

National Wild Horse and Burro Advisory Board Meeting
Salt Lake City, UT

October 28-29, 2002

Board members present: Dr. Jay Merriam, Richard Sewing, Hilleary Bogley, Wayne Burkhardt, Gary Zakotnik, Bill Higham, Brent Eldridge, Larry Johnson, Robin Lohnes. **Washington Office and BLM Staff:** Kathleen Clarke (Director), Mary Smelcher (Acting, Deputy Assistant Director, Renewable Resources and Planning), Linda Rundell (Acting, Assistant Director, Renewable Resources), Jeff Rawson (Acting, WH&B Group Manager), Lili Thomas Bea Wade, Bob Mitchell, Linda Coates-Markle, Gus Warr, (UT) Art DiGrazia (UT). **Forest Service:** Ralph Giffen. **APHIS:** Lisa Hatcher

Robin Lohnes, Co-Chair, opened the meeting at 8:00 am, October 28, 2002.

Linda Rundell introduced Kathleen Clarke (Director). Ms. Clarke extended her personal appreciation to the Board for their service on the Board. She expressed that people bring a particular expertise; some just bring good common sense. She touched on how fire and drought have impacted all BLM programs including the Wild Horse Program. She spoke about the strategy, "Living Legends in Balance with the Land" and how it had been disrupted by the fires and drought and that we need to ensure the continued success of the strategy. Ms. Clarke expressed that BLM needed the support and guidance from the Advisory Board now more than ever before.

Utah State Office

Sally Wisely, State Director of Utah, welcomed the Board to Utah. She gave the Board an overview of the Wild Horse and Burro Program in the State of Utah. She spoke of the herd management areas and said that drought and fire have been challenges to them. The Utah State Office had the opportunity to highlight the Wild Horse and Burro Program during the Olympics. She also presented Richard Sewing with the "Public Land Partners" award for all his work he has done for the BLM.

Gus Warr, lead Wild Horse & Burro Specialist for Utah, spoke about the drought on the forefront. Due to the drought, they were hauling water to the horses. Some horses have died. They had emergency gathers for horses in July and finished in early October. They had gathered 1,200 horses off of nine different Herd Management Areas (HMAs). Due to animals in poor body and poor habitat condition, they anticipate a higher than normal winter loss this year. Utah will be focusing more effort this year on establishing AMLs. Fifteen of Utah's 23 HMA's are now at or below AML. Equine Infectious Anemia (EIA) – they gathered 256 horses, six of the wild horses tested positive for EIA and had to be euthanized. The rest are being held in quarantine on site in the Hill Creek HMA. They are under a 45-day quarantine period and will

be

retested for the disease. To hold the horses for 45 days costs \$100,000. There are five horses that have EIA that are in the private sector. Letters from three county commissioners were sent to the APHIS vet concerning the EIA within the State of Utah. Dr. Merriam would like to keep abreast of the situation in Utah.

Gary Zakotnik inquired what was being done in reference to the West Nile virus. A contract is currently out to purchase the vaccine. Each of the BLM facilities are administering the vaccine.

August Minutes

The August 26-27, 2002, Advisory Board minutes were approved.

August Recommendations/Responses

Mary Smelcher reviewed the August recommendations/responses.

The National Wild Horse and Burro Advisory Board developed a list of 13 recommendations at the August 26-27, 2002, meeting in Denver, Colorado. The following is the Bureau of Land Managements (BLM) response to the recommendations and those actions to be taken to implement them.

1. The National Wild Horse and Burro Advisory Board recommends BLM revisit the policy on pairs adoptions for discussion at the next advisory board meeting.

The BLM accepts this recommendation. The BLM will contact the field offices to determine how the current policy may be affecting adoption demand for pairs and will solicit field office staff opinions on what improvement can be made. Current adoption regulations, 43 CFR 4750.4-2 (a), require that BLM charge an adoption fee for **each** animal adopted. Any proposed change would require a modification of the regulation. The BLM will make a presentation of its initial findings at the October 28-29, 2002, National Wild Horse and Burro Advisory Board meeting in Salt Lake City.

2. The National Wild Horse and Burro Advisory Board recommends the Riverton Inmate Gentling Program be given a new chute.

The BLM will take this recommendation under advisement and contact the Riverton Inmate Gentling Program requesting they identify their infrastructure needs and determine the most cost effective method for addressing them.

3. The National Wild Horse and Burro Advisory Board recommends the BLM establish a contingency fund not to exceed \$1 million on an annual basis for emergency removals as defined by the National Program Office.

