

Wild Horse & Burro Program Overview and Update

A report to the wild horse and burro advisory board

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U.S. Forest Service Wild Horse and Burro Program

Staffing & Budget

- WO: Program manager
- R3: Wild horse & burro coordinator
 - Carson NF:
 - Wild horse specialist
 - Wild horse facility manager
 - Wild horse technician, seasonal
- R4: Inter-regional WHB coordinator
- Funded at \$1.5 million
 - >\$700K transfer to BLM for care of horses gathered prior to 2015



Management Capacity & Planning

Active territories

- 6 with NEPA decisions (2 JMAs)
- 6 working on management plans (4 JMAs)

Inactive territories

- 3 with NEPA decisions

U.S. Forest Service Wild Horse and Burro Program

On- and Off-range management

Territories with:

- On-range fertility control (4)
- Gentling / training contracts (3)
- Friends / Advocacy groups (5)
- Short-term off-range facilities (2)
- Removals (3)
- Adoptions / Sales (4)



Population and Appropriate Management Level (AML)

AML population of all territories set at ~ 2000 for horses and 296 for burros

- AML review needed for 28 territories (management planning)

California

2 of USFS territories with highest AML (>150)

Devils Garden 7x AML (with management plan)

Montgomery Pass 2x AML (target for fertility control
and water development)

Nevada

9 territories at or below AML

8 territories 2x-6x above AML (working on management plans for 4 of 8)

Management plans in process for 2 territories at 2x over AML (OR) and 4x over AML (UT)



Program Updates & Accomplishments

- NEPA
- Population Surveys
- Fertility Control
- Gentling / Training
- Gathers
- Adoptions & Sales
- Administration
- Grants & Agreements
- Litigation Update
- Forest Profiles



Management Planning

34 active territories

6 with signed NEPA decisions (2 JMAs)

Carson NF (2)

Humboldt-Toiyabe NF (JMA)

Modoc NF

Pryor Mountains NF (JMA)

San Bernardino NF

6 doing management plans (4 JMAs)

19 inactive territories

3 with NEPA decisions

Santa Fe NF

Territories working on management plans

- **Heber WH EIS** (A-S NF, AZ, R3, 19,673 acres)
Scoping for proposed action planned for 1st/2nd qtr FY 2019
- **North Hills WH JMA EA** (Dixie NF, UT, R4, 23,518 USFS acres)
Scoping planned for January 2018, BLM as lead planning agency
- **Hickison WB JMA EA** (HTNF, NV, R4, 16,579 USFS acres)
Notice Opportunity to Object- EA, dDN/FONSI due January 2018
- **Spring Mountains WHB JMA EA** (HTNF, 163,804 USFS acres)
EA planned for public comment in December 2018
- **Big Summit WH EIS** (Ochoco NF, OR, R6, 27,069 USFS acres)
Scoped June 2017. DEIS planned June 2018, decision October 2018
- **Murderers Creek WH JMA EIS** (Malheur NF, OR, R6, 73,545 USFS acres)
Scoping planned on EIS for January 2018

Population Surveys

Territories as JMAs (24)

- Aerial Surveys every 2-3 years with BLM
 - USGS double observer analysis

USFS-only territories

- Aerial (USGS double observer analysis)
- Formal annual horseback surveys
- Formal and informal ground counts
 - Game cameras
- Permittee observations



Fertility Control, Gentling, Gathers, Adoptions & Sales

PZP Fertility Control (60)

Devils Garden (52)

Jarita Mesa (2)

Jicarilla (6)

Gathers

• **Aerial**

Devils Garden (292; 221 sent to Litchfield — 50-60 returned)

• **Bait-trap**

Jarita Mesa (26)

Jicarilla (24)

• **Nuisance**

Murderers Creek (9)

Horses sent for gentling (18)

Devils Garden (15 Modoc Mustang Training program-MMT)

Jarita Mesa (3)

Adoptions (145)

Devils Garden (116—44 trained by MMT)

Jicarilla (11)

Jarita Mesa (15)

