

National Wild Horse and Burro Advisory Board Meeting  
Sacramento, CA

June 15, 2009

Board Members Present: Robin Lohnes; Gary Zakotnik; Larry Johnson; Dr. Vernon Dooley; Dr. Boyd Spratling; and Janet Jankura. Board Members Absent: Dr. Wayne Burkhardt and Renee Taylor. Washington Office Bureau of Land Management (BLM) Staff: Bud Cribley, Deputy Assistant Director, Renewable Resources and Planning; Don Glenn; Dean Bolstad; Sally Spencer; Lili Thomas, Bea Wade, Susie Stokke; Jenny Lesieutre; Jenna Whitlock; Ramona DeLorme; and EK James. California BLM: Jim Abbott, Associate State Director and Amy Dumas, Wild Horse and Burro State Lead. USDA, U.S. Forest Service: Barry Imler. USDA, APHIS, Veterinary Services: Dr. Al Kane.

Robin Lohnes opened the meeting at 8:15 a.m. The Board members introduced themselves to the public. Robin reminded members of the public to act with respect during the meeting and said that if there were outbursts or disruptions, offenders would be escorted from the room.

**Welcoming Remarks**

Jim Abbott welcomed the Board to Sacramento. He noted that he was genuinely impressed with the Western States Extreme Mustang Makeover which occurred on June 13, 2009. Volunteers and partnerships play a big role in the adoption program within the state of California. Jim also spoke about the history of Sacramento and the Pony Express. Bud Cribley welcomed the Board to the meeting. Bud reported that the BLM leadership is in transition with some positions filled and some waiting to be filled. Bob Abbey (former Nevada BLM State Director) has been nominated for the BLM Director. He noted that Bob is intimately familiar with the functions, issues, and politics of the Bureau and will be able to quickly engage with the Wild Horse and Burro Program issues. The BLM is asking for additional funding for the Wild Horse and Burro Program and is waiting for Congress to approve the FY2010 budget. Specifically, the Bureau has requested additional funds for the Program to meet critical needs with adoptions and managing horses on the range. Bud complimented the Bureau staff for their diligent work on researching the critical issues of the Program and developing the pros and cons so the managers will be fully informed to make balanced decisions on wild horse and burro issues. Recently, a working document was released through a FOIA request that alarmed the public. This document was part of the effort to develop information on the pros and cons of critical issues and alternatives so managers can make informed decisions. Bud reported that the Bureau has not made any decisions on how it will move forward. Bud also noted that the General Accounting Office (GAO) Report identified that the BLM was not following the law to euthanize excess horses for which no adoption demand exists. This issue was staffed out in the working document. He added no one in the Bureau wants to take this step; however, the facts are now on the table so that managers will be informed. Bud said that BLM appreciates everybody's concern and BLM is working to make the program transparent. BLM is able to have discussions in a public forum because the Advisory Board is a Federal Advisory Committee Act (FACA) chartered board.

Approved: September 28, 2009

## **California Report**

Amy Dumas, California State Lead for the Wild Horse and Burro introduced the California staff that was in attendance. She talked about Herd Management Areas (HMA); gathers; adoption partnerships; working with the military; and the extensive volunteer program which helps in educating the public about the program. California has two holding facilities, Litchfield and Ridgecrest that have a holding capacity of 1,000 head each. California had two Extreme Mustang Makeover Events recently: Norco, CA in May 2009 and Sacramento, CA in June 2009. The Board asked for the age of the Land Use Plans for upcoming California gathers. The Board also asked specifically the number of horses offered for adoption and actual numbers adopted.

## **March 2, 2009 Minutes**

The Board approved March 2, 2009 minutes.

