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THE SECRETARY'S WILD HORSE AND BURRO INITIATIVE: A PLAN FOR PUBLIC ENGAGEMENT

Prepared by: J. Michael Harty, Kearns & West For the U.S. Institute for Environmental Conflict Resolution

EXECUTIVE SUMMARY

Key Background

In a letter to Senator Harry Reid dated October 7, 2009, Interior Secretary Salazar outlined a set of challenges facing the BLM's Wild Horse and Burro Program ["Program"] and offered proposals to put the Program on a more sustainable track, enhance conservation, and provide better value for taxpayers. This Initiative is, in part, a response to a 2008 GAO report, as well as to recent actions by Congress.

A BLM Subcommittee of its Associate State Directors' Field Committee co-chaired by Mike Mottice and Ruth Welch is overseeing the work of a Strategy Implementation Team, or SIT, organized into five smaller teams: Adoptions, Treasured Herds, Preserves, Sustainable Herds, and Communications. The SIT is charged with developing a written Strategy for the Initiative. The Strategy will be part of a report to Congress presently scheduled for delivery by late September 2010.

The U.S. Institute for Environmental Conflict Resolution ("Institute") is assisting BLM in assessing stakeholder interests and developing an effective stakeholder engagement plan for the Strategy. J. Michael Harty, of Kearns & West (K&W), is under contract to the Institute for this effort. K&W has conducted extensive interviews inside BLM, with external stakeholders, and with some former BLM personnel as part of an assessment. The range of external stakeholders was intended to reflect key interests and perspectives involving wild horses and burros and public lands. K&W also worked with the SIT and FC Subcommittee during a two-day meeting in Reno in early March as part of the assessment and to develop a preliminary approach for public engagement (Fig. 1) prior to preparation of this plan. Under this approach:

- A draft Strategy document will be developed through multiple iterations
- The draft Strategy document will be a vehicle for public engagement through posting on the BLM web site
- BLM will conduct direct outreach to stakeholders
- The anticipated timeframe for short-term public engagement on the draft Strategy is approximately 60 days from its release.

Assessment Themes for Public Engagement

This plan describes themes developed through the assessment phase that should be considered in designing a public engagement plan for the Strategy. The following is a summary of some key themes:

- There is broad agreement within and outside BLM that the Program is not sustainable, but views about a more sustainable path reflect important differences in values and objectives.
- Realistic expectations for public consensus about the elements of a sustainable Program
 will reflect history and basic values differences, but should not ignore the potential for
 improved relationships and new partnerships.
- Effective, sustained BLM leadership and significant resources are essential to support meaningful change toward a sustainable Program.
- A report on the Program prepared by the National Research Council (NRC) in the early 1980s provides relevant perspectives on data gaps, the role of social factors in decision making, the persistence of conflict over values, and research priorities.
- BLM's on-range management philosophy of gathering excess animals to achieve AML has supporters, but a different philosophy that assumes wild horse herd populations will selfregulate has been advocated by some wild horse advocacy organizations for many years.
- BLM's approaches to estimating herd populations and setting AML have changed gradually to improve reliability and consistency but are still subject to external questions.
- Concerns about the credibility and reliability of the BLM as a potential partner have the potential to affect partnerships for the Initiative.
- The Wild Horse & Burro Advisory Board faces challenges as a forum for public engagement.
- There is a narrow time window for short-term public engagement driven by the schedule for reporting to Congress. BLM should carefully evaluate tradeoffs involving its schedule and the importance of effective public engagement.

Approaches and Recommendations for Public Engagement

Public engagement begins with the goal of informing about a decision or choice. Additional goals depend on the level of impact that the public can have on a decision. For the Initiative BLM should address the following:

- What is the nature of each decision or choice facing BLM for which it seeks to engage the public?
- What is the extent of policy flexibility associated with each decision or choice in the Initiative and draft Strategy?
- What are the most appropriate goals for pubic engagement given the decisions and corresponding flexibility: inform, consult, involve, collaborate, and empower (reflecting increasing levels of impact)?
- What actions are best suited to achieving those goals?
- What is the time frame for public engagement?

Public engagement for the Initiative should have an initial, short-term phase that fits the schedule for preparing the draft Strategy and report to Congress. *Informing* the public is the first goal for public engagement in the short-term. Principal actions to achieve this goal are:

- Post the draft Strategy on the BLM web page
- Organize and conduct strategic briefings with potential partners and key stakeholders, both in DC and in key states

Actions for this initial public engagement goal do not carry any feedback commitment from BLM to stakeholders or the broader public and may be subject to criticism. BLM may decide to increase public impact on its decision by *involving* and even *consulting*; each step involves greater commitments by BLM to demonstrate how input shapes the Strategy. One example would be to conduct a workshop on the draft Strategy as part of a meeting of the Advisory Board.

This plan also identifies potential long-term public engagement actions: requesting a NRC committee review; an overhaul of Advisory Board membership and procedures; engaging with external partners including individuals with resources who are committed to specific solutions, and former BLM employees interested in supporting the Initiative and Program; and overhauling the BLM web site based on user input.

INTRODUCTION

The U.S. Bureau of Land Management (BLM) has responsibility for managing wild horses and burros on public lands pursuant to the Wild Free Roaming Horses and Burros Act of 1971, as amended (the "Act"). In late 2009 the BLM contacted the U.S. Institute for Environmental Conflict Resolution ("Institute") for assistance in assessing stakeholder interests and developing an effective public engagement approach for a new wild horse and burro Initiative announced in October 2009 by Interior Secretary Salazar. The Institute identified a group of potential mediators from its roster and following interviews that included BLM selected J. Michael Harty of Kearns & West for this project. K&W has prepared this public engagement plan under a contract with the Institute.

K&W began work in early January 2010 and has conducted the following activities to support preparation of this plan:

- Initial meetings and interviews with senior BLM and DOI staff in Washington
- In-person interviews with a range of potential stakeholders located in Washington
- In-person interviews in Reno, NV, with BLM personnel, and a visit to the Palomino Valley short-term holding facility
- In-person interviews with stakeholders and members of the public in Reno, NV
- Telephone interviews and in-person discussions with three members of the WH&B Advisory Board charged with liaison to the strategy process
- Telephone interviews with potential stakeholders, both inside and outside BLM
- A two-day initial meeting of the Strategy Implementation Team, or SIT and a special Field Committee Subcommittee, held March 3-4
- Regular communication with National Program Office (NPO) staff
- Review of written and web-based information reflecting a wide range of perspectives on the Program

The interviews for this project were intended to cover a diverse set of values, interests, and experiences around the Wild Horse and Burro Program ("WH&B Program" or the "Program"). For external interviews, K&W identified an initial set of individuals and organizations with advice from WH&B Program management, and then inquired about additional interview candidates as part of each interview. K&W followed a similar process for internal BLM

¹ 16 U.S.C. §§1333 *et seq.* The Act includes the Secretary of Agriculture and wild horses and burros found on public lands managed by the U.S. Forest Service (USFS), and §1340 provides for consultation and coordination with the Interior Secretary. The assessment interviews for this project included the Forest Service, but the plan's focus is on BLM. It is clear from interviews that a successful program must address issues involving USFS jurisdiction and management.

² During the course of this project Harty joined Kearns & West, Inc. ("K&W") as a full-time employee. This has no effect on the project.

interviews. This process inevitably yielded more names than time or project resources could support for actual interviews; in the end, K&W used professional judgment about how to utilize those resources. K&W interviewed or spoke with over 30 people outside the BLM for this project, either in person or via telephone. K&W also interviewed or spoke with over 20 BLM employees, former and present, and participated in the initial meeting of the SIT. This report will present observations distilled from interviews but will not identify the source of any input, consistent with confidentiality associated with each interview.³

The timeframe for public engagement around the Strategy is shaped by the September 30 deadline for delivering a report to Congress, a review and preparation period at the Department of the Interior, and the time needed to organize BLM teams and develop initial Strategy content. Following a preliminary round of background research and interviews, K&W recommended that an Initiative Strategy document be developed through multiple iterations. K&W also identified the draft Strategy document as an explicit vehicle for public engagement. Figure 1 presents K&W's initial conceptual approach and timeline, with a final version of the Strategy being incorporated into a report to Congress that responds to the 2010 Appropriations language.

