

EIGHTH REPORT TO CONGRESS 1990

**ADMINISTRATION
OF THE WILD
FREE-ROAMING
HORSE
AND BURRO
ACT**



**United States
Department of the
Interior**



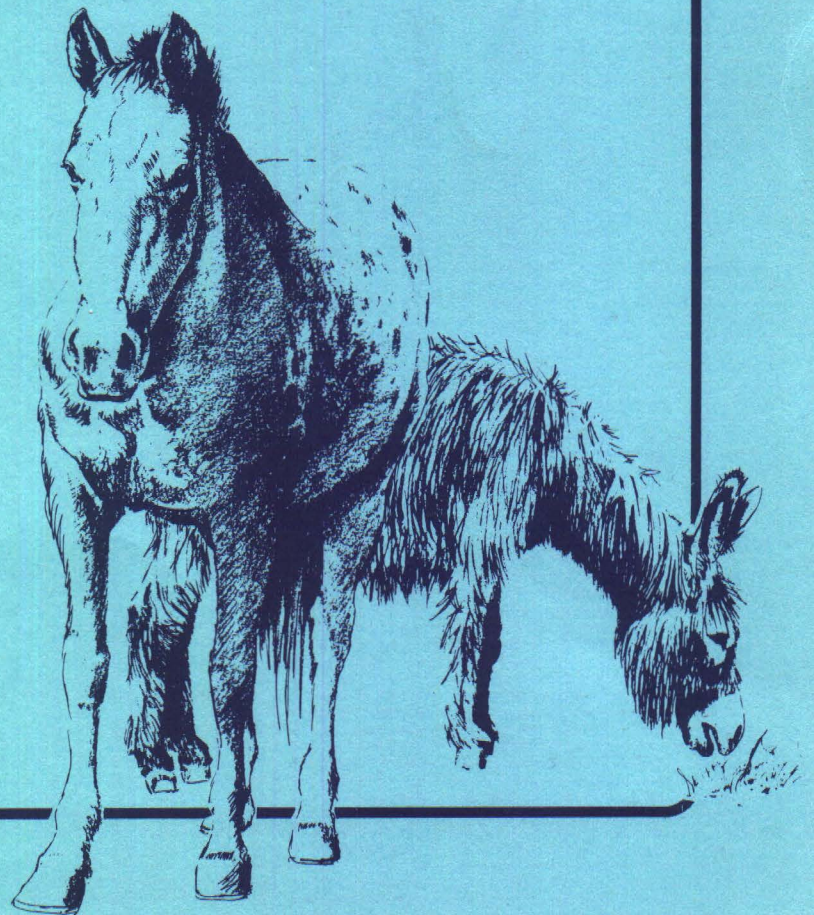
**Bureau of
Land Management**



**United States
Department of
Agriculture**



**Forest
Service**



Eighth Report
To Congress
On The Administration
Of The
Wild Free-Roaming
Horse And Burro Act

1990

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Preface

In December 1971, President Richard M. Nixon signed into law legislation "To require the protection, management, and control of wild free-roaming horses and burros on public lands." Section 11 of the law, commonly known as the Wild Free-Roaming Horse and Burro Act (16 U.S.C. 1331-1340), directs the Secretaries of the Interior and Agriculture to submit a biennial report to Congress on the administration of the Act. This eighth report examines the many facets of protection, management, and control of wild horses and burros during Fiscal Years 1988 and 1989.

The chronology on the next two pages summarizes the history of America's wild horses and burros. This historical perspective may be useful in understanding the challenges, accomplishments, and problems in administering the Act as the 1980's drew to a close.

WILD HORSE AND BURRO CHRONOLOGY

- | | | | |
|-----------------------|--|--|---|
| 8000 BC | Horse became extinct on North American continent. | | |
| 1500's | Spanish explorers reintroduced horses to North America. | | |
| 1600's | Indians acquired horses. | | |
| 1600's through 1950's | Escaped or abandoned wild horses and (later) burros roamed free on open range in West and Southwest. Habitat gradually shrank as settlement increased. Herd size was controlled by ranchers and also by mustangers who hunted the horses or gathered them for sale. | | |
| 1959 | Wild Horse Annie Act (PL86-234) prohibited the use of aircraft to capture horses and burros on public lands. | | |
| 1961 | Nevada Wild Horse Range, the first wild horse range, was established within boundaries of Nellis Air Force Base in Nevada. | | |
| 1968 | Pryor Mountain Wild Horse Range was established in Montana. | | |
| 1971 | Wild Free-Roaming Horse and Burro Act (PL92-195) provided for the protection, management, and control of wild horses and burros on public lands administered by the U.S. Department of the Interior through the Bureau of Land Management and the U.S. Department of Agriculture through the Forest Service. | | |
| 1973 | First wild horse adoptions took place in Pryor Mountains, Montana. | | |
| 1976 | Federal Land Policy and Management Act (PL 94-579) amended the Wild Free-Roaming Horse and Burro Act to permit managing agencies to use helicopters in the removal of excess animals. | | |
| 1978 | Public Rangelands Improvement Act (PL 95- 514) amended the Wild Free-Roaming Horse and Burro Act to allow adopters to obtain title to animals in their care, to require a | | |
| | | research study , and to establish an order and priority for removal of excess animals. | |
| | | 1980 | Little Bookcliffs Wild Horse Range was designated in Colorado. |
| | | 1982 | Adoption fees of \$200 per horse and \$75 per burro were established after a congressional committee and the Office of Management and Budget recommended recovery of some of the costs of adoption. |
| | | | BLM Director and Forest Service Chief placed a moratorium on provision in the law to destroy unadopted excess animals. |
| | | | National Academy of Sciences published the <u>Final Report of the Committee on Wild and Free-Roaming Horses and Burros.</u> |
| | | 1983 | Bills were introduced (but not passed) to amend the Wild Free-Roaming Horse and Burro Act to allow sale at auction of unadopted animals. |
| | | | Adoption fee for a wild horse was reduced from \$200 to \$125 in response to public concern and reduced adoption demand. |
| | | 1984 | Emergency rulemaking was published giving the Director of BLM authority to waive or adjust the adoption fee for unadoptable animals. |
| | | | BLM eliminated transportation costs to adoption sites, making adoption fees uniform throughout the Country. |
| | | 1985 | Congress tripled program funding and directed BLM to triple removals. |
| | | | BLM accomplished a record number of removals: 19,000. |
| | | | Contracts were awarded for three wild horse holding facilities located in Bloomfield, Nebraska, Lovelock, Nevada, and Muleshoe, Texas. |

- Contract was awarded for fertility control research project.
- 1986 Wild horse and burro program regulations were revised.
- Secretaries of Agriculture and the Interior established a wild horse and burro advisory board, which proposed a 5-step process for excess animals. Step 5 was humane destruction of unadopted animals.
- First inmate-wild horse training program instituted in Colorado State correctional facility at Canon City, Colorado. (Prison training was one of the steps recommended by the Advisory Board.)
- 1987 Draft policy incorporating Advisory Board's recommendations was made available for comment. Public response opposed proposal to lift moratorium on destruction of unadopted animals.
- Two new maintenance contracts were awarded for FY 1988 to existing facilities at Bloomfield and Lovelock.
- California, New Mexico, and Wyoming instituted prison training programs.
- BLM achieved record number of adoptions - 12,776 - through a combination of regular and fee waiver adoptions.
- Court enjoined BLM from transferring title to adopted animals in cases where adopter expressed the intent "upon granting of title, to use said animals for commercial purposes."
- 1988 Congress prohibited use of FY 1988 funds to destroy healthy unadopted wild horses or burros.
- BLM issued guidance including most of Advisory Board's recommendations, but not destruction of unadopted animals.
- South Dakota sanctuary for unadopted wild horses opened by BLM in cooperation with State of South Dakota and private group.
- BLM terminated fee waiver program in September because of public and congressional concern and because of establishment of sanctuaries.
- Contract was awarded for one holding facility (Bloomfield) for FY 1989.
- 1989 Congress continued to prohibit use of appropriated funds to destroy healthy unadopted wild horses or burros.
- Second sanctuary was chosen in September near Bartlesville, Oklahoma.
- Removals were impacted by appeals by humane groups to Interior Board of Land Appeals.

Chapter I - Management

Enactment of the Wild Free-Roaming Horse and Burro Act (Act) provided basic protection for wild horses and burros, and the animals began to thrive. Continuing long-term protection, however, is to a great degree the product of management. The Secretaries must manage wild horses and burros as "components of the public lands" in numbers that "preserve and maintain a thriving natural ecological balance and multiple-use relationship in that area." Achieving that goal depends on many factors.

Planning

Land use planning is a prerequisite for all resource management decisions and activities in the Bureau of Land Management (BLM) and the Forest Service (FS). Through the planning process, decisions are made as to the preferred mix of uses, including consumptive uses, on specific areas.

For wild horses and burros, planning first addresses the question of whether a herd area is to be a herd management area. A herd area is an area used by wild horses or burros as habitat in 1971 when the Act was passed; a herd management area is a herd area where the land use planning process has determined that wild horses or burros will be managed. The BLM has identified 268 herd areas and has decided through the planning process to manage wild horses or burros on 195 areas and not to manage them on 71 areas. There are two herd areas where decisions have not yet been made.

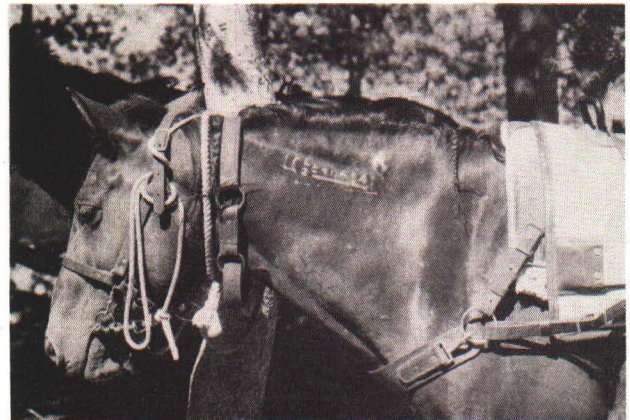
The numbers above have changed slightly from those published in the Seventh Report. Such changes occur even though the Agencies agree that, regardless of specific management decisions, areas where wild horses and burros existed in 1971 remain herd areas. In theory, the number of herd areas should be unchanged from year to year. However, over the last few years, BLM has found it necessary to revise published data about herd areas and herd area acreage as States have clarified the status of areas reported earlier and as the Agency's ability to gather and validate herd area information has improved. Court rulings can affect herd area acreage. For example, in resolving a lawsuit in Nevada, the court redrew the boundaries of a herd area. Thus, the herd area acreage for that particular area has been reduced.

The BLM recognizes that this inexactitude is a source of concern to those attempting to track the number of herd areas and acres comprising wild horse and

burro habitat in 1971. While regretting that early records and reports were not completely accurate, the BLM believes that significant progress has been made in the past few years in identifying original herd areas. The detailed herd area information in Appendix A was first provided in the Seventh Report. These data should allow better tracking of herd area status.

The reduction in the reported herd areas from 270 in the Seventh Report to 268 resulted from three actions: (a) the consolidation of five herd areas in Nevada into an enlarged and renamed single area (-4); (b) the addition of one herd area in Nevada, which had previously been erroneously listed as falling under FS jurisdiction (+1); and (c) the listing of a new herd area in Colorado, which had been formed by subdividing a larger area (+1).

Changes also occurred in the number of (a) herd management areas, (b) herd areas where decisions have not yet been reached, and (c) herd areas where animals will not be managed. The smaller number of herd management areas (195 from 199) reflects the changes explained above; that is, Nevada had a net loss of three herd management areas because of consolidation and Wyoming amended the status of one herd management area. Idaho decided to remove animals from one herd area, so there are now only two areas left without decisions. The newly listed Colorado area is also one where animals will not be managed, and Wyoming changed the status of one herd management area to an area without horses. The Wyoming situation involved a decision that had been made in a previous planning document but that was revisited recently when a resource manage-



A once wild horse serves as a pack horse for the Forest Service in the Warner Mountain Wilderness Area. Note the identifying freeze mark on the neck. (Photo by Tracey Irons)

ment plan was developed. Because the horses would not remain within the herd area, it was decided not to continue the status of the area as a herd management area.

The FS uses the term "herd territories" in referring to areas on lands under their jurisdiction where wild horses and burros existed in 1971. The FS manages wild horses and burros on 43 herd territories. Some herd management areas and territories include both BLM and FS administered lands. The FS has the lead in 11 of these areas and the BLM is the lead agency on 8 areas of combined jurisdiction.

When an area is determined to be a herd management area, BLM uses its planning process to determine management objectives for the herd and the habitat. Specific management actions are then developed in a herd management area plan (HMAP). The total number of HMAP's completed as of September 30, 1989, was 89, an increase of 5 over the number reported 2 years ago. This number appears to reflect a correction of previously reported data since none of the HMAP's listed by the States had completion dates of 1988 or 1989.

