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**THE MANAGEMENT
OF
WILD HORSES & BURROS
ON PUBLIC LANDS
ADMINISTERED BY BLM**



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Prepared by Nevada State Office
Reno, Nevada

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OVERVIEW STATEMENT

The purpose is intended to provide discussion of the total Wild Horse and Burro Program concept and provide documentation of that concept for both present and future use. It is not a procedural document, but rather a document which describes the program so one can realize what the program entails. Also, the document is intended to help educate or make the public and BLM aware of the Total Program. With this understanding, it is anticipated that public interest groups, Congress, BLM, etc., would be more supportive in seeing the program move forward. The major areas of the Total Program concept for Wild Horse and Burro management have been categorized into five sections. It is obvious that the program needs all of these sections operating concurrently in some stage of implementation, with more emphasis upon Herd Management Activities.

- I. Legislation - Although attempts to modify the WH&B Act have been met with limited success the Act still remains intact. Interest in the effectiveness of the Act may suggest it is timely for Congress to review the Act in relation to other programs and needs in public land management.
- II. Inventory - Existing methodologies may need improvement to adequately address sophisticated questions regarding multiple use. A review of existing methodology is essential.
- III. Land Use Planning - Land Use Plans will continue to be dynamic documents and changes will occur. Wild horses and burros must be considered an integral part within these documents. AMLs should be determined and managed in balance with multiple-use relationships within a particular area.
- IV. Activity Implementation - Here the focus is on demonstrating sound and positive results from management actions. While excess animals will continue to be removed, the needs of the animals and their habitat will remain a priority. The focus of public attention will concentrate at the Herd Management Area level. Activity implementation must be designed with such public focus in mind.
- V. Public Affairs - Emphasis on public affairs activities will intensify as more publics concern themselves with WH&B management. An active program is essential to gain support of the Bureau's mission.

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Approximately 18 years have passed since the Wild Horse and Burro Act was signed into law by the President of the United States. While this Act was written to include both the U.S. Forest Service and the Bureau of Land Management (BLM), focus for implementation of the Act has, in large part, fallen upon BLM. Since passage of the Act, considerable knowledge has been generated as a result of the actions employed by the managing agencies. BLM has been the leader in this activity primarily because BLM is responsible for management of the majority of animals and the majority of their habitat. This history can now be used to enhance development of a "Total Program" for the future management of Wild Horses and Burros (WH&Bs) on public lands.

The report outlined below, identifies and assesses where BLM has been, where it is now, how it got there, where it is going and what should be proposed for the action plan ahead.

WHERE BLM HAS BEEN AND HOW IT GOT THERE

Since passage of the Act, the constitutionality of the Act itself has been challenged in the courts but has remained intact and strong. In addition, other challenges regarding interpretation of the Act relative to such factors as numbers of animals and areas of use, have occurred. The result is that unclear portions of the Act have now been interpreted and further clarified so that specific conflicts concerning animal numbers and areas of animal use can now be minimized. The Act has been amended by Congress on two occasions to provide greater latitude in managing the animals by allowing the use of helicopters in administering the Act and by providing for the transfer of title to adopted animals following a one year period of humane treatment. Congress has further initiated actions to implement the Act through the Budgetary Process in which the managing agencies were directed to develop and implement Land Use Plans (LUPs) and to pursue achieving Appropriate Management Levels (AMLs), i.e., the number of animals to be managed within specific areas.

As BLM began the process of implementing the Act, one of the first things which had to be accomplished was an inventory of the animal populations. Basically this process entailed an estimation of animal numbers by Herd Area (HA) and a determination of the area which constituted the animal's yearlong habitat within each HA. Over the years, this inventory has been improved as a result of increased inventory emphasis as well as improvement in methodology. As the budget available for Wild Horse and Burro (WH&B) management increased over the years since 1971, so did the amount of time that could be spent obtaining knowledge regarding the individual herds. Likewise, as experience was gained over those same years, better methodologies involving more sophisticated census techniques (e.g., helicopters, mark/recapture techniques, etc.) were employed. The initial inventories of WH&B populations revealed a population of 42,670 Wild Horses and 14,370 Wild Burros on public lands (14,620 Wild Horses and Burros, Nevada). These populations reached a peak in 1978 when the estimated population on public lands was 54,030 Wild Horses and 9,160 Wild Burros (35,700 Wild Horses and Burros, 1979, Nevada). In addition, inventories of WH&B distribution, identified a total of 270 Herd Areas existing on public

lands administered by BLM (117 HAs, Nevada). At the present time the population of WH&Bs on these public lands is estimated to be 37,820 Wild Horses and 5,460 Wild Burros (27,015 Wild Horses and 1,520 Wild Burros, Nevada). (See figure 1 & 2 for current WH&B population estimates.)

