Wild Horse & Burro Advisory Board Meeting – AGENDA
Sheraton Oklahoma City Hotel
1 North Broadway Avenue
20th Century Room
Oklahoma City, OK 73102
405-235-2780
March 4-5, 2013

Topics for Discussion		**Actions/Outcomes**
Monday, March 4, 2013, 8:00 a.m. to 5:00 p.m.		
8:00 a.m.	Welcome/Introductions/Call to Order - Dr. Boyd Spratling and Julie Gleason, Co-Chairs Agenda Review - Kathie Libby, Facilitator Welcome/Introduction to New Mexico Region – Jesse Juen, State Director *(tentative)* New Mexico Region Wild Horse and Burro Program – Pat Williams, Acting State Lead	
8:30 a.m.	Approval of Minutes from 10/29-10/30/2012 meeting – Co-Chairs	*Decision*
8:40 a.m.	BLM Response to Advisory Board Recommendations (#2 & #3) – Joan Guilfoyle, Division Chief	*Information/Q&A*
9:00 a.m.	WHB Program Update - Joan	*Information/Q&A*
10:00 a.m.	Break	
10:15 a.m.	BLM-Formed Working Groups • Increasing Adoptions – Sally Spencer • Eco-Sanctuary – Zach Reichold	*Information/Q&A*
10:45 a.m.	WHB Gathers: Comprehensive Animal Welfare Program– Dean Bolstad UC Davis' work with BLM – Dr. Kathryn Holcomb, Postdoctoral Scholar	*Information/Q&A*
11:45 p.m.	Lunch	
1:00 p.m.	Research Advisory Team – Dr. Jeff Manning	*Information/Q&A*
1:30 p.m.	Advisory Board-Formed Working Groups • Population Growth Suppression – Dr. Boyd Spratling, Tim Harvey, Jim Stephenson • Ecotourism – Callie Hendrickson, Julie Gleason, Tim Harvey • Herd Area Repopulation – Tim Harvey, June Sewing, Paul Durbin	*Information/Q&A*
3:15 p.m.	Break	
3:30 p.m.	Public Comment Period Begins	
4:30 p.m.	Public Comment Period Ends	
5:00 p.m.	End of Meeting	

Tuesday, March 5, 2013, 8:00 to Noon

8:00 a.m.	Advisory Board-Formed Working Groups • Financial – Callie Hendrickson and Paul Durbin • Public Comments - Paul Durbin, June Sewing, and Tim Harvey • Director's Challenge-type Efforts that Support Volunteer Resources - Paul Durbin, Julie Gleason, and June Sewing	*Information/Q&A*
9:15 a.m.	Board Member's Concerns and Issues	*Discussion/Decision*
10:00 a.m.	Break	
10:15 a.m.	Board Recommendations to the BLM	*Discussion/Decision*
Noon	End of Meeting	

U. S. Department of the Interior
Bureau of Land Management

National Wild Horse & Burro Advisory Board Meeting Minutes

Radisson Hotel Salt Lake City Downtown

October 29 - 30, 2012

Wild Horse and Burro Program ™
U.S. Department of the Interior
Bureau of Land Management

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Executive Summary

The Wild Horse and Burro Advisory Board (Board) advises the Secretary of the Interior, the Bureau of Land Management (BLM) Director, the Secretary of Agriculture, and the Chief of the U. S. Forest Service on matters pertaining to the management and protection of wild, free-roaming horses and burros on the Nation's public lands.

During its October 29 - 30, 2012, meeting held in Salt Lake City, Utah, the Board received updates from the BLM on a number of different areas pertaining to the management of wild horses and burros including the Fiscal Year (FY) 2013 Fall/Winter Gather/Treat/Remove Plan, which calls for the removal of 3,500 animals. After release of the fall/winter gather plan, declining resource and animal body conditions resulting from wildfires and drought resulted in requests to remove an additional 2,000 animals, which will require the FY2013 Fall/Winter gather plan to be re-evaluated.

Currently, there are 46,500 horses and 1,361 burros in short- and long-term holding facilities, respectively, which represent 92% of the agency's overall holding capacity and limits the agency's ability to address the requests for emergency removals.

From a financial standpoint, during FY2012, BLM expended $72.4 million in implementation of the wild horse and burro program, which represented 95 percent of the program's total available FY2012 funding. Of particular interest, $545,000 was spent for research and $410,000 for fertility control vaccine. BLM's FY2013 President's budget request for the wild horse and burro program is $77 million. The projected total funding level available to the program, which includes reimbursable funds and carryover, totals approximately $78.8 million.

Jan Curtis, staff Meteorologist and Applied Climatologist at the Natural Resource Conservation Service's National Water & Climate Center in Portland, Oregon, provided a summary of current drought conditions and forecasts for the United States. Important points emphasized in this presentation included:

- Drought will become more common, especially over the desert southwest (Great Basin) in the coming years;
- The western United States should expect to experience more of a "La Nina" weather pattern, which tends to have more moisture in the northern latitudes. Recovery of rangeland conditions over the next couple of years in the southern portion of the United States will be a challenge; and,
- Additional tools such as the PRISM software designed to assist resource professionals to better understand the risks associated with managing land resources, especially under drought conditions, are being developed.

Dr. Jeff Manning, BLM's Research Advisory Team Leader, provided an overview of the agency's research efforts. BLM's *Strategic Research Plan for Wild Horse and Burro Management*, developed in 2003 and updated in 2005, addresses five research issues – fertility control, population estimation, genetics, health and handling, and habitat assessment. Updates were provided on fertility control, population estimation, and genetics as well as potential future research interests.

Updates were heard from three BLM-formed and three Board-formed working groups.

Comprehensive Animal Welfare Program ..... BLM-Formed

Increasing Adoptions ..... BLM-Formed
Eco-sanctuaries ..... BLM-Formed

Population Growth Suppression ..... Board-Formed
Ecotourism ..... Board-Formed
Herd Area Repopulation..... Board-Formed

The most significant recommendation surfacing from the Board-formed working groups was the recommendation to use spaying of mares (ovariectomy) as a tool for reducing the population growth rate. It was stressed that spaying of mares (if approved) should supplement, not replace, the existing tools available to BLM for reducing population growth.

In addition to the agency and working group updates, the Board heard from 21 speakers during the public comment period.

On the second day of the meeting, the Board identified five recommendations to be made to the BLM addressing the following major topic areas:

Formation of three Board-formed working groups focused on (1) understanding BLM's budget process, (2) considering public comments received by the Board, and (3) nurturing efforts that support volunteer resources;

(4) Including ovariectomy (spaying of mares) as an additional tool for suppressing population growth; and,

(5) Eco-sanctuaries should not be considered on public HMA lands where wild horses currently exist.

Monday, October 29, 2012

Welcome

Call to Order

Dr. Boyd Spratling, Co-Chair of the Bureau of Land Management's (BLM) National Wild Horse and Burro Advisory Board (Board), opened the meeting precisely at 8 AM in the Wasatch 4 conference room of the Radisson Hotel Downtown in Salt Lake City, Utah, by asking each member of the Board to introduce themselves.[1] In addition, Joan Guilfoyle, Chief of BLM's Wild Horse and Burro (WH&B) Program, introduced the Division's staff present at the meeting as well as those on the phone.

Board Member	Representing
Timothy Harvey	Humane Advocacy
Paul Durbin	Wildlife Management
Gary Zakotnik	Livestock Grazing
Julie Gleason	Public Interest
Dr. Boyd Spratling	Veterinary Medicine
June Sewing	Wild Horse & Burro Advocacy
Callie Hendrickson	Public Interest
James Stephenson	Natural Resource Management

Kathie Libby, a BLM employee serving as the meeting's facilitator, introduced herself and welcomed those attending the meeting in person and those participating via online streaming technology. She stressed the importance of being respectful of others and completed a review of the agenda for the 1½ day meeting.

BLM Leadership's Remarks

In his opening remarks, Ed Roberson, BLM's Assistant Director for Renewable Resources and Planning and BLM's Designated Federal Official for the Board, thanked the Board for their efforts since the April 2012, meeting which included the establishment of and participation on working groups, visiting different field locations, and reviewing the Board's draft by-laws and Standard Operating Procedures (SOPs).

Over the past year, BLM has experienced leadership changes that have had and will have an impact on the WH&B Program as well as the Bureau as a whole. Such changes include Joan Guilfoyle assuming the Chief position of the Wild Horse and Burro Division, BLM Director Bob Abbey's retirement in May 2012, and the pending retirement of Acting Director Mike Pool. Likewise, the appointment of Dr. Spratling and Julie Gleason at the April 2012 meeting as co-Chairs signals a change in the Board's leadership.

[1] Dr. Robert Bray representing Wild Horse and Burro Research was unable to attend the meeting.

Progress continues to be made on implementation of all elements of BLM's Wild Horse & Burro Strategy; some of which will be addressed in more detail later in the meeting. In 2010, Congress requested BLM provide a report addressing changes that will be made to the program over time. The report is currently located in the Department of the Interior's Assistant Secretary for Lands and Minerals office.

As discussed at the Board's April 2012 meeting, changes to strengthen the language in the Bill of Sale document and the questionnaire used in the sales process have been made. Following the April meeting, BLM received accusations regarding practices of a specific buyer of wild horses. Due to those accusations and the uncertainty of the facts surrounding the situation, BLM immediately stopped selling animals to that individual and is working with the Department's Office of the Inspector General in an investigation of the allegations. The ongoing investigation will include a review of BLM's interview, vetting, and sale documentation processes and, if necessary, appropriate action(s) will be taken. The BLM encourages the public to report instances of suspected violations of the 1971 Wild Free-Roaming Horses and Burros Act so that subsequent investigations can serve to strengthen the program and ensure animals find healthy and humane homes and environments in which to live.

The combination of drought and wild fires in the West has created significant challenges within the WH&B program. Significant acreages have burned within Herd Management Areas (HMAs) in Nevada and eastern Oregon. In Fiscal Year (FY) 2012, BLM's Emergency Stabilization and Restoration (ES&R) budget was $24.5 million, which has been focused toward restoring sage brush steppe habitat. Unfortunately, there isn't sufficient funding to accomplish everything which needs to be done. Often removal of wild horses and livestock from the burned areas is a necessary action that must be taken. Horses removed from the range are either temporarily placed in holding facilities (until the range is restored), into BLM's adoption program, or permanently placed in long-term holding facilities.

As discussed at the April 2012 meeting, BLM is currently amending 98 Land Use Plans to incorporate appropriate mitigation measures to, hopefully, avoid the listing of sage grouse as a threatened or endangered species in 2015. Some of those mitigation measures will affect management of wild horses and burros.

In addition to political and fiscal challenges, BLM's WH&B program is also facing significant ecological issues. BLM appreciates having an Advisory Board willing to work with the agency in addressing these critical issues and challenges.

Welcome to Utah

BLM Utah State Director, Juan Palma, welcomed the Board by referencing his early childhood and the fact that he has lived in Utah at different times since 1975. As Utah BLM's senior leader, Mr. Palma has been focused on implementing two key Obama Administration initiatives: Protecting America's Great Outdoors and Empowering America's Future.

Utah's Contribution to the "Protecting America's Great Outdoors" and "Empowering America's Future" Initiatives

Energy Production Activities .....$10.2 billion
Timber, Grazing, Recreation .....$27 to $59 million
Recreation Visitation ..... 6 million annually

Mr. Palma stressed the importance of (1) listening to the public concerning management of public land resources and (2) bringing younger people into BLM's organization which has improved the agency's use of social media technology.

Utah Wild Horse & Burro Program Overview

BLM Utah's State Wild Horse and Burro Specialist, Gus Warr, provided an overview of the State's wild horse and burro program. In summary, Utah has 29 Herd Areas (HAs) and 19 HMAs[2] which currently contain the third largest wild horse and burro population within BLM. There are approximately 3,500 wild horses and burros within the State, which is 1,500 animals above the State's Appropriate Management Level (AML) of approximately 2,000 animals.

Similar to other Western states, Utah has and continues to experience drought conditions, which have significantly affected management of wild horses and burros. Fortunately, recent summer rains have lessened the impact of drought in some areas; however, throughout the summer it has been necessary to haul water to several HMAs in the western and central part of the State.

The State has experienced several significant wild fires involving HMAs and ES&R funding has been approved for the fires, including wild horse removal requests; however, these efforts have not been acted upon due to high priority gathers needed in neighboring states. The HMAs are being closely monitored to ensure the animals will have adequate water and forage for the winter. Other program challenges occurring in the State include the 10 wild horse Herd Areas (HA), many of which contain wild horses but are not actively managed by BLM due to land ownership issues, lack of available resources (forage & water), and presence of Tribal or estray animals.

BLM Utah also plays an important role in the national wild horse facility management program, by managing two short-term holding facilities[3] and the Gunnison prison program and facility.

In response to a question, Mr. Warr explained that there are approximately 600 wild horses that are located within HAs or outside of HMAs which are not included in the statewide population figure provided above.

April 23 – 24, 2012 Meeting Minutes Approval

The minutes from the April 23 – 24, 2012, Board meeting were approved without modification.

BLM Response to Advisory Board Recommendations

Joan Guilfoyle provided a summary of the BLM's response to 10 recommendations[4] made by the Board during its April 2012, meeting. BLM's responses to Recommendations #1 through #8 were provided to the Board in early May 2012, to facilitate formation of the Board- and BLM-formed working groups, which will provide reports later in the meeting.

Recommendation #9 addressed the need to identify an avenue to connect District resource needs with potential public/non-profit organizations that have a desire and interest to assist BLM. BLM has established good relationships with many organizations across the West and welcomes new opportunities.

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[2] 17 wild horse HMAs and 2 burro HMAs.
[3] Salt Lake (Butterfield) and Delta holding facilities.
[4] Provided under Tab 3 of the Board's notebook.

It was suggested that local groups interested in assisting BLM or the U. S. Forest Service (USFS) should contact the local BLM or USFS office.

Recommendation #10 addressed the need to expedite BLM's delivery of the Program's Strategy and Report to Congress. Although the Report to Congress remains in the Department, BLM has moved forward in implementing several actions contained within the Strategy.

The Board commended BLM for the timeliness of its responses to Recommendations #1 through #8, which facilitated formation of the working groups.

Review of Charter and Draft SOPs

Sally Spencer, BLM Washington Office's Supervisory Marketing Specialist, explained that the Board's Charter[5] follows a standard General Services Administration format which does not allow flexibility for modification. The Charter was filed and approved by the Department in July 2012, and is current until July 2014.

The Board's by-laws and SOPs[6] allow more flexibility in outlining how the Board will operate. Following a review of the draft SOPs, Dr. Spratling and Julie Gleason recommended the following statement be inserted into Section 5: Voting.

> "Alternatively, approval of recommendations can be made by discussion and consensus at the discretion of the Chair."

Nationwide Drought Situation and Impacts on Range

Jan Curtis, staff Meteorologist and Applied Climatologist at the Natural Resource Conservation Service's National Water & Climate Center in Portland, Oregon, provided a summary of current drought conditions and forecasts for the United States. Although drought is currently widespread across much of the United States, current conditions pale in comparison to the droughts of the 1930s and 1950s.

Mr. Curtis emphasized that, unlike severe weather, drought is a difficult weather phenomena to measure as it develops slowly over vast regions and can impact remote locations due to the lack of water conveyance from mountain snow melt, depleted reservoirs, and low river flows. Drought, which is objectively measured using a number of weather-hydro networks and remote sensing from radar and satellite, only becomes important when ecosystems and water supplies begin to degrade. Drought is considered a permanent phenomenon in deserts and, while there are periods of moisture, drought can last as long as several decades. The expectation is that drought will become more common in coming years, especially over the desert southwest and the Great Basin.

Herbaceous vegetation in arid and semi-arid regions can recover from drought if rangelands are in good condition and properly grazed (appropriate number of animals, season of use, etc.) by large ungulates. With the aid of new PRISM (Spatial Climate) data, which will be accessible in near real-time within a year, high resolution maps will be available to better assess development of drought conditions in normally data sparse regions. This tool is envisioned to help resource professionals better understand the risks associated with managing land resources, especially under drought conditions.

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[5] Provided under Tab 4 of the Board's notebook.
[6] Provided under Tab 4 of the Board's notebook.

During the question portion of the presentation, Mr. Curtis was asked to expand on a statement made that grazing is an external impact. In response, it was recognized that grazing, if managed properly, could occur without adversely impacting rangelands even during drought conditions. However, if plants are stressed by drought conditions, appropriate adjustments in grazing practices must be made.

Mr. Curtis was asked to provide his best scientific estimation of climate patterns over the next couple of years in relation to providing sufficient moisture for plants to recover from drought conditions. In response, Mr. Curtis indicated that his expectation is that the western United States will experience more of a "La Nina" weather pattern, which tends to have more moisture in the northern latitudes. If this occurs, recovery of rangeland conditions in the southern portion of the United States over the next couple of years will be a challenge. Later in the meeting, WH&B Deputy Division Chief Dean Bolstad explained the importance of spring moisture to herbaceous plant growth and recovery. Items which impact the plant's capability to recover from drought include the frequency, timing, duration, and intensity of grazing. In times of drought, when water sources are limited, the impact of duration and intensity of grazing on plants is magnified.

