

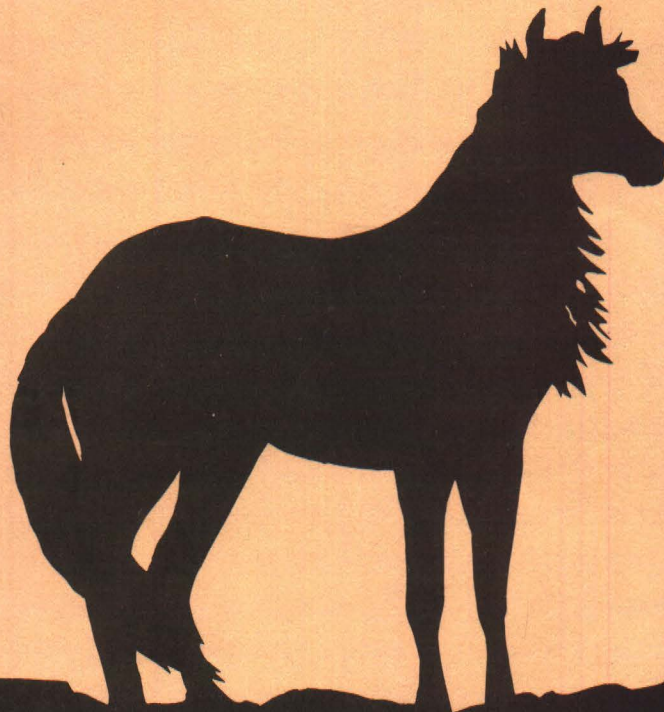
**PROCEEDINGS**

~~DESIGN~~

Ferris  
1-13-73

**NATIONAL ADVISORY BOARD  
FOR WILD, FREE - ROAMING  
HORSES AND BURROS**

**JANUARY 12—13, 1973  
SALT LAKE CITY, UTAH**



UNITED STATES DEPARTMENT OF AGRICULTURE  
FOREST SERVICE

UNITED STATES DEPARTMENT OF THE INTERIOR  
BUREAU OF LAND MANAGEMENT





**1973 Advisory Board Members**

Seated left to right: Dr. C. Wayne Cook, Mrs. Paul Twyne, Mrs. Velma Johnston, Mr. Ed Pierson.  
Standing left to right: Mr. Ben Glading, Mr. Dean Prosser, Jr., Mr. Roy Young, Dr. Roger Hungerford  
Dr. Floyd W. Frank.



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PROCEEDINGS OF THE NATIONAL ADVISORY BOARD  
FOR WILD FREE-ROAMING HORSES AND BURROS  
January 12 and 13, 1973

Pursuant to the call to meet issued by the Secretaries of the Interior and Agriculture on January 3, 1973, the National Advisory Board for Wild Free-Roaming Horses and Burros met in Salt Lake City, Utah, on January 12 and 13, 1973. Board sessions were held at the Royal Inn, 206 South West Temple. The meeting was conducted by Dr. C. Wayne Cook, Chairman. Mr. George Turcott, Associate Director, Bureau of Land Management, was present as the authorized representative of the Secretaries. For designation of Chairman, Advisory Board Charter, administrative procedures, call to meet and agenda, see Appendices No. 1-5. Designation of the Director as the authorized Government representative is shown in Appendix No. 6. Other delegations along with a memorandum of understanding between the two Departments are listed in Appendices No. 7, 8 and 9. See Appendices No. 10, 11 and 12 for those in attendance at the meeting.

Proceedings, Friday morning, January 12

The meeting was called to order at 9 a.m. by Chairman Cook who introduced all Board members and individuals in official attendance.

Mr. R. D. Nielson, Utah BLM State Director, welcomed the Board to Salt Lake City and offered to provide any support assistance to the Board in carrying out its functions and duties.

Mr. George Turcott, Associate Director of the Bureau of Land Management, gave a brief explanation of the purpose of the meeting and the role of the Advisory Board. Mr. Turcott's remarks are contained in Appendix No. 13.

Mr. Irving Senzel, Assistant Director for Legislation and Plans, Bureau of Land Management, explained the Federal Advisory Committee Act, the Advisory Board Charter, and the functions of the Board under the administrative procedures as adopted by the Secretaries. Mr. Senzel's remarks are contained in Appendix No. 14.

Public Comments

To accommodate those of the general public who could not conveniently present their views on January 13, a public comment period was provided.



Three individuals gave brief comments relative to administration of PL 92-195. Comments included:

1. The opinion that it was desirable for the Advisory Board and the administering agencies to seek the cooperation and advice of local people in the community to assist in the control and management of wild horses.
2. A discussion of the provisions of an ordinance passed by Juab County, Utah, County Commissioners (Ordinance No. 104) prior to enactment of PL 92-195. This ordinance provided for the management, control, capture and harvest of wild horses in Juab County and was referred to as superseded by the passage of PL 92-195.
3. A statement on the need for studies and research on wild free-roaming horses and burros.
4. A document entitled "The Wild Horse: An Asset or a Liability" by J'Wayne McArthur, Utah State University, a copy of which was submitted to the Board.

Proceedings, Friday afternoon, January 12

Inventory of Wild Free-Roaming Horses and Burros,  
Including Location and Land Status and Specific Ranges

Data was presented by Forest Service and BLM personnel relative to the estimated numbers of horses and burros occupying national forest and Bureau of Land Management administered lands as follows:

	<u>Number of Horses</u>	<u>Number of Burros</u>
National Forest	2,000	260
Bureau of Land Management	16,878	10,857

Considerable discussion followed relative to the current status of the inventories, and how they were accomplished as well as an estimate of number of animals which may be subject to claiming in accordance with the provisions of the act.

A short discussion took place relative to established ranges and consideration for future ranges.