Herd areas administered by BLM are listed in Appendix A, which shows acreage, management status, current population, and appropriate management levels for each area. Until 1989, appropriate management levels arrived at through planning were used to define excess. That is, animals above the appropriate management level established for an area were declared to be excess and subject to removal under Section 3(b)(2) of the Act:

"Where the Secretary determines . . . that an overpopulation exists on a given area of the public lands, and that action is necessary to remove excess animals, he shall immediately remove excess animals from the range so as to achieve appropriate management levels."

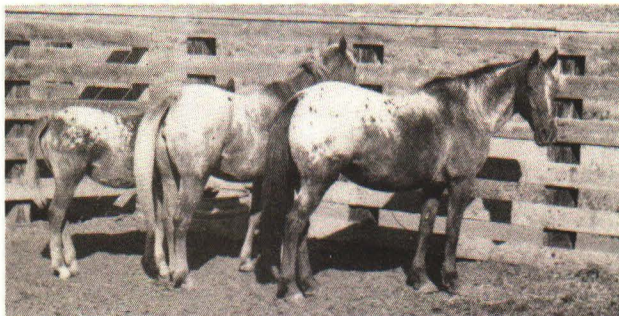
In 1989, the Animal Protection Institute of America appealed the removal plans for several capture operations scheduled in Nevada. The Interior Board of Land Appeals (IBLA) ruled that the term "appropriate management level" is "synonymous with restoring the range to a thriving natural ecological balance and protecting the range from deterioration." The IBLA concluded that "section 3(b) of the Act does not authorize the removal of wild horses in order to achieve an AML which has

been established for administrative reasons, rather than in terms of the optimum number which results in a thriving natural ecological balance and avoids a deterioration of the range."

As Fiscal Year (FY) 1989 ended, BLM was developing new guidance to accommodate the IBLA's stringent standard for determining excess wild horses and burros exist on a particular area before removals can be accomplished. See Chapter III for an examination of how the appeals to the IBLA affected BLM's accomplishments in FY 1989.

Census

Counting wild animal populations is difficult and the results inexact. Recognizing this, it is still imperative to obtain reasonably reliable counts of wild horse and burro populations. The BLM Field Offices census the wild horses and burros in the various herd areas on cycles ranging from yearly



Through herd management area plans, BLM can use selective removals to preserve desirable characteristics, such as the patterns on these Appaloosa mares from the Warm Springs Herd Management Area in the Burns District in Oregon.

to once every 3-5 years. According to the National Academy of Sciences (NAS) Committee on Wild and Free-Roaming Horses and Burros, censuses carried out every 2 or 3 years are sufficient for management information needs. The BLM census guidance is based in part on research conducted by the University of Minnesota in the early 1980's under the auspices of the NAS.

The population graph in Figure 1 reflects the most recent census data. For some individual herd areas and territories, these data are current as of 1989. For others, actual counts may not have taken place for several years. State-by-State population charts for both BLM and the FS are provided in Appendixes B and C. Appendix A (mentioned above) includes the date of the last census for most BLM herd areas.

Research

Congress made \$1 million available for wild horse and burro research in the FY 1985 Appropriations Act. Final reports on two of the three research projects awarded in 1985 were provided to BLM in FY 1988 and forwarded to the NAS Committee on Wild and Free-Roaming Horses and Burros for review and interpretation. The completed studies deal with genetics and blood serum chemistry; the ongoing project is exploring fertility control.

1. Wild Horse Parentage and Population Genetics was carried out through a contract with the University of California, Davis (Contract Number AA-852-CT5-28). This study reports on parentage patterns and genetic diversity in herds selected for study in the fertility control research contracted to the University of Minnesota (see number 3 below). Blood type testing was used to investigate the genetic makeup of Great Basin wild horses and answer questions about genetic diversity, relationship of wild horses to various domestic breeds, and percent of foals sired by the dominant stallion. The study substantiated anecdotal accounts of the origins of Great Basin horses from draft horses, saddle horses of American breed origin, and Spanish Barbs. Nearly one-third of the foals were found not to have been sired by the dominant stallion of the band into which the foal was born.



A few of the more than 2,000 burros found in Arizona.

2. Analysis of Serum Chemistries of Free-Ranging Feral Horses and Burros in Relation to Location, Condition, and Reproduction summarizes work performed under an interagency agreement with the Veterans Administration Medical Center, Minneapolis, Minnesota (Contract Number AA-852-1A5-33). The objective of the study was to

determine whether certain characteristics of blood chemistry are related to animal condition. Among the investigator's findings were the following:

There were significant differences between species, between locations, and between populations from individual locations with respect to physical findings, reproductive findings, and laboratory findings.

The physical findings suggest that the Nevada populations of mares were younger, lighter for their age, and in poorer condition than the animals from the other locations. The Wyoming populations were intermediate in age, heaviest for age, and their average condition index was the highest for the three locations with data available. The Oregon populations were oldest on average and similar to the Wyoming population in weight. There were differences in condition index among the four Nevada populations and in age for the two Oregon populations.

The reproductive findings indicate the highest pregnancy rate in the Wyoming animals and lower rates in the Nevada mares with significant population differences at both locations.

3. The most extensive of the three 1985 research contracts, Fertility Control in Wild Horses (Contract Number AA-852-CT5-29), was nearing completion of field studies as FY 1990 began. The final report from the investigators is due by September 30, 1990. During FY 1988, this project experienced problems in two areas.

First, tight tracking collars caused sores and infections in several animals. At nearly the same time, 48 horses died when they were unable to find their way to water after being captured for the study and then released. Because of their poor physical condition, the hot weather, and the separation from familiar water sources, the animals collapsed—or stayed with other collapsed horses until they too died from the stress of dehydration and hyperthermia.

The BLM Nevada State Office conducted an investigation of the deaths and recommended changes in practices affecting wild horses, especially in relation to the fertility control research. The research contract was then modified to include provisions to reduce the likelihood of injury or death for the horses involved in the study.

At the beginning of FY 1990, this study was in a final monitoring phase.

Program Guidance

The BLM wild horse and burro program guidance was compiled in Manual Sections for the first time with the issuance of seven Manual Sections in 1988. The next step is to develop Handbooks with detailed procedural guidance on several aspects of the program. Drafts of Handbooks on adoption, preparation, and capture were in various stages of preparation at the end of FY 1989. (The Adoption Handbook was issued in December 1989.)

Wild Horse and Burro Information System

On completion, the Wild Horse and Burro Information System will be a comprehensive computerized information system. The four planned databases will contain information on (1) disposition of excess wild horses and burros removed from the public lands, (2) herd area and population characteristics, (3) adoption applicants, and (4) wild horse and burro events.

During FY's 1988 and 1989, the Disposal database, which tracks animals removed from the range through their preparation, adoption, and titling or death, was further refined and improved. Problems were resolved, such as clearing several hundred bad records from the database. All portions of the database were completed except for those pertaining to titling, compliance, and production of standard reports. Progress on followup development has been slowed by shifting of resources and priorities to integration and automation of all BLM resource programs. Following completion of the Disposal database in FY 1990, work will begin on the Herd Area and Applicant databases.

Wild Horse and Burro Workshop

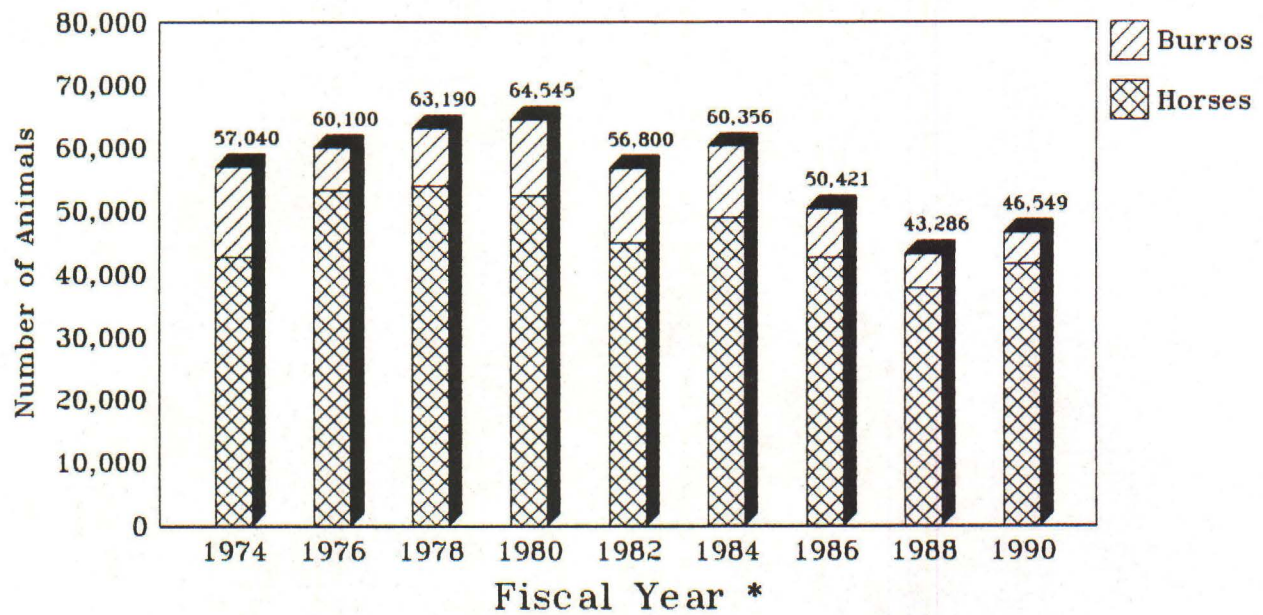
A wild horse and burro program workshop was held in Albuquerque, New Mexico, in April 1989. This was the first national program meeting in almost 6 years and provided an opportunity for an exchange of information on all aspects of the program throughout the BLM. Major products resulting from the meeting will include Handbooks on adoption, preparation, and capture as well as additional guidance on management of free-roaming horses and burros and the prison training program.

Program Audit

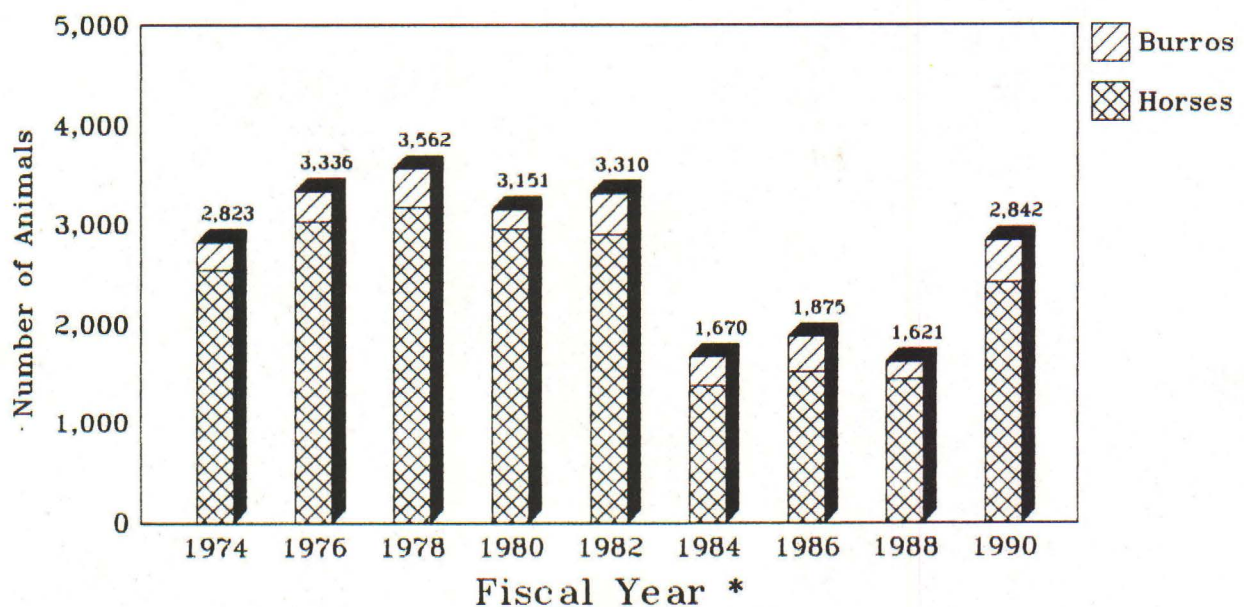
The General Accounting Office (GAO) conducted a review of the wild horse and burro program during 1988 and 1989. The GAO furnished the draft audit report to the Secretary of the Interior in March 1990.

