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DEPARTMENT OF THE INTERIOR  
BUREAU OF LAND MANAGEMENT

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Subject

H-4760-1 Conducting Compliance Checks for BLM's Wild Horse and Burro Adoption Program (P)

1. Explanation of Materials Transmitted: Handbook with modifications removing/updating outdated material and including information related to Virtual Compliance guidance.
  
2. Reports Required: None
  
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4. Delegations of Authority Updated: None
  
5. Filing Instructions: File as directed below.

**REMOVE**

All of H-4760-1 (Rel. 4-108) (Total:  
57 Pages)

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(Total: 36 pages)

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**H-4760-1 CONDUCTING COMPLIANCE CHECKS FOR BLM'S WILD HORSE AND BURRO ADOPTION PROGRAM (P)**

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## **CHAPTER I. INTRODUCTION**

### **A. Purpose**

The Bureau of Land Management (BLM) is charged with ensuring that adopted wild horses and burros receive proper care and are treated humanely by their adopters. This handbook provides detailed procedures for ensuring adopters comply with the requirements of BLM's wild horse and burro Private Care Placement program. Through the compliance portion of the program, the BLM maintains contact with adopters and performs inspections to check on the welfare of untitled adopted animals. BLM's compliance procedures emphasize assistance and education of adopters; however, aggressive action will be taken when fraud or animal abuse occurs.

### **B. Organization**

The remainder of this handbook is divided into four chapters. Chapter II outlines compliance requirements. Chapter III contains general information about BLM compliance inspections. Chapter IV provides detailed information about how to conduct a compliance inspection. Chapter V contains guidance on pursuing further actions and correcting violations.

**CHAPTER II. COMPLIANCE REQUIREMENTS**

**A. Adopter's Responsibilities.**

According to law, regulation, and the terms and conditions of the BLM's Private Care and Maintenance Agreement, anyone who adopts a wild horse or burro must comply with certain requirements pertaining to the care of the adopted animal. Adopters who successfully comply with these requirements are eligible to apply for and receive title to their adopted animal after 12 months.

1. **Adequate Facilities.** Anyone wishing to adopt a wild horse or burro must fill out an application for adoption. On the application, the adopter must provide information about the facility where they will keep their adopted animal. The information includes details about corral size; fence height; shelter size and height; construction materials used for the corral, fence, and shelter; availability of food and water; and the number of adopted horses to be kept at the facility.
2. **Humane Care.** When a wild horse or burro is adopted, the adopter signs a contract with BLM, known as a PMACA, which contains specific terms of adoption and prohibited acts pertaining to the care of adopted wild horses and burros. Adopters are required by the terms and conditions of the PMACA, as well as by law and regulation, to provide humane care for their adopted wild horses and burros. They are also prohibited from commercially exploiting adopted wild horses and burros.
3. **Notification of Changes in Status.** Per the terms of the PMACA, adopters must notify BLM whenever any of the following changes.
  - a. **Adopter Change of Address.** Adopters must ensure the BLM has current mailing address information.
  - b. **Transfer of Adopted Animals to a Different Location.** Adopters must notify BLM with a physical address as to the animal's(s) new location and obtain approval prior to transferring an adopted animal to another location for longer than 30 days.
  - c. **Escape of an Adopted Animal.** An adopter must notify the BLM of the escape of an adopted animal and provide the animal's freemark number, date of escape, location where the animal was maintained, and any actions taken by the adopter (e.g., attempts to locate or recapture the animal or notification of local sheriff or humane official).
  - d. **Theft of an Adopted Animal.** An adopter must notify the BLM of the theft of an adopted animal, as well as report the theft to the appropriate local law enforcement officials, providing them with the freemark number and details of the theft.
4. **Death of an Adopted Animal.** An adopter must notify the BLM of the death of an adopted animal within 7 days of the discovery of death. The adopter must provide the estimated date of death, apparent cause of death, and method of carcass disposal.

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**B. BLM's Responsibilities.**

Until title is issued to the adopter, BLM is responsible for ensuring the adopter is meeting the requirements specified by law, regulation, and the terms and conditions of the Private Maintenance and Care Agreement (PMACA). The BLM's compliance goals are to ensure untitled adopted wild horses and burros receive humane care and treatment, to help adopters be successful in caring for their adopted animals, and to take appropriate action against individuals who violate laws or regulations pertaining to adopted wild horses and burros.

## **CHAPTER III. BLM COMPLIANCE INSPECTIONS**

### **A. What is a Compliance Inspection?**

The BLM helps ensure the well-being of untitled adopted animals by conducting compliance inspections, which may consist of either phone calls, actual site visits or virtual site visits to inspect the adopted animals and the facilities where they are kept.

### **B. Who May Conduct Compliance Inspections?**

Individuals who conduct compliance inspections must be knowledgeable about: general animal husbandry practices; care, treatment, and facilities necessary for properly maintaining a wild horse or burro; interpretation of the international alpha angle system used in freeze marking; identification of horses and burros by physical markings and use of the signalment key; terms of the PMACA; courses of action available to remedy problems; rudimentary investigative techniques, including preservation of evidence; and adoption and titling procedures. This knowledge may be acquired by education, experience, Bureau-approved training, or a combination of these.

1. **BLM Authorized Officers.** Any BLM employee who has the required knowledge and has been delegated the proper authority may conduct compliance inspections.
2. **Cooperative Extension Agents (i.e. Volunteers).** Knowledgeable volunteers are an asset in meeting compliance goals for the Bureau and ensuring animals are being cared for properly. For BLM Field Offices responsible for large geographic areas, volunteers can save considerable time and expense by conducting compliance inspections in their State or community and reporting findings to the authorized officer. Since any compliance visit has the potential to be confrontational and information obtained may be used for evidence, volunteers must be adequately trained by BLM. It should be stressed that BLM has the final say in a decision of whether an adopter is complying, and any violations discovered by volunteers must be verified by an authorized officer of BLM. Volunteers are held to the same codes of conduct regarding public service, behavior and safety that our BLM employees must follow.
  - a. **Training.** To be certified to conduct compliance inspections, volunteers must meet the same requirements as set forth in section B above. While members of the public provide a good source of volunteers, the authorized officer must ensure that all volunteers are thoroughly aware of BLM regulations pertaining to the adoption of wild horses and burros and the terms of the PMACA.
  - b. **Compliance Inspector Certification.** A volunteer must be certified in writing by the BLM authorized officer to conduct compliance activities. When the authorized officer determines that a volunteer is qualified and has received

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adequate training, a letter acknowledging this should be sent to the volunteer and kept as part of the official volunteer file. In addition, these certification letters may specify individuals or locations where the volunteer is authorized to complete inspections.

- c. Identification. After a volunteer is certified by the authorized officer to engage in compliance activities, a certification letter is provided to the volunteer. This letter identifies the volunteer and the authorized officer, provides emergency information, and specifies the volunteer's period of duty.
  - d. Supervision. Volunteers should always operate under the direction of the authorized officer. The authorized officer and volunteer coordinator are responsible for forwarding the necessary information to volunteers and assigning compliance duties.
  - e. Volunteer Agreement. Volunteers should be authorized to conduct compliance activities through BLM's Volunteer Services Agreement Form for Natural Resources Agencies – for Individuals or Groups (Form 301a), The agreement should state the specific duties and should have a termination date.
  - f. Restrictions on Volunteer Duties. There are certain activities in which volunteers cannot become involved. Under no circumstances are volunteers to be put in dangerous situations.
    - (1) Notifying Adopters. Volunteers should not be used to conduct unannounced compliance inspections. Furthermore, if resistance is encountered while planning for the inspection, the volunteer should inform the authorized officer so that a BLM employee can proceed with the inspection. If the adopter cannot be present, they should obtain permission from the adopter to enter the premises. Either the volunteer or a BLM employee may obtain permission by calling the adopter.
    - (2) Inspecting Animals. Since the behavior of an individual animal is not known in advance, volunteers should not assist the adopter in handling the animal while conducting the inspection.
3. Other Government Agencies and Local Humane Organizations. Other agencies or organizations with properly trained and experienced personnel may conduct compliance inspections on BLM's behalf. However, training and certification may be required, and if any violations of the terms of the PMACA are discovered by personnel from another agency or organization, the violations must be verified by an authorized officer of BLM prior to initiating any enforcement actions. Memorandums of Understanding (MOUs) should be established with such agencies and organizations when it is beneficial to BLM. All compliance MOUs should include provisions for training and written guidance for inspectors.