### Removal of Claimed Animals

Mr. Wilkes explained the procedures relative to claiming and removal of privately owned animals from public lands as set forth in the BLM proposed regulations. He stated that they contemplated a cooperative approach with the State agencies involved. Mr. Smith explained that the proposed Forest Service procedures were similar to BLM except that the trespass charges for claimed animals from national forest lands would not be waived.

Considerable discussion followed relative to differences between individual State statutes and regulations relative to the requirements for proof of "ownership." Mrs. Johnston discussed the desirability of revision of State laws in this regard.

### Cooperative Agreements

The possibilities for a cooperative approach to many problems relative to wild free-roaming horses and burros were discussed at some length.

Opportunities to develop agreements with Federal, State, and local government agencies as well as private landowners were identified.

### Removal of Wild Free-Roaming Horses/Burros from Private Land

The draft regulations by BLM and the FS were presented and discussed.

The differences between the agency proposals were explained as primarily the result of land status patterns on lands administered by the agencies.

The various State laws relative to fencing standards and requirements, as well as the potential for cooperative agreements between the Federal and State agencies were discussed. The possibility of sample agreements was explored.

### Coordination

The requirements of the act for coordination between the Department of the Interior and Department of Agriculture as well as specific areas of coordination with State agencies such as fish and game departments and the State agency responsible for the branding and estray laws were discussed at length.



## Enforcement Provisions

Procedures to handle the enforcement provisions of PL 92-195 were explained by the FS and BLM. A very short discussion followed.

## Proceedings, Saturday morning, January 13

Chairman Cook divided the agenda topic "Disposal of Excess Numbers" into two topics as follows:

"Excess Numbers"  
"Disposal"

### Excess Numbers

Mr. Wilkes explained that the Bureau of Land Management would use the Bureau's planning system to identify any excess numbers of wild free-roaming horses and burros. Mr. Smith explained that the animals would be maintained in conjunction with the capacity of their environment with proper consideration for other uses and would be very similar to the BLM system.

A discussion relative to priorities for various competing range and environment uses followed.

### Disposal of Excess Numbers

The discussion relative to this topic raised questions as to interpretation of the act and the alternatives for disposal that could be considered. It was concluded that the act apparently provided for:

1. Relocation to other areas occupied by the wild horses or burros.
2. Placement in private custody for maintenance.
3. Disposal in the most humane manner possible.

A discussion followed regarding interpretation of the act relative to passage of title to excess animals and agency responsibility after the animals are placed in private custody.

Chairman Cook suggested each Board member review and study the disposal problem and submit their suggestions to the Secretaries of the Interior and Agriculture.



### Public Comment

Nine individuals from the public presented their views. A brief summary of the comments follows:

There was an expression that the capture of wild horses in the past had been accomplished by individuals and organized groups as a form of sport and pleasure and that this should be allowed to continue as a method of wild horse population control. Representatives of these groups expressed a desire to acquire title to any animals they captured.

Several individuals indicated that there was a great amount of information available relative to wild horses and burros and their management from various individuals and groups and that the Advisory Board and administering agencies should seek out and utilize this information. Chairman Cook stated he anticipated the Board would seek and utilize such expertise during future meetings.

Comments and statements by the National Mustang Association, Inc., on the BLM and FS environmental statements were made a part of the official transcript.

A suggestion was made to modify the bloodlines and characteristics of wild free-roaming horses by introduction of domestic stallions. Considerable discussion followed, both pro and con, on this suggestion.

### Proceedings, Saturday afternoon, January 13

#### Relocation of Animals

This matter was discussed briefly.

#### Diseases

Dr. Frank gave a brief description of diseases which may be expected in wild free-roaming horses and burros. A brief discussion followed.

#### Recommendations of the Advisory Board

The remainder of the meeting was addressed to the discussion and development of Advisory Board recommendations. Eight recommendations were adopted as follows:



1. The BLM proposed regulations be amended as follows:

Subpart 4713 - Claimed Animals

- 4713.1(b) The word "probable" in the last sentence be changed to "proof of ownership."

The requirement for proof be revised to require the claimant to substantiate proof of ownership in accordance with the provisions of a cooperative agreement to be developed between BLM and the State agency responsible for the State branding and estray laws of the respective States.

2. The Secretaries of the Interior and Agriculture should include other Federal lands such as NPS, BSF&W, military reservations, etc., under the provisions of PL 92-195 by management instructions or cooperative agreement.
3. A legal opinion should be secured as to whether animals found excess under Section 3b of the Act can be placed in private ownership.
4. A legal opinion should be secured whether carcasses of wild free-roaming horses and burros can be disposed of to a rendering plant to avoid pollution of the environment.
5. Agencies (BLM and FS) should develop model cooperative agreements with some major cooperators such as:

State agencies administering branding and estray laws  
State land departments  
Grazing associations

Priority model agreements should be presented to the Board at the next meeting for review.

6. The agencies (BLM-FS) keep the Board informed on current literature, basic research, population trends, and "experts in the field" relative to items associated with wild free-roaming horses and burros. Experts should be invited to speak at Advisory Board meetings.
7. The agencies (BLM-FS) should have a continuing inventory of wild free-roaming horses and burros.



8. Specific comments and recommendations on the agencies' proposed environmental statement and regulations should be the priority agenda topic for the next Board meeting to be held within the next 60 days. Date of the meeting should be set by February 1.

The meeting adjourned at 4 p.m.

I certify that I attended the proceedings of the National Advisory Board on Wild Free-Roaming Horses and Burros herein reported and that this is an accurate summary of the matters discussed and the recommendations made.

2/5/73  
(Date)

C. Wayne Cook  
C. Wayne Cook, Chairman



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Appendix No. 1

In reply refer to:  
1784.1 (BLM-230)

FEB 9 1973

Dear Dr. Cook:

On behalf of Secretary Butz and myself, I am pleased to confirm your appointment as Chairman of the National Advisory Board on Wild Free-Roaming Horses and Burros.

