

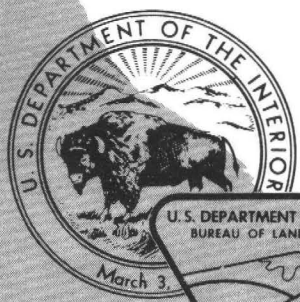
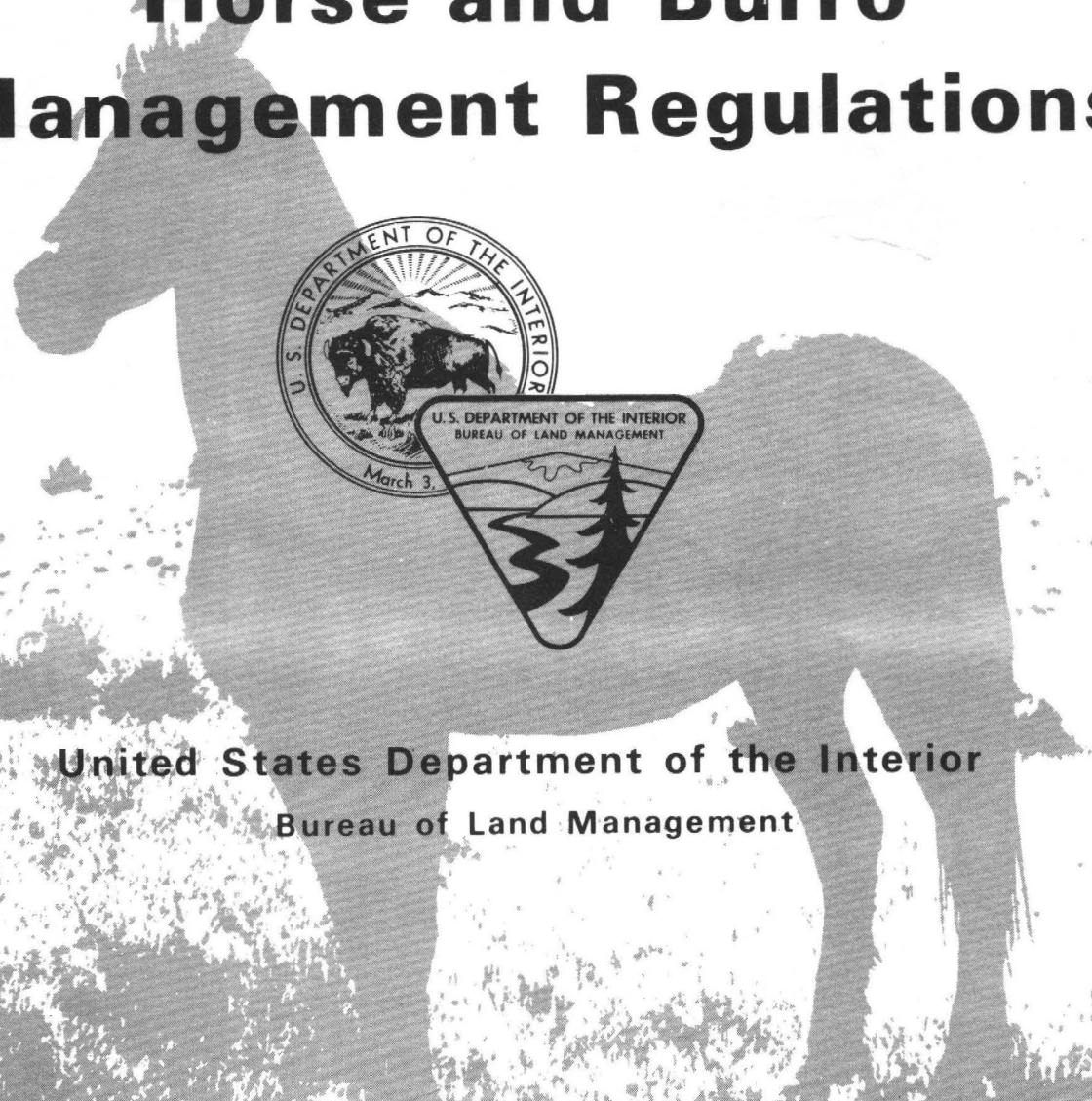
7/1973

FINAL

ENVIRONMENTAL STATEMENT

Proposed

Wild Free-Roaming Horse and Burro Management Regulations



**United States Department of the Interior
Bureau of Land Management**

DEPARTMENT OF THE INTERIOR

FINAL
ENVIRONMENTAL STATEMENT

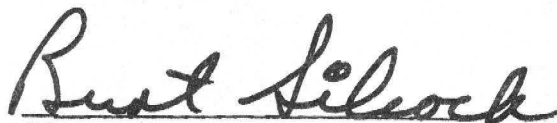
Proposed

WILD FREE-ROAMING HORSE AND BURRO MANAGEMENT
REGULATIONS

FES 73 - 35

Prepared by

Bureau of Land Management
Department of the Interior


Director

JUL 3 1973

SUMMARY

(X) Final Environmental Impact Statement

Department of the Interior, Bureau of Land Management, Washington, D. C.

Type of Action: (X) Administrative () Legislative

1. Introduction:

This environmental impact statement has been prepared pursuant to Section 102 of the Environmental Policy Act, PL 91-190 (83 Stat. 852).

It is a statement describing and discussing the environmental impact of regulations to implement the Wild and Free-Roaming Horse and Burro Act, PL 92-195.

2. Brief description of action:

Proposed regulations for the protection, management, and control of wild free-roaming horses and burros on national resource lands administered by the Bureau of Land Management. The proposal describes the system of management that would be used and contains criteria and procedures for the program.

3. Summary of Environmental impact and adverse environmental effects:

Dedication of habitat exclusively to horses and burros would limit availability of the forage and habitat to other grazing animals.

4. Alternatives considered:

- a. No regulations
- b. Regulations providing for dominant use instead of multiple use
- c. Detailed regulations
- d. Regulations limited to procedures
- e. Regulations limited to criteria

5. Comments have been requested from the following:

Department of Agriculture	State Clearing Houses
Forest Service	State of Arizona*
Agricultural Research Service	State of California
Department of the Interior	State of Colorado
Bureau of Sport Fisheries and Wildlife*	State of Idaho*
Bureau of Indian Affairs*	State of Montana
Bureau of Outdoor Recreation*	State of Nevada*
National Park Service*	State of New Mexico*
Bureau of Reclamation*	State of Oregon*
Department of Defense*	State of Utah
Atomic Energy Commission*	State of Wyoming

6. Date statement made available to CEQ and the public:

Draft Statement: December 14, 1972

Final Statement: JUL 3 1973

*Written Comments Received.

TABLE OF CONTENTS

	Page
Description of the Proposal-----	1
History and Background-----	1
Proposed Action-----	3
Description of the Environment-----	9
Environmental Impact of the Proposed Action-----	13
Beneficial Impacts-----	13
Detrimental Impacts-----	14
Mitigating Measures Included in the Proposed Action-----	16
Adverse Effects which Cannot be Avoided-----	18
Relationship Between Local Short-Term Useses and the Maintenance and Enhancement of Long-Term Productivity-----	19
Irreversible and Irretrievable Commitment of the Resources----	19
Alternatives to the Proposed Action-----	19
Consultation and Coordination in the Development of the Proposed Regulations and the Preparation of the Draft and Final Statement-----	22
Written Comments Recieved and Disposition-----	24
 APPENDIX	 A
APPENDIX	B
APPENDIX	C

PROPOSED WILD FREE-ROAMING HORSE AND BURRO
MANAGEMENT REGULATIONS

1. Description of the Proposal:

A. History and Background:

Horses and burros were unknown to the people of the Americas until they were brought from Europe, first by Spanish explorers and later by missionaries and settlers. Many of these animals escaped from their owners and their descendants became the Nation's first wild horses. A domestic breed can become wild in one generation.

These were the mustangs of the early West. Their name was derived from the Spanish Mestaño, which means a horse that has strayed and turned wild, and they were destined to play a significant role in frontier history. From them descended the Indian pony and the great herds of wild horses that once roamed the Western prairies from Canada to the Mexican border.

Over the centuries the mustangs crossbred with domestic horses of many bloodlines that escaped to the open range or were abandoned by their owners. As a result, the bloodlines of wild horses living on the open range today may carry only a trace of the Spanish mustang strain.

Indians tamed some of the wild horses and used them to reign over the West until the coming of railroads, ranchers, and homesteaders spelled the end of their dominion. After World War I, hundreds of ranchers went broke. Many turned their horses loose to join the hundreds of thousands of wild horses already running on unfenced ranges. In addition, many horses were abandoned after mechanized farming eliminated the need for large numbers of draft animals. Soon there were more horses than the open range could

feed, and wild horses were eating grass that ranchers wanted for their livestock. Finally, in the 1920's and again in the 1940's, man and nature both took a hand. Starvation, roundups, and diseases drastically reduced the numbers.

The wild horse and the wild burro are symbolic of a unique era of our national history, and a free-roaming herd of these animals grazing across the open range has great aesthetic appeal. Congress, in recognition of these values, has passed two Federal laws to protect wild horses. Public Law 86-234, passed in 1959, makes it illegal to use aircraft or motorized vehicles to capture or kill wild horses. Public Law 92-195, passed in 1971, places wild horses and burros roaming on national resource lands under the jurisdiction of the Secretaries of the Interior and of Agriculture for protection, management and control. It provides a penalty for harassing, capturing, killing, or selling wild horses, and prohibits the processing of wild horses into any commercial product. The maximum penalty is a fine of \$2,000 and imprisonment for one year.

The act of 1971 provides for the establishment of an advisory board to make recommendations on the management and protection of wild horses and burros.

B. Proposed Action:

The new legislation authorized the Secretaries to issue regulations needed to carry out their responsibilities.

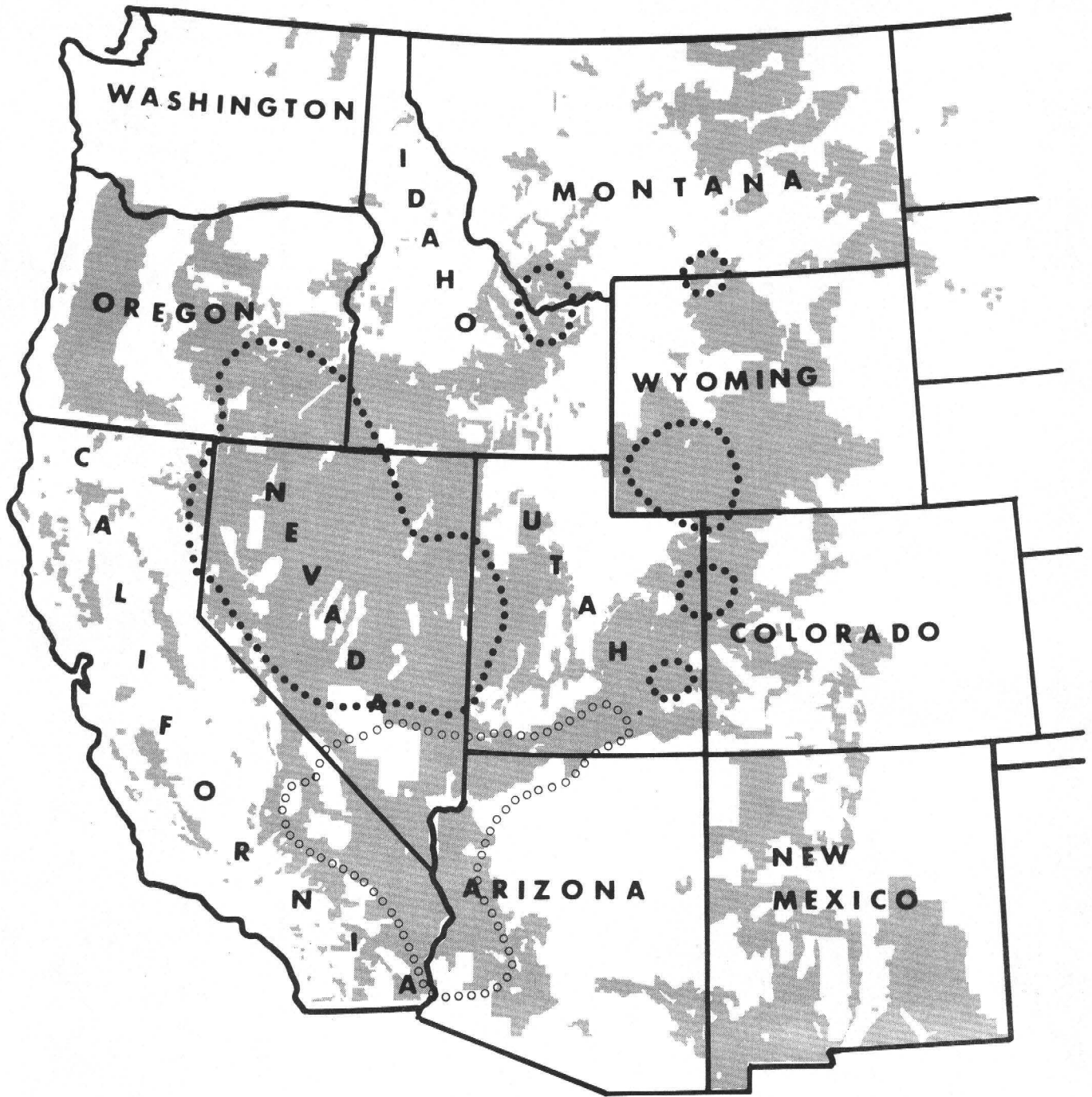
The proposal covered by this statement is the regulations proposed by the Secretary of the Interior for protection, management, and control of wild free-roaming horses and burros on national resource lands managed by the Bureau of Land Management.

The following is an estimate of horses and burros on national resource land in the 10 Western States. The number includes an unknown number of animals which may be claimed under Section 5 of the Act.

<u>State</u>	<u>Horses</u>	<u>Burros</u>
Arizona	115	7,510
California	265	2,500
Colorado	456	*
Idaho	257	8
Montana	264	*
Nevada	17,927	454
New Mexico	7	13
Oregon	2,925	16
Utah	658	60
Wyoming	<u>3,247</u>	<u>20</u>
	26,121	10,581

* None reported

Wild horses and burros range over a wide area. Herds observed on national resource lands one day may be seen many miles away grazing on other areas the next morning. Because of these ranging habits, specific areas of habitation have not been identified other than the general areas shown on the following page.



LEGEND

- LANDS MANAGED BY BLM
- MAJOR WILD HORSE AREAS
- MAJOR WILD BURRO AREAS

WILD HORSES AND BURROS IN THE WESTERN STATES

United States Department of the Interior
Bureau of Land Management

The text of the proposed regulations is contained in Appendix A. In brief, the regulations provide as follows:

Subpart 4710 deals with objectives, authority, definition, and basic policy.

The basic policy proposed is to manage wild horses and burros under principles of multiple use, sustained yield and environmental quality, to protect them from unauthorized actions, to manage their habitat in a manner to achieve and maintain an ecological balance and a population of sound and healthy individuals. Full participation by the public and cooperation with States, local governments, and others are required.

Subpart 4711 refers to three specific management coordination requirements relating specifically to wild horses and burros--the Joint National Advisory Board for Wild Free-Roaming Horses and Burros, State wildlife and brand agencies, and cooperative agreements with other governmental agencies and private individuals or organizations. A copy of the Administrative Procedures for the Joint National Board is attached as Appendix B.

Subpart 4712 describes the overall management considerations which will control management of wild free-roaming horses and burros.

Planning in accordance with the Bureau's multiple-use planning system is proposed as essential to determine location, population and other management actions for wild free-roaming horses and burros. This

system applies principles of multiple use, sustained yield, and environmental quality to the management of specific tracts of land.

The principle of "multiple use" means the management of the national resource lands so that they are utilized in the combination that will best meet the present and future needs of the American people; and harmonious and coordinated management of the various resources, each with the other, without permanent impairment of the productivity of the land or undue damage to irreplaceable values, with consideration being given to the relative values of the resources, and not necessarily the combination of uses which will give the greatest economic return or the greatest unit output.

The principle of "sustained yield" means the achievement and maintenance in perpetuity of a high level annual or regular periodic output of the various renewable resources of land without impairment of the productivity of the land and its environmental values.

In the application of the planning system, all existing and potential uses are listed and compared with each other. An inventory (unit resource analysis--URA) is conducted which describes the existing situation of resource values, and any other values for which management efforts might be required including wild horses and burros. Following this a Management Framework Plan is developed. The system is also briefly described in Appendix C.

An overriding management consideration proposed is that management activities must be consistent with the free-roaming behavior of the animals coupled with the multiple-use concept.

Reservation and allocation of habitat to wild horses and burros will be based on the biological requirements of the animals and the nature of the habitat. Wild free-roaming horse or burro numbers and other uses may be adjusted to maintain proper balances. Such adjustments may include exclusion of all domestic livestock.

Provision is made for establishment of specific ranges for wild free-roaming horses and burros if such action is necessary for their protection and preservation. Criteria proposed for designation of ranges include the law's requirements, the potential for maintenance of self-sustaining herds utilizing their customary life patterns, potential for maintenance of vegetaitve cover, and the preparation of a definite management plan.

Procedures are established for the removal and relocation or disposal of wild free-roaming horses and burros where such action may become necessary. Relocation of the animals on public lands is limited to the areas inhabited by wild horses or burros on December 15, 1971. Provision is made for custodial care under terms and conditions needed to carry out the purposes of the law.

To preclude illegal takings and to maintain responsibility, only authorized officials or agents will be permitted to destroy wild horses and burros. Criteria for destruction including justification, methods, and disposal are listed.

Specific prohibitions are provided to prevent commercial exploitation and preserve identification of any animals placed in private custody.

The regulations do not restrict a private party from allowing wild free-roaming horses or burros on his private land. However, he may not remove or entice the animals from public lands. If a private person wishes to actively maintain such animals on his lands, he must enter into a cooperative agreement with the Bureau of Land Management.

The regulations provide that where private persons wish, in accordance with the law, to have wild horses and burros removed from their private lands, the authorized Federal official shall do so upon request provided the animals are within an area that contains a "legal fence" as defined in the regulations. In "no fence districts" or other areas where fences are not required by State statute to protect private property the authorized officer will remove wild free-roaming horses and burros from private property at the request of the landowner.

