildlife, animal husbandry, or natural resources management. Members of this board shall not receive reimbursement except for travel and other expenditures necessary in connection with their services.

Sec. 8. Any person who-

(1) willfully removes or attempts to remove a wild free-roaming horse or burro from the public lands, without authority from the Secretary, or

(2) converts a wild free-roaming horse or burro to private use, without authority from the Secretary,
or

(3) maliciously causes the death or harassment of any wild free-roaming horse or burro, or

(4) processes or permits to be processed into commercial products the remains of a wild free-roaming horse or burro, or

(5) sells, directly or indirectly, a wild free-roaming horse or burro maintained on private or leased land pursuant to section 4 of this Act, or the remains thereof, or

(6) willfully violates a regulation issued pursuant to this Act, shall be subject to a fine of not more than \$2,000, or imprisonment for not more than one year, or both. Any person so charged with such violation by the Secretary may be tried and sentenced by any United States commissioner or magistrate designated for that purpose by the court by which he was appointed, in the same manner and subject to the same conditions as provided for in section 3401, title 18, United States Code.

(b) Any employee designated by the Secretary of the Interior or the Secretary of Agriculture shall have power, without warrant, to arrest any person committing in the presence of such employee a violation of this Act or any regulation made pursuant thereto, and to take such person immediately for examination or trial before an officer or court of competent jurisdiction, and shall have power to execute any warrant or other process issued by an officer or court of competent jurisdiction to enforce the provisions of this Act or regulations made pursuant thereto. Any judge of a court established under the laws of the United States, or any United States magistrate may, within his respective jurisdiction, upon proper oath or affirmation showing probable cause, issue warrants in all such cases.

Sec. 9. In administering this Act, the Secretary may use or contract for the use of helicopters or, for the purpose of transporting captured animals, motor vehicles. Such use shall be undertaken only after a public hearing and under the direct supervision of the Secretary or of a duly authorized official or employee of the Department. The provisions of subsection (a) of the Act of September 8, 1959 (73 Stat. 470; 18 U.S.C. 47(a)) shall not be applicable to such use. Such use shall be in accordance with humane procedures prescribed by the Secretary.

Sec. 10. Nothing in this Act shall be construed to authorize the Secretary to relocate wild free-roaming horses or burros to areas of the public lands where they do not presently exist.

Sec. 11. After the expiration of thirty calendar months following the date of enactment of this Act, and every twenty-four calendar months thereafter, the Secretaries of the Interior and Agriculture will submit to Congress a joint report on the administration of this Act, including a summary of enforcement and/or other actions taken thereunder, costs, and such recommendations for legislative or other actions he might deem appropriate.

The Secretary of the Interior and the Secretary of Agriculture shall consult with respect to the implementation and enforcement of this Act and to the maximum feasible extent coordinate the activities of their respective departments and in the implementation and enforcement of this Act. The Secretaries are authorized and directed to undertake those studies of the habits of wild free-roaming horses and burros that they may deem necessary in order to carry out the provisions of this Act.

Senate Bill No. 211-Committee on Natural Resources

CHAPTER

537

AN ACT relating to the commission for the preservation of wild horses; placing the commission within the state department of conservation and natural resources; revising the duties of the commission; prohibiting the filing of certain documents on behalf of the commission unless approved by the director of the state department of conservation and natural resources; abolishing the fund for the commission for the preservation of wild horses; making an appropriation; and providing other matters properly relating thereto.

[Approved July 16, 1997]

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 501.020 is hereby amended to read as follows:

501.020[As] *Except as otherwise provided in NRS 504.430 to 504.490, inclusive, as used in this Title, unless the context otherwise requires, "commission" means the board of wildlife commissioners.*

Sec. 2. NRS 504.430 is hereby amended to read as follows:

504.430As used in NRS 504.430 to 504.490, inclusive:

1. "Administrator" means the administrator of the commission.
2. "Commission" means the commission for the preservation of wild horses.
- [2. "Commission fund" means the fund for the commission for the preservation of wild horses.]
3. "Director" means the director of the state department of conservation and natural resources.
4. "Heil trust" means the money given to the state by the Estate of Leo Heil for the preservation of wild horses in Nevada.
- [4.] 5. "Wild horse" means a horse, mare or colt which is unbranded and unclaimed and lives on public land.

Sec. 3. NRS 504.440 is hereby amended to read as follows:

504.4401. There is hereby created *in the state department of conservation and natural resources* the commission for the preservation of wild horses. The commission consists of five members appointed by the governor as follows:

- (a) A representative of an organization whose purpose is to preserve wild horses and whose headquarters are in Nevada;
- (b) An owner or manager of property used for ranching; and
- (c) Three members of the general public who:
 - (1) Are not engaged in ranching or farming; and
 - (2) Have not been previously engaged in efforts to protect wild horses.
2. After the initial terms, the members shall serve terms of 3 years. Any vacancy in the membership must be filled for the unexpired term.
3. Each member of the commission [for the preservation of wild horses] is entitled to receive a salary of not more than \$80, as fixed by the commission, for each day he is engaged in the business of the commission.
4. While engaged in the business of the commission, each member [and employee] of the commission is entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally.
5. The commission [for the preservation of wild horses] shall meet at least quarterly each year and on the call of the [executive director] *administrator* or any two members.

Sec. 4. NRS 504.450 is hereby amended to read as follows:

504.4501. There is hereby created as a trust fund, the Heil trust fund for wild horses. The fund is a continuing fund without reversion. All money received from the Heil trust, and all money from any other source designated for deposit in the fund, must be deposited in that fund. The [commission for the preservation of wild horses] *director* shall administer the fund.

2. [The fund for the commission for the preservation of wild horses is hereby created as a trust fund. The fund is a continuing fund without reversion. Except as otherwise provided in subsection 1, all money received for the preservation of wild horses from any source other than the Heil trust must be deposited in the commission fund and used only for the specific purposes for which it was given, if those purposes are not inconsistent with the provisions of NRS 504.430 to 504.490, inclusive. Any such money that was not given for a specific purpose may be used for any lawful purpose consistent with

those provisions. The commission for the preservation of wild horses shall administer the fund.

3.] The money in the [funds created by this section] *fund* must be invested as other money of the state is invested. All interest earned on the deposit or investment of the money in [each] *the fund* must be credited to that fund.

[4. The commission for the preservation of wild horses]

3. *The director* shall authorize the expenditure of the interest and principal of the [funds,] *fund* but the principal of the [Heil trust fund for wild horses] *fund* must not be reduced to less than \$900,000, unless the money is needed for an emergency and the expenditure is approved by the legislature, if it is in session, or the interim finance committee. Claims against the [funds] *fund* must be paid as other claims against the state are paid.

[5.] 4. The expenses of the commission must be paid from the interest earned on the deposit or investment of the money in the [Heil trust fund for wild horses.] *fund*.

Sec. 5. NRS 504.460 is hereby amended to read as follows:

504.4601. [Upon the approval of all its members, the commission for the preservation of wild horses] *The director* shall appoint an [executive director] *administrator* who is in the unclassified service of the state [.] *and serves at the pleasure of the director*. The [executive director] *administrator* must have substantial knowledge of wild horses and their habitat and an interest in their protection. [He may, with the approval of the commission, contract for] *The administrator shall appoint any clerical or technical employees necessary to carry out his duties.*

2. The [executive director] *administrator* shall:

(a) Carry out the policies of the commission ; [for the preservation of wild horses;] and

(b) Act as the recording secretary for the commission.

