

Draft
National Wild Horse and Burro Advisory Board Meeting
Reno, NV

December 7, 2009

Board Members Present: Robin Lohnes; Gary Zakotnik; Larry Johnson; Dr. Vernon Dooley; Dr. Boyd Spratling; Dr. Wayne Burkhardt; Renee Taylor, and Janet Jankura. Department of the Interior: Sylvia Baca, Deputy Assistant Secretary. Washington Office Bureau of Land Management (BLM) Staff: Don Glenn; Dean Bolstad; Sally Spencer; Jenna Whitlock; Susie Stokke, Ramona DeLorme; and EK James. Nevada BLM: Ron Wenker, State Director; Mike Holbert, Alan Shepherd; Doran Sanchez. Oregon BLM: Mike Mottice, Associate State Director. Eastern States BLM: Michael Reiland, Assistant Deputy State Director. USDA, Forest Service: Barry Imler. U.S. Institute for Environmental Conflict Resolution: Larry Fischer.

Robin Lohnes opened the meeting at 8:25 a.m. The Board members introduced themselves to the public and Don Glenn introduces the BLM and the U.S. Forest Service employees.

Welcoming Remarks

Ron Wenker welcomed everyone to Nevada and noted that while heavy snow is slowing travel for everyone. It brings precipitation to the range. Ron stated that in Nevada there are 48 million acres of public lands and the state has the largest population of wild horses. He noted that the Nevada BLM is striving to manage healthy rangelands for all animals. Over the past ten years, the continued drought drives the decision on how many animals can survive on the public lands and increases chance of fires.

Ron stated that in FY2009 Nevada gathered 2,400 animals; treated 121 mares with fertility control, and adopted 77 animals. Nevada is trying to adopt more animals in the future. Nevada has started to use the new censusing techniques recommend by U.S. Geological Survey (USGS). There are currently nine wild horse and burro specialists in Nevada and the plan is to increase the number of specialists in the future.

Ron noted that in FY2010 the budget for Nevada is \$5 million. Nevada manages 85 Herd Management Areas (HMAs) and is trying to achieve an Appropriate Management Level (AML) of 12,700 wild horses and burros. Currently the estimated wild horse and burro population is 21,000, which includes the FY2009 foal crop. At present, 65% of the Nevada HMAs is over AML. Nevada has 11 gathers scheduled for FY2010 and plans to remove 6,000 animals from the range. Plans also include aggressively using fertility control and sex ratio adjustments to reduce the population.

In the Calico Complex, there are over 3,000 horses and the AML is between 600 and 950. The plan is for Nevada to start the gather at the end of December, however, there is a preliminary injunction and the hearing is next week. Nevada hopes to use fertility control and sex ratio

adjustments. Ron thanked the Board and noted their advice is very productive and is welcomed by the BLM.

Department of the Interior (DOI) Comments

Sylvia Baca thanked everybody for coming to the meeting. She thanked the Board and stated that the Department of the Interior truly appreciates their hard work and dedication. The BLM manages 260 million acres and the Wild Horse and Burro Program is the most challenging program at this time. Sylvia noted that with the help of the Board, the BLM employees, and public suggestions, BLM will work through these issues. The BLM values the Board's expertise.

On October 7, 2009, the Secretary introduced a proposal that is forward looking, deals with the issues, and maintains healthy public land for all species. She noted that 70% of the Wild Horse and Burro appropriated budget of \$40.6 Million is used to hold horses. The BLM needs to remove thousands of horses to achieve healthy range land. Currently there are 37,000 animals which exceed AML by over 10,000 animals. In the proposed Calico Complex gather plan, the horses removed will be available for adoption or placed on long-term pastures where they are still wild and protected under the Wild Free-Roaming Horses and Burros Act. Slaughter and sale without limitation are not an option.

Sylvia stated that the current program is not sustainable. We owe the wild horses and burros on Western rangeland a high quality habitat; we owe the horses in holding good care; and we owe the taxpayers a cost-effective program.

Sylvia reported the following questions have arisen concerning the Secretary's Initiative:

Why did the Secretary announce his initiative now? The GAO Report found that the Wild Horse and Burro Program is at a critical cross road and holding costs are too high and not sustainable. Also the Senate Appropriation Committee has directed the Department of the Interior to develop a long term strategy to deal with the Wild Horse and Burro Program issues.

Does the BLM currently use fertility control? Yes. The vaccine PZP will be stepped up to increase fertility control and the BLM is working with The Humane Society of the United States to find a vaccine that lasts longer than two years. The goal of fertility control is to reduce the number of animals that need to be removed from the range.

Is the BLM doing this to make more room for cattle grazing? No. The BLM is mandated by law to manage public lands for multiple use and land use plans are used to determine how the land is managed. There has been a 50% decrease in grazing since the 1940s and the present grazing on public lands is less than what is authorized because of drought and fire.

