

Draft
National Wild Horse and Burro Advisory Board Meeting
Phoenix, AZ

March 10 and 11, 2011

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Board Members Present: Robin Lohnes; Gary Zakotnik; Dr. Vernon Dooley; Dr. Boyd Spratling; Dr. Wayne Burkhardt; Renee Taylor; Janet Jankura; Tim Harvey; and Paul Durbin. Washington Office Bureau of Land Management (BLM) Staff: Lynda Boody, Acting Deputy Assistant Director; Karla Bird; Dean Bolstad; Sally Spencer; Debbie Collins; and Ramona DeLorme. Arizona BLM: Jim Kenna, State Director; Julie Decker; Roger Oyler; Dorothea Boothe; Mary Pyles; and Kristen Lenhardt. BLM NTC: Art Ferraro. USDA, APHIS: Dr. Al Kane. USDA, U.S. Forest Service: Barry Imler. U.S. Institute of Environmental Conflict Resolution: Anna West.

Robin Lohnes opened the meeting at 1:04 p.m. The Board members introduced themselves to the public and Lynda Boody introduced the BLM and the USDA employees.

Anna West explained the procedure for the day and how she would be facilitating the meeting.

Robin noted that the two day meeting would be structured to cover both the Advisory Board's business, as well as a very large segment of the session would be dedicated to obtaining public comments on the BLM's Strategy for Management of Wild Horses and Burros.

Robin told the public that there would be an informal round table after today's meeting. She also welcomed the two new Board members Tim Harvey and Paul Durbin.

Arizona State Report

Jim Kenna welcomed everyone to Arizona. He introduced Julie Decker, Roger Oyler, Dorothea Boothe, and Kristen Lenhardt of the Arizona State and Tucson Field offices. He noted that he has worked with the BLM for 36 years and that there are a lot of important programs with a broad diversity. He thanked the Board for their advice.

Jim noted that Arizona has more burros than horses: 2,500 burros and 240 horses. There are 7 Herd Management Areas (HMA) and 4 Herd Areas (HA). Arizona gathers about 60 nuisance animals a year. They are considered nuisance animals because they are outside of the HMAs and wander along roads, near a shooting range, etc. Arizona has the same issues as other parts of the west with burros instead of horses. Arizona takes advantage of local events to adopt an average of 162 burros and horses a year.

The Board commended Arizona for meeting their FY 2010 adoption goal.

Welcoming Remarks

Lynda Boody explained that neither Director Abbey nor Ed Roberson is able to attend this meeting: the Director is testifying before Congress and Ed has a family issue. The BLM is a small agency with a lot of land to manage and the Board is very important to help the BLM make good decisions. Lynda noted that tomorrow the strategy will be introduced. Director Abbey wants the strategy to be transparent and to be good for horses and burros and good for the land.

After the BLM reviewed the 9,000 comments received on the Proposed Strategy, the BLM has made the following revisions to the Strategy: 1) The BLM has refined the process for private public partnerships which did reduce tax payer costs; 2) Plans to ramp up science based fertility control, continue to work with partner's like HSUS, and plans to treat 2,000 horses each year with fertility control and work more with the Mustang Heritage Foundation (MHF) to place more animals with families; 3) There also will be a two year National Academy of Sciences study.

Lynda noted that good government includes hearing the voices of the public. The BLM welcomes the Board's recommendations and would like a recommendation on the Strategy at the end of the meeting.

June 15, 2010 Minutes

The June 15, 2010 Advisory Board Minutes were approved.

Response to Recommendations

1. The National Wild Horse and Burro Advisory Board recommends that the BLM consider the Mustang Heritage Foundation proposal.

BLM Response: The BLM values its existing partnership with the Mustang Heritage Foundation and recognizes the positive benefits of their programs. The BLM desires to expand this partnership; however the expansion of MHF projects will depend on funding availability and processing through an appropriate procurement process. The concept of this proposal is still under review and more analysis is needed to determine how major shifts in funding to such a partnership away from the existing BLM adoption program would affect BLM adoption operations and how such changes would be implemented.

2. The National Wild Horse and Burro Advisory Board recommends that the BLM consider hosting a dedicated science and research workshop in conjunction with the National Academy of Sciences (NAS) request for Program review.

BLM Response: The BLM will consider hosting a science and research workshop after the completion of the National Academy of Sciences (NAS) study. Scientists from around the world are expected to participate in the NAS study and new science and approaches to wild horse management are likely to be identified. The BLM feels that a more beneficial workshop for public and BLM employee education could be organized after the study's completion.

Status of Nomination Charter/Bylaws

Sally Spencer reported that the Secretary of the Interior and the Secretary of Agriculture are reviewing the candidates for the categories of Natural Resources Management, Wild Horse and Burro Research, and the General Public Interest with a special emphasis on Equine Behavior. Once the Secretaries agree on the selections, appointment letters will be sent out. The Charter was renewed and signed on July 22, 2010 and will be up for renewal on July 22, 2012. The next three positions that will be advertised are Wild Horse and Burro Advocacy, Veterinarian, and General Public Interest.