**C. When Are Compliance Required?**

1. Prior to Adoption. The BLM's facility certification form (Form 4710-24) requires that an adopter's facilities be verified as satisfying applicable regulatory standards when an individual requests five or more animals. The form also requires that a BLM representative corroborate that verification when 25 or more animals will be maintained at any single location regardless of the number of applicants.
2. After Adoption and Prior to Transfer of Title.
  - a. First-Time Adopters. The BLM contacts all first-time adopters within 6 months of adoption to ensure that their wild horses and burros are receiving proper care. This contact may consist of a phone call, a site visit, and/or virtually to physically inspect the adopted animals and facilities.
  - b. Random Inspections. Although BLM policy does not require an inspection of every adopted wild horse and burro, a certain percentage of animals adopted should be randomly inspected on an annual basis. The number of random visits to untitled animals per State should provide a 95 percent confidence level that all untitled animals adopted within the last 5 years are receiving humane care. The number of inspections changes each year depending on the number of untitled animals in each State.
  - c. Mandatory Inspections. BLM regulations require physical inspections under certain circumstances.
    - (1) Twenty-Five or More Untitled Wild Horses or Burros at One Location. The authorized officer or an individual approved by the authorized officer shall inspect the animals and the facilities at least quarterly and whenever there is a report concerning the care, treatment, or use of a wild horse or burro. In addition, inspections must be made as often as necessary to ensure the animals are receiving adequate care during periods when weather conditions may adversely affect the animals' feed, water supply, or adequacy of shelter, or when there is an outbreak of disease.
    - (2) Complaint Received. When a complaint concerning the care, treatment, or use of a wild horse or burro is received, BLM must conduct an inspection of the animals and the facilities as soon as possible. All complaints will be investigated, and information regarding complaints will be documented.
  - d. Compliance Inspections on WHBPS Automatic Listing
    - (1) Adoption Incentive Program (AIP). When an animal was adopted through the Adoption Incentive Program a compliance inspection should be completed.

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### **D. How Are Compliance Inspections Documented?**

All compliance records, copies of all compliance-related correspondence, and documentation of death, theft, or escape of adopted animals should be maintained with the PMACAs in BLM's official adopter files. Telephone contacts or attempts to reach adopters should also be documented and placed in the official files. Pertinent information from the adopter files is entered into BLM's Wild Horse and Burro Program System (WHBPS).

PMACAs should be revised any time there is a change to the adoption data, such as when the adopter's name or address changes or the adopted animal is returned or repossessed. The data in the WHBPS should be updated within 7 days of revising a PMACA.

### **E. Should Anyone Else Be Involved in Compliance Activities?**

Because of the close relationship between compliance and enforcement activities, coordination between the wild horse and burro program staff and various law enforcement staff is essential.

1. Coordination within BLM. Wild horse and burro program staff should consult with BLM law enforcement personnel in all compliance situations that appear to have the potential for enforcement action and assist in gathering evidence if necessary.
2. Coordination with Other Government Agencies and Humane Organizations. BLM State Directors, compliance inspectors, and BLM law enforcement personnel are encouraged to become acquainted with local law enforcement officials, humane society leaders, State and Federal veterinarians, livestock inspection agents, and local humane laws and ordinances in their areas of jurisdiction. Local officials should be briefed on the wild horse and burro program and the purpose of compliance activities. Local officials are often able to provide useful information concerning adopters in their area.
3. Coordination with the U.S. Attorney's Office. The BLM State Director or the Special Agent-in-Charge should initiate and maintain contact with the U.S. Attorney for their areas of jurisdiction. State Directors having jurisdiction for more than one State should meet with U.S. Attorneys for the areas where a concentration of adopters are located. The U.S. Attorney should be briefed on the wild horse and burro program, its scope in the area, and previous violations of the Wild Free-Roaming Horses and Burros Act. The number of untitled wild horses and burros and their general distribution should be described. The State Director should stress the importance of the U.S. Attorney's Office in supporting prosecutive actions when warranted. Agreement should be reached concerning which violations may be satisfactorily resolved by administrative remedies rather than prosecutions.

**CHAPTER IV. COMPLIANCE INSPECTION PROCEDURES**

**A. Contacting the Adopter.**

1. **Making Contact by Phone.** The authorized officer or other qualified person should inquire as to whether the adopter is having any difficulties with their animal, if the animal is still in the location as specified in the PMACA, and if the animal has received veterinarian care such as deworming, hoof care, and vaccinations. The phone calls should be made 2 to 6 weeks after the animal is adopted. The caller should be able to provide references for equine services if the adopter inquires. The phone call should be documented, and the results entered in the WHBPS. Additional animal-specific questions relating to facility requirements, animal health, condition, veterinarian visits, farrier work, and similar concerns should be documented and entered in the WHBPS. The authorized officer should review the results of the phone call and determine whether a follow-up physical inspection is necessary.
2. **Arranging a Physical Inspection.** By signing the PMACA, adopters agree to make the adopted animal(s) available for identification (freeze mark, signalment key) and determination of physical condition within seven (7) days of receipt of a written request. Compliance inspections are generally most productive when an appointment is made in advance. Scheduled appointments minimize wasted time and travel expenses and give adopters an opportunity to assemble any information they may wish to provide at the inspection. In instances where a complaint is received regarding inadequate facilities or care, treatment, or use of adopted animals, unannounced visits are appropriate.

Compliance inspectors should explain the purpose of the inspection and what information will be documented when appointments are scheduled. It should be stressed that both the animals and the conditions and facilities where they are maintained will be inspected. As required by the Private Maintenance and Care Agreement, the adopter must arrange to make each assigned animal available for physical inspection. If the compliance inspector is a volunteer, they should identify themselves as such when scheduling any visit.

If an adopter refuses to allow an inspection of the adopted animal or the facilities, a written notice is sent indicating when the inspection will be conducted. The notice, requiring the adopter to restrain the animals and make them available for inspection, should be sent with a return receipt. If it appears that problems may be encountered in conducting the inspection, law enforcement personnel should be contacted. If the adopter continues to refuse inspection, repossession of the assigned animal(s) should begin as soon as possible.

3. **Virtual Inspection Compliance.** Virtual compliance inspections are an additional tool to ensure the welfare and well-being of adopted animals. The BLM embraces technology

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and is expanding its capabilities to reach existing adopters. The term “virtual” refers to a visual communication that occurs over a computer, cellular, or digitized network (such as Zoom, Skype, Facetime, etc.).

A virtual compliance inspection refers to an inspection that is conducted remotely by someone who is not at the actual location of the animal. Virtual inspections provide an opportunity to offer resources and more facetime for first-time adopters throughout the country. This inspection should be coordinated by the authorized officer with the adopter as outlined in the Conducting Virtual Compliance Inspections section below.

### **B. Reviewing the PMACA**

Prior to an inspection, the authorized officer should review BLM’s copy of the PMACA, the facility information in the adopter’s application, and any related correspondence. The information contained therein should be checked against information in the WHBPS.

