

National Wild Horse and Burro Advisory Board October 2022 Meeting Recommendations with Bureau of Land Management (BLM) and United States Forest Service (USFS) Responses

Recommendations:

We believe the BLM and the USFS should educate Congress about the complexities and budgetary limitations of the Wild Horse and Burro (WHB) Program. To that end, we recommend the following:

Bureau of Land Management/Forest Service Structure and Collaboration

1. The BLM and USFS should centralize the WHB Programs and institute organizational changes that would increase their program effectiveness:
 - a. The Advisory Board recommends that the BLM and USFS provide operational responsibility specific to the WHB Program in a manner that allows for increased operational control from headquarters, making it a priority to address national, state and district coordination efforts so that opportunities for better coordinated, mission-aligned plans can be implemented (e.g., follow the USFS fire management model when the need for emergency gathers arises).
 - b. There is a strong need to address long-term budgeting of WHB Programs in order to provide continuity for long-term planning. For example, creation of a centrally administered, separate budget for emergency gathers, which now occur annually, could help states implement strategic gathers that involve removals coupled with application of contraception prior to release.
 - c. Funding for the USFS to similarly manage their wild horse and burro populations should also be established.

BLM Response: The BLM will explore this recommendation further. The BLM WHB Program recognizes the value of continuity of leadership and direction from the Headquarters Office to the States. The BLM WHB Headquarters Office maintains organizational effectiveness by having positions located throughout the country. This allows WHB Program operations to be closer to the ground and streamlines its business practices. Further centralizing the program, including increased operational control from headquarters, could include the planning and execution of all budgets as well as performance and direction of work. It could also include improved communications internally and with the public.

The BLM WHB Program recently underwent a reorganization as part of the BLM headquarters changes. During this process, the agency maintained organizational effectiveness by relocating its Wild Horses & Burros Program operations closer to the lands we manage and day-to-day activities and streamlined some of its business practices. The program continues to work effectively with leadership in the states and WHB state leads in managing daily program operations. The latest Table of Organization is posted on the BLM website at <https://www.blm.gov/about/organization-chart/>. Additionally, the Board received a handout at the last meeting with the WHB Program roles and responsibilities.

USFS Response: A Brief has been initiated to upper management asking for the structural changes recommended by the board.

Humane Handling and Communication

2. In an effort to obtain clear, consistent, and useful information that agencies can utilize for investigations, the board recommends that the BLM and USFS develop a definitive reporting process for the public to report potential animal welfare or adoption violations. The process should include a well-publicized, easy-to-find online form with detailed questions to help clarify the nature of the complaint or observation (e.g., category of complaint and perceived violation, time and location, observations made, ability to upload photographic or video evidence, list of witnesses, personal contact information for follow-up as needed). Responses or timely updates should be provided in a transparent fashion to the original reporter and to the public in general. Data gathered through this system should be stored in a database (without personal contact details) to more efficiently track the nature of complaints, observe trends, and better address challenges that emerge.

BLM Response: The BLM has many avenues for members of the public to notify the WHB Program about observations or concerns related to WHB and to receive feedback. Most notably the WHB National Information Center (NIC) at wildhorse@blm.gov, 866-4MUSTANGS (866-468-7826) provides a helpful menu of options to find information or report concerns. A BLM representative is available to return calls or emails during normal business hours. The NIC contact is conspicuously posted under [Get Involved](#) and elsewhere on the WHB Program website. The NIC contact is also provided on all Program informational materials and promotional items.

Most commonly, the NIC receives reports concerning animal safety, (e.g., when WHB are observed on highways outside Herd Management Areas (HMAs)). Less commonly, the NIC receives observations regarding the welfare of adopted animals. The NIC forwards any observations to the local BLM Office of Jurisdiction for appropriate action.