We are looking forward to the recommendations of the Board on our proposed regulations and subsequent action programs.

Sincerely yours,

(sgd) Rogers C. B. Morton

Secretary of the Interior

Dr. Wayne Cook  
Colorado State University  
Fort Collins, Colorado 80521



JAN 8 1973

AIR MAIL

Secretary of the Interior  
c/o Bureau of Land Management (230)  
Washington, D.C. 20240

Dear Mr. Secretary:

As Chairman of the National Advisory Board for Wild Free-Roaming  
Horses and Burros, I hereby file the enclosed charter for the  
Board in accordance with Section 9(c) of the Federal Advisory  
Committee Act (86 Stat. 770).

Sincerely yours,

*C. Wayne Cook*  
C. Wayne Cook  
Chairman

Enclosure



CHARTER  
NATIONAL ADVISORY BOARD FOR WILD FREE-ROAMING  
HORSES AND BURROS

1. Purpose: Compliance with Section 9(c) of the Federal Advisory Committee Act (86 Stat. 770).
2. Official Committee Designation: The National Advisory Board for Wild Free-Roaming Horses and Burros.
3. Committee Objectives and Scope of Authority: As provided by the Act of December 15, 1971 (85 Stat. 649), advise the Secretaries of Agriculture and the Interior on any matter relating to wild free-roaming horses and burros on national forest lands and on public lands administered by the Bureau of Land Management.
4. Period of Time Necessary for Committee's Activities: Since the Board has been established by statute and its responsibilities are related to continuing Forest Service and Bureau of Land Management responsibilities for the use and management of national forests and the National Resource Lands, the Board's activities are indefinite in duration.
5. Agency Official to whom the Board Reports: Director, Bureau of Land Management, Interior Building, Washington, D.C. 20240, or Chief, Forest Service, Independence and 14th Street, SW, Washington, D.C. 20250.
6. Agency Responsibility for Administrative Support: Bureau of Land Management, U.S. Department of the Interior.



7. Committee Duties: Gather and analyze information, make studies, hold meetings, and develop recommendations for the Secretaries of Agriculture and the Interior.
8. Estimated Annual Operating Costs: \$30,000; 12 man months of Federal manpower.
9. Estimated Number and Frequency of Meetings: Four regular meetings annually.
10. Committee Termination Date: December 31, 1974, unless otherwise provided for by law in accordance with Section 14 of the Federal Advisory Committee Act.

*C. Wayne Gook*

C. Wayne Gook  
Chairman, National Advisory Board  
on Wild Free-Roaming Horses and Burros

1/8/72  
Date



DEPARTMENT OF THE INTERIOR  
Office of the Secretary

DEPARTMENT OF AGRICULTURE  
Office of the Secretary

National Advisory Board on  
Wild Free-Roaming Horses and Burros

Administrative Procedures

On page 11276 of the Federal Register of June 6, 1972, there was published a notice and text of proposed administrative procedures (charter) for the National Advisory Board on Wild Free-Roaming Horses and Burros.

Interested persons were given 45 days within which to submit written comments, suggestions or objections. Upon consideration of these comments and suggestions, certain changes have been incorporated. Additionally, language has been added to reflect the requirements of newly enacted Public Law 92-463, the Federal Advisory Committee Act.

The changes required by Public Law 92-463 are as follows:

1. The wording of IIIA5, Compensation, has been amended to clarify the provisions for payment of travel expenses.
2. A sentence has been added to IIIC, Meetings, to give the estimated number of meetings per year, annual operating costs, and man years required.
3. A new clause reading: ". . . who is authorized to adjourn any meeting whenever he considers adjournment to be in the public interest." has been added to IIIC3, Official participation.
4. Part IIIC4, Executive session, has been eliminated, and Part IIIC5 renumbered IIIC4.



5. Part III E, Public participation, has been renumbered IIIC5, reworded to insure that all meetings will be open to the public, and to provide for the making of presentations and the filing of statements.

6. The portion of III E, Public participation, concerning advance public notice of meetings has been separated and expanded under part IIIC6, Advance public notice.

7. A part IIIC7, Support services, has been added to spell out responsibility for such services.

8. Part III F, Record of proceedings, has been renumbered III E, and the word "official" dropped from subpart (c). Subpart (d) has been changed to read, "a description of matters discussed and conclusions reached;". Subpart (f) has been amended to provide for certification of the accuracy of records by the Board chairman. Additionally, a sentence has been added to indicate where copies of Board records may be inspected and copied.

9. Part III G, Rules and procedures, has been renumbered III F, and the words ". . . is solely advisory and . . ." added between "Board" and "shall" of the first sentence. A sentence has been added to prescribe responsibility for actions to be taken with respect to any report or recommendation of the Board.

10. A part III H, Termination, has been added.

The following changes were made in response to comments:

1. The second sentence of II Authority has been eliminated. Although the sentence was an accurate statement of the law, its repetition in the charter could be interpreted as a limitation on the broad scope of the Board's advisory functions.

2. IIID Chairmanship has been revised to make clear that the chairman and vice chairman would be selected from among the membership of the Board. The word "principal" has been deleted from the first sentence of the second paragraph.

3. IIIE Public participation has been revised to show that their duly authorized representatives, as well as the two Secretaries, can call emergency meetings.

4. IIH Advice and recommendations, renumbered IIIG, has been amended by changing "dissents from majority views" to "minority views" in the second sentence.

It was concluded that no further change was necessary to reflect the fact that State university staff members are qualified to serve on the Board, and that the Secretaries will seek a proper balance of interests on the Board. The suggestion that "land use" be added to the list of qualified disciplines was not adopted because the law itself specifies the qualifications. Similarly, there were recommendations to appoint officials of State government. The Act specifically prohibits such appointments.

The procedures are hereby adopted as revised and as set forth below. They shall become effective January 1, 1973.

