

Bureau of Land Management
Rock Springs Field Office
Attention: Jay D'Ewart
280 Highway 191 North
Rock Springs, Wyoming 82901-3447

October 23, 2007

RE: White Mountain & Little Colorado Wild Horse Removal Proposal
Environmental Assessment #WY-040-EA07-254

Dear Mr. D'Ewart:

Enclosed are my comments and input regarding the White Mountain and Little Colorado wild horse management actions and removal proposal.

Based on the information provided within the Assessment, I would like to recommend the No Action Alternative at this time until a reasonable explanation is offered as to why the wild horse population is so high and AMLs are adjusted in the Little Colorado HMA to support self-sustaining, genetically viable herds before wild horse populations are deemed excessive and require removals.

Additionally, due to my research of BLMs limited reported impacts on the relative ineffectiveness of using fertility control drugs for slowing reproduction rates, as well as independent observations that detail some extremely negative and disruptive impact on herd health, dynamics and social structure, I would like to strongly oppose the use of PZP or other fertility control drugs on these herds.

I would like to express my deep appreciation for the opportunity to participate in management of our Nation's resources.

Sincerely,

Cindy MacDonald
3605 Silver Sand Court
North Las Vegas, NV 89032

Significant Impacts Regarding Inaccurate Accounting of Wild Horse Populations

The Rock Springs Field Office seems to be having a very difficult time accurately gauging wild horse populations.

The Divided Basin HMA was under counted, the Adobe Town and Salt Wells have been undercounted and now the White Mountain and Little Colorado population estimates are also being presented with severe discrepancies indicating they have been undercounted as well.

In all proposals, BLM confidently asserts the accuracy of the monitoring data, the appropriateness of the established AML, and pre-gather and post-gather population estimates.

Yet when the next census is done or the next environmental assessment is released to the public for a new management proposal, the prior figures BLM asserted with such unquestionable authority keep demonstrating that the prior information was totally inaccurate. This is a serious concern. What reasons does BLM offer as to why they believe this keeps happening?

When the White Mountain and Little Colorado HMAs were last gathered in November of 2003, BLM stated that the estimated post-gather population was 274 wild horses, 205 in the White Mountain HMA and 69 in the Little Colorado HMA.

In 2006, BLM reported a population of 295 wild horses in the White Mountain HMA. In 2007, they reported 681 through a “direct count” census. Now, with the addition of a 20% reproductive rate, the count is up to 817. That’s a pretty significant discrepancy.

How did the wild horses of the White Mountain HMA increase that much in one year?
Please address the reasons for this significant discrepancy in wild horse population numbers.

Though BLM states that wild horse move freely between the White Mountain HMA and the Little Colorado HMA, the population estimates don’t show a dramatic increase in wild horse numbers in the Little Colorado HMA, so they could not have migrated from there, nor did many wild horses move from the White Mountain HMA into the Little Colorado HMA as their population estimates were only somewhat inflated.

This consistent lack of any sort of remote accuracy in wild horse population estimates has wide ranging impacts on public lands health, resource utilizations, accurate multiple-use management, or credibility in wild horse management.

As a result, there is significant impacts occurring to all rangeland users and to the proper maintenance of public lands health. As such, the reasons behind this consistent lack of accuracy in population estimates needs to be addressed, not only for the current proposal but to help improve effectiveness in all future public lands and resource issues.

By failing to accurately gauge wild horse numbers to such a large degree, the following issues are impacted and significantly affected:

- Wild horse populations are consistently over AML, sometimes by hundreds of wild horses, despite removal operations just being completed.
- This in turn causes total inaccuracy in gauging reproduction rates, ranging from projecting levels of what the reproductive rate of increase actually is within the HMAs (16%, 20%, 30%), the effectiveness of using fertility control if implemented, as well as most likely inflating reproductive rates because of failing to take into account the significant wild horse populations that actually remain after the removal operations, which causes BLM to cite a higher reproduction rate or lower mortality rate than is actually occurring.
- Resource utilizations are then inaccurately gauged due to hundreds of wild horses utilizing rangeland resources that are unaccounted for, which results in authorizations for livestock use becoming totally inaccurate as consumption rates now exceed acceptable standards and cause resource damage, directly violating BLMs mandates to provide good stewardship of public resources and preserve their integrity for future use.
- Impacts to wildlife species result because forage consumption was inappropriately allocated to livestock due to higher wild horse utilization levels resulting in significantly less resources available to properly prepare or sustain wildlife populations during harsh winter conditions.
- Monitoring data of wild horse use is inaccurately gauged, which in turn sets inappropriate AMLs. BLM establishes AMLs based on this monitoring data and BLM has established AMLs from data obtained on utilization levels that were deemed appropriate for a significantly greater population than BLM was aware of utilizing these resources.
- The failure of wild horse populations to be within the range of AML results in a direct violation of court orders and agreements that outline legal requirements for BLMs management of wild horse populations in Wyoming.

