

National Wild Horse and Burro Advisory Board Meeting  
Washington, DC

September 28, 2009

Board Members Present: Robin Lohnes; Gary Zakotnik; Larry Johnson; Dr. Vernon Dooley; Dr. Boyd Spratling; Renee Taylor, and Janet Jankura. Board Members Absent: Dr. Wayne Burkhardt. Washington Office Bureau of Land Management (BLM) Staff: Ed Roberson, Assistant Director, Renewable Resources and Planning; Don Glenn; Dean Bolstad; Sally Spencer; Lili Thomas, Jenny Leisieutre; Ramona DeLorme; Sharon Kipping; and EK James. Eastern States BLM: Juan Palma, State Director and Karen Malloy, Wild Horse and Burro State Lead. USDA, U.S. Forest Service: Barry Imler.

Robin Lohnes opened the meeting at 8:08 a.m. The Board members introduced themselves to the public.

Ed Roberson introduced the BLM staff in attendance.

### **Welcoming Remarks**

Juan Palma welcomed the Board and offered them a tour of the Grant Land Office (GLO) records at the Eastern States Office in Springfield, Virginia. Juan stated that Eastern States covers 31 states east of the Mississippi River. There have been more than 75,000 horses adopted within the Eastern States since 1971. In FY2009 they have surpassed their adoption goal by 10%. Juan attributes the success of the adoption program to strong partnerships. He noted that Eastern States has created a business plan for FY2010 with 12 product lines. At present they are working on nine of these product lines: satellite adoptions, short-term holding facilities, internet adoptions, fostering program, trainer incentive program, Extreme Mustang Makeover Events, the Mississippi Prison Training Program; equine university partnerships, and mini satellite adoptions. The Board complimented Eastern States on their business plan.

Ed Roberson welcomed Silvia Baca, Deputy Assistant Secretary for Lands and Mineral Management and he introduced the BLM Staff in attendance. Ed said that even though FY2008 was challenging a lot was accomplished and that FY2009 has been more successful as the BLM addressed the issues raised in the GAO Report and is developing a national strategy. Ed noted that the Secretary of the Interior has a good vision for the program. He stated that Bob Abbey, BLM Director; Wilma Lewis, Assistant Secretary for Lands and Minerals Management; Mike Pool, Deputy Director of Operations; and Marcilynn Burke, Deputy Director for Policy are all in place now. They are experienced in Wild Horse and Burro issues and fully support the program.

### **Eastern States Report**

Karen Malloy gave an overview of the program. She stated that Eastern States has an active volunteer program with over 1,000 volunteer hours earned per month. The program staff

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provides guidance and leadership to the volunteers so that job standards are met. At the Lorton, Virginia adoption event, Karen was asked by the public what happens to the horses that are not adopted. She responded that the horses will be sent back to the short term corral in Ewing, IL and then will be offered at other adoption events.

The Board asked what the status of the Ewing contract was. Karen noted that the contract expires in January 2010 and it will probably be extended for 90 days so that all incoming solicitations can be properly reviewed. The Board also wanted to know how many compliance checks were done in the Eastern States each year. Karen responded that they do compliance checks on 50% of the animals adopted. The Board also noted that the adoption numbers have increased and asked why. Karen said that there are more trained animals available. Eastern States is very committed to finding homes for these animals. The Board requested a copy of Karen's PowerPoint presentation.

Juan noted that the Eastern States Office pays the fostering volunteers \$500 for each horse they are able to assist the BLM in adopting. There is a \$2,500 limit on the amount a BLM office can pay to an individual without a contract each year. Within the Eastern States there are several fostering volunteers who are able to find good homes for more than five animals a year, but due to the \$2,500 purchasing limitation, Eastern States is unable to provide them additional animals. Juan asked the Board for any help they could provide to resolve this issue.

### **June 15, 2009 Minutes**

The June 15, 2009 Advisory Board Minutes were approved with an insert on Page 9: insert *lack of*.