Figure 1

Wild Horse and Burro Population History BLM Herd Areas



Forest Service Herd Territories



* Population at the beginning of the fiscal year



BLM wrangler with wild horses trained and used at the Burns Wild Horse Corral in Oregon.

Chapter II - Control

For most of the 1980's, control of wild horses and burros at appropriate numbers has been a major program goal in BLM. Although fertility control and selective removal strategies may prove useful tools in the future, the most direct and cost-effective control technique to date has been the nonselective capture and removal of excess wild horses and burros. "Nonselective" means that all animals gathered in a capture operation are removed, regardless of age, sex, color, markings, etc. In a few BLM herd management areas, selective removals are employed to achieve objectives set forth in the herd management area plan, but most removals have been nonselective.

Removals

During FY's 1988 and 1989, the FS, which is responsible for about 5 percent of the wild horses and burros, removed 190 excess animals. (See Appendix D.) In 1988, BLM removed 8,320 excess wild horses and burros. (See Appendix E for a breakdown by species and by State.) Because of the rate of population increase (calculated to be between 18 and 19 percent), these removals produced only a slight reduction in the overall population, from an estimated 43,290 to 42,350.

FY 1989 saw a halt to BLM's gradual progress towards reducing the wild horse and burro population to an appropriate level. In that year, appeals to the IBLA severely curtailed gathering operations in Nevada, and BLM removed only 4,462 excess animals. The postponements allowed the population to grow from 42,350 to 46,550. The ruling on the appeals of removal plans affirmed them in part and reversed them in part. The most significant part of the ruling was its insistence on a narrow interpretation of the Wild Free-Roaming Horse and Burro Act in regard to the determination of excess animals and, thus, the decision to remove animals. The IBLA ruled, in part, that:

"... it is clear that any decision to remove wild horses is constrained by the express requirements of section 3(b) of the Act. Under that act, the term AML [appropriate management level] has a very particular meaning in the context of actions required to be taken to remove wild horses from the public range. It is synonymous with restoring the range to a thriving natural ecological balance and protecting the range from deterioration. Thus, section 3(b) (2) of the Act provides that excess wild horses shall be removed 'so as to achieve appropriate



Horses in a holding pen at a capture site in California.
(Photo by Joan W. Gowan)

management levels' or, stated differently, 'so as to restore a thriving natural ecological balance to the range, and protect the range from the deterioration associated with overpopulation.'"

Prior to the IBLA ruling, BLM's determination of excess had been predicated chiefly on the appropriate management levels established through the planning process. These numbers, however, do not necessarily indicate levels demonstrably tied to restoring a "thriving natural ecological balance to the range" or protecting the range "from the deterioration associated with overpopulation." Early in FY 1990, the BLM was drafting new guidance to reflect the IBLA decision.

Placement of Excess Animals

When removals are necessary, the Act provides the order and priority for such action. Old, sick, or lame animals are to be humanely destroyed. Healthy animals are made available for adoption by qualified individuals. Excess animals for which there is no adoption demand by qualified individuals are to be destroyed in the most humane and cost-efficient manner; however, healthy animals have not been subject to destruction since January 1982. (See "Unadopted Animals" below.)

Old, Sick, and Lame Animals. Old, sick, or lame animals are destroyed humanely using methods judged acceptable for euthanasia of large animals by the American Veterinary Medical Association Panel on Euthanasia. In FY 1988, a total of 551 wild horses and burros were destroyed or died of natural causes or as a result of accidents. In FY 1989, the number was 554.

Adopted Animals. Adoptions in FY 1988 totaled nearly 11,000: 10,027 horses and 963 burros. About half of these adoptions were accomplished through fee waivers, a practice that was terminated in September 1988.

The regular adoption program continued to use temporary adoption centers as the major means to find homes for wild horses and burros. Sixty-eight temporary centers were held in FY 1988. In the East, contractors help operate temporary centers as well as manage year-round centers. Anticipating a significant increase in the adoption effort in the East, a third contract adoption center was opened in London, Ohio, in summer 1988. The other centers are located in Pennsylvania and Tennessee.

The plans to intensify the adoption effort proved unattainable. In FY 1989, without fee waivers and with removals constrained by the appeals to IBLA, only 5,220 animals were placed in private care: 4,325 horses and 895 burros. (See Appendix E for a breakdown by administrative State.) The 72 temporary adoption centers represented only a slight increase over the previous year. Several temporary adoptions planned for FY 1989 had to be canceled because of the cutback in removals that year.

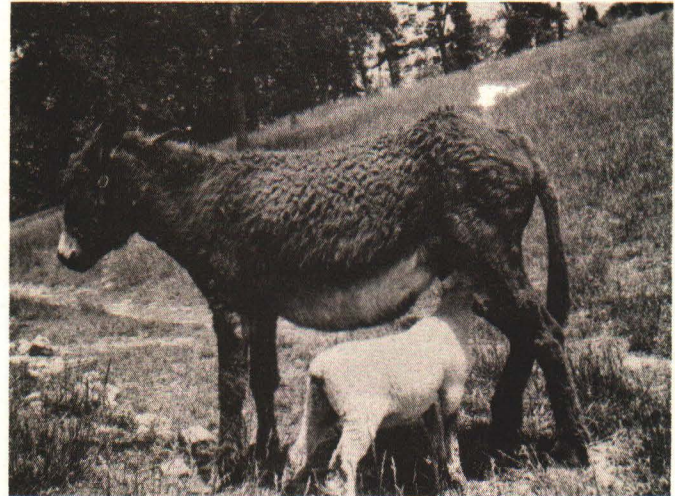
To make horses in the age range of 4 to 6 years more attractive to adopters, BLM has cooperative agreements with corrections departments in four States—California, Colorado, New Mexico, and Wyoming—for inmates to halter train these animals. During FY 1989, the first year when all prison training sites were operational, 1,700 wild horses received training prior to being offered for adoption. Guidance is being developed to provide greater consistency throughout the prison training program.

Healthy excess animals removed from FS lands in FY's 1988 and 1989 were placed in adoption through BLM's Adopt-A-Horse Program.

Unadopted Animals. Healthy unadopted wild horses and burros are not destroyed despite the provision in the Act for destruction of unadopted animals. The BLM and the Forest Service have continued a moratorium on destruction of healthy animals for 8 years. In addition to the Agencies' moratorium, Congress included language in the Appropriations Act for Interior and Related Agencies in FY's 1988, 1989, and 1990 prohibiting the use of appropriated funds for destruction of healthy animals.

Because the treatment provided in the Act for unadopted excess animals is not a viable option, the BLM must find an acceptable alternative. This problem was most pressing in the mid-1980's, when approximately 10,000 excess wild horses accumulated in BLM corrals and contract facilities pending adoption or other placement.

Fee Waivers. One attempt to solve the problem of unadopted animals was the use of fee waivers. From 1984 to 1988, BLM placed approximately



An unusual use of an adopted jenny in Virginia!

20,000 older, less adoptable horses in private maintenance through fee waiver adoptions. In these transactions, one individual typically obtained powers of attorney from many adoption applicants, allowing the organizer to gain control of hundreds of horses. As with all wild horse and burro adoptions, title was transferred to the adopters after 1 year if the animals had been cared for humanely. In most fee waiver adoptions, the animals were properly cared for during the 12-month period prior to titling. However, a few transactions resulted in inhumane treatment of hundreds of animals. These cases contributed to a growing sense of concern about fee waivers.

Two humane organizations challenged certain aspects of the fee waiver practice in Federal court. The judge did not prohibit fee waivers or large-scale adoptions. He did, however, limit the potential for adoption for commercial purposes by directing BLM not to approve adoptions or grant title to animals already adopted where the applicant or adopter expressed the intent "upon granting of title, to use said animals for commercial purposes."

In April 1988, BLM suspended the practice of waiving fees, and in September 1988, the Agency terminated the fee waiver program. Congress took a direct interest in this matter and used the FY 1989 and 1990 Appropriations Acts to prohibit fee waivers.

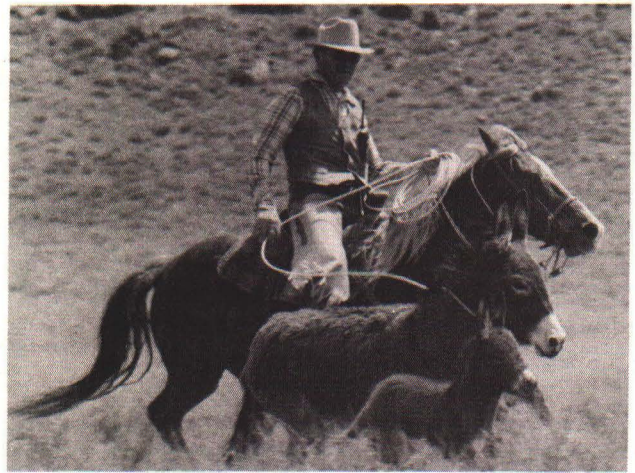
Contract Maintenance. From 1985 through 1989, BLM maintained excess wild horses and burros in contract facilities. Initially three contracts were awarded for a 1-year period, with options for 2 additional years. The three facilities were located in Bloomfield, Nebraska, Lovelock, Nevada, and Muleshoe, Texas. The options were exercised in FY's 1986 and 1987. In FY 1988, two 1-year contracts for wild horse and burro maintenance facilities were awarded, with the successful bidders being the operators of the facilities at Bloomfield and Lovelock. In 1989, with fewer animals remaining unadopted, only one facility was needed. As with previous maintenance contracts, the facility was procured through a competitive process, with the award going to Bloomfield. This last contract for feedlot-style maintenance was being phased out at the end of FY 1989.

The maintenance contracts were a cost-effective means for holding animals pending adoption under the regular or fee waiver adoption program. With termination of the fee waiver program, another means was needed for dealing with unadopted animals.

Sanctuaries. Instead of being maintained in corrals until adopted through fee waivers, unadoptable wild horses are now placed on pasture in sanctuaries. Two sanctuaries are located on



Inmate at Colorado's Canon City correctional facility gains a wild horse's confidence as part of the prison training program.



Burros are usually captured by roping, rather than driving them to a trap. (Photo by Joan W. Gowan)

private land and operated under cooperative agreements between private entities and the Federal Government. (In one case, a State agency is also a party to the agreement.) The agreements call for Federal funding for 3 years, after which the sanctuaries are expected to be financially self-sufficient. During the first 3 years of operation, the sanctuaries are to develop fundraising campaigns to provide the necessary support.

The genesis of the sanctuary concept dates to 1986 when the Wild Horse and Burro Advisory Board recommended privately funded sanctuaries as an alternative to long-term maintenance of unadopted wild horses in feedlots at Government expense. It was felt that a more natural setting for the animals would be seen as more humane by the public and that private funding would relieve the Government of an unnecessary expense.

The Board's recommendation generated considerable interest, but no one was able to develop a proposal for a sanctuary independent of Government funding. Eventually, Congress recognized the need for some Federal support to make the concept a reality. In 1988, a pilot sanctuary was established when BLM entered into a cooperative agreement with the State of South Dakota, the South Dakota Community Foundation, and the Institute of Range and the American Mustang. The South Dakota sanctuary consists of two sites, one in the Black Hills and one southwest of St. Francis, near the Nebraska border. Total capacity of the two South Dakota sites is about 2,000 head.

In FY 1989, Congress directed BLM to establish a second sanctuary and to develop sanctuary guidelines. These guidelines, which apply to all federally funded sanctuaries, were sent to Congress in January 1989. The guidelines formed the basis of the statement of work for the cooperative agreement for the second sanctuary, which was chosen in September 1989 through a competitive process. Important factors in selection of the proposal for a sanctuary in Bartlesville, Oklahoma, were the quality grassland habitat, abundant waters, temperate climate, good facilities, capability of becoming financially self-sufficient, and experience of the operators.

The BLM provides quarterly reports on sanctuary operations to the appropriate congressional committees.

While the sanctuary concept has merit for providing care for unadoptable animals, it is not a long-term answer to the problem of unadoptable animals. Finding sufficient private funding for an ever increasing number of sanctuaries is not considered to be feasible.

Chapter III

Protection

Protection On the Range

The first and most basic requirement of the Act is to protect wild horses and burros on the public lands and to prevent them from "disappearing from the American scene." By placing these animals under Federal protection, the Act succeeded in allowing herds of free-roaming horses and burros to flourish. Federal penalties subject violators of the Act or regulations issued pursuant to the Act to "a fine of not more than \$2,000, or imprisonment for not more than one year, or both."

For the most part, the law is effective in protecting the more than 46,000 free-roaming wild horses and burros. However, the vast expanse (nearly 42 million acres) of generally isolated land where these animals live makes it virtually impossible to prevent determined lawbreakers from capturing, harassing, or even destroying some wild horses and burros.