Wild Horse & Burro Program Update

Overview

In her opening statements, Program Division Chief Guilfoyle thanked the Board for their efforts and feels they represent the diversity of the American public which is needed to address the complex issues associated with the wild horse and burro program. She also indicated that it was unfortunate that Dr. Bray was unable to attend the meeting due to the pending arrival of Hurricane Sandy on the east coast.

Chief Guilfoyle introduced Dr. Jeff Manning, BLM's new Research Team Leader and coordinator of BLM's population census program, by providing a brief biography of his experience and expertise. After receiving his PhD from the University of Idaho, he served as a graduate level instructor at the University of Idaho in advanced methods to estimate wildlife populations. Other experience includes involvement in the raising and release of the first California Condors into the wild in the 1990s. Dr. Manning most recently worked for the National Park Service.

During the April 2012, Board meeting, Chief Guilfoyle indicated that BLM was working to hire a full-time Outreach Coordinator position. Since that meeting, Lisa Reid from BLM's West Desert District (Utah) completed a 4-month detail in this position, which helped to refine the duties and responsibilities of the full-time position.

In other employee development opportunities, John Neill, BLM's Operations Manager at the Palomino Valley facility north of Reno, Nevada, is returning after a 4-month detail as an Assistant Field Manager in another BLM office in Nevada.

The Washington Office created a new web page titled "From the Public", accessible from BLM's Wild Horse and Burro web site, which is designed to increase the efficiency of responding to questions and messages from the public.

BLM hosted its second long-term holding pasture tour in Cassoday, Kansas in June 2012, where participants were able to tour both gelding and mare parts of the holding facility. BLM intends to conduct a similar tour in 2013.

Two training sessions (population survey methods and communications/media) were completed within the past six months. Chief Guilfoyle has also been engaged in discussions with BLM's National Training Center in Phoenix, Arizona concerning the need to update existing training curriculum as well as developing new curriculum.

The Washington Office is working to improve the Wild Horse and Burro Program System (WHBPS) software, which tracks animals from capture to title/sale. In addition, Chief Guilfoyle spoke at the Wild Horse Symposium, which was co-sponsored by BLM and the Humane Society of the United States (HSUS).

In closing her remarks, Chief Guilfoyle provided an overview of the contents of Tabs 10, 11, and 14 of the Board's notebook. These tabs contain information previously requested by the Board and/or are new to the notebooks. Information presented in Tabs 8 (Adoptions and Sales Report), 9 (Litigation), and 13 (U. S. Forest Service Report) were not addressed during this meeting.

Budget Report

Holle' Hooks, a Wild Horse and Burro Specialist in BLM's Washington office, provided an overview of the program's actual expenditures in FY2012 and the President's FY2013 Budget Request.

During FY2012, BLM expended $72.4 million during implementation of the WH&B program, which represents 95 percent of the program's total available FY2012 funding of $76 million.[7] Of particular interest to the Board, in FY2012, $545,000 was spent to fund research and $410,000 for the purchase of fertility control vaccine.

BLM's FY2013 President's budget request for the wild horse and burro program is $77 million. The projected total funding level available to the program, which includes reimbursable funds and carryover, totals approximately$78.8 million.

The WH&B program has two performance measures (see inset) that are used to validate the program's accomplishments during a fiscal year.

A question was asked about the significant increase in FY2013 funding allocated for program support/overhead as compared to FY2012.[8] Holle' explained that the FY2013 figure includes $2 million for new research which was not included in the FY2012 budget and the FY2013 figure also includes funding for law enforcement and other administrative costs.

FY2013 Wild Horse & Burro Performance Measures

Percentage of HMAs at AML

Percentage of HMAs gathered where population growth suppression techniques were applied.

[7] FY2012 appropriation of $74,888,000 and FY2011 carryover funding of $1,146,000.
[8] FY2013 - $11.3 million as compared to $5.4 million in FY2012.

A question was asked relating to FY2013 wild horse and burro funding for range improvement projects. In FY2012, $230,000 was expended for shrub/grass projects and water developments; however, no funding has been identified in FY2013. In response, it was explained that there have been range improvement projects accomplished in FY2013; however, funding for those projects has been provided by other resource programs and special initiatives such as the Director's Challenge. A concern was raised as to the lack of funding within the wild horse and burro program identified for the maintenance of existing range improvement projects. BLM responded that range improvement maintenance continues to be completed but is funded through other resource programs. During the discussion, it was suggested that maintenance of range improvement projects is one area where volunteers have and could continue to assist BLM.

Over the past several years, the need for and costs of hauling water to animals has steadily increased. However, based on the information presented, it is unclear where such costs are identified in the budget program elements. In response, BLM indicated that there is not a program element specifically identified for tracking such costs and it is unclear as to where the States' are charging those costs.

A question was raised concerning the program elements[9] depicted in the pie chart slide with very low FY2012 expenditure percentages appearing to be the proactive activities associated with improving the health of the range and animal welfare. Were the low percentages reflective of the low cost for completing those activities or the priority given to those activities in light of the priority for holding animals in short- and long-term facilities, which places the agency in a reactive position? In response, in FY2012, 59 percent of the program's budget was spent for holding animals in short- and long-term facilities, which directly impacts the amount of funding available for other activities. A second question was raised as to how to ensure that proactive activities receive a higher percentage of the FY2013 budget allocation. In response, there are points during the agency's budget process (such as the mid-year review)[10] where allocations for specific activities can be redirected. However, it is important to recognize that with the uncertainty of receiving the funding level in the FY2013 President's budget request, the flexibility to readjust funding will be severely limited. A suggestion was made that the BLM- and Board-formed working groups could be used to identify and explore alternative methods (such as volunteerism) to minimize the costs of certain activities. BLM committed to challenging itself to explore different alternatives for changing the herd population dynamics on the range, which is where change needs to occur. It is also important to recognize that treating animals with population growth suppression applications such as PZP is expensive, but not nearly as expensive as the alternative of holding animals in long-term facilities for the remainder of their life. The key is to utilize population growth suppression agents which have longer effective periods and other methods which reduce the number of animals born on the public rangelands.

A question was raised as to which program element(s) were used to fund the $410,000 spent in FY2012 for vaccines. The assumption was made that it was included in the KF (Animals Gathered for Fertility

[9] Construction/Maintain Shrubs & Grass Projects (0%); Population Growth Suppression Efforts (1%); Plan for Herd Management (0%).
[10] Typically occurs in March of each year.

Control) and KG (Animals Treated to Reduce the Population) program elements. In response, the $410,000 was funded in Program Element PC (Program Support/Overhead).

A question was asked as to the agency's ability to carryover monies from one fiscal year to the next as referenced in the carryover of $1.1 million from FY2011 to FY2012. In response, it was stressed that the intent is to spend carryover monies from a previous year as soon as possible in the subsequent fiscal year. At the beginning of FY2013, there is approximately $1 million of FY2012 carryover funding, which was identified after preparing the information displayed in the Board's notebook.

A final question was asked concerning reporting of the number of HMAs that are within AML. In response, one of the annual reporting requirements is the percentage of HMAs that are at AML, which, in FY2012, was 40% (72 HMAs).[11] The second annual reporting requirement is the percentage of HMAs gathered where population growth suppression techniques were applied, which was 76% (26 out of 34 HMAs gathered) in FY2012.

FY2013 Fall/Winter Gather/Treat/Remove Plan

In developing the FY2013 gather plan, BLM not only involved national and state program specialists but management from all levels of the organization to ensure a more corporate approach was taken.

The approach taken in developing the FY2103 fall/winter gather/treatment/removal plan emphasized the removal of animals from the highest priority areas and increasing the use of PZP treatments. Since May 2012, BLM field offices have been monitoring 65 HMAs and areas where horses are outside of HMAs which have or are experiencing issues such as wildfire, limited forage in terms of quantity and quality, or diminishing water sources. Due to these issues, animals have been moving to areas outside of HMAs and/or into winter ranges much earlier than expected. Animal body conditions are beginning or have begun to decline in some areas, which lead to concerns of the animal's ability to survive the pending winter. Given the state (current and possible future) of the rangelands and the number of emergency gather requests being received, it was prudent not to address the FY2013 summer gather schedule at this time.

Since July 2012, wildfires have burned 650,000 acres within 10 HMAs in Oregon, Utah, and California, which have, in some cases, significantly affected wild horse summer and winter ranges resulting in the emergency removal of animals. The most serious conditions have been experienced in the Paisley HMA (Oregon) and the Jackson Mountains HMA (Nevada) where emergency removal efforts were necessary.[12] Other areas[13] in Nevada continue to be closely monitored.

After release of the FY2013 fall/winter gather schedule, requests to remove an additional 2,000 animals due to declining resource and animal body conditions have been received. With these requests, the gather schedule provided under Tab 5 of the Board's notebook will need to be reprioritized. BLM's priority will be to conduct gathers where the animals are most at risk.

During the question portion of the presentation, a question was asked as to the lack of a burro gather in Arizona in FY2013. In response, an overview of the process used to develop the gather schedule was

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[11] 72 HMAs out of 179 HMAs were reported to be at or below AML.
[12] Bait trapping in the Paisley HMA and a helicopter effort in the Jackson Mountains HMA.
[13] Owyhee and Little Owyhee HMAs.

provided. It was also explained that, with limited funding available, the need to utilize a "corporate" approach to identify the highest gather priorities was emphasized.

Off the Range Space

Zach Reichold, Senior Wild Horse and Burro Specialist from the Washington Office, provided an overview of the agency's short- and long-term holding facilities, which include two 800-animal long-term holding pasture facilities recently acquired by BLM. In addition, the agency has been successful in establishing and delivering animals to a 300-animal eco-sanctuary near Centennial, Wyoming. BLM continues to work with the partner to develop the public tour component of the eco-sanctuary operation.

As of September 28, 2012, there was sufficient space in long- and short-term holding facilities for approximately 700 and 3,200 animals, respectively.

Tab 6 of the Board's notebook contains a summary of the number of animals in short- and long-term holding (see table). In summary, there are 46,500 horses and 1,361 burros in short- and long-term holding facilities, respectively, which represent 92% of the agency's overall capacity.

Wild Horses & Burros in Holding Facilities (September 28, 2012)					
Facilities		Animals			
Type	Capacity (# of Animals)	Horses	Burros	Total	
				Animals	% of Capacity
Short-Term	17,510	12,877	1,361	14,238	81%
Long-Term*	34,326	33,623	0	33,623	98%
Total	51,836	46,500	1,361	47,861	92%

* Long-Term facilities do not include eco-sanctuaries.

In looking toward the future, BLM will be forming a Technical Proposal Evaluation Committee (TPEC) to evaluate eco-sanctuary proposals which have just been received. This review process is expected to require approximately six months. In addition, a solicitation for long-term holding pastures closed on October 1, 2012, which will be evaluated using the same type of process described for the eco-sanctuary solicitation. Also, BLM is continuing its analysis through an Environmental Impact Statement (EIS) of the potential effects associated with a proposal from a non-profit organization for an eco-sanctuary in northeastern Nevada. During the question portion of the presentation, a question was asked concerning the projected population increase expected after removing 3,500 animals as outlined in the FY2013 fall/winter gather schedule. Previously, then-Director Abbey indicated that to maintain population levels at that time, approximately 7,600 animals must be removed annually. In response, based on a 20 percent per year population increase projection, removing 3,500 animals would result in a population increase of approximately 4,000 animals annually. It was noted that the 3,500 animals projected to be removed addressed only the fall/winter gathers and did not include FY2013 summer gathers.

A second question was asked concerning the number of applications received from the eco-sanctuary and long-term holding pasture solicitations. In response to the March 15, 2011, eco-sanctuary solicitation, there were 19 applications received. Of the 19 applications, 5 were determined to be viable for additional evaluation. Of the five viable applications, one was eventually awarded. Until the procurement process has been completed for the long-term holding pasture solicitation, BLM is prohibited from releasing the number of applications received.

Long-Term Holding Video

Ultimately, BLM's goal is to have proper numbers of healthy animals on healthy rangelands. However, until that is possible, placement of animals in long-term holding pasture facilities is necessary. A 2:08

minute video of the June 2012, long-term holding pasture facility tour was shown to provide the Board and members of the audience with a perspective of the animal's welfare and how those animals are cared for on long-term pasture facilities.

Research Advisory Team

Dr. Jeff Manning, BLM's Research Advisory Team Leader, provided an overview of the agency's research efforts. BLM's *Strategic Research Plan for Wild Horse and Burro Management*, developed in 2003 and updated in 2005, addresses five research issues – fertility control, population estimation, genetics, health and handling, and habitat assessment.

Fertility Control

A major research emphasis has been placed on fertility control, which is a management goal for wild horses and a number of wildlife programs around the world. The research being conducted or under consideration includes several fertility control approaches and agents, including immunocontraception and altering herd composition (sex ratios) as a means to suppress population growth.

The first is the SpayVac® Field Study led by the U. S. Geological Survey (USGS) in the North Lander Complex in Wyoming. This study is expected to be initiated in November 2012, and be completed by 2018. This study, which is designed to evaluate the effectiveness of Porcine Zona Pellucida (PZP) in reducing the annual foaling rates and animal behavior, is proposed to involve 90 mares of which 60 would be injected with SpayVac®, a PZP agent. Thirty mares will serve as the control group.

The second study is a joint BLM/USGS effort to adjust the population sex ratio. A presentation on this study was given to the Board during their April 2012, meeting in Reno, Nevada. This approach involves essentially changing the composition of a herd by reducing the number of mares, and introducing geldings and non-reproductive stallions. Changing herd composition to reduce population growth has been in practice by wildlife managers for decades, and examples include Rocky Mountain elk and deer. Currently, this study is not being implemented but may be revisited depending upon interest, funding, and availability of suitable sites for testing.

The third study, a SpayVac® Pasture Trial, is led by the USGS at BLM's Pauls Valley Adoption Facility in Oklahoma. Similar to the North Lander Complex study, this study involves 90 mares of which 60 were injected with SpayVac® in March 2011. The animals were placed in three 30-acre pastures, where they are allowed to interact with stallions annually between May and October. To determine how the mares respond to SpayVac®, researchers measure annual pregnancy and foaling rates, PZP titers, and body condition of each mare. The study is proceeding as planned and blood samples will be drawn in December 2012, to test the second year's effect of the vaccine.

The University of Toledo, Ohio is conducting a 3 to 4-Year PZP Pen Trial at the Northern Nevada Corrections facility in Carson City, Nevada. This study is proceeding as planned, and involves 104 mares which are divided into two control and three PZP-treatment groups. One control group was untreated, while the second control group was a positive control treated with Zonastat-H. Treatments applied to the treatment groups included the level of time release (PZP-22 or PZP 3 to 4-year) and the pellet form (heat

extruded method or cold molded method). Treatments were applied in March 2012, with stallions introduced in the spring of each year. The study is currently in its second breeding season. To understand the effectiveness of the treatments, the researchers are measuring PZP antibody levels and pregnancy rates. The progress report for the second year of the trial was received the week of October 22, 2012, and is being reviewed.

The PZP Field Study, being conducted by the HSUS, was initiated in 2008 in the Sand Wash Basin (Colorado) and Cedar Mountain (Utah) HMAs. Although similar to the original study design, field implementation has deviated somewhat (summarized in the table below), which is attributed to some of the challenges associated with conducting field studies on free-ranging wild horses.

HMA	Date – Season	# of Mares	Treatment	Method
Cedar Mt	2008 –Dec	70	PZP-22 pellets	Hand inject
	2012 – Feb	143	PZP-22 pellets	Hand inject
Sand Wash	2008 – Oct	62	PZP-22 pellets	Hand inject
	2010 Summer / fall	51	Zonastat-H with or without PZP pellets	Remote dart

It is important to note that remote darting within the Cedar Mountain HMA was not feasible due to the inability of researchers to approach the animals. To evaluate how mares respond to these treatments, the researchers continue to monitor annual foaling rates, measure population size, attempt to determine population growth, and record animal body condition, general health, and group affiliation.

The Annenberg Foundation will continue to provide funding through 2012, which allows the HSUS to continue its monitoring efforts. The results of the study to date were presented at the Annenberg Foundation's Wild Horse Symposium in Jackson Hole, Wyoming in August 2012.

Results indicate PZP-22 is less effective than reported for the Clan Alpine, Nevada. A report from the principle investigator in February 2012 postulates that "this failure was due both to the low proportion of Cedar Mountain mares gathered and treated in 2008 and the relatively low vaccine efficacy…"

Population Estimation

There are a series of steps involved in population estimating – survey design, implementation training, data collection, data organization, and model development. This approach is widely accepted and endorsed by the scientific community and embraced by BLM.

USGS has developed two population estimating techniques for BLM's wild horse and burro program – photographic mark-resight and simultaneous double-count. Both techniques are based on sampling and statistical theory, and are derived from methods utilized on numerous species worldwide.

Photographic mark-resight is more appropriately used in relatively small HMAs with rugged terrain, a diversity of vegetation, and a relatively small number of animals. In contrast, the simultaneous double-count method is more appropriate for larger HMAs with broader, smoother terrain, less vegetation diversity, and larger horse populations.

In September 2012, the USGS conducted training on the two methods for an additional eight BLM employees. To date, both methods have been implemented in selected HMAs in Utah, Nevada, and Oregon.

Implementation of the population estimation process across BLM's 179 HMAs is a daunting task which will require time.

Genetics

Dr. Gus Cothrun, from Texas A&M University, continues to evaluate genetic diversity of wild horses for BLM. In September 2012, he gave a presentation at the International Conference on Wild Equids in Austria. In general terms, his research findings indicate that there is no apparent pattern of change in the genetic variation in horses and that the level of variability within herds sometimes increases due to a variety of reasons.

