

Draft  
National Wild Horse and Burro Advisory Board Meeting  
Denver, CO

June 15, 2010

Board Members Present: Robin Lohnes; Gary Zakotnik; Larry Johnson; Dr. Vernon Dooley; Dr. Boyd Spratling; Dr. Wayne Burkhardt; Renee Taylor; and Janet Jankura. Washington Office Bureau of Land Management (BLM) Staff: Bud Cribley, Deputy Assistant Director; Don Glenn; Dean Bolstad; Sally Spencer; Lili Thomas, Bea Wade, Susie Stokke, and Ramona DeLorme. Colorado BLM: John Mehlhoff, Associate State Director and Fran Ackley. Oregon BLM: Mike Mottice, Associate State Director. USDA, APHIS: Al Kane, DVM, MPVM, PhD. U.S. Institute of Environmental Conflict Resolution: Janet Thompson. Robin Lohnes opened the meeting at 8:15 a.m. The Board members introduced themselves to the public and Don Glenn introduces the BLM and the APHIS employees.

Janet Thompson discussed the rules for the day and how she would be facilitating.

### **Welcoming Remarks**

John Mehlhoff welcomed everyone to Colorado and noted that the Wild Horse and Burro Program is exciting and difficult. The Wild Horse Inmate Program (WHIP) at Canon City is one of the best examples of success. It is the oldest inmate training program with seven full time staff and 60 inmates who train 7-10 horses a month. Currently there are about 2,000 wild horses at the Canon City Facility.

Colorado has four Herd Management Areas (HMAs) and one Herd Area (HA). The Spring Creek Basin HMA has an Appropriate Management Level (AML) of 35 to 65 horses. There are currently 74 horses in this HMA. The Little Book Cliffs HMA has an AML of 90-150 horses and there are currently 145 horses on the range. The Friends of Mustangs are very involved in this HMA. Piceance-East Douglas Creek HMA has an AML of 135 to 235 horses and currently there are 460 horses on the range and outside of the boundaries. A census flight is planned and a gather is tentatively scheduled for August. The Sand Wash Basin HMA has an AML between 163- 362 horses. There are currently 230 horses on the range, not counting this year's foal crop. The BLM is working with the Humane Society of the United States (HSUS) on a fertility control study on this HMA. The West Douglas HA is managed for zero animals. The Environmental Assessment (EA) to gather any excess animals on this HA will be published tomorrow.

The adoption target for Colorado is 125 animals. The Extreme Team Mustang Makeover this past weekend in Fort Collins was a success. There were 37 mustangs competing and all were adopted. The high bid was \$7,500. The US Border Patrol is one of the WHIP programs largest adopter of saddle trained horses. They have adopted about 60 horses.

### **Colorado State Report**

Fran Ackley, Colorado Wild Horse and Burro State Lead, said he had been the lead in Colorado for 18 years. He noted that there was a five year project with the HSUS at the Sand Wash Basin

HMA that stated in October 2008. Results are expected sometime this year. The HSUS is currently in the field looking at the effectiveness of Porcine Zona Pellucida (PZP) vaccine and the ability of darting horses in an open area.

The Little Book Cliffs HMA has been administering the one year PZP by trained volunteers and BLM. This HMA hasn't been gathered in four years, but may have to be gathered next year.

Colorado has a proactive program. The AML has been increased by 32%, private land has been acquired, and range improvements have been implemented to manage the herds.

The Canon City Prison has room for 3,000 head because additional infrastructure has been paid for by the Colorado Correctional Institution. Work is being finished on a chute that will allow the crew to trim the feet, give vaccinations to 800 horses a month. The BLM pays the Department of Corrections \$2.70 a day to feed each horse. This is a sliding scale and drops to \$2.65 a day if there are over 2,500 horses at the facility.

The WHIP saddle training program cannot keep up with the demand for trained horses. Each trained horse costs \$1,025 with \$125 to the BLM and \$900 to the Department of Corrections. This program doesn't cost the BLM anything. The Border Patrol adopts most of the saddle trained horses. They are used on the Northern and Southern Borders. Also the prison halter trains some of the animals. These can be adopted for \$200 to \$500 depending on confirmation, training, and size.

Another partner in Colorado is the Westernaires. This group has about 1,000 kids between the ages of 9 and 18 who perform high speed precision drills and trick riding. They have adopted about 60 horses also.

The WHIP will celebrate their 25<sup>th</sup> anniversary next year and there will be some kind of event planned.

During Fran's presentation, the Board asked how the results of the PZP studies will be published. It was noted that Allen Rutberg of Tufts University is the lead and will share the results with BLM when he publishes.