I. Purpose. This document provides for the operation and describes the purpose, composition, and functions of the National Advisory Board on Wild Free-Roaming Horses and Burros.

II. Authority. The Act of December 15, 1972 (16 U.S.C. 1131-1340) requires the protection and management of wild free-roaming horses and burros on the public lands. Section 7 authorizes and directs the Secretary of the Interior and the Secretary of Agriculture to appoint a joint advisory board to advise them on any matter relating to the protection and management



of wild free-roaming horses and burros, and specifies the qualifications required for membership on the advisory board.

III. National Advisory Board on Wild Free-Roaming Horses and Burros.

A. Membership. The Board shall consist of nine members, none of whom shall be an employee of the Federal Government or State governments.

1. Qualifications. Each member must have specialized knowledge in one or more of the following fields: The protection of horses and burros, the management of wildlife, animal husbandry, and natural resource management. At least one of each of the above disciplines shall be represented on the Board at all times.

2. Selection. All members shall be selected on the basis of experience and established competence in their respective fields of specialized knowledge.

3. Appointments. All members will be jointly appointed by the Secretary of the Interior and the Secretary of Agriculture.

4. Term. The term of appointment will be 1 year. If a member does not serve his full term, the Secretary of the Interior and the Secretary of Agriculture may appoint a successor for the remainder of the unexpired term. Members may be reappointed for additional 1-year terms not to exceed 10 years of total service.

5. Compensation. Members shall serve without compensation, except for reimbursement of travel expenses, including per diem, in connection with their duties as members.

B. Functions. The Board shall advise, consult with, and make recommendations to the Secretary of the Interior and the Secretary of Agriculture, or their duly authorized representatives, on any matter relating to wild free-roaming horses and burros.

C. Meeting. The Board shall meet at times and places to be determined by the Secretary of the Interior or the Secretary of Agriculture, or both, or their duly authorized representatives. It is estimated that there will be four meetings per year at an annual cost of \$30,000 and one man year of support.

1. Call to meet. The Secretary of the Interior and/or the Secretary of Agriculture, or their respective designees, will issue a formal call for each Board meeting.

2. Agenda. The Secretary of the Interior and/or the Secretary of Agriculture, or their respective designees will, in consultation with the chairman, formulate and approve the agenda for each meeting in advance.

3. Official participation. All meetings will be conducted in the presence of a duly authorized full-time salaried official or employee of the Department of the Interior or the Department of Agriculture, who is authorized to adjourn any meeting whenever he considers adjournment to be in the public interest.

4. Quorum. A majority of Board members holding office shall constitute a quorum which shall be required for the conduct of Board business.

5. Public participation. All meetings of the Board will be open to public observation. Any interested person may attend meetings, make a presentation upon request to the chairman, or file a statement with the Board. However, the authorized Department of Agriculture or Department of the Interior representative may establish reasonable limits as to the numbers of persons who may attend and the nature of their participation to the extent that available accommodations and time require limitation.



6. Advance public notice. To provide interested parties an opportunity to attend and participate, advance public notice of the date, place, and general subject matter of scheduled meetings will be given through publication in the Federal Register and appropriate local news media.

7. Support services. The Secretary of the Interior or his delegate shall be responsible for providing support services for the Board, including advance public notice of meetings.

D. Chairmanship. The Secretary of the Interior and the Secretary of Agriculture will designate one of the members as chairman and another as vice chairman for the first year. Thereafter, members will annually elect the chairman and vice chairman among their own members.

The chairman will be the liaison between the Secretary of the Interior and the Secretary of Agriculture or their duly authorized representatives in working with the Departments in formulating agendas and otherwise arranging for the orderly conduct of business. He will preside at meetings and appoint members of working groups of the Board. The vice chairman will act for the chairman in his absence.

E. Record or proceedings. A written record shall be made of all proceedings of Board and working group meetings. A verbatim transcript may be made but is not required. As a minimum, each record of proceedings shall include: (a) the agenda; (b) the date(s) and place(s) of the meeting; (c) the names and addresses of all in attendance and the capacity in which they participated, (d) a description of matters discussed and conclusions reached; (e) the recommendations made and reasons therefor; together with concurring or minority views and, at the request of any individual member,

individual views; and, (f) copies of all reports received, issued, or approved by the Board. The Board chairman shall certify to the accuracy of the record of proceedings of each meeting. Such records, together with appendices, working papers, drafts, studies, and other documents, made available to or prepared or used by the Board, will be available for public inspection and copying in the Office of the Director of the Bureau of Land Management, Washington, D. C. Additionally, copies of the record of proceedings for each meeting shall be available for viewing at the libraries of the Department of the Interior and Department of Agriculture and the Library of Congress, Washington, D. C.

F. Rules and procedures. The Board is solely advisory and shall function in accordance with applicable Federal committee management requirements, and any supplementary and complementary guidelines which the Secretary of the Interior and the Secretary of Agriculture, or their respective authorized representatives, may jointly prescribe. Determinations of actions to be taken and policy to be expressed with respect to any report or recommendation of the Board shall be made only by the Secretary of the Interior, Secretary of Agriculture, or their authorized representatives.

G. Advice and recommendations. All advice and recommendations of the Board shall be made with the approval of a majority of the members present. Advice and recommendations of individual members, including minority views, may be made by the individuals involved. Each report of advice and recommendations shall be addressed only to the Secretary of the Interior or the Secretary of Agriculture, or both, or to their respective authorized representatives, and shall address only matters covered in the record of the Board's proceedings.