Future Research

There is a continuing need for research in the areas identified in BLM's strategic research plan as well as for other wild horse and burro issues. The National Academy of Sciences is expected to provide BLM with information in June 2013, identifying additional research needs.

In summary, landscape-scale changes due to climate change and increased demands for water resources across the west offer researchers a daunting challenge to understand impacts on plant and animal populations. Dr. Manning recommended the wild horse and burro program arms itself with the best biological and scientific information available including high quality research (field research, observational studies, and adaptive management strategies) from across disciplines that are grounded in the principles of experimental design. BLM will also need to engage other fields of biology such as landscape genetics, systems modeling, space use and resource selection estimation, remote sensing, and GPS collar technology to bring in new approaches and technologies.

"Population estimation is a quantitative approach, mathematical, and exciting."

Dr. Jeff Manning

BLM-Formed Working Groups Updates

Comprehensive Animal Welfare Program

The vision of the Comprehensive Animal Welfare Program (CAWP) is to develop SOPs for each phase of the wild horse and burro program including on-the-ground management, gather and capture operations,

short- and long-term holding facilities, adoptions, and transportation of animals. In addition to developing the SOPs, the CAWP will include training and audit components.

Detailed SOPs have been developed for gather operations, which were shared with the Board's working group. These SOPs can't be implemented in their entirety at this time because they exceed the specifications and scope of the existing gather contracts. Full implementation will require a new request for proposal and rebidding. In the near future, the Washington Office will issue guidance to the Contracting Officer's Authorized Representatives, who are responsible for representing the government during gather operations on-the-ground, and continue working to negotiate some modifications to the existing contracts. In addition, BLM is working with Dr. Carolyn Stull, an Animal Welfare expert at the University of California, Davis, to correlate an assessment tool with the gather operation SOPs. Dr. Stull will also be working in consultation with other Animal Welfare experts to refine the gather operation SOPs.

After January 1, 2013, the Washington Office anticipates initiating efforts to develop SOPs for short-term holding and other aspects of the program.

The CAWP will be dynamic and likely change over time based on the analysis of audit results. Data from audits may lead to changes in operational procedures, SOPs, and/or required training to better ensure humane handling and care of wild horses and burros. The CAWP program in ten years will likely be different than the program being developed today.

During the question portion of the presentation, a question was raised as to how realistic is it to expect the existing gather contracts to be modified to implement the SOPs. BLM responded by indicating that it is optimistic that the contracts will be modified. To date, contractors have been receptive to implementing parts of the SOPs even though the SOPs are not required in the contracts as currently written. The Board member who asked the question was pleased that changes are being phased in and that action is being taken now. The Board member also expressed his appreciation for BLM's willingness to utilize outside expertise, such as Dr. Stull, which adds credibility to the effort.

Increasing Adoptions
Other Items Needing Discussion

Focusing adoptions in the Eastern States and New Mexico regions

Increasing prison training programs

Using horse trainers to a greater degree

Approaching universities with equine programs

Increasing use of volunteers

Expanding the use of social media and other technology

Increasing Adoptions

During development of the Secretary's Initiative, placing excess animals in private care was explored. The BLM-formed working group[14] is an extension of that effort. Although the team did not present specific recommendations to the Advisory Board at this meeting, they have identified a number of topics (see inset) for further discussion.

During the question portion of the presentation, a suggestion was made to consider a "pre-adoption assessment tool" to ensure an animal is right for adoption. Not all animals are suitable for adoption. In

[14] Sally Spencer representing BLM, Julie Gleason and June Sewing who serve as external experts.

response, it was mentioned that a similar effort is used in the prison training system to ensure animals are suitable for gentling.

Eco-Sanctuaries

The eco-sanctuary team[15] has identified several focus areas to explore for increasing public involvement in the eco-sanctuary program. One focus area is development of different requirements for eco-sanctuaries in the East where the amount of land owned by an individual is relatively small as compared to areas in the West.

A second focus area is to expand the involvement of local volunteer organizations in assisting BLM in completing compliance inspections of eco-sanctuaries, especially in the eastern United States where there is a limited BLM presence.

A third focus area is to revise the marketing strategy to more effectively transmit BLM's message concerning the importance of the wild horse and burro program, increasing the American public's understanding of the program, and reducing or deferring the costs associated with operating the program.

A fourth focus area is the identification of groups or organizations that can be contacted to assist in promoting eco-sanctuaries.

During the question portion of the presentation, a lengthy discussion took place concerning the benefit(s) received by establishing public/private eco-sanctuaries in areas with existing HMAs. Several different points were raised during the discussion including (1) a concern that eco-sanctuaries established in areas with existing wild horse populations could possibly replace the natural population dynamic with an artificial dynamic; (2) difficulty in understanding the benefit(s) of establishing a public/private eco-sanctuary when the animal population of the area (HMA and the eco-sanctuary) is not allowed to exceed the AML of the HMA; (3) the concept of public/private eco-sanctuaries is in its infancy and the benefits to be received are not yet clearly understood; (4) a major goal of establishing eco-sanctuaries should be to provide habitat for animals which have been removed from an area to protect rangeland health; and (5) proposals for public/private eco-sanctuaries should be carefully reviewed by BLM through its land use planning process.

In summary, as a result of the discussion, philosophical differences of opinion remain as to the value of public/private eco-sanctuaries, which are just beginning to be addressed. As time progresses, new and different public/private eco-sanctuary proposals will continue to surface, adding complexity to the evaluation of the program.

National Wild Horse & Burro Gather Guidance

The BLM is committed to developing consistent national guidance which allows flexibility for the agency's State and Field Offices to adjust to local conditions. Currently, national guidance is being developed for three specific areas associated with gathers – use of the Incident Command System, public and media access, and internal reporting procedures. Utilizing input from a team involving over 50 people including state and field Wild Horse and Burro Specialists, BLM field management, BLM's

[15] Zach Reichold representing BLM, Julie Gleason, Callie Hendrickson, and Tim Harvey who serve as external experts.

Washington Office Division of Public Affairs, and Gary Zakotnik who served as an external expert, the Wild Horse and Burro Division has submitted the guidance to BLM's senior management for approval.

Public Comment Period

A public comment period was conducted from 3:30 PM to 4:30 PM allowing 21 speakers opportunity to address the Board. Each speaker was asked to limit their presentation to three minutes to ensure all speakers had opportunity within the timeframe identified for public comment. Speakers were encouraged to submit their comments in a written format; therefore, no minutes were recorded during this portion of the meeting.

Following conclusion of the public meeting, Chair Spratling asked BLM if there were any clarifying statements they would like to make based on the public comments. Division Chief Guilfoyle indicated that her office will utilize the new "From the Public" web site to respond to questions that were asked or address facts may have been misrepresented during the public's comments.

After allowing each Board member opportunity to provide feedback concerning the day's meeting, Dr. Spratling adjourned the meeting at 4:52 PM.

Tuesday, October 30, 2012

Kathie Libby opened the second day of the National Wild Horse and Burro Advisory Board meeting at 8:05 AM by announcing the information provided in the Board's notebook had been posted on BLM's website. The power points shown during yesterday's presentations will also be available on BLM's website within the next week.

Advisory Board-Formed Working Groups Updates

Dr. Boyd Spratling opened the discussion by explaining the two types of working groups – BLM-formed and Advisory Board-formed working groups. Yesterday, the Board heard from the BLM-formed working groups. Discussions today will focus on efforts of three Advisory Board-formed working groups – eco-tourism, herd area repopulation, and population growth suppression.

Population Growth Suppression

Members of this working group are Dr. Boyd Spratling, Tim Harvey, Jim Stephenson, and Dean Bolstad (BLM's representative). Given the current number of horses being held in short-term holding facilities and the cost of holding animals in long-term facilities, which combined consume 59 percent of BLM's FY2012 wild horse and burro budget, the working group focused on former Director Abbey's recommendation to pursue measures which reduce the herd's population size expansion as opposed to more frequent gathering of animals.

The working group reviewed population growth suppression products currently available and/or being tested including immunocontraception (PZP, PZP-22), SpayVac®, and GonaCon. Issues or challenges with these various products include the duration of effectiveness, not being able to inject a booster in a timely manner, the length of time needed to test and obtain approval to use some products on a wide spread basis, and the costs associated with the products and their implementation.

An alternative approach to addressing the challenge of reducing the population growth is the spaying of mares (ovariectomy), which is considered, by the working group, to be viable, readily available, and less expensive. Dr. Spratling explained that spaying of a mare is a relatively simple procedure that removes the animal's ovaries thus preventing the mare from producing an egg for fertilization. In its deliberations, the working group developed a supporting document (Attachment 1) that would accompany the Board's recommendation (should one be made) to the BLM. It was stressed that spaying of mares (if approved) should supplement, not replace, the existing tools available to BLM for managing population growth. Different situations including the time of year, dynamics of the individual herd or HMA, etc., should dictate the appropriate tool to use.

In developing its recommendation, the working group recognized the critical on-the-ground issues, the agency's budget crisis, the implications of a lack of an injectable product with an effective duration, and the level of public controversy surrounding the spaying of wild horse mares but saw no better available opportunity.

In its deliberations, the entire Board recognized that something needs to be done to address the on-the-ground and fiscal issues. If spaying of mares becomes one of the tools available to BLM in its management of the wild horse populations and there is a corresponding reduction of costs spent for the holding of animals in short- and long-term facilities, Board members expressed a desire to have more funding focused on additional research, rangeland improvement efforts, etc.

One Board member expressed support for spaying of mares as long as the use of helicopters for gather operations was continued. Bait and/or water trapping is appropriate in certain situations and locations; however, it is not as effective as using helicopters in other situations and locations.

Ecotourism

Members of this working group were Callie Hendrickson, Julie Gleason, and Tim Harvey. In its deliberations, the working group interacted with the BLM-formed eco-sanctuary working group; however, today's report only addressed ecotourism. Issues important to this working group included land health, animal health, financial benefit, and balanced education.

If existing HMAs are utilized for ecotourism opportunities, it will be important to identify HMAs which provide the best public viewing opportunities. Another consideration is the proximity of local groups engaged in the management of the HMA. Such groups typically know the area, understand the animals, and have a positive relationship with BLM's local office. Such groups should be utilized in developing protocols for observing animals, identifying other HMAs for ecotourism opportunities and serving as a liaison with local community tourism agencies and organizations.

Other suggestions or ideas identified by the working group included:

- Developing guidelines for identifying suitable partners;
- Developing an ecotourism education component that addresses rangeland health, multiple use management, history of the herd, wild horse and burro program information (population, program costs, fact sheets), appropriate actions when observing animals, children involvement, etc.;
- An annual review of compliance and established procedures; and,

Board Issues or Statements

It is critical to keep animal numbers (livestock, wildlife, and wild horses) in balance with the carrying capacity of the rangeland.

If areas received a cold and snowy winter, as wished by many, animals in marginal or poor body condition may not survive.

Livestock producers and State wildlife agencies have more flexibility when addressing poor rangeland conditions as compared to BLM with the wild horse population.

In emergency conditions, hauling of water is appropriate; however, when it is necessary for an extended period of time, it should be a "red flag" that current management is not appropriate to sustaining proper rangeland condition.

It is critical that BLM meets its commitment to achieve AML in HMAs that contain critical sage grouse habitat. Failure to meet this commitment would send the wrong message to the U. S. Fish & Wildlife Service as it makes its threatened/endangered listing determination.

The Board would like better access to the information distributed by BLM to the public (news releases, brochures, fact sheets, etc.).

- If the partnership results in a financial gain to the organization, it should be permitted through BLM's Special Recreation Use process or a similar type of authorization.

Herd Area Repopulation

The working group, consisting of Tim Harvey, June Sewing, and Paul Durbin, recognized that repopulating HAs, where wild horses had been removed (zeroed out) at some point in the past, would be a contentious issue. The working group did not have a specific proposal for presentation to the Board at this meeting but will continue discussions concerning an approach of establishing an eco-sanctuary within a recognized HA.

In its discussion, different thoughts offered by Board members included the need to establish rules governing the placement of animals in HAs (including not allowing the AML for the area (once established) to be exceeded and ensuring animals are not placed in sensitive areas (sage grouse habitat)); establishing a steering committee which should include members of the public;[16] establishing non-reproducing herds; and when identifying appropriate HAs, consider why the HMA originally was zeroed out.

The working group was not prepared to offer a recommendation to the Board at this meeting but will continue its discussions prior to the next Board meeting.

Board Member's Concerns and Issues

Prior to the meeting, the Board asked for an opportunity to express concerns or identify issues which they have been made aware of, or observed personally.

A video was shown which documented animal welfare and rangeland (lack of adequate water and feed) issues in northeastern Nevada observed by four Board members in July 2012. The video displayed the challenges faced by local BLM offices and, more importantly, the challenges faced by animals on the ground. Issues included declining animal body condition, areas immediately surrounding water sources devoid of vegetation, animals travelling long distances to obtain sufficient feed and water, and differences in vegetation composition and density inside and outside of exclosures due to overgrazing. The primary

[16] The Board recognized the potential issues with the Federal Advisory Committee Act.

intent of showing the video was to stress that in areas where range health adversely affects the animal's health, it is necessary to remove animals for their protection as well as the protection of the rangeland.

There were several questions raised regarding presentations made at the Board's April 2012, meeting. One addressed the appropriate mechanism for obtaining the status of projects approved under the Director's Challenge initiative. In response, the Washington Office is preparing a report on the status and accomplishments of the approved projects. Once completed, the report will be available on the BLM's web site.

A second question related to the status of issuing the National bait-trapping contract. The contract was awarded to six local contractors during the summer of 2012.

A third question addressed the status of achieving AML on HMAs which contain critical sage grouse habitat. BLM was not able to provide an immediate response and committed to providing a response at a later date.

In addition to the questions identified above, other issues and statements were made, which are summarized in the inset above.

Board Recommendations

After considerable discussion, the Board prepared the following recommendations to the BLM.

Recommendation 1: The National Wild Horse and Burro Advisory Board recommends the formation of a Board-formed financial working group, and that Callie Hendrickson and Paul Durbin serve as members. The purpose of the working group would be to understand how BLM's budget works and help Board members better understand where costs are accounted.

Recommendation 2: The National Wild Horse and Burro Advisory Board recommends that BLM add ovariectomy (refer to Attachment 1) as one additional tool for population growth suppression. The population growth suppression working group would continue to work with BLM to advance implementation, setting protocols, priorities and ensuring flexibility in implementation.

Recommendation 3: The National Wild Horse and Burro Advisory Board recommends that eco-sanctuaries should not be considered on public HMA lands where horses currently exist.

Recommendation 4: The National Wild Horse and Burro Advisory Board recommends the formation of a Board-formed working group to consider public comment, and that Paul Durbin, June Sewing, and Tim Harvey serve as members.

Recommendation 5: The National Wild Horse and Burro Advisory Board recommends the formation of a Board-formed working group/liaison with BLM to nurture Director's Challenge-type efforts that support volunteer resources, and that Paul Durbin, Julie Gleason, and June Sewing serve as members.

Board Recommendation Discussions Which Were Dropped From Further Consideration

Sage Grouse/HMA Overlap Areas

A proposed recommendation was suggested to ensure the BLM's Wild Horse and Burro and Sage Grouse initiatives were working in concert to place a high priority on the attainment of the established AMLs within HMAs containing critical sage grouse habitat. After considerable discussion, the decision was made not to forward the recommendation to the BLM for consideration.

Next Board Meeting

The next Board meeting was tentatively scheduled for either January 21, 2013, or April 22, 2013, in a mid-West location. Suggested locations were Kansas City, MO (or Kansas) or Oklahoma City, Oklahoma.

Closing Remarks

In her closing remarks, Division Chief Guilfoyle thanked the BLM employees who played an active role in preparing for and contributing to this meeting. In addition, she extended her appreciation of Kathie Libby's efforts as the meeting's facilitator.

Chief Guilfoyle expressed her appreciation for the opportunity to clarify the Board's recommendations, which ensures BLM clearly understands the Board's recommendation. This opportunity has not been afforded in the past.

During yesterday's BLM Leadership Remarks, Assistant Director Roberson made reference to accusations regarding the practices of a specific buyer of wild horses and BLM's subsequent and ongoing investigation. Chief Guilfoyle directed the Board and members of the public to the "From the Public" link on BLM's national web site for an updated summary of that situation.

Chief Guilfoyle expressed her appreciation for the thoughtfulness of the Board's discussions and, in particular, the sage grouse discussion associated with developing recommendations which aired the complexity and challenges of that issue. The Board continues to serve as a model of how people with different opinions, perspectives, and backgrounds can work together.

Chief Guilfoyle made reference to comments made by the public concerning the Board's "multiple use" orientation and the Board being "skewed" toward the BLM's positions. She believes BLM's multiple use mandate shapes the "multiple use" orientation of the Board and that the Board appropriately represents the diversity of the American people who use the public lands.

In response to another public comment referencing a "one size fits all" approach used by BLM in managing wild horses and burros on public lands, Chief Guilfoyle emphasized her role as a "change agent" within the program, focused on ensuring BLM uses all available tools in managing the Nation's wild horse and burro populations and their habitats. She also emphasized there is always room for improvement and that BLM is committed to finding healthy, humane homes for these animals, humane animal handling, and, most importantly, healthy animals on healthy rangelands.

