

4710 – MANAGEMENT CONSIDERATIONS (PUBLIC)

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.01 Purpose. This Manual Section describes the authorities, objectives and policies that guide the protection, management, control and disposition of wild free-roaming horses and burros on public land, and on other lands that are adjacent to or intermingled with public land and serve as habitat for wild horses and burros.

.02 Objectives. The BLM's objectives in this Manual Section are:

A. To protect wild horses and burros from unauthorized capture, branding, harassment or death.

B. To consider wild horses and burros in the areas where they were found in 1971 (Herd Areas or HAs) as an integral part of the national system of public lands.

C. To manage wild horses and burros, within herd management areas (HMAs) designated for their long-term maintenance, in a manner designed to achieve and maintain a thriving natural ecological balance (TNEB) and multiple-use relationships on the public lands.

D. To ensure management actions are carried out at the minimum feasible level necessary to attain the objectives identified in approved land use plans (LUPs) and Herd Management Area Plans (HMAPs) and that free-roaming behavior is maintained.

E. To establish and adjust appropriate management levels (AMLs) for wild horses and burros on public lands based on in-depth analysis of resource monitoring data and completion of a site-specific environmental analysis and decision-making process.

F. To consider management actions to reduce population growth rates and extend the gather cycle during gather or herd management area planning for wild horse herds.

G. To maintain current data about wild horse and burro populations and their habitat.

H. To consult with State wildlife agencies, other State and local governments, Native American tribes and all other interested individuals, groups and agencies during land use and implementation planning for the management of wild horses and burros.

I. To conduct wild horse and burro research consistent with identified priorities.

.03 Authority. See BLM Manual Section 4700.

.04 Responsibility. See BLM Manual Section 4700.

.05 References. See BLM Manual Section 4700.

.06 Policy. See BLM Manual Section 4700.

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.1 Protection of Wild Horses and Burros on Public Land.

.11 Observation. The authorized officer shall provide for periodic observation of wild free-roaming horse and burro herds to reduce the possibility of unauthorized capture, branding, harassment or death.

.12 Investigation. The authorized officer, special agent or law enforcement ranger shall conduct the initial investigation of all reports or observations of capture, branding, harassment and/or death of wild free-roaming horses and burros. Suspected or known criminal violations must be referred to the Special Agent-in-Charge for further investigation.

.13 Enforcement. On determination of a violation of the 1971 Wild Free-Roaming Horses and Burros Act (WFRHBA), as amended, or applicable regulations (43 CFR 4700), the Special Agent-in-Charge shall, depending on the severity of the infraction and the evidence available, issue a violation notice to the perpetrator(s), arrest the perpetrator(s), or refer the case to the U.S. Attorney for determination of prosecutorial merit.

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.2 Land Use Planning. Wild horses and burros shall be considered comparably (in the same manner) with other resource values for each Herd Area in the preparation of resource management plans (RMP) or other land use plans (LUP). Resource management planning requirements for wild horses and burros are set forth in BLM Manual Sections 1601-1617. Also see BLM Handbooks: H-1601-1 – Land Use Planning and H-4700-1 – Wild Horses and Burros Management (Chapter 2).

.21 Land Use Plan Decisions.

A. Herd Areas (HAs) shall be identified in LUPs and are limited to areas of the public land used as habitat by wild horses and burros at the time the WFRHBA was enacted (December 15, 1971). A permanent record of the HAs that existed in 1971 shall be maintained by the authorized officer.

B. The HAs within which wild horses and burros can be managed for the long-term shall be designated as HMAs in LUPs. The LUPs should identify the initial and estimated herd size that could be managed, while still preserving and maintaining a TNEB and multiple-use relationship for that area. The LUP will also establish the guidelines and criteria for adjusting herd size.

C. The LUPs should also identify any HMAs to be managed for non-reproducing wild horses and the criteria for their selection. Management tools to control population size within AML and to reduce gather frequency should also be analyzed in the LUPs. These tools could include, but are not limited to, use of fertility control, adjusting sex ratios to favor males, a combination of fertility control and sex ratio adjustment, and management of selected HMAs for non-reproducing wild horses.

D. Changes to HA or HMA boundaries shall be made through a LUP amendment, revision or new RMP. The HA boundaries can only be changed when the current boundary does not correctly portray where wild horses and burros were found in 1971 based on well-documented historical data through the LUP process. Remove any existing HAs, where all animals were privately owned (claimed during the claiming period), from HA status in the LUP.

E. An HMA may be considered for designation as a wild horse or burro range to be managed principally, but not necessarily exclusively, for wild horses and burros when a significant public value is present.