H. Termination. The term of the Board is indefinite.

/s/ Harrison Loesch  
Asst. Secretary of the Interior

/s/ T. K. Cowden  
Asst. Secretary of Agriculture

January 2, 1973



UNITED STATES  
DEPARTMENT OF THE INTERIOR  
OFFICE OF THE SECRETARY  
WASHINGTON, D.C. 20240

In Reply Refer To:

1784.1(D) (230)

JAN - 3 1973

Memorandum

To: Members, National Advisory Board on Wild Free-Roaming  
Horses and Burros

From: Secretary of the Interior

Subject: Call to Meet

Secretary of Agriculture Earl L. Butz and I have called a meeting of the National Advisory Board for Wild Free-Roaming Horses and Burros in Salt Lake City, Utah, January 12 and 13, 1973.

The Director, Bureau of Land Management, will provide further details as plans develop.

*Rogers C. Morton*



Meeting Agenda  
NATIONAL ADVISORY BOARD ON WILD FREE-ROAMING HORSES AND BURROS  
Royal Room, Royal Inn  
206 S. West Temple  
Salt Lake City, Utah  
January 12 & 13, 1973

January 12

9 a.m.	Introduction and Welcome	R. D. Nielson, Utah State Director, BLM
9:15	Introduction of Advisory Board Members	Dr. C. Wayne Cook, Chairman
10	Purpose of Meeting and Role of Advisory Board	George Turcott, Associate Director, BLM
10:30	Break	
11	Explanation of Advisory Committee Act, Advisory Board Charter and Administrative Procedures	Irving Senzel, Assistant Director, BLM
	Lunch	
1 p.m.	Discussion of Key Subjects of Proposed Regulations and Draft Environmental Statement	Advisory Board Members
	- General Policy	
	- Removal of Claimed Animals	
	- Inventory--Number, Location, Land Status, Forage Supply, Specific Ranges, etc.	
	- Management Considerations	
	- Removal from Private Lands	
	- Cooperative Agreements	
	- Coordination	
	- Management Plans	

- Disposal of Excess Numbers
- Relocation
- Enforcement Provisions
- Reports, Studies and Evaluation

4:30 Adjourn

January 13

8 a.m. Continue Discussion

10 Break

10:30 Public Comments

Lunch

1 p.m. Review of Problems

Recommendations and Suggestions

Future Meetings

4 Adjourn

Approved:



Director, Bureau of Land Management



In Reply Refer To:  
LLM 1784 (330)

JWW - 5 1973  
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Dear Mr. Secretary:

In accordance with Section III of the memorandum of understanding between the Department of Agriculture and the Department of the Interior pertaining to administration of the Wild Free-Roaming Horse and Burro Act (PL 92-195), I have designated the Director of the Bureau of Land Management as my official representative to the Advisory Board organized pursuant to Section 7 of the Act.

The Director or his designee will be responsible for assuring that the Advisory Board conducts its activities consistent with governing law, regulations, and Departmental policies at all meetings presided over by him. In this capacity, he will advise the Chairman of the Advisory Board of the governing rules and will terminate meetings if he determines that continuance of the meeting would be inconsistent with such rules.

Within such limits as the rules may provide, the Chairman of the Advisory Board will be fully responsible for the conduct of the Board's advisory role and the content of the Board's recommendations.

Sincerely yours,

(Sgd) Rog

Secretary of the Interior

Hon. Earl L. Butz  
Secretary of Agriculture  
Washington, D. C. 20250

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January 5, 1973

Memorandum

To: Associate Director

From: Director

Subject: Delegation of Authority - January 1973 Meeting of the  
Wild Horse and Burro Advisory Board

Pursuant to the authority delegated to me by the Secretary of the Interior, I hereby delegate to you authority and responsibility to act as authorized representative of the Secretary at the January 12 and 13, 1973 meeting of the Joint National Advisory Board on Wild Free-Roaming Horses and Burros.

/s/ Burt Silcock



UNITED STATES DEPARTMENT OF AGRICULTURE  
FOREST SERVICE

Washington, D. C. 20250

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REPLY TO: 2220 Management of Ranges

DEC 15 1972

SUBJECT: National Advisory Board for Wild Free-Roaming  
Horses and Burros

TO: B. W. Silcock, Director  
Bureau of Land Management  
Department of the Interior



The Secretary of Agriculture has delegated to the Chief of the Forest Service the authority for appointing the Department's official representative for the National Advisory Board for Wild Free-Roaming Horses and Burros. Frank J. Smith, Director of the Division of Range Management, Forest Service, is appointed to this post.

*John R. McGuire*

JOHN R. MCGUIRE  
Chief, Forest Service

MEMORANDUM OF UNDERSTANDING BETWEEN THE DEPARTMENT OF AGRICULTURE AND THE DEPARTMENT OF THE INTERIOR WITH RESPECT TO THE NATIONAL ADVISORY BOARD ON WILD FREE-ROAMING HORSES AND BURROS

P.L. 92-195 (85 Stat. 649; 16 U.S.C. 1301) requires formation of a joint National Advisory Board to advise the Secretaries of Agriculture and Interior on matters relating to wild free-roaming horses and burros. In connection with the National Advisory Board on Wild Free-Roaming Horses and Burros, we agree to the following cooperative procedures:

I. In dealing with the Board, both Departments will endeavor to impress upon the Board members and the public at large that it is a joint Board assisting both Departments.

II. The Board will be utilized jointly by both Departments to the maximum extent possible. There may be instances when a meeting may be called to assist one Department only. The Department initiating the call for a meeting will provide advance notice and invitation to the other Department for attendance and participation.

III. Both Departments will designate an official representative to the Board who will attend all meetings of the Board.

1. The official representative may redelegate his role to other responsible officers in the agency concerned.

2. The Department initiating the call for a meeting will designate the presiding Government official to be the Co-chairman for that meeting, but he may relinquish this by mutual agreement of both Departments.