The BLM accepts this recommendation, but reserves an option to adjust the amount. The BLM has identified creating a \$500,000 to 1 million dollar emergency fund in the FY 2003 PTA, which is under review. The funds will be held at the National Program Office and distributed to the field office based on emergencies or other needs in the spring of 2003

4. The National Wild Horse and Burro Advisory Board recommends BLM implement the Strategic Research Plan, as amended (page 5, paragraph 3).

The BLM accepts this recommendation. The Strategic Research Plan will be finalized and submitted to the BLM Director's Science Review Board for final acceptance. The Plan will be finalized in the first quarter of FY 2003.

5. The National Wild Horse and Burro Advisory Board recommends BLM implement the Wild Horse Fertility Control Field Trial plan without the expenditure of any Wild Horse and Burro operating funds. The National Wild Horse and Burro Advisory Board further recommends, as a cost savings measure, that BLM limit its Wild Horse and Burro funding to the development, implementation and research of a 4-year or more vaccine.

The BLM accepts this recommendation, with reservation. The Wild Horse Fertility Control Field Trial plan will be finalized and implementation will begin in the first half of FY 2003. Funding for the ongoing studies as outlined in the Field Trail Plan are being funded by the USGS – Biological Resources Division. While the BLM identified the need in 1992 for a fertility control agent with an effective life of four or more years, it is not clear at this time if development of such a product is possible. The current inventory of fertility control vaccines last either one or two years. A product, which would last for three years, while not ideal, would be better. The Strategic Research Plan will focus on development of a vaccine that lasts up to four years, but the BLM will retain the ability to investigate other products, which have the potential to last for three or more years.

6. The National Wild Horse and Burro Advisory Board recommends that BLM pursue the legal feasibility and a cost analysis of the Sonora Wild Horse Repatriation project, and further recommends that before any action is taken, these findings be presented for review to The National Wild Horse and Burro Advisory Board.

The BLM acknowledges this recommendation. The BLM will continue to pursue cost effective alternatives to the current sanctuary/long-term holding contracting process. A formal proposal for the Sonora Wild Horse Repatriation project has yet to be submitted to the BLM for consideration. The BLM has already contacted the Solicitor's Office regarding the legal issue of transferring wild horses and burros outside the borders of the United States and is continuing to work this issue.

7. The National Wild Horse and Burro Advisory Board recommends that BLM explore potential funding sources for the Wild Horse & Burro Education Program.

The BLM accepts this recommendation. The National Program Office will investigate for additional funding sources both within the agency and through external grants sources.

8. The National Wild Horse and Burro Advisory Board recommends that BLM should perform an internal analysis of each program element to identify potential 10% cost savings. Typical program elements to be analyzed include, but should not be limited to: Gather procedures; removal criteria; feed specifications; pipeline operations; and Eastern States adoption.

The BLM accepts this recommendation. The National Program Office is proposing to conduct thorough evaluations of operational procedures and associated costs during FY 2003. The goal of this evaluation will be to find program-wide cost savings without compromising operational capability or animal health care. The evaluation and recommendations will be completed in the second half of FY 2003 for consideration in developing the FY 2004 annual work plans.

9. The National Wild Horse and Burro Advisory Board recommends that the BLM review population and demographic methodology to more accurately predict population levels and age class distribution within the horse herds.

The BLM accepts this recommendation. The BLM is currently conducting, through our partnership with the USGS - Biological Resources Division, studies on alternative census techniques. Wild horse and burro population and demographic data are difficult to collect due to the large area the animals inhabit and the free-roaming nature of the herds. The BLM will evaluate other demographic data necessary to effectively manage wild horses and burros, as prescribed in the Wild Free-Roaming Horse and Burro Act of 1971, to determine if those data can be collected or predicted more accurately.

10. The National Wild Horse and Burro Advisory Board recognizes emergency gathers or other mitigating circumstances may require reduction or postponement of scheduled gathers. However, the Board recommends that the minimum goal should be to at least maintain scheduled gathers at a level equal to the foal crop to result in no net population increase in the herds scheduled for gather. (Hillary Bogley and Robin Lohnes voted against this recommendation.)