The Board appreciates that there has been a change in administration and transitions take time; however, the Board expressed frustration at the lack of inertia and feels the BLM needs to plan and be prepared if decisions are made to implement these recommendations.

The minutes were approved as amended. Robin thanked the staff for putting them together.

### **Status of Nominations/Charter - Bylaws**

Sharon Kipping stated that the present Advisory Board charter will be going to the General Services Administration (GSA) for review. The charter is now with the new Committee Management Specialist for review. The current charter will expire July 22, 2010. At the next meeting, the Board requested to have the charter on the agenda.

Sharon announced that the nominations for Wildlife Management, Livestock Management, and Humane Advocacy are at the Director's office for review. There BLM received 51 nominations for these three positions. The next nominations that expire in June 2010 will be Livestock Management, Wild Horse and Burro Research, and Natural Resource Management. The Board asked when the Federal Register Notice will go out calling for the next nominations. Sharon

stated that the Notice will go out at the end of this calendar year. The Board requested clarification if the Bylaws allow the present members to continue to serve until the new appointments have been made. Sharon confirmed that the Bylaws/Operating Procedures allow for the members with expiring terms to continue to serve until the new appointments are finalized.

### **Department of the Interior (DOI) Comments**

Sylvia Baca welcomed the Advisory Board to the nation's capital. She stated that the Department appreciates all the hard work that the Board does on behalf of the people of the United States. DOI is looking at a holistic strategy for this program and she is looking forward to working with the dedicated BLM employees. Secretary Salazar is supportive of the program and asked for a 30% increase in the program's budget. Sylvia noted that there are people in Interior and the Bureau who were with Interior before and understand the program. She also noted that she attended the Lorton, VA adoption. The Department's goal is healthy herds on healthy rangelands. The herds are currently over the Appropriate Management Level (AML) which is not good for the land. She reported that the Department embraces and supports fertility control and the adoptions showcase successful outcomes for the horses. The increased funding will allow the Bureau to move forward. The Secretary's office is engaged and is trying to help. She thanked the Board for their work.

### **GAO Update/Strategy**

Don Glenn gave an update on the Government Accountability Office (GAO) Report and Strategy. He noted that contrary to Internet reports the GAO did not find gross mismanagement in the Wild Horse and Burro Program. Also, three-fourths of the Wild Horse and Burro budget; not three-fourths of the BLM budget goes for long-term holding of animals. Don commented that the Senate Appropriations Committee noted that wild horse holding costs have risen beyond sustainable levels and directed the BLM to prepare a long term strategy to get the program on a sustainable level. The GAO recommended the program finalize the new Wild Horse and Burro handbook that establishes policy for setting AML and that the BLM implement a statistically based method to estimate animal populations. The GAO also recommended that the BLM track the number of animals harmed or killed during the gather process and determine what information on the treatment of gathered animals can easily be provided to the public.

The BLM strategy must ensure that herds are kept at sustainable levels in balance with the lands capacity to support them. Don noted that the BLM must highlight their importance to the American people and provide cost effective means of taking care of animals that must be removed from public lands. Don provided examples of the impact of horses on the land and its inability to support infinite numbers of horses. From 1971 to 1977 wild horse populations more than doubled prior to the BLM having the authority to use helicopters in gathers. Don asked what would happen if the BLM were required to put the 30,000 horses currently in holding back on the public land adding to the 37,000 currently on public lands? By 2013 it would be

reasonable to assume there would be close to 135,000 wild horses on the public lands. To keep that population stable, the BLM would have to remove 27,000 wild horses per year and find a place for them. If the BLM could not remove the animals, by 2021 there would be close to 580,000 wild horses on public land requiring approximately 6,900,000 Animal Unit Months (AUMs) of forage, which is close to the carrying capacity of all the public lands in the lower 48 states. To keep that population stable the BLM would have to remove 116,000 horses per year.