She also greatly appreciated the video shown by Board members of their visit to HMAs in northeastern Nevada. BLM may have video to show at future meetings. A question was asked if BLM's footage could be made available on the Web. In response, the footage is in a raw format and it was unclear if it could be made available but a commitment was made to explore the suggestion.

Chief Guilfoyle mentioned the "Impact of the Horse" event that she will be attending on Friday, November 2nd and Saturday, November 3rd at the Wasatch County Events Center in Heber City, Utah. One interesting event, sponsored by the local BLM office, is a competition between trained domestic and trained wild mustangs. She encouraged everyone to attend this event if they are in the local area.

Deputy Division Chief Dean Bolstad also expressed his thanks to the Board for their efforts indicating that it was clear that they understand the agency's challenges in managing the program, they're engaged with the public and working, often at their own expense, to understand and address the issues.

Board member, June Sewing, wished to thank the Utah BLM employees who were involved with this meeting as well as for all the work that they do for the wild horse and burro program.

Meeting Adjournment

The meeting was formally adjourned at 12:14 PM.

Acronyms

The following acronyms were used during the meeting and listed in alphabetical order.

Acronym	Meaning
AML	Appropriate Management Level
BLM	Bureau of Land Management
CAWP	Comprehensive Animal Welfare Program
ES&R	Emergency Stabilization and Rehabilitation
FY	Fiscal Year
HA	Herd Area
HMA	Herd Management Area
HSUS	Humane Society of the United States
PZP	Porcine Zona Pellucida
SOP	Standard Operating Procedure
TPEC	Technical Proposal Evaluation Committee
USFS	USDA, United State Forest Service
USGS	U. S. Geological Survey
WH&B	Wild Horse and Burro

Attachments

Attachment 1 – Population Growth Suppression Alternative

Population Growth Suppression Alternative

Sept 10, 2012

BLM Advisory Board Recommendation on Population Growth Suppression

The Crisis: The numbers of horses in holding has ballooned to the point it consumed 59% of the FY 2012 WHB budget and threatens the viability of the health and welfare of the horses and the entire program. This is economically unsustainable. The GAO Study highlighted the need for changes to reduce the number of horses in holding. An alternative to removing horses from the range is to reduce the population growth potential therefore stabilizing populations on the range. There is an immediate need for additional and effective tools for population control.

Background: The BLM has been tasked with managing wild horses and burros on public lands in approximately 178 designated Herd Management Areas throughout 11 western states. The overwhelming challenge facing the BLM in regard to managing the wild horse and burro populations on public land has been and will continue to be population growth suppression of the herds. This population growth control is necessary due to the delicate ecological balance required on many of the rangelands where these wild horses and burros roam. This has been done in the past by gathering wild equids using mostly helicopter gathers and removing the horses and burros from the rangelands. This is expensive and very stressful on the animals. It attracts a lot of criticism by horse advocates and is a very expensive technique. Herein lays the challenge. How to keep populations at a healthy genetic and social level for the horses and burros as well as healthy levels for the

rangelands and still allow the horses and burros to live as natural and undisturbed as possible? This challenge is compounded by several factors.

- The high costs associated with techniques used currently. Specifically;
    - Helicopter gathers to address AML
    - Administration of PZP and PZP-22 fertility control drugs
    - Housing and care of excess horses in STH facilities (35%)
    - Housing and care of horses in LTH facilities (24%)
    - Cost studying future fertility control products
- Products now under consideration are expensive and not readily available for widespread use due to slow approval processes by the regulatory agencies charged with oversight.
    - Widespread use of SpayVac could be delayed years into the future.
- Currently used products such as PZP22 do not fulfill the needs of the WHB program. With expected duration of effectiveness to be about two years, re-administration and related gather of horses would be expensive and result in additional stress to the horses.
- The need to repeatedly and regularly gather horses to administer fertility control drugs.
- The recurrent costs (planning, re-gather, & administration of Immunocontraception) in monetary terms as well as the resulting stress on the animals.
- Bands of horses are intermingled.
- The costs of removal of animals from their home rangelands in excess of AML.
- The resulting costs of housing the animals removed from HMA's
- The costs of staff, maintenance and operations associated with the planning documents, management of the overpopulated HMAs, and the costs of operating various holding facilities for the excess horses and burros.
- The negative press associated with gather activity from horse and burro advocates and the legal fees resultant from law suits filed to stop gather activity by the BLM.

- Conflicting multiple use of public land i.e. wildlife, mining, ranching, recreation, hunting, watershed values with the needs of the horses and burros.

With the above considerations, a long lasting, immediately available alternative would be of value. Therefore, this proposal will focus on a surgical procedure as a proposed population growth suppression method and explore the possible benefits it offers as well as the potential drawbacks. The procedure is called an Ovariectomy

Ovariectomy of Mares as a method of Population Growth Suppression in Wild horse and Burro herds

An Ovariectomy is a relatively simple surgical procedure that removes the ovaries from a mare. Ovaries produce eggs for reproduction. They also produce the hormonal process that causes estrous and the subsequent stallion breeding stimulation that results from the stimulus of the estrous cycle. The ovariectomy procedure has been performed for many years and there are accepted protocols for its utilization and implementation. It has a proven track record with several potential beneficial results toward achieving AML and could work to alleviate over population as well as herd structure disruption in HMAs.

The procedure is simple and is safe to perform in the field. Its costs are comparable to a single dose of PZP with NO need to handle the mare again in her natural lifetime. Ovariectomy is a one-time procedure and unlike fertility control drugs, does NOT have to be repeated. It eliminates the need to repeatedly gather horses simply to implement fertility control measures to individual animals.

One criticism of a permanent procedure such as ovariectomy is the potential loss of genetic viability within the genetic pool of any given population. Allowing a mare to have 2, 3 even more foals before the Ovariectomy procedure is administered would address that issue. The use of Ovariectomy would be restricted to use in older mares that have had an opportunity to contribute their genetic uniqueness to the herd structure. The optimum age to apply this measure would have to be determined and may vary from HMA to HMA or from band to band. Priority

candidates could be identified by a scientific panel which would include geneticists, surgeons and others.

Benefits of Ovariectomy versus growth suppression drugs

An Ovariectomy would stop estrous so that mares would no longer be fertile. They would also no longer come into an estrous cycle and attract breeding activity. This will dramatically reduce injury potential to the mare as well as the resultant injury risks to stallions. Stallions are commonly injured by mares while breeding as well as in battles with other stallions over mares in estrous. A major drawback of PZP is that while it disrupts fertility in mares, it does not stop the estrous cycle. The resultant constant breeding cycle creates havoc within the herd band and subjects the mare to repeated breeding and a higher risk of injury.

Allowing the younger mares to have foals will help keep herd structure intact and NOT disrupt the bands. The older mares would remain in the herd as valuable members of the herd. Their acquired knowledge base would stay intact with the herd health benefiting from their continued presence and guidance in day to day activities as well as knowledge of resources such as forage and water.

The herds would all still have a reproducing element but the overall reproduction rate of the herd band would be much lower and the need to have gathers would be greatly reduced.

The removal of a mare from the breeding cycle would also allow for the older mares to live a less stressful life. As mares age, they are increasingly drawn down physically by the repeated process of gestation and nursing. Taking them out of that process as they age will allow for a better quality of life for these mares.

Gather Changes

In selected HMA's, water and or bait traps should be utilized to gather horses and burros. This method is much less stressful on horses and the gather activity can be done by in house staff rather than outside contractors. This gives a better level of quality control as well as lower costs to BLM. There are other benefits as well.

- Horses could be trapped in their individual bands

    - This would allow band structure to be noted by staff and decisions on band size adjustment more easily made.
    - Staff becomes familiar with individual and band dynamics. Understanding these aspects will make for better staff decisions in regard to herd management practices.
    - Bands would not be mingled with other bands. Avoiding the resultant confusion and disruption of band continuity that result with gather techniques currently used.
    - Band and individual records could be developed. This info could prove invaluable over time to develop Herd Management Plans that will benefit the range, the herds and individual animals.
- Much lower costs for management of populations than current methods.
    - Eventual elimination or downsizing of most holding facilities. Excess horse removal numbers would be much easier to match to adoption demand requiring far fewer resources.
    - Freeze brand on mares with ovariectomy would eliminate the need to handle them in the field.
    - Herds would only have to be handled by a few individuals rather than a large crew during management operations.
    - As the younger mares age, an occasional hands on operation to perform ovariectomies or remove a few horses would be done by in house staff at the trap site rather than by mass gather and transport to remote facility. This would be a much less expensive process and less stressful and disruptive to the animals.
    - Individual animals selected for specific study in the wild could be easily microchipped at these in house gathers for positive ID in future field studies.
- Other potential benefits of this proposed program
    - Water and bait traps can be built with assistance of concerned citizens and advocate volunteer corps
    - This volunteer process would allow these folks to participate in making a positive change for the horses and burros. Enhancing the image of BLM

- Observation points at trap areas could also be utilized by these same people or university groups for individual or group study of horses, burros and band dynamics.
- Using volunteers who are concerned about the health and welfare of wild equids, the BLM can create an opportunity to embrace the groups and people who have traditionally been at odds with the BLM and their policies.

Concerns

There will always be concerns and drawbacks to any procedure that interferes with natural selection. Just by interfering with the natural selection process will be objectionable to some. But the mandate of the BLM requires the agency to maintain healthy rangelands for all users of public lands. Horses, burros, wildlife, ranching, recreational use, mining, etc., all have to be considered.

With any surgical procedure there is always some risk. Whether it is from sedation or complication from the surgical procedure itself, surgery is never 100% safe. However, the ovariectomy procedure has a long standing history of being an effective and relatively safe procedure that absolutely controls fertility and could be a valuable tool in population growth suppression in the management of wild horse and burro herds on public land. It has long been used in the race horse industry to control erratic estrous issues in athlete horses. The overall costs could be considerably less than with the administration of PZP and PZP 22 in both monetary terms and dramatically reduce stress and disruption of herd bands.

In evaluating the ovariectomy procedure as an alternative in population growth suppression, the possibility and feasibility of developing a laparoscopic ovariectomy procedure is currently being explored. The potential laparoscopic procedure has been discussed with a veterinary university program. They have expressed an interest in exploring the development of this approach. The possible benefits of simplifying the ovariectomy procedure would be reduction in recovery time and complications, easy implementation in the field by contract veterinarians, improvement in safety for the animals and staff as well as lower monetary costs

associated with the field application of this procedure. No specific procedure or approach would be identified as the standard.

Another potential issue would be aftercare and observation of mares after the procedure has been performed. In a water or bait trap gather, the animals could be easily monitored for an amount of time required to ensure a better recovery rate before release back to the rangelands.

Some will have objections to the permanence of a surgical procedure. One advantage of a permanent procedure would be to eliminate or greatly reduce the frequency and/or the necessity to gather and handle the horses and burros that have received the surgery. At the very least, using water and bait trapping, animals that have had the procedure would be clearly marked by freeze brand so handling at the trap site could be kept to a minimum. Genetic viability would be addressed through scientific prioritization of age class to be spayed.

Summary

The potential to reduce the reproductive rate of the herds while allowing every mare to contribute her unique genetic material to the herds is a dynamic element in this proposal. Using ovariectomy as a population suppressant is a departure from the protocols currently in place. We believe that this change of direction is a viable alternative to practices currently in use with great potential to benefit the horses, BLM and the rangelands.

- It reduces costs.
- It is a one-time procedure.
- It reduces stress on individual animals, bands and HMAs.
- It allows for the preservation of a natural band structure with little interference by humans.
- When interaction with humans is required, due to the lower frequency needed, it will be considerably less invasive and disruptive to the herd bands. If gather is by water or bait trapping, this would be markedly less!
- It will allow easier study access so the protocols can be tweaked to suit individual band and range needs.

- It embraces horse advocates and concerned citizens who wish to participate in a positive process of change for the horses and burros under BLM jurisdiction.
- It may reduce gather injuries and deaths that occur in current gather activities.

BLM Wild Horse and Advisory Board

Co-chairs

Boyd M. Spratling DVM

Julie Gleason

Wild Horse and Burro Advisory Board's Recommendations
to the Bureau of Land Management
October 29-30, 2012, Salt Lake City, Utah

Recommendation 1: The National Wild Horse and Burro Advisory Board recommends the formation of a Board-formed Financial Working Group; and that Callie Hendrickson and Paul Durbin serve as members. The purpose of the working group is for Board members to better understand how the federal budget process works and where program costs are accounted for within budget documents.

BLM's Response: The BLM accepts this recommendation that Callie Hendrickson and Paul Durbin serve as members of the Board-formed Financial Working Group. Holle Hooks will serve as the point of contact for this Working Group.

Recommendation 2: The National Wild Horse and Burro Advisory Board recommends that BLM add ovariectomy (refer to Attachment 1) as one additional tool for population growth suppression (PGS) on the range. The Population Growth Suppression Working Group would continue to work with BLM to advance implementation, setting protocols, priorities and ensuring flexibility in implementation.

BLM Response: The BLM appreciates the Board's recognition that the development of additional population growth suppression (PGS) methods, such as ovariectomies, is greatly needed to suppress population to levels that would eventually reduce stress on rangelands. Section 1333 (b)(1) of the 1971 law names "sterilization" as an optional tool for achieving appropriate management levels. Exploring the use of ovariectomies as a wild horse and burro management tool should begin with research to determine which procedure, among several commonly applied to domestic animals, would be the most safe, effective and humane for free-roaming animals. After that determination is made, it will be equally important that actual effects of ovariectomies on population growth levels be evaluated. The Wild Horse and Burro Program's Research Advisory Team plans to discuss these matters with BLM management at its next meeting, and develop a multi-step plan. Coordination with External Experts from the Advisory Board-formed PGS Working Group will continue.

Recommendation 3: The National Wild Horse and Burro Advisory Board recommends that eco-sanctuaries should not be considered on public herd management area (HMA) lands where horses currently exist.

BLM Response: Working in partnership with others to create eco-sanctuaries for wild horses and burros is an initiative of Department of Interior. When new leadership is in place, the BLM will include the Board's recommendation in discussions regarding future public-private land eco-sanctuaries. The BLM's response to this recommendation is therefore deferred to a later time. The BLM will continue the National Environmental Policy Act process currently underway for a proposed public-private lands eco-sanctuary in northeastern Nevada, which includes an Environmental Impact Statement that will inform the final decision, expected in 2014.

Recommendation 4: The National Wild Horse and Burro Advisory Board recommends the formation of a Board-formed working group to consider public comment; and that Paul Durbin, June Sewing, and Tim Harvey serve as members.

BLM Response: The BLM accepts the recommendation of Paul Durbin, June Sewing, and Tim Harvey to serve as the Board-formed working group to consider public comments. Debbie Collins will serve as the point of contact for this Working Group.

Recommendation 5: The National Wild Horse and Burro Advisory Board recommends the formation of a Board-formed working group/liaison with BLM to nurture Director's Challenge-type efforts that support volunteer resources; and that Paul Durbin, Julie Gleason, and June Sewing serve as members.

BLM Response: The BLM accepts the recommendation of Paul Durbin, Julie Gleason, and June Sewing to serve as the Board-formed working group/liaison with BLM to nurture Director's Challenge-type efforts that support volunteer resources. Debbie Collins will serve as the point of contact for this Working Group.

UNITED STATES DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
AND
UNITED STATES DEPARTMENT OF AGRICULTURE
FOREST SERVICE

NATIONAL WILD HORSE AND BURRO ADVISORY BOARD

CHARTER

1. **COMMITTEE'S OFFICIAL DESIGNATION:** Wild Horse and Burro Advisory Board (Board).

2. **AUTHORITY:** The Board is established pursuant to Section 7 (16 U.S.C. 1337) of the Wild Free-Roaming Horses and Burros Act (16 U.S.C. 1331-1340) (Act), and in accordance with the provisions of the Federal Advisory Committee Act (FACA), as amended, 5 U.S.C., App. 2. In addition, the Bureau of Land Management (BLM) is subject to additional standards and procedures for the creation, operation, and termination of BLM advisory committees. Refer to the 1995 BLM regulations (43 C.F.R. Subsection 1784) for specific regulations regarding: composition (1784.2-1); avoidance of conflict of interest (1784.2-2); calls for nominations (1784.4-1); notice of meetings (1784.4-2); open meetings (1784.4-3); and records (1784.5-3).

3. **OBJECTIVES AND SCOPE OF ACTIVITIES:** The Board will assist and advise the Secretary of the Interior, through the Director of the Bureau of Land Management, and the Secretary of Agriculture, through the Chief of the Forest Service (FS), on wild horse and burro policy formulation and oversight of the Wild Horse and Burro (WH&B) Program administered under the provisions of the Act.

4. **DESCRIPTION OF DUTIES:** At the request of the Director of the BLM, and in an advisory capacity only, the Board will gather to analyze information and consider public comments in order to offer advice and develop recommendations for the Secretary of the Interior, the Director of the BLM, the Secretary of Agriculture, and the Chief of the FS on matters relating to their responsibilities under the Wild Free-Roaming Horses and Burros Act of 1971. Those responsibilities include the protection and management of wild free-roaming horses and burros as components of the public lands; designation and maintenance of specific ranges on public lands as sanctuaries for their protection and preservation (where appropriate); management at the minimal feasible level to protect natural ecological balance of all wildlife species which inhabit such lands, particularly endangered wildlife species, and to ensure forage allocations on any such lands take into consideration the needs of other wildlife species which inhabit such lands.

