

2/1/89



ANIMAL PROTECTION INSTITUTE OF AMERICA

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FEB 13 1989

February 1, 1989

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Dave Moreno
GAO
1275 Market St., Ste 900
San Francisco, CA 94103-1420

Dear Dave:

I'm writing in response to your recent phone call inquiring about API's wild horse appeals with the Interior Board of Land Appeals--specifically your questions about what API thinks should be done and what would management plans accomplish.

Our basic arguments are for the full implementation of the wild horse protection act and a management program of the public land in accordance with the conservation and protection requirements in the public land laws. The BLM's perspective is to view the vegetation (that is the plant community) as forage. Managing the forage resource under multiple use then becomes a matter of determining the grazing capacity of a given area and looking for the proper balance of grazing animals (wild horses, livestock & large wildlife herbivores) in a given area. This is managing by numbers.

API's view is from a habitat perspective based on an ecological approach to land management. We look at the vegetation and see values beyond forage. One of these values is habitat. While habitat includes forage it also includes nesting sites, shelter, and cover. The value of the vegetation also is in terms of its watershed potential. Still another value of the vegetation is in terms of soil erosion prevention and soil composition contributions. These should be recognized as basic components of vegetation as part of the natural system which BLM is mandated to protect and conserve.

But in assessing AUMs or carrying capacity of a given area, these values of the vegetation are not part of the assessment of forage allocations and stocking

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rates for livestock. Also a feature of carrying capacity that is not taken into account is what used to be called "suitability criteria." Suitability assessment would evaluate such things as distance from water, slope degree, actual production potential, and other site descriptions that would evaluate the actual availability of the vegetation to specific grazing species. The stocking rate for different species would then be determined on the basis of such criteria.

That is vegetation located at higher elevations than cattle graze, or on slopes cattle are unable to graze, or more than 3 - 4 miles from water would not be included in the carrying capacity assessment of an allotment for cattle. Available AUMs would not include unavailable vegetation when making forage allocations to cattle. In fact, the National Academy of Sciences study team calculated that if every single horse were removed there would be less than a five percent increase of available forage for livestock.

By assigning AUMs as if all vegetation were equally available to all grazing species, those areas actually grazed by cattle are automatically overstocked and overgrazed. Worse, by defining the problem as "uneven cattle distribution," the solution prescribed is focused on broader distribution which automatically involves increased "range improvement" projects.

By using predetermined livestock numbers as the basis of range management, the business of the BLM becomes that of fixing the deteriorated range to meet these livestock numbers rather than range conservation values. Their entire management program is based on categorizing what areas need fixing the most (the "I-M-C" classifications) then to devise grazing systems (which require thousands of miles of fencing in order to establish rest/rotation pastures) or construct water developments which include elaborate systems of pumps, pipes, and troughs; or carry out vegetation conversion projects which involve burning or chaining and plowing and re-seeding in order to improve the forage production in order to meet the stocking level adjudicated to permittees based on the 1934 priority system. They may reduce the permittee's actual usage but all range improvement is simply to bring the permittee up to his "priority stocking level."

The fact is, BLM does not allocate forage on a multiple use basis at all. Attached is a copy of Director Burford's 1982 Grazing Management Policy Statement--which states:

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This [grazing management policy statement] describes the BLM's goals and objectives for proper grazing management, and provides a policy by which the BLM will authorize livestock grazing on the public lands. Other uses of the lands are addressed only as they relate to, or may be affected by, livestock grazing use.

If there were a true multiple use management perspective, BLM would control permits. There isn't a private land owner in the country that would lease his grazing land like BLM leases out the public lands. Private land owners would have tight contracts that would clearly spell out ownership rights and rental privilege. The renter would not tell the owner how many cows ought to be run or expect the owner to bring his land up to that number. The owner would not grant a lease with automatic renewal or language that would allow the lessee to claim a right to renewal--or any other "right." Few owners would allow the lessee to turn around and sublet for two and three times what he is receiving from the permittee.