Subpart 4713 provides procedures for removal of private animals from the national resource lands. Claims must be submitted within 90 days after the adoption of regulations and must be based upon acceptable

proof of ownership. Authorization and conditions for recovery of such animals will be prescribed by the authorized officer and ownership established in accordance with the criteria as cooperatively agreed upon between the Bureau and the appropriate State agency administering the State branding and estray laws. The fundamental concept of the agreement will be that the proof of ownership must be found acceptable by both BLM and State officials before removal will be authorized by BLM. In the absence of such an agreement ownership will be determined by the authorized officer. Capture and removal of future estrays will be permitted only upon written authorization by the Bureau.

Subpart 4714 establishes the procedure for enforcement of the act and the regulations. It provides for the Director of BLM to authorize employees to make arrests under certain circumstances for violations of the regulations. It lists the penalties of the law for violations of the act.

II. Description of the Environment:

The natural resource lands administered by the Bureau of Land Management which were habitat for wild horses and burros on December 15, 1971, are located in Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Utah and Wyoming. The largest numbers of horses are located in Nevada, Oregon, and Wyoming, and the largest numbers of burros in Arizona and California.

Elevation of these lands varies from near sea level to more than 10,000 feet with average annual precipitation varying from less than 3 inches to over 25 inches. Temperature ranges from 120 degrees

Fahrenheit in summer to -40 degrees Fahrenheit during short periods of the winter. Topography varies from flat desert playas to steep mountains.

The natural vegetative cover consists of a wide variety of plant types from annual desert forbs to brush, chaparral, grasslands, and dense forests in areas of higher precipitation and elevation.

The vast majority of the area is utilized to some degree by domestic livestock and many species of game and nongame animals. Domestic livestock consists of cattle, sheep, and horses which are authorized to graze the public lands under the provisions of the Taylor Grazing Act of June 28, 1934, an act "To stop injury to the public grazing lands by preventing overgrazing and soil deterioration; to provide for their orderly use, improvement, and development; to stabilize the livestock industry dependent upon the public range; and for other purposes."

Only 16 percent or approximately 25 million acres of the Western public rangelands are rated as in a "good or better" condition from the point of view of watershed quality. Forty-two million acres of the more deteriorated lands or approximately 26 percent are considered to be in the "frail lands" category which can stand very little concentrated use. About a third of the wildlife habitat is considered to be in an unsatisfactory condition insofar as wildlife values are concerned.

The major large wildlife species which compete to some degree with wild free-roaming horses and burros are deer, elk, antelope, bighorn sheep, and the Sonoran pronghorn antelope. The Sonoran pronghorn antelope, which occupies portions of southern Arizona, is listed as an endangered species. The Sonoran pronghorn antelope and the Desert Bighorn sheep may be in direct competition in many areas.

The distribution of wild free-roaming horses and burros is generally limited to sparsely populated, remote, less accessible portions of the national resource lands. They presently occupy areas where physical improvements and facilities such as agricultural developments, fences and other facilities which limit their movement have not been constructed. Both horses and burros have a preference for grass as their primary forage if it is available; however, both animals will utilize forbs and shrubs as necessary. Wild burros frequently occupy sites where the vegetation consists of almost exclusive shrub species. Both wild free-roaming horses and burros are able to effectively graze areas many more miles from water than can domestic cattle or sheep and most wildlife species. Where wild free-roaming horses and burros utilize the same areas as domestic livestock and game animals they are frequently in direct competition for available forage and water.

Current domestic livestock ranching operations on national resource lands occupied by wild free-roaming horses and burros vary to a great extent by location, climate, and topography of each individual operation.

The established livestock operations in these areas are usually cattle ranches which graze public lands year-long with a basic cow-calf type operation. Other livestock operators may graze the public lands within their authorized area of use only during years with high precipitation when a large volume of annual vegetation occurs.

Domestic livestock use of national resource lands occupied by wild free-roaming horses and burros may vary from seasonal use to year-long grazing. Areas where the larger populations of wild free-roaming horses or burros occur are usually not under intensive domestic livestock management.

Many of the lands presently occupied by wild free-roaming horses and burros have many other uses and values in addition to wildlife, domestic livestock, and wild horse and burro use. Most of the lands receive some general recreational use including hunting, fishing, sightseeing, rock hounding, photography and other forms of both consumptive and nonconsumptive recreation. Some of this recreational use is directly related to wild horses and burros, particularly from the sightseeing and photography standpoint. Other uses of these lands include prospecting and mining.

Recreation use of these lands is virtually unmanaged. Visitation now exceeds 40 million visitor-days annually and continues to increase rapidly. Current developed facilities accommodate less than 4 percent of this use.

III. Environmental Impact of the Proposed Action:

A. Beneficial Impacts. Public Law 92-195 terminated legal questions as to authority of the Secretary to manage wild horses and burros. The proposed regulations will permit the Bureau of Land Management, through its planning system with full public participation and cooperation of other agencies, to bring management of horses and burros into ecological balance with all members of the biotic community of the national resource lands. With design and implementation of grazing management systems that recognize and coordinate with the life needs of the plant and animal communities, recovery of the national resource lands from past abuses will be hastened. At the same time, animal communities will function more efficiently under improved habitat conditions.

Implementation of planned management practices can improve vegetative composition, ground cover and vigor. Water quality can be improved and erosion further controlled. Improvement in forage, water and other habitat requirements should improve the health and vigor of wild horses and burros, wildlife and other animals using the area.

The proposed rules provide for transfer of wild horses and/or burros from one location to other areas inhabited by them. This will afford the opportunity to reduce inbreeding and further improve the health and vigor of the animals. Humane treatment is required and the proposed rules will prevent unnecessary disturbance and commercial exploitation of the animals.

The proposed rules afford the first opportunity to manage and control wild free-roaming horses and burros on national resource land to balance the ecosystem with other resource uses and values.

The proposed rules provide the opportunity to protect and retain these animals on national resource land for those people who enjoy seeing them as a part of the visual landscape.

The proposed rules will preserve wild free-roaming horses and burros on national resource land as a historic symbol of the West. The animals will be preserved for viewing, photography and other enjoyment by the current and future generations.

B. Detrimental Impacts. Protection and preservation of wild free-roaming horses and burros on national resource lands will require manpower and funds for administration of the rules which may in turn reduce the time and funds available for management of other national resource land values and resources.

Wild free-roaming horses and burros will compete directly for habitat in most areas with domestic livestock and some species of wildlife. A significant example of the latter competition is between burros and bighorn sheep.

The successful integration of wild free-roaming horses and burros with both the living and nonliving components of the environment will be highly dependent upon the ability to manage and control these animals

in a manner which will achieve and maintain a thriving ecological balance with other resource values and uses. Professional opinions may be opposed by members of the public who have strong views on proper methods of management. Such opposition could prevent or delay accommodations to protect other natural resources.

Construction of the minimum required management facilities may detract from the open space aesthetics to some extent.

Wild free-roaming horses and burros are subject to contagious diseases and insects which are commonly associated with domesticated horses and mules. In some cases, these diseases and insects can be transmitted among animals of different species and from animals to man.

Several contagious diseases currently held in control status are commonly associated with horses and burros. Among the most common in the Western United States is encephalomyelitis. At this time three varieties, Venezuelan, Western and Eastern are found in the United States. The Venezuelan type has just recently found its way into the Southwestern part of the United States and is presently being held, through a vaccination program, under control and restricted to that area.

Due to the nature of the existing herds of wild free-roaming horses and burros, it is not practical to initiate common practices associated with disease control and prevention. To do so would cause considerable harassment of these animals. In many areas, terrain coupled with the

nature of the animals makes a control and prevention program impossible. Thus wild free-roaming horses and burros can become a reservoir or source for a disease outbreak.

Other less common diseases may cause varying problems in the management of wild free-roaming horses and burros. This can result in a lowering of the reproduction potential through abortion, loss of foals following birth, and mortality of adult animals.

Among the most common parasites associated with horses and burros are mites and lice. Animals could possibly become infected with a disease associated with or transmitted by these parasites, thus, compounding the management complexity associated with wild free-roaming horses and burros.

In the Southwestern United States, wild free-roaming horses and burros could be a factor in the control of screw worms. However, their role appears to be minor and insignificant at this time due to the number of other warm blooded animals which are not subject to control measures.

IV. Mitigating Measures Included in the Proposed Action:

The planned development and documentation of a sound program for protection, management and control of wild free-roaming horses and burros, including identification of needed manpower and funds, will permit requests for adequate funds and manpower.

Consideration of the needs of wild free-roaming horses and burros in the Bureau's planning system will determine locations and populations of the animals which can be maintained with the least adverse impact upon other resource uses and values and upon the maintenance of thriving herds. It will also assist in decisions regarding construction of facilities and other management practices which are compatible with other uses of the public lands and with the free-roaming habits of the animals.

Recommendations of the Joint National Advisory Board, consultation with State land and resource management agencies and other qualified scientists and technicians, and participation of the general public in planning will help reduce the possibilities of conflicts between managers and the public, who own both the lands and the wild horses and burros.

Under the criteria in the regulations all physical facilities necessary for multiple-use management will be designed and constructed to the extent practical to blend with the natural landscape.

As animals become more concentrated, their overall health or condition is lowered, disease and insect incidence and control become compounded. The need to retain wild free-roaming horses and burros in a high state of health to reduce the incidence of disease and insects associated with them is a prerequisite to management. The best prevention technique is through the employment of good husbandry practices.

V. Adverse Effects which Cannot be Avoided:

Implementation of the regulations will require the reservation of forage and habitat conditions sufficient to maintain the desirable populations of wild horses and burros. The reservation of forage for horses and burros could conceivably result in the diminution of grazing use by domestic livestock and certain wildlife species or limitations on further increases in use as forage conditions improve under management. Depending on the areas involved, forage condition could vary from none to slight to significant, although the latter is improbable.

For many years, wild horses were a source of rodeo stock for "bucking bronc" events. This economic opportunity is negated by law and the regulations which will prohibit the capture and subsequent use of these animals for such purposes. The businesses in the sale of meat from wild horses and burros captured and slaughtered for domestic pet food and other uses will be adversely affected by the law and regulations. A relatively small number of animals have been captured each year and converted to domestic uses such as saddle stock and pack animals. Some recreational value will be lost to those individuals and groups who have utilized "mustanging" as a recreational hobby.

VI. Relationship Between Local Short-Term Uses of Man's Environment and the Maintenance and Enhancement of Long-Term Productivity:

There have been no programs for the protection and management of wild horses and burros on national resource lands. As a result of this and past excessive use by domestic livestock, there are thousands of acres of rangeland which have been severely abused. In many instances livestock use has been drastically curtailed to cope with these conditions. In some areas, however, uncontrolled and unmanaged grazing by wild horses and burros year-round negates the efforts made to manage livestock and these areas continue to be abused. The proposed regulations provide the means for sustaining wild horses and burros in keeping with the multiple-use concept of land management. Such management will enhance the national resource lands.

VII. Irreversible and Irrecoverable Commitment of Resources:

PL 92-195 is a mandate to protect and preserve wild horses and burros as a national heritage. Proper management of these animals as provided in the regulations will result in irretrievable commitments of the forage and habitat resource so long as this mandate exists.

VIII. Alternatives to the Proposed Action

Alternatives to the proposed action include:

A. No Regulations. Failure to issue regulations would leave the situation status quo and not provide the means to administer the act. Encroachments on traditional wild horse and burro use areas by recreationists, livestock operations, and other lawful uses, plus unlawful

activities will create an untenable situation as it relates to management of wild horses and burros. The herds will continue to reproduce themselves, leading to greater and greater overuse of their habitat. Herds would eventually deteriorate in quality as habitat declined. Rescue operations and emergency feedings and emergency reductions of numbers would become more frequent. Competition between horses and burros and wildlife would become more intense to the detriment of the environment.

B. Adoption of Regulations Providing for Dominant Use by Wild Horses and Burros. The proposed regulations call for principles of multiple use. An alternative would be regulations providing for dominant use of all areas now used by wild horses and burros and allowance of other uses only to the extent they are compatible with the primary use. One application of this approach could be to allow herds of wild horses and burros to increase to the point that they fill every environmental niche they are properly capable of filling, to the exclusion of competing domestic livestock and wild animals. This would reduce the variety of animal life in wild horse areas with consequent impacts on vegetal life. The environmental consequences of this are not entirely known although generally the greater the variety of life, the greater the chance for ecological stability. The principle of multiple use does permit the designation of primary or dominant use areas where environmental circumstances permit, thus following dominant-use theory throughout is an unnecessary environmental risk.

C. Detailed Regulations. The proposed regulations are general in their terms and contain both criteria and procedures. An alternative approach would be to spell out in substantial detail all management goals, techniques, and procedures. With the great variety of environmental situations on the national resource lands and the great complexities of life relationships on each biotic community, it is likely that predetermined courses of action will prove in many cases environmentally unsound and in some cases environmentally disastrous. This course of action would also reduce the opportunity of the public to bring their influence to bear for the type of program they would like.

D. Regulations Limited to Procedures. The proposed regulations contain suggestions for both criteria and procedures. If the proposal were limited to procedures only, the opportunities for variations in goals and objectives would be increased. This could lead in some cases to environmentally acceptable alternatives but it also could lead to undesirable results. Overall guidance in the regulations provides a means for the public to evaluate and comment on proposed programs before they are started and also provides standards by which all interested parties, including the Secretary, can judge the results of Bureau activities. The chances for environmentally sound programs would be somewhat diminished by omission of criteria from the regulations.

E. Regulations Limited to Criteria. A similar conclusion can be reached if the regulations were limited to criteria. The procedures in the proposed regulations have been designed to facilitate the accomplish-

ment of the objectives of the law and the regulations. If these procedures were omitted, it would leave to chance or manager's discretion the design of effective procedures. Inclusion of basic procedures in the regulations has been proposed to maximize the chances of an environmentally sound wild horse and burro program.

IX. Consultation and Coordination in the Development of the Proposed Regulations and the Preparation of the Draft and Final Statement:

The Bureau of Land Management has worked closely with the Forest Service in initial implementation of PL 92-195. This effort includes discussions on regulations to comply with intent of the act and provide consistency in regulations. Public participation in local BLM management framework plans which involve wild horses and burros has been utilized in the development of regulations. Written comments of individuals and organizations relative to PL 92-195 have been considered in preparation of the proposed regulations.

An announcement that the draft statement was available for review and comment was published simultaneously with the proposed regulations in the Federal Register on December 20, 1972. In addition, the draft statement and regulations were mailed to the following:

Federal Agencies:

- Forest Service
- Bureau of Sport Fisheries and Wildlife*
- Bureau of Indian Affairs*
- National Park Service*
- Bureau of Outdoor Recreation*
- Atomic Energy Commission*
- Department of Defense*
- Bureau of Reclamation*

State Clearinghouses:

State of Arizona*
State of California
State of Colorado
State of Idaho*
State of Montana
State of Nevada*
State of New Mexico*
State of Oregon*
State of Utah
State of Wyoming

Local and Private Entities:

International Society for the Protection of Mustangs and Burros
Wild Horses Organized Assistance, Inc.
National Mustang Association, Inc.
American Horse Protection Association, Inc.
Nevada Mustang Association, Inc.
National Humane Educational Association
The Fund for Animals
Society for Range Management
National Wool Growers Association
American National Cattlemen's Association
National Wildlife Federation
Sierra Club*
Desert Bighorn Council
Society for the Prevention of Cruelty to Animals
Society of American Foresters
American Forestry Association
American Farm Bureau
Defenders of Wildlife*
Association of Western Fish and Game Commissioners
International Association of Fish and Game Commissioners
Wildlife Management Institute
American Veterinary and Medical Association
Environmental Defense Fund*
Society for Animal Protective Legislation*
Velma B. Johnston*

Wild Horse and Burro Advisory Board

*Written Comments Received

A copy of the proposed regulations was Appendix A of the Draft Environmental Statement. Many of the comments received were addressed to suggestions for change or modification of the proposed regulations rather than the draft environmental statement. Many of these suggestions are reflected in the proposed regulations as revised and made a part of this Final Statement as Appendix A.

A copy of the written comments received and the disposition made follows:



United States Department of the Interior

FISH AND WILDLIFE SERVICE

BUREAU OF SPORT FISHERIES AND WILDLIFE

WASHINGTON, D.C. 20240

FEB 23 1972

Memorandum

To: Director, Bureau of Land Management

From: Director, Bureau of Sport Fisheries and Wildlife

Subject: Review of Draft Environmental Statement Relative to the Proposed Management of Wild Free-roaming Horses and Burros (DES-72/117)

We have reviewed the subject statement and find that it is most difficult to evaluate in terms of the impact of the proposal on fish and wildlife resources. In general, the statement does not provide specific information on proposed actions to permit proper evaluation.

Throughout the statement such terms as sustained yield, management, protection, control, ecological balance, etc., are used without adequate definition, or description of the ramifications and implications of the implied actions.

The statement does not provide estimates of present horse and burro populations and the population levels that will be strived for in the future. It also does not provide any estimate of the number, size and location of sites which may be established as specific ranges for wild free-roaming horses and burros.

It is known that horses and burros compete directly for forage and water with many wildlife species including several subspecies of bighorn sheep, elk, deer, and the endangered Sonoran pronghorn antelope; this is acknowledged in the statement. However, there is no comment on the project's impact on aquatic plant and animal life. In areas where increased numbers of horses and/or burros are anticipated, the effect could be quite detrimental on unique and fragile aquatic plants and animals (especially fishes) found in and around seeps and springs.

The statement should comment on the anticipated increases or decreases of forage available to big game species as a result of management practices affecting horse and burro population levels.

Specific comments on portions of the statement follow.

1. On the covering summary page, in item 3, the meaning of the word "Depredations" should be explained. Many associate this term only with predation by wild carnivores.
2. The term "sustained yield" in relation to horse and burro management as mentioned on page 3, paragraph 4, should be explained.
3. On pages 5 and 6, there is mention of a regulation preventing removal or enticement of the animals from public lands. There is no comment on plans to prevent enticing feral horses and burros from private land onto public land. It is also mentioned that persons can request horses and burros removed from their private lands if contained within a legal fence. Seemingly this might stimulate additional fence construction which could be detrimental to such species as antelope and the "wildness" of the horse.

The statement should discuss the liability the Government would assume for "wild horses or burros" which enter upon private lands, including Indian Trust Lands, and cannot be readily removed for one reason or another.