With the basic inventory of WH&B populations in place, BLM proceeded to incorporate the WH&B resource into the Bureau's Land Use Planning system. At the time the WH&B Act was passed, BLM was utilizing a planning system which had as its end product a document referred to as a Management Framework Plan (MFP). Initially, very few of these MFPs incorporated WH&Bs as a resource component of the multiple-use mix on public lands. Following passage of the Act, BLM began to incorporate WH&Bs into all new, updated and amended MFPs. This planning system continued until around 1983, at which time BLM began to utilize a new type of Land Use Planning system referred to as a Resource Management Plan (RMP). For all intents and purposes, these two types of planning documents are identical as far as the critical components and issues of WH&B management are concerned. Specifically, both planning documents undertook the basic process of: (1) officially documenting the areas which constituted WH&B habitat in 1971 or Herd Areas, (2) identifying which of those HAs would be retained as Herd Management Areas (HMAs)^{1/} for long term management of the animals within the habitat, and (3) identifying the Appropriate Management Level (AML) or number of animals to be managed within each HMA. (See figure 1 & 2 for WH&B AMLs.) To date, a total of 199 HMAs have been identified (100 Nevada) and AMLs of 27,080 Wild Horses/5465 Wild Burros (18,560 Wild Horses/800 Wild Burros, Nevada) have been established. (See figure 3 for WH&B HMAs.) These HMAs encompass a total of 35 million acres of public land administered by BLM (18 million acres, Nevada). (See figure 4 for acres of WH&B habitat.) The AMLs that have been established, are, depending on locality, either a definitive number of animals or expressed as an action which identifies a number of animals that is an interim or beginning basis for future management. In general, the overall goal for numbers of animals to be managed as AMLs on public lands administered by BLM is approximately 32,000 animals.

The responsibility for managing WH&Bs on public lands has required an extremely involved learning process for BLM over the years. The Act directed BLM to manage the animals within the constraints of the Bureau's overall mission and the principles of multiple use. This was not an easy task. For example, prior to 1971, WH&Bs were not managed, nor even considered as a component, of the public land scene. Herd Areas or Herd Management Area Plans did not exist. No procedures for removal or even identification of excess animals were available. BLM was required to start from scratch to develop a management program as well as the guidance/standard operating procedures to accompany that program. This requirement included the very basic functions of reporting to Congress regarding questions they might ask of a managing agency. To put it succinctly, there was no background or historical experience to draw from and much of what presently exists as program direction occurs as a result of experience, litigation, etc. throughout the years. Since 1971, BLM has made considerable progress in implementing the Congressional mandate contained within the WH&B Act of 1971. For example, management plan procedures were developed to better represent WH&B requirements, and population census techniques were developed and improved. Removal plans and associated environmental assessments have been developed. Monitoring studies have been implemented for both the animal populations and their habitat. Herd Management Area Plan procedures have been established and HMAPs developed. Adoption procedures for excess animals have been established for individual/group applicants. Research to develop census methodology and fertility control has been funded. And a multitude of other program policies/procedures have been developed and implemented.

^{1/} NOTE: HAs are areas occupied by WH&Bs in 1971 and HMAs are HAs which were identified through the LUP as long term management areas for WH&Bs. 2