Program Updates

Budget Update

Karla Bird presented the budget update. She gave an overview of the allocated funds for the Wild Horse and Burro Program for FY 2010 and FY 2011. In FY 2010, \$36.9 million was spent on short term and long term holding. In FY 2011, the Program is under a continuing resolution that expires March 18, 2011. The Program can spend 46% of the FY 2010 levels and carryover. The BLM plans include:

- Removal of 5,955 animals
- Short Term Corral costs should decrease because of cancellation of summer gathers
- The Research and Fertility Control costs are in PC
- Fertility Control costs include costs to capture animals for release back into the wild as well as associated labor costs
- \$250,000 Research agreement with USGS
- \$100,000 Research agreement with Dr. Turner
- \$100,000 PZP Applicator Travel/Per Diem/Training
- \$80,000 New Census Position
- \$40,000 Dr. Cothran Genetics Work
- \$20,000 PZP Treatment follow-ups flights

Gather Update

Dean Bolstad reported that the FY 2010 gather results are posted on the web site. In FY 2010 there were a total of 11,295 horses and 485 burros gathered and 10,387 horses and 476 burros were removed. There were 433 mares treated with PZP. The winter FY 2011 gathers were completed on February 28. There were 5,462 animals gathered and 3,941 animals were removed. There were 469 mares treated with fertility control as part of the Catch, Treat, and Release Program and 134 mares treated with fertility control as part of the Appropriate Management Level gathers. There may be some gathers in the summer with the US Forest Service and on a military base. There was discussion about the follow up protocol for the Catch, Treat, and Release Program. It was noted that the BLM needs to do more monitoring.

Facility Reports

Dean Bolstad provided an update on short-term corral facilities and long-term pasture facilities. On February 22, there were 13,241 horses and 689 burros in short-term corral facilities that have a total capacity of 16,845 animals. There were 27,570 horses in long-term pasture facilities that have a total capacity of 30,968. Dean noted that there are not any burros on long-term pastures because there is a high adoption demand for burros. The Board asked if the Continuing Resolution affected the corrals. Dean responded that the care of the animals at the corrals would not be affected.

Herd Area History Update

Dean Bolstad reported that the BLM has been working on the Herd Area History Project for the past 8 years. This project details the reasons that 15.5 million federal land acres are not managed for wild horses and burros. In 1971 there were 53.8 million herd area acres (42.4 million acres were BLM land and 11.4 million acres were other land). Current herd management area acres total 33.7 million acres (26.9 million acres is on BLM land and 6.8 million acres is on other land). There is a total of 20.1 million unmanaged acres (15.5 million acres is BLM land and 4.6 million is on other land). The primary reasons BLM acres are not being managed for wild horses or burros is that the land is not controlled by the BLM and the water is not controlled by the BLM. Once the maps for this project are completed they will be posted on the BLM website along with the acreages.

Adoption and Sale Update

Sally Spencer reported on the adoption and sale programs. In FY 2010 there were 3,074 animals adopted and 545 animals were sold. In FY 2011 as of February 25 there have been 869 animals adopted and 273 animals have been sold. There are 74 adoption events remaining this year. Sally noted that there has been some confusion about the sale requirements. Purchasers need to provide good long term care for the animals. They need to have control of the land where the animal will be kept. They need to have fences to keep the animal safe. And they need to have food and water for the animal. The Program provides customer service to the public through 866-4MUSTANGS; wildhorse@blm.gov; Facebook; and Youtube. Recent adoption successes include the U.S. Border Patrol adopting 91 mustangs to patrol the Northern and Southern borders; the Canon City Colorado Prison Training Program and the Carson City Nevada Prison Training Program; and the Mustang Heritage Foundation events. The Board noted that several states met their adoption targets.

Mustang Heritage Foundation Update

Patti Colbert updated the Board on Mustang Heritage Foundation activities. Since 2007 there have been 23 Extreme Mustang Makeover events in 11 states with 1,000 mustangs adopted and more than 1,800 mustangs adopted through the Trainer Incentive Program (TIP). There also have been about 400 mustangs adopted through the youth programs. The 2010 Youth Employment Program (YEP) employed 150 youth and young adults ages 15-24. The National Wild Horse Awareness Month is June 2011. The Foundation worked with several well-known

trainers to make “The First Touch” DVD. This DVD will help new adopters learn the basics in working with ungentled wild horses.

U.S. Forest Service Update

Barry Imler reported that the U.S. Forest Service (USFS) and the BLM have been working on establishing a new Interagency Agreement. The USFS gathered 165 horses and 79 burros on USFS Territories. They treated 26 mares with PZP. They adopted 80 horses and 30 burros.