The term "legal fence" is referred to in the draft as a separation between private and public lands and the wild equines. Since specific Federal agencies are responsible for these animals, it would seem they would be responsible for preventing animals from straying or ranging on other lands, Federal or private, through construction of legal fences. The statement should discuss management of those "checkerboard" or "secondary withdrawal" lands in many western States.

There should be a discussion of the relationship of BLM lands and Indian lands when dealing with these animals, since "mustangs" are a management problem on a number of Indian lands which have a generally unrestricted boundary with public domain lands.

4. Page 8, delete "to some degree" from line 4.
5. On page 10, the section headed "Beneficial Impacts" needs further explanation. Improved management should be practiced whether the feral horse and burro regulations exist or not. Fencing, rotational grazing and other range improvement tools which could be used to benefit forage conditions would seem to conflict with the free-roaming characteristics of feral horses and burros.

6. Alternatives 2, 3, 4 and 5 need to be expanded and discussed in more detail, e.g., in Section B, page 18, the criteria for determining dominant use areas.

The statement should elaborate on the need to forbid controlled and regulated recreational mustanging. Also, a discussion of the ability of the mustang to maintain its present "wild" characteristics under rather intensive management should be included.

In summary, we recognize the difficulty in preparing this statement, but more specificity is needed to enable us to evaluate the impact of this project on fish and wildlife resources.

Willis King

Response to comments from Bureau of Sport Fisheries and Wildlife

General Comments:

The number of wild free-roaming horses and burros and the habitat they occupy is unknown; therefore, the specific impact of these animals on fish and wildlife resources, as well as other land uses, could not be discussed in detail. A detailed environmental analysis will be made in connection with preparation of MFP's and wild horse and burro management plans. The estimated number of horses and burros and a more detailed map of known concentration areas have been added to the text of the statement.

Specific Comments:

1. The paragraph has been modified.
2. These terms have been further defined in the text.
3. The Bureau does not have control over the construction or type of fence a private landowner may place on his private land even though it may create additional problems for other animals in the area. Various land ownership patterns in the Western rangelands would create an impossible task to remove animals from private land at the request of the landowner. The requirement for private land to be enclosed with a legal fence is based upon long-standing State statutes relative to "open range" areas. Indian allotment, reservations and withdrawn Federal lands would be included in the private land criteria.

4. Competition for habitat is not uniform; therefore, the original text is more accurate and has been retained.
5. Wild free-roaming horses and burros will require management and control which may require some physical facilities to protect and manage other resources and values under the multiple use concept.
6. Further expansion of these sections would not serve any substantial purpose with respect to environmental evaluation of the proposed regulations. Changes have been made for clarification.

The proposed regulations do not specify or provide for target levels of horse and burro populations. Actual numbers will depend on the ability of the lands to support "sound, healthy individuals."

This determination will be made through the Bureau's planning system which considers the present situation and opportunities for development of all resources involved in the planning area. Conflicts between uses are identified along with social and economic constraints and any mitigating measures that are feasible. The multiple use decision that results will include the degree that various uses can be accommodated, including the number of wild horses and burros.

The proposed regulations provide that management practices shall be consistent to the extent possible and practical with the maintenance of the free-roaming behavior of the animals. The law and the proposed regulations assume that their "wild" characteristics will survive under this type of management.



United States Department of the Interior

BUREAU OF INDIAN AFFAIRS
WASHINGTON, D.C. 202405

IN REPLY REFER TO:

Environmental Quality

Memorandum

To: Director, Bureau of Land Management

From: Director, Office of Planning

Subject: Review of draft environmental statement for proposed regulations for wild free-roaming horses and burro management (DES 72/117)

We have reviewed the subject statement and feel that the management of wild free-roaming horses and burros can be accomplished without adverse effects to the environment by the regulations as set forth, as long as the Bureau of Land Management is allowed to keep the number of animals compatible with the forage of an area. In some areas, the number of animals and ease of observation are coincidental and can result in a depleted eco-system for the vegetative types consumed.

Robert P. Gaydos
Director, Office of Planning

Response to Comments from Bureau of Indian Affairs

No response required.



United States Department of the Interior

BUREAU OF OUTDOOR RECREATION
WASHINGTON, D.C. 20240

IN REPLY REFER TO:

DES 72-117

FEB 2 1973

Memorandum

To: Director, Bureau of Land Management

From: Director, Bureau of Outdoor Recreation

Subject: Review of Draft Environmental Statement on the Proposed Regulations for the Protection, Management, and Control of Wild Free-Roaming Horses and Burros on Bureau of Land Management Lands (DES 72-117)

This is in reply to your request of December 20, 1972, to review and comment on the subject draft environmental statement. Accordingly, we offer the following comments.

Description of the Environment

We suggest that the discussion in this section clarify if the authors are talking about rangeland conditions for the major wild horse and wild burro areas shown on the map on page 7A or for the 11 States shown on the map. We interpret that they are addressing the rangeland conditions in the 11 States. In any event we recommend that rangeland conditions be described for both; namely, major wild horse and burro areas as well as for all rangelands in the western States.

Further, we urge that data be presented in acres as it pertains to the "16 percent" figure in the last paragraph of page 7. Additionally, what percent of the total does the 42 million acres, mentioned in the same paragraph, represent? Finally, we urge that general locations for various categories of rangeland conditions be shown on a map, particularly as they apply to the major wild horse and burro areas shown on page 7A.

In order that a reviewer may better understand and assess the impact of the proposed regulations, we urge that the final statement utilize the various vegetation, climate, landform, and soil maps presented in "The National Atlas of the United States of America," prepared by Geological Survey, 1970. Also, we suggest that some kind of a breakdown be made for the 40 million plus recreation visitor days mentioned on page 10. Are these visits for the major horse and burro areas shown on the map (page 7A) or for the 11 western States?

Environmental Impact of the Proposed Action

This section needs to address the impact of the recreation visitors mentioned above especially since visitation is on the increase and less than 4 percent of the use is accommodated by developed facilities.

We note on page 12 that reference is made to the "construction of minimum management facilities may detract from the open space aesthetics to some extent." We urge that these facilities be described in the description section of the EIS and that the impact be adequately addressed, particularly if the facilities may be related to outdoor recreation.

We further suggest that the final environmental document address the statement: "terrain coupled with the nature of the animals makes a control and prevention program impossible" as it appears on page 13, paragraph 2. Also, the first and second sentences of the same paragraph need to be clarified.

Adverse Effects Which Cannot be Avoided

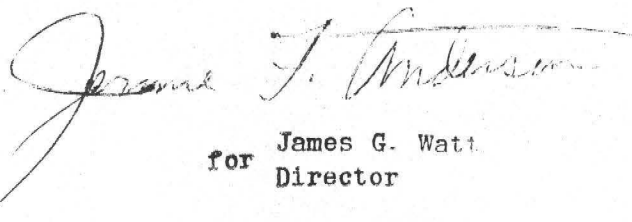
We feel that the last sentence of paragraph 1 needs the phrase "the impact on" before the words "forage conditions."

The second last sentence of this section makes reference to the loss of some recreational value as a result of curtailing "mustanging as a recreational hobby." In order to assess this statement, we urge that this hobby be adequately addressed in the section on "Description of the Environment." Further, we urge that this also be done for the "businesses in the sale of meat from wild horses and burros captured and slaughtered for domestic pet food," as well as for the sale of stock for "bucking bronco" events mentioned in this section of the EIS.

Relationship Between Local Short-Term Uses of Man's Environment and the Maintenance and Enhancement of Long-Term Productivity

The statement, line 2 of this section: "As a result there are thousands of acres of rangeland which are severely abused by excess numbers of horses and burros grazing year-round" needs to be fully addressed and quantified in the appropriate sections of the EIS.

We appreciate the opportunity to review and comment on this environmental statement and hope that these remarks will be of assistance to you in preparing the final environmental statement on the proposed regulations.



for James G. Watt
Director

Response to Comments from Bureau of Outdoor Recreation

Description of the Environment

Paragraph 1.

The rangeland conditions refer to the wild free-roaming horse and burro areas in the States as identified on the enclosed map. Description of other areas would serve no substantial purpose for evaluation of the environmental effects of the proposed regulations.

Paragraph 2.

This has been clarified in the statement.

Paragraph 3.

The enclosed map has been revised and considered adequate for this statement. If more detail is desired by any individual it is available in the National Atlas for additional references. The 40 million recreation visitors mentioned in the statement are for all recreation activities and not limited to the horse and burro areas shown on the map.

Environmental Impact of the Proposed Action

Paragraph 1.

This statement is intended to address the environmental impact of wild horse and burro management, not the impact of recreation visitors. The 4 percent visitor use accommodated by facilities relates to all types of recreation on national resource lands.

Paragraph 2.

The minimum facilities referred to are primarily range improvements such as fences, corrals, water developments, etc., to enhance management and have been included in the statement.

Paragraph 3.

This comment has been considered and the statement is made for clarification.

Adverse Effects Which Cannot be Avoided

Paragraph 1.

This part of the statement has been revised.

Paragraph 2.

"Mustanging," the sale of meat from wild horses and burros captured or slaughtered for domestic pet food, and the sale of stock for "bucking bronco" events are precluded by PL 92-195. Accordingly, this item is not included as part of the Description of the Environment.

Relationship between Local Short-Term Uses of Man's Environment and the Maintenance and Enhancement of Long-Term Productivity

Paragraph 1.

This Section of the statement has been revised.



United States Department of the Interior

NATIONAL PARK SERVICE
WASHINGTON, D.C. 20240

IN REPLY REFER TO:

L7619-OCC

FEB 12 1973

Memorandum

To: Director, Bureau of Land Management

Through: Assistant Secretary for Fish and Wildlife and Parks *note for FWP RR2-12*

From: Assistant Director, Cooperative Activities

Subject: Wild free-roaming horse and burro management (DES-72-117)

We have reviewed the subject draft environmental statement in accordance with your request of December 20, 1972.

The proposed action would affect no existing or proposed unit of the National Park System, and probably no National Historic, Natural or Environmental Education Landmark.

We suggest that the proposed regulations enhance protection of sites which are administered by the Bureau and are listed on the National Registers of Natural Landmarks and Historic Places by providing for exclusion of wild free-ranging horses and burros from such areas.

Theodore R. Jensen

Response to Comments from National Park Service

The Bureau's planning system provides means for coordination with all interested agencies and for protection of special values such as those listed in National Registers of Natural Landmarks and Historic Places. The law does not permit introduction of wild horses and burros into areas not occupied by them as of the date the act was passed.



United States Department of the Interior

BUREAU OF RECLAMATION
WASHINGTON, D.C. 20240

IN REPLY
REFER TO: 430
125.

FEB 16 1973

Memorandum

To: Director (330)
Bureau of Land Management

From: Commissioner of Reclamation

Subject: Review of Draft Environmental Statement--Proposed Wild
Free-Roaming Horse and Burro Management (DES 72-117)

We have reviewed the subject draft environmental statement, as requested in the December 20, 1972, memorandum from the Acting Chief, Division of Range, Bureau of Land Management.

Wild free-roaming horses and burros have not been a problem of any significance to existing or planned Reclamation projects or their operations, nor do the beasts portend any greater problem under Public Law 92-195 and the proposed management regulations considered in this statement. In our view, the statement is thoughtfully written and comprehensively treats the impacts of the proposed regulations.

We recommend that the final statement include estimates of the numbers of these animals and more detailed maps showing their distribution on BLM and adjacent lands. The statement could be sent to those universities and newspapers which have an interest in these animals, in addition to the entities on the current distribution lists.

We appreciate the opportunity to review this draft statement.

Response to Comments from Bureau of Reclamation

In response to these comments, a more detailed map has been prepared and the estimated number of wild, free-roaming horses and burros have been included.



ASSISTANT SECRETARY OF DEFENSE
WASHINGTON, D. C. 20301

HEALTH AND
ENVIRONMENT

2 20
12 JAN 1973

Director
Bureau of Land Management
U.S. Department of the Interior
Washington, D. C. 20240

Dear Mr. Director:

This letter is in response to your letter dated December 20, 1972 requesting the Department of Defense comments on the Draft Environmental Statement for the Proposed Regulation on Wild Free-Roaming Horse and Burro Management (DES 72-117).

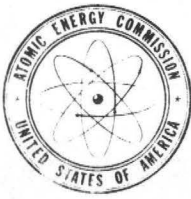
The Draft EIS is satisfactory to the Department of Defense.

Sincerely,

Herbert E. Bell
Colonel, USAF BSC
Acting Deputy Assistant (Environmental Quality)

Response to Comments from Assistant Secretary of Defense

No response required.



UNITED STATES
ATOMIC ENERGY COMMISSION
WASHINGTON, D.C. 20545

FEB 2 1973

Director (330)
Bureau of Land Management
U. S. Department of the Interior
Washington, D. C. 20240

Dear Sir:

This is in response to your letter of December 20, 1972 transmitting your draft environmental impact statement prepared on the proposed regulation's for Wild Free-Roaming Horse and Burro Management. The statement has been reviewed and we have no comments to offer.

Sincerely,

A handwritten signature in cursive script that reads "Robert J. Catlin".

Robert J. Catlin, Director
Division of Environmental Affairs

Response to Comments from Atomic Energy Commission

No response required.



February 9, 1973

Mr. Kay Wilkes, Chief
Bureau of Land Management
United States Department of the Interior
Washington, D. C. 20240

Re: Subject: Proposed Wild Free-Roaming Horse and
Burro Management
State Application Identifier: 73-80-0001

Dear Mr. Wilkes:

The Arizona State Clearinghouse has received and reviewed your notification of proposed action concerning the above project. The Clearinghouse review has found no conflict between your proposal and any existing State Plan.

In accordance with current requirements as set forth in the Office of Management and Budget Circular A-95, Revised, this letter will serve as the State Clearinghouse comment on the proposal.

Please include the above State Application Identifier in any future correspondence regarding this proposal. Thank you for providing Arizona with the opportunity to comment upon this proposal.

Sincerely yours,

Dennis A. Davis, Chief
Planning Section
DAD:cr



DEPARTMENT OF
ECONOMIC PLANNING AND DEVELOPMENT

3003 NORTH CENTRAL AVENUE • SUITE 1704 • PHOENIX, ARIZONA 85012 • (602) 271-5371

February 20, 1973

Mr. Kay Wilkes, Chief
Bureau of Land Management
United States Department of the Interior
Washington, D. C. 20240

Re: Project Title: Proposed Wild Free-Roaming Horse and
Burro Management
State Application Identifier: 73-80-0001

Dear Mr. Wilkes:

Enclosed is a copy of comments received from the Arizona State Land Department concerning the above project which was received by us after our letter to you on February 9, 1973, in which we enclosed comments.

Sincerely,

(Mrs.) Constance LaMonica, Planner
Arizona State Clearinghouse

CL:cr
encl



JACK WILLIAMS
GOVERNOR

Arizona
State Land Department

1624 WEST ADAMS
PHOENIX, ARIZONA 85007
602 - 271-4634



ANDREW L. BETTWEY
STATE LAND COMMISSIONER

February 13, 1973

RECEIVED

FEB 15 1973

RESEARCH & PLANNING
DEPARTMENT OF ECONOMIC
PLANNING & DEVELOPMENT

Arizona Department of
Economic Planning & Development
3003 N. Central Av., Suite 1704
Phoenix, Arizona 85012

Gentlemen:

Re: 73-80-0003; 73-80-0001 ✓

The State Land Department has reviewed the draft Environmental Statements for the Proposed Regulation, The Protection, Management and Control of Wild Free-Roaming Horses and Burros and finds that lieu selection and exchange rights should be granted to the State in connection with the establishment of a refuge or the designation of specific areas for wild horse or burro range.

The State Land Department should participate in establishing management plans for these areas.

Sincerely,

W. H. Edwards
State Land Department

Response to Comments from Arizona State Land Department

Lieu selections and exchanges of State lands are provided for under other land laws and are not provided for by PL 92-195 or the proposed regulations; therefore, this topic is not discussed in the subject environmental statement. The Bureau will consult with the State Land Department in connection with wild horse and burro planning and will consider selection and exchanges under appropriate regulations.



STATE OF IDAHO

STATE PLANNING AND COMMUNITY AFFAIRS AGENCY
BOISE, IDAHO 83707

February 14, 1973

Director 330
Bureau of Land Management
U. S. Department of the Interior
Washington D. C. 20240

Dear Sir:

Attached is a copy of a letter containing comments from the Idaho Department of Public Lands concerning the Draft Environmental Statement for Wild Free-Roaming Horse and Burro Management.

We received these comments too late to include in our previous letter of January 30. However, we feel suggestions made by the Idaho Department of Public Lands are pertinent and deserve consideration in the preparation of the final statement.

Your attention concerning this request will be most appreciated.

Sincerely,

A handwritten signature in cursive script that reads "Karl Tueller".

Karl Tueller
Associate Director for
Intergovernmental Coordination

KT:mj
cc: G. C. Trombley
State Land Commissioner

Attachment

IDAHO

DEPARTMENT OF PUBLIC LANDS
BOISE, IDAHO 83707



GORDON C. TROMBLEY
COMMISSIONER

STATE BOARD OF LAND COMMISSIONERS

CECIL D. ANDRUS
GOVERNOR AND PRESIDENT
PETE T. CENARRUSA
SECRETARY OF STATE
W. ANTHONY PARK
ATTORNEY GENERAL
JOE R. WILLIAMS
STATE AUDITOR
DELMER F. ENGELKING
SUP'T OF PUBLIC INSTRUCTION

January 26, 1973

State of Idaho
State Planning and Community Affairs Agency
Statehouse Mail
Boise, Idaho 83707

Attn: Mr. Karl Tueller

Dear Mr. Tueller:

The following comments relate to your request of December 29, 1972, for this department's review of the U. S. Department of Interior, Bureau of Land Management Draft Environmental Statement for Proposed Wild Free-Roaming Horse and Burro Management.

Several thousand acres of state endowment land in Butte, Clark, Lemhi and Owyhee Counties appear to lie within areas known to support populations of unclaimed or unbranded horses. No areas specifically known to qualify as "Wild and Free-Roaming Horse and Burro Habitat", as defined in the proposal, have been clearly described. Therefore, the exact acreage of affected state lands cannot be determined.

State endowment lands constitutionally must be managed for the financial benefit of the institutions they support. Designation of surrounding federal lands as "Wild and Free-Roaming Horse Range" (4710.0-5e), with any subsequent reduction in domestic livestock carrying capacity, would reduce the income-producing capabilities of the involved state lands.