Robin addressed the audience and noted that the Board would experiment with questions throughout the day from the audience on the presentations.

### **December 7, 2009 Minutes**

The December 7, 2009 Advisory Board Minutes were approved.

### **Response to Recommendations**

## **BLM and U.S. Forest Service Response to National Wild Horse and Burro Advisory Board (Board Recommendation from December 7, 2009 meeting)**

1. The Board recommended that the US Forest Service create a specific line item for the budget of their Wild Horse and Burro Program.

**USFS Response:** The Board's recommendation to create a specific budget line item (BLI) for the Wild Horse and Burro Program has been considered. The Forest Service declines to pursue establishment of a BLI. Due to the significant number of daily transactions by the Forest Service, the need to provide for efficiency in accounting and auditing, a new BLI will not be a consideration. The agency does not believe the level of funding would warrant a separate BLI with its subsequent accounting needs.

2. The Board applauded the efforts of the BLM for the public input process review and recommends that the BLM further enhance and centralize the current system that captures public comments with the available technology.

**BLM Response:** There is a comment form on the Wild Horse and Burro Website. The comment form was posted in December and has been viewed an average of 165 times each month. We have received 227 comments. The comments range from questions about adoption to comments about gathers. We have responded to all questions.

There have not been as many comments as we expected. We hope that once the website is redesigned the comment form will be easier to find. We are using the best available technology available and will continue to improve as the technology available to the BLM improves. These improvements will include better coordination with comments that the States receive.

The Wild Horse and Burro Program is also requesting public comments for the Strategy Development Document through August 3, 2010. The BLM's ePlanning system is the only program currently available that allows individuals to submit electronic comments and provides a means to analyze those comments in a meaningful way so that the Bureau can assure all the comments are taken into account while working towards the development of a strategy for future management of the Wild Horse and Burro program. There are instructions at [www.blm.gov](http://www.blm.gov) for computer settings to make sure people can open the document. If people are having technical issues once they get into the document they can e-mail [BLM\\_ePlanning@blm.gov](mailto:BLM_ePlanning@blm.gov).

3. The Board recommended that the BLM coordinate census and gathers among neighboring districts, states and agencies.

**BLM Response:** The BLM accepts this recommendation and has implemented it in Instruction Memorandum 2010-057 that was issued on February 17, 2010. The policy contains the following statement that requires the recommended coordination.

**“Inter-District and State Inventory Coordination:** To further refine population estimates, inter-District and inter-State coordination of inventory operations is required. Many of BLM's HMAs share a common boundary with HMAs in a neighboring District or State. This coordination will reduce the potential to double-count or miss animals due to movement between HMAs. Inventory flights should run consecutively, to the extent possible, so that horses that routinely travel between neighboring HMAs have the highest probability of being counted and to assure inventory accuracy.”

## **Status of Nomination Charter/Bylaws**

The three positions, livestock, wildlife, and humane advocate have been approved by the Secretary of Interior and have been sent over to the Secretary of Agriculture for his concurrence. Once the Secretary of Agriculture signs off on the appointments the positions will be filled.

The next three positions to be advertised are wild horse and burro research, natural resource management, and public interest with equine behavior. The Federal Register Notice should be out in the next two week asking for nominations. A press release will be released once the Federal Register Notice is published explaining how to apply.

The Board inquired if it was possible to get an interim appointment for vacant positions. Bud Cribley said he would talk with the FACA committee to determine if and how positions can be filled.

## **Program Updates**

### **Gather Update**

Lili Thomas discussed upcoming gathers. She noted that some of the HMAs might be listed two or three times on the gather schedule, for an example Murderers Creek, because the bait trap gather will be stopped and restarted.

The Board had heard that some horses remain on HMAs that were zeroed out and go on to private land. They wanted to know if the BLM does census on zeroed out HMAs and if not, who is responsible for the horses. Susie Stokke noted that when the BLM is notified that wild horses are coming onto private land, they notify the District that is responsible for that area to investigate.

### **Long Term Holding**

Lili Thomas said that the newest solicitation for Long-Term Pastures closed and that the BLM will meet at the end of June to review the submitted proposals.

### **Budget Update**

Don Glenn presented the budget update. He gave an overview of the allocated funds for the Wild Horse and Burro Program. He noted that there were additional costs this year because of the public at the gathers and facilities. The FY2010 budget is \$67.3M. Don also discussed the FY2011 President's Budget. The BLM has requested \$75.7M and the BLM should receive \$1.5M from the US Forest Service. Don discussed how much money is allocated to each program element.

The Board wanted to know if the BLM needs to get a handle on holding costs before range management improvements for horses can expand and why was the money for adoptions and marketing decreased in FY2011. Don responded that the 2011 budget is a plan not set in stone.