The BLM acknowledges this recommendation. The BLM has made great progress on implementing the gathering strategy initiated in FY 2001. It is the intent of the BLM to achieve AMLs for all herd management areas as quickly as possible and maintain those populations within a thriving ecological balance. However, the budget projections for

FY 2003 present the BLM with a significant challenge in balancing available funding between gathering additional animals and holding and adopting those animals already in facilities. The BLM cannot make the commitment regarding the 2003 removal targets or to gather at a level equal to the coming year's foal crop until the final FY 2003 annual work plan is completed.

11. The National Wild Horse and Burro Advisory Board recommends BLM should gather in areas where the most resource damage occurs, as opposed to small HMAs where AML may be more easily reached.

The BLM accepts this recommendation. For the past six years, it has been BLM's policy to prioritize gathers. The highest priority has been court ordered removals, followed by areas where the animal's lives are in immediate danger, i.e., emergency gathers, then followed by areas where the greatest damage occurring, regardless of the size of the HMA. The BLM will continue this process.

12. The National Wild Horse and Burro Advisory Board recommends that each state stay within their allowed gather numbers scheduled for each year. The Board further recommends that animals removed in emergency gathers must be counted against allowable removal quotas for the remainder of the year or deducted from the next fiscal year.

The BLM accepts this recommendation. It has been the BLM practice to hold States to their annual work plan units of accomplishment for gathers. The BLM will continue this practice, however, it must be recognized that in emergency situations regarding drought, rangeland fires or other unforeseeable environmental circumstances, gather targets may need to be shifted between States with approval from the Washington Office. An example of this occurred with the Utah emergencies during the summer of 2002, where the Utah gather target was insufficient to accommodate the number of animals needing to be removed and gather units were transferred from Wyoming to mitigate the situation.

13. The National Wild Horse and Burro Advisory Board recommends that BLM consider and investigate mass adoptions to qualified entities, such as Indian reservations, with appropriate safeguards in place.

BLM does not agree to the use of the term 'mass' adoptions, but rather believes the Board intended the BLM consider and investigate the placement of large quantities of animals with appropriately qualified entities. Past experiences in mass adoptions resulted in substantial negative public opinion generated from WH&B advocacy groups and concerned citizens.

The BLM continues to remain open and receptive to proposals from qualified entities, including Indian Reservations, for the placement of large quantities of WH&B's under the Secretaries 4 C's partnership initiative and through a cooperative

agreement/memorandum of understanding process, for the humane care and pasturing of WH&B's for a period of time greater than 12 months at no cost to the government. After 12 months of demonstrated humane care, BLM could consider a systematic transfer of ownership (through applications for transfer), at a defined rate of transfer (currently limited to 4 animals annually), provided BLM's review of slaughter-house records does not demonstrate previously titled animals by said cooperator being slaughtered, regardless of consignee. Conversely, the partners may elect to continue the partnership agreements indefinitely without initiating the titling process.

BLM believes this safeguard will result in broader public acceptance of proposals for the placement of large quantities of WH&B's with qualified entities. This proposal will also provide opportunities for non-profit organizations that want to establish long-term sanctuaries funded through private donations to receive and care for WH&B's under the Secretaries 4 C's Partnership agreement programs.

2003 Advisory Board Nominations Update

It was noted that there was some significant changes in the process. The nomination package is complete and it needs to go through the Department of Interior and Agriculture. The nomination should be taken care of by the next board meeting. The Board urged that someone, in BLM, needs to be assigned to follow the process of the next nominations. Ralph Giffen (FS) is willing to help with the process within the Department of Agriculture.

U.S. Forest Service

Ralph Giffen gave the Board an update on the Wild Horse & Burro Specialist, GS-12/13, position, in Sparks, Nevada. The position will be closed on Tuesday, November 5, 2002. They will be making a selection within a short period of time in order to get someone on board before the New Year. They are looking for people with experience in management planning, the law, and interaction with agencies. The position will be a liaison with the NV BLM. He/she would work on the scheduling of gathers, coordinating information to BLM and the Advisory Board. The position will be dealing with the overlapping of HMAs, mainly in Nevada, cost sharing guidelines (wild horse census), and working on field data collection for input into a database which will maintain updated, current information. He/she will integrate the Forest Service database with the BLM database. The supervision is under the supervisor of the Toiyabe National Forest Office. BLM and the Forest Service have been assisting one another in some situations. The Forest Service assisted with the emergency gathers in Las Vegas; BLM assisted with the removal of animals in UT. The Forest Service would like to look into the use of the helicopters used by the BLM on the FS land. They would like to develop an agreement between the two agencies for the use of helicopters. The FS pays BLM \$1500 per head to gather, prep and adopt. FS relies on BLM to do 90% of its gathers. Ralph volunteered to work with Robin in putting together the criteria for the Forest Service Wild Horse and Burro Manager. The Board would like to see the Chief of the Forest Service attend a Board meeting.