BLM WILD HORSE POPULATION DATA

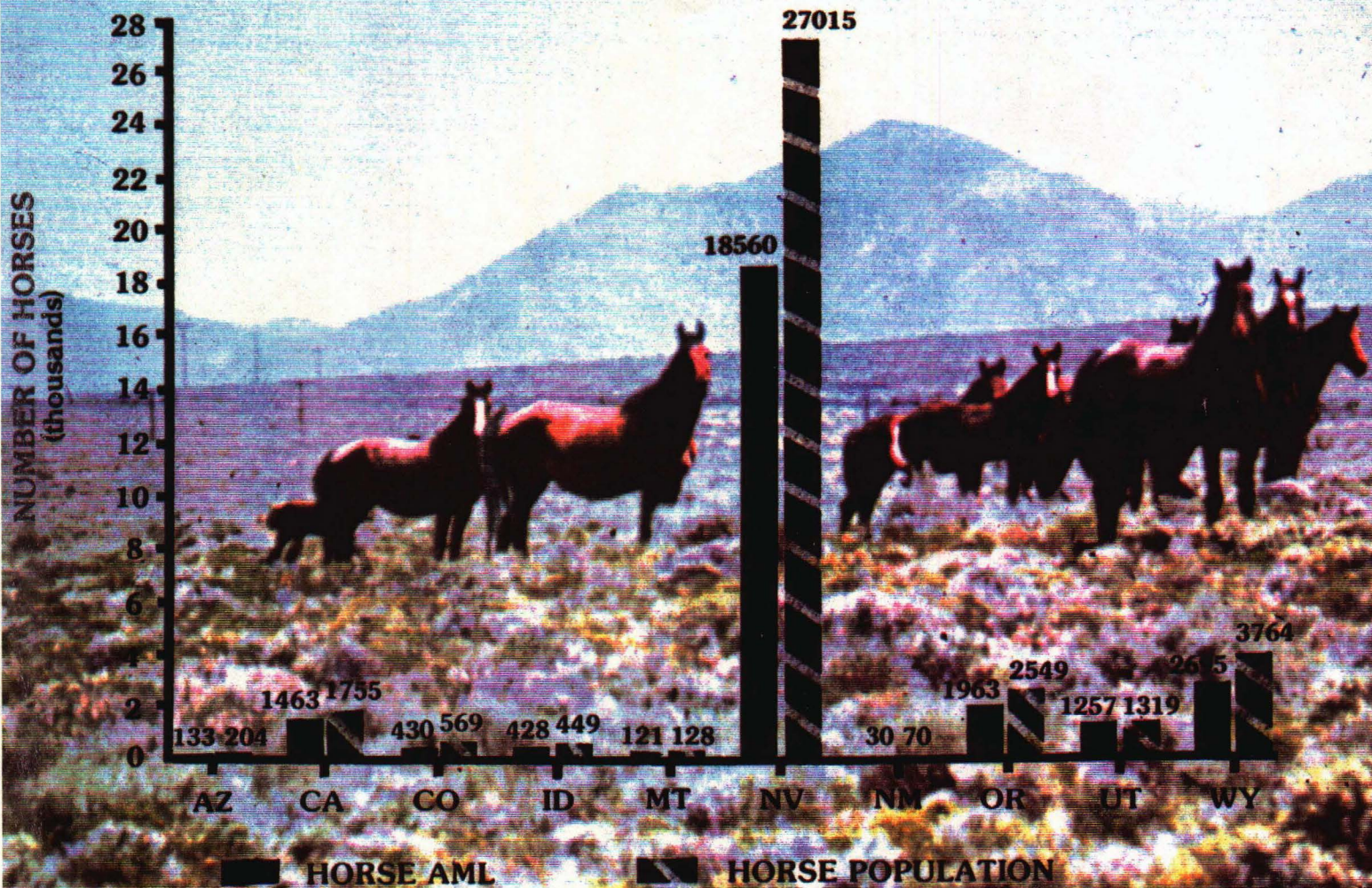


Figure 1

SOURCE: 7th Report to Congress 1988
Administration of the Wild Free-Roaming Horse and Burro Act