## **Status of Nominations**

Sally Spencer reported that the terms of three of the Advisory positions expire on November 6, 2009. These positions are Wildlife Management, Livestock Management, and Humane Advocacy. A letter is being sent to all nominees for these positions notifying them that their nominations have been received. The Bureau is compiling a list of all candidates' letters and resumes and preparing a summary memo for the Assistant Secretary and the White House Liaison. Sally noted that the BLM hopes to have the positions filled by November 2009. Also the BLM has a new Federal Advisory Committee Act Specialist, Allison Sandoval. The Board positions whose terms expire on June 14, 2010 are Livestock Management, Wild Horse and Burro Research, and Natural Resource Management. The Board positions with terms that expire on January 8, 2012 are Wild Horse and Burro Advocacy, Veterinary Medicine, and Public Interest. The Board's Charter will expire on July 22, 2010. It was noted that the Board would like to review the charter prior to the expiration date.

## **Wild Horse and Burro Strategy**

Don Glenn reported that the BLM is developing a five year strategy that will address critical issues in the Wild Horse and Burro program and all the GAO and Advisory Board Recommendations. A draft of the document will be presented to the Board for review after the new administration's leadership is in place and has the opportunity to review and approve a draft.

## **BLM Response to the Recommendation of March 2, 2009**

1. The Board recommends that the BLM support a National Adoption Day/Week at the end of September 2009.

The BLM accepts this recommendation and is an active member of the National Wild Horse Adoption Day Steering Committee. This group consists of Jerry Reynoldson, Wild Horses 4

Ever; Robin Lohnes, American Horse Protection Association; Holly Hazard and Stephanie Boyles, The Humane Society of the United States; Patti Colbert, Mustang Heritage Foundation; and Sally Spencer, BLM. The goal of National Wild Horse Adoption Day is to adopt 1,000 wild horses during the two week period around September 26, 2009. The Steering Committee is working with equine rescue groups, Trainer Incentive Program (TIP) trainers, and volunteers to set event locations. Also, every BLM Office will have Wild Horse Facilities open and adoption events scheduled. The National Wild Horse Adoption Day website ([www.nationalwildhorseadoptionday.org](http://www.nationalwildhorseadoptionday.org)) is up and information will be added as available.

### **BLM Response to the Recommendations of November 17, 2009**

1. Recommend that BLM explore the viability of semi-privatizing the Adopt-A-Horse Program.

**BLM Response:** BLM is considering semi-privatizing the Adopt-A-Horse program by expanding the role of its partners and other horse advocacy groups as part of our five-year strategy.

2. Recognizing that horses 11 years or older are currently sale eligible with the intent clause, recommend that younger horses also become sale eligible with the intent clause after they have been offered for adoption three times and have been available for adoption for 90 days. "Offered for adoption" includes satellite events, Internet adoptions, and each day a facility is open for adoption.

**BLM Response:** BLM is considering this recommendation as part of its five-year strategy. Additionally, the National Program Office has begun initial work on revising its current sale policy to allow sales of [select] younger horses.

3. Recommend that BLM expand wild horse sales by offering organizations with existing adoption/sale networks such as wild horse advocacy groups, 501(c)(3) organizations, and private individuals an opportunity to adopt/purchase groups of sale eligible animals for virtual adoptions, rehoming or sale to approved homes.

**BLM Response:** The BLM accepts this recommendation. When Sale Authority became law in December 2004, the BLM sent letters to wild horse advocacy groups and 501(c)(3) organizations offering a \$100 incentive from the Save the Mustang Fund for every wild horse they purchased. There were very few groups that were interested in taking an older wild horse. BLM feels the groups will be more successful in re-homing younger animals and once BLMs current sale policy is revised to allow sales of [select] younger horses, a marketing strategy will be put into place to offer wild horse advocacy groups, 501 (c)(3) organizations, and private individuals the opportunity to purchase groups of younger sale eligible animals. The Mustang Heritage Foundation will be launching a Virtual Adoption website in the next few months. Also, the National Wild Horse Adoption Day will be a good opportunity for groups and individuals to get involved in the program and for the BLM to build new relationships.

4. Recommend that BLM advertise and market sale eligible animals (with the intent clause) in foreign countries with known good homes by offering "select sales" for sale eligible animals 11 years of age and over, and for younger animals that have been offered for adoption three times during a 90 day period.

and

5. Recommend that BLM continue to explore opportunities to foster foreign aid by providing sale eligible animals (with the intent clause) to foreign countries for agricultural (nonfood) use.