This summer there are three planned bait trap gathers. The Wild Horse and Burro Specialist position has been filled by Tom Frolli. Barry reported that there is no real change in litigation since the last meeting. The Board asked if the USFS follows the BLM gather procedures. Barry responded that the USFS does follow the BLM gather procedures and for adoptions, they try not to gather more animals than they can adopt.

Litigation Update

Karla Bird discussed current litigation. In California, In Defense of Animals brought suit seeking to enjoin BLM’s gather of excess wild horses from the Twin Peaks HMA in Northeastern California and challenging the legality of placing wild horses in long-term holding. The District Court denied the request for injunction. Plaintiffs appealed this denial to the Ninth Circuit; however, the Ninth Circuit denied plaintiffs’ request for an emergency injunction. The wild horse gather operations began on Wednesday, August 11, 2010, and ended on September 23, 2010. Plaintiffs did not withdraw their appeal from the denial of the injunction and on January 11, 2011, the Ninth Circuit held oral argument on that appeal. The parties are waiting for a ruling by the Ninth Circuit. Meanwhile, the United States has filed a motion to dismiss this litigation as moot in the district court and that motion is also pending.

In Colorado, the Colorado Wild Horse and Burro Coalition, Inc. filed a complaint and a motion for preliminary injunction (PI) and temporary restraining order (TRO) alleging the proposed gather of wild horses to reach an AML of 0 in the West Douglas Herd Area would violate the Wild Free-Roaming Horses and Burros Act, NEPA, FLPMA and the Information Quality Act (IQA). The motion for PI/TRO was denied due to the BLM’s postponement of the gather. The BLM’s answer, administrative record, and motion to dismiss the IQA claim were filed November 9, 2010. On November 10, 2010, White River Conservation District, Douglas Creek Conservation District, Colorado Association of Conservation Districts, Colorado Cattleman’s Association, Colorado Farm Bureau Federation, Public Lands Council, and four individuals moved to intervene in the case as defendant-interveners aligned with BLM. A ruling on the motion to intervene is pending as a dispute over supplementation of the administrative record. BLM notified the Court on its decision to withdraw the 2010 Gather Plan on February 21, 2011. The parties are to confer and report to the Court by March 9, 2011 on how the case will proceed.

In Colorado, Habitat for Horses filed a complaint in the U.S. District Court for the Southern District of New York that alleges BLM’s proposed gather of excess wild horses within the North

Piceance Herd Area (HA) violates the Wild Free-Roaming Horses and Burro Act, NEPA, FLPMA and the Information Quality Act. The claims are very similar to those made in Colorado by the Wild Horse and Burro Coalition, Inc. The Court ruled that although they had established irreparable harm, Plaintiffs had not demonstrated a likelihood of success on the merits. BLM's motion to dismiss for mootness and failure to state a claim was filed January 28, 2011. Plaintiff's response is due March 4, 2011. BLM's reply will be due March 14, 2011.

In Colorado, Habitat for Horses filed an appeal of district court's denial of preliminary injunction in Habitat for Horses. A case management conference was held February 9, 2011. Plaintiff's have indicated a willingness to withdraw their appeal. Negotiations on conditions for withdrawal are ongoing.

In Colorado, an appeal to IBLA of cancellation of the Private Maintenance and Care Agreement for adopted wild horses. The BLM served the decision and repossessed the horses on October 5, 2010.

In Montana litigation to require the U.S. Forest Service to expand the Pryor Mountain Herd Management Area (Territory) is pending mediation in the 9th Circuit. In September 2009, the U.S. District Court for the District of Columbia denied a Temporary Restraining Order (TRO) request to stop the Pryor gather. BLM proceeded with the gather and adopted or sold all of the excess wild horses that were gathered. The plaintiff filed an amended complaint concerning the gather and while a ruling was pending the case was re-assigned to a different judge located in Ohio although the case is still technically in the U.S. District Court for the District of Columbia. The plaintiff who had previously appealed the Pryor Mountain Wild Horse Range Herd Management Area Plan (HMAP) that was affirmed in January 2010 by IBLA, subsequently filed a second amended complaint (SAC) to the U.S. District Court for the 2009 gather challenging the use of Categorical Exclusions (CX) for adoption events and the HMAP while also litigating the U.S. Forest Service to expand the Pryor Mountain Herd Management Area (Territory). The gather and first amended complaint were dismissed as moot but the SAC was allowed by the U.S. District Court and is currently being argued.

In Montana, a decision for the use of fertility control was issued on January 11, 2011. The decision would treat 70-80% of the mares per year by age class over the next 5 years. A Petition for a Stay and Appeal to IBLA was received from one individual and is pending a ruling.