If BLM range conservationists were allowed to be conservationists rather than ranch foremen, they would cancel all permits and re-issue them on the basis of the ACTUAL capacity of the land to support livestock grazing--without elaborate life-support systems. They would not pursue a policy to change the land to accommodate the needs of the permittee, but change the permit to accommodate the needs of the land under multiple use/sustained yield principles. It would be a policy of sustainable usage. There would be no great confusion as to what is the natural system to be protected and conserved and who is a user to be controlled through a restricted permit system.

API takes a strong stand on this habitat-ecology perspective as reflecting the true multiple use/sustained yield principles of FLPMA as well as the intent of the Taylor Grazing Act and the National Environmental Policy Act. We believe the public mandate is clearly that BLM manage the land for preservation of the land itself by controlling private usage.

By attempting to categorize livestock as having the same public land value as wildlife and wild horses is absurd. If the facts were known, the American public would not be willing to subsidize a handful of ranchers at the expense of wildlife and wild horse habitat. By manipulation of the system, twisting words, and fast talking, top BLM policy makers--headed by a cattleman--have concealed or misrepresented their practices.

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There are violations of the law both in terms and spirit. The grazing regulations as well as the wild horse regulations were changed despite the fact there were no changes in the law. The changes in the wild horse regulations included the creation of the bogus adoption scam which required a contempt of court action to finally bring that program to a halt. We find it outrageous that a contempt order was needed to force the government to comply with the court. The mass adoption has been replaced by a sanctuary program that is a black and white, out-and-out violation of the law.

API, on behalf of its 150,000 members, is not saying do not control wild horse numbers. We're saying do not use wild horses as a scapegoat to protect ongoing livestock damage and destruction. We're saying the calculation of grazing capacity needs to incorporate all values of vegetation; and that wild horse considerations of forage use has to include habitat needs and biotic requirements. We're saying implement the laws. Wild horses, according to the law "are to be managed and protected as integral components of the natural system." They are not to be managed as a rancher runs his cattle operation.

Herd Management Area Plans for wild horses would include the habitat needs and biotic requirements of wild horses, they would establish the boundaries of the HMAs and disallow the continued elimination of land areas identified as horse use areas. They would allow BLM to impose "other options" in considering whether or not a removal is the appropriate management action when legally determined excess animals exist in a given area; they would allow selective removal to skew the population increase by sex/age ratios. Our asking IBLA to order HMAPs would change the priority order of writing allotment management plans ahead of wild horse management plans. It would not change land use or other decisions. By not writing them, land use decisions are being changed. Forty-seven million acres designated as wild horse use areas have been reduced to less than 35 million since 1984. According to the 1986 report to Congress, in which BLM changes "shall" to "may," there will be further habitat reductions.

Our reason for wanting HMAPs ahead of allotment plans is because, without HMAPs, decisions affecting wild horses would become spin-offs of livestock grazing decisions. This has already been shown to be the case in the 1989 Carson City Removal Plan where in the Augusta Mt. HMA, the

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Dave Moreno

5

February 1, 1989

allotment plan for Hole in the Wall prescribes the reduction of AUMs for horses to a 25 percent utilization during spring and summer critical growth periods in order to guarantee an allowable 55 percent utilization during winter when livestock are on the land. (Overwintering cattle herds is the greatest expense to ranchers.) The proposed decision for Hole in the Wall effectively makes the Augusta Mt. wild horse herds into a range improvement vehicle to assure the ongoing level of usage by wintering livestock. Since Hole in the Wall constitutes but one-third of the HMA and the other two allotment plans are yet to be written, BLM has had to look at the Augusta mountain herd as split into three groups to match their schedule of AUM assessment. The horses do not have full utilization of the HMA assigned to them. In the appealed Paymaster-Lone Mt. roundups it is clearly demonstrated that wild horse protection groups cannot possibly monitor and track decisions affecting horses because each HMA contains portions of several allotments. HMAPs would guarantee horses full utilization of their habitat area. They would guarantee that policies, such as fence restrictions, and objectives for horses such as water developments would in fact be implemented. They would allow BLM to develop a sound wild horse protection program.

Sincerely,

Nancy Whitaker
Nancy Whitaker
Program Assistant