Safety issues stemming from overpopulated HMAs are generally addressed through on-range management actions (e.g., gathers/removals), which are well publicized through various means at each step from planning through execution. Animal welfare issues involving adopted WHB are addressed through field-level compliance operations, the outcome of which are recorded as compliance reports in the Program's official data base, the WHB Program System. Compliance reports are releasable to the public under the Freedom of Information Act (FOIA) to ensure Program adherence with Privacy Act requirements. The NIC can and does advise interested members of the public on how to submit FOIA requests. A link to the [BLM FOIA Office](#) is also provided on the Program website.

The NIC (and local offices) also occasionally receive reports concerning freezemarked animals observed at commercial sale barns. In each case, where sufficient information is obtainable, the

Program confirms the animals' title status.¹ For titled animals, no further action is required (or authorized); the Program does not generate, maintain or post reports recording the disposition of private property. For untitled animals found at commercial sale barns, field-level compliance inspectors take appropriate action to secure the animals and address any violations with the adopter of record. Again, compliance records in such cases are releasable under FOIA, subject to appropriate exemptions.

The following statement is on the BLM WHB website as well, "The BLM [provides information](#) to equine sale and auction facilities regarding the illegal sale of untitled wild horses and burros. If you observe or have factual information that a Federally-protected (untitled) wild horse or wild burro has been treated inhumanely or illegally sold to slaughter, please contact the BLM at wildhorse@blm.gov or at 866-468-7826 with your name, contact information, and specific information about what you saw or know. If possible, please include the freeze mark and/or photos." The 'provides information' hyperlink is to the sale barn notice distributed to sale barns throughout the country.

The BLM regards these processes and procedures to be sufficient and appropriate for the public to report on and receive information about WHB subject to the agency's jurisdiction, while also ensuring the Program complies with applicable laws and regulations.

USFS Response: The USFS is considering the design of the reporting system the board suggested. The single largest hurdle is how to develop a system that does not require extra personnel to properly monitor the results but is still effective in allowing the public to enter meaningful information.

2 (a). Board recommends that the BLM continues to investigate vouchers as incentives for the Adoption Incentive Program (AIP); adoption and/or online sale criteria should be amended to include adopters' experience with equines, their intent in adopting/purchasing (performance, trail, pet); require that AIP adopters demonstrate that their animals have been gentled (can be approached, haltered, led, tied, and pick up feet at a minimum) before receiving title; and quickly respond to the stakeholder group suggestions and concerns expressed during May and June 2022 facilitated meetings.

BLM Response: The WHB Program continues to engage the public (through venues such as WHB Advisory Board meetings) to solicit ideas for enhancing protections for WHB subject to the agency's jurisdiction, including animals adopted under the AIP. As noted, the WHB Program held a series of three workshops in 2022 with a diverse set of invitees with known interests in wild horse and burro issues to gain a broad understanding of their concerns and to receive input specific to the AIP. The workshops were well attended and resulted in productive dialogue. The

¹ Members of the public may also inquire via the NIC about the title status or background of particular freezemarked animals if they wish. This is often done by individuals interested in learning more about animals they may have adopted from the agency or acquired through private purchase. The Program is soon to launch a public-facing portal to enable members of the public to perform targeted queries of the WHB Program System directly. The Program provided a beta demonstration of the portal to the Advisory Board on October 5, 2022.

program is considering the merits and feasibility of many of the recommendations that arose from the workshops. Implementation of some proposals, such as those noted in the Board's recommendation, may require updates to the governing regulations to ensure agency compliance with the Administrative Procedures Act, a process that is currently underway.

USFS Response: Does not apply to the USFS.

3. Many experienced and responsible community resources have indicated a strong interest to work with the BLM and USFS in the best interest of wild horses and burros. The board recommends that the BLM and USFS investigate an agency avenue to build local partnerships/coalitions to support wild horse and burro care, ensure compliance and provide post adoption support. These efforts should include:
 - a. Establishing a community of successful adopters to share knowledge and resources (this could be online);
 - b. Partnering with organizations that already train horses (e.g., university equine programs, Mustang Heritage Foundation, wild horse and burro advocacy organizations);
 - c. Reviewing the inspection process and requirements;
 - d. Identify someone who can provide programmatic support for these activities.