Each and every one of these considerations has significant impacts to wild horse populations, livestock authorizations, wildlife species, habitat preservation, legal compliance on both state and national levels, direct and cumulative impacts on multiple-levels as well as budgetary impacts effecting the entire Nation.

The inaccuracy of wild horse population estimates in the White Mountain HMA is not an isolated incident but reflective of a consistent pattern being demonstrated in a variety of HMAs in Wyoming, all pointing to BLMs inability to even marginally assess the consumptive rates and population levels within any degree of accuracy.

This failure needs to be addressed with something more than, “Oops! Our bad...” time and time again or just ignoring it all together.

In addition to the inaccurate estimates of wild horses within the HMAs themselves, there is no reporting of estimated wild horse populations occurring outside the HMAs that were cited during the census flights.

This has significant impacts to removal operations and costs of implementing the removals and long-term effects to the cost of the Wild Horse & Burro Program itself.

First, if a significant population of wild horses is residing outside the HMAs, the amount of wild horses that are projected for capture and placed into the WH&B program is inaccurate and the costs of all resulting management unexpectedly increases.

Second, BLMs actions may be causing undue stress and harassment of wild horse populations due to removal operations constantly being implemented in the HMAs that are causing wild horse populations to migrate outside of the boundaries.

For example, in the Salt Wells HMA, BLM conducted two removal operations in less than 18 months, driving and capturing hundreds of horses in the HMAs. In the spring of 2007, BLMs census reported that almost 200 wild horses were now residing outside of the HMA and this is quite possibly the direct result of being driven out by BLMs management actions.

Please include the estimated number of wild horses known to be residing outside the HMA boundaries of the White Mountain and Little Colorado HMAs so that records are available to determine population numbers.

Also, if wild horses are being driven outside HMA boundaries by BLMs actions and are not naturally occurring, then BLMs regulations regarding the removals of wild horses that reside outside HMAs are being unfairly implemented since those wild horses were driven out of their home ranges and they need to be relocated back in the HMAs to compensate for these management actions.

Genetic Viability

White Mountain HMA

Information was provided on the results of genetic tests conducted on the White Mountain wild horse population, which stated that genetic viability was strong in the White Mountain herds. With the currently established AML, this should prove to be consistently acceptable in further genetic testing.

However, it needs to be mentioned that due to such inaccurate estimates of wild horse populations that have resulted in much higher numbers of wild horses than BLM has been aware of, the high degree of genetic viability was a direct result of a much greater gene pool than the established AML. This results in genetic tests that are inaccurate for a wild horse population being maintained at the established AMLs and basically puts the herds back at square one regarding their genetic viability.

Little Colorado HMA

No genetic tests have been conducted on these wild horses and considering they are the smallest population of the two, testing their genetic viability should have been the first priority of these two HMAs.

Genetic tests and monitoring of the Little Colorado wild horses should be imperative, as again, the inaccurate population estimates contributed to a larger gene pool for the herds than the established AMLs, which have been established at population levels that do not support genetically viable herds according to the best available science on equine genetics.

Furthermore, Dr. Gus Cothran, who conducted the genetic tests of the White Mountain wild horses, stated that “Loss of genetic variation can occur rapidly in small populations” and he cited a “small population” as anything less than 100.

Once the BLM conducts removals again in the Little Colorado HMA, as well as again reducing the White Mountain wild horse populations that are cited as contributing to the meta-population gene pool of the Little Colorado wild horses, impacts to the genetic viability and their ability to survive and be preserved may be dramatically impacted and show rapid decline.

While BLM cites that wild horse populations have no significant predators, obviously the areas cold temperatures and harsh winters can greatly affect population levels of all species in the area.