In the late 1980's, for example, serious violations of the Act occurred in remote areas of central Nevada. Beginning in August 1988, more than 600 wild horses were found dead in various parts of Lander and Pershing Counties. New deaths were discovered as late as June 1989. Evidence indicated that the deaths had occurred over a period of 2 years.

The BLM conducted a vigorous investigation of these crimes. In conjunction with its investigation, BLM offered a reward of \$5,000 for information leading to the arrest and conviction of the perpetrators. Other organizations pledged rewards also, for a total of \$18,000.

In February 1989, five individuals were charged in the deaths of 42 wild horses in Pershing County. A sixth individual was subsequently charged, tried, and acquitted. Indictments against three of the original five defendants were dismissed by the judge, and the U.S. Attorney dropped the charges against the other two. In both instances, the stated reason was lack of specificity in the indictments.

At the end of the period covered by this report, the investigation of the Nevada wild horse deaths remained open.

Other instances of illegal capture or destruction of free-roaming horses and burros occurred on public lands elsewhere. In Arizona, three men

pleaded guilty in May 1989 to charges of killing two wild burros. The animals were killed in October 1988 near Basin Well in the Black Mountains approximately 20 miles northwest of Kingman, Arizona. The men were fined \$100 and sentenced to 6 months probation by the U.S. District Magistrate.

In August 1989, ten Utah men entered guilty pleas before a Las Vegas, Nevada, District Court in a case of illegal capture of 10 burros in the Gold Butte area of Clark County, Nevada. Three of the burros died; the others were placed in private care through BLM's adoption program. A plea agreement resulted in each man's receiving 6 months probation, a \$1,000 fine, and 120 hours of community service. A case is pending in which a man is accused of capture and removal of two horses near Vernal, Utah. In Montana, a single wild horse was found dead on the Pryor Mountain Range, apparently shot twice. Investigators rode the area, but found no other animals harmed. The person responsible remains unknown.

A particularly shocking incident was the killing of Warren, the burro mascot of BLM's Susanville (California) District. In Southern California, 13 burros were shot in the California Desert District. No arrests have been made in either case.

These violations of the Act are indeed discouraging; yet by and large, the protection conveyed by the Act serves the animals well. Most wild horses and burros roam the range safe from human harassment, capture, or killing. It should also be noted that the mass killings in Nevada were an aberration; no comparable incident has occurred in the 18 years of Federal protection.

In guidance issued in November 1988, the BLM stressed the importance of protection by requiring "periodic observation of wild horse and burro herds to reduce the possibility of unauthorized capture, branding, harassment, or destruction."

Compliance and Enforcement - Adopted Animals

Protection of adopted animals begins with the pre-adoption screening, which allows BLM to gauge the applicant's ability to care for the requested animals properly. After the adoption, personnel and funding restraints allow BLM to make regular inspections only in situations where five or more untitled animals are maintained at one location. For these groups of animals, monthly inspections are required, or more often depending on factors such as weather, disease outbreaks, etc. For all adopted animals, BLM investigates every complaint of inhumane treatment, relying in many areas on local humane groups to provide information.

Many adoption problems arise from lack of knowledge rather than from deliberate abuse or neglect, and in these cases BLM may simply require the adopter to take corrective action. If the problems are resolved, the animal can remain with the adopter. When problems are not resolved or when the wild horse or burro is in immediate danger, BLM repossesses the animal.

Often violations of the terms of the Private Maintenance and Care Agreement are handled by issuing citations, which carry a fine. In Arizona, for example, 12 individuals were cited and fined for various violations of the agreements in FY's 1988 and 1989. This type of violation can range from not notifying BLM of a move to failing to trim the animal's hooves.

Where circumstances warrant, violations of the adoption agreement are referred to the U.S. Attorney for prosecutive evaluation. In the East,

nine cases were referred to U.S. Attorneys in seven States in FY's 1988 and 1989. Individuals accused of abuse of four wild horses were awaiting trial in Federal court in Mississippi at the end of the period covered by this report. The U.S. Attorneys deferred to the State for prosecution in two instances. In the remaining six cases, the U.S. Attorneys declined to prosecute. Five of these cases involved charges of sale of untitled adopted wild horses; in the sixth, an individual was accused of shooting an adopted wild horse.

One of the cases where the U.S. Attorney deferred to the State for prosecution occurred in Michigan, where a badly neglected adopted burro died shortly after being repossessed by BLM in 1989. The maximum penalties for the offense are greater under Michigan law than under Federal statutes. As in many cases, BLM worked closely with local humane society and law enforcement officials in the effort to rescue the animal and bring the adopter to justice.

Enforcement actions in the Montana State Office, which is also responsible for adoptions in North Dakota and South Dakota, involved several hundred animals. In a major case, two North Dakota men were accused of mistreating and starving 400 horses adopted under a fee waiver. When brought to trial, both defendants were acquitted. A South Dakota resident who sold an untitled horse was cited and fined, and four horses were confiscated.

Another large-scale adoption, this one in Nebraska, resulted in BLM's repossessing 462 of 600 adopted horses, alleging that the adoption organizers had sold untitled wild horses. The BLM referred the case to the U.S. Attorney, who declined to prosecute.

Four of the thousands of wild horses that have forsaken the West for good homes in the East through the Adopt-A-Horse Program. (Photo by Bob Ward)



A conviction was obtained in the case of a California man charged with abandonment and abuse of two horses that starved to death. He was fined \$1,000, given a 3-year suspended sentence, and required to perform 75 hours of community service. Also in California, BLM cited two people for inhumane treatment of two horses (two more are missing), and a court date was set. The case was unresolved at the end of FY 1989.

Overall, BLM carried out compliance inspections involving nearly 3,200 adopters and 10,300 animals in FY 1988 and 1,800 adopters and 4,900 animals in FY 1989. With the 1988 termination of the large-scale fee waiver adoption program, the number of animals included in compliance inspections should drop significantly, as can be seen in the reduction from FY 1988 to FY 1989.

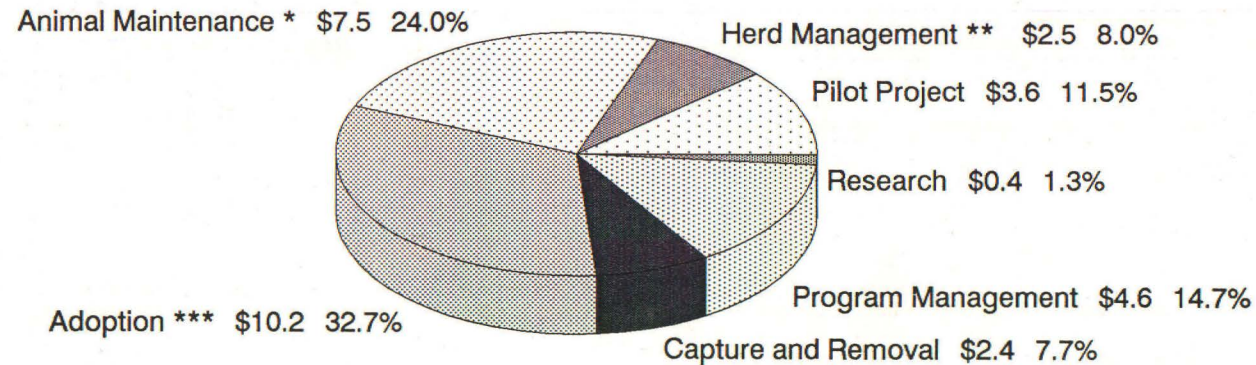
The FY 1989 Appropriations Act for Interior and Related Agencies directed the BLM to report on strengthened procedures for monitoring adopters of wild horses and burros. This report, which was sent to the appropriate congressional committees in January 1989, is included as Appendix F.

The BLM plans to explore ways to reach more qualified applicants and to educate adopters about proper care of adopted wild horses and burros.

Figure 2

BLM'S FY 1988 AND FY 1989 WH&B EXPENDITURES

TOTAL BIENNIAL EXPENDITURES: \$31,227,000



(Cost in \$ millions)

* Also Includes Sanctuary and Prison Program Costs

** Includes Mgt. Plans, Proj. Development,
Inventory, and Monitoring Costs

*** Also Includes Compliance and Enforcement Costs

Chapter IV - Funding and Expenditures

Funds for BLM's management of wild horses and burros are derived from direct annual appropriations within the Management of Lands and Resources account, and by funds from an indefinite appropriation derived from adoption receipts deposited to the Service Charges, Deposits, and Forfeitures account. Two BLM subactivities, Wild Horse and Burro Management and Adopt-A-Horse (or Burro), are funded from these appropriations. Appropriations for BLM's Wild Horse and Burro Management account and corresponding FS appropriation levels for FY's 1988 and 1989 are shown below. Funding levels for the wild horse program since 1972 are provided in Appendix G.

Fiscal Year	Appropriated Amount	
	FS	BLM
1988	\$286,000	\$14,774,000
1989	181,000	14,560,000

The Adopt-A-Horse (or Burro) funds collected but not expended in one year may be carried over for use in the following year. Receipts and expenditures for FY's 1987, 1988, and 1989 are shown below. (FY 1987 figures are shown for comparison.)

	Fiscal Years		
	1987	1988	1989
	(\$000's)		
Receipts	\$ 506	\$ 608	\$ 557
Expenditures	204	847	578

The average fee collected for each animal adopted was \$59 in FY 1988 and \$106 in FY 1989, compared with \$39 in FY 1987. This increase in average fees reflects the gradual reduction and, finally, the termination of the fee waiver adoption program at the end of FY 1988. The FY 1989 receipts reflect the adoption of virtually all horses and burros at the normal fee of \$125 and \$75 respectively.

The BLM expenditures for Wild Horse and Burro Management for FY's 1988 and 1989 are shown in the table below, with FY 1987 figures included for comparison. Expenditures for the 2-year period are also displayed in Figure 2. Because of some changes in the description of a few program

components and initiation in a few offices of a pilot productivity project under which costs are not charged to specific program components, the costs for FY 1988 and FY 1989 are not always comparable to the figures for FY 1987 and those published in the Seventh Report to Congress. (Where they existed, the pilot productivity projects promoted innovative solutions to resource management problems and involved less structured reporting on the use of appropriated funds in a number of BLM programs, not just the wild horse and burro program.)

Program Component	Expenditures by Fiscal Year		
	(\$000's)		
	1987	1988	1989
Program Management	\$1,784	\$1,745	\$2,891
Research	307	341	35
Management Plans	239	178	244
Project Development	224	164	133
Inventory	156	114	180
Monitoring	684	633	820
Long-Term Maintenance of Excess Animals	6,854	5,053	2,422
Removal of Excess Animals	1,898	1,238	1,115
Adoption of Excess Animals*	5,778	4,875	4,726
Compliance and Enforcement	200	286	391
Pilot Productivity Project **	0	1,703	1,940
	\$18,124	\$16,330	\$14,897

* Includes both Wild Horse and Burro Management and Adopt-A-Horse (or Burro) program costs.

** Pilot productivity project costs cannot accurately be placed in the categories outlined above. However, best estimates indicate that expenditures occurred in roughly the same proportion as overall program expenditures.

The costs displayed above reflect some major changes in the program during FY 1988 and FY 1989. Overall budgets declined as the cost of long-term maintenance fell. This was largely due to the fee waiver program providing a cost-effective method for placing animals being held in contract maintenance facilities. As a result of this program, animals in these facilities declined from about

5,500 at the start of FY 1988 to less than 800 animals remaining by the end of FY 1989. The last contract maintenance facility was closed in early FY 1990. Beginning in FY 1990, the prison training facilities are expected to fill the role of maintaining animals pending adoption.

To better substantiate the need for management changes, greater emphasis was placed on monitoring. This is reflected in increased expenditures for the Program Management, Inventory, and Monitoring program components.

Research costs were largely covered by expenditures in previous years. Costs are expected to remain at a low level through FY 1990 when the fertility control research project will essentially be completed.

A significant increase in average adoption costs per animal from about \$400 to almost \$800 occurred during this period as the fee waiver adoption program was terminated in late FY 1988. Part of this increase reflects the higher cost of the prison training program needed to enhance the adoptability of animals that previously were adopted directly under the fee waiver program. The increasing cost of compliance is the result of conducting more inspections during the past 2 years to assure that adopted animals are cared for properly. With the termination of the fee waiver program, more inspection trips are required to inspect fewer animals.

The sanctuary program, which was started in late FY 1988, to a large extent replaced the fee waiver program as an outlet for older, less desirable, or unadoptable animals. Under present policies, sanctuary expenditures will increase slightly during FY 1990 as the facilities are filled to capacity.

Chapter V - Litigation

Four suits challenging some aspect of the Department of the Interior's administration of the Wild Free-Roaming Horse and Burro Act were pending at the start of the period covered by this report, and two new suits were filed in 1988.