In Nevada, Laura Leigh filed a motion for a Temporary Restraining Order (TRO) and Preliminary Injunction, alleging a violation of her First Amendment rights on the basis that BLM would likely place unreasonable restrictions on her access in the Silver King Herd Management area to observe wild horse gather operations. On September 27, 2010, the district court issued an Order denying Plaintiffs request for a TRO. Gather operations began at the Silver King HMA on September 26, 2010, and ended October 13, 2010. On November 16, 2010, the court held a hearing on Plaintiff's request for a reconsideration of the court's denial of a TRO. Following the hearing, the parties briefed the court on the proper scope of the case and whether the court should have allowed witness testimony during the November 2010 hearing. The parties are waiting on the court's ruling and for a litigation schedule.

In Nevada, two appeals of the Antelope HMA Complex gather were filed with the BLM. The appeals were forwarded to the Interior Board of Land Appeals. Decisions are pending.

In Oregon, plaintiffs have filed suit against the U.S. Forest Service alleging failure to comply with the National Forest Management Act and Administrative Procedure Act by allowing excess horses to remain in the Murderers Creek Wild Horse Territory. The requested relief is a Court Order requiring management at the 100 head level identified in the Matheur National Forest Plan. The plaintiffs filed an additional suit alleging the BLM/USFS did not complete an Endangered Species Act (ESA) consultation on the 2007 gather plan. Legal counsel for both agencies have engaged in numerous conference calls with respective Districts involved and are exploring options for a settlement agreement. In December 2010, the appellant withdrew their appeal. The Forest Service suit is ongoing.

In Oregon, the Burns District received an Appeal of the Stinking Water wild horse gather on July 27, 2010 from Sheri Welsh. There was no petition for a stay and horses were gathered in mid-August. The Appeal and Administrative record were sent to IBLA on August 20, 2010. A motion to dismiss was sent on October 20, 2010. There has been no response from IBLA. The main points of the appeal centered on population estimates, genetics, herd viability, fertility control, request for scientific analysis for range conditions, AMLs levels, and cost estimates for the Stinking Water gather.

In Wyoming, the BLM's decision to cancel an adopter's Private Maintenance and Care Agreement was appealed to the Interior Board of Land Appeals. Case is pending.

Research Update

Dr. Al Kane presented the Research update. An Instruction Memorandum (WO-IM2010-057) has been issued to outline how the BLM will transition into using the improved population inventory techniques being developed with the U.S. Geological Survey (USGS). A new position for a Population Inventory Lead has been created. The advertisement for the new position is expected soon and the plan is that this new position will be filled in FY 2011. The position will be located at the National Program Office in Reno, NV. The person hired will oversee implementation of the new population survey methods and assume the duties of the Wild Horse and Burro Research Coordinator. In the interim, plans to begin implementation of the new survey methods are as follows: 1) USGS workshop this spring for six field specialists from states with the largest horse populations; and 2) Contract or Assistance Agreement for statistical analysis of survey data collected over the course of the next year. Full implementation of the new survey methods will not occur until greater field capability is developed. Another simultaneous double count survey of the large Tri-State area (NW Nevada, California, Oregon and Sheldon National Refuge) is scheduled for March, 2011.

Dr. Kane noted that work to test the safety and effectiveness of SpayVac®, a PZP-based agent manufactured with a proprietary liposome technology is ongoing. This is a cooperative project including the BLM, USGS, APHIS, Oregon State University, and TerraMar Environmental Research. Preliminary studies have shown that SpayVac® may be an effective contraceptive for at least 4 years. As currently envisioned, this research will involve five tasks: 1) demonstrate the

safety and mechanism of action of SpayVac®; 2) obtain necessary regulatory approvals for use of SpayVac®; 3) using population and genetic modeling, establish the likely parameters (e.g., proportion of mares treated) within which SpayVac® can be safely used; 4) examine the efficacy and likely duration of SpayVac® through a captive breeding trial; and 5) examine the utility of SpayVac® in controlling population growth of one or more wild herds.

Dr. John Turner at the University of Toledo has produced favorable in vitro release results of the longer-lasting (20 month) PZP pellet. Dr. Turner has produced a study protocol to begin a captive breeding trial and that study plan has been received, reviewed and approved by the BLM.

The collaborative field trials of the pelleted PZP-22 agent in the Sand Wash and Cedar Mountain HMAs have completed their 3rd field season. The Humane Society of the United States (HSUS) field technicians have darted 50 previously treated mares in the Sand Wash HMA in September-October 2010; 17 mares given 1-year liquid, emulsion-only PZP and 33 mares darted with PZP-22. One of the darts delivered to the 33 mares treated with PZP-22 failed to deliver the entire liquid dose of PZP, and one mare that had not been previously treated was mistakenly identified for treatment and darted with PZP-22. In November 2010, HSUS field technicians began attempting to dart previously treated mares in the Cedar Mountain HMA. It is our understanding that they have been unable to dart any horses in this HMA at this time but will continue to try until spring 2011. Monitoring of individual health, social dynamics, individual foaling, and population growth rates will continue at least through 2012.

The HSUS has been in discussions with the U.S. Forest Service to further their investigation of remote darting with PZP of wild horses as a population control method in the Jarita Mesa Territory in New Mexico.