3. *No written protest, petition for judicial review or appeal of an administrative decision concerning the management of wild horses may be filed in any action or proceeding on behalf of the commission by the administrator or any other person unless the filing is approved by the director and a copy of the filing is provided to:*

(a) *Each person who is authorized to graze livestock on the public land which is the subject of the filing;*

(b) *The chairman of the board of county commissioners of each county where any part of the public land that is the subject of the filing is located; and*

(c) *Each member of the commission.*

The commission shall review the matter concerning the filing at its next meeting.

Sec. 6. NRS 504.470 is hereby amended to read as follows:

504.4701. The primary duties of the commission are to preserve [the] *viable* herds of wild horses [and identify programs to maintain the herds in] *on public lands designated by the Secretary of the Interior as sanctuaries for the protection of wild horses and burros pursuant to 16 U. S. C. § 1333 (a), at levels known to achieve a thriving natural ecological balance [.] , within the limitations of the natural resources of those lands and the use of those lands for multiple purposes, and to identify programs for the maintenance of those herds.* To carry out these duties [it] *the commission shall:*

(a) Promote the management and protection of wild horses;

(b) Act as liaison between the state, the general public and interested organizations on the issue of the preservation of wild horses;

(c) Advise the governor on the status of wild horses in Nevada and the activities of the commission;

(d) Solicit and accept contributions for the [commission fund and the] Heil trust fund for wild horses;

(e) Recommend to the legislature legislation which is consistent with federal law;

(f) Develop, identify, initiate, manage and coordinate projects to study, preserve and manage wild horses and their habitat;

(g) Monitor the activities of state and federal agencies, including the military, which affect wild horses;

(h) Participate in programs designed to encourage the protection and management of wild horses;

(i) Develop and manage a plan to educate and inform the public of the activities of the commission for the preservation of wild horses;

(j) Report biennially to the legislature concerning its programs, objectives and achievements; and

(k) Take any action necessary to fulfill the intent of the Heil trust.

2. The commission may:

(a) Grant an award in an amount it considers appropriate for information leading to the conviction of a person who violates federal or state laws concerning wild horses; and

(b) Adopt regulations necessary to carry out the purposes of NRS 504.430 to 504.490, inclusive.

Sec. 7. NRS 232.070 is hereby amended to read as follows:

232.0701. As executive head of the department, the director is responsible for the administration, through the divisions and other units of the department, of all provisions of law relating to the functions of the department, except functions assigned by law to the state environmental commission, [or] the state conservation commission [,] *or the commission for the preservation of wild horses.*

2. Except as *otherwise* provided in subsection 4, the director shall:

- (a) Establish departmental goals, objectives and priorities.
- (b) Approve divisional goals, objectives and priorities.
- (c) Approve divisional and departmental budgets, legislative proposals, contracts, agreements and applications for federal assistance.
- (d) Coordinate divisional programs within the department and coordinate departmental and divisional programs with other departments and with other levels of government.
- (e) Appoint the executive head of each division within the department.
- (f) Delegate to the executive heads of the divisions such authorities and responsibilities as he deems necessary for the efficient conduct of the business of the department.
- (g) Establish new administrative units or programs which may be necessary for the efficient operation of the department, and alter departmental organization and reassign responsibilities as he deems appropriate.
- (h) From time to time adopt, amend and rescind such regulations as he deems necessary for the administration of the department.

3. Except as *otherwise* provided in subsection 4, the director may enter into cooperative agreements with any federal or state agency or political subdivision of the state, [or] any public or private institution located in or outside the State of Nevada, or any *other* person, [corporation or association,] in connection with studies and investigations pertaining to any activities of the department.

4. This section does not confer upon the director any powers or duties which are delegated by law to the state environmental commission, [or] the state conservation commission [,] *or the commission for the preservation of wild horses,* but the director may foster cooperative agreements and coordinate programs and activities involving the powers and duties of the commissions.

5. All gifts of money and other property which the director is authorized to accept must be accounted for in the department of conservation and natural resources gift fund which is hereby created as a trust fund.

Sec. 8. NRS 232.090 is hereby amended to read as follows:

232.0901. The department consists of the director and the following divisions:

- (a) The division of water resources.
- (b) The division of state lands.
- (c) The division of forestry.
- (d) The division of state parks.
- (e) The division of conservation districts.
- (f) The division of environmental protection.
- (g) The division of water planning.
- (h) The division of wildlife.
- (i) Such other divisions as the director may from time to time establish.

2. The state environmental commission, the state conservation commission, *the commission for the preservation of wild horses,* the Nevada natural heritage program and the board to review claims are within the department.

Sec. 9. 1. The commission for the preservation of wild horses shall prepare a statewide plan to carry out the provisions of NRS 504.430 to 504.490, inclusive. The plan must include an explanation of the manner in which the money in the Heil trust fund for wild horses will be expended to carry out those provisions.

2. The commission shall, in preparing the plan required pursuant to subsection 1, conduct public meetings to receive comments from members of the general public.

3. The commission shall submit a copy of the plan to the director of the legislative counsel bureau not later than March 1, 1999, for transmittal to the 70th session of the Nevada legislature.

Sec. 10. The state controller shall, as soon as practicable after July 1, 1997, transfer any money in the fund for the commission for the preservation of wild horses created pursuant to NRS 504.450 which has not been committed for expenditure, to the Heil trust fund for wild horses created pursuant to NRS 504.450.

Sec. 11. 1. Notwithstanding the provisions of subsection 4 of NRS 504.450, there is hereby appropriated from the state general fund to the director's office of the state department of conservation and natural resources the following sums for the purposes set forth in subsection 2:

**For the fiscal year 1997-98 \$75,000
For the fiscal year 1998-99 75,000**

2. The sums appropriated by subsection 1 must be allocated as follows for each of the respective fiscal years:

For the salaries of the members of the commission for the preservation of wild horses and their expenses for travel in this state and the expenses relating to their participation in seminars, public hearings and field trips to gather information required for the preparation and adoption of the plan required by section 9 of this act \$13,500

For the salary, benefits and travel and operating expenses of a wildlife staff biologist in the director's office of the state department of conservation and natural resources to assist the commission for the preservation of wild horses in the preparation of the plan required by section 9 of this act 61,500

3. Any balance of the sums appropriated by subsection 1 remaining at the end of the respective fiscal years must not be committed for expenditure after June 30 of the respective fiscal year and reverts to the state general fund as soon as all payments of money committed have been made.

Sec. 12. This act becomes effective on July 1, 1997.

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PART 4700-PROTECTION, MANAGEMENT, AND CONTROL OF WILD FREE-ROAMING HORSES AND BURROS

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- 4720.1 Removal of excess animals from public lands.
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 - 4720.2-1 Removal of strayed animals from private lands.
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- 4730.1 Destruction.
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Subpart 4740-Motor Vehicles and Aircraft

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- 4750.1 Private maintenance.
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- 4750.3-4 Approval or disapproval of applications.
- 4750.4 Private maintenance of wild horses and burros.
- 4750.4-1 Private Maintenance and Care Agreement.
- 4750.4-2 Adoption fee.
- 4750.4-3 Request to terminate Private Maintenance and Care Agreement.
- 4750.4-4 Replacement animals.
- 4750.5 Application for title to wild horses and burros.

Subpart 4760-Compliance

- 4760.1 Compliance with the Private Maintenance and Care Agreement.

Subpart 4770-Prohibited Acts, Administrative Remedies, and Penalties

- 4770.1 Prohibited acts.
- 4770.2 Civil penalties.
- 4770.1 Administrative remedies.
- 4770.4 Arrest.
- 4770.5 Criminal penalties.

Authority: 16 U.S.C. 1331-1340, 43 U.S.C. 1701 et seq., 18 U.S.C. 47, 43 U.S.C. 315.