This is established by BLMs acknowledgement that the 74% of the pronghorn antelope population was wiped out during one particularly harsh winter and it is assumed that harsh winter conditions are the reason the Wyoming BLM does not include foals under the age of one in their estimated populations for the HMAs.

A severe winter could drastically impact the genetic viability of the Little Colorado wild horses at the established AML, especially so if it occurred right after BLM conducted removals that left a remaining population of 69 wild horses.

This could be compounded even further by the application of fertility control on the wild horse populations that could prevent recovery efforts of viable herds as well as the experimental nature of the fertility control drugs being used having unanticipated impacts to DNA and healthy reproduction that cause birth defects in young foals.

Population Modeling

Please address the following issues and discrepancies used in the Population Modeling software:

- a) Used an input parameter of 100% gather rates versus the Proposed Actions and Alternatives that only cited a 70-80% gather rate.
- b) Under Interpretation of the Model, BLM cites using a population of 12 wild horses in the Little Colorado HMA.
- c) Foals were not included in the Population Modeling inputs but they are being included in the population estimates that are triggering higher percentages of excess populations over the established AML.
- c) The White Mountain HMA did not use the estimated post-gather population of 205 one time in any of the trial runs presented to the public.
- d) The populations cited as closest to the remaining post-gather population with the use of fertility control indicated a crash in the reproduction dynamics of the wild populations cited as -6.3% and .01%.
- e) The Little Colorado HMA also did not use the estimated post-gather population of 69 in the any of the trial runs. However, two inputs in the lower trials were reasonably close in the trial runs used with the implementation of fertility control – both indicated that the wild horse reproductive dynamics would crash or severely inhibit the populations ability to reproduce through the implementation of this Proposed Action.
- f) In the Little Colorado trial runs without the implementation of fertility control, the closest population used to the post-gather population indicated that the average growth rate, projected at 9.6% would result in the wild horse population just beginning to trigger high AML on the fifth year. Thus, no fertility control is necessary.
- g) The No Action Alternative for the White Mountain HMA used a beginning population of 785 wild horses, 104 wild horses higher than the guidelines stated in the beginning under Interpretation of Population Modeling, which specified that the foals were not counted and the March 2007 census population would be used. Even using this inflated number, the average growth rate for the inflated population was listed as -0.1%.

Accurate program you have there.

The 10th Percentile Trial Run was the closest proximity to the estimated 2007 post-foaling population and indicated a reproduction rate of 9.3% for the wild horses in the White Mountain HMA.

- h) In the No Action Alternative, Little Colorado's wild horse populations were never even close to the guidelines of using the March 2007 census of 152 wild horses. The closest approximation provided was reflected in the 10th Percentile Trial Run with an estimated population of 186 (inflated by 34 wild horses) resulting in reproductive rates of 7.8%.
- i) In the No Action Alternative for the 25th Percentile Trial Run in the Little Colorado HMA, the estimated population was only increased by 3 wild horses with an input of 189 yet reproductive rates were cited as increasing by 3.5%. How did reproductive rates increase by 3.5% when there was only a difference in three wild horses?
- j) In the No Action Alternative, the Little Colorado's population under the lowest trial run was 127 wild horses – 27 wild horses over the established “high” AML. Yet the Population Modeling software indicates that reproductive rates are –1.9% for this estimated population. Does this establish the proof an AML of 100 wild horses is genetically unviable and the population will eventually crash due to BLMs establishment of these non self-sustaining numbers?
- k) Considering that the No Action Alternative showed the reproductive rates are 50% of the average reproduction rates BLM cites as occurring on wild horse populations, no implementation of fertility control is necessary as well as gather cycles can be greatly extended to 6-10 years once AML is actually achieved, based on the reproductive rates listed as occurring for the No Action Alternative wild horse population.

AMLs

The BLM has stated that the appropriateness of the Little Colorado HMA was re-affirmed in the 1997 Green River Resource Management Plan.

How specifically was that established?

Based on the Rock Springs Field Offices population estimates, there have been significantly greater populations of wild horses occurring in many of the HMAs they oversee.

Obviously, something is wrong with the methods they employ to establish wild horse utilization levels of rangeland resources and AMLs can certainly be adjusted upwards based on the consistent levels of higher utilization demonstrated by actual populations than BLM was aware of.