This iterative process is underway: the SIT met in Reno on March 3-4, and Iteration 1 was delivered on schedule for internal review and input by the FC and Advisory Board Subcommittee [March 3-4]. This approach offers a specific opportunity for public engagement once the content and format of a draft Strategy are sufficiently developed, e.g., Iteration 3.⁴ Timeframes and approaches are discussed later in this plan.

An initial draft of this public engagement plan was reviewed by the Institute and BLM for factual accuracy, clarity, and responsiveness, consistent with the Institute's standard practice. Final decisions about the content of the draft plan were made by K&W. This plan, and K&W's scope of work for this project, has a specific scope limited to public engagement. The plan does not take a position about the merits of the Initiative, the draft Strategy, or the Program; it does not take a position about the substantive merits of any position advocated by a stakeholder organization or individual. The plan does address the impacts of different public engagement approaches available to the BLM, as well as approaches employed by advocates in pursuit of their objectives.

The plan is organized in three parts:

Part I: Summary of Key Background

³ All interviews and communications for this project are subject to the federal Administrative Dispute Resolution Act of 1996 and its confidentiality provisions. Pub. L. 104-320.

⁴ K&W considered, and recommended against, an approach that would have engaged the public in a "blank slate" approach to developing a strategy. Time was a principle factor in this recommendation.



Part II: Assessment Perspectives and Themes for Public Engagement
Part III: Approaches and Recommendations for Public Engagement

PART I: SUMMARY OF KEY BACKGROUND5

Since 1971 the BLM has managed wild horses and burros on public lands under the Act. The Act has been amended several times over that period, by the Public Rangelands Improvement Act of 1978 (PRIA) as well as other legislation. Federal authorities adopted subsequent to the Act also have influenced BLM's management approach over time.⁶

Based on research and stakeholder input for this project it is useful to keep in mind three aspects of the Act. First, the Act reflected a significant change in policy towards wild horses and burros on the public lands, namely protection under the jurisdiction of the Interior Secretary; it did not reflect unanimous agreement about that policy among users of the public lands or citizens of states with wild horse and burro populations. Second, the Act provides for management based on determinations about "excess" populations on the range and "removal" to achieve "appropriate management levels," without explicitly resolving core issues about what excess means. And third, the Act provides certain management tools that were—and remain—fundamentally unacceptable to some people: humane euthanasia of healthy animals and sale without limitation.

1982 NRC Committee Report

These tensions were apparent early in the history of the Act and have persisted over the four decades of BLM management. They were identified and discussed extensively—along with science issues—in a study by a committee of the National Research Council as part of PRIA implementation ("NRC Committee"). The NRC Committee's reports addressed population estimates, wild horse demography (including reproductive rates), competition with other equids, and impacts on range habitat. The reports are notable for their discussions about scientific uncertainty associated with critical management assumptions and recommendations for research.⁸

⁵ This plan cannot possibly do justice to the complex biological, legal, economic, political, and social currents that have shaped the diverse stories of wild horses and burros on federal public lands over four decades. This part of the report is intended only to provide sufficient context for a discussion of public engagement.

⁶ These include the Federal Land Planning and Management Act (FLPMA), the federal Endangered Species Act (ESA), and the National Environmental Policy Act (NEPA). This list is not intended to be exhaustive.

⁷ Committee on Wild and Free-Roaming Horses and Burros, Board on Agriculture and Renewable Resources, National Research Council.

⁸ The Committee offered this view of wild horse population estimates:

[•] BLM census results should be viewed with caution and different methods should be researched and adopted

[•] The estimate of 17,000 in 1971 was "probably conservative" and "undoubtedly low to an unknown, but perhaps substantial, degree." (p.44)

One relevant discussion in light of current Program challenges is entitled "Will they self-limit?" According to the Report, "[t]he question of how and whether wild horse and burro populations will limit their own population increase, or should be limited by human intervention, has been raised repeatedly by different persons concerned about the issue, and from differing points of view." The NRC Committee acknowledged the diversity of views in scientific literature as well as the BLM's basic management philosophy:

[The BLM assumes] that equid populations will, in the absence of human interventions, increase until range vegetation is irreparably damaged and the animals themselves suffer serious malnutrition and death. Since a major aspect of the Bureau's statutorily defined mission is to maintain range vegetation in satisfactory condition, horses must be removed periodically to achieve this goal. (p.16)

The Committee concluded that "there are few really effective data to indicate which of these population scenarios corresponds to the real world." The Committee then drew the following significant conclusion:

Our purpose here is simply to convey our impression that, while there may be some density dependent tendencies in the demography of these equids, they do not appear effective enough to prevent populations from increasing to the point of significant impact on other ecosystem components. What population control policy this dictates depends on the management goal for any given piece of land. If the goal is solely equid management that is experimental and "natural" as possible, a laissez-faire approach may be appropriate. The equids and other ecosystem components could be allowed to seek their own balance. But where the goal is a multi-use one, as set forth in PRIA, and there is concern for the values of other ecosystem components, it seems likely to us that horse and burro populations will need to be limited artificially by human action to avoid undesirable effects on other ecosystem components [emphasis supplied]. (p18)

The BLM has, in fact, continued to manage based on this basic philosophy. However, the other views identified by the Committee have not disappeared, and their proponents have continued to advocate for the laissez-faire approach noted above. This basic disagreement is an important factor for public engagement, because it influences what can reasonably be expected from an active set of stakeholders who support a different management approach.

Based on research by the NRC Committee for its project, subsequent wild horse population estimates also
appeared conservative. (p.42) The implication of the disparity at the time was that there were more wild
horses on the public lands than generally assumed, and as a result, more range forage was being consumed by
them than generally believed. (p.43)

For purposes of public engagement, the Committee's comments on social factors also are relevant:

It continues to be obvious that the major motivation behind the wild horse and burro protection program and a primary criterion of management success is public opinion. Attitudes and values that influence and direct public priorities regarding the size, distribution, and condition of horse herds, as well as their accessibility to public viewing and study, must be an important factor in the determination of what constitutes excess numbers of animals in any area. . . [A]n otherwise satisfactory population level may be controversial or unacceptable if the strategy for achieving it is not appropriately responsive to public attitudes and values.

[S]ufficient research has not been done on equid biology . . . Reliable data on range condition and trend are also lacking in many instances. Under these circumstances, whatever decision land managers make in allocating forage resources among wild horses and burros, wildlife, and domestic livestock will be disputed on the basis that insufficient data are available to support the decision. *Public controversy and debate are inevitable given these data deficiencies* [emphasis supplied]. ⁹

The Committee presented a detailed discussion about "excess" and pointed out that "the term has both a biological and social aspect to it." Biological excess could occur with a combination of two or more grazing animals, and:

[W]hich of these species of animals should be carried in a given area becomes one of human values or preference. Biologically, the area may be able to support 500 cattle and 500 horses, and may be carrying them. But if *the weight of public opinion* calls for 1,000 horses, the area can be said in this context to have an excess of 500 cattle. For these reasons, the term excess has both biological and social components. In the above example, biological excess constitutes any number of animals, regardless of which class, above 1,000. *Social excess depends on management policies, legal issues, and prevailing public preferences* [emphasis supplied]."¹⁰

Here is a final set of comments excerpted from the NRC Committee's report:

- Public perceptions about animal welfare are important in designing any "socially acceptable" equid removal program: "The public is especially concerned about the presumed pain and cruelty of wild horse and burro removals." (pp. 54-55)
- BLM should be aware of the geographic distribution of the wild horse and burro constituency. "Although there are strong biophysical, managerial, and political reasons for

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⁹ Pp. 54-55.