The National WH&B Research Advisory Team has reviewed a resubmitted proposal to examine the viability of spaying wild horse mares. The proposal includes an evaluation of the safety and practicality of spaying mares by colpotomy during early, middle and late gestation. The proponents propose to expand on recent pilot investigations conducted on the Sheldon National Wildlife Refuge and some private wild horses. The proposal does not include an evaluation of the utility or effectiveness of spaying mares as a technique for controlling population growth rates. The WH&B Program Management intends to further discuss the proposal with the proponent and pursue the project; however, a final determination on how or when to proceed has not been made.

Field application of PZP continues in several states. Behavior studies conducted during the BLM Field Trials have been completed and the results published. An analysis of injection-site reactions has also been published. A manuscript on effectiveness of the treatments is in review. USGS field work continues only to monitor return to fertility of previously treated mares in the McCullough Peaks and Little Book Cliffs HMAs.

In addition to the BLM work, the USGS has provided assistance and field monitoring support for treatment of horses on Theodore Roosevelt National Park, North Dakota using a GnRH immunocontraceptive vaccine.

The evaluation of genetic diversity among the BLM wild horse herds is ongoing, with hair samples collected at gathers being sent to Dr. Gus Cothran at Texas A&M University for analysis. Since the last Advisory Board meeting, Dr. Cothran has caught up with the backlog of genetic reports from gathers. Dr. Cothran has been responding with reports back to the BLM 2-3 months after receiving hair samples from gather operations. A comprehensive analysis of genetic diversity among all herds sampled through calendar year 2010 is expected from Dr. Cothran in FY 2011.

Dr. Kane noted that there have been seven publications produced by the USGS in collaboration with the BLM and Others (2009-2010).

The Board asked why PZP was still in the field trial stage when the BLM has been using it since 2004. Dr. Kane responded that the BLM is trying to make the PZP last longer and that PZP has not been approved yet so it needs to be called investigational.

OIG Report

Karla Bird reported on the OIG report. The OIG inspection confirmed that wild horse and burro gathers are necessary because the BLM lands cannot sustain the growing population of wild horses and burros. The growing population of these animals must be addressed to achieve and maintain a thriving natural ecological balance of the authorized uses of the land, thus gathers are necessary and justified actions. Further, the OIG did not observe any inhumane treatment of wild horses and burros. The OIG made several recommendations that the BLM will put into practice. The BLM will continue to use the best science available. The OIG report is posted on the BLM website.

Criteria for Partnership Sanctuaries

Karla Bird presented the criteria for the partnership sanctuaries. There will be a fair and open competition for interested landowners and other parties to propose new wild horse sanctuaries. The application period is open from March -May 2011. The goals of the partnership sanctuaries are to provide a better value for the American taxpayer by reducing costs of long-term pastures and finding more homes for excess horses and a better situation for the horses through education, training opportunities, adoption and sale opportunities. The initial sanctuary agreements will be awarded no sooner than October 2011. The criteria for the public/private land partnership sanctuaries should be out by the end of March 2011. Karla noted that NEPA reviews will need to be done for all proposals.

National Academy of Sciences Review

Dean Bolstad reported that the BLM has asked the National Academy of Sciences (NAS) to review wild horse management and make recommendations on how the BLM should proceed in light of the latest scientific information available. The BLM expects the NAS to be the sole entity available to address the scope and complexity of the scientifically challenging questions the study entails. However, in accordance with Federal Acquisition Regulations, the BLM posted a synopsis on the Fedbiz website in late January to determine if other entities are

potentially interested. If NAS is the sole entity responding to the synopsis, the BLM will negotiate directly with NAS to finalize the terms for the study and award a contract later this spring. However, if other entities are interested, the BLM will consider all the responses received and award a contract to the selected entity. The study is expected to conclude in early 2013 and cost an estimated \$1.3 million.

The BLM has asked NAS to address a number of key scientific challenges and questions. Among these are:

Population Estimation: The BLM understands the importance of obtaining accurate estimates of wild horse and burro population size. As a result, the BLM is asking NAS what the best methods are to estimate WH&B herd numbers and what the margin of error is for those methods. The BLM has also asked NAS if there are better techniques than the one that BLM currently uses to estimate population numbers. For example, could genetics or remote sensing using unmanned aircraft be used to estimate WH&B population size and distribution?

Genetic Diversity: The BLM has asked NAS to review available information about the genetic diversity of WH&B herds and to evaluate what that information indicates about long-term herd health from a biological and genetic perspective. NAS has also been asked to identify the management actions that could be undertaken to achieve an optimal level of genetic diversity if it is too low.

Population Growth Rates: The BLM has asked NAS to evaluate estimates of the annual population growth rates, including factors affecting the accuracy of and uncertainty related to the estimates. As part of this question, the BLM has asked NAS to review current science to determine if WH&B populations would regulate themselves (self-limit) before land and animal health would be compromised.