   Specifically, the Board may be directed to:

   a. Review current and proposed management policies on the protection, management, and control of wild horses and burros, the disposition of

excess wild horses and burros, and recommend appropriate changes that will facilitate these actions;

b. Review current program guidance and procedures and advise the BLM and FS as to whether they are effective for implementing program policy;

c. Advise the BLM and FS on ways to stimulate public and private participation to facilitate the adoption process and to provide for humane care for animals determined to be unadoptable;

d. Advise the BLM and FS on ways to foster cooperation and provide liaison among Federal, state, tribal, and local governments, private organizations and affected interests, humane groups, the scientific community, and others;

e. Advise the BLM and FS in assessing the scientific basis for managing populations of wild horses and burros; and

f. At the end of the 2-year charter period, compile a written report to the Secretaries of the Interior and Agriculture highlighting the results of its deliberations and make recommendations concerning major policy issues as requested by the Director of the BLM and the Chief of the FS.

5. **OFFICIAL TO WHOM THE BOARD REPORTS:** The Board reports to the Secretary of the Interior, through the Director of the BLM, and the Secretary of Agriculture, through the Chief of the FS.

6. **SUPPORT:** Administrative support for activities of the Board will be provided by the BLM.

7. **ESTIMATED ANNUAL OPERATING COSTS AND STAFF YEARS:** The annual operating costs associated with supporting the Board's activities are estimated to be $128,500, including all direct and indirect expenses and .5 staff years.

8. **DESIGNATED FEDERAL OFFICER:** The Designated Federal Officer (DFO) is the BLM's Assistant Director for Renewable Resources and is a full-time Federal employee appointed in accordance with Agency procedures. The DFO will approve or call all of the Board and subcommittee meetings, prepare and approve all meeting agendas, attend all Board and subcommittee meetings, and adjourn any meeting when the DFO determines adjournment to be in the public interest, and chair meetings when directed to do so by the Secretary.

9. **ESTIMATED NUMBER AND FREQUENCY OF MEETINGS:** The Board will meet approximately one to four times annually, and at such other times as designated by the DFO.

10. **DURATION:** Continuing.

11. **TERMINATION:** The Board will become inactive 2 years from the date the Charter is filed, unless, prior to that date, it is renewed in accordance with the provisions of Section 14 of the FACA. The Board will not meet or take any action without a valid current charter.

12. **MEMBERSHIP AND DESIGNATION:** Members will be appointed and serve at the pleasure of the Secretaries of the Interior and Agriculture. Members will be appointed as representatives or Special Government Employees from the following organizations or categories:

    a. Wild horse and burro advocacy groups;

    b. Wild horse and burro research institutions (especially genetics, population biology, and equine behavior);

    c. Veterinary medicine (equine science);

    d. Natural resources management organizations (especially rangeland science);

    e. Humane advocacy groups;

    f. Wildlife management organizations;

    g. Livestock management organizations; or

    h. General public (with special knowledge about protection of wild horses and burros, management of wildlife, animal husbandry, or natural resource management).

    The Board will have no more than nine members, and members may not be employees of the Federal or State Governments.

13. **ETHICS RESPONSIBILITIES OF MEMBERS:** No Board or subcommittee member shall participate in any specific party matter including a lease, license, permit, contract, claim, agreement, or related litigation with the Department in which the member has a direct financial interest.

    As provided in 43 CFR 1784.2-2, members of the Board shall be required to disclose their direct or indirect interest in leases, licenses, permits, contracts, or claims that involve lands or resources administered by the BLM, or in any litigation related thereto. For the purposes of this paragraph, indirect interests include holdings of a spouse or dependent child.

    The Department of the Interior will provide materials to members appointed as special Government employees explaining their ethical obligations. Consistent with the ethics requirements, members will endeavor to avoid any actions that would cause the public to question the integrity of the Board's operations, activities, or advice. The provisions of this paragraph do not affect any other statutory or regulatory ethical obligations to which a member may be subject.

14. **SUBCOMMITTEES:** Subject to the DFO's approval, subcommittees can be formed for the purposes of compiling information or conducting research. However, such subcommittees must act only under the direction of the DFO and must report their recommendations to the full Board for consideration. Subcommittees must not provide advice or work products directly to the Agency. The Board Chair, with the approval of the DFO, will appoint subcommittee members. Subcommittees will meet as necessary to accomplish their assignments, subject to the approval of the DFO and the availability of resources.

15. **RECORDKEEPING:** The Records of the Board, and formal and informal subcommittees, of the Board, shall be handled in accordance with General Record Schedule 26, Item 2, or other approved Agency records disposition schedule. These records shall be available for public inspection and copying, subject to the Freedom of Information Act, 5 U.S.C. 552.

Ken Salazar

Secretary of the Interior

JUN 14 2012

Date Signed

Tom Vilsack

Secretary of Agriculture

JUN 29 2012

Date Signed

JUL 22 2012

Date Filed

UNITED STATES DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
AND
UNITED STATES DEPARTMENT OF AGRICULTURE
FOREST SERVICE

NATIONAL WILD HORSE AND BURRO ADVISORY BOARD 2012-2014 BYLAWS AND STANDARD OPERATING PROCEDURES

SECTION 1. PURPOSE:

The purpose of the Wild Horse and Burro Advisory Board (Board) is to provide advice and recommendations on current issues facing the program.

SECTION 2. AUTHORITY:

The Board is established pursuant to Section 7 (16 U.S.C. 1337) of the Wild Free-Roaming Horses and Burros Act (16 U.S.C. 1331-1340) Act, and in accordance with the provisions of the Federal Advisory Committee Act (FACA), as amended, 5 U.S.C., App.2.

SECTION 3. MEMBERSHIP SELECTION AND APPOINTMENT:

Members of the Board shall be selected from persons who are not employees of Federal or state government. As appropriate, certain members may be appointed as Special Government Employees.

From among nominations submitted by individuals, national organizations, and associations involved with problems relating to protection, management, and control of wild horses and burros on the public lands, and after consultation with the Chief of the Forest Service, the Director of the BLM will submit to the Secretary of the Interior and the Secretary of Agriculture a list of individuals recommended for membership on the Board. The Secretaries may appoint members of the Board from this list or, at their discretion, other sources.

Members will be selected based on specific needs of the Board in order to balance those viewpoints required to effectively address BLM policy issues under consideration. The Act directs that membership reflect special knowledge about protection of horses and burros, management of wildlife, animal husbandry or natural resource management.

Vacancies due to resignation, death, or Secretarial removal will be filled for the balance of the vacating member's term in the same manner as the original appointment.

The Secretaries may, after written notice, terminate the service of a member if in the judgment of the Secretaries or the Designated Federal Official (DFO), removal is in the public interest. Members may also be terminated if they no longer meet their appointment requirements, fail or are unable to participate regularly in Board work, or have violated Federal law or the regulations of the Secretaries.

Board members are appointed to serve 3-year terms, on a staggered term basis, subject to renewal of the Board's charter, with one-third of the Board subject to appointment each year. At the Secretaries' discretion, the Board members from past Boards may be appointed or reappointed for additional terms.

The Board chair or co-chairs will be appointed by the DFO.

SECTION 4. MEETINGS PROCEDURES:

The DFO required by the Federal Advisory Committee Act will be the Director of the BLM or a designee, who will call and attend all meetings of the Board

A. Agenda: The DFO will approve the agenda for all meetings. BLM will distribute the agenda to the members prior to each meeting and will publish an outline of the agenda with the notice of the meeting in the Federal Register. Items for the agenda may be submitted to the DFO and/or the Chairman by a member of the Board.

B. Minutes and Records: The Boards DFO will prepare minutes of each meeting and will distribute copies to each Board member. Minutes of meetings will be available to the public upon request. The minutes will include a record of the persons present (including the names of Board members, names of staff, and a complete and accurate description of the matters discussed and conclusions reached, and copies of all reports received issued or approved by the Board. All documents, reports, or other materials prepared by, or for the Board constitute official government records and must be maintained according to BLM policies and procedures. The accuracy of all minutes will be certified by the Board Chair. Copies of the approved minutes will be maintained in the Office of the Assistant Director for Renewable Resources and Planning, Bureau of Land Management, 1849 C Street, N.W., Washington, D.C. 20240, and will be available for public viewing on the BLM's National Wild Horse and Burro website at www.wildhorseandburro.blm.gov.

C. Federal Register Notice: Absent urgent circumstances, the BLM will publish a notice of each meeting of the Board in the Federal Register and distribute to the news media 30 days in advance of the meeting. If urgent circumstances prevent a 30-day notice, not less than a 15-day notice will suffice. The notice sets forth the purpose, time and place of the meeting.

D. Open Meetings: Unless otherwise determined in advance, all meetings of the Board will be open to the public. Once an open meeting has begun, it will not be closed for any reason. Members of the public may attend any meeting or portion of a meeting that is not closed to the public and may, at the determination of the Chairman, offer oral comment at such meeting. The Chairman may decide in advance to exclude oral public comment during a meeting, in which case the meeting announcement published in the Federal Register will note that oral comments from the public is excluded and will invite written comment as an alternative. Members of the public may submit written statements to the Board at any time.

SECTION 5: VOTING

When a decision or recommendation of the Board is required, the Chairman will request a motion for a vote. Any member, including the Chairman, may make a motion for a vote. No second after a proper motion will be required to bring any issue to vote. Alternatively, approval of recommendations can be made by discussion and consensus at the discretion of the Chair.

SECTION 6. ROLE OF BOARD OFFICIALS

Chairperson: The Chair person works with the DFO to establish priorities identify issues which must be addressed, determines the level and types of staff and financial support required, and serves as the focal point for the Board's membership. In addition, the Chairperson is responsible for certifying the accuracy of minutes developed by the Board to document its meetings.

Designated Federal Officer: The DFO serves as the government's agent for all matters related to the Board's activities. By Law, the DFO must: (1) approve or call the meeting of the Board; (2) approve agendas; (3) attend all meeting, (4) adjourn the meetings when such adjournment is in the public interest; and (5) Chair meetings of the Board, when so directed by the Secretary of Interior. The DFO can designate a representative as needed.

SECTION 7. EXPENSES AND REIMBURSEMENT

Expense related to the operation of the Board will be borne by the Bureau of Land Management. Expenditures of any kind must be approved in advance by the DFO. The government will pay travel and per diem for non-government members at a rate equivalent to that allowable for federal employees.

Up dated 12-4-12

Fall Winter FY2013 Gather-Treat-Remove Schedule

This is a Tentative schedule that is subject to change (2/27/2013)

State	Agency	HMA/ Territory	Complex (if applicable)	Start Date	End Date	Species	# Planned Gathered	# Actual Gathered	# Planned Removed	# Actual Removed	# Planned Mares Treated	# Actual Mares Treated	BLM, FS or Contractor	Method of Gathering
NM	FS	Jicarilla Territory		10/1/12	10/31/12	horse	43	43	43	43	0	0	FS	Bait Trapping
OR	FS/BLM	Murderers Creek		10/1/12	11/27/12	horse	160	168	160	166	0	0	Horse Trappers	Bait Trapping
NV	BLM	Antelope/Antelope Valley	Antelope Complex	10/1/12	10/7/12	horse	200	180	200	177	0	0	Sun J	Helicopter
ID	BLM	Challis		10/16/12	10/23/12	horse	311	267	174	150	55	47	Cattoor	Helicopter
UT	BLM	Chloride		10/15/12	11/8/12	horse	50	41	50	41	0	0	Sampson	Bait Trapping
NV	BLM	Wassuk		11/3/12	11/12/12	horse	450	458	450	453	0	0	Sun J	Helicopter
WY	BLM	Rock Creek	North Lander Complex	11/4/12	11/16/12	horse	810	754	400	403	150	143	Cattoor	Helicopter
NV	BLM	Little Owyhee HMA	Owyhee Complex	11/25/12	12/20/12	horse	950	819	800	808	30	0	Sun J	Helicopter
NV	BLM	Owyhee	Owyhee Complex	11/25/12	1/16/13	horse	141	192	50	50	30	46	Sun J	Helicopter
UT	BLM	Frisco		11/27/12	12/6/12	horse	166	171	104	114	31	26	Cattoor	Helicopter
WY	BLM	McCullough Peaks		1/17/13	1/31/13	horse	90	65	20	20	70	0	Cattoor	Bait Trapping
NV	BLM	Diamond	Diamond Complex	1/17/13	2/5/13	horse	290	312	191	312	47	0	Cattoor	Helicopter
NV	BLM	Diamond Hills North	Diamond Complex	1/17/13	2/5/13	horse	200	150	150	150	24	0	Cattoor	Helicopter
NV	BLM	Diamond Hills South	Diamond Complex	1/17/13	2/5/13	horse	272	330	272	330	0	0	Cattoor	Helicopter
UT	BLM	Swasey		2/11/13	2/16/13	horse	262	257	164	160	49	44	Cattoor	Helicopter
		Totals					**4,395**	**4,207**	**3,228**	**3,377**	**486**	**306**		

Wild Horse and Burro Numbers in Holding Facilities
(Report Date: February 7, 2013)

State	Facility Name		Horses	Burros
Short-Term Holding		**Facility Cap**		
Nevada	Palomino Valley	1,850	1,896	18
California	Litchfield	1,000	847	42
California	Ridgecrest	1,000	597	212
Oregon	Burns	800	769	0
Wyoming	Rock Springs	800	830	0
Nebraska	Elm Creek	500	458	39
Nevada	Fallon	2,850	2,739	5
Arizona	Kingman	0	0	0
California	Redlands	20	6	3
Colorado	Canon City	3,000	2,386	418
Colorado	Canon City (Mens)	50	35	0
Missouri	Piney Woods	100	34	32
Wisconsin	Mequon	20	0	0
Idaho	Boise	150	22	0
Idaho	Challis	150	2	0
Montana	Britton Springs	150	0	0
Oklahoma	Pauls Valley	600	527	40
Kansas	Hutchinson	350	372	1
Nevada	Carson City	1,200	1,543	4
Utah	Salt Lake	0	0	0
Utah	Delta	300	178	1
Utah	Axtell	500	0	523
Utah	Gunnison	1,500	1,485	0
Wyoming	Mantel/Chugwater	150	228	2
Wyoming	Riverton	170	198	8
Texas	Stallion Station	600	553	0
Total		17,810	15,705	1,348
Grassland Pasture Facilities		**Facility Cap**	**Horses**	**Burros**
Oklahoma	Bartlesville (G)	2,300	2,212	0
Oklahoma	Catoosa (G)	2,000	1,932	0
Oklahoma	Pawhuska (M)	3,400	3,429	0
Oklahoma	Foraker (G)	2,500	2,477	0
Oklahoma	Hulah (G)	2,200	2,196	0
Kansas	Grenola (M)	2,600	2,587	0
Kansas	Teterville West (M)	2,200	2,297	0
Kansas	Teterville East (G)	2,200	2,058	0
South Dakota	Whitehorse (G)	400	392	0

Oklahoma	Strohm (M)	1,000	932	0
Oklahoma	Gray Horse East (M)	2,485	2,563	0
Oklahoma	Gray Horse East (M)	1,015	857	0
Kansas	Cassoday (G)	2,011	2,010	0
Oklahoma	Hominy (M)	1,059	980	0
South Dakota	Mission Ridge (G)	1,000	1,008	0
Iowa	Mt Ayr (G)	400	403	0
Oklahoma	Foster (M)	750	724	0
Oklahoma	Tishomingo (M)	600	600	0
Kansas	Matfield Green (M)	606	564	0
Oklahoma	Vinita (G)	200	188	0
Oklahoma	Nowata (M)	800	821	0
Oklahoma	Hickory (M)	1,600	1,478	0
Montana	Ennis (G)	700	0	0
Nebraska	Atkinson (M)	800	725	0
Total		34,826	33,433	0
Eco-Sanctuary				
Wyoming	Centennial (G)	250	231	0
Total		250	231	0
Grand Total		52,886	49,369	1,348

Age of Horses in STH			
0-4 yrs	5-10 yrs	11+ yrs	Unmarked
11,089	3,208	523	885

	Age of Burros in STH		
0-4 yrs	5-10 yrs	11+ yrs	Unmarked
678	504	84	82

Age of Horses in LTH			
0-4 yrs	5-10 yrs	11+ yrs	Unmarked
612	12,160	20,892	0

Advisory Board Meeting
Program Budget Update

The wild horse and burro program is currently under a continuing resolution (CR). The CR provides funding to support program operations through March 28, 2013. The authorized funding level is $36.628M.The following information portrays program expenditures as of February 14, 2013.