.22 Plan Amendments. The process necessary to amend a LUP includes an environmental assessment (EA) of the proposed change, or an environmental impact statement (EIS) if necessary, public involvement, interagency coordination, and any other data or analysis as prescribed in BLM Manual Section 1617.42 and in 43 CFR 1610.5-5.

.23 Implementation Decisions. Decisions to establish or adjust AML, to identify and set habitat or population management objectives, or to implement specific habitat improvement projects or population management actions are generally implementation decisions as compared to land use planning decisions. An appropriate site-specific environmental analysis and decision-making process with public involvement in accordance with the National Environmental Policy Act (NEPA) is required.

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A. The authorized officer may establish or adjust AML (either up or down) or establish a population range (upper and lower limit) for AMLs initially established as a single number. Development of a LUP amendment, revision or new RMP is not generally required (see H-4700-1, 2.5.1 for additional information).

Decisions to establish or adjust AML or establish a population range when the AML was initially set as a single number can be made in a variety of ways. These include single-use decisions (i.e., wild horse decisions); Multiple Use Decisions (where forage is allocated to wildlife, wild horses and burros and livestock concurrently); in LUPs (provided AML is set based on an in-depth analysis of site-specific resource monitoring data and is not based on administrative convenience or one-time surveys); or as part of the gather plan or HMAP environmental analysis. See BLM Handbook: H-4700-1 – Wild Horses and Burros Management (Chapter 7 and Appendix 4).

B. The authorized officer may prepare a Herd Management Area Plan (HMAP) for a single HMA or complex of HMAs where animal interchange occurs. The HMAP shall include habitat and population management and monitoring objectives, and identify the actions to be taken to accomplish those objectives.

C. Prior to issuing a decision to gather and remove excess wild horses and burros, the authorized officer shall analyze and document the potential environmental impacts associated with the proposed gather and removal, unless an emergency situation exists. See BLM Manual Section 4720.3.

D. The authorized officer shall consider management actions to reduce population growth rates and extend the gather cycle during gather or herd management area planning for wild horse herds.

.24 Consultation. The BLM is required to consult with the U.S. Fish and Wildlife Service (USFWS) and State wildlife agencies when establishing wild horse and burro AMLs and when determining whether an overpopulation of wild horses and burros exists, and whether action should be taken to remove the excess animals, or other options to achieve AML should be considered (16 USC § 1333(b)(1)). The authorized officer shall also consult with the USFWS and State wildlife agencies when other types of wild horse and burro management decisions (e.g., HMAP development, range improvement projects, vegetation management proposals) may impact species protected by the Endangered Species Act.

The authorized officer should also involve potentially affected and interested individuals, groups, and agencies during land use and implementation planning for wild horses and burros. Examples of potentially affected interests include other Federal or State agencies, local governments, Native American tribes, the U.S. Forest Service (USFS), applicable advisory committees, livestock operators, and others expressing an interest in the management of wild horses and burros within the authorized officer's jurisdiction.

.3 Habitat Management.

.31 Habitat. Habitat for wild horses and burros is composed of four essential components: forage, water, cover and space. These components must be present within the HMA in amounts sufficient to sustain healthy wild horse and burro populations and healthy rangelands over the long-term.

Where integral or extensive portions of the habitat within an HMA are privately controlled, the authorized officer may enter into cooperative agreements with owners who are willing to make their land and/or water available for wild horse and burro use.

When owners are unwilling to make their land and/or water available for wild horse and burro use, AML will be established or adjusted based on the available public land forage and water. If one or more of the essential habitat components are not present in sufficient amounts on the public land, the authorized officer should consider revising or amending the LUP to remove the area's designation as an HMA. If the decision is made to remove an area's designation as an HMA, the total population of wild horses and/or burros should then be gathered and removed.

.32 Forage (Vegetation). Vegetation provides sustainable forage and cover for wild horses and burros and shall be managed in a manner that achieves and maintains TNEB and assures significant progress is made toward achieving the Standards for Land Health and other site-specific or landscape-level objectives. See BLM Manual Section 4180.

.33 Water. An adequate year-round source of water must be present within the HMA to sustain wild horse and burro numbers within AML. The water source needs to be of sufficient quantity and quality to sustain healthy animals.

.34 Cover and Space. The terrain and vegetation provide escape cover and shelter from the prevailing weather. Part of the space component is the ability of wild horses and burros to move freely between water and forage within seasonal habitats.