Program Update

There is a total of 203 HMAs. By the end of FY2003, 176 of the 203 herd management areas will have established AMLs based on current monitoring and census status. In Fiscal Year 2002, 7,746 animals were adopted (140 more than last year). There are 8,500 in the long-term holding facilities. Lili Thomas explained the difference between long-term holding and sanctuaries. 6,000 need to be adopted out before we can gather horses to be put in the pipeline. Limiting the amount of gathers this winter to 2,500 animals would help the pipeline. 73% of all animals removed are at an adoptable age (0-5 yrs.). An additional 1,000 foals will be coming off the long-term holding facilities.

A 2-year fertility drug is in a field study. Linda Coates-Markle presented a summary of the Field Trial Plan in the Pryors. She needs the gather schedule in place prior to planning the research in the NV BLM area. The cost of the doses is \$20 to 25. The Board recommended that BLM finalize a gather plan.

It was noted that the Strategic Plan (December 2000) had not been signed. The Advisory Board recommended that the Strategic Plan be updated. It was suggested that BLM revisit Goals 1 and 2 of the Strategic Plan. It was recommended that the BLM assign an internal review team, including a liaison from the Board, to revisit and update the Strategic plan within a few months. Bill Higham was approved to be the Board's liaison to the team.

Funding and pipeline – FY01 base funding was \$30 million, which included an additional \$9 million. An additional \$5 million from fire was included in the 01 funding. We are comparing what was done in 01 and 02. Nevada Elko Fire horses holding facility was closed as of Friday, 10/25/02. Horses were placed back onto the range and some were sent to the sanctuaries. It was suggested that BLM try to stabilize their adoptions. The Board would like to receive the facility table on a monthly basis. It was suggested that BLM set up a mail group in order to send it out.

Pending Litigation

Fund for Animals lawsuit – September 4, 2002, both parties presented oral arguments in support of their brief before Judge Lodge. Each side made their arguments for roughly 30 minutes and then the Judge indicated he would review the record and let the attorneys know when he was ready to issue his decision. No timetable was offered.

Sonora Wild Horse Repatriation Report

There was not much of a change to report. It would require new legislation and a treaty. The Solicitors will be checking with the General Law Office and checking on legal authority. Hopefully, that will be completed by the end of the week (Nov. 2, 2002). It seems not to be legal under the current legislation. Legislation could get passed; but, there would have to be additional support. The Board specifically requested BLM to restate the question that has been

asked the Solicitors in reference to the legality of moving horses to Mexico. Concerns are once the animals leave the United States they lose their status and once they return, they do not regain it. There have also been questions concerning contractual issues.

Education Program

BLM has the \$30,000 not the \$530,000 for the education program. Mr. Hunter is trying to find other alternative sources of funding. It was suggested that BLM help Mr. Hunter team up with the Wild Horse and Burro Foundation. Board recommended that BLM contact the Foundation in reference to monies available for the education program. It was suggested that the Foundation do the marketing for BLM. The Advisory Board recommended that BLM pursue this. Terry Woosley is the Nevada State Office contact for the Foundation. Jeff Rawson will be the National contact.

Adoption Fee

The Board was given background information regarding adoption fees. The Board asked how many young animals are placed in a holding facility. What is the priority - reducing/increasing adoption fees? Pairs are another concern as they don't adopt as readily with a fee being charged for each animal. BLM sees the fee issue as a low priority. The fee structure cannot be changed without going through the regulatory process.

Zeroing Out HMAs

A discussion of zeroing out HMAs followed. The Board wants areas identified that are critical. With zeroing out, is it a possibility that the horses come off permanently or are transferred to another HMA? The Board wants potential zeroed out HMAs identified, and determine whether they fit the definition of use. The question arose as to what are BLM's procedures of zeroing out an HMA. BLM referred to the Strategic Plan, page 5, which talks about ephemeral range, sustainable herd management – are there areas where there are horses on ephemeral range? The Board feels the word “sustainable” should be used instead of “ephemeral”.

Public comments began at 3:55 pm.

October 29, 2002 - The Wild Horse and Burro Advisory Board convened at 8:00 a.m.