BLM WILD BURRO POPULATION DATA

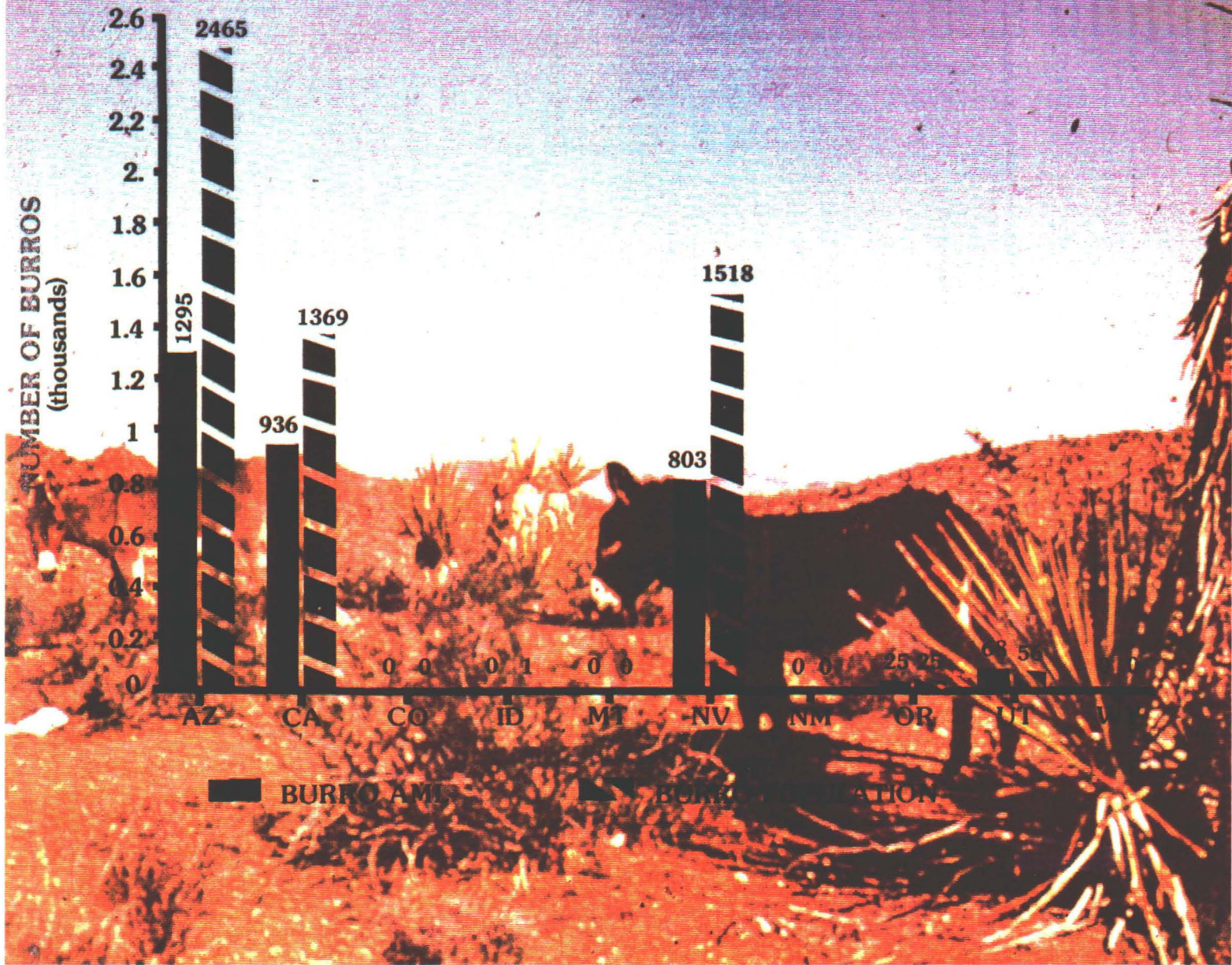


Figure 2

SOURCE: 7th Report to Congress 1988
Administration of the Wild Free-Roaming Horse and Burro Act

BLM HERD AREAS & HERD MGT. AREAS

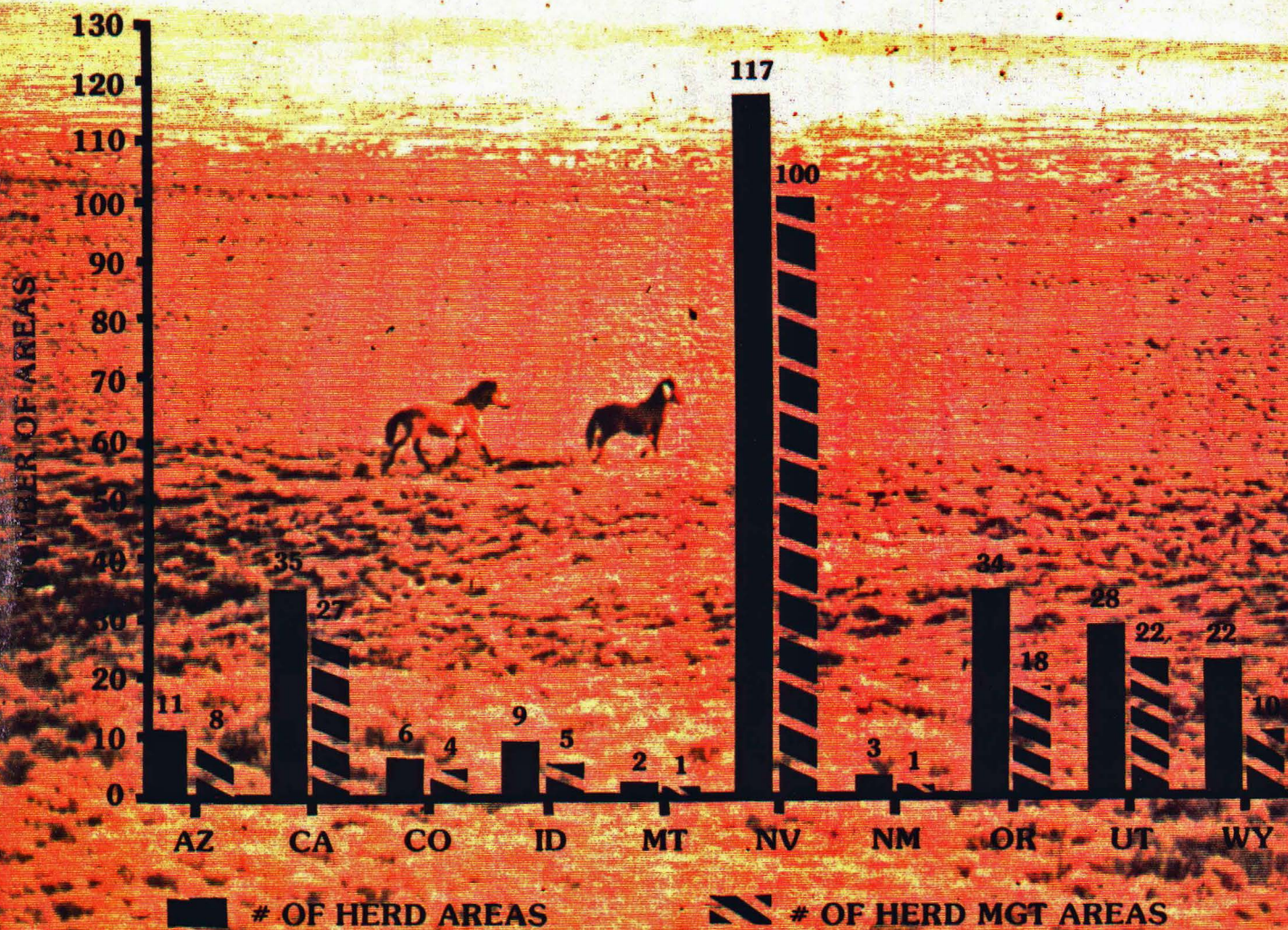


Figure 3

SOURCE: 7th Report to Congress 1988
Administration of the Wild Free-Roaming Horse and Burro Act