.35 Habitat Improvements. Habitat improvements may be structural (e.g., fences, cattle guards and water developments) or nonstructural (e.g., seeding, prescribed fire, shrub and tree removal or emergency fire rehabilitation). These activities may potentially benefit wild horses and burros by improving habitat conditions. They may also have potential to adversely impact wild horses and burros by restricting free-roaming behavior or concentrating use in a manner that was not intended.

Proposed projects should be analyzed and mitigation proposed to minimize adverse impacts to wild horses and burros, where possible. Existing projects that negatively impact wild horses or burros should be considered for removal or modification through coordinated activity plans.

.36 Habitat Monitoring. Monitoring shall be completed in order to establish or adjust AML, determine if an overpopulation of wild horses or burros exists, and if AML should be achieved through removal of the excess animals or by other appropriate means. See BLM Handbook: H-4700-1 – Wild Horses and Burros Management, Chapter 5.

.4 Population Management.

.41 Management Requirements.

A. Healthy wild horses and burros shall be managed, within HMAs designated for their long-term maintenance, in a manner designed to achieve and maintain a TNEB and a multiple-use relationships on the public lands.

B. 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. Some selected HMAs may be managed for non-reproducing wild horses to aid in controlling population numbers.

C. Activities associated with the management of wild horses or burros shall be undertaken with the objectives to:

1. Maintain free-roaming behavior.
2. Limit wild horse or burro distribution to HMAs designated for their maintenance.
3. Limit management activities to the minimum feasible level necessary to attain the objectives identified in approved LUPs and HMAPs.
4. Ensure wild horse and burro populations are managed in balance with other uses and the productive capacity of their habitat.

.42 Establishing the Appropriate Management Level (AML).

A. A site-specific environmental analysis and decision process (pursuant to NEPA) with public involvement is required to establish or adjust AML. The analysis shall include an in-depth evaluation of resource monitoring data, which include studies of grazing utilization, range ecological condition and trend, actual use, climate, and other factors. A minimum of three to five years of monitoring data is preferred before making any adjustment to AML.

B. The AML applies to the number of adult wild horses or burros to be managed within the population and does not include the current year's foals.

C. The AML shall be expressed as a population range (with an upper and lower limit) within which wild horses and burros can be managed for the long term.

D. The AML upper limit shall be established as the number of wild horses and burros which maintains a TNEB and avoids a deterioration of the range. The AML lower limit shall normally be established at a number that allows the population to grow (at the annual rate of growth) to the upper limit over a 4 to 5 year period, without interim gathers to remove excess animals.

.43 Parameters for Population Management.

A. If specific age structure and sex ratio objectives are not established for a HMA or complex of HMAs, a desired post-gather age structure and sex ratio for the managed population should be established during the pre-gather planning and analysis process. See BLM Manual Section 4720.32(B).

B. Whenever possible, implement selective removal gathers and release animals back to the range in a manner designed to achieve AML and the age structure and sex ratio objectives for the specific HMA or complex of HMAs.

C. Gathers should generally be planned to occur at intervals of approximately 4 to 5 years to maintain population size within AML.

D. Wild horse and burro herds shall be managed to maintain desirable genetic diversity (avoid inbreeding depression).

.44 Population Controls. The authorized officer shall consider a number of methods to achieve and maintain wild horse and burro population size within AML.

A. When natural population controls such as disease or predation are not sufficient to maintain population size within the established AML range, periodic removals of excess wild horses and burros shall be planned and conducted.

B. When gather and removal of excess wild horses and burros from the range is necessary, gathers shall be prioritized in the following order: emergencies; court orders; nuisance animals (public health and safety); impacts to threatened, endangered, or sensitive species; wild horses and burros outside the HMA or in HAs not designated for their long-term maintenance; landowner request; and to achieve and maintain population size within AML.

C. During gather or herd management area planning, the authorized officer shall analyze a range of alternatives to reduce population growth rates and extend the gather cycle for all wild horse herds with average growth rates greater than or equal to 5 percent per year. These alternatives include, but are not limited to, use of fertility control, adjusting the sex ratio in favor of males, a combination of fertility control and sex ratio adjustment, and management of selected HMAs for non-reproducing wild horses.

1. As part of an appropriate environmental analysis, the authorized officer should consider application of fertility control for all wild horse herds, particularly those which have annual population growth rates greater than 5 percent and the post-gather herd size is 50 animals or greater. Fertility control will be most effective when treatment of 50-90 percent of all breeding-age mares within the herd is possible using application in conjunction with gathers, or remote delivery (darting). Our current understanding is that to maximize treatment effects, at least 90 percent of all mares should be treated. Fertility control in combination with sex ratio adjustments to further reduce population growth rates may also be considered (see C. 2-4 which follow).