**BLM Response:** BLM is considering these recommendations (4 and 5) as part of its five-year strategy.

6. Recommend that BLM explore assistance agreements with wild horse advocacy groups and 501(c)(3) organizations to offset the costs of LTH, including but not limited to, assuming direct ownership of animals not adopted or sold, partnering with the Save The Mustang Fund to raise funds specifically for LTH care, and/or assisting in the placement of sale eligible animals through cooperative marketing efforts and increased public awareness.

**BLM Response:** The BLM accepts this recommendation and will take full advantage of National Wild Horse Adoption Day to raise public awareness about the adoptability of these animals and the continuing need to find good homes for the wild horses. The BLM will continue to explore the possibility of assistance agreements and incentive programs with 501(c)(3) organizations. The Solicitor's Office has determined that the Save the Mustangs Fund cannot be used to pay for Long Term Holding Costs; however the Fund can continue to be used to assist in the placement of sale eligible animals and will be promoted as an alternative for those who are unable to adopt, but still want to help the wild horses.

7. Recommend that BLM disseminate information to horse advocacy groups, 501(c)(3) organizations, and private individuals interested in acquiring BLM livestock grazing permits through the purchase of private base property (requiring the conversion of livestock AUMs to horse AUMs in accordance with terms and conditions of the grazing permit) in order to provide long term private care for non-reproducing purchased or adopted animals.

and

8. Recommend that BLM provide the necessary information to wild horse advocacy groups, 501(c)(3) organizations, and private individuals who may be interested in contracting with existing livestock permittees to provide fee based long term care for purchased or adopted animals.

**BLM Response:** For recommendations 7 and 8, the BLM is currently exploring with its Solicitors Office legal interpretations of how this could work. The Solicitors believe that

animals run on BLM grazing permits would have to be titled. Once BLM receives an interpretation from the Solicitor's Office, the Wild Horse and Burro Program will work with the Range Program to put together detailed instructions on how to acquire BLM livestock grazing permits for the private care for non-reproducing titled animals. This option will then be promoted to 501(c)(3) organizations and private individuals.

9. Recommend that BLM recognize that in the attempt to slow population growth, unproven field techniques may be considered and utilized, and as such, these new management practices shall be done on a conditional basis and until the effects of these practices and their applicability to future wild horse management are demonstrated to be effective through monitoring.

**BLM Response:** BLM accepts this recommendation and is employing techniques that are intended to slow population growth even though they may not be fully proven. For example, fertility control has not yet been demonstrated to suppress population growth rates on Western ranges but BLM continues to use the available agents toward this goal. Trials utilizing sex ratio adjustments to favor males (either stallions or in part geldings) will also be tried and monitored.

10. Recommend that BLM not use spaying of mares and vasectomies for stallions as population control methods unless these methods can be demonstrated as safe, practical and effective.

**BLM Response:** BLM accepts this recommendation, but will remain open to research proposals and the results of studies in these areas that may lead to or demonstrate safe and effective management techniques for reducing population growth in free-roaming wild horse herds.

11. Recommend that BLM and the WH&B Advisory Board revisit the existing immunocontraception guidelines (dated August 16, 1999) to explore additional fertility control methodology and protocols to include, but not be limited to, agents that might be permanent for stallions or mares.

**BLM Response:** BLM has drafted proposed changes to the existing guidelines for the use of fertility control and updated the list of desirable characteristics for fertility control agents. The draft revisions have been shared with the Board's Subcommittee established for this subject, and BLM looks forward to the Subcommittee's report and formal feedback from the Board.

BLM continues to pursue the development of a longer acting fertility control agent for mares through research being conducted by Dr. John Turner at the University of Toledo, Ohio Medical College. Additionally, BLM is ready to support research for the development of other safe and effective longer lasting or permanent contraceptive agents.