### **C. Visiting the Site.**

1. **Verification of Information.** At the beginning of a compliance inspection, the compliance inspector and the adopter should review the PMACA together to verify the accuracy of names and addresses and the description and number of animals assigned. The adopter should be encouraged to ask questions about the terms of the PMACA and the adopted animal’s health, care, or training.
2. **Facilities.** The adopter’s facilities should be inspected for safety hazards and adequacy of food, water, shelter, sanitation, and fencing. The results of the inspection should be documented on Adopter/Trainer/Foster Care Inspection Form (Illustration 1).
3. **Adopted Animal(s).** The adopted animal’s freeze mark number and signalment key should be verified and documented on Adopter/Trainer/Foster Care Inspection Form (Illustration 1). The inspector should use the widely accepted Henneke System (Illustration 2) and a body fat worksheet (Illustration 3) when physically inspecting the adopted animal(s).

When using the Henneke System, the inspector should keep in mind that the animal(s) will look different from winter to summer, and mares heavy in foal will require more detailed inspections.

Burros should be kept at a similar body condition as horses. However, burros tend to be more angular in shape over the hips compared to horses. If it is difficult to feel their ribs with the flat of your hand and they start to develop a thick neck, they are becoming obese.

4. **Photographs.** The compliance inspector should photograph or videotape the animal and facilities even when there are no problems. When taking photographs, attention should be directed to any deficiencies that are found. Polaroid photographs work well because

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the animal information can be immediately noted on the photograph.

5. Inspections Completed for Titling Eligibility. The inspector should review the titling process and emphasize that the animal cannot be given away or sold without a certificate of title. If the adopter has fulfilled the requirements of the PMACA and the animal is eligible, the title eligibility letter may be signed by the adopter, the inspector, and title may then be issued.
6. Results of Inspection. Following an inspection, the compliance inspector should discuss the results with the adopter. If the inspector determines that an animal is not receiving proper care or is being maintained in unsatisfactory conditions, a letter of non-compliance should be sent to the adopter outlining the deficiencies. Pursuant to 43 CFR 4760.1(d), the letter should outline the corrective actions that the adopter must take as a condition for continuation of a Private Care and Maintenance Agreement, along with dates specifying when these actions need to be completed.

Upon returning to the BLM office, the compliance inspector should ensure that copies of any documentation from the inspection are filed in the adopter's file, and that the information is entered into the WHBPS.

### D. Conducting Virtual Compliance Inspections

#### 1. Requirements

- a. Virtual inspections *can* be conducted for the following inspection reasons:

- (1) Random first time
- (2) Required by policy (mandatory compliance list)
- (3) Random follow-up
- (4) Title eligibility
- (5) Same facility/area

Virtual inspections *cannot* be conducted for inspections that are conducted in response to a complaint regarding inadequate facilities or care, treatment, or use.

#### 2. Conducting Virtual Compliance Inspections

Virtual inspections should be conducted by utilizing video technology or other video conferencing tools (Zoom, Skype, FaceTime, etc.) to inspect the adopted animal(s). This may involve the use of a phone, computer, tablet, etc., so long as the communication medium allows the authorized officer to visually inspect the adopted animals and relevant facilities. The authorized officer should contact the adopter and schedule a time to conduct the inspection in accordance with Chapter 4.A of H-4760-1, *Conducting Compliance Inspections for BLM's Wild Horse and Burro Adoption Program*. The authorized officer's outreach to the adopter should also include verifying the adopter's contact information and the animal's physical location and coordinating what technology will be utilized to conduct the inspection, the various components of the inspection, and the amount of time needed for the inspection.

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During the inspection, screenshots of the video should be captured of the following inspection components:

- a. Animal freemark and signalment (Verify by reading and documenting freemark and signalment key of the animal(s))
- b. Animal location (Facility – Shelter, corral, fence, feed, water availability/source – and associated conditions)
- c. Status of animal (Body condition and overall health)
- d. Veterinary care information (Visits, deworming, injuries, and vaccination records)
- e. Hoof care (Frequency)
- f. Other adopter concerns

Once the virtual compliance inspection is complete, the authorized officer should document the results on the Virtual Compliance Inspection Form (Illustration 6). Virtual compliance inspection results should be maintained in the adopter's file and entered in the WHPBS. The authorized officer should review the results of the virtual compliance inspection and determine whether a follow-up, on-site inspection is necessary.

## CHAPTER V - CORRECTING VIOLATIONS

### A. Failure to Provide Proper Care

Compliance inspections may reveal problems requiring administrative or legal action or both by BLM.

#### 1. Administrative Remedies.

- a. **Corrective Action by Adopters.** If an inspection reveals that an adopted animal is not receiving proper care or is being maintained in unsatisfactory facilities but is not in immediate danger, the authorized officer should require the adopter to take corrective actions as a condition for continuation of a Private Maintenance and Care Agreement. If the inspection was conducted by someone other than the authorized officer, the authorized officer should verify and document any violations and determine if the adopter is willing and able to correct them. A reasonable time limit should be established for the adopter to resolve the problems before a follow-up inspection is scheduled. The BLM should give the adopter written notice of the problems in person or by certified mail, specifying the required corrective actions and the time limit for resolution. A recommended format for the written notice for corrective action is shown in Illustration 4.

- (1) **Required Supervision.** As a part of the corrective action, the authorized officer may ask an adopter to place the animal under a veterinarian's supervision or initiate monitoring by a humane society official or a similarly qualified person. This individual will regularly observe the animal and forward a written report on its condition to the authorized officer. The authorized officer must make the determination of when monitoring is no longer necessary.

- (2) **Resolution of Problem.** If the problems are resolved, the animal may remain assigned to the adopter. If the problems are not satisfactorily resolved or significant improvement does not occur within the established timeframe, the authorized officer should repossess the animal, or the adopter may relinquish responsibility for the animal.

- b. **Relinquishment.** An adopter may choose to voluntarily relinquish an animal back to BLM and request that the PMACA be canceled. This may occur when an animal is too difficult to handle or when an adopter cannot comply with an order, term, or condition established by the authorized officer. When an adopter chooses to voluntarily relinquish an animal, the authorized officer shall arrange to transfer the animal to another qualified applicant or take possession of the animal at a designated location within 30 days of receipt of written notice by the adopter. The authorized officer should evaluate the circumstances and determine whether future

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adoptions should be allowed. If the authorized officer determines that future adoptions should not be allowed, a written decision should be issued and sent to the adopter by certified mail.

- c. **Repossession.** An animal may be repossessed if the adopter has been directed to resolve certain problems within a reasonable time under 43 CFR 4760.1(d) and fails to do so. The BLM should repossess an adopted animal immediately if the animal is in imminent danger. If the violation is serious or adopter resistance to repossession is anticipated, the authorized officer should consult with BLM and local law enforcement before taking action.

If the adopter will not voluntarily relinquish the animal, the animal should be repossessed. When a repossession occurs, it should be authorized with a full force and effect decision pursuant to 43 CFR 4770.3(b) (Illustration 5 - with Relinquishment Request Form) accompanied by BLM Form 1842-1, Information on Taking Appeals to the Board of Land Appeals (Illustration 7). Such a decision may be appealed to the Interior Board of Land Appeals (IBLA) by the adopter within 30 days but remains in effect pending a decision on the appeal. If a decision is appealed, the matter is under the exclusive authority of IBLA and BLM's authority is not restored until the Board acts.

The animal may be adopted to another qualified adopter as soon after repossession as its physical condition allows. If the original adopter successfully appeals the decision to repossess an adopted animal and the animal has already been reassigned, the BLM should allow the original adopter to choose a similar animal as soon as possible.