BLM ACRES OF WILD HORSE & BURRO HABITAT

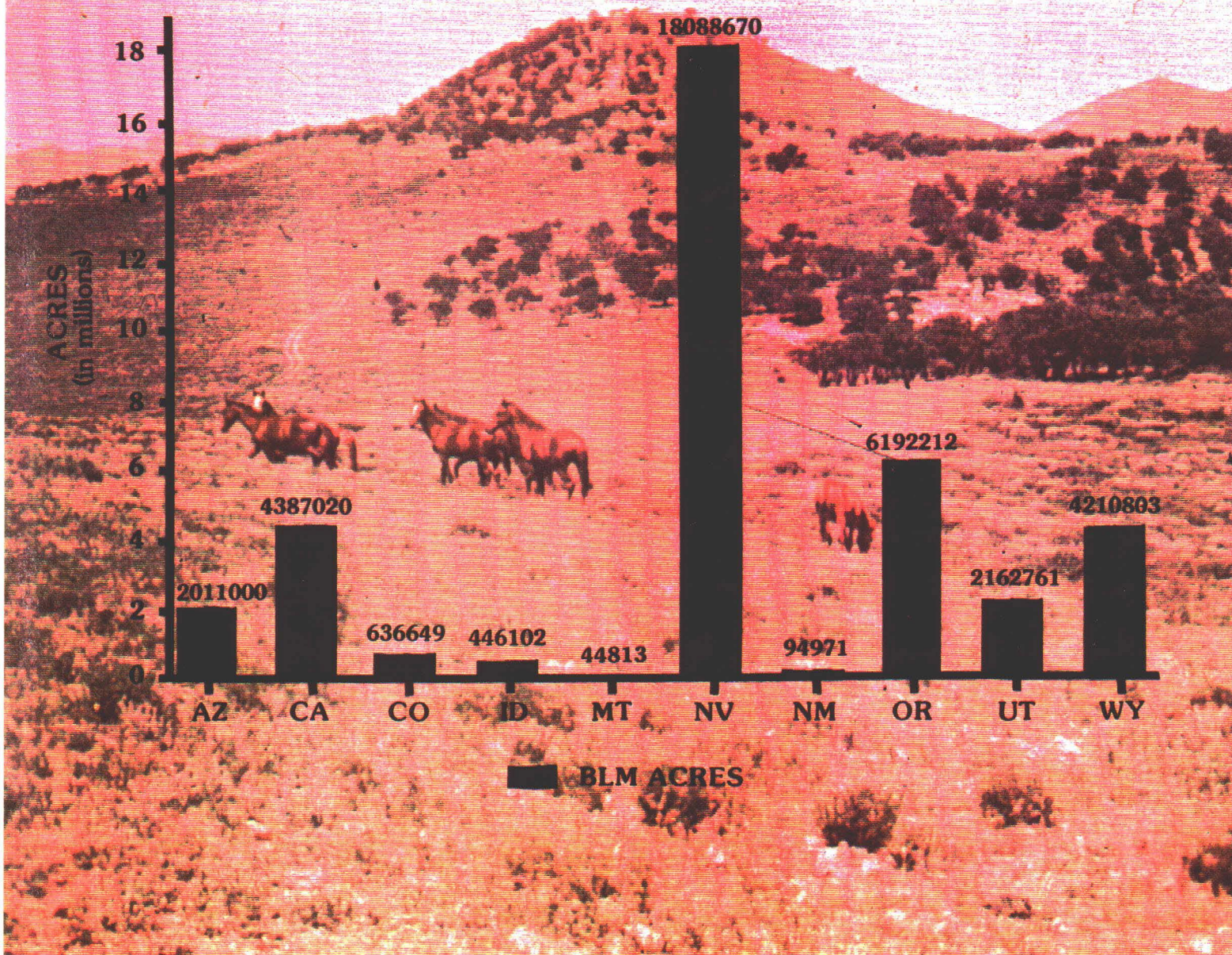


Figure 4

SOURCE: 7th Report to Congress 1988
Administration of the Wild Free-Roaming Horse and Burro Act

Because of the need to protect private property, the animals themselves and the basic soil and vegetation resource on public lands, the majority of emphasis in developing management direction in the WH&B program, has historically been concerned with the removal of excess animals. This aspect of program development has arisen out of a need to respond to the realities of what is entailed in the actual world of WH&B management. Some of the first problems encountered by BLM in managing these animals included emergency situations which required capture in order to remove problem animals or to save animals from undesirable fates. Also, requests to remove animals from private lands invoked an immediate requirement to capture animals in order to comply with Section 4 of the Act itself. Further, it soon became necessary to conduct interim removals to protect the habitat of WH&Bs as well as other animal species within the general area. Finally, as AMLs were identified through land use plans, HMAPs, court rulings, CRMP, etc., it became necessary to maintain WH&B populations within these population levels in order to preserve the multiple use mix established for the area and provide solid basis for monitoring studies. A primary function of the program's success for the animals and other resource values in these early stages of program development has resulted in BLM adopting 81,187 wild horses and burros.