Source: 51 FR 7414, Mar. 3, 1986, unless otherwise noted.

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SUBPART 4700-GENERAL

§4700.0-1 Purpose.

The purpose of these regulations is to implement the laws relating to the protection, management, and control of wild horses and burros under the administration of the Bureau of Land Management.

§4700.0-2 Objectives.

The objectives of these regulations are management of wild horses and burros as an integral part of the natural system of the public lands under the principle of multiple use; protection of wild horses and burros from unauthorized capture, branding, harassment or death; and humane care and treatment of wild horses and burros.

§4700.03 Authority.

The Act of September 8, 1959 (18 U.S.C. 47); the Act of December 15, 1971, as amended (16 U.S.C. 1331-1340); the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1711, 1712, and 1734); the Act of June 28, 1934, as amended (43 U.S.C. 315); and the National Environmental Policy Act of 1969 (42 U.S.C. 4321, 4331-4335, and 4341-4347).

§4700.0-5 Definitions.

As used in this part, the term:

(a) **Act** means the Act of December 15, 1971, as amended (16 U.S.C. 1331-1340), commonly referred to as the Wild Free-Roaming Horse and Burro Act.

(b) **Authorized officer** means any employee of the Bureau of Land Management to whom has been delegated the authority to perform the duties described herein.

(c) **Commercial exploitation** means using a wild horse or burro because of its characteristics of wildness for direct or indirect financial gain. Characteristics of wildness include the rebellious and feisty nature of such animals and their defiance of man as exhibited in their undomesticated and untamed state. Use as saddle or pack stock and other uses that require domestication of the animal are not commercial exploitation of the animals because of their characteristics of wildness.

(d) **Herd area** means the geographic area identified as having been used by a herd as its habitat in 1971.

(e) **Humane treatment** means handling compatible with animal husbandry practices accepted in the veterinary community, without causing unnecessary stress or suffering to a wild horse or burro.

(f) **Inhumane treatment** means any intentional or negligent action or failure to act that causes stress, injury, or undue suffering to a wild horse or burro and is not compatible with animal husbandry practices accepted in the veterinary community.

(g) **Lame wild horse or burro** means a wild horse or burro with one or more malfunctioning limbs that permanently impair its freedom of movement.

(h) **Old wild horse or burro** means a wild horse or burro characterized because of age by its physical deterioration and inability to fend for itself, suffering, or closeness to death.

(i) **Private maintenance** means the provision of proper care and humane treatment to excess wild horses and burros by qualified individuals under the terms and conditions specified in a Private Maintenance and Care Agreement.

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4700.0-5(i)

(j) **Public lands** means any lands or interests in lands administered by the Secretary of the Interior through the Bureau of Land Management.

(k) **Sick wild horse or burro** means a wild horse or burro with failing health, infirmity or disease from which there is little chance of recovery.

(l) **Wild horses and burros** means all unbranded and unclaimed horses and burros that use public lands as all or part of their habitat, that have been removed from these lands by the authorized officer, or that have been born of wild horses or burros in authorized BLM facilities, but have not lost their status under section 3 of the Act. Foals born to a wild horse or burro after approval of a Private Maintenance and Care Agreement are not wild horses or burros. Such foals are the property of the adopter of the parent mare or jenny. Where it appears in this part the term *wild horses and burros* is deemed to include the term *free-roaming*.

§4700.06 Policy.

(a) Wild horses and burros shall be managed as self-sustaining populations of healthy animals in balance with other uses and the productive capacity of their habitat.

(b) Wild horses and burros shall be considered comparably with other resource values in the formulation of land use plans.

(c) Management activities affecting wild horses and burros shall be undertaken with the goal of maintaining free-roaming behavior.

(d) In administering these regulations, the authorized officer shall consult with Federal and State wildlife agencies and all other affected interests, to involve them in planning for and management of wild horses and burros on the public lands.

(e) Healthy excess wild horses and burros for which an adoption demand by qualified individuals exists shall be made available at adoption centers for private maintenance and care.

(f) Fees shall normally be required from qualified individuals adopting excess wild horses and burros to defray part of the costs of the adoption program.

§4700.0-9 Collections of information.

(a) The collections of information contained in this part have been approved by the Office of Management and Budget under 44 U.S.C. 3501 et seq. and assigned clearance number 1004-0042. The information will be used to permit the authorized officer to remove wild horses and burros from private lands and to determine whether an application for adoption of and title to wild horses or burros should be granted. Response is required to obtain benefits under 16 U.S.C. 1333 and 1334.

(b) Public reporting burden for this information is estimated to average 0.1652 hour per response. including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing the burden, to the Information Collection Clearance Officer (783), Bureau of Land Management, Washington, DC 20240, and the Office of Management and Budget, Paperwork Reduction Project, 1004-0042, Washington, DC 20503.

[57 FR 29654, July 6, 1992]

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SUBPART 4710-MANAGEMENT CONSIDERATIONS

§4710.1 Land use planning.

Management activities affecting wild horses and burros, including the establishment of herd management areas, shall be in accordance with approved land use plans prepared pursuant to part 1600 of this title.

§4710.2 Inventory and monitoring.

The authorized officer shall maintain a record of the herd areas that existed in 1971, and a current inventory of the numbers of animals and their areas of use. When herd management areas are established, the authorized officer shall also inventory and monitor herd and habitat characteristics.

§4710.3 Management areas.

§4710.3-1 Herd management areas.

Herd management areas shall be established for the maintenance of wild horse and burro herds. In delineating each herd management area, the authorized officer shall consider the appropriate management level for the herd, the habitat requirements of the animals, the relationships with other uses of the public and adjacent private lands, and the constraints contained in 4710.4. The authorized officer shall prepare a herd management area plan, which may cover one or more herd management areas.

§4710.3-2 Wild horse and burro ranges.

Herd management areas may also be designated as wild horse or burro ranges to be managed principally, but not necessarily exclusively, for wild horse or burro herds.

§4710.4 Constraints on management.

Management of wild horses and burros shall be undertaken with the objective of limiting the animals' distribution to herd areas. Management shall be at the minimum level necessary to attain the objectives identified in approved land use plans and herd management area plans.

§4710.5 Closure to livestock grazing.

(a) If necessary to provide habitat for wild horses or burros, to implement herd management actions, or to protect wild horses or burros, to implement herd management actions, or to protect wild horses or burros from disease, harassment or injury, the authorized officer may close appropriate areas of the public lands to grazing use by all or a particular kind of livestock.

(b) All public lands inhabited by wild horses or burros shall be closed to grazing under permit or lease by domestic horses and burros.

(c) Closure may be temporary or permanent. After appropriate public consultation, a Notice of Closure shall be issued to affected and interested parties.

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4710.6

§4710.6 Removal of unauthorized livestock in or near areas occupied by wild horses or burros.

The authorized officer may establish conditions for the removal of unauthorized livestock from public lands adjacent to or within areas occupied by wild horses or burros to prevent undue harassment of the wild horses or burros. Liability and compensation for damages from unauthorized use shall be determined in accordance with subpart 4150 of this title.

§4710.7 Maintenance of wild horses and burros on privately controlled lands.

Individuals controlling lands within areas occupied by wild horses and burros may allow wild horses or burros to use these lands. Individuals who maintain wild free-roaming horses and burros on their land shall notify the authorized officer and shall supply a reasonable estimate of the number of such animals so maintained. Individuals shall not remove or entice wild horses or burros from the public lands.

SUBPART 4720-REMOVAL

§4720.1 Removal of excess animals from public lands.