Sylvia also noted that this initiative will require Congressional authorization. The Department hopes to convince Congress and the public this is the best approach to managing wild horses and burros.

Nevada State Report

Alan Shepherd presented the Nevada State Report. He noted that the estimated wild horse and burro population in Nevada is 21,000, which includes this year's foal crop. The Calico Complex is the top priority. The forage base is diminished because of drought and areas near water are showing signs of significant use. The Nevada BLM is working on the documents for the Calico Complex gather. In February there is a gather proposed for the Eagle Complex and Nevada will coordinate with the Utah BLM Office. In March there is a small burro gather planned and in the summer there are several large gathers proposed. Nevada BLM is trying to avoid emergency gathers. Nevada will do fertility control and adjust sex ratios on all gathers where it is feasible. There will be an adoption at the Northern Nevada Correctional Facility in Carson City, Nevada on February 13, 2010. Alan noted that there has been a wonderful response to the prison program.

During Alan's presentation, the Board made several comments. Discussions included census techniques and efforts to improve the accuracy of the horse count and the impact on program management. Alan responded that the BLM is working to improve inventory techniques through its work with USGS and coordinating counts and gathers with the other States.

Discussion also included the safety of the horses; the transparency of the gathers; the potential use of observers at gathers; and public attendance at gathers. As for transparency, Don Glenn noted that all gathers are open to the public. At present there is no formal process for observers; however, we have a contract with a university professor who will review our operating procedures to determine how well the BLM follows the established procedures and monitor how effective those procedures are. Don also noted that there is a high priority for the safety of the horses by all employees and contractors. Safety of the horses includes horses on the range that the BLM needs to maintain a sustainable habitat for to avoid nature's brutal way of dealing with an overpopulation of the horses on degraded rangeland. Man needs to intervene in these situations if we care about the horses.

The Board asked how a HMA Complex evolves into a situation with so many excess horses. The Board noted that this happens over and over again and that better coordination on all census and gathers is needed. Don noted that sometimes the BLM does not have funds for the gathers or census counts and that these kinds of conditions can only be avoided by achieving AML on all herd management areas.

September 28, 2009 Minutes

The September 28, 2009 Advisory Board Minutes were approved. The Board would like to have the PLC proposal on the next meeting's agenda.

Response to Recommendation

Dean Bolstad presented the BLM's response to the recommendation.

BLM Response to National Wild Horse and Burro Advisory Board (Board Recommendation from September 28, 2009 meeting)

1. The Board recommends that the BLM adopt the draft updated considerations for fertility control application and desirable characteristics of fertility control agents.

The BLM accepts this recommendation and adopts the following as guidelines recommended by the Board for fertility control application and desirable characteristics of fertility control agents.

Considerations for Fertility Control in Wild Horse Herds

Fertility Control Application Guidelines

1. Implementation of fertility control treatments will be in accordance with current BLM policy established through the issuance of an instruction memorandum (I.M.).
2. Herd Managers shall implement fertility control for limiting population growth rates as a component of population management plans unless there is a compelling management reason not to do so.
3. When possible, the objective to implement fertility control to reduce wild horse population growth rates should be initiated through an update of the HMA or Complex Herd Management Area Plan (HMAP).
4. The BLM must complete necessary National Environmental Policy Act (NEPA) documentation prior to utilizing fertility control. Preparation of this documentation must be timely enough to provide adequate opportunities for public review.
5. When necessary, NEPA documentation can be completed as part of the gather planning and Environmental Assessment (EA) process.
6. Only fertility control agents authorized for use by the National Program Office may be used. While annual applications by remote delivery (darting) may be used, longer lasting agents are also available for use and the most cost-efficient and practical method should be selected.
7. Modeling will be completed during the gather planning process to forecast the population effects of contraception in relation to achieving specified management objectives based on the number of animals targeted for contraception, the duration of effect, and the expected efficacy of the agent.