The need to respond to these types of situations established an immediate need to remove animals. There was likewise, a corresponding need to develop methodologies and timing for capturing animals, handling animals, and transporting animals, as well as a need for managing and caring for the animals after capture. The Bureau initiated an adoption program that is one of the management tools for caring for excess animals in a humane manner and providing opportunity to eventually own an animal. In addition, during the mid 1980s Congress appropriated substantial funds for the removal of excess animals to achieve AMLs. This increased funding enhanced BLM's learning period by requiring the handling, storage and transportation of extremely large numbers of animals under confined or corral conditions. Also, there was an intensive and accelerated program to develop contracts for capturing large numbers of animals under a variety of conditions. These conditions included such factors as the existence of poor animal conditions, less than ideal environmental conditions for capture (e.g., temperature, terrain etc.) and the need to provide housing, feed, medical care, sanitation, humane destruction and transportation for thousands of animals within short time frames.

As can be imagined, BLM made a variety of mistakes in the process of implementing such a large scale removal effort. The result of many of these actions was that particular areas of BLM's removal activities were challenged by WH&B and Humane interest groups. These challenges, coupled with experience gained, resulted in the development of relatively sophisticated standards and procedures for conducting gathering activities. Most of these standards and procedures are still applicable and in effect today.

Following on the heels of the above accelerated removal program, was increased emphasis in the adoption program. The accumulation of excess numbers of animals dictated program development to facilitate the distribution of as many of those animals as possible into the private sector as provided by the Act itself. This program thrust generated and/or accelerated such activities as: (1) individual adoptions, (2) power of attorney adoptions, (3) satellite adoptions, (4) fee waiver adoptions, (5) adjustment in the adoption fees, (6) Bureauwide emphasis and cooperation (particularly at the Eastern States Office level) in adopting animals, and (7) compliance and enforcement activities. The result was development of a rather large network of adoption activities necessitated by the need to adopt large numbers of animals. Once again the Bureau was in a learning mode and as a result, some of these activities are currently applicable and some are not. Among those which are no longer applicable due to Bureau initiative, public interest, the results of litigation, and/or lack of functional necessity, are fee-waiver adoptions and the increased adoption fee which included transportation costs.

WHERE BLM IS GOING AND ACTIONS REQUIRED

The narrative presented above portrays a generalized picture of what has transpired during the years since 1971. As can be seen, the majority of BLM's activities have been concerned with the removal of excess animals. While such activity is required, it nevertheless has had the effect of portraying the WH&B program as a "capture" program. BLM's challenge for the future then, is to shift emphasis to on-the-ground management within the individual HMAs. This shift in emphasis with appropriate resources is critical in the management of WH&Bs and their habitat and carrying out BLM's administration of the Act in the future. This must also be accomplished in a publicly acceptable manner as WH&Bs are one of a variety of the multiple uses on public lands.

In order to accomplish the objective described above, BLM must address a number of components of WH&B management which are peculiar to the WH&B Act itself. These components are addressed individually below:

Legislation

There have been a number of attempts by various interests to modify the WH&B Act. Effective management of WH&B populations and their habitat within the multiple use concept is most complex. The reality of managing 32,000 WH&Bs on 35 million acres of public lands Bureauwide will continue to raise questions as to the effectiveness of the Act in addressing the needs identified through past experiences, including results of litigation. There is still much more to be accomplished, but it has been most difficult, if not impossible to attain the threshold of management recognized by BLM. Because the very presence of WH&Bs generates intense conflict and controversy, to harmoniously blend WH&Bs into the multiple use mix on public lands or as single components on designated areas, modifications in current legislation will undoubtedly be pursued.

In view of the above, it appears that Congress may need to and continue to take the initiative and review the WH & B Act and the various "Legislative Acts" affected. The purpose of this review would be to re-evaluate the legislation as a basis for humane and cost-effective protection, management, and control of WH&Bs in the broader/specific context of overall public land management. The Department of Interior should play a major role in this review based on program needs identified over the years. Hopefully, this would provide a more clear and understanding Congressional mandate under which to enhance management in the future.

BLM should also conduct its own internal evaluation of current program thrusts for the purpose of identifying needs for legislative, regulatory and procedural requirements. This evaluation should keep in mind the public's concern with the health and welfare of WH&Bs and focus upon the need to blend WH&B management with the multiple use mix on public lands.

Inventory

As BLM continues in the management of WH&Bs, a need for more effective inventory methodologies will be required in order to answer relatively sophisticated questions regarding population numbers, behavior, animal needs, habitat requirements, etc., and their relation to other multiple uses or resource needs. Such inventory is important in order to provide sound management of all resource values within the HMAs. In addition, because WH&Bs do not always respect the HMA boundaries established on the ground, consideration must also be given to inventory methodologies which will provide information that will assist BLM in dealing with animals outside HMAs between scheduled management actions (e.g., gatherings). Specifically,

management of WH&Bs will encounter a need to provide an effective evaluation of the results of a mixture of grazing animals using public lands, through information obtained from monitoring activities. This evaluation will be critical in establishing BLM's effectiveness in managing public lands where these animals occur and as a result must be based on solid information. This need presents a dilemma because populations will fluctuate between scheduled management gathers that may be three to five years apart. The result is a real need for procedures or methodologies which will assist BLM in arriving at sound decisions regarding vegetation management for the various animal species involved.