Upon examination of current information and a determination by the authorized officer that an excess of wild horses or burros exists, the authorized officer shall remove the excess animals immediately in the following order.

- (a) Old, sick, or lame animals shall be destroyed in accordance with subpart 4730 of this title;
- (b) Additional excess animals for which an adoption demand by qualified individuals exists shall be humanely captured and made available for private maintenance in accordance with subpart 4750 of this title; and
- (c) Remaining excess animals for which no adoption demand by qualified individuals exists shall be destroyed in accordance with subpart 4730 of this title.

§4720.2 Removal of strayed or excess animals from private lands.

§4720.2-1 Removal of strayed animals from private lands.

Upon written request from the private landowner to any representative of the Bureau of Land Management, the authorized officer shall remove stray wild horses and burros from private lands as soon as practicable. The private landowner may also submit the written request to a Federal marshal, who shall notify the authorized officer. The request shall indicate the numbers of wild horses or burros, the date (s) the animals were on the land, legal description of the private land, and any special conditions that should be considered in the gathering plan.

§4720.2-2 Removal of excess animals from private lands.

If the authorized officer determines that proper management requires the removal of wild horses and burros from areas that include private lands, the authorized officer shall obtain the written consent of the private owner before entering such lands. Flying aircraft over lands does not constitute entry.

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SUBPART 4730-DESTRUCTION OF WILD HORSES OR BURROS AND DISPOSAL OF REMAINS

§4730.1 Destruction.

Except in an act of mercy, no wild horse or burro shall be destroyed without the authorization of the authorized officer. Old, sick, or lame animals shall be destroyed in the most humane manner possible. Excess animals for which adoption demand does not exist shall be destroyed in the most humane and cost efficient manner possible.

§4730.2 Disposal of remains.

Remains of wild horses or burros that die after capture shall be disposed of in accordance with State or local sanitation laws. No compensation of any kind shall be received by any agency or individual disposing of remains. The products of rendering are not considered remains.

SUBPART 4740-MOTOR VEHICLES AND AIRCRAFT

§4740.1 Use of motor vehicles or aircraft.

(a) Motor vehicles and aircraft may be used by the authorized officer in all phases of the administration of the Act, except that no motor vehicle or aircraft, other than helicopters, shall be used for the purpose of herding or chasing wild horses or burros for capture or destruction. All such use shall be conducted in a humane manner.

(b) Before using helicopters or motor vehicles in the management of wild horses or burros, the authorized officer shall conduct a public hearing in the area where such use is to be made.

§4740.2 Standards for vehicles used for transport of wild horses and burros.

(a) Use of motor vehicles for transport of wild horses or burros shall be in accordance with appropriate local, State and Federal laws and regulations applicable to the humane transportation of horses and burros, and shall include, but not be limited to, the following standards:

- (1) The interior of enclosures shall be free from protrusion that could injure animals;
- (2) Equipment shall be in safe conditions and of sufficient strength to withstand the rigors of transportation;
- (3) Enclosures shall have ample head room to allow animals to stand normally;
- (4) Enclosures for transporting two or more animals shall have partitions to separate them by age and sex as deemed necessary by the authorized officer;
- (5) Floors of enclosures shall be covered with nonskid material;
- (6) Enclosures shall be adequately ventilated and offer sufficient protection to animals from inclement weather and temperature extremes: and
- (7) Unless otherwise approved by the authorized officer, transportation shall be limited in sequence to a maximum of 24 hours followed by a minimum of 5 hours of on-the-ground rest with adequate feed and water.

(b) The authorized officer shall not load wild horses or burros if he/she determines that the vehicle to be used for transporting the wild horses or burros is not satisfactory for that purpose.

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SUBPART 4750-PRIVATE MAINTENANCE

§4750.1 Private maintenance.

The authorized officer shall make available for private maintenance all healthy excess wild horses or burros for which an adoption demand by qualified individuals exists.

§4750.2 Health, Identification, and inspection requirements.

§4750.2-1 Health and identification requirements.

(a) An individual determined to be qualified by the authorized officer shall verify each excess animal's soundness and good health, determine its age and sex, and administer immunizations, worming compounds, and tests for communicable diseases.

(b) Documentation conforming compliance with State health inspection and immunization requirements for each wild horse or burro shall be provided to each adopter by the authorized officer.

(c) Each animal offered for private maintenance, including orphan and unweaned foals, shall be individually identified by the authorized officer with a permanent freeze mark of alpha numeric symbols on the left side of its neck. The freeze mark identifies the animal as Federal property subject to the provisions of the Act and these regulations by a patented symbol, the animal's year of birth, and its individual identification number. The authorized officer shall record the freeze mark on the documentation of health and immunizations. For purposes of this subpart, a freeze mark applied by the authorized officer is not considered a brand.

§4750.2-2 Brand inspection.

The authorized officer shall make arrangements on behalf of an adopter for State inspection of brands, where applicable, of each animal to be transported across the State where the adoption center is located. The adopter shall be responsible for obtaining inspections for brands required by other States to or through which the animal may be transported.

§4750.3 Application requirements for private maintenance.

§4750.3-1 Application for private maintenance of wild horses and burros.

An individual applying for a wild horse or burro shall file an application with the Bureau of Land Management on a form approved by the Director.

§4750.3-2 Qualification standards for private maintenance.

(a) To qualify to receive a wild horse or burro for private maintenance, an individual shall:

- (1) Be 18 years of age or older;
- (2) Have no prior conviction for inhumane treatment of animals or for violation of the Act or these regulations;

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4750.3-2(a)3

(3) Have adequate feed, water, and facilities to provide humane care to the number of animals requested. Facilities shall be in safe condition and of sufficient strength and design to contain the animals. The following standards apply:

(i) A minimum space of 144 square feet shall be provided for each animal maintained. if exercised daily; otherwise, a minimum of 400 square feet shall be provided for each animal;

(ii) Until fence broken, adult horses shall be maintained in an enclosure at least 6 feet high; burros in an enclosure at least 4 1/2 feet high; and horses less than 18 months old in an enclosure at least 5 feet high. Materials shall be protrusion-free and shall not include large-mesh woven or barbed wire;

(iii) Shelter shall be available to mitigate the effects of inclement weather and temperature extremes. The authorized officer may require that the shelter be a structure, which shall be well-drained and adequately ventilated;

(iv) Feed and water shall be adequate to meet the nutritional requirements of the animals, based on their age, physiological condition and level of activity; and

(4) Have obtained no more than 4 wild horses and burros within the preceding 12-month period, unless specifically authorized in writing by the authorized officer.

(5) The authorized officer shall determine an individual's qualifications based upon information provided in the application form required by 4750.3-1 of this subpart and Bureau of Land Management records of any previous private maintenance by the individual under the Act.

§4750.3-3 Supporting information and certification for private maintenance of more than 4 wild horses or burros.

(a) An individual applying to adopt more than 4 wild horses or burros within a 12-month period, or an individual or group of individuals requesting to maintain more than 4 wild horses or burros at a single location shall provide a written report prepared by the authorized officer, or by a local humane official, veterinarian, cooperative extension agent, or similarly qualified person approved by the authorized officer, verifying that the applicant's facilities have been inspected, appear adequate to care for the number of animals requested, and satisfy the requirements contained in 4750.3-2 (a).

(1) The report shall include a description of the facilities, including corral sizes, pasture size, and shelter, barn, or stall dimensions, and shall note any discrepancies between the facilities inspected and representations made in the application form.

(2) When an applicant requests 25 or more animals or when 25 or more animals will be maintained at any single location regardless of the number of applicants, the facilities for maintaining the adopted animals shall be inspected by the authorized officer prior to approving the application.