Don noted that the BLM's strategy should focus on reducing the population to AML as quickly as possible; controlling holding costs through managing the rate of population increase on the range thus reducing the need for gathers; improving the science on which the BLM base its management including population estimation and habitat monitoring; increasing adoptions and sales to good homes; and providing more information to the public and emphasizing the historical and cultural value of wild horses and burros.

Don stated that this could be accomplished by implementing some of the Board's recommendations such as revisiting the existing immunocontraception guidelines and exploring additional fertility control methodology; implementing changes to herd sex ratios to favor males in select Herd Management Areas (HMAs) where population growth suppression is desired; consider criteria for establishing non-reproductive herds in select HMAs, especially where resource availability impacts the ability of the herd to be self sustaining; and increasing the use of partners to help find good homes for more animals and reduce holding costs.

Don noted that the strategy should also increase flexibility to optimize wild horse and burro program management opportunities; manage HMAs in a manner that enhances the wild free-roaming behavior of wild horses and burros; and increase transparency and improve the BLM's visibility.

Don said that the next step is to finally address the GAO's recommendation to discuss with congress how the BLM can best comply with the Wild Free Roaming Horses and Burros Act.

The Board entered into a discussion about increasing fertility control; range conditions and monitoring; coordinating with State Wildlife Departments to share monitoring data; and the ability of horses to out compete wildlife for rangeland forage. The Board discussed the need to increase on the range management as part of the BLM strategy. Don indicated that on the ground management of horses would be emphasized in the strategy and the BLM would consider range improvements for horses. The BLM will also hold a Herd Management Training Course this spring for new horse specialists.

### **Budget Update**

Jenny Lesieutre presented the budget update. The total funding for FY2009 was \$52.3 million that was composed of \$40.6 million enacted funding, two reprogrammings that totaled \$8.6 million, and carryover from FY2008 of \$3.1 million. In addition to the \$52.3 million, the US Forest Service funds of \$640,000 were available for the BLM work performed for the Forest

Service. She noted that Oregon spent \$200,000 for wild horse water developments in FY2009. The Board requested that fertility control and research be itemized as a budget line item. Jenny noted that the Senate completed action on the FY 2010 and identified \$69 million funding for the Wild Horse and Burro Program. The House passed the 30-day continuing resolution (CR) and the Senate is expected to do the same. Jenny stated that until the Department has a budget, spending will be held to the FY2009 levels. If the FY2010 budget is approved, funding may be available for 10 new positions for the Wild Horse and Burro Program; some of these positions will be devoted to herd management.

The Board entered into a discussion about increasing funding for on the range management. Sylvia Baca responded that these are important things to accomplish; however, DOI has not had a budget increase since FY2002 and has not kept sufficient pace in the past eight years. The Board requested that the BLM provide a list of dates AMLs were established for HMAs.

Jenny announced that she will be on a one year detail at the Nevada State Office Project Lead for the American Recovery Reinvestment Act (ARRA). The Board thanked her for all the budget work and analysis she had done.

### **Gather/LTH Update**

Lili Thomas discussed the upcoming gathers. From July 1, 2009 through September 9, 2009 there were 2,690 animals gathered and 2,206 animals removed. The gather related mortality was 18 animals (.67%). During this period 175 mares were treated with fertility control. Lili stated that the California burro gathers are ongoing. Lili explained that when the HMA complexes are gathered as one unit, it is difficult to determine how many animals came from each HMA because they move back and forth between HMAs. This creates challenges in reporting removals by HMA.

This tentative FY2010 gather plan is a removal of 12,000 animals.

Lili reviewed the gather process and trap designs. She emphasized that traps are placed near where horses are located and along their natural travel routes. The helicopter allows the horses to travel at a relaxed pace on their way to the trap and only applies pressure at the end of the run as the horses approach the trap.

Lili gave an overview of the long-term holding facilities and requested that they be referred to as long-term pastures. Lili reported that the program has 11 contracts with a capacity of 22,100. Six new contracts have been awarded with an additional capacity of 9,400. The program now has long term pastures in Oklahoma, Kansas, South Dakota, Montana, and Iowa. Environmental Assessments will be completed for the new contracts.