- d. **Placing a Hold in the Official Adopter File.** When violations of the regulations at 43 CFR Part 4700 or the terms of the PMACA are discovered, the type of violation should be noted in the official adopter file and the WHBPS should be updated. This action will create a hold on future titling or adoption by that individual until the violation is resolved and the hold action is removed by the BLM Field Office. If an adopter is under investigation but no official action (via decision or citation) has yet been taken, issuance of title and future applications for adoption from these individuals should be denied, although each case may be considered on its merits. For example, failure to notify BLM of a new address is a much less serious offense than inhumane treatment.
  - e. **Ineligibility List.** When an adopter is determined to have violated the regulations at 43 CFR Part 4700 or the terms of a PMACA his/her name should be placed on the ineligibility list in the WHBPS. Offices should consult this list when considering applications for adoption to ensure that future applications for these individuals are not approved.
2. **Civil/Criminal Actions.** If evidence of a criminal violation of the regulations at 43 CFR Part 4700 or the PMACA is found, the authorized officer should notify BLM law

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enforcement personnel. Both the BLM Authorized Office and Law Enforcement should review the case and identify any additional documentation that may be required for prosecutive evaluation by the relevant U.S. Attorney's Office. Consultation with the U.S. Attorney's Office may be necessary to determine if the animal involved should be repossessed. If a citation is warranted, it should be issued prior to repossession or relinquishment of the animal. If the animal is subject to health or safety hazards, it should be repossessed at that time.

The welfare of the animal is the highest priority; law enforcement action can be taken later.

### **B. Failure to Notify BLM**

As a result of a compliance inspection, the authorized officer may discover that an adopter has failed to notify BLM of a new address or a change in the status of an adopted animal. Upon such a discovery, the authorized officer should obtain pertinent information about the adopter and the adopted animal from the official adopter file and the WHBPS and consult with law enforcement officials to determine if further action is required.

1. Escape.
  - a. Capture. The adopter should be instructed to make all reasonable efforts to recapture an escaped animal and inform the authorized officer of the results of their efforts. If capture attempts by the adopter are unsuccessful and the animal could jeopardize the safety of people or cause extensive property damage, the authorized officer should make arrangements to have the animal captured by BLM personnel.
  - b. Destruction. If the escaped animal appears sick or injured or could create a dangerous situation and all reasonable capture efforts fail, the authorized officer may authorize the humane destruction of the animal in accordance with BLM procedures (See current BLM euthanasia policy).
  - c. Costs. As provided by the Private Care and Maintenance Agreement, adopters are responsible for all costs, in accordance with State law, associated with pursuing animals that escape or stray, and for costs of recapture.
2. Theft. If an adopted animal is stolen, the authorized officer should verify that a report has been filed with local law enforcement officials, and that they, in turn, have reported the theft and freemark number to the National Crime Information Center in Washington, DC. The authorized officer or law enforcement official should notify all local animal sale operators, brand inspectors, and slaughterhouse operators and provide them with the animal's description and freemark number and a telephone number to call if they should encounter the animal or its remains.
3. Death. This information should be placed in the official adopter file and the date of death and other pertinent information entered in the WHBPS. The authorized officer

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may request a written statement from a veterinarian or other qualified individual describing the apparent cause of death within 7 days of the discovery of the animal's death. If the circumstances surrounding the animal's death are suspicious, the authorized officer should contact law enforcement officials and conduct an investigation, at which time a written statement from a veterinarian or other qualified individual describing the apparent cause of death may be necessary.

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## GLOSSARY OF TERMS

**Authorized officer:** Any employee of the Bureau of Land Management to whom the authority to perform the duties described in 43 CFR, Part 4700, has been delegated.

**Commercial exploitation:** Using a wild horse or burro because of its characteristics of wildness for direct or indirect financial gain. Characteristics of wildness include the rebellious and feisty nature of such animals and their defiance of humans as exhibited in their undomesticated and untamed state.

**Compliance:** The adopters' conformance with required standards of care and all terms and conditions of the Private Maintenance and Care Agreement, which requires proper and humane treatment of wild horses and burros in their adopted homes.

**Enforcement:** Steps taken when untitled adopted wild horses and burros are not cared for properly.

**Humane treatment:** Handling compatible with animal husbandry practices accepted in the veterinary community, without causing unnecessary stress or suffering to a wild horse or burro.

**Imminent danger:** any condition that may cause permanent disability or death to an animal.

**Inhumane treatment:** Any intentional or negligent action or failure to act that causes stress, injury, or undue suffering to a wild horse or burro and is not compatible with animal husbandry practices accepted in the veterinary community.

**Private maintenance:** The provision of proper care and humane treatment to wild horses and burros by qualified individuals under the terms and conditions specified in the Private Maintenance and Care Agreement.



# Adopter/Trainer/Foster Care Inspection Form

Name: \_\_\_\_\_ Home Phone: \_\_\_\_\_  
 Address: \_\_\_\_\_ Work Phone: \_\_\_\_\_  
 City: \_\_\_\_\_ State: \_\_\_\_\_ Postal Code: \_\_\_\_\_  
 Driver's License: \_\_\_\_\_ State: \_\_\_\_\_  
 Primary Contact: \_\_\_\_\_ Contact Phone: \_\_\_\_\_

INSPECTION INFORMATION:			
Date:		Office:	
Inspector Type:	<input type="checkbox"/> Humane Official	<input type="checkbox"/> Other Federal	<input type="checkbox"/> BLM
	<input type="checkbox"/> County Extension Agent	<input type="checkbox"/> Private Veterinarian	<input type="checkbox"/> Volunteer
	<input type="checkbox"/> Brand Inspector	<input type="checkbox"/> APHIS Veterinarian	<input type="checkbox"/> Farrier/Trainer

## Total Animals on Inspection:

FREEZEMARK:						
Insp Reason	Signalment	Start Date	Title Date	Violations		Resolution
ANIMAL LOCATION:						
Fac Name:			POC:			Ph:
Address:						
Comments:						

FREEZEMARK:						
Insp Reason	Signalment	Start Date	Title Date	Violations		Resolution
ANIMAL LOCATION:						
Fac Name:			POC:			Ph:
Address:						
Comments:						

FREEZEMARK:						
Insp Reason	Signalment	Start Date	Title Date	Violations		Resolution
ANIMAL LOCATION:						
Fac Name:			POC:			Ph:
Address:						
Comments:						



# Adopter/Trainer/Foster Care Inspection Form

Name: \_\_\_\_\_ Home Phone: \_\_\_\_\_  
 Address: \_\_\_\_\_ Work Phone: \_\_\_\_\_  
 City: \_\_\_\_\_ State: \_\_\_\_\_ Postal Code: \_\_\_\_\_  
 Driver's License: \_\_\_\_\_ State: \_\_\_\_\_  
 Primary Contact: \_\_\_\_\_ Contact Phone: \_\_\_\_\_

FREEZEMARK:					
Insp Reason	Signalment	Start Date	Title Date	Violations	Resolution

ANIMAL LOCATION:					
Fac Name:		POC:		Ph:	
Address:					
Comments:					

FREEZEMARK:					
Insp Reason	Signalment	Start Date	Title Date	Violations	Resolution

ANIMAL LOCATION:					
Fac Name:		POC:		Ph:	
Address:					
Comments:					

FREEZEMARK:					
Insp Reason	Signalment	Start Date	Title Date	Violations	Resolution

ANIMAL LOCATION:					
Fac Name:		POC:		Ph:	
Address:					
Comments:					

Inspector Signature \_\_\_\_\_

Date \_\_\_\_\_

Adopter/Trainer/Foster Care Signature \_\_\_\_\_

Date \_\_\_\_\_



# Inspection Form Code Legend

VIOLATION CODES		
<b>NV</b> - No Violations	<b>FN</b> - Failure to Notify BLM	<b>IT</b> - Inhumane Treatment
<b>AF</b> - Altering Freezemark/Branding	<b>FP</b> - Failure to Produce Animal	<b>UD</b> - Unauthorized Destruction
<b>EX</b> - Commercial Exploitation	<b>ID</b> - Improper Disposal	<b>UT</b> - Unauthorized Transfer/Sale
<b>FC</b> - Failure to Provide Care	<b>IF</b> - Inadequate Facility	