8. The proportion of males in a herd should be adjusted concurrently with the application of fertility control so that at least 50% of the animals left on the range are male.
9. Contraception must not be used in a manner that threatens the health, well-being, or body condition of individual animals.
10. The decision to treat individual mares should be based on HMA management objectives. If a mare has an acceptable body condition for being returned to the herd, she can be treated with the fertility control agent.
11. Individual animals may be permanently sterilized in any herd, but unless a population is specifically designated as a non-reproducing herd, fertility control must not be used in a manner that threatens the long-term population health or genetic diversity of a herd.
12. A protocol for administering the vaccine must be developed including the agent(s) and application technique(s) that will be used, the proportion of mares that will be treated and resultant population growth rate that is expected. Ongoing discussions among BLM staff, researchers, and the public should be conducted to allow these protocols to evolve with the growing understanding of wild horse behavior and genetics, and the impacts of fertility control.
13. Only persons approved by the National Program Office may apply fertility control to horses on BLM or Forest Service Lands.
14. All treated mares will be freeze-marked with two 3.5 inch letters on the left hip to track treatments. The only exception to this requirement is when each treated mare can be clearly and specifically identified through photographs and detailed treatment records for each mare are kept in the Field Office. A notation describing when, where and with what product mares were treated will be entered into the Wild Horse and Burro Program System (WHBPS) when they are removed from the range or assigned a BLM freeze-mark number.
15. A holding period prior to adoption or sale is no longer required following fertility control treatments.

Desirable Characteristics of Fertility Control Agents for Wild Horses

While no single fertility control agent will meet all the needs of the Program, following are several desirable characteristics for agents that may be selected for use. Not every agent that might be approved or recommended for use will have all these characteristics.

1. Safe for handling by men or women applicators.
2. Safe for the environment with no passage through the food chain or contamination concerns in the environment.

3. No risk of accidental administration to or pass-through effects on foals.
4. A high degree of efficacy, preferably 90% or better, during the period of expected efficacy.
5. Easy to prepare for use and administer with little wastage or loss of material.
6. Capable of administration by remote delivery.
7. A reliable period of efficacy for a given treatment or number of treatments.
8. Long-term efficacy following a single injection or a set of injections administered at one time with the minimum possible number of needle sticks.
9. Safe for pregnant animals.
10. Minimal side effects with no serious or permanent side effects that threaten the animals' health or well-being.
11. Minimal effects on social behavior and herd dynamics with no behavioral effects that threaten the health or welfare of individual animals or the integrity of the herd.

U.S. Forest Service Update

In response to a Board request, Barry Imler provided a verbal report on Forest Service operations. He reported that Congress, through the FY2010 Interior Appropriations Act, extended Forest Service authority to reimburse the BLM for gathers and long term care of animals through FY2014. He discussed the FY2010 planned gathers and noted that the Carson National Forest successfully adopted 12 horses this year. He also stated that the Wild Horse and Burro Specialist position in Reno, Nevada is scheduled to be filled by March 2010.

Barry stated that the USFS received a notice of intent to sue concerning the Endangered Species Act and the Murderers Creek Territory in Oregon. The plaintiffs are local ranchers who are suing because the Forest Service is not maintaining AML. The USFS has 60 days to respond to the notice of intent.

Recommendation to the Secretary of Agriculture: The Board recommended that the USDA Forest Service create a specific budget line item for the Wild Horse and Burro Program.

Secretary's Initiative

Don Glenn presented the Secretary's Initiative. The Initiative is based on public input: slaughter and sale without limitation are not acceptable; wild horses are historically and culturally important to American people; and the BLM needs to find a better way to manage horses on public lands so that not so many will need to be removed.

The three core principles in the Initiative are to designate seven wild horse preserves; showcase certain herds on Western rangelands; and balance population growth with adoption demand. The BLM expects the results of the Initiative to eliminate the need for additional holding by FY2014 and overall program costs could decline by FY2019.

During the discussion Sylvia Baca stated that the problems with the program have unfolded over many years. The Secretary is making this a very high priority and is personally engaged and very serious about turning this program around. It will take time to solve the problem. The Administration wants a transparent effort. There is a need for the advice of the Board. There are a lot of things to fix and if we are unable to solve this program, the law is on the line. The Secretary wants a national solution to a national problem.

The Board asked that Don provide a copy of his presentation.

Secretary's Initiative Implementation Plans

Don stated that the BLM has engaged the Field Committee of Associate State Directors to help implement this initiative. The Field Committee has created a subcommittee led by Mike Mottice, Oregon Associate State Director and Ruth Welch, Wyoming Associate State Director. Jenna Whitlock, WO Office Wild Horse and Burro Senior Specialist, will coordinate the effort. Larry Fischer, U.S. Institute for Environmental Conflict Resolution, will help facilitate the effort and public input process.

Mike Mottice welcomed the opportunity to participate in this worthy cause. His directions by the BLM Director were to do what is right by the horses, the land, and the taxpayers while recognizing the expertise of the BLM staff and the Advisory Board and input from the public. Mike mentioned that Jeff Rawson, Utah Associate State Director; Amy Leuders, Nevada Associate State Director; Howard Lemm, Montana Associate State Director; and Marie Stewart, Eastern States Associate State Director will also be working with him. The role of the U.S. Institute for Environmental Conflict Resolution is to facilitate internal BLM meetings, to work with the Board to help with strategy, and to facilitate public outreach and communications through workshops and forums. By June 2010 there will be a draft document for the Board to review.