Furthermore, much knowledge has since been gained in the field of equine genetics and genetic viability of wild horse populations since the initial AML agreements were negotiated and even within the time frame since the Green River RMP was established.

Based on the best available science, as well as the significant discrepancies in monitoring data, the AML of the Little Colorado wild horses needs to be adjusted upwards to accommodate the environmental conditions of the HMA, the inaccurate monitoring data that affirmed these AMLs as well as the best available science that has expressed “Loss of genetic variations can rapidly occur in small populations” cited as 100 or less.

BLM states that without the cooperation of the livestock operators in the area, the wild horse populations and as well as the HMAs themselves would dissolve and that it is only through their good graces that wild horses are allowed to live on public lands in Wyoming at all.

While BLM is mandated to recognize grazing as a legitimate multiple-use of public lands, may it also be said that without BLMs cooperation, the livestock operators would also have a great deal of difficulty managing their livestock. BLM has the right to exert the federal authority bestowed upon them for multiple-use applications and management on public lands – this includes viable, self-sustaining wild horse populations on those public lands managed by BLM.

BLM has been mandated to manage wild horse populations at self-sustaining numbers and there is no lack of resources to inhibit the fulfillment of this mandate nor are they under court orders for management action in the Little Colorado HMA.

Furthermore, as I’m sure the livestock operators have long been aware of (probably the reason they began initiating lawsuits regarding BLMs wild horse management), wild horse populations have consistently been in excess of these established AMLs, their utilization of resources at these higher levels has already been occurring, the livestock operators were unaware, as was BLM, that these established AMLs poses threats to genetic viability and self-sustaining populations, and now BLM seems to be well on the path of implementing their national strategic objectives of maintaining wild horse populations at AML by conducting regular removals once the AML range has been exceeded.

All these factors support the adjustment of a higher AML for the Little Colorado wild horse population that livestock operators could live with. An increase in AML to genetically viable and self-sustaining populations with a range where the low end of AML begins at 150 within the HMA is not an excessive number in context of the resources available.

Based on the figures provided within this assessment, 40,088 AUMs are available to livestock operators in these allotments with 33,425 of these being issued from BLM have while only a maximum of 1,200 AUMs have been issued for wild horse use.

The establishment of a Resource Management Plan requires BLM to follow established policies regarding wild horse management that must consider them “comparable” to other multiple-uses in land use plans. 1,200 AUMs of forage compared to 40,088 AUMs for livestock is NOT comparable, especially so when viewed in light of BLM failing to issue enough critical resources to sustain a viable wild horse population even though it was available.

Additionally, while the Taylor Grazing Act affirms livestock rights on public lands, the Federal Lands Management Policy Act also states that grazing on public lands is a “privilege” (paraphrased) and that just because BLM authorizes grazing and public resource utilizations, livestock operators are not automatically granted rights, title or interests on public lands through the authorizations of these grazing privileges.

Please see Attachment I that outlines federal laws regarding the establishment of management actions and rights on public lands with specific focus on wild horse and burro management as decreed by Public Law 92-195, the Federal Lands Management Policy Act and BLMs Code of Federal Regulations on Wild Horse and Burro Management.

Adjusting the Little Colorado wild horse AML to a range of 150-300 would keep the wild horse population at viable levels in between gather cycles with an increase in forage allocations from the maximum utilization levels now established ranging from 828-1,200 AUMs to 1,800-3,600 AUMs, which is still far, far below the allocations being given to livestock operators; still less than 10% of the available forage in the area.

This would require an 8% reduction in authorized livestock AUMs on BLM administered public lands throughout the 6 livestock grazing allotments listed as impacting the Little Colorado HMA to increase the supporting of self-sustaining and genetically viable herds as set forth in the Green River RMP wild horse objectives.

Fertility Control

Independent observations of herds treated with PZP have noted a wide variety of disturbing impacts to herd dynamics.

Some of these impacts include younger mares treated with only one injection of PZP not reproducing for several years after the injections, some finally reproduced but long after BLM stated PZPs effects would wear off, and old mares that were no longer reproducing became fertile again and began producing offspring.

Severe impacts to stallions and herd social structures have been noted as well. Natural reproduction cycles follow the path of mares coming into estrus, various mating “dances” ensuing including aggressive behavior exhibited by stallions to secure their breeding privileges and then a return to the business of survival once mares have become impregnated.