INSPECTION REASONS		
<b>COMP</b> - Response to Complaint	<b>OTFI</b> - Random First Time	<b>SFA</b> - Same Facility/Area
<b>FUIN</b> - Follow-up Inspection	<b>REQP</b> - Required by Policy	<b>TIEL</b> - Title Eligibility Inspection
	<b>RFOL</b> - Random Follow-up	

RESOLUTION CODES		
<b>NV</b> - No Violations	<b>ONGO</b> - Ongoing Investigation	<b>REFR</b> - Refer to Law Enforcement
<b>CORR</b> - Violation Corrected	<b>REPO</b> - Repossession	<b>RETN</b> - Relinquished

# Illustration 2

## HENNEKE BODY CONDITION SCORE SHEET

DATE: \_\_\_\_\_

NAME: \_\_\_\_\_

ANIMAL ID: \_\_\_\_\_

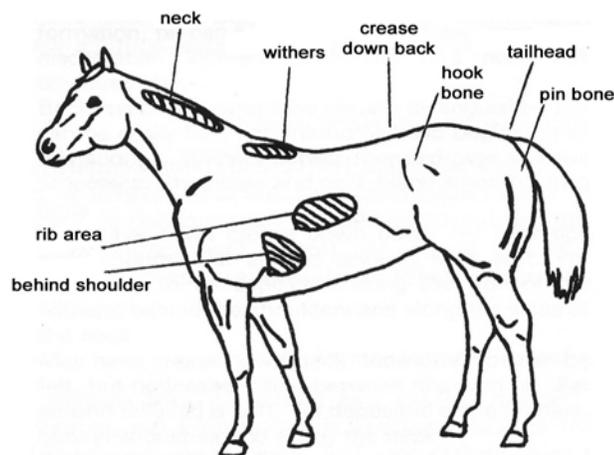
DESCRIPTION: \_\_\_\_\_

VISUAL or  HANDS-ON ASSESSMENT

COMMENTS: \_\_\_\_\_

OVERALL BODY CONDITION SCORE: \_\_\_\_\_ ÷ 6 = \_\_\_\_\_

sum total overall score



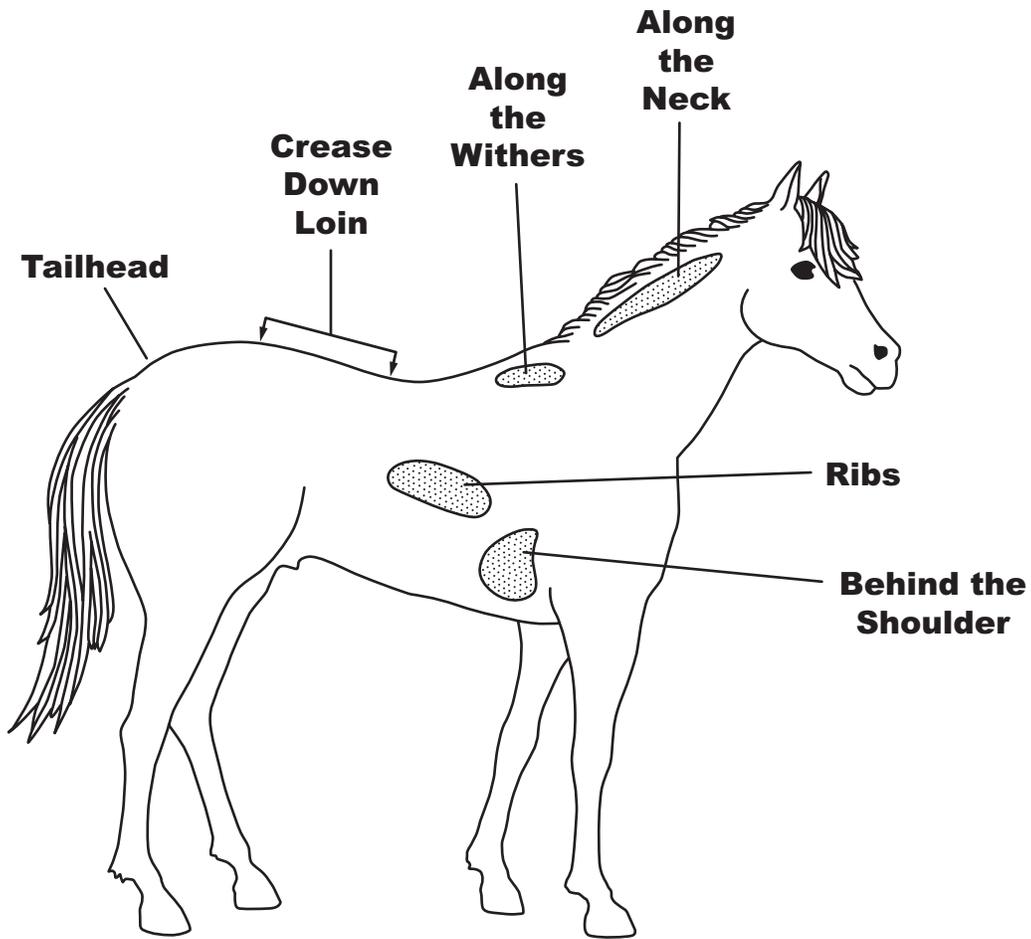
modified from Henneke et al. EVJ 1983;15:371-372

(circle descriptions for each area of the body then average together)

Condition	Neck	Withers	Shoulder	Ribs	Back	Tailhead Area
<b>1</b> <b>Poor</b> <i>(extremely emaciated)</i>	Bone structure easily noticeable	Bone structure easily noticeable	Bone structure easily noticeable	Ribs projecting prominently	Spinous processes projecting prominently	Tailhead, pinbones, and hook bones projecting prominently
No fatty tissue can be felt						
<b>2</b> <b>Very Thin</b> <i>(emaciated)</i>	Bone structure faintly discernible	Bone structure faintly discernible	Bone structure faintly discernible	Ribs prominent	Slight fat covering over base of spinous processes. Transverse processes of lumbar vertebrae feel rounded. Spinous processes are prominent	Tailhead prominent Pin bones prominent Hook bones prominent
<b>3</b> <b>Thin</b>	Neck accentuated	Withers accentuated	Shoulder accentuated	Slight fat cover over ribs. Ribs easily discernible	Fat buildup halfway on spinous processes, but easily discernible. Traverse processes cannot be felt	Tailhead prominent but individual vertebrae cannot be visually identified. Hook bones appear rounded, but are still easily discernible. Pin bones not distinguishable
<b>4</b> <b>Moderately Thin</b>	Neck not obviously thin	Withers not obviously thin	Shoulder not obviously thin	Faint outline of ribs discernible	Negative crease (peaked appearance) along back	Prominence depends on conformation. Fat can be felt. Hook bones not discernible
<b>5</b> <b>Moderate</b>	Neck blends smoothly into body	Withers rounded over spinous processes	Shoulder blends smoothly into body	Ribs cannot be visually distinguished, but can be easily felt	Back is level	Fat around tailhead beginning to feel spongy
<b>6</b> <b>Moderately Fleshy</b>	Fat beginning to be deposited	Fat beginning to be deposited	Fat beginning to be deposited behind shoulder	Fat over ribs feels spongy	May have a slight positive crease (a groove) down back	Fat around tailhead feels soft
<b>7</b> <b>Fleshy</b>	Fat deposited along neck	Fat deposited along withers	Fat deposited behind shoulder	Individual ribs can be felt, but noticeable fat filling between ribs	May have a positive crease down the back	Fat around tailhead is soft
<b>8</b> <b>Fat</b>	Noticeable thickening of neck	Area along withers filled with fat	Area behind shoulder filled with fat	Difficult to feel ribs	Positive crease down back	Fat around tailhead very soft
<b>9</b> <b>Extremely Fat</b>	Bulging fat	Bulging fat	Bulging fat	Patchy fat appearing over ribs	Obvious crease down back Flank filled with fat	Bulging fat around tailhead