### **Adoptions/Sales/Mustang Heritage Foundation/National Wild Horse Adoption Day Update**

Sally Spencer reported that as of September 23, 2009 the BLM has sold 785 animals since October 1, 2008. This is 434 more animals sold than last year at this time. The Save the Mustang Fund continues to be a source of incentive money for 501(c)(3) organizations that are able to provide long term care for the animals. Sally also reported that as of September 23, 2009 the BLM has adopted 3,146. This is 375 fewer animals adopted than last year at this time. She noted these numbers do not include National Wild Horse Adoption Day results.

Sally reported that there has been increased Marketing (advertising and public affairs) by States that has resulted in increased calls to the BLM Call Center. Also there has been increased promotion with publications (paper and electronic). This was apparent with a Wild Horse and Burro Magnet offer in select publications that resulted in over 10,000 magnets requested from subscribers. Sally reported that the Youth and Yearling Programs coordinated by Trainer Incentive Program (TIP) trainers have been very successful, as has the Extreme Mustang Makeover events.

Sally reported that the Mustang Heritage Foundation (MHF) has completed nine Extreme Mustang Makeover Events this year. There are two remaining events this year: one in Tennessee this October and the other in Utah this November. The TIP Program continues to be very successful and the MHF has a strong and dedicated following. Sally noted that 2010 Extreme Mustang Makeovers are being scheduled. Plans include events in Oregon, California, Colorado and Nebraska. Please visit [www.extrememustangmakeover.com](http://www.extrememustangmakeover.com) for up-to-date details.

Sally stated that the MHF has plans to expand the National Wild Horse Adoption Day Initiative; launch of TheMustangNation.org Virtual Adoption Web Site; and create financial incentives for the adoption of older mustangs through an extensive RFD TV Marketing effort for the Mustang Trust program.

Sally discussed National Wild Horse Adoption Day (NWHAD) activities. She stated that the House and the Senate passed a resolution for National Wild Horse Adoption Day. The adoption events include eight events by groups – two of these are joint group/BLM events; four events by TIP trainers; and twenty-three events by the BLM. Partial results show that 379 animals have been adopted in NWHAD events.

Sally noted that the Steering Committee realized that NWHAD is really an Awareness Campaign like Earth Day. People don't have to wait until NWHAD to adopt a horse. If they have room in their heart and in their home for a horse, they are encouraged to consider a mustang.

### **Facility and Pipeline Reports**

Dean Bolstad provided an update on short-and long-term holding. On September 14, 2009, there were 9,569 horses and 98 burros in short-term corrals that have a total capacity of 15,645 animals. In short term corrals there are 5,811 animals that are 0-4 years old; 2,706 animals that are 5-10 years old; and 313 animals that are 11+ years old. There were 22,184 horses on long-term pastures that have a total capacity of 22,100. On long term pastures there are 135 animals that are 0-4 years old; 10,842 animals that are 5-10 years old; and 11,205 animals that are 11+ years old.

### **US Forest Service Update**

Barry Imler reported that the Forest Service Wild Horse and Burro program is housed within the Rangelands Management Director's Area. He introduced Janette Kaiser, Director for Rangelands Management.

Barry noted that the Advisory Board charter, just like membership nominations, is the responsibility of two Departmental Secretaries. As such, it too will need to be routed through the Department of Agriculture, as well as the Department of Interior. Just like the nominations, the USFS and the BLM will need to work through new processes for coordination within both Departments of the new administration. There is a learning curve that may delay necessary actions.

Barry reported that the MOU that allows the funds transfer between USFS and BLM expires in 2010. It needs to be updated and renewed.

Barry stated that the Carson National Forest is the only Forest that completes its own gathers and attempts to adopt out all of the horses it gathers. The Forest has slowed the pace of its gathers pending adoption of animals already in holding pens. Once there is some more room in the pens, the gathers will resume.

Barry also noted that the USFS is working to improve its ability to record and track information essential to proper management of the Wild Horse and Burro program.