The needs of this department often differ from those of federal agencies. For this reason, it is important that the Idaho Department of Public Lands be represented during the planning phase of any proposed Wild and Free-Roaming Horse and Burro management plans. It is also essential that I or my representative be party to any future implementation or revision of the proposed regulations which might involve or influence Idaho Endowment Lands or their management.

The assumption that the proposed regulations will result in better land management than now exists on the involved range lands is not documented. The mere fact that a management plan would be written for wild horse range does not insure that "animal communities will function more efficiently under improved habitat conditions", as claimed in this review. A relatively uncontrollable animal is being considered. Management plans which have proven effective in improving vegetative conditions have involved deferment or periodic seasonal rest of predetermined areas. This is possible with domestic livestock, but is impractical, if not impossible, with wild horses.

RECEIVED
FEB 8 1973

STATE PLANNING AGENCY

Many of the poor range conditions existing in Idaho today are considered by many range authorities to be a direct result of the large uncontrolled horse populations that freely roamed the ranges in the late 1920's and early thirties. Reduction of the horse numbers has not improved those ranges. Many areas have not been productively grazed since that time. A look at our history will substantiate that free-roaming horses in substantial numbers have never been a positive factor in range management.

There is no mention of the costs involved in controlling, capturing or transporting problem or surplus animals. These activities and the problem of carcass disposal after killing sick, injured or surplus animals in rough, remote areas where wild horses roam, could involve significant expenditures. The use of a permit system to allow harvest of surplus animals could be practical, as well as a revenue-producing management tool.

Specific suggestions are:

1. Idaho Department of Public Lands be represented at all hearings, planning meetings, or meeting involving modifications or implementation of the proposed regulations for Protection, Management and Control of Wild, Free-Roaming Horses and Burros.
2. This department be officially notified of any proposed designations of areas to be managed primarily for wild horses as described in 4712.2-1.
3. All state endowment lands situated within designated "Wild Horse and Burro Range", as defined in 4712.2-1, will be either leased to the Bureau of Land Management at a rental reflecting the values available to any lessee, or, classified for immediate land exchange with the Bureau of Land Management. BLM will then be requested to designate areas from which the state selections may be made.
4. An exact description and map of all defined wild horse ranges in Idaho, as of December 15, 1971, is requested.
5. 4712.4-1, 2 and 3 should be amended to include lands owned by state and local governments, as well as private lands.
6. It is suggested than instead of only federal officials being allowed to capture surplus or injured animals, that a well-regulated permit system be pursued that would allow private individuals to purchase surplus horses and to capture them, using prescribed methods, at their own expense.

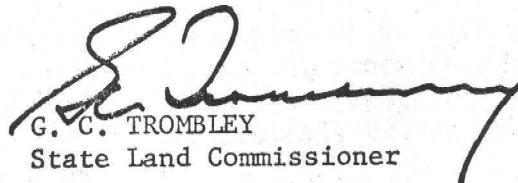
State of Idaho
State Planning and Community Affairs Agency
January 26, 1973
page - 3

7. It is recommended that thorough studies involving the population dynamics and related forage and nutritional requirements of wild horses be conducted and the results be incorporated into the proposed regulations. It appears this area is being ignored. The potential impact of large horse populations on native forage plants, particularly browse on winter big game ranges, could prove disastrous.

Particular emphasis should be placed on the absence of consideration for state and local land administering agencies. The only state agencies referred to in the subject report are fish and game departments. Fish and game agencies, with only a few exceptions, do not have land management responsibilities.

Thank you for this opportunity to comment on these proposed regulations. We request these comments be forwarded to the Bureau of Land Management.

Very truly yours,


G. C. TROMBLEY
State Land Commissioner

GCT:DPT:vp



STATE OF IDAHO

STATE PLANNING AND COMMUNITY AFFAIRS AGENCY
BOISE, IDAHO 83707

January 30, 1973

Director (330)
Bureau of Land Management
U. S. Department of the Interior
Washington, D. C. 20240

Dear Sir:

The Idaho State Clearinghouse has completed its review of the Draft Environmental Statement for Wild Free-Roaming Horse and Burro Management. Appropriate State agencies have been notified and given the opportunity for review and comment.

We are forwarding the attached comments by the Idaho Fish and Game Department. Your consideration of these comments in the preparation of the final statement will be most appreciated.

not attached

Thank you for the opportunity for review.

Sincerely,

Handwritten signature of Karl Tueller in black ink.

Karl Tueller
Associate Director for
Intergovernmental Coordination

cc: Joseph C. Greenly
Idaho Fish and Game Dept.

KT:mj

Response to Comments from Idaho State Board of Land Commissioners

General Comments:

The statement as written in accordance with proposed regulations provides for consultation and advice from other Federal, State and local governments as well as the general public in arriving at decisions relative to the protection, management, and control of wild free-roaming horses and burros.

Specific Comments:

The specific comments are suggestions for change or emphasis in the regulations and do not involve the statement. These suggestions have been considered in the revised draft of the proposed regulations (Appendix A).

Copies of descriptions and maps of defined wild horse ranges in Idaho will be sent to the State when and if such ranges are identified.

The law and the proposed regulations provide for consultation with State land management agencies and wildlife agencies. The proposed regulations provide for the Bureau to seek cooperative agreements with other agencies and interest groups or individuals when wild horses or burros would utilize or affect their lands and resources.

Nevada

TO: Director (330)
Bureau of Land Management
U. S. Department of the Interior
Washington, D. C. 20240

FROM: Budget Division
Department of Administration

SUBJECT: Comments from State Clearinghouse (BOB A-95)

Attached are the comments from the Nevada State Clearinghouse on your proposed application for a Federal grant-in-aid.

The comment form (s) should be submitted with your application as proof of your compliance with the guidelines in BOB A-95.

JFD:ym

NEVADA STATE CLEARINGHOUSE

COMMENT FORM (BOB A-95)

APPLICANT INFORMATION

- (1) **Applicants Name:**
Bureau of Land Management
United States Department of the Interior
- (2) **Address:**
Director (330)
Bureau of Land Management
U. S. Department of the Interior
Washington, D. C. 20240
- (3) **Agency Making Grant:**
Draft Environmental Impact Statement
- (4) **Public Law No./Title:**
- (5) **Project Description:**
Proposed Wild Free-Roaming Horse and Burro Management
- (6) **Geographic Location:**
Western part of the U. S.
- (7) **Date Notification Received:**
December 26, 1973

COMMENTS

- (1) **Agency Commenting:**
Department of Conservation and Natural Resources
- (2) **Address:**
Rm. 216, Nye Bldg., Carson City, Nevada 89701
- (3) **Comments: (Use additional sheets if necessary)**
We have no programs in this Department which conflict with this
proposal; however, I think it is extremely important that the
Nevada Department of Fish and Game be advised as they may be
concerned about water and forage competition of horses and
burros with wildlife. Also, the State Dept. of Agriculture
may be concerned about diseases carried by horses.

Norman S. Hall [Signature]
Commentor's Signature Authorized Representative of Clearinghouse
Norman S. Hall, Asst. Dir.
January 31, 1973 2/1/73
Date Date

Response to Comments from State of Nevada

No response required.



STATE PLANNING OFFICE

SANTA FE

BRUCE KING
GOVERNOR

LEO BRIEGO
DEPUTY STATE PLANNING OFFICER

DAVID W. KING
STATE PLANNING OFFICER

February 8, 1973

Director (330)
Bureau of Land Management
U.S. Department of the Interior
Washington, D.C. 20240

Dear Sir:

The State Planning Office, State Clearinghouse, has completed the review on the Wild Horse and Burro Management Program and offers the following comments.

We feel the preservation and management of wild, free roaming horses and burros is a worthwhile national endeavor and the philosophy is good. Program management will be a critical area worthy of close attention, particularly in relationships between horses, burros, and natural occurring wildlife species. These relationships must be balanced to secure a rightful position for wild species in their natural habitat. Competition for food and water and disease problems may be primary areas of concern.

Coordination between the Bureau of Land Management and the New Mexico Department of Game and Fish, the Environmental Improvement Agency, the New Mexico Livestock Board and other resource agencies will assure the success of the program.

Additional comments from other agencies are attached.

Sincerely,

A handwritten signature in cursive script that reads "David W. King".

David W. King
State Planning Officer

DWK/JS/ns

Enclosures

State of New Mexico



FEB 5 '73

STATE GAME COMMISSION

FLOYD TODD, CHAIRMAN
CENTRAL

ALVA A. SIMPSON, Jr.
SANTA FE

EDWARD MUNOZ
GALLUP

ALBERT J. BLACK
ALBUQUERQUE

ROBERT H. FORREST
CARLSBAD

GOVERNOR
BRUCE KING

DIRECTOR AND SECRETARY
TO THE COMMISSION
LADD S. GORDON

STATE PLANNING OFFICE

DEPARTMENT OF GAME AND FISH

STATE CAPITOL
SANTA FE
87501

February 1, 1973

Mr. David King
State Planning Officer
State Planning Office
Executive Legislative Building
Santa Fe, New Mexico

Attention: Mr. Gordon Page

Dear Mr. King:

We have reviewed the Draft Environmental Statements for Wild free-roaming Horse and Burro Management - EIS, prepared by the Bureau of Land Management and Wild Horse and Burro Management Program - EIS, prepared by the Forest Service and wish to make the following comments.

In both statements, management practices provide for consideration of wildlife in a multiple use concept.

We were provided the opportunity to comment upon a draft Charter for the National Advisory Board on Wild Free-roaming Horses and Burros in June of 1972. A copy of these comments contained in a letter directed to the Chief, U. S. Forest Service, is attached. The comments made in this letter reflect the philosophy of this Department on management of wild horses and burros.

Enforcement of Public Law 92-195 and proposed regulations to implement this law will be severely handicapped by a provision made in Section 8, paragraph (b) of the law. This provision states "to arrest any person committing in the presence of such employee a violation of this Act or any regulation made pursuant thereto." The part "in the presence of such employee" will make enforcement difficult.

Mr. David King

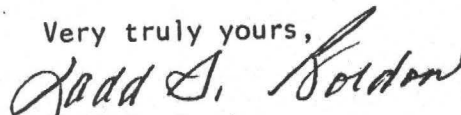
February 1, 1973

Attention: Mr. Gordon Page

As a matter of form in Public Law 92-195, Section 8, no paragraph (a) precedes paragraph (b).

Thank you for the opportunity to review and comment upon the two statements.

Very truly yours,

A handwritten signature in cursive script that reads "Ladd S. Gordon". The signature is written in dark ink and is positioned above the typed name and title.

Ladd S. Gordon
Director

Enc.



STATE PLANNING OFFICE

SANTA FE

BRUCE KING
GOVERNORLEO GRIEGO
DEPUTY STATE PLANNING OFFICER

January 24, 1973

DAVID W. KING
STATE PLANNING OFFICERM E M O R A N D U M

TO: Gordon W. Page, Principal Planner
Natural Resources Coordination *ZGP*

VIA: Bill Kreuch, Director *BK*
Recreation & Historic Preservation

FROM: Curtis Lester, Planner III
Recreation & Historic Preservation

SUBJECT: Technical Review and Comment on Wild Horse and Burro Management
Program E.I.S., P.L. 92-195

The following proposed comments in reference to P.L. 92-195
are offered:

1. In reference to appendix B, section 231.11(c), Ownership Claims. After a regulation becomes effective, the private owned animals may be claimed within 90 days, pursuant to State estray laws. It is suggested that they be claimed and captured within 90 days or revert to the wild free-roaming herd. Ownership would then be determined and the Forest Service could start administering the act more effectively.
2. In reference to section 3(a), all management activities shall be in consultation with the wildlife agency of the State is very good for coordination and implementation of the Act.
3. Re: Recreational Effects and Impacts.
 - a. I could visualize a herd of wild mustangs roaming on some of the open ranges in New Mexico being quite a sight, bringing back memories of the early West. However, according to P.L. 92-195, there is an estimated 2,200 animals in 9 states, 200 subject to claiming procedures by law, which leaves some 2,000.

Of the total 2000 animals, approximately 222 animals in New Mexico are located on over a million acres of BLM, National Forest, and other federal, state and private lands. With the above estimate, a person would hardly ever be able to view or photograph this

Mr. Gordon W. Page
January 24, 1973

spectacular event.

I would recommend action for the development of legislation for New Mexico similar to this federal Act.

New Mexico being one of the original states of wild horses and burros, brought in by early Spanish explorers, recognizes wild horses and burros as symbols of historic heritage. To preserve this heritage, the protection, management and control of wild free-roaming horses and burros ~~is~~ necessary.



Curtis Lester, Planner III
Recreation & Historic Preservation

CL:mea

Response to Comments from State of New Mexico

Department of Game and Fish:

The comments are relative to the Act (PL 92-195) and not the statement. The statement must reflect the provisions of the law.

Department of Recreation and Historic Preservation

No specific response required.



OFFICE OF THE GOVERNOR
STATE CAPITOL
SALEM 97310

February 12, 1973

TOM MCCALL
GOVERNOR

Mr. Ed Evatz
Acting Chief, Division of Range
U. S. Department of The Interior
Bureau of Land Management
Washington, D. C. 20240

Dear Mr. Evatz:

Re: 1791 (330) Control of Wild Free-
roaming horses and burros
on BLM Land
PNRS #7212 4 190

We have referred your draft Environmental Impact Statement to the appropriate state agencies. We have also published and distributed notice to all state agencies and Councils of Governments.

Responses which suggest points to be considered and included in your statement have been received from the State Department of Agriculture, The State Game Commission, and the Division of State Lands. These responses are enclosed.

You may use this letter as evidence of your compliance with Section 102 (2) (C) of the National Environmental Policy Act of 1969 (83 Stat. 853), and OMB A-95 (Revised).

Cordially,

Kessler R. Cannon
Assistant to the Governor
Natural Resources

KRC:K1
Enc.



OREGON PROJECT NOTIFICATION REVIEW SYSTEM

STATE CLEARINGHOUSE

Local Government Relations Division
240 Cottage Street S.E., Salem, Oregon 97310
Ph: 378-3732

JAN 18 1973

LOCAL GOVERNMENT RELATIONS DIVISION

PNRS STATE REVIEW

Project #: 7212 4 190

Return Date: JAN 19 1973

ENVIRONMENTAL IMPACT REVIEW PROCEDURES

1. A response is required to all notices requesting environmental review.
2. OMB A-95 (Revised) provides for a 30-day extension of time, if necessary. If you cannot respond by the above return date, please call the State Clearinghouse to arrange for an extension.

ENVIRONMENTAL IMPACT REVIEW DRAFT STATEMENT

- (X) This project does not have significant environmental impact.
- () The environmental impact is adequately described.
- () We suggest that the following points be considered in the preparation of a Final Environmental Impact Statement regarding this project.
- () No comment.

REMARKS

I think no range can stand year-long grazing, and probably within ten years much of the open range area used by these (so called) wild horses will be depleted.

Agency Agriculture

By Ray K. Nelson

The Department of the Interior's "Draft Environmental Statement" appears to be a series of comments speculating on very broad impacts resulting from wild horse and burro management schemes. Wild horses and burros appear to be found in at least 10 of the western-most states and have a range from Mexico to Canada. Impacts from such a broad dispersion are virtually impossible to predict in a generalized statement. It seems logical that detailed statements from the many different areas will be required to fully realize impacts of the proposed wild horse and burro regulations.

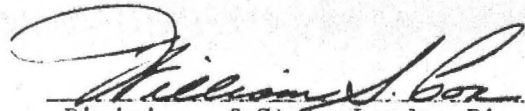
The following problems need to be clarified:

1. Is the state to be responsible for providing free forage for "spill over" of federally administered horses?
2. What approach does the federal government intend to take towards state-owned lands? What assumptions are they making?
 - a. Are state-owned lands considered the same as private lands in that the state can elect to support wild horses or have them removed?
 - b. Or, does the Bureau of Land Management intend to seek cooperative agreements to have the state provide free forage?
 - c. Or, does the Bureau of Land Management intend to pay for the support of horses on Common School Funds?
3. As ranges, dedicated to horses, are created and grazing by domestic livestock is reduced and eliminated, then scattered state sections within these areas will effectively become exclusive horse range also. It will not be practical to fence these sections and continue to use them for livestock grazing.
4. We noticed no particular provisions directing the Bureau of Land Management to consult the state on horse management where state land was involved.
5. Unrestricted horses probably reproduce at the rate of 25% per year. The Department of the Interior regulations have provisions for eliminating surplus animals but there is no indication of what is considered to be an excess number of horses.
 - a. Do they intend to maintain the approximate level of horses we now have and eliminate 25% per year?
 - b. Or, is surplus considered to be anything in excess of the maximum capacity that the site can support? If this is the case, then how does the Bureau of Land Management intend to restrict expansion into an area not now used by horses, especially adjacent state-owned land?
 - c. How many horses are needed to create a recreational or aesthetic experience?
6. According to the Department of the Interior, horse and burro numbers and other uses may be adjusted to maintain proper balance. Horses are extremely aggressive and competitive and when left unchecked could, more than likely, completely dominate many sites. Horses, like livestock, are introduced species whereas various wildlife species are native. In determining proper balances, where does the Department of the Interior intend to assign their priorities?

- a. It is obvious that horses will have a priority over livestock in most cases.
 - b. What priority will horses have in relation to rare and endangered species or other native wildlife?
7. The Department of the Interior does not say much about the local impact on range users (cattlemen) except that in some areas, they may exclude all domestic livestock. There are several areas in Oregon where this may very well be the case. If this happens, then cattlemen using those ranges will, in effect, be wiped out. How does the Department of the Interior intend to compensate those individuals for the loss of their livelihood?
- a. Offering individual grazing privileges elsewhere will be nearly impossible since most range areas are already stocked to capacity.
 - b. We did not see any provisions for compensating a cattleman monetarily for any reduction or total loss of his livestock operation.

February 2, 1973

Date



Division of State Lands, Director

OREGON STATE GAME COMMISSION
Comments On
DRAFT ENVIRONMENTAL STATEMENT
WILD FREE-ROAMING HORSE AND BURRO MANAGEMENT
BUREAU OF LAND MANAGEMENT
and
U. S. FOREST SERVICE

Section 4712.2 of the Bureau of Land Management regulations states that ranges for wild horses or burros may be maintained "exclusively or in conjunction with other domestic and wild animals". The "exclusive" phase of this philosophy is not in keeping with the intent of PL 92-195, the Act to manage and protect wild free-roaming horses and burros on public lands. Section 3(a) of this Act states in part, that "any adjustments in forage allocations on any such lands shall take into consideration the needs of other wildlife species which inhabit such lands". This intent should be made clear in the regulations and in any cooperative arrangements made with other agencies or individuals.