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# The Wild Horse and Burro Body Fat Worksheet



# Illustration 4

I4-1



## United States Department of the Interior



BUREAU OF LAND MANAGEMENT  
California State Office  
2800 Cottage Way, Suite W1623  
Sacramento, CA 95825  
[www.blm.gov/office/california-state-office](http://www.blm.gov/office/california-state-office)

In reference reply to: 4761 (CA930)

May 14, 20XX

### Notification of Violation of Private Maintenance and Care Agreement

Address

RE: Horse/Burro FM#

Dear <Adopter>,

This Notification is in regard to the Private and Maintenance and Care Agreement dated **11/21/20XX** for the untitled wild burro with freemark, XXXXXXXX. An untitled wild burro is still the property of the United States Government (43 CFR 4750.5(c)) and under the protection of the Wild Free-Roaming Horses and Burros Act of 1971, as amended.

On April 10 and 27, and **May 11, 20XX**, I received complaints regarding the animal's care from two complainants. As you told me in our conversation on **April 30, 20XX**, you are aware of the complainants' identities and you are aware that they are equine veterinary students with knowledge of proper equine care. The complainants reported the following concerns that they alleged they have discussed with you, and provided photographs inserted below:

- Nutritional and feeding issues (inadequate care)
  - Feeding grass clippings
  - Feed with inedible materials in the pile, like pieces of plastic and electrical materials
  - Feeding leftover fruits and vegetables from the restaurant
  - Complainants are concerned that the animals are not being fed and not fed properly when they are not there.
- Fencing issues (inadequate facility)
  - Fencing is down in the back portion of the pasture and the complainants have had to catch the animal when he gets out. In addition, BLM is aware of the incident when animal control was contacted to retrieve the animals from the main road.
  - Complainant sent a video showing a portion of the back fence was a piece of

INTERIOR REGIONS 8 & 10 • LOWER COLORADO BASIN & CALIFORNIA-GREAT BASIN

ARIZONA, CALIFORNIA, NEVADA, OREGON\*

\* PARTIAL

baling twine strung from a panel to a piece of downed tree. It looked to be about 2 to 3 feet tall.

- The fence is falling down in places and has not been fixed.
- The animal is allowed to graze in an unfenced area and complainants are concerned about the ability to retrieve the animal. The complainants have had to retrieve the animal several times. Concern that the caretaker is unable to catch and handle the burro.
- General health and maintenance (inadequate care)
  - The complainant indicated the burro has thrush.
  - Lack of routine hoof care. Complainant provided farrier care for Sprinkles when none was provided.
  - Lack of routine vaccinations. Complainant indicated that they provided routine vaccines when none was provided.
  - Sharp tools and other debris in the pasture where the animal is kept

When I picked up the BLM burro you relinquished in **July 20XX**, we discussed some of these same concerns, such as feeding leftover fruits and vegetables, the fence issue, garbage in the pasture, allowing him to graze on star thistle, feeding animal crackers, the ability to catch and lead the animals, and the animal control issue. Feeding grass clippings can be fatal to a horse or burro, especially when fed in a tub because bacteria can grow and ferment. In addition, grass clippings could contain yard waste and toxic plants. Some common human fruits and vegetables can be toxic to burros. Though I did not send a follow up letter to those concerns, you assured me that you would address these concerns. This is the second time we have discussed these complaints.

In our conversation, **April XX**, you indicated that you were feeding teff. However, the complainants did not see the hay being fed.

Based on our text conversation **May X, 20XX** you stated you saw a big behavioral change in the burro since his remaining herd mates left last week and he is now a solitary animal. He did not immediately greet you like he used to do and you texted that he looked “spaced out.” I am concerned for his mental well-being. I am also concerned that because you are no longer living on the property, you are not there to monitor the care of him. I am very concerned for the health of him.

Due to the above information, you are in violation of 43 CFR 4750.3-2(a)(3) Failure to provide adequate feed, care, shelter, and facility. Violation of a term or condition of agreement for a wild horse and burro care is considered a prohibited act. (43 CFR 4770.1(g)) Therefore, you may rectify the situations as listed by **May XX, 20XX**, at which time I will visit your property to check on the animals. We will maintain social distancing practices. Should **May XX** not work for you, please contact me at **PHONE NUMBER** to schedule a time. Should the situations listed above not be corrected by that time, you may voluntarily relinquish the burro, which will allow

you to adopt in the future; or we may cancel the PMACA and remove the burro from your care, and you may not adopt in the future.

Sincerely,

YOU

Wild Horse and Burro POSITION

Example



# United States Department of the Interior



## BUREAU OF LAND MANAGEMENT

Mother Lode Field Office  
5152 Hillsdale Circle  
El Dorado Hills, CA 95762  
Office Phone: 916-941-3101  
Office FAX: 916-941-3199

In Reply Refer To:  
CA-340 (P)  
4700

May 24, 2020

### FIELD MANAGER'S DECISION

#### Termination of Private Maintenance and Care Agreement

[First name] [Last name]  
123 Elm Street  
Timbuktu, CA 95608

Dear [First name Last name]:

This Decision is in regard to the Private and Maintenance and Care Agreement dated 03/22/20XX for wild horse #XXXXXXXX.

Following a complaint of improper care of the horse, NAME met with you on May 8, 20XX. At the time the horse was in poor condition with a body condition score of 3. The photos from the horse at time of adoption show the horse in body condition 5.5.

The qualification standards for private maintenance (43 CFR 4750.3-2) of a wild horse state that an adopter must "have adequate feed, water, and facilities to provide humane care" and "feed and water shall be adequate to meet the nutritional requirements of the animals..."

Therefore, on May 24, 20XX, #XXXXXXXX was repossessed by the Bureau of Land Management for the following reasons:

1. Violate a term or condition of agreement for a wild horse and burro care. 43 CFR 4770.1(f)

As an untitled wild horse this animal is still the property of the United States Government 43 CFR 4750.5(c) and under the protection of the Wild Horse and Burro Act of December, 1971, as amended. Therefore it is my decision that your Private Maintenance and Care Agreements (dated 03/22/20XX) is canceled for the above stated reason and for the welfare of this animal 43 CFR 4770.3(b)

Any person whose interest is adversely affected by a decision of the authorized officer in the administration of these regulations may file an appeal with the Interior Board of Land Appeals, Office of the Secretary, in accordance with the regulations contained in 43 CFR 4770.3 and Part 4 and the enclosed Form 1842-1. If an appeal is taken, your notice of appeal must be filed in this office (at the above address) within 30 days from receipt of this decision. The appellant has the burden of showing that the decision appealed from is in error.

If you wish to file a petition pursuant to regulation 43 CFR 4.21 (58 FR 4939, January 19, 1993) and/or 43 CFR 2804.1 for a stay of the effectiveness of this decision during the time that your appeal is being reviewed by the

Board, the petition for a stay must accompany your notice of appeal.

A petition for a stay is required to show sufficient justification based on the standards listed below. Copies of the notice of appeal and petition for a stay **must** also be submitted to each party named in this decision and to the Interior Board of Land Appeals and to the appropriate Office of the Solicitor (see 43 CFR 4.413) at the same time the original documents are filed with this office. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.

Standards for Obtaining a Stay

Except as otherwise provided by law or other pertinent regulation, a petition for a stay of decision pending appeal shall show sufficient justification based on the following standards:

- (1) The relative harm to the parties if the stay is granted or denied;
- (2) The likelihood of the appellant's success on the merits;
- (3) The likelihood of immediate and irreparable harm if the stay is not granted, and
- (4) Whether the public interest favors granting the stay.