IV. In compliance with Executive Order 11007 and to avoid confusion in reporting, record keeping, and financing:

A. The Secretary of the Interior, or his duly appointed representative, will assume the duty of providing primary support services for the Board and for preparing reports required by statute, Executive Order, OMB Circulars, and other directives. Such responsibility includes:

1. Processing and payment of all authorized expenses by the Board;
2. Maintaining the official file of Board activities;
3. Furnishing clerical and secretarial help and materials;
4. Furnishing all support services for joint-Department of the Interior-Department of Agriculture meetings of the Board;
5. Furnishing the Department of Agriculture with a timely, complete, and accurate copy of all material being entered into the official file of Board activities, including records of Board meetings, and copies of reports prepared in accordance with statute, Executive Order, OMB Circulars, and other directives, and
6. Processing formal calls for all meetings of the Board.

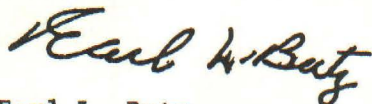
B. The Department of Agriculture will:

1. Provide a timely notice to the Department of the Interior for all meetings of the Board which it desires called;
2. Provide local support services for Board meetings called for the sole purpose of advising the Department of Agriculture;

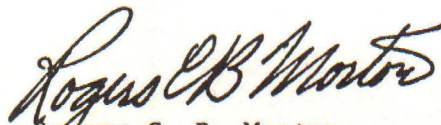
3. Reimburse the Department of the Interior for expenses incurred for meetings called solely for the conduct of Department of Agriculture business and for its share of the costs of joint meetings; and

4. Furnish the Department of the Interior with a complete and accurate record of meetings supervised by the Department of Agriculture.

V. This memorandum of understanding will become effective upon signature.



Earl L. Butz  
Secretary of Agriculture



Rogers C. B. Morton  
Secretary of the Interior

May 25, 1972.

MAY 23 1972



WILD HORSE AND BURRO ADVISORY BOARD ROSTER

<u>Name</u>	<u>Address</u>	<u>Telephone</u>
Dr. Charles Wayne Cook	4800 Venturi Lane Ft. Collins, CO 80521	Business (303) 491-6620
Mrs. Velma Johnston	140 Greenstone Dr. Reno, NV 89503	Business (702) 323-4567 Home (702) 322-1136
Mrs. Paul Twyne	629 River Bend Rd. Great Falls, VA 22066	Home (703) 759-2200
Dr. Roger Hungerford	University of Arizona Tucson, AZ 85721	Business (602) 884-1384 Home (602) 887-1789
Mr. Ed Pierson	Box E Laporte, CO 85035	Home (303) 484-7265
Mr. Ben Glading	1413 El Tejon Way Sacramento, CA 95826	Home (916) 489-4508
Dr. Floyd W. Frank	1395 Walenta Way Moscow, ID 83843	Business (208) 885-6430 Home (208) 882-7431
Mr. Roy Young	P. O. Box 588 Elko, NV 89801	Home (702) 738-5567
Mr. Dean Prosser, Jr.	P. O. Box 206 Cheyenne, WY 82001	Business (307) 638-3942 Home (307) 632-7995

LIST OF AGENCY ATTENDEES AT THE  
WILD FREE-ROAMING HORSE AND BURRO  
ADVISORY BOARD MEETING

January 12 & 13, 1973

Forest Service

Frank Smith

Wally Gallaher

BLM

George Turcott

Irving Senzel

Nolan Keil

Kay Wilkes

Ross Ferris

R. D. Nielson



ROSTER OF PUBLIC ATTENDANCE

Friday, January 12, 1973

<u>Name</u>	<u>Representation</u>	<u>Address</u>
Garry J. Moes	The Associated Press	Salt Lake City, UT
Ray Staley	Utah Wool Growers	" " " "
Donald M. Turner	Utah Hwy. Dept.	" " " "
Earl Sparks	Utah Div. of Wildlife Resources	" " " "
W. D. Haws	World Champion Cutter & Chariot Racing Assn.	Afton, WY
Robert Garrett	Juab Mustang Assn.	Nephi, UT
Les Elder	Juab Mustang Assn.	" "
Dale M. Wormwood	Juab Co. Mustang Com. Sec.	" "
DaNell Wormwood	" " "	" "
John A. Chugg	State Dept. of Agr. Utah	Salt Lake City, UT
T. I. Johnson	Natl. Mustang Assn.	Lehi, UT
J'Wayne McArthur	Utah State University	Logan, UT
Michael Ford	Personal	" "
Dick G. Vreeken	Retired Spectator	Salt Lake City, UT
Ryoeller Lea	Salt Lake News	Wendover, UT
Hal Perry	Humane Soc. of U.S.	Salt Lake City, UT
Grant V. Messerly	Natl. Mustang Assn.	Newcastle, UT
Kent Gregersen	Natl. Mustang Assn.	Salt Lake City, UT
Marcellus Palmer	Utah Wool Growers	" " " "
C. Duff Ross	U.S. Forest Service	Ogden, UT
Newell A. Johnson	Utah Wool Growers	4575 Campon Rd. Provo, UT
E.S. Ted Crawford		1209 Walker Salt Lake City, UT
F.L. Dantzler	Humane Soc. of U.S.	455 E. 4th So. Salt Lake City, UT
Grant Williams	Wasatch N.F.	125 So. State, Fed. Bldg.
Don Proctor	" "	" " " " "
Chandler P. St. John	" "	" " " " "
James S. Cochrane	" "	" " " " "
Timothy Rose	Deseret News	Salt Lake City, UT
Robert Bryson	Salt Lake Tribune	Salt Lake City, UT