Barry provided two additional tables to Advisory Board members. The first table identified the 15 Forest Service managed territories without established AMLs and the fiscal years when analyses for setting AMLs are expected to be completed. The second table displayed the most recent plan completion dates for each of the Forest Service managed territories. Barry explained the difference between LMP (Land Management Plan) and TMP (Territory Management Plan). He noted that highlighted rows indicate territories with an AML of zero. Eleven territories have had plan reviews since 2000. Twenty-five reviews are scheduled to occur within the next three fiscal years.

## **Pending litigation Update**

Don Glenn presented the pending litigation.

Montana – Litigation against the US Forest Service on expanding the Wild Horse Range is pending in the 9<sup>th</sup> Circuit. An appeal of the Pryor Mountain HMAP is pending before the IBLA. The DC District Court ruled in the BLM's favor on a request by the Cloud Foundation, et al. for a Temporary Restraining Order that allowed the Pryor Mountain Gather to proceed. A hearing on the merits is scheduled for December 3, 2009 in DC. There are also four administrative appeals from four separate individuals of the Pryor Mountain gather that are still pending before IBLA.

Nevada – Through a motion, the Nevada Commission on Wild Horses approved tabling their litigation efforts, but the Commission provided the opportunity to reinstate their litigation efforts if the wild horse situation in Nevada does not improve.

The Ely District recently completed the gathers for the Golden Gate/Seaman Range and White River herd areas. Three appeals have been filed including two petitions for stay of the decision. The IBLA ruled on September 16, 2009 denying the petitions for stay. The IBLA has not ruled on the appeals.

Colorado – The plaintiffs filed for summary judgment against the proposal to remove all the horses from the West Douglas HMA. A hearing was held in the DC Circuit Court on January 16, 2009. A decision was issued on August 5, 2009. The Judge ruled against the BLM. The judge stated; “A prerequisite to removal under the Wild Horse Act is that BLM first determine that an overpopulation exists and that the wild free-roaming horses and burros slated for removal are “excess animals”. BLM concededly has not made such a determination...” in this case.

Wyoming – No change. The BLM responded to a letter from the Wyoming Attorney General on February 5, 2009 informing him that the BLM agreed to a schedule worked out with the Wyoming Department of Agriculture to remove horses in Wyoming this summer and fall to comply with the consent decree.

Oregon – No Change. The plaintiffs have filed suit against the US Forest Service alleging failure to comply with the National Forest Management Act and Administrative Procedures Act by allowing excess horses to remaining in the Murderers Creek Wild Horse Territory. The requested relief is a Court Order requiring management at the 100 head level identified in the Malheur National Forest Plan.

The Board requested Janet Jankura, Board liaison to the strategic plan, report on the status of the strategic plan. She reported that she had spoken with the BLM and that she emphasized the importance of vision, mission, and objectives. Don Glenn stated that the vision statement is healthy herds on healthy lands and objectives may include increasing adoptions and partnerships, reducing removal numbers, and achieving AML.

## **Research Update**

Dean Bolstad reported on six areas of research focus: aerial population survey, SpayVac research, longer efficacy conventional PZP, ongoing PZP-22 field trials, research proposal for spaying mares, and fertility control considerations criteria.

**Aerial Population Survey:** the BLM is moving forward with implementation of improved USGS population survey techniques. An instruction memorandum addressing phased implementation and training of field staff will be issued by the end of the year, and a new position for population survey specialist will be filled.

**SpayVac Research:** the BLM has requested USGS to lead research efforts to further investigate SpayVac for use in wild horse mares. Preliminary work on Nevada estray horses indicated that SpayVac may offer long lasting or permanent infertility in mares. An initial study to investigate the safety of three formulations is being planned with researchers Mark Fraker (TerraMar Environmental Research, Ltd.) and Dr. Ursula Bechert (Oregon State University). If the vaccine proves out, the ultimate goal is for licensing and development of application guidelines. This will take five years or longer.