When PZP is injected, most mares do not become pregnant after coming into estrus and instead of the annual mating period being of relatively short duration, the return of the mares again and again and again to their estrus cycles has been found to cause stallions to react accordingly.

As a result, stallions are continuously and unnaturally being placed on “high alert” because the mares keep signaling it is time to mate and subjecting them to repeated attempts by stallions to fulfill nature’s “duty”.

This also has been noted to cause competing stallions to aggressively challenge the dominant band stallion, forcing him to defend his mares and breeding privileges repeatedly and excessively. Stallions become worn out, the constant battles result in a greater proportion of wounds in both frequency and severity, the wounds do not have the proper time to heal before battles begin again and even fatality was noted from this unrelenting mating cycle that can have no sense of completion due to PZPs introduction.

Additionally, some competing stallions are successful in their bid for band mares due to the former band stallion becoming worn down from the constant challenges resulting in repetitive disturbances and impacts to complex social structures and herd dynamics because the herds are being placed in a constant state of flux due to PZP triggering these wholly unnatural cycles of behavior.

While a fertility control study was cited within this proposal, it provided a rather limited scope of the effects on wild horse populations.

The BLM in Las Vegas, NV had just recently released an environmental assessment for the Nevada Wild Horse Range that provided some pertinent information regarding the use of fertility control treatments on the wild horses within the area.

Fertility control treatments were administered to mares within the Nevada Wild Horse Range after the 2003 removal operations. The next year, BLM reported a 30% reproductive rate exhibited by the herds. As for the average effectiveness cited from administering fertility control on the wild horse population, only a 2% change in recruitment rates was noted, reducing the 24% to 22% on average.

Furthermore, BLM cited significantly higher incidents of “club-footed” wild horses with special emphasis on the current foal crop being affected. While the Las Vegas BLM was quick to provide the possibility that this was a result of a recessive gene, examining the possibility that this reaction is a result of administering experimental fertility drugs to the wild horse populations resulting in increased rates of birth defects should not be ruled out.

Considering the Little Colorado wild horse population has already had an AML established that is at risk with their genetic viability, harsh winter environmental conditions contain the possibility of severe impacts to herd populations that could potentially cause wild horse populations to crash and the experimental use of fertility control seems to indicate unforeseen problems, it is highly recommended that fertility control not be implemented on the wild horse populations within the White River and Little Colorado HMAs until further studies and research can determine its safety regarding reproduction and impacts to herd dynamics.

Wildlife

First, I would like to thank the Rock Springs Field Office for including pertinent wildlife information such as estimated populations and management objectives within the wild horse management assessment so that a proper evaluation of the multiple resources and rangeland users could be accurately assessed.

However, the wildlife population numbers were overwhelming in terms of balanced multiple-use objectives. The idea that more than 400 wild horses within the two HMAs would threaten the 42,500 pronghorn (with a noted 60% dietary overlap), 31,000 mule deer, 3,900 elk and 5,400 moose was really astounding.

Throughout the assessment, BLM asserted that wild horse populations in excess of 400 individuals would begin to impact wildlife species whose total consumptive populations were cited in the tens of thousands with population objectives that have almost been achieved climaxing at 100,000 individuals and I found BLMs assertions frankly, absurd.

It is obvious that wildlife populations and management objectives are profoundly impacting viable, self-sustaining wild horse populations for the singular purpose of generating hunting revenue at the expense of preserving the wild horse herds, a federally protected species.

Requesting BLM to address this absurdity when they already have by stating that wild horse populations in excess of 400 individuals threaten these big game populations while knowing that the wild horse populations are in danger of inbreeding or crashing due to such low allowable numbers is truly stunning.

Failing to insist on viable AMLs when resources are available to support them, as BLM has been federally mandated to do, all the while citing that BLMs concerns rest only for these staggering big game populations, is a blatant admission that their federal mandates to preserve wild horses for future generations is being willfully ignored.

While other wildlife species are also cited within the environmental assessment, all of the other species listed, including vegetation of special concern, are being impacted in significantly greater degree by the sheer numbers of these big game populations than the wild horse populations could ever begin to do at their established allowable management levels.

