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MEMORANDUM

TO: STATE DIRECTOR, BLM, NEVADA STATE OFFICE
FROM: DISTRICT MANAGER, BLM, LAS VEGAS DISTRICT OFFICE
SUBJECT: TRANSMITTAL OF ADMINISTRATION RECORD AND RESPONSE TO ANIMAL PROTECTION INSTITUTE (API) APPEAL OF THE STATE DIRECTORS CALIENTE RESOURCE AREA AND NEVADA WILD HORSE RANGE AND NELLIS RANGE COMPLEX WILD HORSE GATHERING PLANS.

It is my contention that the Caliente Resource Area wild horse removal plan and the Nevada Wild Horse Range and Nellis Range Complex wild horse removal plan are consistent with existing Land Use Plan/or Activity plans, BLM policy and applicable statutes.

There seems to be some confusion over terminology. The term Appropriate Management Level (AML) was not emphasized until 1984. Prior to, and even subsequent to that time, different terminology was used to describe AML i.e. desirable number, management level, initial wild horse numbers, manage for, stocking rates, numbers, start with, number to manage for, wild horse numbers set at, actual count used to start monitoring, wild horse numbers, manage for actual count estimate of wild horses, set horses, manage at existing numbers, beginning point for management, herd size and more. Recently, AML has been used in the place of all the other terminology listed above to develop consistency and reduce confusion.

Further, there seems to be confusion over grazing allotment names and wild horse Herd Management Area (HMA) names, i.e. Highland Peak Grazing Allotment and Highland Peak HMA. Only a portion of the Highland Peak Grazing Allotment is situated within the Highland Peak HMA. That part of the Highland Peak Grazing Allotment from which wild horses are to be removed is outside of the Highland Peak HMA boundary. Thus, this removal has nothing to do with the Highland Peak HMA nor does it affect the AML (API feels it does affect the AML within the HMA), which is 50 head, nor will any horses be removed from the HMA.

Attached are reference documents derived from numerous files. The Bureau's intent is to properly manage wild horses in conformance with the law, I hope for a speedy decision because delays will cost the U.S. tax payers additional dollars.

Enclosures:

- 1.Document Index
- 2.Exhibit #1
- 3.Exhibit #2
- 4.Exhibit #3
- 5.Exhibit #4
- 6.Exhibit #5
- 7.Exhibit #6
- 8.Exhibit #7

Ben F. Collins

INDEX TO DOCUMENT MATERIAL AND BRIEF EXPLANATION: The document packages are listed as Exhibits #1 - 7. Within each package, specific documents are referenced as A, B, C etc., then within that section specific information is identified by using numbers, i.e., 1, 2, 3, etc.

EXHIBIT #1 -- GATHERING PLANS AND ENVIRONMENTAL ASSESSMENTS (EAs), PUBLIC COMMENTS AND BLM RESPONSES

- A. BLM response to interest groups' comments.
- B. Interest group comments on gathering plans.
- C. Gathering plans and EAs.

Actual removal operations are to take place within 5 HMAs, the remaining 4 removal areas are to occur outside HMA boundaries. Removals that are to occur outside of HMA boundaries are supported by the Caliente Resource Area Management Framework Plan (MFP) decision 1.2 as well as public law and Bureau policy which in essence states that wild horses and burros are to be managed within 1971 historical use areas.

AREAS INVOLVED IN THE REMOVAL OPERATION:

<u>HMAs</u>	<u>OUTSIDE OF HMA BOUNDARIES</u>
Little Mtn.	Delamar/Boulder Sp. Grazing Allotments
Miller Flat	Pioche/Highland Peak* Grazing Allotments
Clover Creek	Crossroads/Barclay Grazing Allotments
Clover Mtn.	Simpson Grazing Allotment
NWHR	

* Not to be confused with the Highland Peak HMA which is adjacent.

HMAs THAT HAVE APPROVED HMAPs DEVELOPED IN THE CALIENTE RESOURCE AREA (Exhibit #4). Of those enclosed only the following are involved in this particular wild horse gather.

LITTLE MTN. HMA

The removal of 10 wild horses from the Little Mountain HMA will be from the wild horses that frequent the proximity of the community of Caliente. In addition, this operation affords us with the opportunity to remove tracking collars off of three wild horses in the area. These three wild horses will then be released back to their home ranges.

The AML for the Little Mountain HMA is 25 head (Exhibit #4 B 1), but because livestock grazing privileges for the Little Mountain Grazing Allotment were relinquished back to the BLM to manage for wild horses, the emphasis is to control the animals that are having an impact on private property and reduce the potential for impacts, and still maintain animals at the AML of 25 head.

MILLER FLAT HMA

AML is 50 head (Exhibit #4 D 1) the actual count number for this area is 71 head of horses, 21 head above the AML. Monitoring doesn't indicate a need at this time to adjust the livestock grazing preference or wild horse AML. Thus the population will be removed back to the AML until monitoring indicates a need to adjust AML numbers.