12. Recommend that BLM seek additional, dedicated funding, independent of proposed annual gather targets, for at least two HMAs per year in Nevada (as the first priority) that are at or near AML for specific techniques relating to the suppression of population growth rates, including but not limited to fertility control, adjusting sex ratios and/or adding a gelding

component. Such funding would include monies for all census, population modeling, gathers, field monitoring, and the recruitment of additional personnel to assist in field monitoring related to each project.

**BLM Response:** BLM is considering this recommendation as part of its five-year strategy.

13. Recommend that BLM implement changes to herd sex ratios to favor males in select HMAs where population growth suppression is desired. The sex ratio may be adjusted to favor males either by increasing the stallion to mare ratio or by adding a gelding component to the herd. As a minimum baseline for all wild horse herds, no herd should be managed for a sex ratio with a mare component greater than 50 percent. The effects of using sex ratios to favor males shall be monitored in select HMAs to determine, at a minimum, the effects of these practices on population growth and their applicability to future wild horse management.

and

14. In order to reduce the number of excess animals that need to be gathered, recommend that BLM consider criteria for establishing non-reproductive herds in select HMAs, especially where resource availability impacts the ability of the herd to be self sustaining.

**BLM Response:** BLM is considering these recommendations (13 and 14) as part of its five-year strategy. Additionally, the National Program Office has drafted an Instruction Memorandum – Gather Policy, Selective Removal Criteria and Management Considerations for Reducing Population Growth Rates – that addresses BLM’s policy on non-reproducing herds and adjusting sex ratios to slow population growth.

15. Recommend that for all emergency gathers BLM have a veterinarian present, and that animals in the field that exhibit signs of disease, stress or body condition that would render them more susceptible to life threatening illness when moved into a holding facility be humanely euthanized.

**BLM Response:** Normally emergency gathers are conducted before animal health issues develop; for example gathers conducted after wildfires are done before the shortage of forage affects animal condition. There are times when emergencies or drought create animal health or welfare issues before animals can be removed, but every emergency gather does not involve an animal health emergency.

BLM will modify existing gather policy for emergency gathers to recommend veterinary assistance either on site or on call when animal welfare issues are a concern. In cases where serious animal welfare issues are encountered at a gather site, veterinary assistance will be acquired. BLM will also review its euthanasia policy to determine if adequate guidance exists to deal with animal welfare issues at gather sites.

16. As a last resort, recommend that sale eligible animals not sold or adopted after a period of 30 days be offered for sale without limitation (without the intent clause) or be humanely euthanized pursuant to current law unless the Director determines there is a viable alternative. (Robin Lohnes, Co-Chair and representative of Wild Horse Advocacy does not support recommendation #16.)

**BLM Response:** BLM is considering this recommendation as part of its five-year strategy.

17. Recommend that to accommodate the differences in operational capabilities among BLM and BLM-contracted facilities, the humane euthanasia of excess animals for which an adoption or sale demand does not exist (as described in #16, above) may include, but not be limited to, contracting for on-site and/or off-site humane euthanasia and carcass disposal. Humane euthanasia for these reasons will be performed only by a veterinarian or under the direct supervision of a veterinarian in accordance with American Veterinary Medical Association (AVMA) guidelines and in compliance with the applicable state veterinary practice acts and applicable state, county or municipal laws or regulations.

**BLM Response:** BLM will consider this recommendation if it employs humane euthanasia for healthy, excess wild horses.

18. Recommend that BLM continue to support the Mustang Heritage Foundation and the expansion of their activities.

**BLM Response:** BLM accepts this recommendation. Ways to expand the Mustang Heritage Foundation's role will be explored in the five-year strategy.

19. Recommend that the USDA, Forest Service continue to provide funding to the BLM for the next 5 years (FY2010-FY2015) for wild horse and burro work conducted by the BLM for the Forest Service.

**Forest Service Response:** The Forest Service will continue to provide funding to the BLM for wild horse and burro work conducted by the BLM for the Forest Service. The fiscal year 2010 budget proposal includes a request to Congress for continued authority to expedite the transfer of funds between the agencies for this purpose.

There was discussion on some of the Recommendations and Responses.