How does BLM justify the majority of resources being consumed by livestock or big game animals through management objectives they have agreed to or authorized that results in lack of self-sustaining and genetically viable populations in the Little Colorado HMA?

Isn't BLM required to consider the needs of wild horses when establishing management plans for the HMAs? Wouldn't this include issuing forage allocations that allow the wild horse populations to thrive in self-sustaining populations?

Isn't BLM aware that a wild horse population of 100 or under can rapidly lose genetically viable populations according to our most recent and best available science?

With the mandates, laws, policies, and regulations established for required considerations and implementation in wild horse and burro management, as well as the management objectives outlined in the Green River RMP, how does BLM believe they are complying with these requirements in regards to the Little Colorado wild horses?

Conclusion

As this assessment strives to focus on the implementation of wild horse management as outlined in multiple documents, with the singular motive of removing "excess" populations to achieve "AML", a great deal of management requirements that have been established as necessary for BLM to adhere to before, during and after wild horse removals in relation to the management of wild horses and their federally designated habitat as a whole is being circumvented or ignored.

Please address all the necessary requirements such as AML guidelines, securing of critical resources, preserving viable populations in designated wild horse habitat and management plans that are updated on the best available science to insure the fulfillment of multiple-use mandates of public resources under BLMs administration.

Thank you for your consideration.

ATTACHMENT I

Legal Requirements, Laws & Regulations

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

Section 1331. Congressional Findings and declaration of policy

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

Section 1332 Definitions

As used in this Act-

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

Section 1333 Powers and duties of Secretary

Jurisdiction; management, ranges, ecological balance objectives, scientific recommendations; forage allocations adjustments

“All wild free-roaming horses and burros are hereby declared to be under the jurisdiction of the Secretary for the purposes of management and **protection** in accordance with the provisions of the Act. The Secretary is authorized and directed to protect and manage wild free-roaming horses and burros as components of the public lands, and he may designate and maintain specific ranges on public lands as sanctuaries for their protection and preservation, where the Secretary after consultation with the wildlife agency of the State wherein any such range is proposed and with the Advisory Board established in section 1337 of this Act deems such action desirable. The Secretary shall manage free-roaming wild horses and burros in a manner designed to achieve and maintain a thriving natural ecological balance on the public lands. He shall consider the recommendations of qualified scientists in the field of biology and ecology, some of whom shall be independent of both Federal and State agencies and may include members of the Advisory

Board established in section 1337 of this Act. All management activities shall be at the minimum feasible level and shall be carried out in consultation with the wildlife agency of the State wherein such lands are located in order to protect the natural ecological balance of all wildlife species which inhabit such lands, particularly endangered wildlife species. Any adjustments in forage allocations on any such lands shall take into consideration the needs of other wildlife species which inhabit such lands. (*emphasis added*)

(iv) such additional information as becomes available to him from time to time, including that information developed in the research study mandated by this section, or in the absence of the information contained in (I-iv) above on the basis of all information currently available to him, that an **overpopulation** exists on a given area of the public lands and that action is necessary to remove excess animals, he shall immediately remove excess animals from the range so as to achieve appropriate management levels. Such action shall be taken, in the following order and priority, until all excess animals have been removed so as to restore a thriving ecological balance to the range, and protect the range from the deterioration associated with overpopulation.

Federal Lands Policy and Management Act of 1976 **Public Law 94-579**

Title 1, Definitions-

Sec. 102. [43 U.S.C. 1701] (a)

“The Congress declares that it is the policy of the United States that– (b) The policies of this Act shall become effective only as specific statutory authority for their implementation is enacted by this Act or by subsequent legislation and shall then be construed as supplemental to and not in derogation of the purposes for which public lands are administered under other provisions of law.” (*emphasis added*)

Title 1, Definitions-

Section 103 [43 UUSC 1702] (c):

“The term “multiple use” means the management of the public lands and their various resource values so that they are utilized in the combination that will best meet the present and future needs of the American people; making the most judicious use of the land for some or all of these resources or related services over areas large enough to provide sufficient latitude for periodic adjustments in use to conform to changing needs and conditions; the use of some land for less than all of the resources; a combination of balanced and diverse resource uses that take into account the long-term needs of future generations for renewable and non-renewable resources, including, but not limited to, recreation, range, timber, minerals, watershed, wildlife and fish, and natural scenic, scientific and historical values; and harmonious and coordinated management of the various resources without permanent impairment of the productivity of the land and the quality of the environment with consideration being given to the relative values of the resources and not necessarily to the combination of uses that will give the greatest economic return or the greatest unit output.” (*emphasis added*)