The potential effects of fertility control on population size, average population growth rate, and average removal numbers should be evaluated through use of the Win Equus population model. The Standard Operating Procedures (SOPs) for fertility control application

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and post-treatment monitoring and reporting should be incorporated in the NEPA document. See BLM Manual Section 4720.32.

2. The authorized officer shall consider a range of alternatives which would manage wild horse and burro herds for a sex ratio with a female component less than or equal to 50 percent as this reduces the population growth rate and extends the gather cycle.

3. The authorized officer shall also consider adjusting sex ratios to favor males, particularly for those HMAs with an AML lower limit of 150 animals or more. Adjusting sex ratios so that males comprise 60-70 percent of the adult herd can be accomplished by releasing greater numbers of stallions or geldings. Preference should be given to releasing geldings (as compared to stallions) when sex ratio adjustments comprising greater than 60 percent males are being considered, because gelding behavior would be expected to result in fewer impacts to the herd's social structure and reduced competition with mares and foals when water resources are limited. Initial management efforts, involving sex ratio adjustments that favor stallions or a gelding component, should be monitored closely. This monitoring information will be used to determine if sex ratio adjustment is an effective population management technique that should be continued.

4. Under the WFRHBA (16 USC § 1333(b)(1)), the authorized officer may determine whether AML should be achieved by removal of excess animals, and/or if options such as sterilization or natural population controls should be implemented. Consistent with this authority, some selected HMAs may be managed for non-reproducing wild horses to aid in controlling on the range population numbers. See BLM Manual Section 4710.22(C) and BLM Handbook: H-4700-1 – Wild Horses and Burros Management (Chapter 4).

.45 Population Monitoring. The authorized officer shall maintain a current inventory of the numbers of animals and their areas of use. The authorized officer shall also inventory and monitor herd and habitat characteristics.

A. A reliable estimate of each wild horse or burro population should be produced every two years. To accomplish this goal, population inventory should be conducted every 2 years when possible, and within 6 to 12 months prior to establishing the need to gather and remove excess wild horses or burros.

B. Population size should be estimated primarily by aerial survey. Two techniques, mark-resight using photographs and simultaneous double-count with sightability bias correction, should be used as the principal methods for estimating wild horse and burro population numbers. These techniques may be modified pending further research.

Selection and use of a specific technique should be based on the HMA or complex's topography, size, and vegetative cover. Mark-resight using photographs should be conducted using a helicopter. Simultaneous double-count with sightability bias correction can be conducted with either a helicopter or fixed wing aircraft.

If consultation with the BLM's Population Inventory Lead and USGS indicates that neither method would be appropriate or cost-effective for specific HMAs or complexes, aerial

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surveys should be designed in accordance with the following best management practices, at a minimum:

1. Lay out transects ahead of time. Plan for complete and systematic coverage of the entire HMA or complex.
 2. Complete survey activities at or close to the same time of year for each individual HMA or complex to reduce seasonal variability in population estimates.
 3. Look at the population as a whole (i.e., inventory HMAs or Complexes at the same time using the same methods and observers rather than inventorying HMAs within a Complex separately or at different times, using different methods and observers).
 4. Inter-District and State coordination is mandatory in order to have accurate population estimates on those HMAs or complexes that cross District and State boundaries.
 5. Use natural or constructed barriers as opposed to administrative units to define natural inventory units.
 6. Use two or three observers.
 7. Use GIS/GPS technology to plot flight path and animal locations.
 8. Take a camera. Photograph all groups of twenty or more animals when possible.
- C. Aerial survey and on-the-range observations should be used to identify seasonal use areas, determine patterns of movement, and identify areas for habitat monitoring.
- D. Body condition of individual horses may be evaluated and documented during gathers or through on-the-range observations using the Henneke Body Condition Scoring System. See BLM Handbook: H-4760-1 – Compliance Handbook.
- E. During the next gather, collect hair samples for all HMAs that do not yet have an established genetic baseline. Once a baseline is established, additional samples should be collected every other gather (e.g., every 6-10 years). If initial testing indicates diversity is less than desired, the herd should be reassessed more frequently (e.g., every gather).

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.5 Research.

.51 Strategic Research Plan. The BLM shall conduct wild horse and burro research in accordance with the priorities identified in the Strategic Research Plan for Wild Horse and Burro Management.

.52 Research Requests. The BLM shall establish and maintain a National Wild Horse and Burro Research Advisory Team to review research proposals, monitor the progress of research projects, and update the Strategic Research Plan, as necessary. The National Wild Horse and Burro Research Advisory Team will report to the Wild Horse and Burro Division Chief in the Headquarters Office.