Population Modeling: Evaluate strengths and weaknesses of the Win Equus population model of predicting impacts on wild horse populations given stochastic factors and management alternatives. What types of decisions are most appropriately supported by using the model and is there a better model available?

Predator Management: Although predator management is the responsibility of the USFWS or State wildlife agencies, the BLM has asked NAS to determine if there is evidence that predators could effectively control WH&B population size in the West.

Fertility Control (mares and stallions): The BLM has asked the NAS to evaluate information related to the effectiveness of fertility control in preventing pregnancies in mares and reducing population growth. NAS has also been asked if there are other fertility control agents or population control methods for either mares or stallions that would be effective in slowing population growth. For example, should the BLM consider castration or vasectomies in stallions or spaying mares?

AML Establishment or Adjustment: NAS has also been asked to evaluate the BLM's approach to establishing or adjusting AML as described in the 4700-1 Wild Horses and Burros

Management Handbook. For example: are there other approaches to establishing or adjusting AML the BLM should consider?

Finally, the BLM has asked the NAS if there are options that would allow the BLM to better bridge differences in public perspectives about wild horse and burro management while using the best available science to protect land and animal health.

There was discussion about the three other reviews that NAS has completed on the program. The Board noted that many of the questions being asked are the same as in earlier reports. Dean responded that this review will make sure the program is using the best science available and will affirm that the program is heading in the appropriate direction.

Independent Observers Report

Dean Bolstad reported that when Bob Abbey announced the Strategy he offered to do a thorough review of animal practices and humane care. The American Horse Protection Association (AHPA) engaged four academic equine specialists as Independent Observers. Teams of two evaluated the gathers and 18 recommendations were made. The BLM will submit a formal response to the recommendations to AHPA. Dean noted that the BLM has already made changes based on the recommendations. These changes include creating black netting prototypes at the chute in place of plastic snow fence; covering the overhead bars in the chutes to stop facial injuries; replacing wire fences at the Litchfield, CA short-term corral with proper panels; and making provisions to provide water to gathered horses. The Board asked if the BLM was open to other organization's review of the program and animal health. Dean responded that the BLM is open to further evaluation by credible professional individuals. There is always room for improvement; however it's important to note that no one in the world has more experience in handling and capturing wild horses than the BLM.

Dean also noted that in the spirit of outside independent review, the American Association of Equine Practitioners (AAEP) was invited to review the program. A team of nine veterinarians were selected and they have visited three gathers, several short-term corrals, and they just visited a long-term pasture. The BLM expects a report from AAEP this summer.

The meeting adjourned at 5:22 pm.

March 11, 2011

Robin Lohnes opened the meeting at 8:00 a.m. The Board members introduced themselves to the public.

Anna West explained the procedures for the day and how she would be facilitating the meeting.

Karla Bird stated that in accordance with the 1971 Wild Free-Roaming Horses and Burros Act, the BLM is required to remove excess wild horses and burros from the range to sustain the health and productivity of the public lands. However, in recent years adoption demand for these animals has not kept pace with the numbers removed. As a result, the BLM is currently holding

about 41,000 unadopted wild horses in short-term corrals and long-term pastures. The costs to care for these animals are expected to reach about \$48 million in FY 2011: an increase of about \$20 million over the past four years. The BLM understands that the costs to humanely care for so many unadopted wild horses are not sustainable and that changes are needed.

Karla presented an overview of each section of the Proposed Wild Horse and Burro Strategy:

Sustainable Herds: The BLM's overall goal is to manage wild horses and burros on public lands to support healthy rangelands and animals are maintained in a thriving natural ecological balance with other uses (WFRHBA, FLPMA and all the other laws for Public Lands). The BLM will reduce the number of horses removed from the range as we consider the implementation steps for the Strategy. The BLM has been able to remove about 10,000 excess horses each year to try and reach AML. The BLM will limit the removals to 7,600 animals for the first couple of years of the Strategy while waiting for the NAS science information. The BLM will carefully consider AML through in-depth analysis of herd and habitat monitoring data, and following appropriate NEPA analysis with public involvement.

There is strong public support for fertility control, and the BLM will place emphasis on learning more about and applying fertility control. The BLM will continue to implement Catch, Treat and Release gathers. There may be opportunities to provide for sustainable herds by exploring voluntary agreements with livestock operators to trade use areas, or otherwise mitigate effects to HMAs from other activities.

Karla noted that the program wants to keep learning better practices for more efficient gather techniques including where water trapping can best be used. The BLM also wants to assure the management of sustainable herds on public rangelands by assessing rangeland health more frequently, by monitoring wild horse and burro habitat when other resources are monitored.

Ecotourism: The BLM would like to promote herds through partnerships. These ecotourism opportunities assist the local communities by providing jobs and bringing in people to explore other tourism venues. Local communities in the west like tourism and the BLM likes showing people wild herds, so that they can understand the issues better themselves.