Saturday, January 13, 1973

<u>Name</u>	<u>Representation</u>	<u>Address</u>
Messinger	Salt Lake Mustangs	7645 So. 9th East Midvale, Utah
Ward	" " "	514 114 So. Crescent, UT
Kendall	Nobo Posse	3341 W. 4200 So. Salt Lake City, UT
Hopper	National Mustang Assn.	3734 So. 9100 W. Mogna
Snyder	Ute Rangers	12280 So. 3600 W.
K. Gregersen	National Mustang Assn.	Salt Lake City, UT
Grant Messerly	" " "	Newcastle, UT
Bill Phelps	" " "	West Jordan, UT
Pauleen Williams	" " "	Dutch John, UT
T. I. Johnson	" " "	Lehi, UT
John C. Malechek	Utah State Univ.	Logan, UT
Michael L. Wolf	" " "	" "
Ken Miller	Weber Co. Sheriff's Posse	Ogden, UT
Gale Gregersen	National Mustang Assn.	Salt Lake City, UT
Jay L. Robinson	Ute Rangers	450 W. 5900 So. Murray, UT
Earl Sparks	Utah Wildlife Res.	Salt Lake City, UT



Remarks of George Turcott, Federal Representative to the First Meeting of the Joint National Advisory Board on Wild Free-Roaming Horses and Burros, January 12, 1973

I appear before you today as a representative of both the Secretary of Agriculture and Secretary of the Interior. The Joint Advisory Board is an integral part of the Wild Horse and Burro Act which is a joint program of the Departments of Agriculture and of the Interior. The duality of the program is an essential factor in everything we do and what you will do in the implementation of the law. With me today as authorized representative of the Chief of the Forest Service is Frank Smith, Director, Division of Range Management. He joins me in this statement.

We would like to express to you our pleasure and appreciation that all of you have accepted appointments to this Advisory Board. Great care was given in the selection of members. Many highly qualified people were considered. The final selection represents a conscientious effort to secure that balance of talents needed to aid our two departments in carrying out the directives of the law. You have been selected because of your talents. You are not representatives of any special group or interest. Your advice is needed from the full scope of your talents, and cannot be limited by past or present affiliations.

We would like to emphasize to you that we feel that you have a tough job ahead of you. As will be mentioned later, the advisory field is highly competitive. For your recommendations to prevail, it may not be enough for them to be judgmentally sound. They may need, in addition, persuasive supporting background and perhaps even documentation.

Advice in the field in which you are asked to serve is particularly competitive, since the questions and problems involved in the administration of the Wild Horse and Burro Act cannot be solved solely by techniques and procedures. The American people's value systems are crucially involved. Some may argue that wild horses are not mustangs, but of some other order of genetic determination. The fact that many wild horse blood lines may trace back to ranchers' work horses of not so long ago doesn't mean a thing to a large segment of our population. We emphasize that the legislative history of the Wild Horse and Burro Act recognizes this, and requires qualifications for status as wild horses and burros merely that the animals be unbranded and free-roaming. In our management and therefore, in your advice, you must give full weight to the values placed on these animals by the people as a whole. We cannot be unduly influenced by value systems of special groups of our citizenry.

This diversity of values creates a responsibility for the Board to insure expression and documentation of diverse views. However appealing it may be to Board's aspirations for a successful mission, unanimous recommendations which conceal strong differences of opinion may not serve the Secretaries well. As will be mentioned later, procedures developed for the Board's operations provide for the documentation and transmittal of minority and other divergent views.



Most, if not all of you, have already served on advisory committees and boards and know the relationship between advisors and advisees. By Act of Congress and approval of the President, the Secretaries of Agriculture and of the Interior have full responsibility for the Wild Horse and Burro Program. Thus, they have to make the decisions. In the Act the Congress also recognized the need for the highest level of advice from qualified citizens. This is your job. To put the relationship in nontechnical terms we might say:

1. We need to ask you for advice.
2. You can respond to requests for advice in any way you wish. You can even refuse to do so if that is your mind.
3. If you give us advice, we are responsible to transmit it to the Secretaries in a form that accurately describes your recommendations and the reasons you give in support. Whether the Secretaries accept your advice for follow-up action is a matter in their discretion.

We have not yet had an intensive legal analysis of the Wild Horse and Burro Act. That is done as needs arise. Our draft regulations have been reviewed by our lawyers for consistency with the law. They have given them legal clearances for proposed rule-making purposes. If public review raises any legal questions, we will submit them for legal rulings before final regulations are issued.

There is a practical problem that could face this Board as it proceeds with its business. A desire may arise for the Board to concern

itself with the multiplicity of individual actions that must be taken in the implementation of the law, the regulations, policies, and guidelines. We have viewed this Board as operating at the highest levels of program controls and not at the implementation levels. Our most urgent need for advice from this Board is in advance of program actions. Other systems provide for full public participation and interdisciplinary considerations at lower levels. To do your high level job, however, you will have need for current information. All I would like to say now is that we would like to handle these problems on the basis of mutual concern and cooperation. We will work them out with you as we all proceed with the program.

In accepting service on this Board, you have, of course, not given up your rights as individual citizens. In that capacity, you may individually wish to participate in the public participation process at the district, State, and regional levels. You all are skilled enough to make it clear when you are acting in your individual capacities and when you are acting in your advisory role at the national level. In your private appearances, the program will be helped by accurate presentations of the law, regulations, and activities with which you will become expert.

Some of us were privileged to work with several of you who were members of the Pryor Mountains advisory board. This was BIM's first wild horse management attempt. The superb performance of that Board gives us complete confidence in the successful performance of your advisory role on a national scale.



REMARKS OF IRVING SENZEL, ASSISTANT DIRECTOR,  
LEGISLATION AND PLANS, U.S. DEPARTMENT OF  
THE INTERIOR, BUREAU OF LAND MANAGEMENT, TO  
THE FIRST MEETING OF THE JOINT NATIONAL  
ADVISORY BOARD ON WILD FREE-ROAMING HORSES  
AND BURROS, JANUARY 12, 1973

On October 6, 1972, President Nixon signed the Federal Advisory Committee Act. At the same time, he superseded his executive order governing advisory committees to make way for the new law. The law contains the essentials of the executive order but has more details and more required procedures.

Various responsible units are now working on guidelines and instructions to implement the several provisions of the act. In preparing for this first meeting of the Wild Horse and Burro Board, we have been guided by the executive order, the new law, and draft guidelines submitted to us for review prior to adoption.