Title 1, Declaration of Policy, Section 102-(7):

“goals and objectives be established by law as guidelines for public land use planning, and that the management be on the basis of multiple use and sustained yield unless otherwise specified by law:” (*emphasis added*)

Title 1, (4):

“the Congress exercise its constitutional authority to withdraw or otherwise designate or dedicate Federal lands for specified purposes and that Congress delineate the extent to which the Executive may withdraw lands without legislative action;” (*emphasis added*)

Title 1, Definitions, Section 103. [43 U.S.C. 1702]:

“Without altering in any way the meaning of the following terms as used in any other statute, whether or not such statute is referred to in, or amended by, this Act, as used in this Act-“

Title 1, Definitions, Section 103. [43 U.S.C. 1702] (a):

“The term “areas of critical environmental concern” means areas within the public lands where special management attention is required (when such areas are developed or used or where no development is required) to protect and prevent irreparable damage to important historic, cultural, or scenic values, fish and wildlife resources or other natural systems or processes, or to protect life and safety from natural hazards” (*emphasis added*)

Title 2, Land Use Planning, Section 201 [43 U.S.C. 1711] (a):

“The Secretary shall prepare and maintain on a continuing basis an inventory of all public lands and their resource and other values (including but not limited to, outdoor recreation and scenic values), giving priority to areas of critical environmental concern.”

Title 3, Administration, Section 302. [43 U.S.C. 1732] (a):

“The Secretary shall manage the public lands under principles of multiple use and sustained yield, in accordance with the land use plans developed by him under section 202 of this Act when they are available, except that where a tract of such public land has been dedicated to specific uses according to any other provisions of law it shall be managed in accordance with such law.” (*emphasis added*)

Title 4, Grazing Leases and Permits, Section 402. [43 U.S.C. 1752] (h):

“Nothing in this Act shall be construed as modifying in any way law existing on the date of approval of this Act with respect to the creation of right, title, interest or estate in or to public lands or lands in National Forests by issuance of grazing permits or leases.”

Title 7, Effect on Existing Rights; Section 701. [43 U.S.C. 1701 note] (a):

“Nothing in this Act, or in any amendment made by this Act, shall be construed as terminating any valid lease, permit, patent, right-of-way, or other land use right or authorization existing on the date of approval of this Act.” (*emphasis added*)

Title 7, Effect on Existing Rights; Section 701. [43 U.S.C. 1701] (f):
“Nothing in this Act shall be deemed to repeal any existing law by implication.”
(*emphasis added*)

Title 7, Effect on Existing Rights; Section 701. [43 U.S.C. 1701] 6 (h) states:
“All actions by the Secretary concerned under this Act shall be subject to valid existing rights.”
(*emphasis added*)

Code of Federal Regulations
Title 43 Public Lands: Interior Part 4700
Protection Management and Control of Wild Free-Roaming Horses and Burros

Subpart 4700—General §4700.0–1 Purpose.

“The purpose of these regulations is to implement the laws relating to the protection, management, and control of wild horses and burros under the administration of the Bureau of Land Management.” (*emphasis added*)

§4700.0–2 Objectives.

“The objectives of these regulations are management of wild horses and burros as an integral part of the natural system of the public lands under the principle of multiple use;”
(*emphasis added*)

§4700.0–6 Policy.

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

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

§4710.3–1 Herd management areas.

Herd management areas shall be established for **the maintenance** of wild horse and burro herds. In delineating each herd management area, the authorized officer shall consider the appropriate management level for the herd, the habitat requirements of the animals, the relationships with other uses of the public and adjacent private lands, and the constraints contained in §4710.4....
(*emphasis added*)

§4710.5 Closure to livestock grazing.

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

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

§4710.6 Removal of unauthorized livestock in or near areas occupied by wild horses or burros. The authorized officer may establish conditions for the removal of unauthorized livestock from public lands adjacent to or **within areas occupied by wild horses or burros to prevent undue harassment of the wild horses or burros.** Liability and compensation for damages from unauthorized use shall be determined in accordance with subpart 4150 of this title.
(emphasis added)