Pastures and Partnership Sanctuaries: The BLM has a goal to provide for sustainable long-term care of excess, unadopted wild horses and burros in the most cost-effective manner in long-term pastures or partnership sanctuaries. These sanctuaries would allow the BLM to expand its ability to work with partners who really want to share some of this labor of love, while keeping the long-term pastures under contract. The BLM wants to manage these long-term pastures, whether under contract facilities or partnership sanctuaries so that the horses can be maintained in non-reproducing herds, in pastures large enough to allow free-roaming behavior, while providing food, water and shelter necessary to sustain them in good condition.

Place More Excess Horses into Private Care: Wild horses and burros increase on the range at a rate of 20% each year. The BLM is working to see if population suppression techniques can reduce reproduction, but whatever level the AML is at, the BLM will continue to produce horses at some rate every year. The program needs to expand adoption and sale opportunities and offer

more trained animals. The program should work more with partners like the Mustang Heritage Foundation, prison facilities, and others, like Steve Mantel from Wyoming. The program needs to continue to educate people and work hard to ensure that the animals go to good homes.

Animal Welfare: The BLM will develop a Comprehensive Animal Welfare Program and will demonstrate to the public and to Congress how the animal welfare program will benefit wild horses and burros. The BLM will consider hiring a full-time animal welfare coordinator. Immediately, the BLM will review its practices and look for lower stress animal handling training.

Science and Research: The BLM feels that this segment is critical as the program moves forward with the Proposed Strategy. The BLM will use the current best science and pursue increased knowledge of wild horse and burro related science. The program will continue existing research on fertility control and explore new research for sterilization of both male and females. Given a reasonable expectation of safety, the BLM wants to implement promising management techniques as soon as they are practically, economically and legally feasible.

Public Outreach: The goal is to utilize effective communications to build the public's confidence so that the public doesn't have to rely on the websites of others. The BLM will continue to improve the accuracy of reports for gathers, adoptions, sales and facilities. The program will improve the visibility of gathers and long-term pastures. The program will look at current practices and see what can be done to safely (for the people and for the horses) allow viewing to be more open. The ecosanctuaries will be built around the concept that the public should be able to see these horses up close. Hopefully, there will be proposals from Eastern landowners who are willing to apply using Grants.gov starting sometime next week.

Karla noted that the Proposed Strategy was developed in response to the input provided by more than 9,000 members of the public who commented on the Strategy Development Document through public meetings, letters and emails. There was generally no support for the designation of "Treasured Herds" so the BLM has dropped this proposal from the Proposed Strategy. The BLM also dropped the proposal to acquire "federally owned", long-term wild horse preserves because there was virtually no support. Instead, the BLM will solicit proposals for cost-effective wild horse partnership sanctuaries, which public comments generally supported.

The Proposed Strategy assumes appropriations of about \$76 million over the next four years (equivalent to the President's FY 2011 funding request). A temporary reduction in planned removals of excess wild horses and burros would allow the BLM to shift funding to immediate priorities such as increasing fertility control and boosting adoptions. Accomplishment of the goals outlined in the Proposed Strategy is dependent on the level of funding received during FY 2011 through FY 2014.

The public is invited to review and provide comments to the BLM on this strategy through March 30, 2011. Written comments should be submitted by email to wildhorse@blm.gov with "Comments on Strategy" in the subject line. The BLM will consider all comments received. These comments may lead to further changes to the BLM's proposed new wild horse and burro management strategy.

The Board discussed the Proposed Strategy. Discussion focused on keeping herds at a thriving ecological balance; re-examining AML; emphasizing volunteers; and the conflict of wild horses and burros and sage grouse.

Public Comments

Public comments began at 9:05 a.m. Each of the 41 speakers had 4 minutes to comment on the Wild Horse and Burro Program and the Proposed Strategy. Public comments ended at 12:01 p.m.

Board Recommendations and Recap/Summary

The Board continued their discussion on the Proposed Strategy and included the public comments. The Board made recommendations on the Proposed Strategy and on the Wild Horse and Burro Program.

The next Board meeting will tentatively be June 20, 2011, in Salt Lake City, Utah or Rock Springs, Wyoming.

Meeting adjourned at 4:55 p.m.

Wild Horse and Burro Advisory Board Recommendations
Phoenix, Arizona

March 11, 2011

National Wild Horse and Burro Advisory Board Recommendations on Strategy

Sustainable Herds Goal:

The Advisory Board recommends that this be included at the end of the Goal for Sustainable Herds: in balance with society's ability to absorb the excess annual increase.

Manage wild horse and burro (WH&B) populations on public lands so that healthy rangelands and animals are maintained in a thriving natural ecological balance with other multiple uses in balance with society's ability to absorb the excess annual increase.