### **Facility Reports**

Bea Wade provided an update on short-term corral facilities and long-term pasture facilities. On June 1, 2010, there were 9, 319 horses and 429 burros in short-term corral facilities that have a

total capacity of 15,895 animals. There were 24,475 horses in long-term pasture facilities that have a total capacity of 30,218.

### **Status of AMLs**

Dean Bolstad reported that 36% of AMLs were set 1-5 years ago; 26% of AMLs were set 6-10 years ago; 16% of the AMLs were set 11-15 years ago; 17% of the AML were set 16-20 years ago; 2% of the AMLs were sent 21-25 years ago; and 2% AMLs were set 26-30 years ago; and one AML has not been set.

Dean noted that the footnote stating, “The Appropriate Management Level indicates estimated AML” is for Arizona only and should not be listed with the other state.

The Board noted that AMLs need to be reviewed every 20 years and wondered why this was not being done.

### **Mustang Heritage Foundation**

Patti Colbert presented a quick overview of the Mustang Heritage Foundation’s programs, events and accomplishments.

The MHF recently reached their 2,000 horse adoption after successfully completing the Extreme Team Mustang Makeover event in Ft Collins, Colorado at Colorado State University where 37 Mustangs and trainers competed.

The MHF houses the Extreme Mustang Makeover, Trainer Incentive Program and Youth and Yearling and Youth Employment Programs under its brand.

There have been 19 Mustang Makeover Events since the first in September of 2007. The events are incorporating celebrity trainers as judges and coaches. This past April 108 six year old and older Mustangs were adopted through the Supreme Extreme Mustang Makeover. The adoption auction was held on RFD TV's Superior Livestock Auction television show. The older Mustangs were adopted for an average fee of more than \$700.

The Trainer Incentive Program’s goal is to train and place in good adoptive homes - more than 600 mustang this calendar year. Hundreds of trainers from across the country are participating in the program. More than 50% of these trainers are females.

The MHF manages a Youth and Yearling program where young people are matched with wild yearlings. Many of the TIP trainers work with the youth. The MHF is also managing a Youth Employment Program through funding provided by the BLM Environmental Education Department - goals are to employ more than 150 youth this summer through working and or learning about wild horses.

A financial report was shared explaining that the MHF has raised more than 55% of revenues to sustain the organization, with government grants providing 45%. Over the past three years the MHF has saved tax payers more than \$25 million by placing horses in adoptive homes as compared to placing horses in long term holding.

Social Networking is a vital component of MHF efforts - with Facebook, YouTube, Twitter, and electronic newsletter broadcast the MHF connects with more than 10,000 fans and an advertising value of more than \$3.4 million dollars.

The MHF has proposed an increase in funding and presented BLM and Advisory Board with a plan to adopt 4,000 Mustangs in 365 days for approximately \$8 million dollars for future consideration.

Trustees Paula Carr and John Falen also made comments.

### **Adoptions and Sales Update**

Sally Spencer reported that as of June 4, 2010 the BLM has sold 494 animals. This is 62 fewer animals sold in comparison with last year at this time. As of June 4, 2010 the BLM has adopted 1,876 animals. This is 368 fewer animals adopted this year in comparison with last year at this time. The National Wild Horse and Burro Information Center has been set up to provide the public with a live person who can provide information on adoption dates, gathers, and anything else going on in the Program. Sally noted that marketing information obtained from the WHB Information Center is being used to determine the most cost effective way to reach potential adopters. The Wild Horse and Burro Program is now on Facebook and YouTube and the website ([www.wildhorseandburro.blm.gov](http://www.wildhorseandburro.blm.gov)) is being revamped.

### **U.S. Forest Service Update**

Dean Bolstad extended Ralph Giffen's apologies for missing the meeting and presented the U.S. Forest Service Report. In response to the Board's request, this is a report on Forest Service operations. Congress, through the FY 2010 Interior Appropriations Act, extended Forest Service authority to reimburse the BLM for costs associated with gather, preparation, adoptions and long term care of animals through FY2014. The transfer of those monies, to the extent of \$1.75 million, is now in process and should be completed shortly.

The Wild Horse and Burro Specialist position in Reno, Nevada, had been scheduled to be filled in March 2010. However, negotiations are still on-going for the filling of this position. At this time the Forest Service is hopeful that the position will be filled this summer.

The Forest Service has reviewed the Advisory Board nominees and has been working to get these to the Secretary of Agriculture for confirmation.

### **Pending Litigation**

Don Glenn reported that there weren't many changes since the last Board meeting.