¹⁰ Wild and Free Roaming Horses and Burros, Final Report, Committee on Wild and Free-Roaming Horses and Burros, Board on Agriculture and Renewable Resources, National Research Council (National Academy Press 1982).

- local-level resource inventory, analysis, and decision making, such an orientation may severely and uniquely disadvantage horse and burro advocacy organizations." (p.55)¹¹
- The Committee also noted the importance of accounting for internal BLM attitudes about
 the Program in decision making. Committee members encountered a "broad range" of
 attitudes about the Program, including "many employees" sincerely committed to
 management "in the spirit of the Act." The Committee's experience also included internal
 resistance to the Program and "the pressures which many district and area personnel feel to
 depict range, population, and other conditions in an antihorse and antiburro context."
 (p.55)

2009 Secretary's Initiative

In a letter to Senator Harry Reid dated October 7, 2009, Interior Secretary Salazar outlined a set of challenges facing the Wild Horse and Burro Program and offered proposals to put the program on a more sustainable track, enhance conservation, and provide better value for taxpayers. The proposals respond in part to a 2008 GAO Report, "Effective Long-Term Options Needed to Manage Unadoptable Wild Horses," that identified a "critical crossroads" in the face of increasing costs to hold wild horses removed from the public lands as excess, and declining adoptions of these horses. The proposals also respond to Fiscal Year 2010 Interior Appropriations legislation, in which Congress warned that gathering and holding costs have risen beyond sustainable levels and directed the BLM to prepare a long-term plan for the program. The extent to which House passage of the ROAM Act (see below) may also have influenced the Initiative is unknown.

Criticism of the Program has not been limited to the GAO. Opposition to elements of the Program, particularly the policy of gathering horses determined to be "excess" and using holding facilities off the public lands, has been increasingly visible in recent years. In July 2009 the House of Representatives passed H.R. 1018, known as the Restore Our American Mustangs Act (ROAM), that would significantly change the Program. A companion bill has not received a hearing in the Senate although interviews suggest intense lobbying activity. The extent to which ROAM and external criticism may have contributed to the Secretary's proposals is not known. During 2009, gathers at the Pryor Mountain Wild Horse Range (MT and WY) and the Calico Mountains Complex (NV) were a particular focus of criticism and active opposition from multiple organizations focused largely on wild horse advocacy, animal welfare, and public lands reform. There was notable use of video to present web-based pictures of gather activities, and in-person demonstrations in cities around the United States. The values, missions, objectives, and strategies of these gather critics are diverse and, based on interviews and research for this project, do not appear to be representative of the full range of wild horse and burro or public

¹¹ This observation will be addressed later in the report, including the significance of the Web.

¹² S. Rep. No. 111-38 requires the BLM to prepare a long-term plan for management of wild horses and burros by September 30, 2010.

¹³ S. 1579 was referred to the Committee on Energy and Natural Resources.

lands stakeholders. Nevertheless, these critics have been effective in focusing media, public, and Congressional attention on their concerns and desired solutions. The passage of the ROAM Act by the House, noted above, is only one example of this effectiveness.

The proposals in the letter to Senator Reid are known as the "Secretary's Initiative." They are framed in conceptual terms, and the BLM followed announcement of the Initiative with steps to develop a strategy for implementation ("Strategy"). BLM management established a Subcommittee of its Field Committee (FC Subcommittee), made up Associate State Directors and co-chaired by Mike Mottice and Ruth Welch. This FC Subcommittee in turn established a Strategy Implementation Team, or SIT, organized into five smaller teams focused on five key aspects of the Initiative: Adoptions, Treasured Herds, Preserves, Sustainable Herds, and Communications. The SIT, with supervision from the FC Subcommittee, is charged with developing a written Strategy. The final version will be part of a report to Congress, presently scheduled for delivery by late September 2010, that responds to the 2010 Appropriations language noted above as well as broader concerns about sustainability, conservation, and value to taxpayers.

PART II: ASSESSMENT THEMES FOR PUBLIC ENGAGEMENT

Consistent with the scope of work for this project, this part covers three questions:

- 1. Who are the stakeholders, potential partners, and the relevant public for public engagement around the Strategy?
- 2. What are the assessment themes that should be considered in design of a public engagement approach for the Strategy?
- 3. What are public engagement approaches and recommendations?

A. Who are the stakeholders, potential partners, and the relevant public?

Internal stakeholders. The success of the Initiative will depend upon acceptance and support from BLM's internal stakeholders: the National Program Office; State Directors, Associate Directors, and management teams; state WH&B specialists; and BLM personnel at the district and field office levels who interact almost daily with members of the public. BLM is highly decentralized, with most activity occurring under the management of State Directors who report to the BLM Director. Each state has multiple district and field offices and important decisions affecting wild horses and burros are made at these levels, e.g., development of Resource Management Plans and Herd Area Management Plans. Even though the WH&B Program is fairly unique in having a significant presence in Washington, DC, its effectiveness is subject to BLM's de-centralized decision making.

External stakeholders. Interviews suggest it is unlikely that BLM can achieve the Secretary's stated objective of a sustainable Program on its own. Success for the Initiative will also depend

on support from stakeholders outside the agency. For example, options for Preserves depend upon opportunities for partnerships both public and private. Specific strategies with long timeframes for implementation, such as the increased use of contraception to manage wild horse populations, will require acceptance by key members of Congress, whose views are shaped in part by those of key stakeholders. A successful adoption program also depends on sustained support from partners and other stakeholders, including identification of potential new relationships.

A working list of external stakeholder categories identified by K&W for this project follows:

- Members of the Advisory Board appointed to represent different interests and constituencies
- Users of western public lands with direct economic interests potentially affected by wild horses and burros, historically people holding grazing allotments or owning property adjacent to public lands. This group also includes mining, oil & gas, and renewable energy development
- Users of public lands interested in hunting species that rely on water and food sources also used by wild horses and burros
- Users of public lands with non-hunting and fishing recreation interests
- Individuals and organizations concerned principally about the health of public land ecosystems, including endangered species
- Individuals and organizations concerned about animal welfare
- Individuals and organizations interested in specific wild horse and burro herds
- Individuals and organizations interested generally in wild horses and burros
- Individuals and organizations interested in adoption of wild horses and burros
- Local communities whose economies are affected by public lands
- State fish and wildlife agencies that manage other wildlife on federal public lands and may generate revenue from hunting and fishing
- Elected officials at the state, county, and local levels
- Members of Congress responsible for decisions to fund BLM's activities to implement the Act

The complex history of wild horses and burros on public lands is reflected in the diversity of stakeholder organizations—and values—associated with these categories. Within a particular category there may be multiple organizations with widely varying resources and structures, and these organizations may disagree with one another on key values, objectives, or strategies. According to interviews and research for this plan, a relatively small set of diverse organizations committed variously to advocacy on animal welfare, or advocacy specifically about wild horses and burros, or advocacy about public lands reform, recently have achieved a notable level of public influence. Interviews also indicate there are a number of organizations generally supportive of the BLM that also acknowledge the need for improvements in the Program, and

these organizations prefer a lower public profile. Any effective public engagement plan must address the full range of stakeholders and organizations.

The relevant public. Public engagement should also address the relevant public, such as communities adjacent to public lands, or individuals not affiliated with any organization whose personal values may motivate them to attend a gather, meet with a WH&B specialist, write a blog, or lobby for or against legislation.