Objective 1; Action 1: Beginning in FY 2012 through FY 2014, remove an estimated 7,600 excess animals per year to temporarily hold population size at approximately 32,000 to 36,000 animals on the range. Prioritize gathers in areas where overpopulation most threatens land health, animal welfare, and public health and safety.

The Advisory Board Recommends the Secretary follow the mandate for multiple uses under law for healthy rangelands and with regard to budget constraints, the Secretary should include contingency budget adjustments as part of the strategy in order to attain healthy rangelands.

Objective 1; Action 2: Change wording to read:
Continue adjustments to AML through the land use planning process.

Objective 2; Use a wide range of fertility control and other population control measures to slow herd growth rates and better align the number of excess WH&B which need to be removed with the number of animals that can be placed in private care.

The Advisory Board recommends that the BLM assure continued ongoing research to measure the effectiveness, safety, and impacts of treatments on herd dynamics.

Objective 3; Action 2; Change wording to read:
Identify opportunities to mitigate impacts between WH&B and other authorized activities on public lands.

Objective 4; Action 1; Change wording to read:
Implement bait and water trapping gather techniques wherever possible to preserve band integrity.

Ecotourism

The Advisory Board recommends that the BLM promote ecotourism where appropriate, and in ways that are not invasive to the WH&B.

Pastures and Partnership Sanctuaries Goal: Change wording to read:

Long-term goal is to reduce the need for placement of unadoptable WH&B and in the interim, provide for sustainable long-term care of excess, unadopted WH&B in the most cost-effective manner in long term pastures or partnership sanctuaries.

Place Excess Animals in Private Care

Objective 1; Action 4: Change wording to read:

Encourage and consider more store fronts (privatized adoption facilities that can offer untrained and/or trained wild horses for adoption for the BLM such as fostering volunteers, Trainer Incentive Program trainers, and others).

Objective 2; Action 5; Add:

Consider semi-privatization of the adoption program for underperforming in-house adoptions.

Animal Welfare Goal: Change wording to read:

Use a progressive approach to implement a Comprehensive Animal Welfare Program (CAWP). Develop and implement a CAWP to ensure the well-being of animals at gathers, in facilities, and on the range along with healthy ecosystems. The CAWP will bring together a progression of new components such as education for employees, volunteers, and contractors; an ongoing, internal animal welfare assessment program; and periodic external reviews of our animal care and handling. Conduct the CAWP with complete transparency.

Copy and paste **Objective 5; Action 3:** from Sustainable Herds into this section. Add new Action.

Objective 1; Action 8: Monitor body condition and forage and water availability to evaluate herd health. When conditions require, take appropriate action to protect the health of wild horses and burros and the land they depend on for habitat.

Objective 3; Change wording to read:

Provide a continuing education program on animal care and handling for employees, volunteers, and contractors with an emphasis on natural horsemanship.

Science and Research:

Objective 1; Action 1: Change wording to read:

Continue research on fertility control and other topics.

Objective 2; Add new action

Objective 2; Action 4: Review the science behind rangeland monitoring and AML development.

Public Outreach Goal: Change wording to read:

Utilize effective communications to build the public's confidence and trust for the BLM's management of the WH&B Program with increased transparency.

The Advisory Board recommends that the BLM include a robust communication plan with the public on the strategy and on ongoing WH&B program efforts.

Objective 2; Action 3: Change wording to read:

Update Website information on a regular basis, including updated videos and photographs of all phases of BLM's WH&B handling and management.

Objective 3; Action 2: Host an annual or periodic media and public tour of wild horses in long-term pastures.

The Advisory Board recommends that the BLM look at the possibility of having public access to long-term holding facilities.

Change Objective 3; Action 2 to Action 3.

New Objective 3; Action 2: Include communications section to include internal communications such as DOI/BLM consistency and coordination.

Umbrella Recommendation for the Strategy:

Provide transparency in the public comment and response process - Provide a feedback loop – summarizing what was heard and how the comments were addressed.

Advisory Board Recommendations

1. The National Wild Horse and Burro Advisory Board recommends that the Bureau of Land Management fully fund the Mustang Heritage Foundation.
2. The National Wild Horse and Burro Advisory Board recommends that the Bureau of Land Management compile the Fiscal Year annual report on injuries and mortalities associated with gathers, transportation, short- and long-term holding, and adoption option.
3. The National Wild Horse and Burro Advisory Board recommends that the Bureau of Land Management recommends the Secretary consider including members on the National Advisory Board as liaisons to the strategy implementation.
4. The National Wild Horse and Burro Advisory Board recommends that the Bureau of Land Management recommend the Secretary review all public comments prior to finalizing the strategy and taking it to Congress.
5. The National Wild Horse and Burro Advisory Board recommends that the Bureau of Land Management adopt a scientific integrity plan.
6. The National Wild Horse and Burro Advisory Board recommends that the Bureau of Land Management develop a centralized process for volunteer offers, tracking and responding. Also, recommend a centralized specific mechanism for contacts.