Recommendation 1: The Board considered BLM's response a very positive step and would like to be pro-active in supporting the BLM efforts to expand the roles of private partners in the adoption program.

Recommendation 2: The Board clarified that this recommendation includes the intent clause and does not open the door to sale without limitation. It will add a tool to the adoption tool box.

Recommendation 7 and 8: The Board emphasized that if livestock grazing permits are converted to horses, the terms and conditions of the permit need to be complied with to ensure the health of the land. The Bureau commented that the National Mustang Association purchased base property and converted livestock permits to horse permits, which is the intent of these recommendations and all existing legal requirements were met. The Board asked if Madeleine Pickens' proposal would fall under these recommendations and the BLM responded that it would with the following provisions. The animals must be titled and the allotment would have to be fenced and controlled. The Pickens' proposal also requested a guarantee of \$500 per animal for 20,000 animals for 40 years. Current long-term holding costs are \$465 per animal per year. Congress appropriates money annually and the government cannot legally commit to payments for 40 years. The BLM has discussed these complications with Mrs. Pickens and is continuing discussions with her. The Board commented that this Recommendation was provided to reduce long-term holding costs and options should not be explored unless there is a substantial reduction in costs to the government.

Recommendation 9: The Board commented that the liquid fertility control PZP agent is effective for one year, but the longer term effectiveness of the pelleted form of PZP is unproven. BLM agreed to modify the response from:

**BLM Response:** BLM accepts this recommendation and is employing techniques that are intended to slow population growth even though they may not be fully proven. For example, fertility control has not yet been demonstrated to suppress population growth rates on Western ranges but BLM continues to use the available agents toward this goal. Trials utilizing sex ratio adjustments to favor males (either stallions or in part geldings) will also be tried and monitored.

to:

**BLM Response:** BLM accepts this recommendation and is employing techniques that are intended to slow population growth even though they may not be fully proven. For example, fertility control has been proven effective in the short term, but has not yet been demonstrated to suppress long term population growth rates on Western ranges but BLM continues to use the available agents toward this goal. Trials utilizing sex ratio adjustments to favor males (either stallions or in part geldings) will also be tried and monitored.

Recommendation 12: The Board expressed frustration that the BLM was not taking action on this recommendation. The BLM responded that a lot of the recommendations support existing work and provide emphasis to help us communicate the need for future funds.

Recommendations 13 and 14: The Board expressed concern about fast tracking of non-reproducing herds prior to the approval of the five year strategy.

Recommendation 15: The Board expressed concern that a veterinarian should be present at all gathers that have animal welfare issues even if only few animals are involved.

Recommendation 16: Bud Cribley reemphasized that the document released under FOIA was BLM staff work to identify the feasibility and cost of the possible short and long term options to reduce holding costs. It was not a decision document and no decision has been made on these issues.

The Board appreciates that there has been a change in administration and transitions take time; however, the Board expressed frustration at the lack of inertia and feels the BLM needs to plan and be prepared if decisions are made to implement these recommendations.

### **GAO Report**

Don Glenn gave an update on the GAO's recommendations.

GAO Recommendation 1: The Secretary of the Interior to direct BLM to finalize and issue the new Wild Horse and Burro Program 4710 Handbook that establishes a policy for setting AML to ensure that AML is determined based on consistent factors across HMAs into the future.

The 4710 Wild Horse and Burro Program Handbook has been drafted and provided to the Board. The BLM would like to finalize the Handbook by September 30, 2009. The Board would not have time to review the Handbook as a whole Board prior to its next meeting.

GAO Recommendation 2: The Secretary of the Interior to direct the BLM to continue to adopt and employ statistically based methods to estimate animal populations across HMAs, such as those being evaluated by animal population researchers, to improve the accuracy of population estimates integral to the BLM's management of wild horses and burros on the range and in planning for capacity needed for excess animals once they are removed from the range.

The U.S. Geological Survey (USGS) has developed two techniques for population surveys: simultaneous double count and photo mark resight. The BLM has drafted an implementation plan.