B. What are key themes for a public engagement strategy?¹⁴

This plan is based on a series of interviews with both external and internal stakeholders described above. The interviews were not intended to capture all voices seeking to be heard, but rather to understand the range of values, needs, interests, and objectives among stakeholders as they relate to the Initiative and the broader Program. The following are themes distilled from those interviews and review of a wide range of documents, some of them provided during interviews and others identified through independent research. The themes shaped specific approaches to public engagement discussed in the next part of this plan.

External Perspectives and Themes from Assessment

- There is broad agreement across stakeholder groups with a basic assumption of the
 Initiative: the current Program is not sustainable. There is far less agreement about what a
 more sustainable Program would look like. These disagreements reflect differences in basic
 values that are not likely to be resolved. For that reason, a successful, sustainable Program
 likely will include some level of disagreement about management of wild horses and burros
 on public lands pursuant to the current Act.
- 2. Public support for and resistance to the Initiative involves important distinctions: support for one element does not necessarily lead to support for all elements. The opposite is also true: resistance to one element does not necessarily imply total opposition. One element where support may be broader than anticipated is increased use of contraception. Conversely, locating new Preserves outside Western public lands may not be consistent with interests and values of a wide range of stakeholders who disagree with one another on other elements of the Initiative and the Program.
- 3. Some stakeholders are astute observers of the BLM's approach to identifying priority issues and finding solutions. These stakeholders are looking for concrete signs that the BLM sees the Initiative, and a sustainable path for the Program, as a priority. These signs include a commitment to effective, sustained leadership and sufficient resources to effect change.

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¹⁴ This plan is not designed as a poll or rigorous survey of attitudes toward the Program or the Initiative and cannot provide precise answers about levels of support.

4. Animal welfare issues are not addressed directly by the Initiative but are a significant factor motivating current public criticism of the Program and receive particular attention from some members of Congress. Issues potentially affecting the welfare of wild horses and burros are diverse and complex. They can arise in four environments: on the range; during gathers; during holding; and following sale or adoptions. Animal welfare issues identified during interviews include starvation on the range; injuries to hoofs as a result of gathering over rough terrain; adjustment to food in holding; and adequate care by adopters. This is not intended as a comprehensive list.

Animal welfare can stimulate deep and passionate responses; advocacy groups encompass a wide spectrum of values, interests, and objectives and utilize a range of tactics. Interviews suggest these groups are unlikely to speak with a single voice on all aspects of wild horse welfare or elements of the Initiative and Strategy.

5. The reliability and use of information about the Program was a persistent theme in interviews. One example concerns allegations that the BLM currently sells wild horses for slaughter. The official current position of the BLM, and the Secretary of the Interior, is that wild horses removed through gathers are *not* sold "without limitation," i.e., for slaughter in Mexico or Canada.

Here is a recent excerpt from one animal advocacy web site:

Wild horses are also slaughtered, since a 2004 backdoor Congressional rider engineered by then-Senator Conrad Burns (R–MT) gutted the protections afforded by the Wild Free-Roaming Horses and Burros Act of 1971. Now, the Bureau of Land Management, the agency responsible for protecting wild horses, must sell "excess" horses (those 10 years of age or older, or not adopted after three tries) at auction. As a result, wild horses are being removed from their range at an alarming rate and sold for slaughter. http://www.awionline.org/ht/d/sp/i/11222/pid/11222 [as of 3/28/10] 15

This is an allegation that wild horses meeting certain criteria (10 years or older, not adopted after three tries) are being sold for slaughter by the BLM at this time—not in the past. If true, it would be a clear violation of current BLM policy. The allegation is not linked to any source. Interviews with BLM staff for this project were consistent: no wild horses or burros are being sold for slaughter, regardless of category. The web excerpt highlights the challenges of ensuring that reliable information forms the foundation for public dialog and advocacy. ¹⁶

¹⁵ This is only one example from among a number of web sites using similar language about "slaughter."

¹⁶ This plan does not take a position about the accuracy of this excerpt, the motives of the organization posting this information, or BLM's policy position and the contemporary actions of its personnel. Part III of this plan suggests the BLM may wish to establish some criteria for direct engagement with stakeholder organizations that include two-way commitments about responsible use of information.

- 6. Interviews and research suggest some of the same observations in #4 above about diversity of values and strong responses apply to wild horse advocacy organizations, e.g., deeply held values and passionate responses. These tend to fall into two categories: those devoted solely to wild horses, and those devoted more broadly to horses, including thoroughbreds. BLM has a significant partner in the Mustang Heritage Foundation, and the current chair of the Advisory Board is the Executive Director of the American Horse Protection Association. Active criticism and opposition to BLM's management of the Program, along with some proposed solutions, comes from the American Wild Horse Preservation Campaign, for example, and the Cloud Foundation, as well as other groups and individuals.¹⁷
- 7. To the extent the Initiative and the Strategy accommodate only one management philosophy there will be continued resistance to the Program. Almost since the beginning of the Program, BLM's management philosophy of gathering excess horses has been criticized by some wild horse advocates who promote a "self-regulation" theory. These philosophies are fundamentally different, and the BLM has hewed to its view that multi-use resource management requires intervention to remove excess animals in order to promote healthy range and multiple uses. If there is no room for an alternative approach as part of a more sustainable Program, for example testing self-regulation in wild horse-only HMAs without other grazing uses, it is likely that conflict will continue. A non-partisan review of the scientific foundation for different management philosophies could be timely (see below).
- 8. The data and methods that are the core of BLM's management philosophy and approach are accepted only by some stakeholders, and offer a regular opportunity for others to criticize the Program. Criticism and questions come from a wide range of stakeholder groups, members of Congress and staff, and the 2008 GAO Report. BLM's science program through the U.S. Geological Survey and USDA's Animal and Plant Health Inspection Service (APHIS) is not widely known, and BLM lacks a reputation as an organization that manages the Program based on high-quality science and reliable, widely available data. Questions about population estimates, AML, contraception, genetic viability, herd structure, and management decisions to "zero out" some HMAs or reduce wild horse AUMs appear to affect BLM's credibility among some influential stakeholders.
- 9. There is a persistent view among some stakeholders that BLM is "managing wild horses and burros to extinction," despite language in the Act and the recent commitment expressed in the Secretary's letter to Senator Reid, along with later public statements including op-ed pieces. This view is not shared across all stakeholder groups, and is dismissed by many people who live in communities adjacent to public lands. The "extinction" threat is particularly influential among some wild horse advocates and may influence segments of

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¹⁷ The AWHPC web site refers extensively to the same NRC report cited earlier in this plan.

- the relevant public, particularly in the absence of a credible scientific review of wild horse population dynamics, genetic needs, social structures, and other key topics.
- 10. There is a general concern about BLM's reliability as a long-term partner, based on perceptions that commitment to the WH&B program has not been consistent over time but rather has changed with political administrations and even during administrations.
- 11. The Act contains legislative authority for actions that are deeply opposed by some stakeholder groups, including euthanizing healthy horses or selling horses without limitation, often for slaughter. This authority was used at different points in the four decades years since the Act was passed but no interviews for this project cited a contemporary use. Several people pointed to comments in 2008 by a former BLM Deputy Director to the Advisory Board suggesting BLM would be forced to utilize this authority due to increasing numbers of horses in holding and associated costs. Secretary Salazar's Initiative does not include use of these management tools but faces doubts based on history, at least among a small group of wild horse and animal welfare advocates. BLM has used this authority in the past, and because it remains potentially available under current law, there are concerns that BLM could choose to employ these tools again in the future in a different administration. Interviews indicate some external partners whose interests might otherwise support an endorsement of the Initiative are concerned about a risk of yet another change in policy that would activate these tools down the road.
- 12. Confidence in BLM as a partner also is influenced by a view that BLM personnel consistently look to gathers and removals as the primary tool for managing populations of wild horses and burros and are opposed to employing other tools. There are concerns about the BLM's ability to be a predictable and reliable partner for a long-term strategy based on a shift away from gathers as the primary management tool.
- 13. There is uneven understanding across stakeholder organizations and the relevant public about key steps in BLM's management processes for the Program. The importance of FLPMA and development of RMPs is better appreciated at the local level, for example, than at a significant distance.
- 14. The Web, along with a revolution in personal communications, has had a multi-dimensional influence on public perceptions about wild horses and burros, the Program, and the BLM, and this influence will continue. The current environment for public engagement is heavily influenced by access to and use of the Web as a tool for shaping public perception in support of particular values. Virtually anyone can offer views about wild horses and burros and the Program without accountability, and a single video image posted to YouTube