PE Name	FY 2013 Expenditures	% of Overall Spending
(DI) Plan for Herd Management	$106,012	0.4%
(HG) Adoptions	$2,928,890	10.8%
(HH) Long-term Holding	$4,119,139	15.1%
(HI) Short-term Holding	$11,713,432	43.0%
(JB) Construct Shrub/Grass Projects/Water Developments	$31,632	0.1%
(JC) Maintain Shrub/Grass Projects/Water Developments	$96,642	0.4%
(JJ) Gather	$2,849,223	10.5%
(KF) Animals Gathered for Fertility Control	$1,179	0.0%
(KG) Animals Treated to Reduce the Population	$8,657	0.0%
(MC) Conduct Census of WH&B Areas	$52,501	0.2%
(MP) Monitor Herd Management Areas	$408,883	1.5%
(NK) Compliance Inspections	$181,066	0.7%
(Law Enforcement, Admin/IT & other Supporting PE's)*	$2,524,238	9.3%
(PC) Program Support / Overhead	$2,210,049	8.1%
WHB Program Costs:	**$27,231,542**	

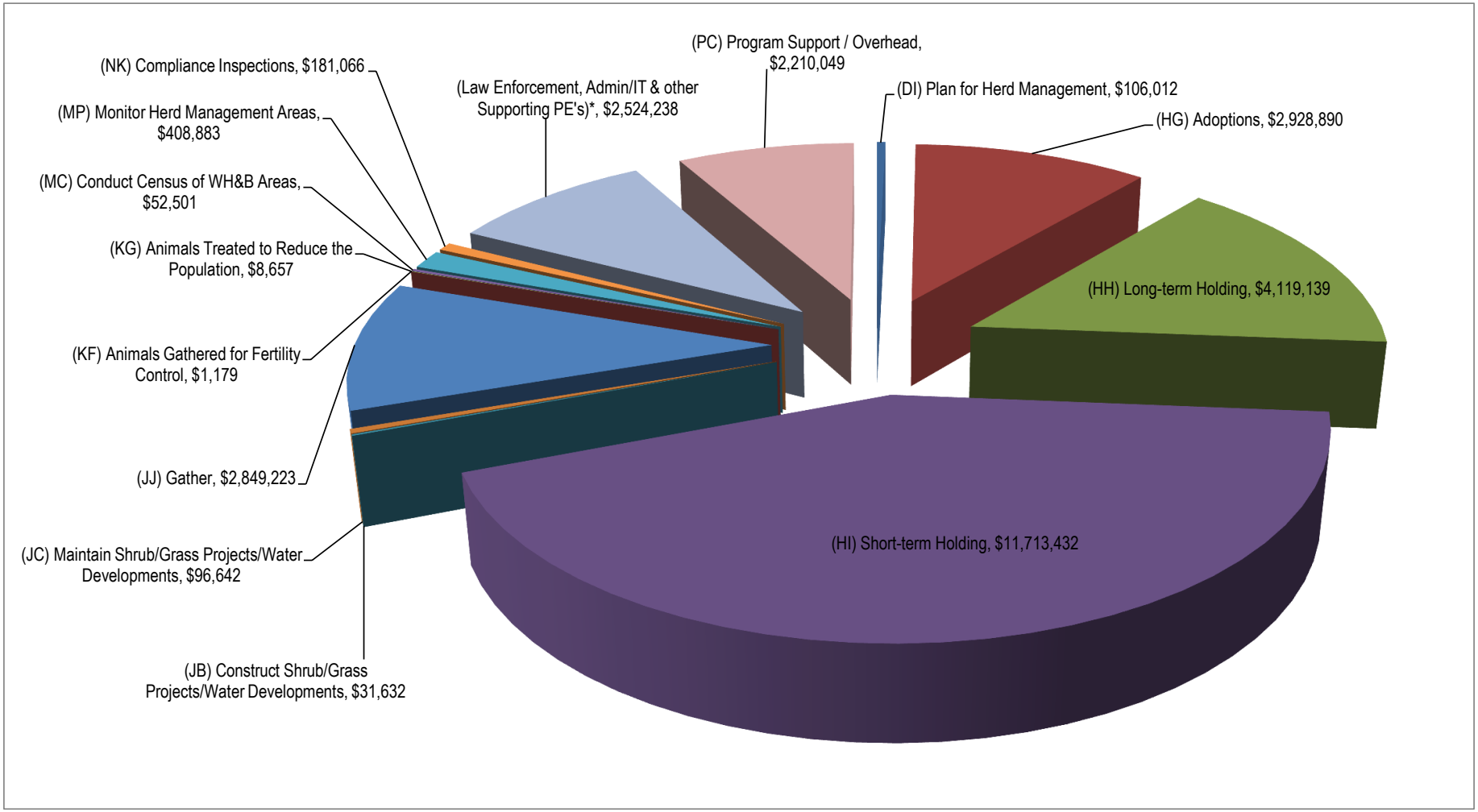
***NOTE:**

Supporting PE's include on the range management (DF, DJ, DN, DP,DQ, DS and DT) such as plans for interdisciplinary activities, evaluations of land use plans (LUPs), prepare pre-LUPs, prepare draft LUPs, prepare/proposed LUP/final environmental impact statement (EIS), prepare/draft EIS level LUP amendments and prepare final LUP amendment/record of decision (ROD).

2013 Budget Request: $77,072,000 which includes $2,000,000 for new and existing research projects.

FY 2012 Carryover: $1,732,000

FY 2013 TOTAL PROJECTED FUNDING AVAILABLE: $78,804,000
Planned research costs will be coded to the appropriate program element. For new research proposals ($2M), USGS ($250K), Dr. Turner Pen Trial Study ($165K) and Dr. Cothran - Genetics


(PC) Program Support / Overhead, $2,210,049
(NK) Compliance Inspections, $181,066
(Law Enforcement, Admin/IT & other Supporting PE's)*, $2,524,238
(DI) Plan for Herd Management, $106,012
(MP) Monitor Herd Management Areas, $408,883
(HG) Adoptions, $2,928,890
(MC) Conduct Census of WH&B Areas, $52,501
(KG) Animals Treated to Reduce the Population, $8,657
(HH) Long-term Holding, $4,119,139
(KF) Animals Gathered for Fertility Control, $1,179
(JJ) Gather, $2,849,223
(HI) Short-term Holding, $11,713,432
(JC) Maintain Shrub/Grass Projects/Water Developments, $96,642
(JB) Construct Shrub/Grass Projects/Water Developments, $31,632

February 11, 2013

WILD HORSE & BURRO ADOPTION REPORT

SUBJECT: FY 2013 ADOPTIONS BY STATE

In FY2013, the BLM, in partnership with the Mustang Heritage Foundation, has adopted 659 animals. There have been 78 fewer animals adopted this year in comparison with last year at this time. There have been 11 animals sold in FY2013. This report includes information from the Performance Management Data System (PMDS) and the Wild Horse and Burro Program System (WHBPS).

Arizona

110 - PMDS Negotiated Adoption Target

3– 2013 WHBPS Reported Animals adopted (2/11/2013)

23 - 2012 WHBPS Reported Animals adopted (2/11/2012)

October 12-14, 2012 – Camp Verde, AZ – 16 animals adopted, 32 animals available, 2 animals in TIP program

107- Animals needed to be adopted to meet Target.

California

250 – PMDS Negotiated Adoption Target

45 – 2013 WHBPS Reported Animals adopted (2/11/2013)

58 – 2012 WHBPS Reported Animals adopted (2/11/2012)

November 10, 2012 –Redlands, CA – 2 animals adopted

205- Animals needed to be adopted to meet Target.

Colorado

150 – PMDS Negotiated Adoption Target

44 - 2013 WHBPS Reported Animals adopted (2/11/2013)

38 - 2012 WHBPS Reported Animals adopted (2/11/2012)

October 12, 2012 - Canon City Facility, CO – 3 animals adopted
November 2, 2012 - Canon City Facility, CO – 0 animals adopted
November 16, 2012 – Canon City Facility, CO – 2 animals adopted
November 30, 2012 - Canon City Facility, CO – 1 animal adopted
January 11, 2013 - Canon City Facility, CO – 0 animals adopted
February 8, 2013 – Canon City Facility, CO – 1 animal adopted

106- Animals needed to be adopted to meet Target.

Eastern States

800 –PMDS Negotiated Adoption Target

190– 2013 WHBPS Reported Animals adopted (2/11/2013)

245 - 2012 WHBPS Reported Animals adopted (2/11/2012)

October 19-20, 2012 – Canvas, WV – 14 animals adopted, 38 animals available, 1 animal in Foster Program, 3 animals in TIP program
October 19-20, 2012 – Clemson, SC, Extreme Mustang Makeover – 42 animals adopted, 43 animals available
November 2-3, 2012 – Edinburgh, IN – 4 animals adopted, 37 animals available, 2 animals in Foster Program, 3 animals in TIP program

November 2-4, 2012 –Richmond, VA, VA Equine Extravaganza – 3 animals adopted, 10 animals available
November 9-10, 2012- Gonzales, LA – 38 animals adopted, 50 animals available
December 7-8, 2012 – Piney Woods Facility, MS – 1 animals adopted
January 25-26, 2013 – Marianna, FL – 19 animals adopted, 42 animals available, 4 animals in TIP program

610- Animals needed to be adopted to meet Target.

Internet Adoptions
September 26-October 10, 2012 - Internet Adoption – 29 animals adopted, 72 animals available
October 31-November 14, 2012 - Internet Adoption – 38 animals adopted, 111 animals available

Idaho
35 –PMDS Negotiated Adoption Target
115– 2013 WHBPS Reported Animals adopted (2/11/2013)
0- 2012 WHBPS Reported Animals adopted (2/11/2012)
December 14-15, 2012 – Challis, ID – 19 animals adopted
Exceeded target by 80 animals.

Montana
0– PMDS Negotiated Adoption Target
0 – 2013 WHBPS Reported Animals adopted (2/11/2013)
0 - 2012 WHBPS Reported Animals adopted (2/11/2012)
0- Animals needed to be adopted to meet Target.

Nevada
70 – PMDS Negotiated Adoption Target
18 – 2013 WHBPS Reported Animals adopted (2/11/2013)
10– 2012 WHBPS Reported Animals adopted (2/11/2012)
October 20, 2012 – Carson City Facility, NV – 12 animals adopted, 12 animals available
February 9, 2013 – Eureka, NV, Diamond Complex Adoption – 12 animals adopted, 19 animals available
52- Animals needed to be adopted to meet Target.

New Mexico
550 – PMDS Negotiated Adoption Target
159– 2013 WHBPS Reported Animals adopted (2/11/2013)
154 - 2012 WHBPS Reported Animals adopted (2/11/2012)
October 4-7, 2012 –Glen Rose, TX EXPO – 7 animals adopted, 53 animals available
October 11-13, 2012 –Canutillo, TX – 1 animal adopted, 33 animals available
November 16-17, 2012 – Alvarado, TX, Extreme Mustang Makeover Barrel Racing - 18 animals adopted, 18 animals available
January 13, 2013–Ft. Worth, TX, Mustang Magic – 14 animals adopted, 14 animals available
January 31-February 2, 2013 – Del Rio, TX – 5 animals adopted, 33 animals available
391- Animals needed to be adopted to meet Target.

Oregon
200–PMDS Negotiated Adoption Target
39– 2013 WHBPS Reported Animals adopted (2/11/2013)
105- 2012 WHBPS Reported Animals adopted (2/11/2012)
161- Animals needed to be adopted to meet Target.

Utah
120 – PMDS Negotiated Adoption Target
21 – 2013 WHBPS Reported Animals adopted (2/11/2013)
37 - 2012 WHBPS Reported Animals adopted (2/11/2012)
November 2-3, 2012 – Heber City, UT, Cowboy Poetry Gathering and Buckaroo Fair - 9 animals adopted, 9 animals available
99 - Animal needed to be adopted to meet Target

Wyoming
130 –PMDS Negotiated Adoption Target
4– 2013 WHBPS Reported Animals adopted (2/11/2013)
26 - 2012 WHBPS Reported Animals adopted (2/11/2012)
126- Animals needed to be adopted to meet Target.

WO – (Palomino Valley and Elm Creek)
100 –PMDS Negotiated Adoption Target
21 –2013 WHBPS Reported Animals adopted (2/11/2013)
41- 2012 WHBPS Reported Animals adopted (2/11/2012)
79- Animals needed to be adopted to meet Target.

Litigation Update - February 11, 2013

(Updates since October 4, 2012 are shown in blue font)

Bureau of Land Management

Arizona

Cibola-Trigo HMA. On April 2, 2012, Yuma Field Office received an Appeal and Request for Stay from Ms. Kathleen Gregg relating to the Decision to remove 350 wild burros from the Cibola-Trigo HMA. On April 30, 2012, IBLA denied the Petition for Stay. Beginning June 6, 2012, BLM Arizona began gather operations to remove 350 wild burros, completing the gather June 14, 2012. On June 28, 2012, BLM filed a Motion to Dismiss for Mootness. To date, IBLA has not ruled on the Motion, or the original Appeal. IBLA affirmed BLM's Decision on November 8, 2012.

California

In Defense of Animals v. Salazar, (Case 2:10-at-00993) (E.D. Calif) (Filed 7/15/10)
Plaintiff, In Defense of Animals (IDA) et al., brought suit seeking to enjoin BLM's gather of excess wild horses from the Twin Peaks HMA in Northeastern California and challenging the legality of placing wild horses in long-term holding. The District Court denied the request for injunction. Plaintiffs appealed this denial to the Ninth Circuit, however the Ninth Circuit denied plaintiffs' request for an emergency injunction. The wild horse gather operations began on Wednesday, August 11, 2010 and ended on September 23, 2010. Plaintiffs did not withdraw their appeal from the denial of the injunction after hearing oral argument on that appeal, on August 15, 2011, the Ninth Circuit dismissed that appeal as moot. The District Court denied the United States' motion to dismiss this litigation as moot and the parties will be briefing the merits of the case. The hearing was conducted in Feb. The court ruled in favor of the BLM as the plaintiffs could not prove that either the gather documents or the gather itself were arbitrary and capricious with respect to the Act or NEPA.

Idaho

Western Watersheds Project (WWP) Appeal: On October 16, 2012, WWP appealed to the Interior Board of Land Appeals (IBLA) and filed a stay petition on the September 17, 2012 decision to gather wild horses on the Challis Herd Management Area (CHMA). As stated by the IBLA, "WWP largely argues that the EA prepared in this case is insufficient to support the decision because it 'ignores the chronic deleterious impacts of cattle grazing' in the CHMA." WWP also claims that the BLM violated NEPA by not taking a "hard look," and the BLM did not have an adequate range of alternatives. Because the decision was effective upon issuance and was issued approximately 37 days prior to the gather, the Challis Field Office proceeded with the gather, which has been completed. On October 23, 2012, the IBLA issued an Order denying the petition for stay. The BLM filed a Motion to Dismiss on October 31, 2012, which was denied by the IBLA on November 16, 2012, and found that gathers are regularly repeated

events, and emphasized that the aggressive (between the end of the appeal period and day one of the gather – only nine days to rule on the stay request) schedule the BLM provided, not only strains the Board, but the BLM office responsible. On December 19, 2012, the BLM submitted the Answer to WWP's Statement of Reason's. The BLM is awaiting a final ruling on the merits of the case from IBLA. In addition, approximately 110 of these horses have been adopted and six have been sold under the BLM's sale authority as of February 6, 2013.

Montana

The Cloud Foundation, et,al. v. Salazar 09-cv-01651. On September 2009, the U.S. District Court for the District of Columbia denied a Temporary Restraining Order (TRO) request to stop the Pryor gather. BLM proceeded with the gather and adopted or sold all of the excess wild horses that were gathered. The plaintiff filed an amended complaint concerning the gather and while a ruling was pending the case was re-assigned to a different judge located in Ohio although the case is still technically in the U.S. District Court for the District of Columbia.

The plaintiff who had previously appealed the Pryor Mountain Wild Horse Range Herd Management Area Plan (HMAP) that was affirmed in January 2010 by IBLA, subsequently filed a second amended complaint (SAC) to the U.S. District Court to the 2009 gather litigation to include a challenge to the HMAP and the use of Categorical Exclusions (CX) for adoption events and feeding/care of removed excess wild horses while also litigating the U.S. Forest Service Custer National Forest to expand the Pryor Mountain Territory. The gather claim and first amended complaint were dismissed as moot but the SAC was allowed by the U.S. District Court. The SAC has been argued and a ruling is pending.

Tillet et al. v. Salazar. CV 12-087-BLG-RFC (D. Mont.) The Plaintiffs in this case are challenging a bait trap operation by the Bureau of Land Management on the Pryor Mountain Wild Horse Range (PMWHR) that occurred during the summer of 2012. Allegations include malfeasant behavior of the BLM by lying to the public, "cook'n-the-books" and due process violations. Plaintiffs seek the return of removed and adopted wild horses to the PMWHR, investigation of the Department of Interior starting with the Billings Field Office, and a payout to be applied to a charity of the plaintiff's choosing.

Paulette Mitchelle, IBLA 2013-56 (Filed 11-27-13). Paulette Mitchelle filed an appeal and petition for stay from BLM's decision to implement the Ennis, Montana Long-Term Holding Pasture (LTH) contract. Ms. Mitchelle's appeal is based on a claim that a lease for 3000 acres of the LTH pasture terminated with the death of her husband and raised a private dispute between Ms. Mitchelle and Spanish Q Ranches. BLM and Spanish Q entered into a stipulated agreement that the leased Mitchelle lands would not be used to pasture any horses until the private dispute is settled and requested the IBLA to dismiss the appeal. On January 25, 2013, the IBLA granted the motion to dismiss. This appeal is now closed.

Birch Creek Ranch, Horse Creek Hay & Cattle, LLC, Madison Valley Garden Ranch and Granger Ranches, IBLA 2013-41, 2013-54, 2013-55, 2013-63 (Filed 12-6-13). Appellants' ranches are in the vicinity of Spanish Q's property and filed notices of appeal and petitions for stay alleging that wild horses will escape onto their property, that the wild horses will exceed the carrying capacity of the private lands and adversely impact wildlife and that the decision violates NEPA. Appellant Valley Garden Ranch has also requested an evidentiary hearing. The IBLA has not ruled on the petitions for stay.