(b) The Authorized Officer will not approve an adoption in which the Private Maintenance and Care Agreement will be signed by an individual holding the power of attorney of the adopter where the adopted animals will be maintained in groups of more than 4 untitled wild horses or burros in one location.

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4750.3-3(c)

(c) Any individual holding one or more powers of attorney to sign the Private Maintenance and Care Agreement (s) and who will transport more than 4 wild horses or burros on behalf of adoption applicants shall provide the following:

- (1) A summary of the age, sex, and number of wild free-roaming horses or burros requested by species;
- (2) Requested adoption date and center location;
- (3) Names, addresses, and telephone numbers of all applicants represented by a power of attorney submitted with the request;
- (4) A transportation plan that describes the transport vehicle and any rest stops;
- (5) A distribution plan for delivering the animals to their assigned adopters; and
- (6) Names, addresses, and a concise summary of the experience of the individuals who will handle the adopted animals during transportation and distribution.

[51 FR 7414, Mar. 3, 1986, as amended at 55 FR 39152, Sept. 25, 1990]

§4750.3-4 Approval or disapproval of applications.

If an application is approved, the authorized officer shall offer the individual an opportunity to select the appropriate number, sex, age and species of animals from those available. If the authorized officer disapproves an application for private maintenance because the applicant lacks adequate facilities or transport, the individual may correct the shortcoming and file a new application.

§4750.4 Private maintenance of wild horses and burros.

§4750.4-1 Private Maintenance and Care Agreement

To obtain a wild horse or burro, a qualified applicant shall execute a Private Maintenance and Care Agreement and agree to abide by its terms and conditions, including but not limited to the following:

- (a) Title to wild horses and burros covered by the agreement shall remain in the Federal Government for at least 1 year after the Private Maintenance and Care Agreement is executed and until a Certificate of Title is issued by the authorized officer;
- (b) Wild horses and burros covered by the agreement shall not be transferred for more than 30 days to another location or to the care of another individual without the prior approval of the authorized officer;
- (c) Wild horses and burros covered by the agreement shall be made available for physical inspection within 7 days of receipt of a written request by the authorized officer;
- (d) The authorized officer shall be notified within 7 days of discovery of the death, theft or escape of wild horses and burros covered by the agreement;
- (e) Adopters are financially responsible for the proper care and treatment of all wild horses and burros covered by the agreement;
- (f) Adopters are responsible, as provided by State law, for any personal injury, property damage, or death caused by animals in their care; for pursuing animals that escape or stray; and for costs of recapture.

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4750.4-1(g)

(g) Adopters shall notify the authorized officer within 30 days of any change in the adopter's address; and

(h) Adopters shall dispose of remains in accordance with applicable sanitation laws.

§4750.4-2 Adoption fee.

(a) An individual obtaining wild horses and burros shall pay the Bureau of Land Management an adoption fee of \$125 per horse and \$75 per burro, except that no fee shall be paid for unweaned foals.

(b) The Director may adjust or waive the adoption fee on determining that wild horses or burros in the custody of the Bureau of Land Management are unadaptable when the full adoption fee is required, and that it is in the public interest to adjust or waive the adoption fee stated in paragraph

(a) of this section. The adjustment or waiver shall extend only to those persons who are willing to maintain such animals privately, who demonstrate the ability to care for them properly, and who agree to comply with all rules and regulations relating to wild horses and burros.

§4750.4-3 Request to terminate Private Maintenance and Care Agreement.

An adopter may request to terminate his/her responsibility for an adopted animal by submitting a written relinquishment of the Private Maintenance and Care Agreement for that animal. The authorized officer shall arrange to transfer the animal to another qualified applicant or take possession of the animal at a location specified by the authorized officer within 30 days of receipt of the written request for relinquishment.

§4750.4-4 Replacement animals.

The authorized officer shall replace an animal, upon request by the adopter, if (a) within 6 months of the execution of the Private Maintenance and Care Agreement the animal dies or is required to be destroyed due to a condition that existed at the time of placement with the adopter; and

(b) the adopter provides, within a reasonable time, a statement by a veterinarian certifying that reasonable care and treatment would not have corrected the condition. Transportation of the replacement animal shall be the responsibility of the adopter.

§4750.5 Application for title to wild horses and burros.

(a) The adopter shall apply for title, using a form designated by the Director, upon signing the Private Maintenance and Care Agreement.

(b) The authorized officer shall issue a Certificate of Title after 12 months, if the adopter has complied with the terms and conditions of the agreement and the authorized officer determines, bred either on a field inspection or a statement provided by the adopter from a veterinarian, extension agent, local humane official, or other individual acceptable to the authorized officer, that the animal or animals covered by the Agreement have received proper care and humane treatment.

(c) An adopter may not obtain title to more than 4 animals per 12-month period of private maintenance. Effective the date of issuance of the Certificate of Title, Federal ownership of the wild horse or burro ceases and the animal loses its status as a wild horse or burro and is no longer under the protection of the Act or regulations under this title.

TITLE 43-CODE OF FEDERAL REGULATIONS

(as of 7/1/94)

SUBPART 4760-COMPLIANCE

§4760.1 Compliance with the Private Maintenance and Care Agreement

(a) An adopter shall comply with the terms and conditions of the Private Maintenance and Care Agreement and these regulations. The authorized officer may verify compliance by visits to an adopter, physical inspections of the animals, and inspections of the facilities and conditions in which the animals are being maintained. The authorized officer may authorize a cooperative extension agent, local humane official or similarly qualified individual to verify compliance.

(b) The authorized officer shall verify compliance with the terms of the Private Maintenance and Care Agreement when an adopter has received 25 or more animals or when 25 or more animals are maintained at a single location.

(c) The authorized officer shall conduct an investigation when a complaint concerning the care, treatment, or use of a wild horse or burro is received by the Bureau of and Management.

(d) The authorized officer may require, as a condition for continuation of a Private Maintenance and Care Agreement, that an adopter take specific corrective actions if the authorized officer determines that an animal is not receiving proper care or is being maintained in unsatisfactory conditions. The adopter shall be given reasonable time to complete the required corrective actions.

SUBPART 4770-PROHIBITED ACTS, ADMINISTRATIVE REMEDIES AND PENALTIES

§4770.1 Prohibited acts.

The following acts are prohibited:

- (a) Maliciously or negligently injuring or harassing a wild horse or burro;
- (b) Removing or attempting to remove a wild horse or burro from the public lands without authorization from the authorized officer;
- (c) Destroying a wild horse or burro without authorization from the authorized officer except as an act of mercy;
- (d) Selling or attempting to sell, directly or indirectly, a wild horse or burro or its remains;
- (e) Commercially exploiting a wild horse or burro;
- (f) Treating a wild horse or burro inhumanely;
- (g) Violating a term or condition of the Private Maintenance and Care Agreement;
- (h) Branding a wild horse or burro;
- (i) Removing or altering a freeze mark on a wild horse or burro;
- (j) Violating an order, term, or condition established by the authorized officer under this part.

§4770.2 Civil penalties

(a) A permittee or lessee who has been convicted of any of the prohibited acts found in 4770.1 of this title may be subject to suspension or cancellation of the permit or lease.

(b) An adopter's failure to comply with the terms and conditions of the Private Maintenance and Care Agreement may result in the cancellation of the agreement, repossession of wild horses and burros included in the agreement and disapproval of requests by the adopted for additional excess wild horses and burros.

TITLE 43-CODE OF FEDERAL REGULATIONS

(as of 7/1/94)

4770.3

§4770.3 Administrative remedies.