Sincerely,

Signature  
XXXXXXX Field Office Manager

Enclosure - Form 1842-1

Letter Head

Bureau of Land Management
Field office address
Phone # or FAX #

I, \_\_\_\_\_ of \_\_\_\_\_, hereby request that the Private Maintenance and Care Agreement dated \_\_\_\_\_ with the Bureau of Land Management requiring me to provide humane care to the following adopted wild horse(s), and/or burro(s) be terminated and that the animal(s) be removed from my possession:

Table with 4 columns and 8 rows. Columns 1 and 2 are labeled 'Freezemark:', 'Signalment:', and 'Description:'. Columns 3 and 4 are labeled 'Freezemark:', 'Signalment:', and 'Description:'.

\_\_\_\_\_  
Sign Here - Adopter Date

The adopted wild horse(s) and/or burro(s), as described above have been delivered to the following facility: \_\_\_\_\_, on \_\_\_\_\_.  
(Facility Address or Location) Date

\_\_\_\_\_  
Bureau of Land Management Representative Signature and Date  
(Printed Name and Title)



**Illustration 6**  
**WILD HORSE & BURRO PROGRAM**  
**VIRTUAL COMPLIANCE INSPECTION CONTACT FORM**

**VIRTUAL INSPECTION INFORMATION**

Date:		Office Code:		Inspected By:	
-------	--	--------------	--	---------------	--

**ADOPTER/TRAINER/FOSTER CARE INFORMATION**

Name:		Phone (Day):	
Adopter Address:		Phone (Evening):	
Animal Location:		Email Address:	

<b>ANIMAL ID (1) - Freezemark/Signalment Key:</b>		<b>Adoption Date:</b> <i>(MM/DD/YYYY)</i>	
---	--	--	--

Inspection Components	Inspection Notes
<input type="checkbox"/> Verify Animal ID	
<input type="checkbox"/> Body Condition (Identify BCS 1-9)	
<input type="checkbox"/> Hoof Care	
<input type="checkbox"/> Veterinary Care	
<input type="checkbox"/> Shelter and Corral	
<input type="checkbox"/> Water Source and Feed	
<input type="checkbox"/> Other concerns	

**Violation Code:**

<b>ANIMAL ID (2) - Freezemark/Signalment Key:</b>		<b>Adoption Date:</b> <i>(MM/DD/YYYY)</i>	
---	--	--	--

Inspection Components	Inspection Notes
<input type="checkbox"/> Verify Animal ID	
<input type="checkbox"/> Body Condition (Identify BCS 1-9)	
<input type="checkbox"/> Hoof Care	
<input type="checkbox"/> Veterinary Care	
<input type="checkbox"/> Shelter and Corral	
<input type="checkbox"/> Water Source and Feed	
<input type="checkbox"/> Other concerns	

**Violation Code:**

<b>ANIMAL ID (3) - Freezemark/Signalment Key:</b>		<b>Adoption Date:</b> <i>(MM/DD/YYYY)</i>
<b>Inspection Components</b>	<b>Inspection Notes</b>	
<input type="checkbox"/> Verify Animal ID		
<input type="checkbox"/> Body Condition (Identify BCS 1-9)		
<input type="checkbox"/> Hoof Care		
<input type="checkbox"/> Veterinary Care		
<input type="checkbox"/> Shelter and Corral		
<input type="checkbox"/> Water Source and Feed		
<input type="checkbox"/> Other concerns		
<b>Violation Code:</b>		

<b>ANIMAL ID (4) - Freezemark/Signalment Key:</b>		<b>Adoption Date:</b> <i>(MM/DD/YYYY)</i>
<b>Inspection Components</b>	<b>Inspection Notes</b>	
<input type="checkbox"/> Verify Animal ID		
<input type="checkbox"/> Body Condition (Identify BCS 1-9)		
<input type="checkbox"/> Hoof Care		
<input type="checkbox"/> Veterinary Care		
<input type="checkbox"/> Shelter and Corral		
<input type="checkbox"/> Water Source and Feed		
<input type="checkbox"/> Other concerns		
<b>Violation Code:</b>		

<b>INSPECTION RESULTS SUMMARY</b>	
Selection and response required	
<input type="checkbox"/> Incomplete Inspection (Follow-up required)	
<input type="checkbox"/> Complete Inspection (Follow-up required)	
<input type="checkbox"/> Complete Inspection (No Follow-up required)	
<p><b>If outcome selections #1 or #2 is selected, a hold action must be placed on both the AIP animals and adopter.</b> Hold actions prevent: <i>Entry of title date, Re-adoption of animal, Adoption of other animals by adopter, and Generation of title eligibility.</i></p>	

UNITED STATES  
DEPARTMENT OF THE INTERIOR  
BUREAU OF LAND MANAGEMENT

**INFORMATION ON TAKING APPEALS TO THE INTERIOR BOARD OF LAND APPEALS**

**DO NOT APPEAL UNLESS**

1. This decision is adverse to you,
- AND
2. You believe it is incorrect

**IF YOU APPEAL, THE FOLLOWING PROCEDURES MUST BE FOLLOWED**

**I. NOTICE OF APPEAL.....**

A person who wishes to appeal to the Interior Board of Land Appeals must file in the office of the officer who made the decision (not the Interior Board of Land Appeals) a notice that they wish to appeal. A person served with the decision being appealed must transmit the *Notice of Appeal* in time for it to be filed in the office where it is required to be filed within 30 days after the date of service. If a decision is published in the FEDERAL REGISTER, a person not served with the decision must transmit a *Notice of Appeal* in time for it to be filed within 30 days after the date of publication (43 CFR 4.41 I and 4.413).

**2. WHERE TO FILE**

NOTICE OF APPEAL.....

WITH COPY TO SOLICITOR.....

**3. STATEMENT OF REASONS**

Within 30 days after filing the *Notice of Appeal*, file a complete statement of the reasons why you are appealing. This must be filed with the United States Department of the Interior, Office of Hearings and Appeals, Interior Board of Land Appeals, 801 N. Quincy Street, MS 300-QC, Arlington, Virginia 22203. If you fully stated your reasons for appealing when filing the *Notice of Appeal*, no additional statement is necessary (43 CFR 4.412 and 4.413).

WITH COPY TO SOLICITOR.....

**4. SERVICE OF DOCUMENTS**

A party that files any document under 43 CFR Subpart 4, must serve a copy of it concurrently on the appropriate official of the Office of the Solicitor under 43 CFR 4.413(c) and 4.413(d). For a notice of appeal and statement of reasons, a copy must be served on each person named in the decision under appeal and for all other documents, a copy must be served on each party to the appeal (including intervenors). Service on a person or party known to be represented by counsel or other designated representative must be made on the representative. Service must be made at the last address of record of the person or party (if unrepresented) or the representative, unless the person, party or representative has notified the serving party of a subsequent change of address.

**5. METHOD OF SERVICE....**

If the document being served is a notice of appeal, service may be made by (a) Personal delivery; (b) Registered or certified mail, return receipt requested; (c) Delivery service, delivery receipt requested, if the last address of record is not a post office box; or (d) Electronic means such as electronic mail or facsimile, if the person to be served has previously consented to that means in writing. All other documents may be served by (a) Personal delivery; (b) Mail; (c) Delivery service, if the last address of record is not a post office box; or (d) Electronic means, such as electronic mail or facsimile, if the person to be served has previously consented to that means in writing.