### **Montana**

Litigation to require the FS to expand the Pryor Mountain Herd Management Area (Territory) is pending mediation in the 9th Circuit. On January 15, 2010 IBLA affirmed BLM's decision to implement a new Herd Area Management Plan for the Pryor Mountain area. Late last summer, the U.S. District Court for the District of Columbia denied a Temporary Restraining Order

request to stop the Pryor Mountain gather. BLM proceeded with the gather and adopted or sold all of the excess wild horses that were gathered. The BLM has filed a motion to dismiss the case but there has been no ruling. On December 11, 2009 the IBLA dismissed five administrative appeals of the Pryor Mountain gather.

### **Nevada**

The Calico Lawsuit was dismissed. Judge Friedman concluded that the plaintiff's gather-related claims are moot and that plaintiff lacks standing to bring its additional claims.

### **Wyoming**

No Change

### **Oregon**

Plaintiffs have filed suit against the 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 Malheur National Forest Plan.

The plaintiffs filed an additions suit alleging BLM/USFS did not complete 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.

### **Research Update**

Dr. Al Kane noted that the IM 2010-057 – Wild Horse and Burro Program Inventory and Estimation was signed in February. The Population Inventory lead position should be filled in FY2010.

The BLM entered into a new agreement with the US Geological Survey (USGS) to test the safety and efficacy of SpayVac. Also, laboratory research to develop a longer-lasting PZP pellet (20 months) product by Dr. John Turner at the Medical College of Ohio is ongoing and may be ready for a pen trial at the end of 2010. Dr. Kane noted that the collaborative field trials with the HSUS of the pelleted PZP-22 agent in the Sand Wash and Cedar Mountain HMAs are entering the 3<sup>rd</sup> field season. The HSUS field technicians are in the process of measuring foaling rates in treated and untreated mares at this time. The National Wild Horse and Burro Research Advisory Team has reviewed a resubmitted proposal to examine the viability of spaying wild horse mares. This proposal has received IACUC approval from the University of Nevada, Reno. Also, fertility control field trials continue in several states. Behavior studies have been completed and the results published.

### **HA/HMA History Report**

Bea Wade presented draft information on the reasons by State for non-management of HAs and HMAs on BLM land. Of the original 19 million acres of Herd Areas, approximately four million acres were state and private lands not controlled by the BLM. There are 15 reasons that the remaining 14.9 million acres are not managed for wild horses and burros. The land status and having water not controlled by the BLM account for about 50% of areas not managed for horses and burros. Maps detailing the report will be posted on the BLM website once the final maps and data are completed.

Bud Cribley thanked the Board for recommending that the BLM pull together a chart showing the reasons HMAs and HAs are not managed. He noted that this has turned out to be a very good exercise.

### **New Policies**

Susie Stokke summarized the new Wild Horse and Burro policies which include IM-2010-130, Wild Horse and Burro Gather Decisions and IM-2010-135, Gather Policy, Selective Removal Criteria, and Management Consideration for Reducing Population Growth Rates.

### **Designated Observer Assessment**

Lili Thomas discussed designated public observers. Ideally these observers will be well known people in the horse industry. Information will be posted on the web site and made available when it is ready.

### **Implementation of the Wild Horse and Burro Strategic Development Document**

Mike Mottice gave an overview of the sections of the Strategic Development Document. These sections include: Treasured Herds; Preserves; Sustainable Herds; Placing excess Animals into Private Care; Animal Welfare; Science and research; and communications. The Board supports the following items under each section:

#### **Treasured Herds**

All herds are equally important.  
Designation is not appropriate.

#### **Preserves**

Support partnerships.  
Oppose acquisition of new federal land.  
There is concern about containment of horses on preserves.

#### **Sustainable Herds**

Reaching AML is imperative.  
Reaching AML is a pre-requisite before other management strategies are appropriate or effective (all but 2 agreed with this).

#### **Placing Animals in Private Care**

Support this section – practical and cost effective.  
Expand on partnerships.

#### **Animal Welfare**

Need to focus on on-range welfare.  
Acknowledge APHIS more and give them a greater role.  
This is an opportunity to tell the BLM story better and be more transparent.

#### **Science and Research**

Ensure accurate census and population models.

Need more rangeland science and monitoring.

**Communications:**

The BLM should address communications topic in a public forum.

**Public Comments**

Public comments began at 3:00 pm.

The next meeting Board meeting will be at the end of September. No location or date was set.

Larry Johnson thanked the Board. He noted that his time as Board Member has been enjoyable and trying.

Meeting adjourned at 5:40 pm.

## **Wild Horse and Burro Advisory Board Recommendations**

Denver, CO

June 15, 2010

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