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¹⁸ According to more than one interview, such resistance may also be a tactic to build support or opposition, but reliable evaluation of this perspective is not possible for this report.

potentially can have much greater impact than pages of written words and data tables. The Web is a resource for anyone wishing to learn about the Program. It is a platform for individuals, organizations, and agencies like the BLM to significantly extend their reach, create audiences, influence perceptions and behavior, and link with others. ¹⁹

- 15. A fear of consequences for expressing support for the Initiative or the Program may influence external stakeholders and potential partners. Interviews reveal concerns about becoming the target of retaliation by other individuals or members of organizations based on perceived differences in core values. Specific instances of prior retaliation or targeting were identified during interviews. Examples include hostility in public meetings—including Advisory Board meetings—in virtual forums on the Web, in emails, and in anonymous attacks on personal reputation. This concern about consequences has the potential to influence the role and utility of public meetings, particularly if only a limited number of voices or viewpoints may be heard. This concern may also limit the willingness of groups whose interests potentially are consistent with the Initiative to avoid taking public positions as supporters.
- 16. Overall, the Wild Horse and Burro Advisory Board currently is not perceived as an effective forum for achieving the purposes stated in its Charter based on information from interviews for this project. Some individual Board members are acknowledged as being strong advocates, interested in wild horse issues, and trying to influence policy. Interviews consistently make reference to antagonism or hostility toward some Board members from the public in recent meetings. Some stakeholders point to limited opportunities to comment on agenda items. Some Board members question their impact on BLM policy for the Program. Interviews identified concerns about balance across key constituencies in Board membership, and about an absence of new thinking influenced in part by multiple reappointments. Interviews also identified challenges in recruiting new Board members: the BLM is concerned about the willingness and capability of Board members to be truly collaborative despite differing values and objectives; some potential candidates refuse to pursue nomination due to concerns about public hostility; and there are doubts about the potential to influence BLM policy as a Board member.
- 17. The potential for federal legislative action, such as ROAM, that could significantly change the Act is a destabilizing factor for public engagement.
- 18. Advocates for wild horses and burros can be motivated by deep, passionate, and emotional responses. These responses to wild horses and burros are not consistent across all stakeholder groups, and may not be understood, accepted, or respected by other stakeholders.

¹⁹ This plan likely will be posted on the Web to ensure broad public access.

- 19. External stakeholder efforts to promote specific solutions merit significant attention as part of a public engagement strategy. In one category, these efforts may be influenced primarily by private citizens with personal commitment and resources that could support Program goals. Perhaps the highest-profile example is Madeleine Pickens, who has actively promoted her interest in establishing a large wild horse sanctuary with senior officials at BLM and the Department as well as with members of Congress. A second category is former BLM employees, particularly those in senior management positions, interested in supporting a sustainable Program from the outside. Such former employees can offer deep understanding of BLM's policies and values, practical insight about structural obstacles, and the freedom of being a member of the public. This plan does not endorse any particular proposal or individual, but encourages openness and flexibility about external perspectives.
- 20. Interviews suggest that BLM is viewed as not "public friendly" in its approach to information or data about the Program. Concerns include access to mailing lists; the need for multiple requests based on BLM's de-centralized structure; and web pages for the Program that contain either too much or too little information.

Internal BLM Perspectives and Themes from Assessment

- 1. The NRC Committee's advice in 1982 about heeding internal BLM resistance to the Program remains relevant. One example identified in multiple interviews is internal resistance to the use of immuno-contraception. A second example is the use of other measures, such as skewing sex ratios, that might lead to "unnatural" social structures in herds.
- To the extent the Secretary's Initiative is a high priority, it is not clear that a sense of
 urgency to ensure its success will be effectively communicated, accepted, and translated
 into action at all levels of the Program and BLM management. Interviews identified doubts
 that high-level political and management support for the Initiative will be sustained and
 that significant change will occur.
- 3. A BLM-focused Strategy for the Initiative, and for a sustainable Program, is less likely to reflect fundamental re-thinking and creativity than a Strategy influenced by significant external review and input.
- 4. Science and research are not prominent features of the Program, despite the NRC Committee's conclusions and recommendations in 1982. BLM hiring and staffing for the Program does not reflect a priority on scientific expertise. The questions, data gaps, and research issues identified by the Committee as priorities to support effective management do not appear to have been addressed in a methodical way or made a priority for Program management.

- 5. The decentralized organizational structure of BLM and the national character of the Program create challenges for consistent and timely communication, efficient access for stakeholders, and coordinated decision making. Actions at the local level that affect a small herd, or even an individual horse, potentially have national and even international impacts in light of the Web. Conversely, a requirement for high-level review may limit the ability to respond promptly to local events.
- 6. There is a *mutual* lack of credibility and confidence between BLM personnel in the Program and some stakeholder groups, particularly some animal welfare and wild horse advocacy groups. The causes are many and complex, and perspectives differ greatly across the current divide. ²⁰
- 7. Interviews revealed a range of internal views about BLM's credibility with stakeholders and the broader public. On one topic, however, internal views were consistent: BLM staff are strong believers in their humane treatment of wild horses and burros overall, despite statistically predictable injuries and mortality that occur in the course of gathers. BLM staff also consistently reject claims that they are "managing to extinction," citing the long-term increase of the total wild horse population since the Act was passed and doubling of wild horse herd populations every four to five years on average.
- 8. BLM personnel broadly acknowledge that they do not communicate effectively with the public about the Program; this view is consistent with comments noted in interviews with external stakeholders.

Part III: Approaches and Recommendations for Public Engagement

The first goal of public engagement is to inform; other goals depend on the extent of impact that the public can expect to have on a specific choice or decision. This part of the report discusses the importance of communicating the extent of flexibility in the Initiative to the public, as well as the value of both short- and long-term activities. The balance of this part discusses specific public engagement goals, choices, and recommendations for consideration by the BLM.

²⁰ The assessment interviews typically did not focus on "trust" but the subject was persistent. Numerous people commented about a lack of trust of BLM as an agency in connection with the WH&B program. Secretary Salazar's background in ranching was cited in a small number of interviews as a reason not to trust his commitments to protect wild horses and burros under the Act. A small number of people expressed a lack of trust in BLM's commitment to humanely care for animals, particularly during gathers but also in short-term holding. However, this view was not universally held by all advocacy groups and it would be problematic to draw overly broad conclusions based on this set of interviews.

In the present situation, an effective public engagement effort requires more than agreement on an approach and set of actions. In order to build credibility, the BLM should make significant choices about the structure, leadership, and resources available to develop a sustainable path for the Program. No amount of public engagement is likely to overcome a lack of sustained commitment to these fundamental requirements.

A. What are the decisions or choices where BLM seeks to engage with the public?

Public engagement typically focuses around a decision or set of choices for a policy issue. At the federal level the NEPA process is a familiar example that involves public scoping at the outset, and then a range of activities during the process that ideally are matched to the specific federal action and the interests of stakeholders. BLM's planning process under FLPMA is another familiar example of choices or decisions around which public engagement can be structured.