It is recommended that subsection 4712.2-1 be amended as follows:

"The authorized officer may designate and maintain specific ranges for protection and preservation of wild free-roaming horses and burros. Any adjustments in forage allocations on any such lands shall take into consideration the needs of other wildlife species which inhabit such lands."

It is not necessary in 4712.2-1 to grant authority for exclusion of livestock use. This authority is covered in 4712.1-4, Closures to Livestock Grazing.

The discussion in the Bureau of Land Management's Environmental Statement concerning Section 4713, Removal of Claimed Animals, states that claims for removal of private animals must be made within 90 days after adoption of regulations. After that time, all horses and burros remaining will become property of the United States. The proposed regulations do not reflect this intent. The regulations only state that no trespass charge will be assessed during the 90 days following the effective date.

Section 4712.4-3, Bureau of Land Management, allows for the removal from private land of free-roaming horses and burros providing the land is enclosed in a "legal fence". This stipulation is not practical in states where open range law is in effect. Also, the checkerboard ownership of land in areas used by wild horses and burros would make this regulation difficult to implement. The regulations of the U. S. Forest Service do not contain this clause and it is recommended that Bureau of Land Management regulations be amended to contain Forest Service wording.

It is further recommended that the Bureau's regulations be amended to include provisions for the removal of branded horses or burros that become intermingled with wild herds. The wording in Section 231.11(d), U. S. Forest Service regulations, is recommended.

Response to Comments from State of Oregon

State Department of Agriculture, Division of State lands

State lands are considered the same as privately owned lands and the Bureau would seek cooperative agreements with State agencies when required for the protection of wild free-roaming horses and burros. This is discussed on page 5 of the statement and provided for in the regulations.

The Department of the Interior is not authorized to compensate range users or other State and Federal agencies for reduction of grazing privileges or forage in accordance with the law, regulations, and terms and conditions of grazing authorizations.

The location where wild free-roaming horses and burros can be maintained is restricted by the act to the area occupied by them on December 15, 1971. The population and management facilities and practices will be determined through the Bureau's planning system which is discussed on pages 5 and 6 and Appendix C of the statement.

Most of the remaining comments are directed toward opposition to the act rather than the statement. The statement must reflect the provisions of the law.

Oregon State Game Commission

The comments are directed toward the act and the proposed regulations. The suggestions have been considered in the revised draft of the regulations attached as Appendix A.

Southeast Oregon Council of Governments

No comment required.

* * * * *

By Velma B. Johnston
January 19, 1973

III. Environmental Impact of the Proposed Action:

A. Beneficial Impacts. See Page 11, Paragraph 1.

Proposed rules provide for transfer of wild horses and/or burros from one location to other areas inhabited by them. The law does not prohibit this, but I am wondering where areas favorable to the animals can be found in which the wild horse and burro population already there can accommodate an increase resulting from such transfer.

B. Detrimental Impacts. See Page 12, Paragraph 1.

Competition between burros and bighorn sheep is cited as a detrimental impact. Does this claim have any substantiation outside Departments of Fish and Game? Fish and Game Departments have traditionally supported occupancy of public lands by target animals, rather than a non-target species, as it is upon the hunting and related industries that Fish and Game Departments depend for their support.

Paragraph 3 - What management facilities are proposed to be constructed that would detract from the open space aesthetic? Public interest has consistently indicated that management be kept at a minimum.

Paragraphs 4 & 5 of page 12 and all of page 13 deal with contagious diseases. To quote a statement from page 13: "In many areas, terrain coupled with the nature of the animals makes a control and prevention program impossible. Thus wild free-roaming horses and burros can become a reservoir or source for a disease outbreak." Referred to as being the most common disease is equine encephalomyelitis - three varieties, Venezuelan, Western and Eastern. Transmission of encephalomyelitis is mainly through mosquitoes. Affected birds, which may show no symptoms, may act as reservoirs in nature. Horses affected with the Western virus do not develop a stage where the virus is found in the blood stream, therefore are considered deadend hosts, and cannot pass the disease on from biting mosquitoes. In Venezuelan Equine

Encephalomyelitis (VEE), transmission is mainly through mosquitoes. Rodents and other small mammals may be reservoirs for the virus. Birds are not as important as a source of spreading of this sleeping sickness virus as they are for the eastern and western varieties. The horses do go through a viremic stage during which time they are potentially contagious. It lasts a very short period of time. They are not considered a reservoir for the disease as they are not normally a reservoir animal. The free-roaming horses are in more space, unconfined, than domestic horses, which is another factor that would detract from their potential as spreading the virus. (James L. Naviaux, DVM - HORSES--IN HEALTH AND DISEASE).

There are possibly two diseases for which wild horses may become a reservoir: Diurene and equine infectious anemia (swamp fever). Domestic horse owners, through inoculation of their own animals, have controlled the spread of these diseases. Therefore, it is my personal opinion that since there is no indication that wild horses have been responsible for an epidemic in the past, it is difficult to understand why the change in status through Congressional mandate would trigger an onslaught of equine disease originating with wild horses.

IV. Mitigating Measures Included in the Proposed Action: Continuing on Page 15 to:

Paragraphs 1 & 2 - What physical facilities to be designed and constructed to blend with the natural landscape is anticipated? (These are free-roaming animals and are to be considered as an integral part of the natural system of the public lands.) What specific plans will cause the animals to be more concentrated? Would it be rest rotation fencing? Man's encroachment?

V. Adverse Effects which Cannot be Avoided: Page 15.

Paragraph 1. Reference is made to diminution of grazing use by domestic livestock and certain wildlife species, or limitations on further increases in use as forage conditions improve under management. | It would appear that livestock has had dominant use to a point that has brought the public lands to a critical stage of depletion. Therefore, in the restoration program, there is no reason why domestic

and wildlife use should not be curtailed, not only to achieve a restoration of the of the resource, but also to allow for the use by a species that has heretofore been deprived of any rights whatsoever.

Paragraph 2. Economic impact, is dealt with in this paragraph, and is continued to page 16. Specific instances are listed as rodeo stock, meat for domestic pet food and the recreational hobby known as "mustanging", or chasing the horses for sport. Although this is presently considered a minor impact in the environmental statement, strong opposition should be registered to any effort by these specific interests to maximize the economic or recreational values affected by the carrying out of the terms of PL 92-195. Proponents of "mustanging" as a means of carrying out management and control should substantiate the effectiveness, and also furnish information as to the detrimental aspect in terms of harassment, damage to mares in foal and to colts.

VI. Relationship Between Local Short-Term Uses of Man's Environment and the Maintenance and Enhancement of Long-Term Productivity: Page 16.

To quote from this paragraph: "There have been no programs for the protection and management of wild horses and burros on public lands. As a result there are thousands of acres of rangeland which are severely abused by excess numbers of horses and burros grazing year-round." "The proposed regulations provide the means for sustaining herds of wild horses and burros in keeping with the multiple-use concept of land management. Such management will enhance the long-term productivity of the public lands."

Is the concept of management in the last sentence meant to indicate a more drastic rate of reduction in terms of management that has taken place in the decades since the turn of the century when without management the numbers were reduced from 2 million to 17,000? If so, how can it then be consistent with the other requirement of the legislation, namely "protection"?

VIII. Alternatives to the Proposed Action:

B. Adoption of Regulations Providing for Dominant Use by Wild Horses and

To quote from statement: "The proposed regulations call for principles of multiple use. An alternative would be regulations providing for dominant use of all areas now used by wild horses and burros . . .".

Since the wild horses and burros, because of encroachment, harassment, and commercial exploitation, have already been driven to the extremes of inhospitality as to habitat, occupying areas that are not conducive to domestic use and have subsequently been able to adapt, I can see no reason why theirs should not be the dominant use of said areas, particularly since the impact of wild horse and burro use is admittedly not known. Quoting from page 8 which is a continuation of II. Description of the Environment that began on page 6: "The distribution of wild free-roaming horses and burros is generally limited to sparsely populated, remote, less accessible portions of the public lands." And "Both wild free-roaming horses and burros are able to effectively graze areas many more miles from water than can domestic cattle or sheep and most wildlife species." I repeat. . . in these areas, not conducive to domestic livestock or wildlife species habitation, wild horses and burros should be granted dominant use status, the only limitation to be in terms of the all-over welfare of these animals themselves.

C. Detailed Regulations. Page 19

Any pre-determined course of action is, at this time, a presumption that the final result has already been anticipated. Here again, through lack of knowledge about wild horses and burros, their long range effect on the environment is yet to be determined, since at no time in their long struggle for survival have they been free of some form or other of a sustained effort directed toward their elimination in favor of money-producing species (i.e. domestic livestock or target animals).

Response to Comments from Velma B. Johnston

A general summary of Mrs. Johnston's comments, except for that portion dealing with diseases, indicates a position that wild free-roaming horses and burros should be considered as a "dominant use" of the national resource lands occupied by them at the date the Act was passed. This alternative is discussed in the alternatives section of the statement.

The Act, the proposed regulations, and the environmental statement are all directed toward the concept that wild free-roaming horses and burros will be protected, managed and controlled on national resource lands under the multiple use concept. Decisions relative to wild free-roaming horses and burros will be determined through the Bureau's planning system which includes public participation. This policy is covered in the text of the statement.

The environmental statement points out that there is a possibility of and threat of diseases associated with wild horses and burros. Mrs. Johnston cites information as to the possibility of the occurrence of such outbreaks. It does not appear that the statements are incompatible.



Defenders of Wildlife

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Publishers of DEFENDERS OF WILDLIFE NEWS

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Mary Hazell Harris
*Executive Director
and Editor*

2 February 1973

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Idyllwild, California

Director (330)
Bureau of Land Management
U.S. Department of Interior
Washington D.C. 20240

Gentlemen:

Having thoroughly studied and understood the Department of Interior, Bureau of Land Management, Draft--Environmental Impact Statement of the proposed "Wild Free-Roaming Horse and Burro Management", the Defenders of Wildlife concurs with the enclosed analysis by Velma Johnston. It is urged that her comments be considered and incorporated into the management proposal.

Sincerely,

James F. Wakeman

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By Velma B. Johnston
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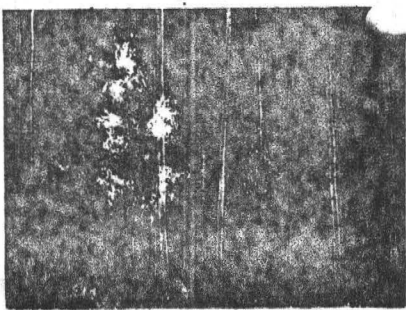
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Response to Comments from Defenders of Wildlife

See the response to comments from Velma B. Johnston.



SIERRA CLUB

Mills Tower, San Francisco 94104

NATIONAL WILDLIFE COMMITTEE
Box 2471, Trenton, N.J. 08607

by Ansel Adams in *This Is the American Earth*

10 February 1973

Director
Bureau of Land Management
U.S. Department of the Interior
Washington, D.C. 20240

Sir:

Enclosed are our comments on the environmental impact statement for proposed regulations for the protection, management, and control of wild free-roaming horses and burros on public lands administered by the Bureau of Land Management.

We respectfully ask that you give them serious consideration and wish you well in the management of these animals. Please call on us if we can be of any help.

Sincerely,

Robert C. Hughes, Chairman

encl

COMMENTS OF THE SIERRA CLUB (NATIONAL WILDLIFE COMMITTEE)
ON DRAFT ENVIRONMENTAL STATEMENT (DES 72-117) ON PROPOSED
WILD FREE ROAMING HORSE AND BURRO MANAGEMENT. BUREAU OF
LAND MANAGEMENT, U.S. DEPARTMENT OF THE INTERIOR.

The National Wildlife Committee of the Sierra Club has reviewed the Draft Environmental Statement for "Proposed Wild Free-Roaming Horse and Burro Management" (Dec. 14, 1972)¹ as prepared by the Bureau of Land Management. Our comments will be brief.

Preface: PL 92-195 has, in effect, created a new management category of animal species on the public lands. Wild horses and burros are neither native wildlife nor domestic livestock - but rather feral species which have been accorded high symbolic and historic value. Now they are to be regarded "as an integral part of the natural system of the public lands," and managed "in keeping with the multiple-use management concept for the public lands."²

We believe that the legalization of this new category offers BLM a pioneer opportunity to develop a new set of concepts for animal management on the public lands.

Because PL 92-195 unquestionably emphasizes "a thriving natural ecological balance," we believe that the prime referent of all management regulations should be the integrity of the ecosystem. Thus, part of the new concepts of animal management developed by BLM should deal with the phenomenon of a feral (introduced) species that have (perhaps paradoxically) been incorporated by

law into the natural ecosystems they inhabit. No longer is it tenable to regard the wild horse and burro as an "alien animal,"³ even though, scientifically, that nomenclature is still quite applicable, and valid.

Because PL 92-195 also emphasizes the symbolic and historic value of the wild horse and burro, and because such a perception is an aesthetic "use", it is obvious that these animals must also be managed within the broad framework of multiple use planning. However, we would like to stress that the kind of non-consumptive use embodied here is quite apt to be overshadowed by more tangible and materially productive uses. "Wild horses are not a breed but a state of being," recently wrote William Brandon in the Sierra Club Bulletin; "a state of wildness, a state precisely opposed to control in any way exploitative."⁴ Management of free-roaming horses and burros must strive to maintain this "state of being" - the perception or knowledge of which appears to be the primary component of these two species' symbolic "use."

Maintaining a state of "wildness" within a balanced ecosystem - this must be BIM's goal in its management of free-roaming horses and burros. The preservation of "wildness" has been the nub of the entire wild horse controversy; it is what PL 92-195 was designed and written to achieve. It is not an easy goal; it is very admirable.

Comment. In general, both the regulations and the Statement appear to be moving in a direction in accord

with the foregoing. However, we feel that the Statement is inadequate in two major respects: a) it fails to use ecological information, and b) it is too general and inclusive to be meaningful.

A. The National Environmental Policy Act of 1969 (NEPA) directs appropriate agencies to "initiate and utilize ecological information in the planning and development of resource-oriented projects." ⁵ The Statement shows little evidence that this is being done; an overwhelming portion of the evidence offered is largely presumptive - and a questionable basis for both predicting impact and implementing management.

As near as we can judge, the ecological study of wild horses and burros is in its infancy; most assertions about their behavior and interrelations appear at least partially speculative. Some people say that these animals, if left alone, will breed infinitely and overrun their range; others maintain that both species have their own mechanisms of population control. Some say they devour the range; others maintain they reseed it in a way that is less harmful than helpful. Some say they ruin wells and springs; others say they improve them by pawing them out.

PL 92-195 contains a provision that authorizes ^{and directs} ~~the~~ agencies involved "to undertake those studies of the habits of wild, free-roaming horses that they deem necessary to carry out the provisions

Sierra Club/4

of this act." Regulation No. 4712.1-3 indicates that "appropriate studies" will be undertaken, but does not note any urgency to such a task.

The Sierra Club feel this kind of research is imperative before any truly meaningful and informed management can take place - i.e. before the Regulations can be sensibly applied. Management by myth and presumption is something that cannot be tolerated, and yet - to some degree - this appears to be what BLM plans to do in the absence of adequate ecological information.

In fact, at this point in time, it appears from the Statement that BLM is seizing upon PL 92-195 as an opportunity for intensified management in areas inhabited by wild horses and burros. We are not presuming to know whether or not this management is needed; we are simply asking BLM to determine facts first - and manage on their basis. The apparent premature eagerness to manage is most evident in section III.A of the Statement (pp. 10-11), and appears quite out of keeping with the spirit of PL 92-195 which states "All management activities shall be carried out at the minimum feasible level," presumably because the writers of the law sensed that unduly managed horses and burros cease to be wild, by definition.

We also note that, without adequate ecological information, it is next to impossible to make meaningful statements on "the environmental impact of the proposed

action" as required by NEPA, Sect. 102 (2) (C) (1).

B. There remains the question of whether a single Statement impact/for these regulations can be meaningful or adequate in the first place. Because of their necessarily open-ended and flexible nature, applications of the different sections will vary greatly from one habitat area to the next.

We strongly recommend, therefore, that BLM also submit 102 Statements on their management plans for each region - each appropriate geographical and ecological area.

We do this, because we feel that the present Statement, almost from the outset, suffers badly from the grandeur of generality. For example, the attempt to describe the environment of the public lands of 10 states in slightly more than three pages is not meaningful.

In contrast, 102 Statements for specific regions could intelligently address themselves to defineable environments and impacts. The Sierra Club, thus, could accept a general Statement on the impact of the Regulations, only if we are assured that future Statements will deal with the management of wild horses and burros in parameters that are truly meaningful.

- prepared by David Sumner

Footnotes

- 1 Hereinafter referred to as "the Statement".
- 2 PL 92-195, Sect. 1 and Sect. 2(c).
- 3 See George Laycock, "Burros Among the Cacti," The Alien Animals (New York: Ballantine Books, 1970), pp. 148-153.
- 4 William Brandon, "Wild Horses of the West," Sierra Club Bulletin (Vol. 57, No. 2; Sept. 1972), p. 5-6.
- 5 NEPA, Sect. 102 (G).
- 6 Statement, pp. 6-10.

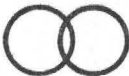
Response to Comments from Sierra Club

A. With reference to the need for further ecological information as it relates to management of wild horses, it is recognized in the statement that this is needed. The urgency of additional research is recognized and the Bureau is currently developing a prospectus of wild free-roaming horse and burro research needs. This prospectus is near completion and it is anticipated that a research study will be initiated in the near future. The environmental impacts of no management are discussed in the alternatives section of the statement. As new information is available which may indicate modifications in procedures or regulations, they can be revised.

B. The environmental impact statement at issue concerns the regulations for wild free-roaming horses and burros. It is recognized that management efforts may differ slightly between areas of horse and burro populations. For this reason, the regulations provide for specific plans for each area.

The variations in management efforts concerning the optimum multiple use mix of resource uses in each area will be governed by determinations made as a result of application of the Bureau planning system as discussed in the statement. The public will always have the opportunity to participate.