GAO Recommendation 3: The Secretary of the Interior direct the BLM to track the number of animals harmed or killed during the gather process in a centralized database system and determine what information on the treatment of gathered animals, short-term and long-term holding animals, and adopted animals could easily be provided to the public to help inform them about the treatment of wild horses and burros.

The BLM has been and will continue to post information of this kind on its national website. The Board commended the BLM for the timely postings and updates to the website and reminded the public that statistics are easy to find at [www.blm.gov](http://www.blm.gov).

GAO Recommendation 4: The Secretary of the Interior direct the BLM to develop cost-effective alternatives to the process of caring for wild horses removed from the range in long-term holding facilities and seek the legislative changes that may be necessary to implement those alternatives.

This will be addressed in BLM's five year strategy and a Report to Congress. There was discussion about the Report to Congress and the BLM plans to have it completed by December 30, 2009.

GAO Recommendation 5: In addressing the BLM's noncompliance of the Wild Free-Roaming Horses and Burros Act of 1971, the Secretary of the Interior direct the BLM to discuss with Congress and other stakeholders how best to comply with the act or amend it so that the BLM would be able to comply.

The BLM has been speaking with Congress and the stakeholders.

### **4710 Wild Horse and Burro Program Handbook**

Susie Stokke explained the purpose of the Handbook is to provide guidance for the protection, management, and control of wild horses and burros on public lands in the west in accordance with the 1971 Act. She provided an overview of the content of the handbook.

There was general discussion about monitoring and budget constraints to conduct the work outlined in the Handbook. The Board agreed to review the 4710 Handbook to meet existing deadlines.

### **Rationale for Herd Areas**

Bea Wade explained that when the Act passed in 1971, the BLM flew over Western rangeland and mapped areas where horses and burros were found. Many of the animals originally identified in 1971 were privately owned and were claimed during the late 1970 to early 1980 claiming period so the BLM lands these animals were found on should not have been considered for Herd Area status. The review of all planning documents to identify the reasons that Herd Areas are not actively managed for wild horses and burros has been ongoing since 1999. Bea presented draft information because some areas are still under review. There are 14.9 million acres of public land in Herd Areas that are not managed for wild horses or burros. There are 15 reasons that these acres are not managed for wild horses and burros. The land status and having water not controlled by the BLM account for about 50% of that acreage. When the review is completed, it will be posted on the BLM's website.

### **Budget Update**

Jenny Lesieutre presented the budget update. The National Program Office and the State Leads met in March to work on the annual work plan and the FY 2010 budget. Total funding for FY 2009 is \$53 million. Short-term and long-term holding costs are about \$29.5 million, which is less than what was anticipated at the last Board meeting. The Program did not receive any stimulus money. There are, however stimulus monies which will benefit the range and therefore benefit the wild horses and burros. Jenny also reviewed the FY2010 President's budget funding and targets. The Board asked if any FY2009 appropriated funds were provided to support the

National Wild Horse Adoption Day. Jenny responded that \$287,000 of seed money was provided and transferred through the Mustang Heritage Foundation.

### **Gather Update**

Lili Thomas discussed upcoming gathers. A fertility treated column has been added to the gather report. There were 3,231 animals gathered last winter. This summer there are plans to remove 3,137 animals for a FY2009 removal total of 6,368 animals. The Board asked the age of the Land Use Plan documents for the areas being gathered in Oregon and Idaho. Lili will provide this information to the Board. Lili also discussed the two long term holding solicitations currently being advertised. One is for 200 to 1,000 head and the other is 1,000 to 5,000 head anywhere in the United States. The solicitations close on July 6, 2009.

### **Adoption, Sale, and National Wild Horse Adoption Day Update**

Sally Spencer reported that as of June 3, 2009 the BLM has sold 553 animals since October 1, 2008. This is 375 more animals sold in comparison with last year at this time. Also the Save the Mustangs Fund will be more aggressively promoted. Sally also reported that as of June 3, 2009 the BLM has adopted 2,099 animals. This is 32 more adopted this year in comparison with last year at this time. There are 70 remaining adoption events planned for FY2009 that will include satellite adoptions, Internet adoptions, Facility adoptions, Extreme Mustang Makeovers, and adoptions for National Wild Horse Adoption Day.