Two of the four pending suits had been filed by a Nevada family. These were resolved by a settlement agreed to by the parties involved. On October 1, 1987, a memorandum of understanding was signed by all parties, who agreed to take the necessary legal steps to effect a stipulated settlement. These suits dealt with two issues: removal of all wild horses from plaintiffs' private property and reduction in the number of wild horses maintained on areas of the public land for which the family has grazing permits.

In the third suit, the U.S. Department of Justice, on behalf of the Department of the Interior, appealed the 1987 ruling in a case concerned with large-scale fee waiver adoptions. The decision appealed had enjoined the Secretary of the Interior from transferring titles to adopters who have "expressed to the Secretary an intent, upon the granting of title, to use said animals for commercial purposes." The case was appealed to the Ninth Circuit Court of Appeals, which on October 31, 1988, affirmed the Nevada District Court's grant of summary judgment in favor of the plaintiffs, the Animal Protection Institute of America, Inc., and the Fund for Animals, Inc. The fee waiver program had already been terminated in September 1988, a fact that contributed to the Department of the Interior decision not to seek Supreme Court review.

The last case pending at the beginning of FY 1988 concerned issues of water rights and range improvement modifications on public lands in Nevada. The BLM had canceled permits for wells modified by the plaintiffs without seeking BLM authorization. An administrative law judge reversed the decision; BLM then appealed the reversal to the Interior Board of Land Appeals (IBLA). The IBLA ruled in BLM's favor, leading the plaintiffs to seek judicial review in the U.S. District Court in Nevada. This case remained open throughout the period covered by this report.*

*A decision for the plaintiffs was issued early in FY 1990. The Justice Department filed a protective notice of appeal on behalf of the Department of the Interior in January 1990.

The two suits filed during FY 1988 both arose from a fee waiver adoption transaction. Pursuant to the District Court ruling regarding withholding titles to horses where the adopter had expressed an intent to use them for commercial purposes, BLM refused to title 600 adopted wild horses. The refusal was based on statements made to the press by the adoption organizer. This individual, who held powers of attorney from 150 adopters, sued the BLM Director for the feeding and care of the adopted horses, plus transportation expenses and an award for pain and anguish. A few months earlier, an individual who had maintained the 600 horses on behalf of the adoption organizer sued both the organizer and the Secretary of the Interior for his costs in caring for the animals. The plaintiffs did not prevail in either lawsuit.

Appendix G contains more detailed summaries of the six cases referred to in this section.

BLM STATE OFFICES

HIGHLIGHTS

PROBLEMS

CHALLENGES FOR THE NINETIES

Arizona

HIGHLIGHTS

Cooperative Management Agreement with International Society for the Protection of Mustangs and Burros (ISPMB) to assist Phoenix District conduct compliance inspections and assist during temporary adoptions.

The Wild Horse and Burro Specialist in the Kingman Resource Area received the first annual Special Recognition Award from ISPMB.

Efforts continue with the town of Oatman, Arizona, to manage a herd of pinto burros in that area.

PROBLEMS

Disagreement with Lake Mead National Recreation Area regarding the protection of wild burros that roam between public lands and National Recreation Area lands. The BLM states wild burros are protected by the Act. National Park Service states their regulations authorize them to manage (eliminate) burros that occur on National Recreation Area lands.

CHALLENGES

Public education and awareness of the wild horse and burro program. This includes not only adoptions, but also that these animals have a place on the range, should not be considered pests, are federally protected, and cannot be harassed or destroyed.

California

HIGHLIGHTS

Good coordination with the American Mustang and Burro Association and many volunteer hours for temporary adoptions.

Continued close coordination with the Whole Horse Institute and the Animal Protection Institute. Representatives of both groups gave presentations at California BLM's annual meeting.

Two BLM volunteers continued to win awards at equine events in California with their adopted wild horses.

Horse training demonstrations during temporary adoptions were well received.

Live radio remotes at temporary adoptions proved to be a successful advertising tool.

BLM riders, including the State Director, participated in two parades.

California BLM again received a gold ribbon at the State Fair for its wild horse and burro display, which has been seen by over 300,000 people.

Susanville District promoted a contest for the public to name a new baby burro mascot.

Foster care for returned adopted horses has been successful.

Susanville District wild horse populations are at management levels.

Susanville District adopted a selective removal policy formulated by the Modoc-Washoe Experimental Stewardship Steering Committee.

The horse training program at the California Correctional Center has been very successful.

The public--including public land users--is continuing to better accept and support the wild horse and burro program in the State.

Excellent cooperation has been experienced with Death Valley National Monument, China Lake

Naval Weapons Center, Edwards Air Force Base, and Disneyland.

Barstow, California, is home to the first Marine Corps Mounted Color Guard wild horse unit.

PROBLEMS

There was a shortage of adoptable horses to meet the demand. Consequently, several proposed temporary adoptions were canceled.

Funding cycle does not facilitate purchasing hay for holding facilities when the price is lower earlier in the season.

Overall workload limits ability to provide adequate post-adoption compliance.

Liver ailment problems in burros occurred in the California Desert, leading to deaths of seven animals.

Prolonged drought in the Northern Mojave Desert is threatening habitat conditions for several bands of wild horses.

CHALLENGES

Developing new promotional ideas to sell the adoption program.

Will adoption program continue to be worthwhile news for free publicity?

As California populations of titled and untitled horses grow, more training and coordination are needed with local county humane officers, including freeze brand interpretations.

Reduce or eliminate the number of horses to go to sanctuaries.

To be able to fund enough temporary adoptions and supply enough horses to meet adoption demand in the State.

Colorado

HIGHLIGHTS

A cooperative agreement was signed with Friends of the Mustangs, a Grand Junction group

of 25 members. Group members maintain range improvements, help inventory and monitor the herd, and assist with roundups, processing, and adoption. For example, the group maintained two springs, both of which are critical watering areas to the Little Bookcliffs herd.

The prison training program at Canon City continued to attract positive interest.

PROBLEMS

Drought west of the Continental Divide. Plans have been developed for emergency removals of horses.

CHALLENGES

Continue to develop new ways to improve the adoptability of wild horses.

Continue cooperation with existing and new volunteer groups wishing to participate in the wild horse and burro program.

Increase effectiveness and efficiency of management.



Burros are in demand as guard animals to protect sheep herds from predators.

Eastern States

HIGHLIGHTS

A cooperative agreement was signed in 1989 with North Wind Undersea Institute to work with the Institute's Equine Heritage Conservancy. This New York program presents equine educational opportunities to inner city youths. North Wind will adopt horses from Oregon to form a draft team, which will be seen at the Institute's museum and will also travel about to promote the adoption program. In addition, North Wind will produce a videotape of the process from capture to pulling wagons.

A grant was awarded to Central State University in Ohio, a historically black university, to develop a marketing study of adopters in the Midwest and to produce radio and television spots highlighting successful adopters.

The Jackson District had extensive cooperation with Free Spirit, a Florida group formed out of love for wild horses and burros, in a very successful adoption in Kissimmee, Florida. The Alabama Chapter of the American Mustang and Burro Association helped considerably with the Montgomery, Alabama, adoption.

The Jackson District developed the infrastructure for a self-contained Adopt-A-Horse office for an II-State area. Mailing lists for more than 15,000 publicity outlets were developed wholly within the District. A series of changes, some as simple as installing a telephone answering machine or changing the selecting order at adoptions, have improved public service.

A new method for determining the first day selection order was tried at the Mt. Airy, North Carolina, adoption. Applicants' names were placed on a District Office list as they were screened and approved for the Mt. Airy adoption. At the adoption, the list was used for roll call, with the first applicant present given first pick, and so on to the end of the list. This method was used successfully at three subsequent adoption events. The new method avoids causing dissatisfaction among individuals who have waited months for the event and made costly improvements to their facilities, only to draw a high number.

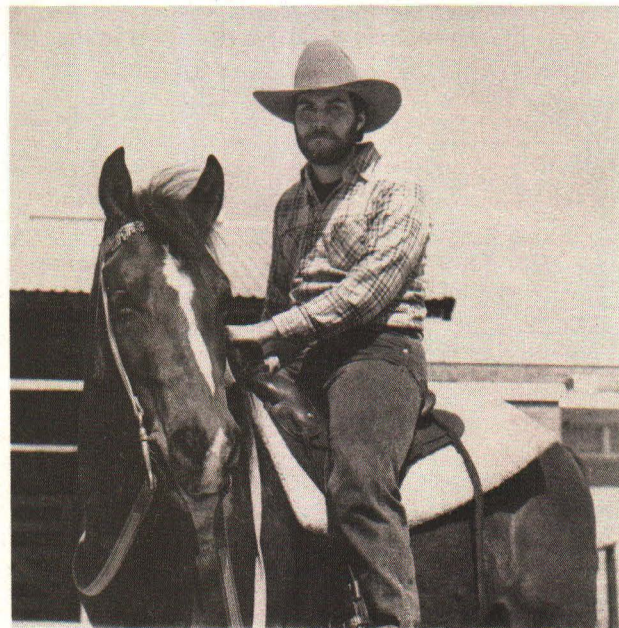
PROBLEMS

The reduced number of animals available for temporary adoption events resulted in cancellation of several temporary adoptions and offering fewer animals at other events.

CHALLENGES

To improve compliance with the establishment of Memorandums of Understanding in States and counties that have humane law enforcement capabilities.

To increase the areas where wild horses can be adopted by using fairgrounds instead of stockyards.



This adopted wild horse found greener pastures in Alabama.

Idaho

HIGHLIGHTS

Booth and exhibition of two wild horses at the Idaho Horse Council's Horse Expo 88. At Horse Expo 89, BLM again had a booth and exhibited both a burro and two horses. In 1989, Boise District exhibited an adopted wild horse at Western Idaho Fair, and Idaho Falls District displayed horse information at Eastern Idaho Fair.

An adopter and her wild horse continued to attract favorable publicity for the program with their winning ways. Naomi Tyler adopted a lame 2-year old mare from Idaho's Owyhee Mountains in 1982 and turned her into a champion in the most rugged horse competition around--endurance riding. Tyler and her horse, Mustang Lady, have logged more than 2,800 miles in endurance racing.

Tyler describes wild horses as "savvy" with an "extra sense about survival." Endurance races are dominated by Arabians, many of them expensive, well-trained animals. Tyler has seen her share of raised eyebrows with her wild horse at these races, but Mustang Lady quickly quiets the skeptics. Mustang Lady and her owner are a common sight at adoptions and other wild horse events in Idaho. In addition to Mustang Lady, Tyler has adopted two more wild horses and encourages others to adopt mustangs.

PROBLEMS

In FY 1988, seven horses broke through emergency fire rehabilitation fence to graze on seeded vegetation. No water was within fenced area and seven animals died before the group was discovered - four other animals survived. Gates were removed so animals could freely enter and leave through balance of year.

CHALLENGES

Need centralized location to hold adoptable excess animals and make up temporary adoption event loads for Eastern States. Will not be cost effective for States with small numbers of unadopted wild horses to care for animals for 4 months or longer.

Montana

HIGHLIGHTS

South Dakota sanctuary has been very successful. More than 1,600 unadoptable excess horses are living a life of ease on the South Dakota Sanctuary.

Five Kiger mustangs from Oregon released on Pryor Range to expand the gene pool.

Sheep growers in the area report great success with the use of burros for predator control with the sheep herds. Montana and South Dakota hosted their first ever burro adoptions. Some adopters had been waiting for 5 years for a burro adoption event in their area.

The last fee-waivered horses were titled in September 1989. They are being used for breeding purposes.

PROBLEMS

Although the drought in Montana has eased, it is still severe in North and South Dakota.

South Dakota sanctuary started to run short of feed due to the drought, but steps were taken to alleviate the situation.

The depressed farm economy has made horse adoptions almost impossible.

There are not enough burros available to meet the adoption demand by people who want to use them to protect sheep from predators.

CHALLENGES

Get the South Dakota sanctuary on a self-sustaining basis.

Meet the demand for burros as predator controllers.

Nevada

HIGHLIGHTS

Second annual wild horse and burro adoption with title presentation ceremony in Las Vegas.

Successful prosecution of perpetrators of unauthorized burro removal from Gold Butte Herd Management Area, Las Vegas District.

The manager of Nevada's Palomino Valley corrals trained three palomino wild horses for placement with the Marine Corps Mounted Color Guard unit in Barstow, California. The unit performs in a variety of parades and ceremonies.

PROBLEMS

Two removals of animals to resolve drought problems: Ely District in FY 1988 and Las Vegas District in FY 1989.