Nevada

Cloud Foundation, et al v. Salazar, Case No. 3:11-cv-00459-HDM -VPC (D. Nev.) (Filed June 29, 2011 and July 7, 2011). Plaintiff, Cloud Foundation, et al. filed a Complaint for Declaratory and Injunctive Relief (June 29, 2011) and a Motion for Preliminary Injunction (July 7, 2011) alleging a violation of the Wild and Free-Roaming Horses and Burros Act ("WFRHBA") by failing to manage the Triple B, Maverick-Medicine and Antelope Valley Herd Management Areas (hereafter "Triple B HMA" or "HMA") principally for wild horses and burros, and by approving the use of overly invasive management activities for the wild horses in these management areas which go above and beyond the minimum feasible level necessary. Plaintiffs also allege that BLM violated the National Environmental Policy Act's ("NEPA") requirement to fully consider and analyze all reasonable alternatives to the Proposed Action by failing to consider an alternative which would reduce livestock grazing to allocate more resources to wild horses and burros. On July 15, 2011, the District Court issued an Order denying Plaintiff's request for the preliminary injunction. On July 15, 2011, the Plaintiff filed an emergency motion for injunctive relief pending appeal, to halt appellees' round-up of wild horses in the Triple B with the Ninth Circuit Court of Appeals, which granted the emergency injunction. After the U.S. filed its response to the motion for emergency injunction, on July 19, 2011, the Ninth Circuit issued an order that denied plaintiffs' emergency motion for injunctive relief, and allowed gather operations to begin at the Triple B Complex on July 20, 2011. Gather operations ended August 31, 2011. On September 7, 2011, the Plaintiff filed a Motion to voluntarily dismiss its appeal to the Ninth Circuit from the District Court's denial of its motion for preliminary injunction, and this motion was granted. On June 15, 2012 Plaintiff filed its Motion for Summary Judgment and on July 16, 2012 the United States filed its response and Cross-Motion for Summary Judgment and is awaiting a ruling on the merits.

Laura Leigh v. Salazar, Case 3:11-cv-00608 (D. Nev.). Plaintiff, Laura Leigh filed a complaint on August 24, 2011, alleging inhumane treatment of wild horses by BLM's Contractor and a failure to follow its procedures during the Triple B Complex wild horse gather in Nevada which began on July 20, 2011. On August 25, 2011, Plaintiff filed an Emergency Motion for TRO to enjoin any remaining gather activities on the Triple B gather and to seek to prevent BLM from using Sun J as a contractor on any other gather. Judge McKibben held a hearing on Tuesday, August 30, 2011. At the hearing he found all of Plaintiff's claims to be without merit, with the exception of the incident where the helicopter appears to touch a mare. A BLM Declaration clarified that the helicopter did not actually bump the mare. However, Judge McKibben made it

clear that whether or not the helicopter actually touched the horse, that the close distance of the helicopter to the horse was nonetheless a violation of the Wild Horse and Burro Act. As a result, Judge McKibben granted Plaintiff's motion for a TRO "as to the use of the helicopter as demonstrated on 8/11/11, that is, striking horses with the skid or flying the skid or part of the helicopter being dangerously or unreasonably close to the horses during the remainder of the first phase of the round up at the Triple B Complex" (which was ending the following day). Injunctive relief was denied for all other aspects of Plaintiff's case.

When Leigh initiated this case, Plaintiff challenged a single agency action – the Triple B Gather. In her first amended complaint and a related motion for a preliminary injunction that Plaintiff attempted to broaden the scope of her lawsuit, by speculatively and anticipatorily challenging potential future wild horse gathers. Plaintiff again attempted to alter the scope of this case when she filed her second amended complaint and a related motion for emergency injunctive relief, which added a challenge to the emergency portion[1] (i.e., the use of helicopters prior to July 1) of a gather taking place in the Jackson Mountain herd management area ("the Jackson Mountain Gather"). Currently pending before the Court is a motion for judgment on the pleadings that would dismiss any aspect of the case that deals with the Jackson Mountain gather.

Leigh v. Salazar, Case No. 10-597 (D. Nev.). Plaintiff alleges that the Bureau of Land Management ("BLM") violated the Wild Free-Roaming Horses and Burros Act and the First Amendment of the United States Constitution in connection with an ongoing gather of wild horses and burros in the Silver King herd management area, which is located in southern Nevada. On September 24, 2010, Plaintiff filed a motion for a TRO and a separate motion for a preliminary injunction based solely on her First Amendment claim. On September 27, 2010, the Court denied Plaintiff's TRO motion *sua sponte*, finding that Plaintiff failed to establish a likelihood of irreparable harm. On October 1, 2010, Plaintiff filed an amended motion for a preliminary injunction based solely on her First Amendment claim. BLM opposed, and the Court heard argument, including witness testimony, on November 16, 2010. On April 13, 2011, the Court denied Plaintiff's motion for a preliminary injunction as moot, because BLM had completed the Silver King gather. Plaintiff appealed. On February 14, 2012, the Court of Appeals for the Ninth Circuit reversed and remanded the District Court's opinion, finding that

Plaintiff's motion was not moot, because BLM's decision document allowed the agency to return to the Silver King herd management area to conduct future gathers through 2013. BLM moved for reconsideration. In response, on April 16, 2012, the Court of Appeals for the Ninth Circuit upheld its mootness decision, but added clarifying language at the request of the Federal Defendants. After months of settlement talks proved unsuccessful, the Court set February 19, 2013, as the (re)hearing date for Plaintiff's motion for preliminary injunction relief. The parties expect to present witness testimony on the merits of Plaintiff's First Amendment claim.

Am. Wild Horse Preserv. Campaign v. Salazar, (D.D.C.) (Filed 12-14-11) (BLM, USFS). Plaintiffs bring claims under the Wild Free-Roaming Horses and Burros Act and NEPA challenging BLM's planned gather of wild horses, which includes the release of gelded males, on the Pancake Herd Management Area, Jakes Wash Herd Area, and other BLM and USFS lands in

[1] Plaintiff did not challenge the non-emergency aspects of the Jackson Mountain Gather.

Nevada. On December 22, 2011, the court approved the parties' joint motion for entry of an expedited summary judgment briefing schedule, in which Defendants stipulated to delay some of the challenged actions, namely gelding and zeroing Jakes Wash HA until summer 2012, and Plaintiffs stipulated that they would not seek emergency relief. On January 11, 2012, BLM announced that the gather would not proceed on USFS lands, and Plaintiffs later voluntarily dismissed the USFS. Initial gather operations under the Pancake Complex decision record began on January 12, 2012 and ended February 12, 2012, although the Pancake Gather decision record contemplates a 6-10 year plan for reaching AML on the Complex. After Plaintiffs submitted declarations from a lawsuit in Wyoming in support of their Motion for Summary Judgment, the United States filed a Motion to Strike the declarations. After the District Court denied the United States' Motion to strike on May 9, 2012 and denied its request to file extra-record responses to the declarations, the United States filed a motion for a voluntary remand of the decision on June 22, 2012. On September 11, the Court granted-in-part and denied-in-part Defendants' motion for voluntary remand and ordered the parties to file a joint schedule for briefing Plaintiffs' remaining claims challenging only the Ely RMP. However, the parties agreed to file a stipulation of voluntary dismissal without prejudice of Plaintiffs' remaining claims, which was filed on September 24, and the Court dismissed the case that same day. Plaintiffs reserved their right to file a motion for attorneys' fees. The parties reached an agreement to settle those claims under a stipulation that was approved by the Court on December 5, 2012 and under which Plaintiffs received $55,000 in EAJA fees. This case is now fully closed.

Laura Leigh v. Salazar, Case No. 3:13-cv-00006-MMD-VPC (D. Nev.). On January 4, 2013, Plaintiff filed a Complaint alleging inhumane treatment of wild horses being gathered from the Owyhee Complex and that BLM lacks the legal authority to remove horses from an HMA that is within the established Appropriate Management Level range. The same day Plaintiff also filed a Motion for a Temporary Restraining Order challenging BLM's authority to remove the 50 wild horses, which request was granted immediately granted by the assigned Judge pending briefing and hearing. At the TRO hearing on January 10, 2013, Judge Du agreed that the BLM has the legal authority to conduct the Owyhee gather and on that basis lifted the injunction, but in light of a Motion for Preliminary Injunction that was filed the morning of the hearing, she imposed a number of limitations on the gather operations that indicate she accepted Plaintiff's allegations that inhumane treatment occurred, even though these allegations had not been raised in the TRO motion and therefore had not been responded to as part of the TRO briefing. The Owyhee Complex gather operations resumed after the six day injunction and concluded on January 16, 2013. The Government filed its response to the Motion for Preliminary Injunction and allegations of inhumane treatment on January 24, 2013.

DeLong Ranch IBLA Appeal (Filed 07-11-12). On July 11, 2012, Appellant grazing permittee filed a Notice of Partial Appeal from the Jackson Mountains HMA wild horse gather decision with the Interior Board of Land Appeals (IBLA) alleging that (1) BLM's Jackson Mountain HMA is larger than the area where wild horses were actually found in 1971 (i.e., the herd area); (2) that BLM is required to immediately remove excess horses and using a phased gather strategy to reach AML over time is inconsistent with the Wild Horse Act; (3) that BLM is

required to prevent, mitigate or compensate Appellant for consumption of privately owned waters by excess wild horses. Winnemucca District and Regional Solicitor's Office are coordinating on the preparation of the case file and response to the appeal.

Oregon

Joy Townsend IBLA appeal of BLM decision to deny her future WHB adoptions
On July 10, 2012, BLM issued a decision to Joy Townsend to disapprove any future "Application for Adoption of Wild Horses or Burros", based upon violations of her previous Private Maintenance and Care Agreements. On August 8, 2012, Mrs. Townsend filed an appeal with IBLA (#IBLA-2012-0253) with no statement of reasons. On September 26, 2012, Mrs. Townsend provided IBLA with a statement of reasons for her appeal. On November 23, 2012, BLM filed its Answer to Townsends Appeal with IBLA, and is awaiting ruling.

Wyoming

Rock Springs Grazing Association, a Wyoming Corporation; v. Ken Salazar, in his official capacity as Secretary of the Department of Interior; the United States Department of the Interior; Robert V. Abbey, in his official capacity as Director of the Bureau of Land Management; and the United States Bureau of Land Management. Plaintiff filed petition for relief to enforce the judgment and order in the case of Mountain States Legal Foundation and Rock Springs Grazing Association v. Clark, Secretary of Department of the Interior, Civ. No. 79-275, and direct the defendants to remove all of the wild horses that have strayed onto the RSGA lands within the Wyoming Checkerboard. The case was briefed and oral argument held, on September 17, 2012. The court refrained from ruling to allow settlement discussions to continue. The parties submitted a status report on the progress of settlement discussions on December 17, 2012. The court has extended the date for a settlement to be reached to March 1, 2013. If the parties have not provided a settlement agreement by that time, the court will rule on the merits of this matter.

U.S. Forest Service

Montana

Cloud Foundation v. Salazar, 1:09-CV-1651: Reconstruction of the north boundary fence for the Pryor Mountain Wild Horse Range based on a Forest Service decision regarding resource management issues on National Forest System lands is the focus of this litigation.

Oregon

Loren and Piper Stout v. U.S. Forest Service, Case 2:09-cv-00152-HA (D. OR) (Filed 2-5-2009): Plaintiffs filed suit against the U.S. Forest Service alleging that the agency violated the National Forest Management Act, Administrative Procedure Act, and Endangered Species Act (ESA) by allowing horses in excess of the established Allotment Management Level to remain on the Murderers Creek Territory, not consulting with the National Marine Fisheries Service (NMFS) on the 2007 Murderers Creek Wild Horse Management Plan (2007 Plan), and allowing wild horses to take threatened steelhead. In March 2011, the district court ruled that the FS violated the ESA when it did not consult on the 2007 Plan. The court remanded the 2007 Plan to the FS and ordered the agency to consult with NMFS on the Plan's effects on listed steelhead and critical habitat. The FS initiated consultation with NMFS, and a final biological opinion was issued in December 2012.

U.S. Forest Service 2013 Report to
Wild Horse and Burro Advisory Board
March 4, 2013

The U.S. Forest Service (FS) continues to work closely with the Bureau of Land Management (BLM) on all gathers and the final disposition of gathered horses and burros. The FS has reimbursed the BLM for work associated with gathers, etc., and long term care through a Memorandum of Understanding spelling out the reimbursement provisions. The FS has been able to accomplish this through an efficient method authorized by Congress in the FY 2005 Consolidated Appropriations Act. Congress extended this authority through FY 2014. A new five-year Interagency Agreement between the FS and BLM was signed in September 2011 that will promote continued cooperation between the two agencies.

FY2012 Gather Statistics

Two hundred, twelve (212) wild horses and 23 wild burros were gathered from lands within or adjacent to seven FS territories in FY 2012. The territories were: Double A, in Arizona (23 burros); Jarita Mesa, in New Mexico (86 horses); and Murderers Creek (123 horses) in Oregon.

FY2013 Gather Statistics

Actual Gathers to Date - Due to storage space limitations and BLM emergency gather priorities; FS gathers were limited to three territories and have concluded for the remainder of the fiscal year. Gathers to date include Murderer's Creek (166 horses), in Oregon; and Jicarilla, in New Mexico (43 horses).

Emergency Gathers – There have been no emergency gathers on National Forest Service (NFS) lands. Because water sources on NFS territories are generally at higher elevations, most water sources and summer range forage had not been depleted. Drought conditions on some individual territories and HMA/territory complexes have caused horses and burros to seek water and forage outside territory boundaries. August rainfall provided some green up and surface waters in New Mexico, and southern Nevada. Horses, of initial concern on the Spring Mountains JMA, have shown sign of some weight gain since August, with green up of annual grasses.

Nuisance Gathers - There was one nuisance gather on Devil's Garden Plateau in California (5 horses) in which horses were removed off private lands at the land owner's request.

FY2013 NEPA Planning

NEPA planning will or has been initiated on seven (7) territories in FY 2013, including 5 territories in Nevada; 1 territory in Oregon; and 1 territory in California. All seven territories are managed as Joint Management Areas with BLM. The Nevada territories are Monte Cristo WHT near Ely; Hickison WBT near Austin, and Spring Mountain WHBT Complex (Spring Mtn, Johnnie & Red Rock JMAs) near Las Vegas, Nevada. The Oregon territory is Murderer's Creek WHT near John Day. The California territory is Devils Garden WHT near Alturas.

Litigation Update

Cloud Foundation v. Salazar, 1:09-CV-1651: Reconstruction of the north boundary fence for the Pryor Mountain Wild Horse Range based on a Forest Service decision regarding resource management issues on National Forest System lands is the focus of this litigation.

Loren and Piper Stout v. U.S. Forest Service, Case 2:09-cv-00152-HA (D. OR) (Filed 2-5-2009):

Plaintiffs filed suit against the U.S. Forest Service (USFS) alleging that the agency violated the National Forest Management Act (NFMA), Administrative Procedure Act (APA), and Endangered Species Act (ESA) by allowing horses in excess of the established AML to remain on the Murderer's Creek Territory, not consulting with the National Marine Fisheries Service (NMFS) on the 2007 Murderers Creek Wild Horse Management Plan (2007 Plan), and allowing wild horses to take threatened steelhead.

In March 2011, the district court ruled that the USFS violated the ESA when it did not consult on the 2007 Plan. The court remanded the 2007 Plan to the USFS and ordered the agency to consult with NMFS on the Plan's effects on listed steelhead and critical habitat. The USFS initiated consultation with NMFS, and a final biological opinion was issued in December 2012.

Advisory Board and BLM Formed Working Groups

As of February 4, 2013

Board Formed Working Groups

Financial (October 29-30, 2012)
Callie Hendrickson and Paul Durbin
Holle' Hooks will serve as the point of contact for this working group.

Public Comment (October 29-30, 2012)
Paul Durbin, June Sewing, and Tim Harvey
Debbie Collins will serve as the point of contact for this working group.

Director's Challenge-type Efforts that Support Volunteer Resources (October 29-30, 2012)
Paul Durbin, Julie Gleason, and June Sewing
Debbie Collins will serve as the point of contact for this working group.

Population Growth Suppression (April 23-24, 2012)
Dr. Boyd Spratling (Chair), Dr. Robert Bray, Tim Harvey, Jim Stephenson
Dean Bolstad will serve as the point of contact for this working group.

Ecotourism (April 23-24, 2012)
Callie Hendrickson (Chair), Tim Harvey, and Julie Gleason
Debbie Collins will serve as the point of contact for this working group

Herd Area Repopulation (April 23-24, 2012)
Tim Harvey (Chair), June Sewing, and Paul Durban
Dean Bolstad will serve as the point of contact for this working group.

Complete - National Wild Horse and Burro Advisory Board Standard Operating Procedures (April 23-24, 2012)
Dr. Boyd Spratling and Julie Gleason (Co-chairs)
Sharon Kipping will serve as the point of contact for this working group.