C. An environmental analysis will be made on all management plans and 102 Statements will be prepared when required by NEPA and CEQ guidelines.



February 5, 1973

Director (330)
Bureau of Land Management
Washington, D. C. 20240

Ref: INT-DES 72-117

Dear Sir:

On behalf of the Environmental Defense Fund, I wish to make the following comments on the above referenced Draft Environmental Statement, entitled "Proposed Wild Free-Roaming Horse and Burro Management."

The proposed rules represent an enlightened and humane approach to the future protection of animals that have become part of the Western ecosystem, and are symbolic of a unique era in the history of America. On page 12 of the DES, however, an important point is mentioned, which perhaps deserves additional emphasis.

Extreme care must be exercised that wild horse and burro populations do not exert pressure on such native animals as pronghorn antelopes and bighorn sheep. The latter animal, and the Sonoran subspecies of the pronghorn, have been steadily diminishing in numbers. While they are receiving some protection from other adverse conditions, they will obviously suffer if heavy competition for forage is sustained from too many horses and burros. Careful ecological studies will be necessary to ensure that such conditions do not arise, as it is vital to maintain viable populations of our indigenous large mammal species.

We thank you for providing us with the opportunity to comment on the above proposed regulations.

Very sincerely,


Dennis Puleston

Response to Comments from Environmental Defense Fund

Decisions as to populations, area and degree of use by wild free-roaming horses and burros will be made through the Bureau's planning system as discussed in the text of the statement.

SOCIETY FOR ANIMAL PROTECTIVE LEGISLATION

P. O. Box 3719
 Georgetown Station
 Washington, D. C. 20007

COMMENTS ON DRAFT ENVIRONMENTAL IMPACT STATEMENT ON

WILD HORSES AND BURROS

We appreciate the opportunity to comment on behalf of the Society for Animal Protective Legislation on the Draft Environmental Impact Statement with regard to implementation of legislation for the protection of wild horses and burros, P.L. 92-195.

The Society for Animal Protective Legislation is particularly concerned with the prevention of cruelty to these animals involved in their round-up and capture. Therefore, we wish to emphasize this aspect of proposals for management. In particular, we are strongly opposed to any retrograde steps such as use of their flesh for pet food because we know of no way in which this could be done which would not involve round-up and shipment of the living animals.

We recognize that it may be necessary to destroy individual animals under certain circumstances, and we do not object to such destruction by an expert marksman in the natural range of the animals without any round-up or corralling of them. Scavenging birds and animals can be relied on to dispose of the carcass where it drops and we believe this is the appropriate manner of dealing with the matter.

To introduce a commercial incentive to seek reasons for removal of the animals would be to invite reversal of the intent of Congress in passing the Act. The Congress clearly stated that processing the remains of wild horses for commercial purposes is prohibited under P.L. 92-195, Section 2 (d), "Nothing in this Act shall preclude the customary disposal of the remains of a deceased wild free-roaming horse or burro, including those in the authorized possession of private parties, but in no event shall such remains, or any part thereof, be sold for any consideration, directly or indirectly." (Emphasis supplied.) No rationale should be allowed to circumvent this basic provision of the law.

Under the Draft Regulations (Appendix A, p. 13) 4713.1 (b) the requirement for mere "probable" ownership would appear to invite unnecessary and improper round-ups and shipment of wild horses and burros for commercial purposes. This, too, would appear to offer a simple means for circumventing the intent and purpose of P.L. 92-195. We believe anyone seeking to round up wild horses should be required to provide clear documentation based on previous reports of horses owned by him. Otherwise, abuse of the Act will be made easy, especially in areas where its enactment was unwelcome.

Finally, we believe that enforcement of both federal laws for the protection of wild horses and burros, P.L. 86-234 and P.L. 92-195, should rest with the federal not state government. We trust, therefore,

that the power to arrest violators will not be diluted by transfer to state agencies.

Respectfully submitted,

Christine Stevens

Christine Stevens
Secretary

Response to Comments from Society for Animal Protective Legislation

The comments are directed toward the proposed regulations which have been modified to clarify the ownership claims and enforcement procedures.

Response to Comments from the Wild Horse and Burro Advisory Board

The Wild Horse and Burro Advisory Board, during the meeting on March 22, 1973, passed a resolution approving the Draft Environmental Statement as written.

Group 4700--Wild Free-Roaming Horse and Burro Management

PART 4710--WILD FREE-ROAMING HORSE AND BURRO MANAGEMENT

Subpart 4710--Purpose; Objective; Authority; Definitions; Policy

§ 4710.0-1 Purpose

§ 4710.0-2 Objectives

§ 4710.0-3 Authority

§ 4710.0-5 Definitions

§ 4710.0-6 Policy

Subpart 4711--Management Coordination.

§ 4711.1 Recommendations from the Joint National Advisory Board
on Wild Free-Roaming Horses and Burros

§ 4711.2 State Agencies

§ 4711.3 Cooperative Agreements

Subpart 4712--Management Considerations.

§ 4712.1 Management; General.

§ 4712.1-1 Planning

§ 4712.1-2 Intensity of Management

§ 4712.1-3 Habitat Reservation and Allocation

§ 4712.2 Establishment of Designated Ranges or Herd Management Areas

§ 4712.2-1 Designation

§ 4712.2-2 Criteria for Designation

§ 4712.2-3 Management

§ 4712.3 Removal and Relocation or Disposal of Animals

§ 4712.3-1 Method of Capture

§ 4712.3-2 Relocation of Animals

§ 4712.3-3 Disposal

§ 4712.3-4 Acts of Mercy

§ 4712.3-5 Disposal of Carcasses

§ 4712.4 Animals on Private Lands

§ 4712.4-1 Allowing Animals on Private Lands

§ 4712.4-2 Active Maintenance of Animals on Private Lands

§ 4712.4-3 Removal of Animals from Private Lands

Subpart 4713--Claimed and Trespass Horses and Burros

§ 4713.1 Removal of Claimed Trespass Horses and Burros

§ 4713.2 Removal of Other Trespass Horses and Burros

§ 4713.2-1 Closures to Horse and Burro Use; Impoundment and/or

Disposal of Trespass Animals

§ 4713.2-2 Notice of Public Sale

§ 4713.2-3 Sale

Subpart 4714--Enforcement Provisions

§ 4714.1 Arrest

§ 4714.2 Penalties

Group 4700--Wild Free-Roaming Horse and Burro Management

PART 4710--WILD FREE-ROAMING HORSE AND BURRO MANAGEMENT; GENERAL

Subpart 4710--Purpose; Objective; Authority; Definitions; Policy

§ 4710.01 Purpose.

To implement the laws relating to wild free-roaming horses and burros on public lands.

§ 4710.0-2 Objective.

The objective of these regulations is to provide criteria and procedures for protecting, managing, and controlling wild free-roaming horses and burros as a recognized component of the public land environment.

§ 4710.0-3 Authority.

The Act of December 15, 1971 (16 U.S.C. 1331-1340), requires the protection, management, and control of wild free-roaming horses and burros on public lands.

§ 4710.0-5 Definitions.

(a) "Authorized Officer" means any employee of the Bureau of Land Management to whom has been delegated the authority to take actions under the regulations of this Chapter.

(b) "Wild free-roaming horses and burros" means all unbranded and unclaimed horses and burros and their progeny that have used or do use public lands as all or part of their habitat on or after December 15, 1971, including those animals given an identifying mark upon capture for live disposal by the authorized officer.

Unbranded, claimed horses and burros where the claim is found to be erroneous are also considered as wild and free-roaming if they meet the criteria above. However, this definition shall not include any horse or burro introduced onto public lands on or after December 15, 1971, by accidental, negligent, or willful disregard of ownership.

(c) "Herd" means one or more stallions and their mares or jacks and their jennies.

(d) "Excess animals" means wild free-roaming horses or burros determined to be in excess of populations proper to maintain a thriving natural ecological balance and harmonious multiple-use relationship on public lands.

(e) "Problem animal" means a wild free-roaming horse or burro whose demonstrated individual habits or traits pose an undue threat to the safety or welfare of persons, wildlife, livestock, or property.

(f) "Public lands" means any lands administered by the Secretary of the Interior through the Bureau of Land Management.

(g) "Wild horse or burro range" means a specifically designated area of land necessary to sustain a herd or herds of wild free-roaming horses or burros, and which is devoted principally but not necessarily exclusively to their welfare in keeping with the multiple use management of the public lands.

(h) "Management plan" means a written program of action designed to protect, manage, and control wild free-roaming horses and burros and maintain a natural ecological balance on the public lands.

(i) "Act" means the Act of December 15, 1971 (16 U.S.C. 1331-1340).

(j) "Advisory Board" means the joint advisory board established by the Secretary of the Interior and the Secretary of Agriculture pursuant to Section 7 of the Act.

§ 4710.0-6 Policy.

(a) Wild free-roaming horses and burros are under the jurisdiction of the Secretary and will be managed as an integral part of the natural system of the public lands. They will be protected from unauthorized capture, branding, undue disturbance, and destruction. They and their habitat will be managed and controlled in a manner designed to achieve and maintain an ecological balance on the public lands and a population of sound, healthy individuals, all in accordance with the basic program policies for public land management set forth in subpart 1725 of this Chapter.

(b) Wild free-roaming horses and burros on the public lands will be managed by the authorized officer, with full public participation and such cooperative arrangements as he may find helpful. Management on public lands will not be assigned to any private individual or association through a grazing license, lease, or permit.

Subpart 4711--Management Coordination.

§ 4711.1 Recommendations from the Joint National Advisory Board on Wild Free-Roaming Horses and Burros.

Policies and guidelines relative to proposals for establishment of ranges, proposed management plans, adjustments in number, relocation and disposal of animals, and other matters relating generally to the protection, management, and control of wild free-roaming horses and burros shall be presented to the Advisory Board for recommendations.

§ 4711.2 State Agencies.

(a) All management activities including, but not limited to, establishment of ranges and adjustments in forage allocation shall be planned and executed in consultation with the appropriate State agency to further consider the needs of all wildlife, particularly endangered species.

(b) All actions taken in connection with private ownership claims to unbranded horses and burros shall be coordinated to the fullest extent possible with the appropriate State agency.

§ 4711.3 Cooperative Agreements.

The authorized officer may enter into cooperative agreements with other landowners, nonprofit organizations, and with Federal, State and local governmental agencies as he deems necessary for purposes of protecting, managing and controlling wild free-roaming horses and burros. Where the grazing patterns of the animals require utilization of lands in other ownerships or administration, the authorized officer shall seek cooperative agreements to insure continuance of such use.

Subpart 4712--Management Considerations.

§ 4712.1 Management; General.§ 4712.1-1 Planning.

In planning for management, protection, and control of wild free-roaming horses and burros, including the establishment of specifically designated ranges, determination of desirable numbers and other management provisions of these regulations, the authorized officer will utilize the Bureau's multiple-use planning system with its requirements for public participation by and coordination with others.

§ 4712.1-2 Intensity of Management.

Wild free-roaming horse or burro herds may be managed either as one of the components of public land use or managed on a specifically designated wild horse or burro range. Management practices shall be consistent to the extent possible and practical with the maintenance of their free-roaming behavior. Management facilities should be designed and constructed to the extent possible to maintain the free-roaming behavior of the herds.

§ 4712.1-3 Habitat Reservation and Allocation.

The biological requirements of wild free-roaming horses and burros will be determined based upon appropriate studies or other available information. The needs for soil and watershed protection, domestic livestock, maintenance of environmental quality, wildlife and other factors will be considered along with wild free-roaming horse and burro requirements. After determining the optimum number of such horses and

burros to be maintained on an area, the authorized officer shall reserve adequate forage and satisfy other biological requirements of such horses and burros and, when necessary, adjust or exclude domestic livestock use accordingly. See §§ 4115.2-1(d) and 4121.2-1(a).

§ 4712.2 Establishment of Specifically Designated Ranges or Herd Management Areas.

§ 4712.2-1 Designation.

The authorized officer may designate and maintain specifically designated ranges principally for the protection and preservation of wild free-roaming horses and burros.

§ 4712.2-2 Criteria for Designation.

In designating specific ranges and herd management areas, the authorized officer, in addition to any other provisions of these regulations, shall:

- (1) Consider only those areas utilized by wild free-roaming horses or burros on December 15, 1971.
- (2) Consider those areas where self-sustaining herds can maintain themselves within their established utilization and migratory patterns.
- (3) Consider those areas which are capable of being managed as a unit to ensure a sustained yield of forage without jeopardy to the resources.
- (4) Develop a wild free-roaming horse or burro management plan in accordance with § 4712.2-3.

§ 4712.2-3 Management Plan.

The authorized officer shall, in connection with the designation of a specific range, develop a wild free-roaming horse or burro management plan designed to protect and manage wild free-roaming horses and burros on the area on a continuing basis. The authorized officer may also develop herd management plans as part of the multiple use management on areas outside of specifically designated wild horse or burro ranges. All management plans shall be developed in accordance with the Bureau's planning system and shall govern management of the area.

§ 4712.3 Removal and Relocation or Disposal of Excess animals.

§ 4712.3-1 Method of Capture.

Under the supervision of the authorized officer animals may be captured, corraled and held under humane conditions pending disposal under the provisions of this Subpart.

§ 4712.3-2 Relocation of Animals.

(a) The authorized officer may relocate wild free-roaming horses and burros on public lands when he determines such action is necessary to: (1) relieve overgrazed areas, (2) locate animals removed from private lands in accordance with § 4712.3, (3) remove problem animals, or (4) achieve other purposes deemed to be in the interest of proper resource and herd management. Such animals relocated on public lands shall not be introduced onto areas which were not inhabited by wild free-roaming horses or burros on December 15, 1971.

(b) The authorized officer may also place animals in the custody of private persons, organizations or other governmental agencies. Custodial arrangements shall be made through a cooperative agreement which shall include provisions as necessary to maintain and protect the animals and ensure that the animals will not be used for commercial exploitation. The authorized officer may, at his discretion, mark animals placed in private custody for identification purposes.

§ 4712.3-3 Disposal.

Where the authorized officer finds it necessary, in accordance with § 4712.3-2, to remove excess animals from areas of the public lands, and he determines that the relocation of animals under § 4712.3-2 is not practical, he may destroy such animals in the most humane manner possible. No person, except the authorized officer or his authorized representative, shall destroy wild free-roaming horses and burros.

§ 4712.3-4 Acts of Mercy.

Severely injured or seriously sick animals will be destroyed in the most humane manner possible as an act of mercy.

§ 4712.3-5 Disposal of Carcasses.

Carcasses shall be disposed of in any customary manner under State sanitary statutes. In no event shall carcasses, or any part thereof, including those in the authorized possession of private parties, be sold for any consideration, directly or indirectly.

§ 4712.4 Animals on Private Lands.

§ 4712.4-1 Allowing Animals on Private Lands.

Nothing in these regulations shall preclude a private landowner from allowing wild free-roaming horses and burros to remain on his private lands so long as the animals were not willfully removed, enticed, or retained by him or his agent from the public lands.

§ 4712.4-2 Active Maintenance of Animals on Private Lands.

Any individual who actively maintains wild free-roaming horses and burros on his private lands shall notify the authorized officer and supply him with a reasonable approximation of their number and location and when required by the authorized officer a description of the animals. Thereafter, he shall furnish an annual report updating the information during the month of January. An individual will be considered to be actively maintaining wild free-roaming horses or burros if he takes measures of any kind designed to protect or enhance the welfare of the animals. No person shall maintain such animals except under cooperative agreement between the private landowner and the authorized officer setting forth the management and maintenance requirements including provisions for regulating disposal of excess animals.

§ 4712.4-3 Removal of Animals from Private Lands.

The authorized officer shall remove, as soon as he can make the necessary arrangements, wild free-roaming horses and burros from private lands at the request of the landowner where the private land

is enclosed in a "legal fence." A "legal fence" for this purpose is one which complies with State standards and specifications.

In "no fence districts" or other areas where the private landowner is not required by State statute to fence the private land to protect it from trespass by domestic livestock, the authorized officer shall, as soon as he can make the necessary arrangements, remove wild free-roaming horses or burros from such private land at the request of the landowner.

Subpart 4713--Claimed and Trespass Horses and Burros§ 4713.1 Removal of Claimed Trespass Horses and Burros

(a) All unauthorized and unbranded horses and burros on the public lands, except those introduced on or after December 15, 1971, by accident, negligence, or willful disregard of ownership, are presumed for the purpose of management to be wild free-roaming horses or burros.

(b) Any person claiming ownership of unauthorized horses or burros, either branded or unbranded, must obtain written authorization from the authorized officer to round up or remove claimed animals from public lands. Claims must be based upon acceptable proof of ownership and submitted within 90 days of the effective date of these regulations.

(c) All written authorizations to gather claimed animals shall be on a form approved by the Director. The authorized officer shall, after issuance of such public notice as he deems appropriate to notify interested parties, establish in the authorization a reasonable period of time to allow roundup of claimed animals and stipulate other conditions which he deems necessary to minimize stress on associated wild free-roaming horses and burros or protect other resources involved. Prior to removal of any gathered animals, the claimant shall substantiate proof of ownership in accordance with the criteria agreed upon between the Bureau and the appropriate State agency administering the State branding and estray laws. Such ownership shall be certified by the appropriate State official and a copy provided the authorized officer. In the absence of such agreements, ownership status will be determined by the authorized officer.

(d) Unauthorized horses or burros determined to be privately owned in accordance with the provisions of this Section will be considered to have been in trespass and may not be released until a proper trespass charge has been determined by the authorized officer in accordance with the provisions of 43 CFR.

§ 4713.2 Removal of Other Trespass Horses and Burros.

§ 4713.2-1 Closures to Horse and Burro Use; Impoundment and/or Disposal of Animals.

The authorized officer may, when conditions warrant, close any area to grazing by horses and burros and for any period of time to be specified in a notice of closure. Such closure may be made only after public notice deemed appropriate by the authorized officer. The order shall require all owners of any animals affected thereby, in accordance with provisions of the order, to remove such animals from the area under the supervision of the authorized officer. Thereafter the authorized officer shall proceed to impound, remove and dispose of any horses and burros trespassing or grazing in violation of the closing order.

§ 4713.2-2 Notice of Public Sale.