The framework for the draft Strategy will reflect the Initiative's broad policy goals described in the Secretary's letter and proposed choices about specific objectives and actions. One important question is flexibility around the Initiative: is it essentially fixed or is it subject to significant change based on public input? Flexibility allows for greater potential impact by the public, and increases the quality of engagement. Flexibility depends on specific context, including legal requirements; not all decisions or choices will offer the same opportunities for public impact. The extent of flexibility should be communicated with the draft Strategy to promote accurate public expectations.

Recommendation: This plan recommends an approach that identifies key sideboards such as legal requirements, presents a clear framework, seeks input about the framework including ideas for improvement, and communicates a willingness to consider "better ideas" that fit within the sideboards.

B. What are the timeframes for public engagement?

The current timeframe for public engagement on the draft Strategy is defined by a reporting date to Congress of September 30, 2010, and a 90-day period for internal report review and preparation prior to submission. The timeframes for public engagement will depend on specific activities: posting the draft Strategy on the BLM web site and reviewing input will require a different schedule than setting up a meeting in Washington, DC with a stakeholder organization. These timeframes are discussed below, but in general a 60-day timeframe for initial public engagement is anticipated to begin once the draft Strategy is made available. ²¹

One option for the BLM is to close public engagement around the draft Strategy after 60 days, then move to implementation. A second option is to organize public engagement in phases,

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²¹ Time frames and dates are assumed for purposes of this plan and are choices for the BLM.

consistent with the principle that achieving the broad policy goal for the Initiative will depend on engagement with the public over a long period of time. Under this approach, the initial 60-day period is a Short-term public engagement phase. The next phase—the Long term—begins after the Strategy is finalized and runs concurrent with its implementation.

Recommendation: This plan recommends an explicitly phased approach to public engagement that communicates an ongoing commitment to stakeholders and potential partners that BLM will not go it alone and envisions engagement with stakeholders over the long term as an explicit element of a foundation for a sustainable Program.

C. What are specific goals and approaches to public engagement for the draft Strategy?

This section presents specific approaches for both the Short-term and Long-term, with a priority on the Short-term. The approaches are organized according to five generally accepted goals for public participation: inform, consult, involve, collaborate, empower. ²² Each goal reflects an increasing level of public impact on BLM's decisions or choices related to the Strategy: empowering reflects a significantly greater impact that informing the public. Each goal carries an implicit commitment to the public, and meeting expectations about this commitment will affect the agency's public credibility. The goals and commitments can be seen in Figure 2, along with specific short-term activities discussed in the balance of this section.

Specific public engagement approaches also reflect the Assessment Perspectives and Themes discussed in Part II.

Approach: Better Inform the Public. This approach is the first step in effective public engagement. It places a priority on greater clarity and transparency, a clearer link to science, and improved tools for informing partners, stakeholders, and the broader public about the Initiative and Strategy for its implementation. The effectiveness of this approach would depend upon accurate, accessible, and understandable explanations of the draft Strategy. This information would be shared with potential partners, key stakeholders, and the broader public in the following ways:

- Post Iteration 3 of the draft Strategy on the Program web page in a format and location that is prominent and easily accessible. Link the draft to each State program web page in an obvious way. This likely will require updates to the web page.
- Present the draft Strategy at a meeting of the Wild Horse and Burro Advisory Board during
 the Short-term phase and make copies available to the public. Ask the Board to take formal
 action in response to the draft strategy. Report public questions and comments on the draft
 to the SIT or ensure one or more team members are present.
- Distribute a consistent press release through all state offices that includes the URL for the web page where the draft Strategy is available.

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²² International Association of Public Participation, Spectrum of Public Participation (2007)

- Present the draft Strategy as an agenda item on regularly scheduled meetings of existing Resource Advisory Committees (RACs) during the Short-term phase. Report back to the SIT with a summary of questions and comments from each meeting.
- Organize and conduct a series of briefings by a high-level BLM-DOI Outreach Team for
 potential partners and key stakeholders with a presence in Washington, DC, during the
 Short-term phase. Report back key questions and comments to the SIT.
- Organize and conduct a series of briefings for potential partners and key stakeholders at the
 State level in coordination with the Program national office. Consider including the
 Outreach Team as appropriate, perhaps in states where wild horse issues are a high priority
 for BLM. An alternative would be to have the Outreach Team participate via teleconference
 or web conference if schedules or budgets are a constraint. A series of "webinars" focused
 on different stakeholder categories is one option: wildlife and hunting; grazing;
 conservation; and wild horse advocacy. Questions and comments would be communicated
 to the SIT.
- Identify opportunities to use previously scheduled events to educate about the Initiative and Strategy.
- Communicate effectively with the network of past and current wild horse adopters and volunteers.
- Explore the potential for topical forums as part of public engagement. Identify specific legal requirements related to the Federal Advisory Committee Act (FACA) and design a possible forum model that could satisfy these requirements. Given the issues of sponsorship and control, one important question is whether the BLM can sponsor a forum, and under what conditions. It appears that a "town hall" style format might be acceptable, but the current high level of conflict in recent Advisory Board meetings bears careful review for lessons. One other option would be to utilize existing FACA-chartered forums: the Advisory Board and Resource Advisory Committees. If timing allows, test a forum discussion model in at least two locations to increase participation and reduce attendance and travel pressures. If necessary, shift this activity to the Long-term phase (see below).

This initial step of informing the public involves primarily a one-way process. It is intended as a way to educate potential partners, stakeholders, and the broader public about the Initiative in a proactive way, with consistent and reliable information. Under this approach BLM is communicating with a broad range of potential partners, stakeholders, and the interested public. BLM is committed to keeping the public informed; its representatives may go further listening to questions and comments and acknowledging specific concerns and aspirations. However, under this option BLM is not making any commitments about providing feedback on how public input may affect the Strategy or broader Program. Through these actions BLM is not involving or collaborating with the public as those terms are typically used for public participation.

The actions identified for this approach likely can be completed under the existing schedule. They also appear reasonably consistent with available resources. Input received from the public would be available to the SIT. This approach has a limited focus, and is intended to limit BLM's accountability for responding to public input. For this reason, this approach likely will have both limited benefits and generate frustration or criticism outside the BLM for failing to engage the public more meaningfully by providing opportunities for greater impact.

Criteria for Strategic Briefings. BLM must make some choices about committing resources to strategic briefings. The SIT process has generated information about key stakeholders and partners that should influence choices. The general categories of stakeholder interests identified earlier in this plan may be useful, as well as existing information about specific organizations and individuals. Here are some suggested criteria:

- Think broadly and flexibly about opportunities for partners
- Take some calculated risks with individuals and groups whose public views challenge the Program
- Focus resources on groups and individuals that are prepared to engage constructively and assume responsibility for communicating accurate information
- Accept that a certain level of disagreement has always characterized the Program due to the values choices and this is unlikely to change
- Litigation as a strategy often is not consistent with meaningful public engagement

Approach: Consult and Involve Key Stakeholders and Potential Partners. The actions under this approach place a higher priority on learning about specific interests, objectives, and ideas, and responding to those in developing the Initiative and Strategy. This option opens more of a path back to BLM from the public, and also creates an expectation of impact from input. Actions include:

- Explicitly invite input on the draft Strategy posted on the web, and commit to some form of
 a response that summarizes how all public input influenced the final version. This is not
 intended to be a commitment for individual responses. Plan for and carry out preparation of
 that summary and post it on the web and make note of it in the final version of the
 Strategy. This approach may require BLM to modify its current web capabilities for the
 WH&B web site, including utilization of other resources such as NEPA comment
 management software.
- In connection with an Advisory Board meeting to be scheduled during the Short-term
 phase, organize a session with a different format intended to allow more dialog about the
 draft Strategy. Introduce and explain different elements of the Initiative and draft Strategy,
 and allow facilitated dialog with members of the public focused on specific questions.
 Advisory Board members would observe but not comment. A BLM Outreach Team that
 includes members of the SIT and National Program Office would present and discuss. This is
 not an additional Board meeting, but rather a modification of the standard Board meeting
 identified for the Inform Approach (above).