During this discussion, the Board thanked Mike for getting involved with this project; however, it was noted that the Board is frustrated because they have made numerous recommendations over the years addressing these issues and there has been a lack of follow through. The Board also stated that there needs to be a contingency plan for changes in administration. It was also noted that there is so much more to the Wild Horse and Burro Program than the Secretary's Initiative and it is important to deal with the whole program. The Board created a subcommittee of Janet Jankura, Dr. Boyd Spratling, and Robin Lohnes to work with Mike on the Implementation Plan.

Status of Nominations

The Board asked for an update on the status of the Advisory Board nominations. Don Glenn reported that the BLM Director has reviewed the nominations for Livestock Management, Wildlife Management, and Humane Advocacy. All 51 nominations have been forwarded to the White House Liaison and the Secretary of Interior's Office for review before being submitted for his signature. The Secretary of Agriculture's Office will then complete their review of all the nominations before they are submitted to the Secretary of Agriculture for signature.

Sally Spencer reported that a Federal Register notice should be published in January 2010 calling for nominations for the positions that expire June 14, 2010. Those positions are Livestock Management, Wild Horse and Burro Research, and Natural Resources Management.

Introduction of U.S. Institute for Environmental Conflict Resolution

The Board asked if the U.S. Institute for Environmental Conflict Resolution would be presenting to the Board since they were on the agenda. Don Glenn noted that the U.S. Institute would not have a formal presentation at this time because it is too soon in the process. However, Larry Fisher of the U.S. Institute noted that he expects to work closely with the Board.

BLM Response to Comments and Concerns

Don Glenn gave a presentation on the BLM's response to public concerns. He noted that the BLM has received letters, e-mails and phone calls from individuals and groups and there is a lot of misinformation. Don gave an overview of the history of wild horses and burros and responded to the misinformation about the Program. Such as:

1. The BLM removes horses for the purpose of increasing cattle use – not true.
2. Horses are held in crowded short- and long-term holding pens – not true.
3. The GAO Report cites utter mismanagement of the Program – not true.
4. The BLM has taken away 20 million acres set aside for wild horses and burros – not true.
5. Gatherers violate the Wild Free-Roaming Horses and Burros Act of 1971 – not true.
6. Wild Horses will limit their own population if left alone – not true.
7. The BLM is managing wild horse herds to extinctions – not true.

Public comments began at 3:00 p.m.

Following up from the last meeting, Janet Jankara put together a report on how the BLM could improve the Public Input Process Review. Sally Spencer reported that the BLM received over 100,000 comments on the Wild Horse and Burro Program via e-mail, phone calls, petitions, and letters this year. These comments are reviewed, concerns are noted, and the comment is counted on an excel spreadsheet.

Sally noted that per Janet's suggestion, the comment form on the Wild Horse and Burro Website would be expanded to give the public an opportunity to direct comments to the BLM or to the Advisory Board. Major categories could include gathers, humane treatment, fertility control, success stories, adoptions, volunteering, etc. and would be listed along with the reason for the comment. Is it a question, compliment, complaint, or suggestion? The comments would continue to be reviewed and the public's concerns would be responded to in the Question & Answer (Q&A) section on the Wild Horse and Burro website. The Federal Register Notice would instruct the public to use the WH&B comment page to send their public comments electronically to the Advisory Board. Any hand delivered comments at the meetings would be scanned and sorted into the major categories where comments could be reviewed and concerns responded to in the Q&A section on the Wild Horse and Burro website. Also all comments directed to the Advisory Board would be e-mailed to each Board member for their review.

The Board commended 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.

Recap/Summary

Larry Johnson wanted to know why Nevada receives less funding than California and Utah when Nevada has half of all the animals on the Western rangeland. Dean Bolstad explained that while other states are funded for large costs to manage short-term holding corrals (two each in Utah and California), the short-term holding corrals in Nevada (Palomino Valley and Fallon Contract) are managed and paid for by funds from the Washington Office, not from Nevada. This makes Nevada's budget smaller in comparison to other states.

The Board noted that at the next meeting they would like to have a review of the AMLs and the date they were set; an update on the Secretary's Initiative; and an update on the public input process.

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

The next Board meeting is scheduled for Friday, February 12, 2010. The Board would like to attend the February 13, 2010, Warm Springs Correction Facility adoption in Carson City, Nevada.

Meeting adjourned at 5:07 pm.

Wild Horse and Burro Advisory Board Recommendations
Reno, NV

December 7, 2009

1. The Board recommended that the U.S. Forest Service create a specific line item for the budget of their Wild Horse and Burro Program.
2. The Board commended 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.
3. The Board recommended that the BLM coordinate census and gathers among neighboring districts, states and agencies.