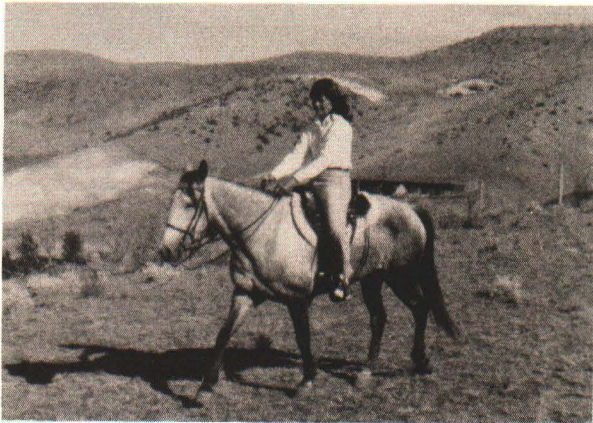
The unsolved killing of more than 600 wild horses in isolated portions of the State is a continuing concern.

Problems related to fertility control research caused concern among staff and public. Contract was modified to avoid further problems.

CHALLENGES

Implementation of June 7, 1989, ruling from IBLA relating to API appeal.

Implementation of positive program initiative.



Naomi Tyler and her adopted wild horse, Mustang Lady, are outstanding performers in endurance racing. (Photo by Don Smurthwite).

New Mexico

HIGHLIGHTS

The BLM adoption center at Lindsay, Oklahoma, had its grand opening on September 16, 1989. The facility will provide an adoption site within the Great Plains States. The facility will not only be used as an adoption site, but also a haven for horses being reassigned and a distribution site and staging area for temporary adoption events.

The second wild horse sanctuary was selected at the close of the fiscal year near Bartlesville, Oklahoma. Operated by the Tadpole Cattle

Company, the sanctuary will provide a final home for unadoptable wild horses removed from overcrowded rangeland.

Secretary of the Interior Manuel Lujan, Jr., toured the Wild Horse/Inmate Training Facility at Las Cruces, along with State representatives. The tour provided the Secretary a view of the wild horse training program and the benefits to wild horses, inmates, and the program in general.

The Wild Horse/Inmate Facility at Santa Fe had all of the corrals and pens completed for horse training by the end of August 1989, making the facility ready to accept a rotating population of up to 500 horses.

Inmate trainers from Los Lunas and Santa Fe showed the horses that they trained in the wild horse gentling and halter training program at the New Mexico State Fair. The event was sponsored by BLM, with the horses judged in a halter class. Prizes were awarded to the best trained, with all receiving approval by the fairgoers.

PROBLEMS

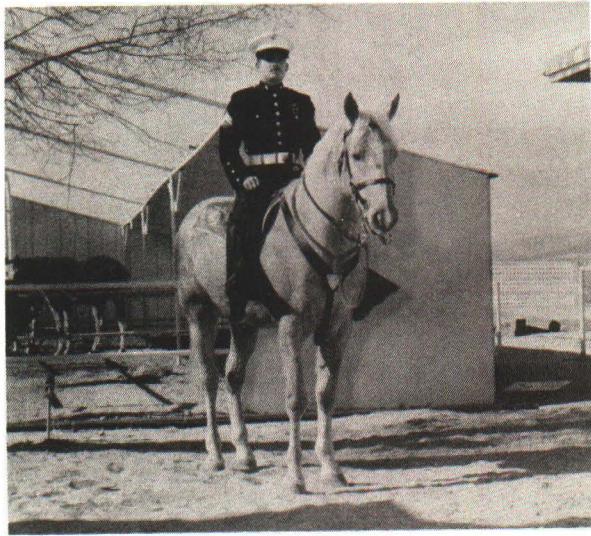
The Wild Horse/Inmate Training Facility at Los Lunas had a partial flood in summer 1989, when the main irrigation ditch broke. The surge of water brought down most of the exterior adobe wall surrounding the training pens. Fortunately, no horses were injured, and the program was only temporarily slowed by the damage.

The inability of BLM to manage the flow of horses from rangelands through the various placement programs has made operation of temporary adoptions and horse training difficult to manage effectively. Control of the horses after they leave their home on BLM lands is left to a host of separate interests within each State in BLM. Without a dispatch control position that can regulate the movement of horses from capture to adoption, there will continue to be problems in effectively managing the Adopt-A-Horse Program.

CHALLENGES

Advertising and managing the wild horse and burro program as an asset to the public is the greatest challenge. This program has great potential as a way to inform the American public east of the Mississippi of BLM and its roles. The

wild horse and burro should become our "Smokey the Bear," a symbol of sound management of the public domain.



A palomino named Okinawa was the first of three wild horses to join a Marine Corps color guard unit and appear in many events, such as the Rose Bowl parade.

Oregon

HIGHLIGHTS

Burns District received a Unit Award for excellence of service from the Secretary of the Interior for their work in the Wild Horse and Burro Program.

Appropriate management levels for wild horses were reached in Oregon in FY 1989.

The Kiger mustang viewing area was dedicated.

Burns District provided a booth at the Oregon Horse-A-Fair.

Burns District worked with Pacific Wild Horse Club in providing a booth at the Western Oregon Expo in FY 1989.

Oregon BLM featured a Kiger mustang trained by Burns District at the Oregon State Fair. More than 35,000 people viewed the horse.

The American Mustang and Burro Association and Oregon/Washington BLM held a very successful horse show/adoption effort in Yakima, Washington, during FY 1989.

PROBLEMS

Twelve horses in the Lakeview District died in FY 1988 when they moved outside their herd area into a pasture that had no water and did not find their way back to the herd area.

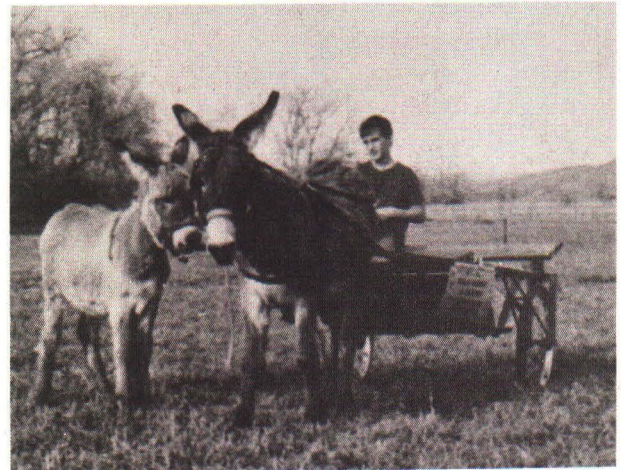
CHALLENGES

Hold a lottery for increasingly popular Kiger mustangs in Burns District.

Work with North Wind Museum to establish an 8-horse hitch of draft horses from the Stinking Water Herd Management Area.

Make every effort to establish the Wild Horse and Burro Program as the BLM's "White Hat Program."

Burns District plans to work with Harney County Fair Board in presenting an event involving wild horses at the County Fair.



The accomplishments of Chiquita, a wild burro from the Black Mountains of Arizona, include controlling predators, halter breaking weanling colts, promoting the adoption program in parades, and producing the young jenny at her side. (Photo by William Crockford)

Utah

HIGHLIGHTS

Management actions have been taken in five herd areas to increase more desirable colors within the herd.

PROBLEMS

Drought impacted forage resources throughout the State. Fortunately, all herd areas had water through the summer.

The BLM in Utah has some problems with wild horses on private lands and burros on National Recreation Area lands.

The wild horses in the Hill Creek herd in the Vernal District spend some time on Department of Energy (DOE) and Ute tribal lands. The land status is creating problems with the overall management of the herd. The District is trying to get a Cooperative Management Agreement with the Ute Tribe, but to date they are not interested. The DOE does not recognize wild horses on their lands, but does provide funds to the District for livestock management. These horses may be declared nonwild horses and be removed as trespass animals.

CHALLENGES

To keep all herds at healthy breeding populations.

To get a Cooperative Management Agreement with the Ute Tribe on the Hill Creek herd.

Wyoming

HIGHLIGHTS

The prison program is the top success story for Wyoming for 1989. Although one of the smaller programs, it is also one of the most successful and has resulted in much favorable publicity for the wild horse program. This is beneficial to both Wyoming's adoption program and also bureauwide.

Two of the prison saddle-broke horses were raffled off by local 4-H clubs at the Wyoming Winter Fair and the Carbon County Fair. While the fees for adoption were reduced, the winners had to meet BLM adoption regulations.

Cheyenne 6th graders were honored for poems published in Mustang magazine.

A cooperative agreement with the FS Bridger-Teton National Forest for pack and saddle horses from the Wyoming Honor Farm.

Because gathering operations have been on hold in Wyoming since summer 1989 pending completion of environmental assessments for herd management areas in the State, Wyoming's gathering crew has been able to assist the States of Idaho, Colorado, and Nevada successfully in their wild horse operations during this time.

PROBLEMS

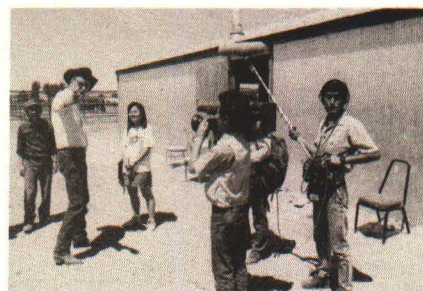
With the IBLA decision, monitoring data are required to substantiate a need to remove excess horses. Funding and personnel to accomplish this task are insufficient. Horse populations continue to increase.

CHALLENGES

Compliance with the IBLA Decision. The BLM needs to meet the challenge of maintaining a thriving natural ecological balance in our wild horse herds on both public and checkerboard lands, with the consent of the public and the cooperation of the private landowners.

Maintenance of Range Improvements. It is difficult to manage horses within herd management areas that have deteriorating range improvements, such as boundary fences, reservoirs, and springs. We need a sharing of resources throughout the BLM to maximize available dollars for maintenance.

Outreach. The BLM needs to build public support and understanding for the wild horse program. One way to do this is to develop an interpretive site in wild horse areas to tell the story of the wild horse and BLM's management efforts. Another outreach suggestion is a statewide signing program to inform the public about wild horses.



The wild horse program attracts interest worldwide as demonstrated by this visit to Wyoming by a Japanese television crew.

=Chapter VII - A New Decade

Two basic issues continue to challenge the Secretaries in administering the Wild Free-Roaming Horse and Burro Act: (1) how to determine and achieve appropriate management levels for free-roaming wild horses and burros and (2) how to place all healthy excess animals in appropriate private care.

The determination of the existence of excess animals on individual herd areas will in the future be directly linked to the need to "preserve and maintain a thriving natural ecological balance and multiple-use relationship in that area," as the Act prescribes. A BLM priority is the development and implementation of policy and guidance for determining that excess animals exist on an area and must be removed. Moreover, the BLM will give full consideration to management techniques that could lessen the problem of placement of excess wild horses and burros once they have been removed from the public lands.

Management approaches to be explored by BLM include fertility control and selective removals. If research indicates that safe and effective methods are available, fertility control could curb the rate of population growth, thus reducing the number of removals necessary each year. Selective removals of only adoptable animals could eliminate the need for additional sanctuaries. As these approaches are explored, the BLM will pay close attention to the effect they have on herd structure and population dynamics.

The Secretaries look forward to a fresh perspective on the program with the reestablishment of the Wild Horse and Burro Advisory Board. Congress called for this oversight body in language accompanying the FY 1990 Appropriations Act. A charter was approved in May 1990, with the first meeting of the Board tentatively planned for fall 1990. With the advice of the Board and new management techniques, the administration of the program may well become more effective and less controversial in the 1990's.

Appendix A

APPENDIX A. WILD HORSE AND BURRO HERD AREAS ADMINISTERED BY THE BUREAU OF LAND MANAGEMENT

STATE HERD AREA NAME	ACREAGE		HERD AREA MANAGEMENT STATUS	HORSE AML	HORSE POP	BURRO AML	BURRO POP	FY HMAP	FY LAST CENSUS
	BLM	OTHER*							
ARIZONA									
ALAMO	238,000	68,000	HERD MGT AREA	0	0	200	325	79	85
BIG HORN MTNS	116,000	8,000	REMOVE ANIMALS	0	0	0	125	--	--
BIG SANDY	181,000	71,000	HERD MGT AREA	0	0	140	200	82	86
BLACK MTN	544,000	725,000	HERD MGT AREA	0	0	400	600	81	86
CERBAT MTN	51,700	21,600	HERD MGT AREA	20	125	0	0	--	87
CIBOLA-TRIGO	250,000	581,000	HERD MGT AREA	113	100	165	351	80	89
HAVASU	312,000	152,000	HERD MGT AREA	0	0	315	179	79	89
LAKE PLEASANT	57,800	31,900	HERD MGT AREA	0	0	75	60	--	85
LITTLE HARQUAHALA MTNS	53,000	14,000	REMOVE ANIMALS	0	0	0	75	--	--
PAINTED ROCK	178,000	37,000	NO DECISION	0	0	----	25	--	--
TASSI-GOLD BUTTE	52,000	50,000	HERD MGT AREA	0	0	100	135	82	85
TOTALS:	2,033,500	1,759,500		133	225	1,395	2,075		
STATE HERD AREA TOTAL:		3,793,000		STATE WH&B AML: 1,528		STATE WH&B POP: 2,300			
CALIFORNIA									
BITNER	43,550	7,110	HERD MGT AREA	20	16	0	0	85	89
BUCKHORN	62,320	3,320	HERD MGT AREA	63	110	0	0	84	87
CARTER RESERVOIR	21,880	1,320	HERD MGT AREA	25	31	0	0	85	89
CENTENNIAL	184,000	736,000	HERD MGT AREA	168	243	0	17	76	86
CHEMEHUEVI	332,400	58,600	HERD MGT AREA	0	0	150	349	84	89
CHICAGO VALLEY	262,200	13,800	HERD MGT AREA	28	24	28	0	84	86

*Includes private land and land managed by the Forest Service and other Federal and State agencies.