(a) Any person who is adversely affected by a decision of the authorized officer in the administration of these regulations may file an appeal. Appeals and petitions for stay of a decision of the authorized officer must be filed within 30 days of receipt of the decision in accordance with 43 CFR part 4.

(b) Notwithstanding the provisions of paragraph (a) of §4.21 of this title, the authorized officer may provide that decisions to cancel a Private Maintenance and Care Agreement shall be effective upon issuance or on a date established in the decision so as to allow repossession of wild horses or burros from adopters to protect the animals' welfare.

(c) Notwithstanding the provisions of paragraph (a) of §4.21 of this title, the authorized officer may provide that decisions to remove wild horses or burros from public or private lands in situations where removal is required by applicable law or to preserve or maintain a thriving ecological balance and multiple use relationship shall be effective upon issuance or on a date established in the decision.

[56 FR 786, Jan. 9, 1991, as amended at 57 FR 29654, July 6, 1992]

§4770.4 Arrest.

The Director of the Bureau of Land Management may authorize an employee who witnesses a violation of the Act or these regulations to arrest without warrant any person committing the violation, and to take the person committing the violation, and to take the person immediately for examination or trial before an officer or court of competent jurisdiction. Any employee so authorized shall have power to execute any warrant or other process issued by an officer or court of competent jurisdiction to enforce the provisions of the Act or these regulations.

§4770.5 Criminal penalties.

Any person who commits any act prohibited in 4770.1 of these regulations shall be subject to a fine of not more than \$2,000 or imprisonment for not more than 1 year, or both, for each violation. Any person so charged with such violation by the authorized officer may be tried and sentenced by a United States Commissioner or magistrate, designated for that purpose by the court by which he/she was appointed, in the same manner and subject to the same conditions as provided in 18 U.S.C. 3401.

COMMISSION FOR THE PRESERVATION
OF WILD HORSES

OPERATING POLICY
AMENDED & APPROVED
11/21/97

General Commission Office Operation

1) The Administrator will provide information that will be of benefit to wild horse protection, preservation, and management whenever requested.

2) The Administrator will operate the Commission office to conform to applicable state statutes, regulations, procedures, and Commission policy.

3) The Director of the Department of Conservation and Natural Resources shall be notified of Commission activities on a regular basis.

4) All arrangements for travel shall be made through the Commission office to insure sufficient funds are available in the authorized budget.

5) Commission hours will generally be from 8AM to 5PM Monday through Friday. Realizing that the office is a "one person" agency this is not always possible considering meetings, field tours, and miscellaneous office obligations.

6) The Administrator shall summarize the minutes of the Commission meetings. Recorded minutes shall be kept on file in the Commission office and made available to the public by appointment during normal office hours. Recorded tapes of meetings shall be kept for a period of two years, after that time they may be recorded over with new meetings.

7) The Commission staff shall endeavor by priority to:

- (1) Accomplish goals and policy of the Commission,
- (2) Staff the Commission Office

8) The Administrator shall respond to land use planning documents. No written protest, petition for judicial review, or appeal of an administrative decision concerning the management of wild horses may be filed in any action or proceeding on behalf of the Commission by the Administrator or any other person unless the filing is approved by the Director of the Department of Conservation and Natural Resources and a copy is provided to :

(a) Each person who is authorized to graze livestock on the public land which is the subject of the filing;

(b) The Chairman of the Board of County Commissioners of each county where any part of the public land that is the subject of the filing is located; and

(c) Each member of the Commission.

The Commission shall review the matter concerning the filing at its next meeting. Responses shall support State Statute. An appeal or other contest may be made for violations of state or federal law, regulation, or policy.

9) The Commission shall conduct meetings according to the Rules of Order drafted by Legal Counsel Debra Jepson. Those rules of order are a more compact version of Robert's Rules of Order.

10) All agenda items and agendas will be mailed out at least one week prior to any meeting where possible.

11) The Commission and Staff may participate in seminars, programs, and classes that provide information which is necessary in making sound land use planning recommendations to the Commission.

12) No agenda items will be accepted two weeks prior to the Commission meetings.

13) The Administrator will prepare and distribute news releases whenever appropriate, with the approval of the Director of the Department of Conservation and Natural Resources.

14) Election of Officers shall be on an annual basis in June with selection of a Chairperson and Vice-Chairperson.

15) The Commission shall hold a minimum of four (4) Commission meetings annually. Where possible they shall be held in June, September, December, and March. The Commission has the option of conference calls as necessary.

Adoption Program

1) The Commission shall, whenever possible, promote and encourage the BLM's adoption program.

2) The Commission shall participate in satellite and special adoptions throughout the State of Nevada whenever feasible.

3) The Commission shall monitor the adoption of horses in Nevada where complaints are received, and coordinate efforts to rectify the situation.

Sanctuaries

1) The Commission shall agree to promote and encourage the establishment of sanctuaries on private lands in Nevada.

2) The Commission shall insist that the sanctuaries be a haven only for wild horses that have conformation or injury deformities that would preclude their participation in range breeding or the regular adoption program.

3) The Commission shall insist that only those horses that show signs of age or meet the above criteria are sent to sanctuaries, meaning age alone (10 and above) shall not be sufficient reason to send a horse to a sanctuary.

4) Operators of sanctuaries shall demonstrate a past history and a continued benevolence toward wild horses.

5) Operators shall not be members or participants of any group or organization that has shown malice toward wild horses in any way.

6) Operators of sanctuaries shall have extensive knowledge of wild horses specifically, and horses in general.

7) The Commission shall recommend that all efforts to adopt physically capable horses through satellite adoptions be exhausted prior to horses being sent to sanctuaries.

Violations of State, Federal Wild Horse and Burro Laws

1) The Commission shall assist the law enforcement agencies with any and all investigations of violations of laws that affect wild horses.

2) The Commission shall recommend the maximum penalty for any and all individuals that are found guilty of violations of any laws that affect the welfare and well-being of wild horses.

3) The Commission shall attempt to notify the proper authorities of any and all information that is received by any member or staff of any alleged violations.

4) The Commission may, whenever notified of an alleged incident regarding wild horses, post a reward for information leading to the arrest and conviction of person or persons responsible.

5) The Commission shall, whenever warranted, seek civil damages from the perpetrators of wild horse crimes.

6) The Commission shall monitor the existing laws affecting wild horses and shall recommend changes to necessary regulatory agencies.

Wild Horse Training Programs

1) It shall be the policy of this Commission to actively pursue, to the extent possible, establishment of wild horse training program(s) that utilize humane and/or resistance-free training methods.

2) The Commission shall strongly voice opposition to the establishment of any wild horse training programs that do not intend to use humane methods.

Management Plans - Land Use Plans

1) The Commission will actively participate, to the extent possible, in any and all agency land use planning that may impact the welfare of wild horses.

Water Rights - Water Developments

1) The Commission shall work to obtain water rights for wild horses whenever possible.

2) The Commission will, whenever possible, work with permittees and public land agencies to develop water sources and protect riparian areas.

BLM Contracts

1) The Commission will cooperate with the BLM to ensure fiscal responsibility in the administration of contracts with the BLM and its contractors as they pertain to wild horses.

2) The Commission will, to the extent possible, work with BLM and its contractors to insure compliance with the contracts and BLM policy.

Transplants

1) Where applicable and reasonable and in the best interest of wild horse management, the Commission will support transplanting of wild horses to a specified herd management area. This is to be supported for emergency reasons only and under the following criteria:

1) That the affected herd area has a documented emergency situation and the survival of the horses depends on their removal from their home ranges.

2) That an Environmental Assessment be prepared by the BLM prior to the release of the animals to document the availability of forage and water to sustain the released animals in addition to the animals currently on the new Herd Management Area (HMA).