Sally provided information on some innovative things going on in the state. The New Mexico Region is piloting a Wild Horse Adoption Incentive program that offers \$500 to adopters of 4-10 year old horses once they receive the title to the horse. Also several states are working with volunteers and Trainer Incentive Program trainers to coordinate local adoption events.

Sally reported that September 26, 2009 is National Wild Horse Adoption Day. The goal is to adopt 1,000 animals. Events are being scheduled Nation-wide by equine and advocacy groups, TIP trainers, volunteers, and the BLM. The website [www.nationalwildhorseadoptionday.org](http://www.nationalwildhorseadoptionday.org) will be updated as events and activities are available.

### **Mustang Heritage Foundation**

Patti Colbert, Executive Director of the Mustang Heritage Foundation, gave an overview of the 11 planned 2009 events, including the recent Norco, CA Extreme Mustang Trail Challenge and the Western States Mustang Makeover in Sacramento, CA. Patti noted that 140 animals have been adopted and 80 are currently in training in the Trainer Incentive Program (TIP). The Mustang Heritage Foundation is now able to track on line news articles using Melt Water New Reports. The Foundation was originally set up to not only place animals in good homes but to market them. She reviewed the economic impact on the communities. In 2009, the Foundation's Extreme Mustang Makeover events will have an estimated \$48 million economic impact on host

cities. The Foundation plans to expand their Hispanic outreach. The Board commended the Foundation on their movement and energy.

### **Facility and Pipeline Reports**

Bea Wade provided an update on short-and long-term holding facilities. On May 31, 2009 there were 8,532 horses and 57 burros in short-term holding facilities that have a total capacity of 15,645 animals. There were 22,126 horses in long-term holding facilities that have a total capacity of 22,100. The long-term holding facilities are full.

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

Barry Imler reported that the Secretary of Agriculture has the same responsibilities towards managing wild horses and burros as the Secretary of Interior and the U.S. Forest Service (USFS) is in the same situation as the BLM with their administration in transition. In FY2009, the USFS transferred \$1.5 million to the BLM. The USFS requested a five year extension to continue to pay the BLM for work completed.

The four Territories with planned gathers this summer include: Double A in Arizona; Jicarilla in New Mexico; and Big Summit and Murderers Creek in Oregon. The Board requested further information of how many Territories need to establish Appropriate Management Levels (AML). The Board would like a schedule of when the AMLs will be established. In addition, the Board would like to know the age of the Land Use Plans for territories with established AMLs. The USFS position in Reno is still vacant. The issue is not in filling the position, but in the logistics of who the person would report to and where it would be located.

### **Pending Litigation**

Don Glenn reported that there were not many changes since the last Board meeting.

Montana: There are no changes. The District Court ruled in favor of the BLM in the Pryor Mountain PZP litigation. The other part of this case was against the USFS to expand the wild horse range. In that case, the District Court ruled in favor of the USFS. The litigants have now appealed the ruling to the 9<sup>th</sup> Circuit. Our Solicitor does not feel the PZP portion is part of that appeal.

Nevada: On March 24, 2009, the Nevada BLM's Regional Solicitor's office received a draft complaint from the State of Nevada, Office of the Attorney General regarding the Nevada Commission for the Preservation of Wild Horses request the Nevada Attorney General's office pursue appropriate legal action to "compel the BLM to meet its legal obligations". The letter is currently being reviewed by the Assistant Regional Solicitor for Nevada and the Department of Interior's Solicitor's office. A copy has also been forwarded to the Department of Justice.

Colorado: There are no changes. The plaintiffs filed for summary judgment against the proposal to remove all the horses from the West Douglas HMA. A hearing was held in the DC Circuit court on January 16, 2009. A decision has not been issued.