Explanation of abbreviations: AML=Appropriate Management Level

POP=Population as of October 1, 1989

STATE HERD AREA NAME	ACREAGE		HERD AREA MANAGEMENT STATUS	HORSE AML	HORSE POP	BURRO AML	BURRO POP	FY HMAP	FY LAST CENSUS
	BLM	OTHER*							
CALIFORNIA									
CHOCOLATE-MULES	249,800	83,200	HERD MGT AREA	0	0	22	269	84	89
CIMA DOME	69,000	0	HERD MGT AREA	0	0	55	91	85	88
CLARK	173,100	0	HERD MGT AREA	0	0	44	98	85	88
COPPERSMITH	63,020	7,740	HERD MGT AREA	63	110	0	0	84	87
COYOTE CANYON	4,100	16,600	REMOVE ANIMALS	0	48	0	0	--	86
DEAD MTN	29,200	19,400	REMOVE ANIMALS	0	0	0	0	84	86
FORT SAGE	12,509	160	HERD MGT AREA	38	43	0	0	85	88
FOX HOG	1,138	5,480	HERD MGT AREA	63	80	0	0	84	87
GRANITE-PROVIDENCE MTN	136,500	0	REMOVE ANIMALS	0	0	0	19	85	88
HIGH ROCK	114,447	653	HERD MGT AREA	85	96	0	0	85	89
KRAMER	8,300	5,500	HERD MGT AREA	0	0	0	0	--	89
LAVA BEDS	178,500	0	HERD MGT AREA	0	0	75	58	85	88
LEE FLAT	115,000	0	HERD MGT AREA	0	0	30	20	86	86
MASSACRE LAKES	39,959	771	HERD MGT AREA	15	14	0	0	85	89
MORONGO	25,400	13,700	REMOVE ANIMALS	0	0	0	2	85	88
NEW RAVENDALE	18,500	9,060	HERD MGT AREA	15	15	0	0	85	88
NUT MTN	38,840	1,840	HERD MGT AREA	43	38	0	0	85	89
PALM CANYON	600	10,900	HERD MGT AREA	6	0	0	0	--	86
PANAMINT	425,500	425,500	REMOVE ANIMALS	0	0	0	25	86	86
PICACHO	38,000	2,000	HERD MGT AREA	42	48	0	0	84	89
PIPER MTN	69,000	0	HERD MGT AREA	17	16	82	32	76	86
PIUTE MTN	30,100	0	REMOVE ANIMALS	0	0	0	7	85	86
RED ROCK LAKES	12,475	4,420	HERD MGT AREA	21	24	0	0	85	88
SAND SPRING-LAST CHANCE	230,000	0	REMOVE ANIMALS	0	0	0	24	76	86
SLATE RANGE	78,200	312,800	REMOVE ANIMALS	0	0	0	17	76	87
TWIN PEAKS	653,905	139,727	HERD MGT AREA	725	744	132	125	85	88
WALL CANYON	47,877	1,400	HERD MGT AREA	20	24	0	0	85	89
WAUCOBA-HUNTER MTN	598,000	0	HERD MGT AREA	0	0	357	166	86	86
WOODS-HACKBERRY	19,700	19,700	HERD MGT AREA	6	21	0	14	85	88
TOTALS:	4,387,020	1,900,701		1,463	1,745	975	1,333		
STATE HERD AREA TOTAL:		6,287,721	STATE WH&B AML:		2,438	STATE WH&B POP:		3,078	

STATE HERD AREA NAME	ACREAGE		HERD AREA MANAGEMENT STATUS	HORSE AML	HORSE POP	BURRO AML	BURRO POP	FY HMAP	FY LAST CENSUS
	BLM	OTHER*							
COLORADO									
LITTLE BOOKCLIFFS	30,261	816	HERD MGT AREA	125	95	0	0	84	89
NATURITA	19,700	5,640	REMOVE ANIMALS	0	0	0	0	--	--
NORTH PICEANCE	120,214	10,705	REMOVE ANIMALS	0	30	0	0	--	84
PICEANCE-EAST DOUGLAS CREEK	148,153	16,579	HERD MGT AREA	95	200	0	0	84	87
SANDWASH	154,960	2,800	HERD MGT AREA	160	130	0	0	84	89
SPRING CREEK	14,835	1,620	HERD MGT AREA	50	80	0	0	86	89
WEST DOUGLAS CREEK	271,936	30,352	REMOVE ANIMALS	0	70	0	0	--	84
TOTALS:	760,059	68,512		430	605	0	0		
STATE HERD AREA TOTAL:	828,571		STATE WH&B AML:	430	STATE WH&B POP:	605			
IDAHO									
BLACK MOUNTAIN	35,000	0	HERD MGT AREA	30	30	0	0	78	--
CHALLIS	154,150	10,570	HERD MGT AREA	185	223	0	1	79	89
HARD TRIGGER	70,000	0	HERD MGT AREA	66	49	0	0	78	--
MORGAN CREEK	17,952	0	REMOVE ANIMALS	0	0	0	0	--	--
SANDS BASIN	15,000	0	HERD MGT AREA	22	22	0	0	78	--
SAYLOR CREEK	50,000	0	HERD MGT AREA	50	30	0	0	--	--
SHEEP MOUNTAIN	4,000	10,000	REMOVE ANIMALS	0	0	0	0	--	--
WEST CRANE CREEK	10,000	0	REMOVE ANIMALS	0	0	0	0	--	--
WILLOW RIDGE	90,000	0	NO DECISION	----	0	0	0	--	--
TOTALS:	446,102	20,570		353	354	0	1		
STATE HERD AREA TOTAL:	466,672		STATE WH&B AML:	353	STATE WH&B POP:	355			

STATE HERD AREA NAME	ACREAGE		HERD AREA MANAGEMENT STATUS	HORSE AML	HORSE POP	BURRO AML	BURRO POP	FY HMAP	FY LAST CENSUS
	BLM	OTHER*							
MONTANA									
ERVIN RIDGE	14,720	560	REMOVE ANIMALS	0	0	0	0	--	87
PRYOR MTN	30,093	16,718	HERD MGT AREA	121	128	0	0	84	89
TOTALS:	44,813	17,278		121	128	0	0		
STATE HERD AREA TOTAL:	62,091			STATE WH&B AML:	121	STATE WH&B POP:		128	
NEVADA									
AMARGOSA VALLEY	10,000	13,000	HERD MGT AREA	19	43	1	0	--	88
ANTELOPE	359,180	9,782	HERD MGT AREA	303	502	0	0	87	88
ANTELOPE RANGE	83,009	48,751	REMOVE ANIMALS	0	140	0	3	--	--
ANTELOPE VALLEY	400,000	1,500	HERD MGT AREA	164	131	0	0	--	--
APPLEWHITE	27,814	0	HERD MGT AREA	12	16	0	0	--	89
ASH MEADOWS	200,000	20,000	REMOVE ANIMALS	0	0	0	0	--	--
AUGUSTA MTNS	210,000	6,000	HERD MGT AREA	684	980	0	0	--	--
BALD MTN	120,000	0	HERD MGT AREA	362	91	0	0	--	89
BLACK ROCK RANGE EAST	91,300	3,804	HERD MGT AREA	59	651	0	0	--	89
BLACK ROCK RANGE WEST	92,543	8,047	HERD MGT AREA	424	485	0	0	--	89
BLOODY RUNS	43,991	31,856	REMOVE ANIMALS	0	0	0	0	--	--
BLUE NOSE PEAK	86,695	0	HERD MGT AREA	1	14	0	0	--	88
BLUE WING MTNS	17,913	0	HERD MGT AREA	50	30	39	24	87	89
BUCK-BALD	613,950	13,080	HERD MGT AREA	700	835	0	3	--	89
BUFFALO HILLS	123,141	9,269	HERD MGT AREA	272	719	0	0	--	89
BULLFROG	126,900	700	HERD MGT AREA	12	0	218	256	--	--
BUTTE	143,065	0	HERD MGT AREA	60	238	0	0	--	89
CALICO MTN	155,594	1,572	HERD MGT AREA	514	887	0	0	--	89
CALLAGHAN	153,000	0	HERD MGT AREA	577	575	0	0	--	88
CHERRY CREEK	44,269	0	HERD MGT AREA	11	3	0	0	--	89
CHERRY CREEK NORTH	138,000	3,000	HERD MGT AREA	64	50	0	0	--	--
CLAN ALPINES	320,000	2,800	HERD MGT AREA	1,575	1,449	0	0	--	--

STATE HERD AREA NAME	ACREAGE		HERD AREA MANAGEMENT STATUS	HORSE AML	HORSE POP	BURRO AML	BURRO POP	FY HMAP	FY LAST CENSUS
	BLM	OTHER*							
NEVADA									
CLOVER CREEK	33,653	0	HERD MGT AREA	9	26	0	0	--	88
CLOVER MTNS	175,717	0	HERD MGT AREA	55	84	0	0	--	88
DEER LODGE CANYON	106,607	0	HERD MGT AREA	10	6	0	0	--	89
DELAMAR	190,234	1,336	HERD MGT AREA	95	83	0	0	82	89
DESATOYAS	124,000	0	HERD MGT AREA	217	688	0	0	--	--
DIAMOND	122,000	0	HERD MGT AREA	205	372	0	0	--	89
DIAMOND HILLS NORTH	70,000	0	HERD MGT AREA	50	30	0	0	--	--
DIAMOND HILLS SOUTH	10,500	0	HERD MGT AREA	36	176	0	0	--	89
DOBBIN	104,236	2,836	HERD MGT AREA	----	0	0	0	--	--
DOGSKIN MTN	7,600	0	HERD MGT AREA	19	23	0	0	--	--
DRY LAKE	496,500	0	HERD MGT AREA	82	120	0	0	--	89
EAST RANGE	310,605	120,790	REMOVE ANIMALS	0	0	0	0	--	--
ELDORADO MTNS	10,000	71,000	HERD MGT AREA	0	0	----	72	--	88
EUGENE MTNS	39,540	37,989	REMOVE ANIMALS	0	8	0	0	--	89
FISH CREEK	275,000	0	HERD MGT AREA	446	303	0	1	--	89
FISH LAKE VALLEY	14,000	10	HERD MGT AREA	62	7	12	0	--	89
FLANIGAN	16,260	1,000	HERD MGT AREA	359	367	0	0	--	--
FOX-LAKE RANGE	171,956	5,307	HERD MGT AREA	434	682	1	0	--	89
GARFIELD FLAT	146,800	3,200	HERD MGT AREA	364	69	0	0	--	--
GOLD BUTTE	14,700	100,000	HERD MGT AREA	0	0	498	398	--	88
GOLD MTN	92,000	50	HERD MGT AREA	19	49	0	0	--	--
GOLDFIELD	62,000	0	HERD MGT AREA	227	579	71	71	--	89
GOSHUTE	266,800	16,600	HERD MGT AREA	120	119	0	0	--	--
GRANITE PEAK	4,800	0	HERD MGT AREA	17	40	0	0	--	--
GRANITE RANGE	88,436	13,214	HERD MGT AREA	176	776	0	0	--	89
HIGHLAND PEAK	135,769	0	HERD MGT AREA	50	35	0	0	87	89
HORSE MTN	53,000	160	HERD MGT AREA	63	131	0	0	--	--
HORSE SPRING	18,000	12,000	REMOVE ANIMALS	0	0	0	0	--	--
HOT CREEK	75,500	560	HERD MGT AREA	21	95	0	0	--	89
HOT SPRING MTNS	49,324	21,139	REMOVE ANIMALS	0	0	0	0	--	--
HUMBOLDT	243,046	198,886	REMOVE ANIMALS	0	0	0	0	--	--
JACKSON MTNS	274,510	8,490	HERD MGT AREA	215	335	0	0	--	89