In view of the above, BLM should undertake an evaluation of current inventory methodology and procedures to determine their effectiveness for on-the-ground management. This should be followed by development of appropriate procedures which will, among other things, address the effects of fluctuating WH&B numbers in relation to more stable numbers of other animal species. These procedures should also be capable of providing BLM with definitive answers to resource conditions so as to minimize public controversy and degree of error from resulting decisions. With regard to inventory procedures specific primarily to WH&Bs, such procedures should be designed to address and provide information upon which to base management practices such as management for animal demographics, animal condition, animal adoptability, intensity of management, wild free-roaming behavior, habitat productivity and diversity and basic habitat requirements for the animals. To be more specific, inventory procedures or methodologies should be designed to evaluate: (1) existing population dynamics in relation to objectives established in LUPs and HMAPs, (2) existing animal condition in relation to appropriate health requirements, (3) existing animal characteristics in relation to enhancement for adoptability, (4) existing or proposed management activities in relation to established objectives for acceptable intensities of management, (5) existing habitat conditions in relation to providing free-roaming behavior to the animals, (6) existing habitat conditions in relation to objectives for habitat productivity and diversity established in LUPs or HMAPs, and (7) existing habitat conditions in relation to habitat requirements of food, cover, water and living space. Finally, BLM should apply these newly developed procedures to the management of WH&Bs and other affected animal species so that management will be accomplished to the benefit of all multiple uses, as well as the best interests of WH&Bs themselves.

Land Use Planning

BLM will unquestionably continue to utilize its LUP process as guidance for program management. As time passes, some LUPs will be updated, some will be amended, some will remain unchanged, and others will be revised into the RMP format. Such modifications are not intended to defer appropriate management actions required pursuant to existing program guidance. All of this will continue pending the development of HMAPs and the results of monitoring which will culminate in the issuance of appropriate decisions which may or may not affect WH&Bs.

BLM should insure that LUPs recognize the WH&B management requirements and assure that those requirements are meshed with other on-the-ground multiple uses. Of particular concern are the requirements of other foraging animals, threatened and endangered species, riparian management and the WH&Bs themselves. It is critical that the requirements, concerns and needs of all of these components in the LUP process be considered and addressed. It is from this documentation in the LUP that the specific objectives for each of the multiple use resources are developed and where appropriate, incorporated into HMAPs etc. In addition, unless modified by a LUP amendment, and/or development of a new LUP, established AMLs should remain intact until the results of monitoring indicate a change is warranted.

Activity Implementation

As identified earlier in this paper, past activities in WH&B management have, by necessity, focused primarily upon the removal of excess animals. While removal activities will unquestionably continue, present and future needs will shift to on-the-ground implementation of animal and habitat management practices. Such implementation, and the manner in which it is conducted, will be critical to the success of BLM's administration of the WH&B Act in the future. With this in mind it is important for all involved or interested to look at the real world situation and to where that situation is likely to lead. Again the practicalities of managing 32,000 WH&Bs on 35 million acres of public land is a factor which must be reviewed and reckoned with. In addition, BLM will undoubtedly be faced with the dilemma of providing realistic and prudent management of these animals within budgetary requirements imposed by Congress. Such requirements by necessity, may impact management objectives and goals, with respect to the BLM and public's desires and wishes for accelerated and effective animal and habitat management (including research/studies). It is logical, that the public will and must begin to focus their attention at the Herd Management Area level. This will undoubtedly result in increased support for BLM to provide sound, positive management at the HMAP level, in all efforts or actions which may be proposed. This is as it should be and follows a natural progression of program development from initiation to one which applies relatively sophisticated management practices to specific segments of public land. The BLM is committed to insuring that WH&B management is recognized as a full partner in the concept of multiple use management. The HMA is the logical area for true application of multiple use practices to continue. It is at this point that much can be gained in terms of understanding BLM's programs and the acceptance of BLM's management activities which is essential if progress in management is to be gained.

When moving into "implementation of management" at the HMA level, it will be necessary to consider all the options available for management of the animals/ habitat. This will consist of the needs of the animals themselves and the habitat, as well as the needs of other resources in the area. Such needs will consist of general type animal and habitat needs (e.g., availability of food and water) as well as specific needs which are peculiar to a specific HMA such as location of a specific water source. It is appropriate at this point to apply the results of research regarding the animals and their management. Such research has produced knowledge of the habitat requirements of the animals and will guide the provision of those requirements through BLM's activities.

Removal of problem animals, removal to meet emergency conditions, litigation and removal of excess animals will continue. Generally, removal of excess animals will be directed primarily at maintaining WH&B levels established in the LUPs, court rulings, CRMP, activity plans, etc. In this context, excess animal removal will be focused at the HMA level, also. HMAPs will provide more specific objectives as they are completed, maintained and evaluated. Actions will involve the need to provide humane destruction of old, sick and lame animals as well as the use of aircraft/motorized vehicles. The challenge for BLM will be to focus the public's attention and understanding at the HMA level and to emphasize the relationship of maintaining AMLs to specific HMA objectives as well as the objectives for multiple use within each HMA.