**6. REQUEST FOR STAY.....**

Except where program-specific regulations place this decision in full force and effect or provide for an automatic stay, the decision becomes effective upon the expiration of the time allowed for filing an appeal unless a petition for a stay is timely filed together with a Notice of Appeal (43 CFR 4.21). If you wish to file a petition for a stay of the effectiveness of this decision during the time that your appeal is being reviewed by the Interior Board of Land Appeals, the petition for a stay must accompany your Notice of Appeal (43 CFR 4.21 or 43 CFR 2801.10 or 43 CFR 2881.10). A petition for a stay is required to show sufficient justification based on the standards listed below. Copies of the Notice of Appeal and Petition for a Stay must also be submitted to each party named in this decision and to the Interior Board of Land Appeals and to the appropriate Office of the Solicitor (43 CFR 4.413) at the same time the original documents are filed with this office. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.  
Standards for Obtaining a Stay. Except as otherwise provided by law or other pertinent regulations, a petition for a stay of a decision pending appeal shall show sufficient justification based on the following standards: (1) the relative harm to the parties if the stay is granted or denied, (2) the likelihood of the appellant's success on the merits, (3) the likelihood of immediate and irreparable harm if the stay is not granted, and (4) whether the public interest favors granting the stay.

Unless these procedures are followed, your appeal will be subject to dismissal (43 CFR 4.402). Be certain that **all** communications are identified by serial number of the case being appealed.

**NOTE:** A document is not filed until it is actually received in the proper office (43 CFR 4.401(a)). See 43 CFR Part 4, Subpart B for general rules relating to procedures and practice involving appeals.

**43 CFR SUBPART 1821-GENERAL INFORMATION**

Sec. 1821.10 Where are BLM offices located? (a) In addition to the Headquarters Office in Grand Junction, CO and seven national level support and service centers, BLM operates 12 State Offices each having several subsidiary offices called Field Offices. The addresses of the State Offices can be found in the most recent edition of 43 CFR 1821.10. The State Office geographical areas of jurisdiction are as follows:

**STATE OFFICES AND AREAS OF JURISDICTION:**

- Alaska State Office ----- Alaska
- Arizona State Office ----- Arizona
- California State Office ----- California
- Colorado State Office ----- Colorado
- Eastern States Office ----- Arkansas, Iowa, Louisiana, Minnesota, Missouri  
and, all States east of the Mississippi River
- Idaho State Office ----- Idaho
- Montana State Office ----- Montana, North Dakota, and South Dakota
- Nevada State Office ----- Nevada
- New Mexico State Office ----- New Mexico, Kansas, Oklahoma, and Texas
- Oregon State Office ----- Oregon and Washington
- Utah State Office ----- Utah
- Wyoming State Office ----- Wyoming and Nebraska

(b) A list of the names, addresses, and geographical areas of jurisdiction of all Field Offices of the Bureau of Land Management can be obtained at the above addresses or any office of the Bureau of Land Management, including the Headquarters Office, Bureau of Land Management, 760 Horizon Drive, Grand Junction, CO 81506.



*\*This form is required in addition to the application for private maintenance for the certification of caring for more than four wild horses and burros. An individual or group of individuals can request to adopt more than four wild horses or burros in a 12-month period. This request is initiated by completing this form stating their ability to humanely care for the animals and includes a description of the facilities, including corral and shelter sizes, feed, water and trailer information. The form should be certified by a local humane official, veterinarian, cooperative extension agent, or a similarly qualified person. Once the form is completed, the authorized officer will review, follow-up as needed, conduct an inspection to verify that the applicant's facilities are adequate to care for the number of animals requested and provide a decision.*

\_\_\_\_\_  
(Applicant Signature)

\_\_\_\_\_  
(Date)

---

---

### CERTIFICATION

I, \_\_\_\_\_, am qualified by education, training and/or experience to assess the adequacy of the facility for  
*(Certifying Individual – Print Name)*  
maintaining adopted wild horses or burros.

\_\_\_\_\_  
(Certifying Signature)

\_\_\_\_\_  
(Date)

---

---

### *BLM Official Use Only*

The facility described based on BLM requirements is:  adequate  inadequate to care for the number of animals requested.

\_\_\_\_\_  
(BLM Authorized Officer Signature)

\_\_\_\_\_  
(Date)

\_\_\_\_\_  
# Facility Approved (total # of Animals)

---

---

### NOTICES

The Privacy Act requires that you be furnished the following information in connection with information required by this application.

AUTHORITY: 16 U.S.C. 1333 and 31 U.S.C. 7701.

EFFECT OF NOT PROVIDING INFORMATION: Submission of the requested information is necessary to obtain or retain a benefit. Failure to submit all of the requested information or to complete this form may result in the rejection and/or denial of your facility certification request.

PRINCIPAL PURPOSE: The BLM will use this information when certifying your facility for the care of wild horses or burros. BLM will use your driver's license and social security numbers as necessary for communication purposes.

ROUTINE USES: The primary uses of the information are to:

- 1) Identify adopters who are requesting to care for more than four wild horses or burros;
- 2) Document the certification or rejection of the request to care for wild horses or burros;
- 3) Monitor compliance with laws/regulations concerning maintenance of wild horses or burros outside of BLM care;
- 4) Identify contractors/employees/volunteers/service providers/adopters required to perform program functions i.e., veterinarians, farriers, the U.S. Forest Service (USFS) and the Animal and Plant Health Inspection Service (APHIS);
- 5) Provide necessary program management information to other agencies involved in management of wild horses and burros;
- 6) Identify and assign level of system access required by BLM, USFS and APHIS wild horse and burros program personnel; and
- 7) Authorize the disclosure of records to individuals involved in responding to a breach of Federal data.

## PAPERWORK REDUCTION ACT NOTICE

The Paperwork Reduction Act of 1995 (44 U.S.C. 3501 et seq.) requires us to inform you that:

The BLM collects this information in accordance with the statutes and regulations listed above, and for the purposes listed above.

Submission of the requested information is necessary to obtain or retain a benefit. You do not have to respond to this, or any other Federal agency sponsored information collection unless it displays a currently valid OMB control number.

### List of Minimum Shelter Requirements by State:

STATE	MINIMUM REQUIREMENT*	EXAMPLE
Colorado, Idaho, Kansas, Nevada, New Mexico, Oklahoma, Oregon/Washington (east of the Cascade Mountains), Texas, Utah	Shelter shall be available to mitigate the effects of inclement weather and temperature extremes. The requirement is at the discretion of the authorized officer and will vary dependent on the severity of weather in the region.	Natural cover (tree, etc.) or built structure (plywood or other material on side of corral, stall, etc.)
Nebraska, Wyoming	Natural cover or built structure that provides a wind break.	Tree (etc.) or structure with a side (plywood on side of corral, stall, etc.)
Alabama, Arizona, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, Virginia	Natural cover or built structure that provides shade.	Tree (etc.) or structure with a roof (wood, metal, etc.)
California, Oregon/Washington (west of the Cascade Mountains)	A two (2)-sided shelter with a roof.	Structure with sides and a roof (wood, metal, etc.)
Alaska, Connecticut, Delaware, Illinois, Indiana, Iowa, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Montana, New Hampshire, New Jersey, New York, North Dakota, Ohio, Pennsylvania, Rhode Island, South Dakota, Vermont, West Virginia, and Wisconsin	A three (3)-sided shelter with a roof. Heated water source (Alaska only).	Structure with sides, a back, and a roof (wood, metal, etc.)

\* These requirements are in addition to state, county, and local animal health and welfare laws and regulations for the area the animal resides.

### BURDEN HOURS STATEMENT

Public reporting burden for this form is estimated to average 30 minutes per response, including the time for reviewing instructions, gathering and maintaining data, and completing and reviewing the form. Direct comments regarding the burden estimate or any other aspect of this form to U.S. Department of the Interior, Bureau of Land Management (1004-0042), Bureau Information Collection Clearance Officer, (WO-630), 1849 C Street, N.W., Washington, D.C. 20240.