Following the impoundment of privately owned horses and burros, a notice of sale will be published in a local newspaper and posted at the county courthouse and at a post office near the public land involved. The notice will describe the animals and specify the date, and place of sale. The sale date shall be at least 5 days after the publication and posting of the notice. By certified mail or by personal delivery, any known owners or agents will be notified in writing of the procedure by

which the impounded animals may be redeemed prior to the sale. Proof of ownership and payment of costs will be required.

§ 4713.2-3 Sale.

If the horses and burros are not redeemed they may be (a) released to the State agency responsible for disposition in accordance with State law, (b) offered at public sale to the highest bidder, or (c) otherwise disposed of. Purchaser of horses and burros shall be furnished a bill of sale.

Subpart 4714--Enforcement Provisions.

§ 4714.- Arrest.

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

§ 4714.2 Penalties.

In accordance with Section 8 of the Act (16 U.S.C. 1338), 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 authorized officer, or
- (2) converts a wild free-roaming horse or burro to private use, without authority from the authorized officer, 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 horse or burro allowed on private or leased land pursuant to Section 4 of the Act, or

(6) willfully violates any provisions of the regulations under Group 4700, 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 authorized officer may be tried and sentenced by a 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 in Section 3401, Title 18, U.S.C.

DEPARTMENT OF THE INTERIOR
Office of the Secretary

DEPARTMENT OF AGRICULTURE
Office of the Secretary

National Advisory Board on
Wild Free-Roaming Horses and Burros

Administrative Procedures

I. Purpose. This document provides for the operation and describes the purpose, composition, and functions of the National Advisory Board on Wild Free-Roaming Horses and Burros.

II. Authority. The Act of December 15, 1972 (16 U.S.C. 1131-1340) requires the protection and management of wild free-roaming horses and burros on the public lands. Section 7 authorizes and directs the Secretary of the Interior and the Secretary of Agriculture to appoint a joint advisory board to advise them on any matter relating to the protection and management of wild free-roaming horses and burros, and specifies the qualifications required for membership on the advisory board.

III. National Advisory Board on Wild Free-Roaming Horses and Burros.

A. Membership. The Board shall consist of nine members, none of whom shall be an employee of the Federal Government or State governments.

1. Qualifications. Each member must have specialized knowledge in one or more of the following fields: The protection of horses and burros, the management of wildlife, animal husbandry, and natural resource management. At least one of each of the above disciplines shall be represented on the Board at all times.

2. Selection. All members shall be selected on the basis of experience and established competence in their respective fields of

specialized knowledge.

3. Appointments. All members will be jointly appointed by the Secretary of the Interior and the Secretary of Agriculture.

4. Term. The term of appointment will be 1 year. If a member does not serve his full term, the Secretary of the Interior and the Secretary of Agriculture may appoint a successor for the remainder of the unexpired term. Members may be reappointed for additional 1-year terms not to exceed 10 years of total service.

5. Compensation. Members shall serve without compensation, except for reimbursement of travel expenses, including per diem, in connection with their duties as members.

B. Functions. The Board shall advise, consult with, and make recommendations to the Secretary of the Interior and the Secretary of Agriculture, or their duly authorized representatives, on any matter relating to wild free-roaming horses and burros.

C. Meeting. The Board shall meet at times and places to be determined by the Secretary of the Interior or the Secretary of Agriculture, or both, or their duly authorized representatives. It is estimated that there will be four meetings per year at an annual cost of \$30,000 and one man year of support.

1. Call to meet. The Secretary of the Interior and/or the Secretary of Agriculture, or their respective designees, will issue a formal call for each Board meeting.

2. Agenda. The Secretary of the Interior and/or the Secretary of Agriculture, or their respective designees will, in consultation with the chairman, formulate and approve the agenda for each meeting in advance.

3. Official participation. All meetings will be conducted in the presence of a duly authorized full-time salaried official or employee of the Department of the Interior or the Department of Agriculture, who is authorized to adjourn any meeting whenever he considers adjournment to be in the public interest.

4. Quorum. A majority of Board members holding office shall constitute a quorum which shall be required for the conduct of Board business.

5. Public participation. All meetings of the Board will be open to public observation. Any interested person may attend meetings, make a presentation upon request to the chairman, or file a statement with the Board. However, the authorized Department of Agriculture or Department of the Interior representative may establish reasonable limits as to the numbers of persons who may attend and the nature of their participation to the extent that available accommodations and time require limitation.

6. Advance public notice. To provide interested parties an opportunity to attend and participate, advance public notice of the date, place, and general subject matter of scheduled meetings will be given through publication in the Federal Register and appropriate local news media.

7. Support services. The Secretary of the Interior or his delegate shall be responsible for providing support services for the Board, including advance public notice of meetings.

D. Chairmanship. The Secretary of the Interior and the Secretary of Agriculture will designate one of the members as chairman and another as vice chairman for the first year. Thereafter, members will annually

elect the chairman and vice chairman among their own members.

The chairman will be the liaison between the Secretary of the Interior and the Secretary of Agriculture or their duly authorized representatives in working with the Departments in formulating agendas and otherwise arranging for the orderly conduct of business. He will preside at meetings and appoint members of working groups of the Board. The vice chairman will act for the chairman in his absence.

E. Record of proceedings. A written record shall be made of all proceedings of Board and working group meetings. A verbatim transcript may be made but is not required. As a minimum, each record of proceedings shall include: (a) the agenda; (b) the date(s) and place(s) of the meeting; (c) the names and addresses of all in attendance and the capacity in which they participated, (d) a description of matters discussed and conclusions reached; (e) the recommendations made and reasons therefor; together with concurring or minority views and, at the request of any individual member, individual views; and, (f) copies of all reports received, issued, or approved by the Board. The Board chairman shall certify to the accuracy of the record of proceedings of each meeting. Such records, together with appendices, working papers, drafts, studies, and other documents, made available to or prepared or used by the Board, will be available for public inspection and copying in the Office of the Director of the Bureau of Land Management, Washington, D.C. Additionally, copies of the record of proceedings for each meeting shall be available for viewing at the libraries of the Department of the Interior and Department of Agriculture and the Library of Congress, Washington, D.C.

F. Rules and procedures. The Board is solely advisory and shall function in accordance with applicable Federal committee management requirements, and any supplementary and complementary guidelines which the Secretary of the Interior and the Secretary of Agriculture, or their respective authorized representatives, may jointly prescribe. Determinations of actions to be taken and policy to be expressed with respect to any report or recommendation of the Board shall be made only by the Secretary of the Interior, Secretary of Agriculture, or their authorized representatives.

G. Advice and recommendations. All advice and recommendations of the Board shall be made with the approval of a majority of the members present. Advice and recommendations of individual members, including minority views, may be made by the individuals involved. Each report of advice and recommendations shall be addressed only to the Secretary of the Interior or the Secretary of Agriculture, or both, or to their respective authorized representatives, and shall address only matters covered in the record of the Board's proceedings.

H. Termination. The term of the Board is indefinite.

/s/Harrison Loesch
Asst. Secretary of the Interior


/s/ T. K. Cowden
Asst. Secretary of Agriculture

January 2, 1973

MAKING MULTIPLE USE DECISIONS

119



 UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
Washington, D.C. 20240

APPENDIX C

INTRODUCTION

The purpose of this booklet is to introduce you to the system used by the Bureau of Land Management to form multiple-use management plans. In skeleton form, we follow the steps used by one BLM District Manager in considering one imaginary tract of land. The same types of basic information, and the same methods, are used from the deserts of Arizona to the tundra of Alaska; the principles are the same.

Before a BLM District Manager can make a multiple-use decision, many things must take place. In this booklet, we talk mainly about the final steps, after a great deal of on-the-ground work has been done, and after a great many people have had an opportunity to voice their opinions.

We also talk about only three resources (timber, watershed, and recreation) and a very small area, to better illustrate the process. In actual practice all resources and a much larger area would have to be simultaneously considered.

Almost every system has its own "system language," terms that have special meaning to those familiar with the system. For just an introduction to BLM's system it isn't necessary to learn the system language, but if you are interested in delving deeper then you will want to become more familiar with the following.

Classification Process: Since 1964, BLM has been classifying land for **disposal** or **multiple use management**. The planning system was devised to guide BLM land managers in managing land **classified for multiple use management**, to guide transfer in areas classified for disposal and to provide a basis for refining earlier classifications.

Planning Unit: This is a portion of a Bureau of Land Management district. For each planning unit the District Manager records **Unit Resource Analysis** data, compares resource conflicts, and records **Management Framework Plans**.

Unit Resources Analysis: This is a basic source of information on the land and its resources, consisting of:

- Base Map
- Physical Profile
- Resource Inventory

The Unit Resource Analysis is used by the District Manager to lay out data on current land use and on potential and capability of the land to fill the public's needs for these resource activities:

lands, minerals, recreation, wildlife, watershed, timber and forage. Each resource activity is considered independently at this stage.

Economic Profile: This document gathers together the requirements of the public now and in the future for lands, and renewable and non-renewable resources. It analyzes alternative proportions of these needs which could be met from the public lands and shows the significance of the lands to users, operators, the community and region. The basic document is the **State Economic Profile**, prepared by an economist working for the State Director. He studies the picture on a regional basis, recognizing the flow of raw materials within the State and across State boundaries. A **District Supplement** furnishes data on the District's role in the economy.

District Management Profile: This document provides such information as the current transportation network, a checklist of other State and Federal agencies to be consulted, and a brief analysis of the special concerns of the local community.

Guidance Statements: BLM has issued national statements for guidance of District Managers. There are general statements covering the Bureau's missions, statements for each program activity, criteria for deciding land use conflicts and standards for items crossing several activities, such as environmental protection. These statements are based on the guidance received by the Bureau from Congress and from the Administration, and are periodically reviewed and updated.

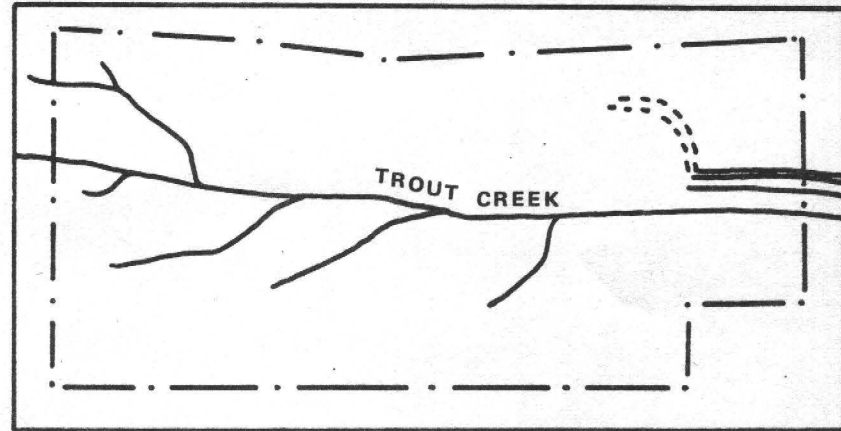
District Land Use Guide: This is a guide prepared by the State Director to direct and coordinate land use decisions between Districts in response to regional consideration. It can be as complete as a regional plan.

Management Framework Plan: This is a planning document prepared in three steps. The District Manager uses it to reconcile conflicts between objectives and limitations for each resource. In Step One, he compares guidelines with technically feasible resource opportunities and decides what would be the best plan from each resource's point of view. In Step Two, he identifies conflicts between resources if developed as shown in Step One, develops multiple use solutions and identifies support needed such as road construction, trail development, or added fire protection, to put the decision into effect. Having weighed all of the factors he then reaches Step Three; he makes a decision—after a careful period of public discussion and interagency coordination.

Most of these documents are kept in loose-leaf form, and as working tools they are sharpened constantly. Your District Manager will be happy to show them to you, and will gladly explain any points that are not clear.

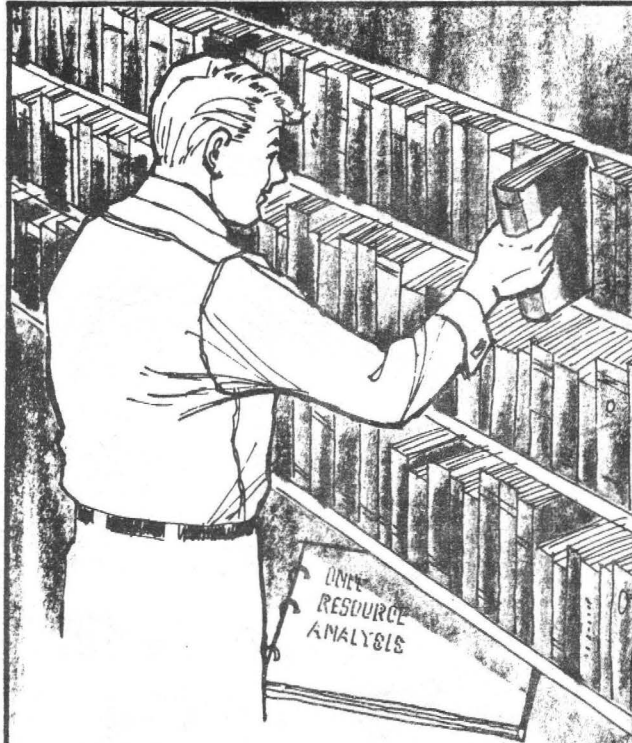
Activity Plan: There are more detailed plans for each resource, showing how they are to be developed in accordance with the Management Frame Work Plan. They include Livestock Allotment Management Plan, Wildlife Habitat Management Plan, Recreation Management Plan, Timber Management Plan, etc.

What have I got?



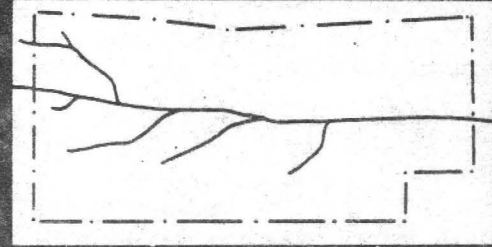
THIS IS A PORTION OF THE BEAR-PASTURE PLANNING UNIT, SOME 10,000 ACRES CLASSIFIED FOR MULTIPLE-USE MANAGEMENT.

And this is Joe Smith, the District Manager. His job now is to make a multiple-use plan for the Bearpasture unit. He starts by asking himself: "WHAT HAVE I GOT?"

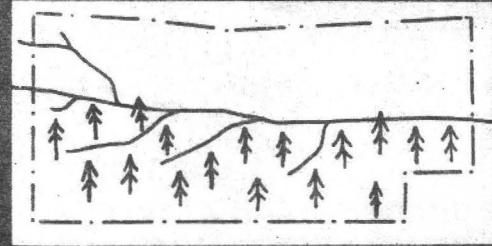


Joe begins by turning to his Unit Resource Analysis which contains an inventory of resources on the Bear-pasture. He finds . . .

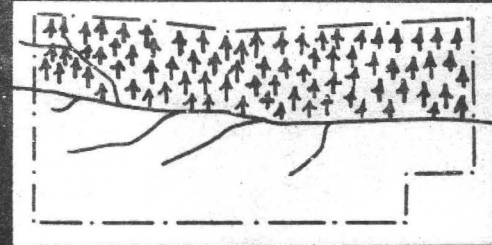
. . . A TROUT STREAM WITH 20 MILES OF HIKING TRAIL.



. . . A STEEP SLOPE, SPARSELY COVERED WITH PINE GROWING ON THIN SOIL.



. . . A GENTLE SLOPE, WELL COVERED WITH HIGH QUALITY PINE GROWING ON GOOD SOIL.



124



What is this producing ?

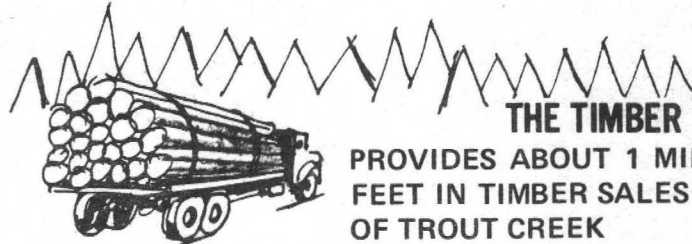
Joe's next question is also answered in the Unit Resource Analysis . . .

THE STREAM



PRODUCES 500 MAN-DAYS OF FALL TROUT FISHING

PROVIDES 1000 MAN-DAYS OF SUMMER HIKING

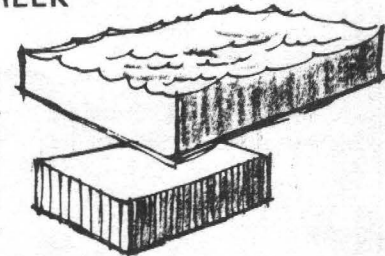


THE TIMBER

PROVIDES ABOUT 1 MILLION BOARD FEET IN TIMBER SALES FROM NORTH OF TROUT CREEK

THE WATERSHED

LANDS NORTH OF TROUT CREEK ARE SLIGHTLY ERODING AND CONTRIBUTE SOME SEDIMENT TO THE STREAM. LANDS SOUTH OF THE STREAM ARE SEVERELY ERODING AND ARE A MAJOR CAUSE OF DOWNSTREAM SEDIMENT POLLUTION.



125

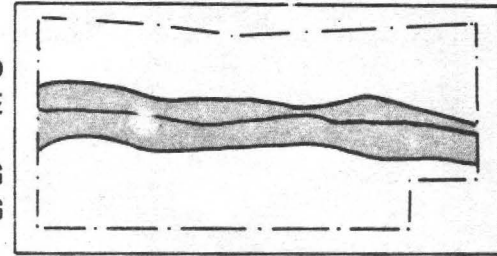


What programs are possible?

Having identified what the area is now producing, Joe's next step is to look at possible programs, examining each resource independently as if others did not exist.