As animals are removed from public lands, adoption demand will continue and animals will be placed into private maintenance. The result will be a continued need for compliance and enforcement activities to assure animals are properly maintained. In addition, activity implementation will bring continued and perhaps increased requirements for compliance and enforcement activities within the HMAs.

Moving into management implementation will take time. Of the 199 HMAs located on public lands Bureauwide, a total of 84 HMAPs have been developed (100 HMAs, 14 HMAPs, Nevada). In this regard, it is essential to recognize the fact that while BLM's direction may be well and good, accelerated management implementation will not occur overnight and will more than likely require many years to be fully realized. This is not intended to defer from the positive steps being taken and required.

Public Affairs

The need for emphasis in Public Affairs activities will unquestionably increase in the future. As more and more people become aware of the presence of WH&Bs upon public lands administered by BLM, the Bureau will be required to provide additional information to organizations and individuals as they become concerned with the animals and their welfare. In addition, as increased public awareness develops, the Bureau will be required to implement intensified Public Affairs activities in order to keep the public informed regarding BLM's activities in managing public lands and to educate the public regarding the manner in which WH&Bs fit into the overall mix of multiple uses which are dependent upon those lands.

Moving into the future, the Bureau should launch an active Public Affairs program for the purpose of establishing an appropriate attitude to the WH&B program within BLM, Congress and the public. This should be an educational effort designed to bring all interests onto a more common ground with the end result geared to the minimization of conflict and controversy. Some potential activities in this effort could include briefing packages for Congressional Delegations, bumper stickers, brochures, coloring books, posters, videotapes, slide shows, displays, and interpretive centers. In addition, increased Public Affairs activity should be directed to emphasize training and education within the WH&B program. Targets for the training should be: general public and BLM employees (including managers, WH&B specialists, processing centers and others). The assistance of the Phoenix Training Center should be obtained in this endeavor as important aspects of a training and educational program will be applicable to various other states.

Moving Ahead

The program guidance and direction which has been developed and utilized during the past years and which continues to provide adequate and reliable direction, should continue to be utilized. Let us move forward from this point.

In view of the above, activity/management implementation should proceed in an orderly fashion to be fully successful. Inventory methods and the timing of their application should be conducted to assure current information is available regarding numbers of animals within each HMA. Population dynamics information and data regarding distribution and movement patterns for WH&B populations by season should be kept current. Further, animal behavior and the relation of behavior (as well as other parameters) to other foraging animals (and vice versa) should be assessed on a regular basis. Procedures for managing the animals themselves should be established. These procedures may include, but are not limited to: (1) animal husbandry practices, (2) criteria for thriving populations of sound, healthy animals, (3) viable population levels, (4) provisions for natural catastrophe such as drought, disease, or other environmental extreme, (5) population practices (sex ratios, etc.), (6) habitat manipulation practices, and (7) standards for providing the habitat requirements of food, cover, water and living space.

Removal of excess animals should continue within the objective of the LUP, court rulings, etc., pending HMAP development and/or the results of monitoring to prevent overuse of the forage

resource. Removals should also continue for the purpose of removing animals from private land in accordance with Section 4 of the Act, to comply with existing or future court orders and as necessary to meet emergency or problem animal requirements. Future removal of excess animals should be conducted (where appropriate) to effect adjustments in WH&B numbers as dictated by monitoring information which culminates in decisions or agreements with livestock operators to meet allotment and/or HMA objectives.

Monitoring should be continued and procedures developed to monitor the effects of animal usage under the variables of: (1) variation in WH&B numbers over a three to five year gathering period, (2) licensed use versus actual use of domestic livestock, and (3) optimum numbers of wildlife versus actual use. In addition, evaluation of monitoring data should be conducted to ensure an effective relationship among foraging animals, their habitat and the vegetative resource.

Schedules for removing excess animals and implementation of other management activities (particularly WH&B habitat improvement activities) should be coordinated and synchronized with the Rangeland Program Summaries and Record of Decisions. Specifically, WH&B management activities should be coordinated and meshed with schedules for issuing grazing decisions, entering into agreements and/or documentation to the file, as identified by the results of monitoring information/allotment evaluations.

The adoption program should continue with emphasis directed toward adoption from field offices situated in close proximity to concentrated adoption markets. To the extent that use of central holding facilities can be phased out in the future, BLM should do so. Instead, emphasis should be given to placing adoptable animals in private maintenance through adoption, other acceptable unadoptable animal facilities and implementing population management practices which reduce or minimize the volume of excess animals produced annually.

To assure that program guidance continues to reflect current needs, appropriate evaluations should be scheduled to determine whether or not changes are warranted. At such time as program priorities or direction change, this guidance should be reviewed and modified as appropriate to meet changing needs.

This paper identifies and acknowledges that program guidance/direction has to be responsive to changing times.