Chickasaw Proposal

The representative from the Chickasaw Nation presented their proposal to the Board. The Drake Ranch is located near Davis, Oklahoma, 3 miles off of Interstate 35. One entrance has black top and is accessible all the time. The ranch has many types of native grasses, bluestems, brumuda grass, 40+ small lakes/ponds, and is rolling hill country. The Chickasaw Nation is willing to tear out the internal fences and build to BLM specifications. They did a tour of John Hughes' facility

to get an idea of what is required. The negative thing about the ranch is the lack of natural rock that would keep the horses hooves trimmed. If that was the only problem, they will work to alleviate it. Management employees of the ranch will be tribal members trained for the positions. The ranch may be put into trust. Lili Thomas said that the horse numbers would be so small that it would need to go out on competitive bidding. She also expressed that BLM can write the proposal up, with the same specifications, and pursue as an agreement. Agreements have different rules. Some type of cooperative agreement may work. Tribal reservations are sovereign nations and if the ranch goes into trust it will be an US entity. Another site inspection will be held. Gary Zakotnik would like to see this pursued. Mr. Higham did not want to place horses in a long term holding facility which would require hoof care.

Glen Rose Expo

Debbie Harrington briefed the Board about the National Wild Horse and Burro Expo in Glen Rose, TX, November 14-17, 2002. Fleishman-Hillard recommended the BLM hold a “super adoption” in the Dallas/Fort Worth area. The adoption goal was to adopt 300 animals. There would be eight different training/gentling clinics. The budget was set at \$65,000. The marketing budget was \$22,000 of the \$65,000 for advertising, newspaper, and radio spots costs. The committee utilized BLM’s in-house graphics artist to design and produce the brochure and flier to advertise the Expo. The shipments of horses are coming in Wednesday from Wyoming, Colorado, Utah and Nevada. These horses will be available for adoption on Friday. Thursday will be the preview. There is no required advanced facility check prior to adoption. Physical compliance checks will be done by BLM as soon as possible.

Langston University Proposal

Dr. Sherman Lewis gave a brief overview of their proposal. Four recommendations:

1. To establish a wild horse & burro adoption center on campus. Develop a full adoption center. It would be a multi-use facility, fully enclosed, with regularly scheduled adoptions. The business school will be involved in helping with identifying new markets. The costs would be less than BLM’s cost.
2. A group long-term holding concept. It would be comprised of 30 to 40 small farmers/rancher taking care of 50-100 horses. It would reduce numbers to a natural grouping of horses.
3. Wild horse & burro information and education center. Develop a multi-media, visual, audio, electronic center. It would be used to educate faculty, students and the public in the United States. Training center for the students to train and learn to manage and care of wild horse.
4. Equine science option. Develop an equine science department for scientific research and to train students to care for wild horses. Explore an equine curriculum.

Langston University is prepared to move forward. The University will distribute the horses to the various ranchers/farmers after they are delivered to Langston. The Board had concerns pertaining to the long-term holding. Dr. Lewis will be meeting with the business school to develop a marketing plan.

Program Update Discussions

There was some concern as to why BLM has not met AML, and why it was taking so long. It was noted that the Wild Horse & Burro Program can set a schedule for all states to set on each HMA, but it's up to the States to make their own decisions. The States are working on many different issues not just the wild horse and burro issue. Their priorities are different. Although the State Directors work on setting and achieving AML, the Board would like to see the Program Office develop a strategy to set and achieve AML within a timeframe. Maybe develop a flow chart starting with 2003 and predicting out 10 years. Jeff will look at cost savings for the next meeting.

The Board would like BLM to reaffirm the marketing strategy (not public affairs folks). They would like to see BLM implement a National marketing team. It was suggested that the Foundation help and assist with the marketing as an interim marketing team; but, we need an overall marketing team that has the capability of looking at the entire program.

The Board requested that all information be inserted into the packet before each Advisory Board meeting. It was also noted, that at the beginning of the meetings, the Advisory Board respectively asks that all cell phones be turned off.

The Board reiterates that the Adoption Centers should be open on weekends.

The Board inquired about the status of the Wild Horse and Burro Advisory's Recommendation table that Tom Pogacnik was working on prior to his leaving.

The Board discussed the following meeting dates and places:

1. Phoenix, AZ
2. Las Vegas, NV
3. Tuscon, AZ

February 24 -25 (Monday & Tuesday - full days)

Early May 5-6 (Monday & Tuesday)

May 12-13 (Monday & Tuesday)

August/September meeting in Wyoming

Meeting adjourned at 2:40 pm.