

UNITED STATES DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
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Instruction Memorandum No. 2004-151
Expires: 09/30/2005

To: All Field Officials (except Alaska & Eastern States)

From: Assistant Director, Renewable Resources and Planning

Subject: Establishment/Adjustment of Appropriate Management Levels, and Managing
Planned Escalating Problem and Emergency Gathers
DD: AML Establishment Schedule 04/15/2004

Program Area: Wild Horse and Burro Program

Purpose: This Instruction Memorandum (IM) communicates guidance and policy to Bureau of Land Management (BLM) Field Offices for completion of Appropriate Management Level (AML) establishment, and procedures to identify, prioritize, and mitigate potential and actual emergencies involving wild horse and burro (WH&B) gathers.

Policy/Action:

A. Establishment/Adjustment of Appropriate Management Levels

Effective management of rangelands and WH&B herds requires the establishment of AMLs for all Herd Management Areas (HMA) and on WH&B ranges. Establishment of AML is necessary to achieve the goals of the *2001 Strategy to Achieve Healthy Lands and Viable Herds-The Restoration of Threatened Watersheds Initiative*. Fifty-one HMAs do not have established AMLs. Each state is required to submit a schedule for completion of initial AML establishment to WO-260 by 04/15/04. All AMLs are to be established by the end of FY05, and should be set in a manner that accommodates a four year gather cycle.

Consideration should be given to either modifying the existing AML, or converting of the HMA to Herd Area status (inactive), where serious habitat deficiencies exist and result in repeated problems.

To make these types of changes, monitoring data and a rangeland health assessment/evaluation must indicate that wild horses and/or burros cannot be managed as a self-sustaining population of healthy animals in balance with other uses and the productive capacity of their habitat.

B. Management of Unplanned and Emergency Gathers

Rangeland and animal health are the top resource priorities in the WH&B Program. Due to changing conditions, unplanned gathers are necessary every year and result in the re-direction of limited resources to critical areas. These deviations from planned work disrupt the national effort to achieve AML in all HMAs by 2005. Situations that may require adjustments in the National Gather Schedule are identified as: 1. Escalating Problems, and 2. Emergencies.

1. Escalating Problems

Escalating Problems are defined as deteriorating conditions resulting in a declining availability of forage/water that will negatively affect animal condition and rangeland health. Causal factors are normally drought and/or animal numbers in excess of AML. These situations are normally detectable four to six months or longer in advance of a situation becoming critical. If the present situation is a result of drought, refer to WO IM No. 2003-074 (FY 2003 General Drought Management Direction), dated 01/28/03, and use the four-phased approach for detection and management of drought impacts as it relates to wild horses and burros. Adjustments in WH&B numbers due to Escalating Problems will be managed within existing state removal targets. Gathers within a state are to be prioritized according to rangeland conditions/monitoring data, water availability, animal condition, and other unique resource needs.

If AML has not been established or if litigation has resulted in a delay of AML establishment, action to gather should be initiated before animal and rangeland health become emergencies. Determining the number of animals to be removed is complex and controversial. Numbers to be removed are to be managed within state removal targets and should be determined by careful assessment of rangeland conditions/monitoring data and through the National Environmental Policy Act (NEPA) review process for the gather plan/environmental assessment.

Court ordered gathers and removals of nuisance animals and/or those that stray outside of HMAs are also to be managed within individual state gather targets.

The following process will be used when state gather targets are inadequate to meet Escalating Problem gather needs, and individual State Offices have followed the policy of prioritization of gather/removals.

1. State Offices should provide early notification (4/6-month minimum) to the National Program Office (NPO) of inadequate removal targets and funding shortages. WO will work with the affected state to attempt resolution of the problem.

2. NPO field visits for verification/support of state determinations may be conducted if interstate adjustments in gather targets are necessary.
3. Interstate adjustments in allocated gather targets will require Steering Committee review.
4. Removals will be structured to mitigate the existing problem.
5. NEPA and Gather Plans are required.

Factors that will be considered in determining adjustments in gather targets are:

- a. Rangeland and animal health.
- b. Effective use of the prioritization process.
- c. Actions taken to mitigate or alleviate the impacts.
- d. Commensurate and/or appropriate actions taken to adjust livestock use when livestock contribute to unacceptable rangeland impacts and the impacts are not solely related to excess numbers of WH&Bs.

The key concept is that escalating problems should be detected early and managed within the individual state gather priorities on a “most critical first” basis so they do not become “emergencies.”

2. Emergencies

An Emergency is defined as a situation that develops unexpectedly and threatens the immediate health and welfare of a WH&B population and/or their habitat. Examples of emergencies include fire, insect infestation, disease or other events of a catastrophic and unanticipated nature.

When an emergency is identified, the following steps will be taken in priority order:

1. State lead notifies NPO.
2. NPO will work with the affected State to mitigate the emergency and schedule the gather.

3. Intrastate adjustments in gather priorities will be made to accomplish the gather within the state's removal target.
4. If the emergency results in a shortage of public land forage and/or water, commensurate and/or appropriate action to adjust livestock grazing or close livestock allotments in whole or part are required for emergency gather approval.
5. If the required adjustment in numbers results in a reduction of a population below the low point of AML, rationale will be included with the gather request.
6. Some emergency actions are excluded from NEPA requirements (H-1790-1 I-B2), but require consultation with CEQ. If timeframes permit, NEPA and gather plans are required prior to animal removal. It is standard procedure for decisions to be issued Full Force and Effect. If immediate action is required, emergency actions should be documented and a report prepared after resolution of the problem. Public notification may be in the form of press releases as soon as feasible.

If fiscal resources are inadequate to manage the emergency at the State level and an adjustment in national priorities is required, NPO will immediately initiate a field review. Factors to be considered in gather approval are as follows:

1. The nature and extent of the problem.
2. Rangeland and animal health.
3. Appropriate actions taken concerning livestock use (described above).
4. Actions taken to mitigate or alleviate the impacts.
5. WH&B Steering Committee review if an adjustment in interstate gather targets is required.

The key concept is that emergencies occur suddenly, unexpectedly and require immediate action. An emergency poses an imminent threat to the health and survival of a population of WH&Bs and/or their habitat.

Time frame: Effective immediately.

Budget Impact: FY02 Management Information System data indicate an average cost of \$20,000 per unit to establish the initial AML in a HMA. Adjustments in existing AMLs result in a similar level of work and commitment of fiscal resources.

Management of Escalating Problem and Emergency gathers would result in monitoring, data interpretation, report preparation and prioritization work that is routine to the program and will not result in additional costs. When these gathers are managed routinely as part of the annual program, costs should not increase significantly. NPO review of problem areas will result in additional travel costs estimated at \$10,000 per year.

Background: Establishment of AMLs began in the late 1970s and is critical to the effective management of rangelands and WH&B herds. Accomplishing the establishment of AMLs has been an increasingly high priority work item and is critical to accomplishing the goals of the *2001 Strategy to Achieve Healthy Lands and Viable Herds-The Restoration of Threatened Watershed Initiative*.

Escalating Problem and Emergency gathers often are a necessary part of the WH&B Program. In FY02, BLM removed 2,330 additional wild horses due to fire/drought. The program has enough history to enable each state to predict their gather needs relatively accurately. These fiscal needs should be planned and built into each budget request. Based on past experience the WO can project “on the average” emergency removal numbers on a national basis and plan accordingly.

Manual/Handbook Sections Affected: None

Coordination: This policy was coordinated with State Offices, Field Offices, the Wild Horse and Burro Advisory Board and the Solicitor’s Office.

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