The gather plan for the 2008 removal was signed; however, the gather was cancelled. There were no appeals through IBLA and no injunctions requested. The gather has been postponed until we get a decision from the judge. All NEPA requirements have been met and we are prepared to go forward with a gather provided that the judge issues a favorable decision.

Wyoming: There are no changes. The BLM responded to a letter from the Wyoming Attorney General on February 5, 2009 informing him that the BLM agreed to a schedule worked out with the Wyoming Department of Agriculture to remove horses in WY this summer and fall to comply with the consent decree.

Oregon: There are no changes. The plaintiffs have filed suit against the USFS alleging failure to comply with the National Forest Management Act and Administrative Procedure Act by allowing excess horses to remain in the Murderers Creek Wild Horse Territory. The requested relief is a Court Order requiring management at the 100 head level identified in the Malheur National Forest Plan.

### **Research Update**

Dr. Al Kane reviewed the BLM's plan to implement the Instruction Memo for Aerial Population Survey Techniques for Wild Horses and Burros. The Bureau will hire a new specialist that will become an expert in population survey. The BLM expects to have the position in place within three to six months. Inventories using the new techniques were conducted in the Sand Wash, CO and Cedar Mountain, UT Herd Management Areas. The USGS and the BLM will continue to plan and schedule additional inventory work using the new techniques.

Fertility control application training was conducted in May 2009. Nine new applicators were trained.

The Wild Horse and Burro Program is initiating a new research effort to further the development, licensing, and application of SpayVac. The USGS will be the lead agency to coordinate this research. It is anticipated that these efforts will begin in late 2009 and continue for a period of at least five years.

Laboratory research to develop a longer lasting PZP pellet product by Dr. John Turner at the Medical College of Ohio is ongoing.

The collaborative field trials of the pelleted PZP-22 agent in the Sand Wash, CO and the Cedar Mountain, UT HMAs are ongoing. The Humane Society of the United States' field technicians are in the process of documenting foaling rates in treated and untreated mares.

Dr. Kane reported since 2004, there have been 2,200 mares treated with PZP-22 in 56 HMAs. In FY 2009, there were 392 mares treated in 9 HMAs and there are plans to treat 240 mares in 4 HMAs this summer.

### **Considerations for Fertility Control**

The Board decided to postpone subcommittee discussion to the next meeting for Revising Considerations for Fertility Control in Wild Horse Herds.

The Board expressed concern about the length of time it has taken to develop and apply a contraceptive agent. The BLM acknowledged it is taking a long time and that there are many complications that slow down the development of new agents. It was explained that the development of SpayVac or any longer lasting agent could easily be a 5 to 8 year study under the best of conditions.

The Board commented that the BLM should continue to apply fertility control to wild horse mares. The BLM stated that they will apply more fertility control this year than in past years. The BLM Instruction Memorandum requires field officials to consider using fertility control and justify when it is not used.

### **Public Comments**

Public comments began at 3:00 pm.

### **New Business**

The Board discussed HR 1018 and will form a subcommittee to identify the elements in the bill that should be brought to the attention to the Secretaries of Interior and Agriculture.

There was general discussion about the BLM strategy in responding to the GAO report and the Board recommendations. It was suggested that the BLM strategy include mission; vision; coordination and collaboration with other agencies; and measureable goals and objectives. The BLM strategy should not just address the GAO report and Board recommendations.

The Board would like the BLM to evaluate John Falen's proposal and discuss it at the next Board meeting.

### **Subcommittees**

The Board designated Janet Jankura as the liaison for the strategic plan.

The Board designated Robin Lohnes as the liaison for the semi-privatization of the adoption program.

The Board will review the 4710 Wild Horse and Burro Program Handbook and provide comments to the BLM.

The Board will coordinate comments on HR1018.

All of the above will be done within the guidelines of FACA.

### **Next Meetings**

The next meeting is scheduled as follows:

September 28, 2009 in Washington, DC.

Meeting adjourned at 4:55 pm

The Board approved the Minutes with the insert of “lack of”, page 9, 2<sup>nd</sup> paragraph, second sentence “however, the Board expressed frustration at the {lack of} inertia...”