BLM Formed Working Groups

Comprehensive Animal Welfare Program (April 23-24, 2012)
Dean Bolstad - Lead
External Experts: Dr. Boyd Spratling, Tim Harvey, and Dr. Robert Bray

Increasing Adoptions (April 23-24, 2012)
Sally Spencer - Lead
External Experts: Julie Gleason and June Sewing

Eco- Sanctuary (April 23-24, 2012)
Zach Reichold - Lead
External Experts: Tim Harvey and Callie Hendrickson

Complete - Wild Horse and Burro Gather Guidance (April 23-24, 2012)
Joan Guilfoyle - Lead
External Expert: Gary Zakotnik

Guidelines Regarding Wild Horse and Burro Advisory Board Members' Participation Outside Advisory Board Meetings

Issued April 4, 2012

I. Advisory Board-formed Working Groups

Definition:

- Group is formed by the Advisory Board
- Group is comprised solely of current Advisory Board members and participation in Working Groups terminates upon termination of Board membership.
- BLM provides information as requested to the Group on the Group's subject area
- BLM does not participate in Group discussions
- Group reports findings/recommendations directly and only to the Advisory Board

Reference:

General Services Administration 41 CFR Part 102-3.160

"What activities of an advisory committee are not subject to the notice and open meeting requirements of the Act?

The following activities of an advisory committee are excluded from the procedural requirements contained in this subpart:

> (a) Preparatory work. Meetings of two or more advisory committee or subcommittee members convened solely to gather information, conduct research, or analyze relevant issues and facts in preparation for a meeting of the advisory committee, or to draft position papers for deliberation by the advisory committee; and
> (b) Administrative work. Meetings of two or more advisory committee or subcommittee members convened solely to discuss administrative matters of the advisory committee or to receive administrative information from a Federal officer or agency."

II. BLM-formed Group requesting Advisory Board External Experts

Definition:

- Group is formed by the BLM
- BLM requests an external expert(s) from the Advisory Board
- Advisory Board recommends Board members to serve on the Group
- External Experts can meet with the BLM-formed Group to present their independent views and recommendations, participate as individuals, and contribute independent opinions regarding issues, materials and questions posed to them by the BLM-formed Group.
- External Experts cannot collaborate with the BLM-formed Group to develop findings and recommendations
- The BLM-formed Group develops and presents the Group's findings and recommendations, and reports them to the Advisory Board.
- External Experts from the Advisory Board must be current Advisory Board members and participation terminates upon termination of Board membership.

Reference:
General Services Administration 41 CFR Part Parts 102-3.40
"What types of committees or groups are not covered by the Act and this part?
The following are examples of committees or groups that are not covered by the Act

> (e) Groups assembled to provide individual advice. Any group that meets with a Federal Official(s), including a public meeting, where advice is sought from the attendees on an individual basis and not from the group as a whole;
> (f) Groups assembled to exchange facts or information. Any group that meets with a Federal official(s) for the purposes of exchanging facts or information."

Reference Used:
Federal Register Notice – Thursday, July 19, 2001

III. The BLM 's Response to Recommendations

The BLM will accept or not accept recommendations from the Advisory Board concerning Advisory Board formed Working Groups and BLM formed Groups requesting Advisory Board external experts within one month of the meeting. The BLM wants to enable the Advisory Board to participate and share their valuable assistance as soon as possible.

BLM Guidance as of February 11, 2013

Handbooks

FY2010

H-4700-1 WILD HORSES AND BURROS MANAGEMENT HANDBOOK

Manuals

FY 2010

MS-4710 Management Considerations

MS-4720 Removal

MS-4730 Destruction of Wild Horses and Burros and Disposal of Remains

FY 2009

H-4740-1 Wild Horse and Burro Program Aviation Management*

FY 2004

H-4760-1 Conducting Compliance Checks for BLM's Wild Horses and Burro Adoption Program*

FY 1998

H-4750-2 Adoption of Wild Horses and Burros*

Note: * indicates Guidance that has a Handbook reference number but is actually a Manual.

Instruction Memorandums

FY2013

IM 2013-061, Wild Horse and Burro Gathers Internal and External Communicating and Reporting

IM 2013-060, Wild Horse and Burro Gathers Management by Incident Command System

IM 2013-059, Wild Horse and Burro Gathers Comprehensive Animal Welfare Policy

Instruction Memorandums (continued)

IM 2013-058, Wild Horse and Burro Gathers Public and Media Management

IM 2013-032, Direction for the Sale of Wild Horses and Burros

FY2012 None

FY 2011

IM 2011-021, the BLM's Partnership with the Mustang Heritage Foundation

IM 2011-040, Protocols for Media at Wild Horse and Burro Gathers

IM 2011-193, FY 2012 Director's Challenge Expanding Volunteer Engagement in Monitoring and Sustaining the Health of BLM Wild Horse and Burro Herd Management Areas

FY 2010

IM 2009-041, Change 1, Euthanasia of Wild Horses and Burros for Reasons Related to Health, Handling and Acts of Mercy

IM 2010-057, Wild Horse and Burro Population Inventory and Estimation

IM 2010-130, Wild Horse and Burro Gather Decisions

IM 2010-130, Change 1, Wild Horse and Burro Gather Decisions

IM 2010-135, Gather Policy, Selective Removal Criteria, and Management Considerations for Reducing Population Growth Rates

IM 2010-162, Wild Horse and Burro Gather Daily Reporting Policy, Internal Communications Protocols

IM 2010-164, Public Observation of Wild Horse and Burro Gathers

IM 2010-183, Helicopter Capture of Wild Horses and Burros

FY 2009

IM 2009-041, Euthanasia of Wild Horses and Burros for Reasons Related to Health, Handling and Acts of Mercy

IM 2009-062, Wild Horse and Burro Genetic Baseline Sampling

IM 2009-063, Gelding of Wild Horses and Burros and Gelding Vouchers

Instruction Memorandums (continued)

IM 2009-074, Wild Horse and Burro Vaccinations in Short-term Holding Facilities

IM 2009-085, Managing Gathers Resulting from Escalating Problems and Emergency Situations

IM 2009-090, Population-Level Fertility Control Field Trials: Herd Management Area Selection, Vaccine Application, Monitoring and Reporting Requirements

IM 2009-107, BLM Manual 9400, Aviation Management and BLM Wild Horse and Burro Aviation Management Handbook 2009 Revision

IM 2009-172, Requirements for Selection of Wild Horses for Mustang Heritage Foundation Competitive Events

FY 2008 None

FY 2007 None

FY 2006

IM 2006-023, Euthanasia of Wild Horses and Burros

IM 2006-074, Gelding of Wild Horses/Burros and Gelding Vouchers

FY 2005

IM 2005-101, Direction for the Sale of Wild Horses and Burros

IM 2005-204, Implementation of Strategic Research Plan for Wild Horse and Burro Management

IM 2005-206, Gather Policy & Selective Removal Criteria

IM 2005-207, Wild Horse and Burro Adoption: Buddy, Previous Adopter Reward and Promotion Animal Programs

IM 2005-216, National Adoption Plan

FY 2004

IM 2004-138, Gather Plan and Environmental Assessment Review and Content Requirements for Fertility Control

Instruction Memorandums (continued)

IM 2004-151, Establishment/Adjustment of Appropriate Management Levels, and Managing Planned Escalating Problem and Emergency Gathers; DD: AML Establishment Schedule 04/15/2004

FY 2003

IM 2003-185, Field Review of Strategic Research Plan for Wild Horse and Burro Management; DD: 06/30/2003

SPECIES FOR WHICH WE ARE INITIATING A 5-YEAR STATUS REVIEW—Continued

Common name	Scientific name	Status	Where listed	Final listing rule
Popolo ku mai	*Solanum incompletum*	Endangered	U.S.A (HI)	59 FR 56350; 11/10/1994.
No common name	*Spermolepis hawaiiensis*	Endangered	U.S.A (HI)	59 FR 56350; 11/10/1994.
No common name	*Vigna o-wahuensis*	Endangered	U.S.A (HI)	59 FR 56350; 11/10/1994.
A'e	*Zanthoxylum dipetalum* var. *tomentosum.*	Endangered	U.S.A (HI)	61 FR 53152; 10/10/1996.
A'e	*Zanthoxylum hawaiiense*	Endangered	U.S.A (HI)	59 FR 10305; 03/04/1994

Request for New Information

To ensure that a 5-year review is complete and based on the best available scientific and commercial information, we request new information from all sources. See "What Information Do We Consider in Our Review?" for specific criteria. If you submit information, please support it with documentation such as maps, bibliographic references, methods used to gather and analyze the data, and/or copies of any pertinent publications, reports, or letters by knowledgeable sources.

If you wish to provide information for any species listed above, please submit your comments and materials to the appropriate contact in either the Oregon or Pacific Islands Fish and Wildlife Office (see **ADDRESSES** section).

Public Availability of Comments

Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Comments and materials received will be available for public inspection, by appointment, during normal business hours at the offices where the comments are submitted.

Completed and Active Reviews

A list of all completed and currently active 5-year reviews addressing species for which the Pacific Region of the Service has lead responsibility is available at: *http://www.fws.gov/pacific/ecoservices/endangered/recovery/5year.html.*

Authority

This document is published under the authority of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*).

Dated: December 31, 2012.

Chris McKay,

Acting Regional Director, Region 1, U.S. Fish and Wildlife Service.

[FR Doc. 2013–02453 Filed 2–4–13; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[LLWO2600000 L10600000 XQ0000]

Notice of Wild Horse and Burro Advisory Board Meeting

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: The Bureau of Land Management (BLM) announces that the Wild Horse and Burro Advisory Board will conduct a meeting on matters pertaining to management and protection of wild, free-roaming horses and burros on the Nation's public lands.

DATES: The Advisory Board will meet on Monday, March 4, 2013, from 8 a.m. until 5 p.m. and on Tuesday, March 5, 2013, from 8 a.m. until 12 p.m. local time. This will be a one and a half day meeting.

ADDRESSES: This Advisory Board meeting will take place at the Sheraton Oklahoma City Hotel, 1 North Broadway Avenue, Oklahoma City, Oklahoma 73102, 405–235–2780. Written comments pertaining to the March 4–5, 2013, Advisory Board meeting can be mailed to National Wild Horse and Burro Program,WO–260, Attention: Ramona DeLorme, 1340 Financial Boulevard, Reno, NV 89502–7147, or sent electronically to the BLM through the Wild Horse and Burro Web site at: *http://www.blm.gov/wo/st/en/prog/whbprogram/recent_news_and_information/enhanced_feedback_form.html.*

FOR FURTHER INFORMATION CONTACT: Ramona DeLorme, Wild Horse and Burro Administrative Assistant, at 775–861–6583. Persons who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 to contact the above individual during normal business hours. The FIRS is available 24 hours a day, 7 days a week, to leave a message or question with the above individual. You will receive a reply during normal business hours.

SUPPLEMENTARY INFORMATION: The Wild Horse and Burro Advisory Board advises the Secretary of the Interior, the BLM Director, the Secretary of Agriculture, and the Chief of the Forest Service on matters pertaining to the management and protection of wild, free-roaming horses and burros on the Nation's public lands. The Wild Horse and Burro Advisory Board operates under the authority of 43 CFR 1784. The tentative agenda for the 2-day event is:

I. Advisory Board Public Meeting

Monday, March 4, 2013 (8 a.m.–5 p.m.)

8:00 p.m. Welcome and Introductions
8:30 a.m. Approval of October 2012 Minutes
10:45 a.m. WHB Program Updates
12:00 p.m. Lunch
1:45 p.m. BLM Formed Work Groups (Comprehensive Animal Welfare Program; Increasing Adoptions; Eco-sanctuaries; and Population Suppression).
3:30 p.m. Public Comment Period Begins
4:30 p.m. Public Comment Period Ends
5:00 p.m. Adjourn

Tuesday, March 5, 2013 (8 a.m.–12 p.m.)

8:00 a.m. Advisory Board Formed Work Groups (Ecotourism; Herd Area Repopulation; Financial; Public Comments; and Director's Challenge Opportunities)
9:15 a.m. Board Member's Concerns and Issues
10: 00 a.m. Break
10:15 a.m. Board Recommendations to the BLM
12:00 p.m. Adjourn

The meeting site is accessible to individuals with disabilities. An individual with a disability needing an auxiliary aid or service to participate in the meeting, such as an interpreting service, assistive listening device, or

materials in an alternate format, must notify Ms. DeLorme 2 weeks before the scheduled meeting date. Although the BLM will attempt to meet a request received after that date, the requested auxiliary aid or service may not be available because of insufficient time to arrange it.

The Federal Advisory Committee Management Regulations at 41 CFR 101–6.1015(b), requires the BLM to publish in the **Federal Register** notice of a public meeting 15 days prior to the meeting date.

II. Public Comment Procedures

On Monday, March 4, 2013 at 3:30 p.m., members of the public will have the opportunity to make comments to the Board on the Wild Horse and Burro Program. Persons wishing to make comments during the Monday meeting should register in person with the BLM by 2 p.m. on March 4, 2013, at the meeting location. Depending on the number of commenters, the Advisory Board may limit the length of comments. At previous meetings, comments have been limited to 3 minutes in length; however, this time may vary. Commenters should address the specific wild horse and burro-related topics listed on the agenda. Speakers are requested to submit a written copy of their statement to the address listed in the **ADDRESSES** section above or bring a written copy to the meeting. There may be a webcam present during the entire meeting and individual comments may be recorded.

Participation in the Advisory Board meeting is not a prerequisite for submission of written comments. The BLM invites written comments from all interested parties. Your written comments should be specific and explain the reason for any recommendation. The BLM appreciates any and all comments. The BLM considers comments that are either supported by quantitative information or studies or those that include citations to and analysis of applicable laws and regulations to be the most useful and likely to influence the BLM's decisions on the management and protection of wild horses and burros.

Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Dated: January 30, 2013.

Gregory P. Shoop,

Deputy Assistant Director, Renewable Resources and Planning.

[FR Doc. 2013–02381 Filed 2–4–13; 8:45 am]

BILLING CODE 4310–84–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[LLUTG021.14300000.EU0000; UTU–89282]

Notice of Realty Action: Proposed (Non-Competitive) Direct Sale of Public Land in Carbon County, UT

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of realty action.

SUMMARY: The Bureau of Land Management (BLM) is considering the (non-competitive) direct sale of 280 acres of public land in Carbon County, Utah, at not less than the appraised fair market value to Hunt Consolidated, Inc.

DATES: In order to ensure consideration in the environmental analysis of the proposed sale, comments must be received by *March 22, 2013.*

ADDRESSES: Address all written comments concerning this notice to the BLM, Price Field Office, Attn: Connie Leschin, 125 S. 600 W., Price, Utah, 84501.

FOR FURTHER INFORMATION CONTACT: Connie Leschin, Realty Specialist, 435–636–3610, at the above address or email to *cleschin@blm.gov.* Persons who use a telecommunication device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 to contact the above individual. The FIRS is available 24 hours a day, 7 days a week, to leave a message or question with the above individual. You will receive a reply during normal business hours.

SUPPLEMENTARY INFORMATION: The following described public lands in Carbon County, Utah, are proposed for direct sale, subject to the applicable provisions of Sections 203 and 209 of the Federal Land Policy and Management Act of 1976 (FLPMA) and 43 CFR Parts 2711 and 2720:

Salt Lake Meridian, Utah

T. 14 S., R. 15 E.,
Sec. 8, SE¼SE¼;
Sec. 28, E½NE¼;
Sec. 33, SE¼SW¼, N½SE¼, SW¼SE¼.

The area described contains 280 acres, according to the official plat of the survey of the said land, on file with the BLM.

The proposed sale is in conformance with the BLM Price Field Office Resource Management Plan (PFO RMP) that was approved in October 2008. The parcels are identified for disposal in the PFO RMP on page 7 of Appendix R–11. The lands would be offered to Hunt Consolidated, Inc. on a non-competitive basis due to the lack of public access and their ownership of the surrounding lands, pursuant to 43 CFR 2711.3–3(a)(4). Conveyance of the identified public land would be subject to valid existing rights and encumbrances of record. Conveyance of any mineral interests pursuant to Section 209 of FLPMA will be analyzed during processing of the proposed sale. On February 5, 2013, the above-described land will be segregated from all forms of appropriation under the public land laws, including the mining laws and the mineral leasing laws, except for the sale provisions of the FLPMA. The lands were previously segregated from appropriation under the mining laws pursuant to Executive Order 5327 and Public Land Order 4522. Executive Order 5327 was revoked by PLO 7725 to the extent that the withdrawn lands were opened to operation of the public land laws and development activities under Section 21 of the Mineral Leasing Act, but not to operation of the 1872 Mining Law. Until completion of the sale action, the BLM is no longer accepting land use applications affecting the identified public lands. The temporary segregation will terminate upon issuance of a patent, publication in the **Federal Register** of a termination of the segregation, or on February 2, 2015, unless extended by the BLM Utah State Director in accordance with 43 CFR 2711.1–2(d) prior to the termination date.

For a period until March 22, 2013, interested parties and the general public may submit in writing any comments concerning the land being considered for sale, including notification of any encumbrances or other claims relating to the identified land, to the Field Manager, BLM Price Field Office, at the above address. In order to ensure consideration in the environmental analysis of the proposed sale, comments must be in writing and postmarked or delivered within 45 days of the initial date of publication of this notice. Electronic mail (email) will also be accepted and should be sent to *BLM_UT_PR_Comments@blm.gov* with "Price Land Sale" inserted in the subject line. Comments, including names and street addresses of respondents, will be available for public review at the BLM Price Field Office during regular business hours, except holidays.