- For the strategic briefings in DC and the states, explicitly invite suggestions to improve the Strategy and identify potential long-term opportunities for partnerships or continued engagement. Make and keep commitments to explain how this input was addressed in final documents.
- Organize a gathering of all RAC chairs to present the Initiative and gather input. If possible, this would be done in person; if not possible, organize this via teleconference or web conference to allow presentation of materials.
- Organize a forum for input about improving the Program's use of the Web. Identify
 priorities and make improvements based on these priorities. Identify a long-term schedule
 for improvements as necessary to demonstrate responsiveness and openness.

This approach provides an opportunity for BLM to receive valuable input to inform the Strategy. It is also an opportunity to build credibility and accountability, both during discussions with the public and in keeping commitments about the use of input. This approach increases transparency in decision making about the Initiative and Strategy relative to simply informing the public. Activities for this approach also demand a higher level of resources, e.g., a traveling Outreach Team, and leadership commitment to ensure follow through. There is an increased level of meetings and associated logistics. All these will be challenging to address in the Short-term phase given the current schedule.

Approach: Collaborate and Empower. These two approaches reflect the highest levels of impact for the public from engagement with BLM. They reflect significant commitments to use public advice and innovation in shaping solutions and, in some cases, shift power for shaping a solution to the public (without giving up legal authority for decision making). High-level impact appears to require extensive communication over a period of time, and it is not clear that the Short-term timeframe can accommodate these needs. It may be possible to explore the potential for high-impact activities as part of the Long-term phase of public engagement. In any event, the potential for high-level impact activities may be constrained by FACA.

Recommendation: BLM should explore the potential for high impact activities with specific stakeholders and partners as part of a Long-term plan.

Long Term Phase

Implementation of the Initiative Strategy is a long-term project. Success likely will depend in part on effective partnerships, support or acceptance by key stakeholders, accessible information for the relevant public, and a well-informed Congress. The following are potential Long-term activities for consideration by BLM decision makers. These are opportunities to promote specific aspects of the Initiative as well as enhance BLM's credibility and accountability.

Engagement with External Partners on Specific Initiatives. Based on input during the Short-term public engagement phase, BLM should identify actions or projects linked to specific partners and focus resources on fully developing these over the Long term. One example might be new partners for adoptions. It is beyond the scope of this plan to identify all specific actions, projects, or partners. However, it will be useful to link this basic approach with at least two categories of potential partners identified above: individuals with resources who are committed to specific solutions, and former BLM employees interested in supporting the Initiative and Program.

One external step that could distill multiple possibilities into an agenda for joint action would be for one or more potential external partners to sponsor a multi-day workshop or dialog devoted to specific elements of the Strategy or broader Program. The goal would be to review specific topics from an external perspective, free from the constraints of BLM employment, and bring external expertise and energy to developing specific proposals for consideration by the BLM. Participants in this event would be invited, but a webcast would be worth consideration. Each invitation would be based on an explicit commitment to being respectful of others and constructive as well as critical. While the BLM could not sponsor or organize such an event, its employees likely could attend to observe or potentially to participate and add an agency voice.²³

Recommendation: BLM should focus attention on specific partners and actions following the Short-term public engagement phase. In the event one or more external partners organizes a workshop or dialog to support the Initiative, BLM should support that effort consistent with FACA.

Science. As noted above, the assessment interviews identified persistent unwillingness to accept critical scientific or technical targets and working assumptions about the Program. Doubts about population estimates and AML can be found across the public and governmental spectrum. Here is one example: "BLM relies on an annual population increase rate of about 20% to evaluation population levels and justify roundups, while the National Academy of Sciences estimates that rate to be closer to 10%." There are doubts about the ultimate value placed by BLM state and local officials on science in making important choices that affect wild horses and burros. There is broad dissatisfaction with the availability, consistency, and quality of monitoring information. The interviews also raised questions about the scientific basis for gather policies, e.g., how thoroughly has BLM evaluated impacts on herd structure and

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²³ BLM's ability to participate in such an event is shaped by FACA. BLM has extensive information about FACA criteria on its web site. While the agency cannot control such an event, it appears that attendance would not implicate FACA. Final decisions about FACA belong to the agency.

²⁴ The 2008 GAO report drew specific attention to likely shortcomings in BLM's methodologies for population estimates and identified multiple options to investigate. Interviews suggest these new methods are under investigation.

http://www.wildhorsepreservation.com/numbers/html

behavior? BLM's capacity to employ science in its use of contraception and other techniques such as sex ratio manipulation also faces doubts.

BLM also faces external claims by some advocates that it is "managing to extinction." Such claims may or may not be linked to specific biological processes and data. It is not clear from interviews for this project whether such claims are firmly based on generally accepted science. As noted earlier in this plan, BLM employees point to increasing wild horse populations to dispute such claims; some external stakeholders point to the persistence of wild horses and burros as evidence that extinction is out of the question. There does not appear to be a comprehensive external scientific review of such claims by a reputable entity such as the National Research Council.

There appears to be only limited public understanding of the current role that science, including research, plays in the Program. The current BLM web site does not highlight science in describing the program—a description of current research through the USGS and APHIS requires the navigation of multiple layers.

Recommendation: BLM should place a high priority on actions to solidify the credibility of its key technical and scientific data and its reputation for valuing science in decision making. One approach would be to request appointment of a National Research Council panel to review specific questions related to the Program's science. A starting point might be the previous NRC report discussed earlier in this plan. An NRC panel might review the first panel's findings and recommendations, including additions to scientific understanding about basic management approaches for wild horses and burros, including the view advocated by some that wild horse herds will maintain self-balancing populations and claims about potential extinction. The Committee could hold one or more open meetings where stakeholders as well as others could identify relevant issues and research. A report addressing these and other questions, along with the current USGS-APHIS research program, has to potential to provide an objective, highly regarded point of reference for future BLM policy as well as a way to build credibility for the Program.

Wild Horse & Burro Advisory Board. Feedback about the Advisory Board's current role and effectiveness has already been discussed, along with its potential role in the short term. The Advisory Board also is a potential forum for constructive public engagement over the longer term. There is no consensus set of steps to achieve this goal based on interviews, but several factors deserve consideration.

Makeup of the Board. Interviews revealed a view among several wild horse and animal advocates, and to a lesser extent conservation advocates, that the makeup of the Board was unbalanced and favored grazing and wildlife interests. Two current Board members' terms expired in November 2009; three others expire in June 2010. At this time the position for Humane Advocacy is vacant. Interviews with BLM highlighted concerns

about qualified candidates: a credible commitment to constructive dialog and collaboration is a factor, and not simply knowledge about a specific issue. This is true for all Board members. In addition, potential candidates reportedly are concerned about being the focus of personal attacks by advocacy groups. There clearly is a significant opportunity for BLM to change the makeup of the Board in the next six months.

Time on the Board. Each Board member is appointed for a three-year term. There is an option for re-appointment. Some interviews raised concerns about the length of time served by some Board members; this view typically was linked to concerns about balance in the Board's makeup and appointments. While the protocol requires confirmation, the BLM should consider adopting a policy that limits the number of reappointments to the Board.

Meeting Behavior. Interviews suggest there has been an increasingly disruptive and antagonistic tone in recent Board meetings. One suggestion has been to establish clear expectations for public behavior and enforce these strictly. Some public frustration appears linked to a limited opportunity to comment on agenda items (see below).