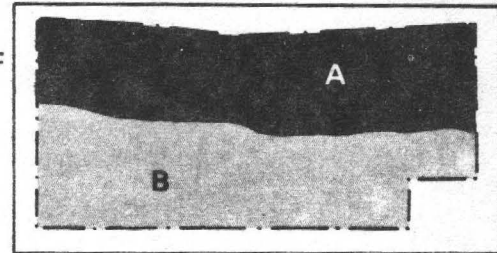
RECREATION

FISHING STREAM, TRAILS AND BUFFER ZONE COULD PRODUCE
-1,000 MAN-DAYS OF FISHING
-16 FAMILY-UNITS OF CAMPING
-5,000 MAN-DAYS OF HUNTING
-3,000 MAN-DAYS OF HIKING



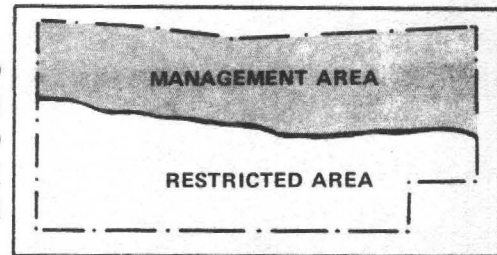
TIMBER

SUSTAINED YIELD CUTTING OF TIMBER COULD PRODUCE
-1,000,000 BD. FT. IN AREA A
- 750,000 BD. FT. IN AREA B



WATERSHED

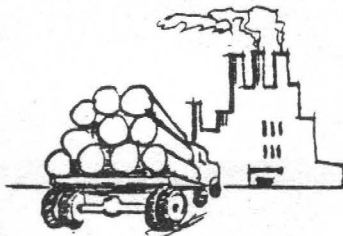
SOME PRECAUTIONS WOULD PREVENT EROSION IN NORTH AREA; RESTRICTED USE NEEDED IN SOUTH AREA TO LIMIT THE SOIL AND VEGETATIVE DISTURBANCE.



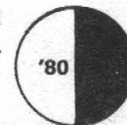
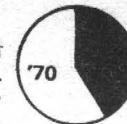
What does the community need?



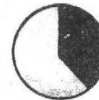
Joe has choices in what to manage for—so his next step is to look at what the community needs now, and what it will need in the future—say in 1980. He looks at his economic profile.



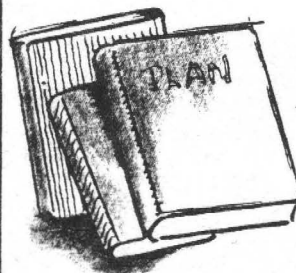
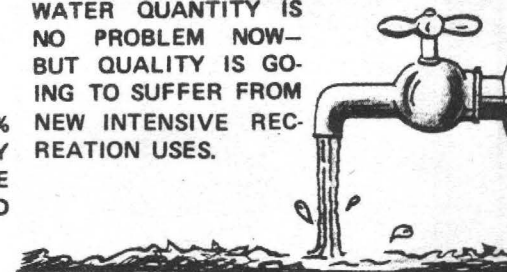
AREA LUMBER MILLS NOW DEPEND ON PUBLIC LANDS FOR 30% OF SUPPLY— BUT THIS WILL INCREASE TO 50% BY 1980. BUT THE COMMUNITY ONLY DEPENDS ON LUMBER INDUSTRY FOR 5% OF ITS INCOME, AND THIS WILL DECLINE AS RECREATION INCREASES.



THE COMMUNITY NOW DEPENDS ON TOURISM FOR 20% OF ITS ECONOMY—RISING TO 40% BY 1980. PUBLIC LANDS NOW SUPPLY 20% OF RECREATION; THIS WILL HAVE TO INCREASE AS MORE PRIVATE LAND IS SHIFTED TO RESIDENTIAL USE.



WATER QUANTITY IS NO PROBLEM NOW— BUT QUALITY IS GOING TO SUFFER FROM NEW INTENSIVE RECREATION USES.



MUCH INTERAGENCY PLANNING IS GOING ON, COMMUNITIES ARE NOW SMALL AND WANT TO GROW. NEEDED ARE WAYS TO INCREASE RECREATION WITHOUT DAMAGING EXISTING TIMBER AND MINERAL INDUSTRIES. WATER QUALITY STANDARDS HAVE BEEN SET.

What programs can I consider?



Joe needs to look at his program activity guidance statements, to see what national goals are involved in setting local priorities . . .

RECREATION

“ . . . PROVIDE FOR A VARIETY AND SUPPLY OF QUALITY OUTDOOR RECREATION USES ON THE PUBLIC LANDS COMMENSURATE WITH PUBLIC NEEDS AND RESOURCE POTENTIALS . . . ”

[THIS TELLS JOE TO CONSIDER ALL RECREATION POTENTIALS]

TIMBER

“ . . . TO THE EXTENT THAT BENEFITS EXCEED COSTS, INCREASE TIMBER PRODUCTION FROM BLM-ADMINISTERED LANDS ON A SUSTAINED YIELD BASIS TO HELP MEET INCREASING . . . REQUIREMENTS . . . ”

[THIS TELLS JOE THAT AREA A QUALIFIES; AREA B IS MARGINAL NOW]

WATERSHED

“ . . . PROTECT WATERSHED FROM FURTHER DETERIORATION . . . MANAGE OR INVEST IN WATERSHEDS TO MEET IDENTIFIED NEEDS, WHEN BENEFITS EXCEED COSTS . . . ”

[THIS TELLS JOE TO LOOK CAREFULLY AT THE WATERSHEDS]



What general standards must I consider?

Joe doesn't want to overlook some general standards that affect resource management on all BLM-administered lands.



What does the State Director say?

Joe also looks for guidance in his District Land-Use Guide, to see what the State Director wants for State-District Coordination.

ENVIRONMENTAL PROTECTION

"... DECISIONS MUST BE CONSISTENT WITH FEDERAL OR STATE WATER QUALITY STANDARDS..."

"... OPEN SPACE, NATURAL BEAUTY, CLEAN AIR, CLEAN WATER ... POTENTIALS MUST BE FULLY CONSIDERED..."

PROTECTION FROM HAZARD

"... ELIMINATE IDENTIFIED HAZARDS ... PROVIDE FOR SAFETY FACTORS IN NEW PROGRAMS..."

"... PRINCIPAL OBJECTIVES ARE TO ENCOURAGE HEALTHY, LONG-TERM COMMUNITY GROWTH, TO MEET RAPIDLY INCREASING RECREATION NEEDS, AND TO PRESERVE ENVIRONMENTAL VALUES..."

129

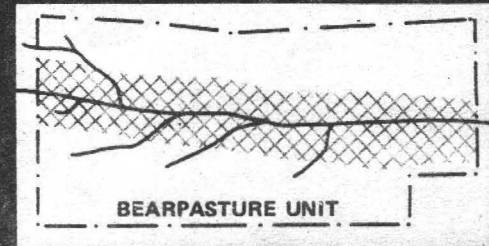
What would be best for each resource?



Joe reviews again, in general terms, the best plan for each resource considered independently of the others. He is now considering resource program possibilities, along with community needs, guidance statements, program standards, and State Director guidance.

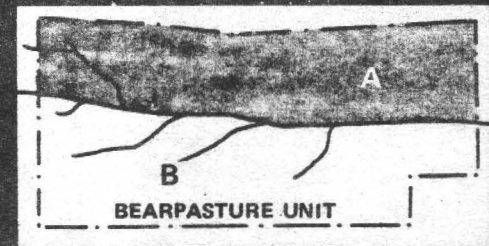
RECREATION

MANAGE FOR FULL RECREATION USE, WITH A 1/2-MILE BUFFER ZONE.



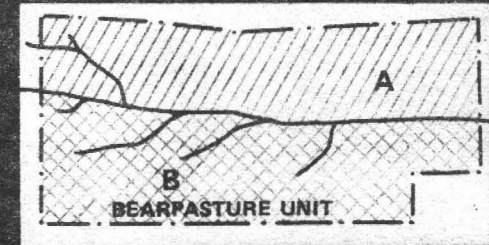
TIMBER

MANAGE TIMBER INTENSIVELY FOR MAXIMUM POSSIBLE PRODUCTION IN AREA A.



WATERSHED

ESTABLISH STRICT PRECAUTIONS TO MINIMIZE EROSION IN AREA A, ALLOW NO SURFACE DISTURBANCE IN AREA B.

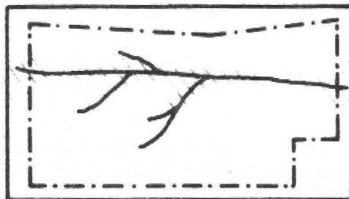


What are the conflicts?



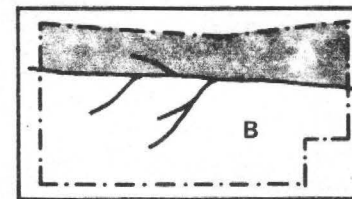
Joe sees that he cannot have his cake and eat it too! He must look closely at the conflicts which would come if each resource were fully developed.

RECREATION

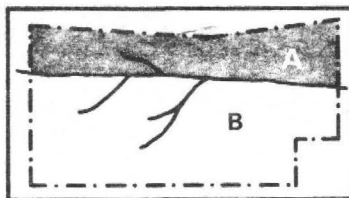


— ● —
KEEPING A FULL BUFFER ZONE WOULD CUT TIMBER PRODUCTION IN HALF.

TIMBER

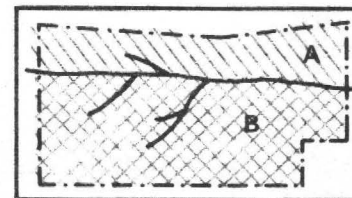


TIMBER

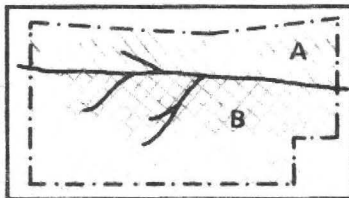


— ● —
NORMAL LOGGING PRACTICES NOT BE STRICT ENOUGH IN AREA A.
NO CONFLICT IF NO LOGGING ALLOWED IN AREA B.

WATERSHED

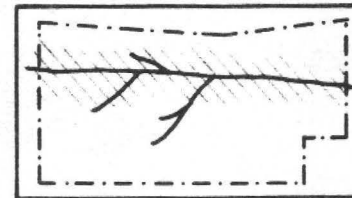


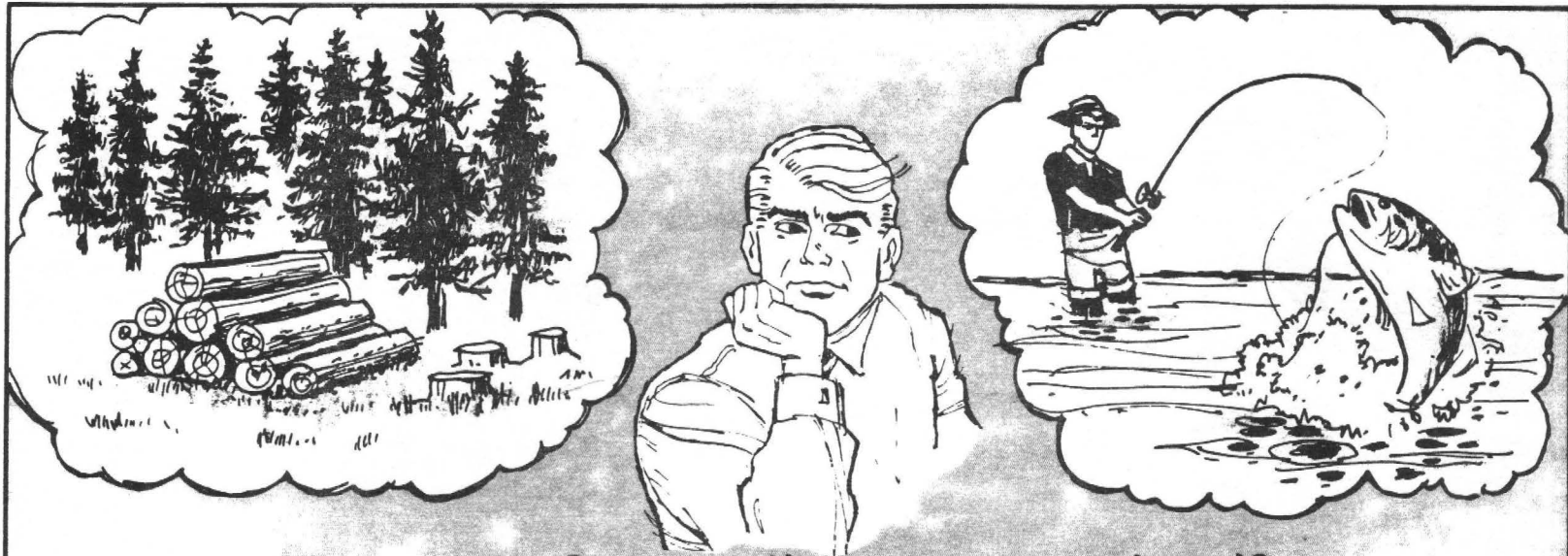
WATERSHED



— ● —
NO CONFLICT

RECREATION



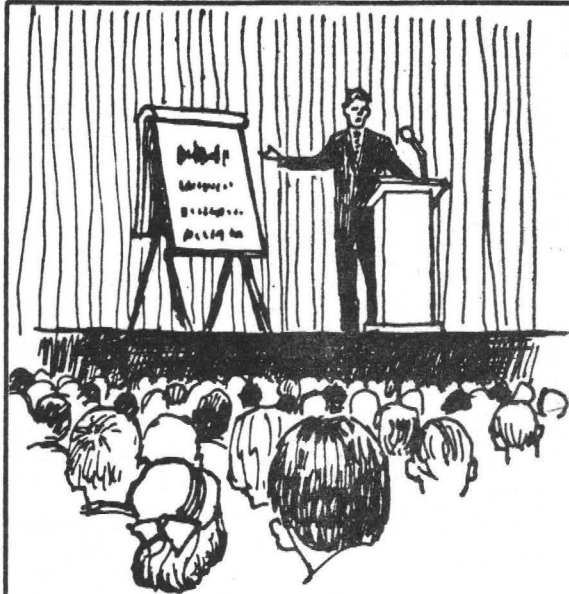


How can the conflicts be resolved?

JOE HAS FOUND THAT BOTH TIMBER AND RECREATION ARE IMPORTANT TO THE COMMUNITY —BUT HIGH QUALITY RECREATION IN THE BUFFER ZONE WILL CONTRIBUTE MORE TO COMMUNITY AND GROWTH AND DEVELOPMENT. HIS STAFF, AFTER LOOKING AT THE LAND USE DECISION CRITERIA AND DISTRICT LAND USE GUIDE, RECOMMENDS A COMPROMISE. REDUCING THE BUFFER ZONE BY 20% WILL INCREASE TIMBER HARVEST TO 80% OF FULL POTENTIAL.

WATER QUALITY MUST BE PROTECTED. ADDED STIPULATIONS WON'T SERIOUSLY REDUCE TIMBER HARVEST AND CAN BE EASILY ADOPTED.

132

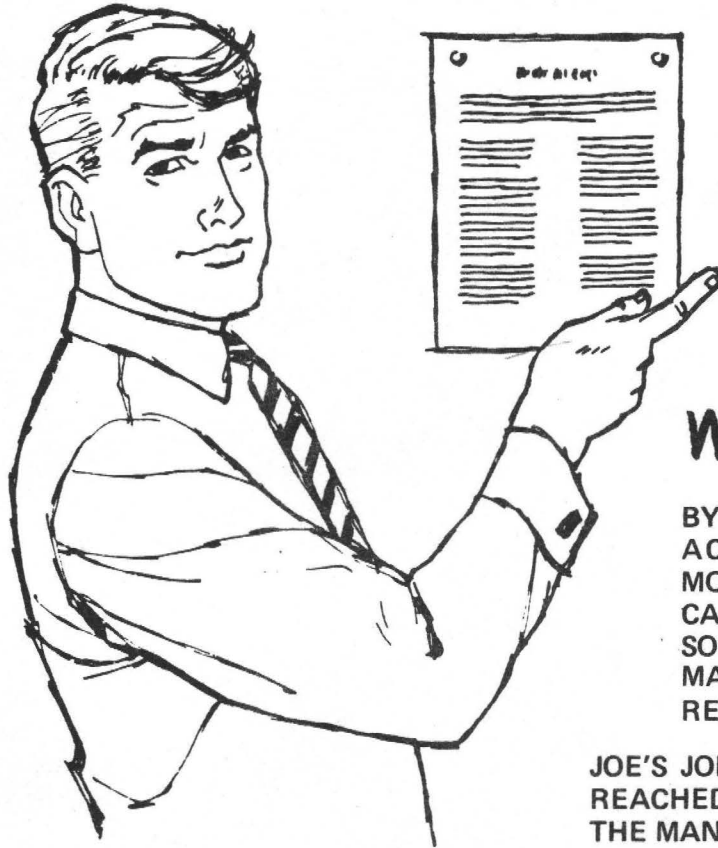


What does the public think?

BEFORE JOE MAKES A FINAL DECISION, HE ASKS THE PUBLIC...

- PEOPLE IN THE COMMUNITY GENERALLY AGREED WITH POSSIBLE USES FOR THE BEARPASTURE UNIT, AND MOST AGREED TO PROPOSED SOLUTIONS TO CONFLICTS.
- THE CHAMBER OF COMMERCE REVEALED PLANS FOR GUIDE AND PACKING SERVICES UP TROUT CREEK, CONSIDERING THESE IMPORTANT TO THE LOCAL ECONOMY. CHAMBER OFFICIALS EMPHASIZED THAT THESE WILL REQUIRE HIGH QUALITY TROUT FISHING AND A GOOD TRAIL.
- SOME TIMBER OPERATORS OPPOSED ANY RESTRICTIONS, BUT AGREED THAT MORE INTENSIVE MANAGEMENT OF TIMBER WOULD SUPPLY THEIR NEEDS FROM A SMALLER LAND AREA.
- STATE FISH AND GAME, PUBLIC HEALTH DEPARTMENT, AND SOIL CONSERVATION AUTHORITIES ALL ENDORSED EROSION CONTROL PLANS.
- OTHER FEDERAL, STATE AND LOCAL OFFICIALS SAW NO CONFLICTS WITH THEIR PLANS. THE COUNTY'S DEVELOPMENT PLAN ALREADY ASSUMES TROUT CREEK WILL BE MANAGED FOR RECREATION.

133



What did Joe decide?

BY THIS TIME, JOE'S DECISION WAS EASY—HE ACCEPTED HIS STAFF'S RECOMMENDATIONS, MODIFIED TO PROVIDE FOR HORSE AND PACK TRAIN CAMPS—AND INTENSIFIED TIMBER MANAGEMENT. SO—HE PUT HIS STAFF TO WORK AGAIN, NOW TO MAKE DETAILED PLANS FOR MANAGING TIMBER, RECREATION, AND WATERSHED.

JOE'S JOB, OF COURSE, IS NOT OVER—HE HAS JUST REACHED THE BEGINNING OF THE NEXT PHASE IN THE MANAGEMENT OF THESE PUBLIC LANDS.