**Longer Efficacy Conventional PZP:** the research to develop a longer lasting (3-4 years) conventional PZP formulation by Dr. John Turner, Medical College of Ohio, is continuing. Work is still in the laboratory.

**Ongoing Field Trials for Conventional PZP-22:** the Humane Society of the United States (HSUS) research in the Sand Wash and Cedar Mountain HMAs is continuing. HSUS field technicians are recording foaling rates of treated and untreated mares. To date the BLM has treated 2,366 mares in 61 HMAs with PZP-22. In FY2009 a total of 558 mares have been treated to date with another 50 planned for treatment in the Beatys Butte HMA. In FY2010, from October 1, 2009 to February 28, 2010, the BLM plans to treat approximately 350 more mares.

**Research Proposal for Spaying Mares:** the BLM has received a proposal to examine the viability of spaying wild horse mares. The proponents propose to expand on a pilot investigation conducted on the Sheldon National Wildlife Refuge and investigate the safety and practicality of spaying mares by applying ovariectomy (spay) by colpotomy. The proposal is being reviewed by the BLM's Research Committee and ad hoc reviewers that include Board members, an equine veterinary surgeon and others experienced with reproductive technology procedures.

**Fertility Control Considerations:** the BLM requested the Board's review of the "Considerations for Fertility Control in Wild Horse Herds" which was prepared by the BLM's Research Committee with review and input by the Board.

In response to question, Dean made the following statements. The Fertility Control Instruction Memorandum directs field offices to treat mares with fertility control unless there is a compelling reason for no treatment. The Calico Complex has five to six times more horses so

fertility control will probably not be used on that gather because most of the horses gathered will need to be removed to achieve AML. The Board asked about the cost effectiveness of fertility control to population growth. For example: if there are 500 horses on an HMA and 250 are mares, what percent should be treated to be cost effective. Dean responded that treatment of 90 percent of the mares would have the most cost benefits, but added that treatment of lesser mares would be cost effective considering the cost of holding excess horses removed from the range. In response to another question, Dean indicated that the PZP-22 fertility control drugs cost \$290 per dose.

The Board asked if the BLM had considered sterilizing stallions as a means of fertility and referred to a paper by Eagle. Dean responded that during the development of the BLM's research strategy that a panel of scientists had considered the literature and concluded that fertility control research should be focused on PZP and that it offered the best opportunities for population control. Dean noted that a trial had been conducted on the Sheldon National Wildlife Refuge where stallions had been given vasectomies and that the BLM will be interested in the results and whether or not this treatment could help control population growth. He also noted that this kind of treatment could have negative effects on genetic diversity. The Board requested that the BLM further review the literature reporting on sterilizing stallions through vasectomy (chemical or surgical) and reported back.

The Board reviewed the draft updated considerations for fertility control application and recommended that the BLM adopt its guidelines for fertility control application and desirable characteristics of fertility control agents.

### **New Business**

The Board requested that the Public Land Council's Proposal be on the next meeting's agenda.

### **Public Comments**

Public comments began at 3:04 pm.

### **New Business Continued**

The Board formed a sub-committee to work with the BLM to determine how the BLM considers public comments.

The Board requested that they be provided with the BLM's actions in response to the GAO recommendations and the Secretary's Strategy when available.

### **Recommendation**

The Board reviewed the draft updated Considerations for Fertility Control in Wild Horse Herds document and recommended that BLM adopt it.

**Next Meeting**

The next meeting is scheduled for December 7, 2009 or December 14, 2009 in Reno, NV.

Don Glenn and Ed Roberson discussed the comments and suggestions that they heard during public comments. There are comments that keep coming up over and over again: let the horses roam; stop gathers; gathers are cruel; and gathers don't make sense. Also there were comments about establishing two or three HMAs where the animals will fend for themselves to see if the populations actually regulate themselves; an incentive program for veterinary costs until you receive title; and that private land owners and leasees try to provide water for the horses.

Meeting adjourned at 5:22 pm.