3) That the receiving HMA be under the appropriate management level for that HMA.

4) That the animals be "held" on a water location prior to release to familiarize themselves with the area.

5) That the animals be "freeze-branded" for identification and tracking purposes.

Sale Authority

1) The Commission will not support sale authority of any type at this time.

Emergency Removals

1) The Commission will work with the BLM to facilitate emergency removals when necessary for the health and welfare of the wild horses.

2) The Commission will cooperate with the BLM when possible, to supply temporary food and water to the horses slated for emergency removals.

3) The Commission will recommend that only those horses affected by the specific emergency situation will be removed during an emergency removal.

Claiming of Estray Horses and/or Horses of Questionable Ownership

1) The Commission will as a duty of its protection to the herds request, documentation of ownership claims.

Coordinated Resource Management Plans

1) The Administrator shall participate in CRMP's, Resource Councils, Boards, and Stewardship Programs to gather information and provide suggestions for actions to be taken by the Commission.

Coordination and Participation with Other Agencies

1) The Commission will actively work with other groups and agencies to address concerns and solutions regarding wild horse management and protection.

Orphans (Leppies)

1) The Commission will assist in advising the public whenever orphans need care and placement.

Education

1) The Commission will prepare and distribute informational reports to the Governor and Legislature regarding wild horses in Nevada whenever warranted.

This policy shall remain in effect until amended, repealed, or superseded by the Wild Horse Commissioners.

BY ORDER OF THE COMMISSIONERS FOR THE PRESERVATION OF WILD HORSES
IN REGULAR SESSION, NOVEMBER 21, 1997.

Frank Cassas, Chairman

APPENDIX E

NEVADA BLM WILD HORSE STATISTICS (9-30-97)

HERD AREA STATISTICS AS OF 9-30-97													
NEVADA WILD HORSE AND BURRO HERD AREAS ADMINISTERED BY BLM													
HERD AREA NAME	H.A. CODE	BLM ACRES	NON-BLM ACRES	HERD AREA ACRES	HA STATUS	AML SET	HORSE A.M.L.	ESTIMATED HORSE POP.	BURRO A.M.L.	ESTIMATED BURRO POP.	FY LAST CENSUS	ESTIMATED ACCURACY	COMMENTS
AMARGOSA VALLEY	NV511	10,000	13,000	23,000	HMA		0	0	0	0	97		
ANTELOPE	NV401	390,553	9,782	400,335	HMA	Part	311	799	0	0	97	80%	
ANTELOPE RANGE	NV211	83,009	48,751	131,760			0	130	0	2	98		
ANTELOPE VALLEY	NV107	462,040	1,500	463,540	HMA	None	240	507	0	0			
APPLEWHITE	NV518	27,814	0	27,814	HMA	None	20	13	0	0	97	70%	
ASH MEADOWS	NV509	200,000	20,000	220,000			0	0	0	0	97		
AUGUSTA MTNS	NV311	210,000	6,000	216,000	HMA	All	308	668	0	0	97	80%	
BALD MTN	NV603	120,000	0	120,000	HMA	None	362	324	0	0	98	95%	
BLACK ROCK RANGE EAST	NV209	91,300	3,804	95,104	HMA	All	93	217	0	0	97	80%	
BLACK ROCK RANGE WEST	NV227	92,543	8,047	100,590	HMA	All	93	316	0	0	97	80%	
BLOODY RUNS	NV204	43,991	31,856	75,847			0	0	0	0	85		
BLUE NOSE PEAK	NV514	86,695	0	86,695	HMA	None	20	2	0	0	97	70%	
BLUE WING MTNS	NV217	17,913	0	17,913	HMA	All	29	37	23	34	95	90%	
BUCK-BALD	NV403	613,950	13,080	627,030	HMA	Part	426	1,471	0	0	97	80%	
BUFFALO HILLS	NV220	123,141	9,269	132,410	HMA	All	314	377	0	0	97	80%	
BULLFROG	NV629	126,900	700	127,600	HMA	All	12	0	195	17	96	100	Total Removal(drought)
BUTTE	NV407	430,770	5,730	436,500	HMA	Part	116	215	0	0	97	80%	
CALICO MTN	NV222	155,594	1,572	157,166	HMA	All	333	840	0	3	97	80%	
CALLAGHAN	NV604	153,000	0	153,000	HMA	Part	207	638	0	0	95	90%	
CHERRY CREEK	NV406	44,269	0	44,269	HMA	None	11	0	0	0	97	80%	
CLAN ALPINES	NV310	320,000	2,800	322,800	HMA		979	1,200	0	0	97		
CLOVER CREEK	NV517	33,653	0	33,653	HMA	None	40	0	0	0	97	70%	
CLOVER MTNS	NV516	175,717	0	175,717	HMA	None	60	60	0	0	97	70%	
DEER LODGE CANYON	NV521	106,607	0	106,607	HMA	None	50	45	0	0	97	70%	
DELAMAR	NV515	190,234	1,336	191,570	HMA	None	100	66	0	0	97	70%	
DESATOYA	NV606	124,000	0	124,000	HMA	None	217	187	0	0	97		
DIAMOND	NV609	122,000	0	122,000	HMA	None	171	171	0	0	97	100%	
DIAMOND HILLS NORTH	NV104	70,000	0	70,000	HMA	None	37	37	0	0			
DIAMOND HILLS SOUTH	NV412	10,500	0	10,500	HMA	All	22	19	0	0	97	80%	
DOGSKIN MTN	NV302	7,600	0	7,600	HMA		12	50	0	0	95		
DRY LAKE	NV410	494,335	0	494,335	HMA	All	94	140	0	0	97	80%	
EAST RANGE	NV225	310,605	120,790	431,395			0	20	0	0	85		
ELDORADO MTNS	NV501	22,734	81,210	103,944			0	0	0	10	97		
EUGENE MTNS	NV207	39,540	37,989	77,529			0	0	0	0	93		
FISH CREEK	NV612	275,000	0	275,000	HMA	Part	246	550	0	1	98	95%	
FISH LAKE VALLEY	NV622	10,000	10	10,010	HMA	None	50	10	9	0	95	90%	
FLANIGAN	NV301	16,260	1,000	17,260	HMA		104	125	0	0	95		
FOX-LAKE RANGE	NV228	171,956	5,307	177,263	HMA	Part	204	483	0	0	97	80%	
GARFIELD FLAT	NV313	146,800	3,200	150,000	HMA		125	165	0	0	97		
GOLD BUTTE	NV502	176,878	96,890	273,768	HMA	All	0	0	60	25	97		
GOLD MTN	NV628	92,000	50	92,050	HMA	All	50	3	0	2	96	100%	Total Removal (drought)
GOLDFIELD	NV626	62,000	0	62,000	HMA	All	103	0	41	5	97	100%	Total Removal (drought)
GOSHUTE	NV108	250,800	0	250,800	HMA	None	160	439	0	0			
GRANITE PEAK	NV303	4,800	0	4,800	HMA	All	15	45	0	0	95		
GRANITE RANGE	NV221	88,436	13,214	101,650	HMA	All	258	636	0	0	97	80%	
HIGHLAND PEAK	NV522	137,776	1,849	139,625	HMA	None	50	38	0	0	97	80%	