REMOVAL FROM AREAS OUTSIDE OF HMA BOUNDARIES

Other areas where wild horses are to be removed were not identified as historical use areas. Hence, wild horses will not be managed on them. This is supported by MFP decision 1.2 (Exhibit #2 B 1.2), and by Public Law 92-195 and 43 CFR 4710.4. Within these areas are horses that are causing problems, i.e., Caselton (Exhibit #5 B).

- D. First draft to publics for their review and comment.

EXHIBIT #2 --MEMO CONCERNING AML AND MFP DECISIONS

- A. Memo from SD concerning setting AML.

A memo from the Nevada State Director No. NV-82-305 dated June 8, 1982 (Exhibit #3 A) identified different ways that wild horse numbers would be determined; again Caliente Resource Area determined AML through the CRMP Process.

- B. MFP step III decisions, the wild horse section.

MFP Step III states: "Unless determined otherwise through the CRMP process, manage current estimated numbers (FY81) of wild horses and burros within the following herd management areas....."

The Caliente Resource Area used the CRMP process to determine what the current estimated numbers (AML) would be. The CRMP minutes (Exhibit #3) reflect the CRMP input. Further clarification was made through CRMP, during the January 1, 1984 CRMP meeting (Exhibit #3 B 2), that the AML could be changed when HMAPs were written based on additional data, utilizing CRMP and interested publics review and comment.

THE AML AND PROCESS BY WHICH IT WAS ESTABLISHED FOR THE 5 HMAS INVOLVED IN THE WILD HORSE GATHERING PLAN IS AS FOLLOWS:

HMAS	AML ESTABLISHED DURING C & C* OR CRMP** PROCESS	AML ESTABLISHED THROUGH HMAP DEVELOPMENT INVOLVING THE CRMP PROCESS AND OTHER INTERESTED PUBLICS
Little Mtn.	25	
Miller Flat	50	50
Clover Creek	9	
Clover Mtn.	50	
NWHR	2000	2000

*Consultation and Coordination (C & C) committee

**Coordinated Resource Management and Planning (CRMP) Committee

C. MFP step III decisions Wildlife 3.4 section.

EXHIBIT #3 -- COORDINATED RESOURCE MANAGEMENT AND PLANNING (CRMP) MEETING MINUTES

A. March 1986 CRMP meeting

1. CRMP recommending an AML for Highland Peak HMA at 50 head.

B. January 11, 1984 CRMP meeting

1. CRMP discussed future adjustments in relation to wild horses, livestock and wildlife.
 2. The AML to which adjustment would be made, based on monitoring results, would be determined when HMAPs were written.

C. April 20, 1983 CRMP meeting

1. CRMP recommended an AML of 50 head for Miller Flat HMA.

D. March 11, 1983 CRMP meeting

1. CRMP recommended an AML of 25 head for Little Mtn HMA.

E. February 16, 1983 CRMP meeting

1. Census (2/9/83) of 25 head of horses on little Mtn HMA. National Mustang Association wanting to introduce more horses into HMA.

F. December 8, 1982 CRMP meeting

1. CRMP recommended an AML, based on last census, of 9 head of wild horses for Clover Creek HMA. (Mustang Flat)

G. June 2, 1982 CRMP meeting

1. CRMP recommended an AML of 27 head of horses for Mormon Peak HMA.
2. Initial AML of 20 head for Highland Peak HMA. CRMP again recommended, based on additional information, an AML of 50 head during the March 1986 CRMP meeting.
3. CRMP recommended an AML of 50 head for Miller Flat and an activation of suspended AUMs to permittees prior to upward adjustment to AML.

H. March 10, 1982 CRMP meeting

1. Discussed the AML for Highland Peak HMA.
2. Discussed the AML for Little Mtn. HMA.
3. Discussed the AML for the Cottonwood Grazing Allotment portion of the Clover Mountain HMA.

I. February 17, 1982 CRMP meeting

1. Discussed wild horse use outside of 1971 areas in the Crossroads Grazing Allotment: CRMP recommended removal.
2. CRMP recommended actual count numbers to be used as the AML to start management of the Highland Peak HMA.

J. December 9, 1981 CRMP meeting

1. Discussed the AML for the Oak Springs Grazing Allotment portion of the Delamar HMA.

K. November 10, 1981 CRMP meeting

1. CRMP proposed to use BLM actual count numbers for those portions of grazing allotments that fall within HMAs to establish AMLs.

L. September 1, 1981 CRMP meeting

1. CRMP discussed using actual count numbers for those portions of grazing allotments that fall within HMAs to establish AMLs. CRMP recommended 95 head to manage (AML) on Delamar HMA.

- M. August 4, 1981 CRMP meeting
 - 1. CRMP recommended an AML of 10 head on the Sand Hills Grazing Allotment portion of the Clover Mtn. HMA, This number was changed to 8 head based on later inventory.
- N. July 21, 1981 CRMP meeting
 - 1. Last BLM count used to determine the AML for Mustangs.
- O. July 7, 1981 CRMP meeting
 - 1. Use present number as determined by BLM to establish AMLs. This was later Clarified to say that the last BLM count will be the one that is used to determine the AML for mustangs.