BLM Response: The WHB Program continually seeks ways to engage interested publics in supporting the management and care of wild horses and burros. The establishment of a community of adopters to share knowledge and resources is an excellent idea, and the WHB Program will explore ways to help with its establishment. Through local and national partnerships, the Program employs groups and individuals in myriad ways, including training, adoption compliance, application of fertility control (e.g., on-range darting), etc. The Program recently closed a solicitation (aka Notice of Funding Opportunity) to renew and expand efforts on many of these fronts for both on-range and off-range operations (excluding research and caring for WHBs). Local offices, with Headquarters support, are at the forefront of building relationships with volunteers to support targeted efforts. The Program is committed to the continuation and expansion of these efforts.

USFS Response: The USFS is pursuing organizations to partner with. Currently there are ongoing talks with a university equine program to train horses. We are assigning a new team member the task of helping to identify other organizations. In addition, we have already made modifications in our inspection process that partners with equine professionals local to adopters. Communication with designated professionals allows them to administer inspections required for issuing titles to horses.

Ecology Subcommittee

4. The board recommends that the BLM and USFS work with United States Geological Survey (USGS) scientists to identify HMAs and Territories that will provide a statistically meaningful sample with which to test and validate the PopEquus model, under a diversity of field conditions, and that efforts begin immediately.

BLM Response: To the extent possible, the BLM will coordinate so that more management actions and follow-up monitoring allows PopEquus predictions to be compared with observed population outcomes. In October 2022, the BLM worked in conjunction with the USGS and the Free Roaming Equids and Ecosystem Sustainability (FREES) Summit Steering Committee during a meeting in St. George, Utah, during which the PopEquus model was a focal point for discussions. Five breakout groups workshopped possible management actions in BLM HMAs or USFS wild horse territories, and used PopEquus to compare the predicted outcomes. This was very beneficial to all parties involved, and also highlighted some minor PopEquus model upgrades that were needed. Some of those PopEquus upgrades are complete and will be included in the initial PopEquus release that occurred March 1, 2023. The BLM will help USGS make further upgrades over the course of 2023. The BLM will be developing policy for the PopEquus model to be used as a planning tool when analyzing future gather and fertility control environmental alternatives, and to phase out use of the older, 'WinEquus' model. In addition, the BLM and the USGS in cooperation with the FREES Steering Committee will be providing two PopEquus Webinars to the public. These webinars are focused on providing the public an opportunity to learn, utilize and experiment with the model and to potentially assist with management strategies for herd management actions within the HMA of their choosing. These webinars are slated for April 5th and 25th of 2023.

USFS Response: There are many territories excited about the PopEquus model. The Modoc Territory, Region 4 with many territories, the Ochoco territory and many others are looking forward to using the model to identify the most successful pathways for horse management.

5. Measurable objectives outlining targeted fertility control and multi-year plans for individual HMAs or territories must be developed as robust and meaningful portions of all gather plans. Safe and humane fertility control treatments must be combined with every gather operation, whether or not appropriate management level (AML) is immediately achieved. This strategy will implement some measure of fertility control immediately and disrupt the cycle of repeat removals and long-term holding.

BLM Response: Currently, the BLM requires through Instruction Memorandum 2022-044 Gather Planning, Scheduling and Approval that all gathers, whether they achieve AML or not, are required to consider a form of an approved population growth suppression method/tool (including fertility control treatments) to animals returned to the range. Further, all Environmental Assessments and planning documents are required to identify and consider population growth suppression method/tool (including fertility control treatments) when developing their alternatives and to be a part of the proposed action when implementing gather operations on the range. Further, one of the options recommended by the program for the FY2023 gather schedule outlines eighteen HMAs that would have targeted population growth suppression method/tool (including fertility control treatments) efforts to keep these populations at AML without additional removals.

USFS Response: New territory plans are directed to include the use of fertility treatments in management of wild horses and burros. Use of the PopEquus model will reinforce this plan.