HORSE MTN	NV307	53,000	160	53,160	HMA		75	42	0	0	95			
HORSE SPRING	NV308	18,000	12,000	30,000			0	0	0	0				
HOT CREEK	NV616	40,476	35,584	76,060	HMA	All	41	56	0	0	97	90%		
HOT SPRING MTNS	NV203	49,324	21,139	70,463			0	0	0	0	85			
HUMBOLDT	NV224	243,046	198,886	441,932			0	9	0	0	93			
JACKSON MTNS	NV208	274,510	8,490	283,000	HMA	Part	217	601	0	0	97	80%		
JAKES WASH	NV408	67,045	0	67,045	HMA	Part	35	70	0	0	97	80%		
KAMMA MTNS	NV214	54,573	2,872	57,445	HMA	All	64	59	0	0	98	85%		
KRUM HILLS	NV206	30,780	23,220	54,000			0	0	0	0	85			
LAHONTAN	NV306	10,500	1,000	11,500	HMA	All	9	60	0	0	95			
LAST CHANCE	NV510	78,895	3,342	82,237	HMA		0	0	50	37	97			
LAVA BEDS	NV215	231,744	0	231,744	HMA	All	119	370	13	34	95	80%		
LITTLE FISH LAKE	NV614	26,420	83,488	109,908	HMA	All	54	75	0	0	97	90%		
LITTLE HUMBOLDT	NV102	64,075	8,406	72,481	HMA	None	107	244	0	0				
LITTLE MTN	NV519	54,148	410	54,558	HMA	None	50	33	0	0	97	80%		
LITTLE OWYHEE	NV200	398,160	16,560	414,720	HMA	All	298	1,100	0	0	97	85%		
MARIETTA	NV316	66,500	1,550	68,050	HMA	All	0	0	85	102	97			
MAVERICK-MEDICINE	NV105	285,960	500	286,460	HMA	None	332	332	0	0				
MCGEE MTN	NV210	50,000	0	50,000	HMA	All	0	0	41	85	94	50%		
MEADOW VALLEY MTNS	NV513	94,966	0	94,966	HMA	None	0	27	0	0	97	70%		
MILLER FLAT	NV520	90,901	280	91,181	HMA	None	50	59	0	0	97	70%		
MONTE CRISTO	NV402	155,330	73,610	228,940	HMA	All	236	626	0	0	97	80%		
MONTEZUMA PEAK	NV625	57,000	30	57,030	HMA	Part	118	4	0	6	97	95%		
MORIAH	NV413	83,673	0	83,673	HMA	None	61	84	0	0	97	80%		
MORMON MTNS	NV512	175,423	0	175,423	HMA	None	0	0	0	0	97	80%		
MT STERLING	NV508	30,855	27,634	58,489	HMA	All	50	49	0	0	97	USFS		
MUDDY MTNS	NV503	61,226	79,590	140,816	HMA	None	0	9	50	20	97			
NEVADA WILD HORSE RANGE	NV524	394,500	0	394,500	HMA	All	800	526	0	0	97			
NEW PASS-RAVENSWOOD	NV602	225,000	0	225,000	HMA	All	476	271	0	0	94	60%		
NIGHTENGALE MTNS	NV219	72,218	3,801	76,019	HMA	All	52	260	0	0	95	80%		
NORTH STILLWATER	NV229	131,104	1,325	132,429	HMA	Part	175	266	0	1	97	80%		
OSGOOD MTNS	NV202	68,273	53,643	121,916			0	0	0	0	85			
OWYHEE	NV101	371,000	3,234	374,234	HMA	None	150	471	0	0				
PAH RAH	NV304	8,000	18,000	26,000			0	0	0	0				
PALMETTO	NV624	71,000	200	71,200	HMA	All	76	0	0	0	97	100%		
PAYMASTER-LONE MTN	NV621	85,000	0	85,000	HMA	All	48	64	0	1	97	95%		
PILOT MTN	NV314	495,000	800	495,800	HMA	All	346	395	0	0	97			
PINE NUT	NV305	216,000	72,000	288,000	HMA	All	179	468	0	0	95			
RATTLESNAKE	NV523	75,461	0	75,461	HMA	None	20	1	0	0	97	80%		
REVELLE	NV619	125,400	920	126,320	HMA	All	165	128	0	0	97	95%		
ROBERTS MTN	NV607	132,000	0	132,000	HMA	All	150	376	0	0	95	80%		
ROCK CREEK	NV103	115,500	38,500	154,000	HMA	None	250	502	0	0				
ROCKY HILLS	NV605	124,000	0	124,000	HMA	Part	131	186	0	0	95	80%		
SAND SPRINGS EAST	NV405	386,776	0	386,776	HMA	All	257	519	0	0	97	80%		
SAND SPRINGS WEST	NV630	203,868	35	203,903	HMA	All	49	19	0	0	97	95%		
SEAMAN	NV411	361,318	0	361,318	HMA	All	159	51	0	0	97	80%		
SELENITE RANGE	NV212	126,186	3,903	130,089			0	66	0	20	95			
SEVEN MILE	NV613	80,936	7,492	88,428	HMA	Part	105	145	0	0	93	60%		
SEVEN TROUGHS	NV216	130,161	17,749	147,910	HMA	All	124	360	37	85	95	80%		
SHAWAVE MTNS	NV218	88,927	18,214	107,141	HMA	All	60	360	0	0	95	80%		
SILVER PEAK	NV623	186,000	12,000	198,000	HMA	Part	200	87	0	1	96	90%		
SLUMBERING HILLS	NV205	64,962	14,585	79,547			0	0	0	0	85			
SNOWSTORM MTNS	NV201	133,138	12,400	145,538	HMA	All	140	120	0	0	96	80%		
SONOMA RANGE	NV223	148,799	60,779	209,578			0	0	0	0	85			

SOUTH SHOSHONE	NV601	180,000	0	180,000	HMA	Part	85	273	0	0	98	95%		
SOUTH SLUMBERING HILLS	NV230	15,181	14,585	29,766			0	0	0	0	85			
SOUTH STILLWATER	NV309	7,600	0	7,600	HMA	All	25	16	0	0	95			
SPRING MTN	NV504	297,653	278,232	575,885	HMA	All	50	61	50	46	97	USFS		
SPRUCE-PEQUOP	NV109	138,000	0	138,000	HMA	None	82	218	0	0				
STONE CABIN	NV618	392,176	12,205	404,381	HMA	All	364	141	0	0	97	95%		
STONEWALL	NV627	21,800	0	21,800	HMA	All	43	0	24	0	97	100%	Total Removal (drought)	
TOANO	NV110	57,500	57,500	115,000			0	14	0	0				
TOBIN RANGE	NV231	185,322	9,754	195,076	HMA	Part	19	65	0	0	97	80%		
TRINITY RANGE	NV232	89,712	46,215	135,927			0	19	0	13	98			
TRUCKEE RANGE	NV213	91,664	78,084	169,748			0	0	0	0	92			
WARM SPRINGS CANYON	NV226	82,305	831	83,136	HMA	All	175	453	24	24	97	80%		
WASSUK	NV312	60,000	20,000	80,000	HMA	All	123	165	0	0	97			
WHISTLER MTN	NV608	60,000	0	60,000	HMA	None	28	49	0	0	92			
WHITE RIVER	NV409	98,534	0	98,534	HMA	All	90	66	0	0	97	80%		
WILSON CREEK	NV404	689,185	0	689,185	HMA	All	171	127	0	0	97	60%		
* OUTSIDE OF HERD AREAS	NV000						0	31	0	0				
	ACREAGE	16,877,**	1,994,473	18,871,875			13,325	22,291	702	574				
NOTES:														
HMAs Zeroed Out - A number of southern HMAs had total removals because of drought conditions. Some may be zeroed out through the LUP because of habitat types, and conflicts with desert tortoise.														
A few area are being considered for com														
AML Determinations - All AMLs in Nevada have been set through vegetation monitoring, most through the MUD process. The exception is Nellis which was set on water availability determined through monitoring.														