South Dakota (2)

Ochoco (1)

Sales (77)

Devil's Garden (36)

Jarita Mesa (16)

Spring Mtn via Canon City (3)

South Dakota (22)

Administration

- Established procedures to collect fees for adoptions and sales
- Determined disposition of funds & transfer to Treasury and BLM
- In process for OMB-approved forms

Grants & Agreements

BLM

- Issued a new MOU as guidance for BLM and USFS staff for jointly managed wild horse and burro territories and HMAs (24).
- Used Service First agreement with Litchfield corrals and Modoc NF for gather and adoption.
- Local units are developing interagency agreements and MOUs that will assist in providing options for managing herds across agency boundaries.

Humane Society of the United States (HSUS)

- Signed a MOU with HSUS to facilitate coordination and cooperation on use of immunocontraceptives as a key component of wild horse and burro management within national forests.

Litigation Update – Devil’s Garden WHT, Modoc NF

U.S. Forest Service

California

American Wild Horse Preservation Campaign, et al. v. Vilsack, et al. 1:14-cv-00485-ABJ (DC). Plaintiffs filed suit on March 24, 2014 against the Secretary of Agriculture and U.S. Forest Service (FS) alleging that the agency violated the Administrative Procedure Act (APA), National Forest Management Act (NFMA), National Environmental Policy Act (NEPA), Wild Free-Roaming Horses and Burros Act (WFRHBA), and the implementing regulations for those Acts by modifying the territory boundary for the Devil’s Garden Wild Horse Territory (WHT) and adjusting the existing Appropriate Management Levels (AMLs) to new upper and lower limits. The District Court ruled in favor of the Forest Service on September 30, 2015. Plaintiffs filed a notice of appeal to the D.C. Circuit on November 25, 2015.

Update:

American Wild Horse Preservation Campaign, et al. v. Purdue, et al. No. 15-15332 (D.C. Cir). On August 4, 2017, a panel of the Court of Appeals found that the FS 2013 decision to eliminate the Middle Section of the WHT was arbitrary and capricious under the APA (and violated NEPA), and remanded that decision. The appellants did not pursue their argument as to the AMLs on appeal. Appellants’ petitioned for a panel rehearing to clarify the remedy, and the FS responded to that petition. **On September 29, 2017, the panel filed an amended judgment, which vacated the FS exclusion of the Middle Section and the related Finding of No Significant Impact, and remanded the case.**

Carson NF as management example



- First forest to treat wild horses with immuno-contraceptive Porcine Zona Pellucida (PZP), 2009
- Added PZP strategy to practice of round-up and removal
- Wild horse coordinator's vision and leadership earned support and funding at regional and forest levels
- Entered into partnerships with for on-range remote and bait-trapping darting
- Partnerships reduced cost and personnel time
- Program stewardship sustained program

Next steps:

- Expand partnerships for on-range management and fertility control
- Improve facilities
- Foster inter-forest technology exchange
- Improve forage and water availability to improve health and distribution of horses

Modoc NF

Success working with volunteers and partners

*Training and having younger rather
than older animals is the key.*

- 292 horses were gathered from the private and tribal lands adjacent to the Devil's Garden Plateau WHT at the request of the Pit River Tribe and several private landowners.
- The gather was conducted through the BLM national gather contract and 221 horses were shipped to the BLM STH facility.
- Efforts to adopt or place these horses have met with huge success, both in adoption numbers and formation of partnerships.
- The Modoc Mustang Training Program developed by volunteers, partners and employees in the spring of 2017 led to 44 adoptions with 15 additional horses still in training.
- A total of 116 horses were adopted and 36 horses sent to the Carson were sold to many different homes one or two at a time.
- 52 mares were treated with PZP and returned to the territory.
- 50-60 horses not adopted or otherwise placed for training were returned to the territory after the agreed-upon holding period ended September 25.

"Because of the hard work of volunteers, Modoc County, BLM, the Fort Bidwell Indian Community Council and BIA, the adoption promotion effort has been more successful than anyone thought possible."