Meeting Formats, Use of Subcommittees, and Agendas. Interviews indicate there has been little recent flexibility in the Board's meeting format. This has contributed to frustration among members of the public who seek more engagement with Board members, and more time to comment. The Board has abandoned an earlier practice of holding informal discussions with the Public following formal meetings due to lack of interest among some Board members and perceived antagonism among members of the public attending meetings. The Board's Charter allows for the creation of Subcommittees that include non-Board members, and appears to allow for a variety of meeting formats including "public meetings or conferences" to ascertain public views. The BLM should work with the Board to explore alternative meeting formats as part of its Long-term strategy.

Board Impact. Interviews reveal doubts about the impact of the Board on BLM policy. One common observation is that the Board has made many recommendations over time, and that the BLM has either ignored these or moved only very slowly in response. A review of specific recommendations and BLM responses over the past decade for this project, based on Board minutes, suggested one possible action: a joint review by BLM and the Board as a foundation for a more constructive Board role.

Recommendation: The BLM should take steps to address specific issues identified from interviews for this project, including those mentioned above, but also encompassing other possibilities.

Resource Advisory Committees. The RACs are a current forum for BLM to seek input from diverse stakeholders and logically should play a role in any public engagement strategy. Some states have multiple RACs while others have none. The RACs are chartered pursuant to FACA and are intended to represent a range of stakeholder views. They are subject to FACA requirements but can also establish subcommittees that include non-RAC members as a way of gathering data or developing proposals for full consideration by the RAC. The extent of RAC involvement in wild horse and burro issues varies by state and RAC. In states where these issues predominate, such as Nevada, RACs have played a significant role in developing advice to the State Director. In others, RACs may not address these issues at all.

Recommendation: As part of a Long-term strategy for the Program, the NPO should develop a strategy with State Directors and WH&B Specialists in states where wild horse and burros are a high priority for the Initiative. This could involve briefings by a BLM Outreach Team, as well as exploration of specific opportunities for partnerships to support elements of the Initiative.

Web Utilization. To the extent the Web and BLM's web pages are not addressed as part of the Short-term, this topic should be the focus of attention in the Long term. Web improvements for the Program should reflect user input. This is one action where the BLM can demonstrate responsiveness and openness.

Recommendation: If not included in the Short-term, BLM should organize a forum for input on improving its Program web pages, and follow through on that input.

Access to Information. This is a complex topic. At one level it is about access to information in a democracy. At another it can be seen as facilitating external legal actions against BLM in support of specific values that are not reflected in BLM's current policies or actions.

Recommendation: BLM should invite specific suggestions about access to Program information and commit to reviewing these. Based on that review, BLM should identify an initial set of possible actions and follow through on a realistic schedule. When these are accomplished, BLM should communicate the changes to the public.

Education about Decision Making. Interviews suggest there is a significant lack of information among some interest groups about BLM's policy making processes under FLPMA and NEPA, including how these relate to more visible activities such as gathers. This lack of information contributes to public frustration and a view that decision making is not transparent or open. On the other hand, there is also a view that it is the public's obligation to learn about these processes, particularly if an objective is to raise objections or even pursue legal action.

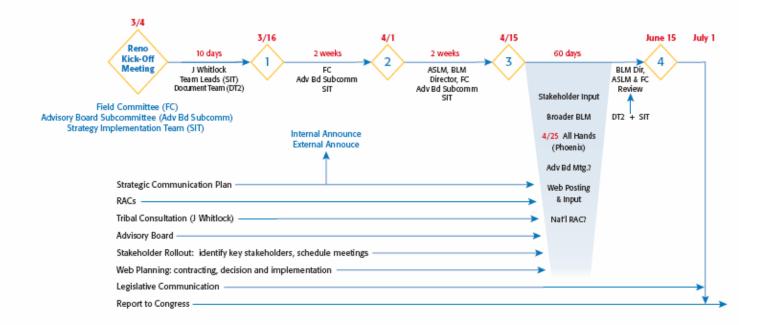
Recommendation: As part of its review of Web-based information, BLM should consider preparing a concise, easily understandable, and reliable explanation of its decision making processes. Any such project should include feedback from potential users in the public.

Figure 1: March 11 Conceptual Diagram

REVISED CONCEPT FOR STRATEGY DEVELOPMENT

March 11, 2010





Prepared by Kearns & West for discussion purposes. Not adopted or endorsed by any federal agency.



FIGURE 2: SHORT-TERM PUBLIC ENGAGEMENT ACTIONS AND CHOICES 60-DAY PERIOD

This Figure is an example of how specific short-term public engagement actions discussed in this plan potentially can accommodate different levels of public impact, beginning with Inform and ending with Empower.

		INFORM	CONSULT	INVOLVE	COLLAB- ORATE	EMPOWER
		We'll keep you	We'll keep you	We will work with you	We will look to you for	We will implement
		informed	informed, listen to and acknowledge concerns and aspirations, and provide feedback on how public input influenced the decision	to ensure your concerns and aspirations are directly reflected in the alternatives developed and provide feedback on how public input influenced the decision	advice and innovation in formulating solutions and incorporate your advice and recommendations into the decisions to the maximum extent possible	what you decide
Short	POST DRAFT	Allow comment but	Add commitment to			
term	STRATEGY ITERATION	without feedback	summarize impact of			
	3 ON BLM WEB PAGE	commitment	feedback on choices			
	and link to each State		and post on web			
	program page		page			
Short	PRESS RELEASE	Distribute consistent				
term		press release through				
		all state offices about				

		INFORM	CONSULT	INVOLVE	COLLAB- ORATE	EMPOWER
		draft strategy and link to URL of draft strategy				
Short term	RESOURCE ADVISORY COMMITTEES	Present draft strategy as an agenda item at regularly scheduled RAC meetings—for information purposes only	Seek input at RAC meetings and add commitment to report back on how public input influences Initiative	Request specific options for consideration and commit to reporting back	Potential Long-Term Strategy Element for Initiative	
Short term	POTENTIAL PARTNER ENGAGEMENT	Identify potential partners and organize and conduct briefings that include Q&A on draft strategy by Outreach Team	At briefings, add a commitment to report back on how input influences strategy and Initiative	Request specific options for consideration and commit to reporting back	Potential Long-Term Strategy Element for Initiative	
Short term	OTHER STAKEHOLDER ENGAGEMENT-DC	Identify key stakeholders and organize and conduct briefings on draft strategy	At briefings, add a commitment to report back on how input influences strategy and Initiative	Request specific options for consideration and commit to reporting back	Potential Long-Term Strategy Element for Initiative	
Short term	OTHER STAKEHOLDER ENGAGEMENT- STATES	Identify key stakeholders and organize and conduct briefings on draft strategy	At briefings, add a commitment to report back on how input influences strategy and Initiative	Request specific options for consideration and commit to reporting back	Potential Long-Term Strategy Element for Initiative	
Short term	RELEVANT PUBLIC ENGAGEMENT	Use Program web pages as foundation for accurate information; rely on opportunity for web-based comments				

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		INFORM	CONSULT	INVOLVE	COLLAB- ORATE	EMPOWER _
		on draft Strategy				
		•				
Short	WH&B ADVISORY	Standard Meeting: BLM	Two-Part Meeting:	Potential Long-Term	Potential Long-Term	
term	BOARD	Outreach Team	BLM Outreach Team	Strategy Element for	Strategy Element for	
		presents draft Strategy	participates in	Initiative	Initiative	
		in regular Board session	facilitated Q&A with			
		and requests Board	public about draft			
		input and support;	strategy in Part 1			
		standard public	with Bd Members			
		comment period.	observing; BLM			
			requests Bd action in			
			Part 2; BLM makes			
			explicit commitment			
			to report back to			
			Board on how input			
			influenced content of			
			strategy and Initiative			
Short	TOPICAL FORUMS	Consider use of "town	Expand "town hall"			
term		hall" style format to	format to promote			
		provide information	dialog about key			
			concerns and			
			possible solutions for			
			the Initiative and			
			Strategy			
		•	<u> </u>			