The Wild Horse and Burro Act specifically provides for the establishment of this Board. The Board is an advisory body for both the Secretary of Agriculture and the Secretary of the Interior on all matters relating to wild horses and burros on national forest system lands and on national resource lands (BLM lands). That briefly is its function. In order to facilitate the exercise of this function, the Secretaries have named the Director, BLM, and the Chief, Forest Service, as their authorized representatives.

They or their delegates will be working directly with the Board. It is their duty to see that the Board is given full opportunity to carry out its mission and also to see that the Board's recommendations are brought before the Secretaries for appropriate action.



The Secretaries will be getting advice on wild horses and burros from other sources too. The Taylor Grazing Act requires reference to grazing district advisory boards of all rules and regulations affecting grazing districts. Copies of the draft wild horse and burro regulations have been sent to the boards for review. Other advice will be coming to the Secretaries through public-participation channels. Copies of the draft regulations and draft environmental statements have been sent to many individuals and groups. The draft regulations have been published in the Federal Register. News releases have been issued.

In short, when it comes to advice, the market is highly competitive. We in the Departments have a responsibility to help keep all the channels open and functioning.

Since the Wild Horse and Burro Act applies to two Departments, there is a potential for snarling of communications and procedures. To minimize the chances of foul-ups, the two Departments have worked closely on all aspects of the Act, including the operations of this Board. Although our systems of operations and situations may vary in some respects, we have tried to maintain complete congruity in standards and principles. So far as the Board is concerned, we have agreed that Interior's procedural methods will be used and BLM will be the administrative center for the Board activities. BLM has the responsibility for administrative support of the Board. We will see that all requirements of the law are met and assist the Board in that respect. All communications may be sent to Chairman Wayne Cook in care of the Director, BLM, or to the Director himself. BLM will make sure the Department of Agriculture is kept informed on all matters and that all communications are forwarded to the proper



parties. Representatives of both the BLM and Forest Service will usually be present at Board meetings. Only one, however, will be the official Federal representative whom the Federal Advisory Committee Act requires to be present to monitor proceedings. The official Federal representative will work with the Committee Chairman in the exercise of this monitoring role.

This monitoring role was provided for in the executive order and now in the Federal Advisory Committee Act. I would like now to discuss the Act briefly and give our understanding of its prime objectives.

The President approved the act on October 6, 1972. It became effective last Friday. We are now operating under its provisions.

We read the act as a statement of public policy that the executive branch of the government will make effective use of advisory committees. To this end, it sets up a system of management controls on how committees are to be established, staffed, maintained, operated, and terminated. It places on the executive agencies the responsibility for management of this system. At the same time, it calls for adequate representation of all points of view on advisory committee boards, and independence of judgment on the part of advisory committee members in the formulation of their advice. A third major aspect of the legislation includes provision for public observation of, and participation in, the operation of advisory groups.



These three objectives might be expressed as:

1. Adequate administrative control and support (a responsibility of the agency head).
2. Comprehensive advice of high quality (a responsibility of the advisory committee).
3. Public participation (a responsibility of both).

The law specifies five principles which are to be followed with all advisory committees "to the extent they are applicable." The principles and the actions we have taken are as follows:

1. Committee must have a clearly defined purpose. Your purpose is stated in the Wild Horse and Burro Act and is recognized in our draft regulations and other papers.

2. Membership of the Committee must be fairly balanced, taking into consideration the points of view involved and the committee's functions. The Wild Horse and Burro Act spells out certain required qualifications. In appointing members to the Board, the two Secretaries adhered to these requirements and used the leeway within them to seek a balanced variety of talents, including background, experience, and geography.

3. The Committee must be able to exercise independent judgment. The law requires that the executive agency prepare or approve the agenda. We have done this. However, committee meetings and actions will be under the direction of Chairman Cook and Vice Chairwoman Johnston. The administrative procedures which were approved last week contain provisions to make sure that all views can be brought out and made of record for consideration by the Secretaries.



4. Administrative procedures must be adequate. To accomplish this, the two Secretaries have entered into a memorandum of agreement and we have issued the set of administrative procedures I just mentioned. In addition, we are formalizing internal procedures.

5. Staffing, quarters, and funding must be adequate. We believe that we will be able to meet the Board's essential needs in these respects.

The law sets out several very specific requirements which I can tick off briefly.

1. A charter must be filed with the Secretaries, the House and Senate Interior Committees, and the Library of Congress. Chairman Cook has done this.

2. Rather detailed minutes and records must be kept. We have hired a court reporter to take the record of this meeting.

3. A Federal employee must be present as official representative of the agency heads involved. Mr. Turcott has been assigned that job for this meeting. Under the law, he has the power to terminate this meeting if the public interest requires it.

4. The meeting must be called by the agency head. Secretary Morton did this on January 3 on behalf of both Departments.

5. There must be a Federally approved agenda. Director Silcock approved the agenda for this meeting January 4. The published notice of the meeting summarized the subject matter of the agenda.

6. Meetings must be open to the public. This is no problem. However, we do have difficulties in estimating the space we will need



to accommodate the public and to find the space and pay for it. In the advance notice of the meeting, which the law requires, we mentioned that available space at this meeting would be limited.

7. Provision must be made for appearances of outside parties wishing to speak and for the filing of statements, to the extent that can be reasonably provided. The latter is no problem. In a 2-day meeting, however, time is short and the Chairman must manage outside appearances in a manner that is fair to the public and conducive to the efficient conduct of the Board's business.

8. Records and reports of the Board must be open to public inspection. BLM will provide this service.

Because of the urgent need for the Board's advice on the draft regulations and environmental statement, we have proceeded with the various actions I have described. If the Board feels that modifications or additions are desirable, it would be appropriate for the Board to recommend the changes it feels desirable.