EXHIBIT #4 --WILD HORSE HERD MANAGEMENT AREA PLANS (HMAPs)

- A. Highland Peak HMAP
 - 1. AML 50 head
- B. Little Mtn HMAP
 - 1. AML 25 head
- C. Delamar HMAP
 - 1. AML 95 head
- D. Miller Flat HMAP
 - 1. AML 50 head

EXHIBIT #5 --PROBLEM ANIMALS

- A. Caliente problem animals
- B. Caselton problem animals
- C. Caliente problem animals

EXHIBIT #6 -- MONITORING DATA FOR THE CALIENTE HMAs. VEGETATION STUDIES ARE FOR ONLY THAT PORTION OF WILD HORSE GATHERING AREAS THAT OCCUR IN THE CALIENTE PLANNING UNIT.

- A. Census data for the HMAs
 - 1. AML listed for each HMA
 - 2. Census data from 1973 to 1988
- B. Vegetative monitoring data for Little Mtn. HMA

C. Vegetative monitoring data for Miller Flat HMA

D. Vegetative monitoring data for Clover Mtn. HMA

EXHIBIT #7 -- NEVADA WILD HORSE RANGE (NWHR) HMAP, AGREEMENT, AND MISCELLANEOUS INFORMATION AND MONITORING DATA

A. Cooperative Agreement

Agreement between the United States Air Force (USAF), Department of Energy (DOE), United States Fish and Wildlife Service (USFWS), Nevada Department of Wildlife (NDOW), AND Bureau of Land Management (BLM) to manage the Nellis Range Resource. This group of Federal agencies is known as the Five Party Cooperative Agreement Committee. This committee works together to resolve resource issues on the range.

B. NWHR HMAP

This is the activity plan for management of the wild horses on the Nellis Range Complex.

The HMAP for the NWHR was completed March 18, 1985. This plan was developed to aid in resolving concerns on the Nellis Range Complex (Nellis Air Force Bombing Range), These concerns revolved around resource damage, excessive dust problems, damage to facilities, road hazards, potential for large die off, etc.

As a result, a consultation and coordination (C & C) committee was formed from various interest groups and state and Federal Government agencies, who have an interest in the well-being of the wild horses and wildlife on the range. The C & C committee assisted in development of the HMAP.

This activity plan was developed even though there was not a specific Land Use Plan (LUP) for the area.

The AML is 2000 head (Exhibit #7 B page 9). There is now approximately 4000 head of horses on the range, 2000 above AML. Current funding allows for the removal of only 225 head of excess horses at this time. Again, until the AML is reached and vegetative characteristics monitored there will be no need identified to change AML numbers.

C. Miscellaneous information

1. Water concerns

As noted in the reference document, water is limited on the range. The lack of water has a significant impact on wild horses especially during dryer months. Efforts have been made to reduce the possibility of animals dying from lack of water. Six water sources have been maintained in the last 3 years and close to 4000 horses have been removed.

The AML remains at 2000 head and there are approximately 4000 head of wild horses still on the range. Water is still a concern and will be even when the population reaches AML.

2. Vehicle Collisions

This is a major concern to the USAF and DOE with documentation of 16 accidents occurring where horses and vehicles were involved. Reaching AML would help reduce the problem.

3. Utilization

Utilization levels for the 1,137,417 acres studied showed that close to 60% of the range was being utilized above the moderate use level. Utilization summaries have shown that the three combined categories of Moderate, Heavy, and Severe have been reduced as a result of excess wild horse removals from 56% in 1985, to 49% in 1986 to 38% of the area in the three categories for 1987. This use level is still very high, reaching the AML will help bring the level of use down closer to where it should be as defined in the HMAP. Vegetative trend study plots have been installed to be read again during FY89.

4. Water Development

Six water sources have been maintained or developed since 1985. There are still plans to maintain and/or develop more as outlined in the HMAP.

5. Coordination with APL during HMAP development.

The NWRH HMAP was developed through a coordination and consultation (C & C) process with various interest groups involved in writing the drafts. The Draft then went through a thirty day public comment period. The API received a copy for review and comment. I did not receive any comments or concern back from them.

D. Census monitoring data

E. Vegetative monitoring data

4. Utilization

5. Water Development

SUMMARY

I believe that the above referenced documents illustrate that a coordinated cooperative and extensive planning effort has taken place on the NWRH and that the goal of the planning process that has occurred is to achieve an ecological balance of resource uses and needs. There are significant constraints on resource management because of the primary purpose of the Nellis Air Force Range as a result of the military lands withdrawal. However, the HMAP was developed with those constraints in mind. Implementation of the HMAP brings everyone involved closer to resolving the issues that are present. Reaching the AML is only a small part of the implementation process; but, it is a very important part.