STATE	ACREAGE	HERD AREA	HERD AREA	HORSE	HORSE	BURRO	BURRO	FY	FY
HERD AREA NAME			STATUS						CENSUS
NEVADA									
JAKES WASH	67,045	0	HERD MGT AREA	20	23	0	0	--	88
KAMMA MTNS	54,573	2,872	HERD MGT AREA	50	8	0	0	87	89
KRUM HILLS	30,780	23,220	REMOVE ANIMALS	0	0	0	0	--	--
LAHONTAN	10,500	1,000	HERD MGT AREA	42	172	0	0	--	--
LAST CHANCE	153,000	0	HERD MGT AREA	0	0	12	46	--	88
LAVA BEDS	231,744	0	HERD MGT AREA	375	375	40	55	87	89
LITTLE FISH LAKE	26,420	83,488	HERD MGT AREA	138	352	0	0	--	89
LITTLE HUMBOLDT	64,075	8,406	HERD MGT AREA	107	263	0	0	--	--
LITTLE MTN	54,148	410	HERD MGT AREA	29	39	0	0	84	89
LITTLE OWYHEE	398,160	16,560	HERD MGT AREA	200	819	0	0	87	89
MARIETTA	66,500	1,550	HERD MGT AREA	0	0	129	63	--	87
MAVERICK-MEDICINE	207,000	500	HERD MGT AREA	244	443	0	0	--	--
MCGEE MTN	50,000	0	HERD MGT AREA	0	0	41	0	--	--
MEADOW VALLEY MTNS	94,966	0	HERD MGT AREA	33	26	0	0	--	89
MILLER FLAT	90,901	240	HERD MGT AREA	50	71	0	0	82	88
MONTE CRISTO	155,330	73,610	HERD MGT AREA	96	392	0	0	77	89
MONTEZUMA PEAK	57,000	30	HERD MGT AREA	161	118	0	0	--	89
MORIAH	83,673	0	HERD MGT AREA	0	13	0	0	--	--
MORMON MTNS	175,423	0	HERD MGT AREA	27	27	0	0	--	82
MT STIRLING-SPRING MTN	668	40,000	HERD MGT AREA	54	257	77	107	--	88
MUDDY MTNS	102,000	68,000	HERD MGT AREA	0	19	122	32	--	88
NEVADA WILD HORSE RANGE	394,500	0	HERD MGT AREA	2,000	6,247	0	0	85	89
NEW PASS-RAVENSWOOD	225,000	0	HERD MGT AREA	913	1,227	0	0	--	--
NIGHTENGALE MTNS	72,218	3,801	HERD MGT AREA	87	306	0	0	87	89
NORTH STILLWATER	131,104	1,325	HERD MGT AREA	82	149	0	0	--	89
OSGOOD MTNS	68,273	53,643	REMOVE ANIMALS	0	0	0	0	--	--
OWYHEE	371,000	3,234	HERD MGT AREA	57	75	0	0	--	--
PAH RAH	8,000	18,000	REMOVE ANIMALS	0	0	0	0	--	--
PALMETTO	71,000	200	HERD MGT AREA	184	66	0	0	--	89
PAYMASTER-LONE MTN	85,000	0	HERD MGT AREA	48	279	0	1	--	89
PILOT MTN	495,000	800	HERD MGT AREA	466	449	0	0	--	89
PINE NUT	216,000	72,000	HERD MGT AREA	387	267	0	0	--	89
RATTLESNAKE	75,461	0	HERD MGT AREA	25	8	0	0	--	89

STATE HERD AREA NAME	ACREAGE		HERD AREA MANAGEMENT STATUS	HORSE AML	HORSE POP	BURRO AML	BURRO POP	FY HMAP	FY LAST CENSUS
	BLM	OTHER*							
NEVADA									
REVEILLE	125,400	920	HERD MGT AREA	165	269	0	0	--	89
ROBERTS MTN	132,000	0	HERD MGT AREA	127	134	0	0	--	89
ROCK CREEK	115,500	38,500	HERD MGT AREA	119	264	0	0	--	--
ROCKY HILLS	124,000	0	HERD MGT AREA	135	158	0	0	--	89
SAND SPRINGS EAST	386,776	0	HERD MGT AREA	494	781	0	0	--	89
SAND SPRINGS WEST	203,868	35	HERD MGT AREA	21	154	0	0	--	89
SEAMAN	340,100	0	HERD MGT AREA	84	160	0	0	--	89
SELENITE RANGE	126,186	3,903	REMOVE ANIMALS	0	27	0	0	--	89
SEVEN MILE	80,936	7,492	HERD MGT AREA	105	140	0	0	--	89
SEVEN TROUGHS	130,161	17,749	HERD MGT AREA	215	201	64	91	87	89
SHAWAVE MTNS	88,927	18,214	HERD MGT AREA	100	308	0	17	87	89
SILVER PEAK	186,000	12,000	HERD MGT AREA	307	350	0	0	--	89
SLUMBERING HILLS	64,962	14,585	REMOVE ANIMALS	0	0	0	0	--	--
SNOWSTORM MTNS	133,138	12,400	HERD MGT AREA	50	108	0	0	87	89
SONOMA RANGE	148,799	60,779	REMOVE ANIMALS	0	0	0	0	--	--
SOUTH SHOSHONE	180,000	0	HERD MGT AREA	85	109	0	0	--	89
SOUTH SLUMBERING HILLS	15,181	14,585	REMOVE ANIMALS	0	0	0	0	--	--
SOUTH STILLWATER	7,600	0	HERD MGT AREA	25	16	0	0	--	--
SPRUCE-PEQUOP	172,000	34,500	HERD MGT AREA	80	90	0	0	--	--
STONE CABIN	397,051	3,665	HERD MGT AREA	575	662	0	0	82	89
STONEWALL	21,800	0	HERD MGT AREA	13	109	34	17	--	89
TOANO	57,500	57,500	HERD MGT AREA	20	27	0	0	--	--
TOBIN RANGE	185,322	9,754	HERD MGT AREA	19	5	0	0	--	88
TRINITY RANGE	89,712	46,215	REMOVE ANIMALS	0	9	0	2	--	89
TRUCKEE RANGE	91,664	78,084	REMOVE ANIMALS	0	0	0	0	--	--
WARM SPRINGS CANYON	82,305	831	HERD MGT AREA	294	608	10	8	--	--
WASSUK	60,000	20,000	HERD MGT AREA	151	174	0	0	--	89
WHISTLER MTN	60,000	0	HERD MGT AREA	28	69	0	0	--	89
WHITE RIVER	98,534	0	HERD MGT AREA	20	90	0	0	--	89
WILSON CREEK	691,000	0	HERD MGT AREA	181	244	0	2	--	88

TOTALS: 16,346,341 1,712,328

18,502 30,798

1,369 1,269

STATE HERD AREA TOTAL: 18,058,669

STATE WH&B AML: 19,871

STATE WH&B POP: 32,067

STATE HERD AREA NAME	ACREAGE		HERD AREA MANAGEMENT STATUS	HORSE AML	HORSE POP	BURRO AML	BURRO POP	FY HMAP	FY LAST CENSUS
	BLM	OTHER*							
NEW MEXICO									
BORDO ATRAVESADO	16,493	3,113	HERD MGT AREA	32	29	0	0	80	89
GODFREY HILLS	27,746	14,517	REMOVE ANIMALS	0	0	0	0	--	--
PUNCHE VALLEY	50,733	30,531	REMOVE ANIMALS	0	0	0	0	--	--
TOTALS:	94,972	48,161		32	29	0	0		
STATE HERD AREA TOTAL:	143,133		STATE WH&B AML:	32		STATE WH&B POP:		29	
OREGON									
ALVORD-TULE SPRINGS	121,323	41,040	HERD MGT AREA	107	95	0	0	85	88
ATTURBURY	5,985	1,183	REMOVE ANIMALS	0	0	0	0	--	--
BASQUE	8,616	707	REMOVE ANIMALS	0	0	0	0	--	--
BEATYS BUTTE	396,520	40,600	HERD MGT AREA	175	118	0	0	--	89
CHERRY CREEK	29,000	120,000	REMOVE ANIMALS	0	0	0	0	--	--
COLD SPRINGS	27,363	800	HERD MGT AREA	113	108	0	0	76	88
COTTONWOOD BASIN	7,763	226	REMOVE ANIMALS	0	0	0	0	--	--
COTTONWOOD CREEK	25,135	1,406	REMOVE ANIMALS	0	0	0	0	--	--
COYOTE LAKE	173,370	29,731	HERD MGT AREA	188	106	0	0	--	88
DIAMOND CRATERS	48,077	750	REMOVE ANIMALS	0	0	0	0	--	--
EAST WAGONTIRE	158,048	41,146	REMOVE ANIMALS	0	0	0	0	--	--
HEATH CREEK-SHEEPSHEAD	64,539	8,261	HERD MGT AREA	82	20	0	0	--	88
HOG CREEK	23,817	236	HERD MGT AREA	40	42	0	0	81	88
JACKIES BUTTE	56,062	42	HERD MGT AREA	113	106	0	0	75	88
KIGER	36,618	3,042	HERD MGT AREA	67	80	0	0	74	89
LAKERIDGE	2,720	0	REMOVE ANIMALS	0	0	0	0	--	--
MIDDLE FORK	37,885	3,349	REMOVE ANIMALS	0	0	0	0	--	--
MORGER	170	17,102	REMOVE ANIMALS	0	0	0	0	--	--
PAISLEY DESERT	324,600	5,960	HERD MGT AREA	85	60	0	0	--	89
PALOMINO BUTTES	84,697	13,799	HERD MGT AREA	48	67	0	0	80	89
POKEGAMA	16,486	64,400	HERD MGT AREA	38	42	0	0	79	88
POTHOLES	8,619	787	REMOVE ANIMALS	0	13	0	0	--	89

STATE HERD AREA NAME	ACREAGE		HERD AREA MANAGEMENT STATUS	HORSE AML	HORSE POP	BURRO AML	BURRO POP	FY HMAP	FY LAST CENSUS
	BLM	OTHER*							
OREGON									
PUEBLO-LONE MTN	274,061	33,209	REMOVE ANIMALS	0	0	0	0	--	--
RHODES CANYON	13,000	33,000	REMOVE ANIMALS	0	0	0	0	--	--
RIDDLE MTN	74,155	11,830	HERD MGT AREA	45	79	0	0	75	89
SAND SPRINGS	194,846	6,466	HERD MGT AREA	150	154	0	0	--	89
SECOND FLAT	8,281	1,921	REMOVE ANIMALS	0	0	0	0	--	--
SHEEPSHEAD	116,122	424	HERD MGT AREA	150	154	0	0	--	88
SOUTH CATLOW	63,120	38,600	REMOVE ANIMALS	0	0	0	0	--	89
SOUTH STEENS	175,605	76,630	HERD MGT AREA	232	307	0	0	80	88
STINKING WATER	79,631	12,224	HERD MGT AREA	60	80	0	0	77	88
STOCKADE	16,801	10,065	REMOVE ANIMALS	0	0	0	0	--	--
THREE FINGERS	65,322	5,546	HERD MGT AREA	113	124	0	0	75	89
WARM SPRINGS	456,855	51,536	HERD MGT AREA	157	136	25	6	80	89
TOTALS:	3,195,212	676,018		1,963	1,891	25	6		
STATE HERD AREA TOTAL: 3,871,230			STATE WH&B AML: 1,988			STATE WH&B POP: 1,897			
UTAH									
BIBLE SPRING	50,160	7,280	HERD MGT AREA	25	46	0	0	--	87
BLAWN WASH	37,110	4,170	HERD MGT AREA	17	40	0	0	--	88
BONANZA	101,160	16,430	REMOVE ANIMALS	34	46	0	0	--	89
BURBANK	59,240	6,400	REMOVE ANIMALS	0	0	0	0	--	89
CANYON LANDS	16,000	52,680	HERD MGT AREA	0	0	20	46	--	89
CEDAR MTN	117,540	65,184	HERD MGT AREA	85	162	0	0	85	89
CHLORIDE CANYON	8,855	4,120	HERD MGT AREA	30	40	0	0	--	89
CHOKE CHERRY	31,130	3,840	HERD MGT AREA	29	31	0	0	--	89
CONFUSION	235,005	37,285	HERD MGT AREA	115	73	0	0	--	89
CONGER	139,920	14,080	HERD MGT AREA	80	113	0	0	--	89
FOUR MILE	23,380	4,160	HERD MGT AREA	25	38	0	0	--	89
FRISCO	26,680	6,660	HERD MGT AREA	16	35	0	0	--	88
HARVEYS FEAR	23,040	0	REMOVE ANIMALS	0	0	0	0	--	89

STATE HERD AREA NAME	ACREAGE		HERD AREA MANAGEMENT STATUS	HORSE AML	HORSE POP	BURRO AML	BURRO POP	FY HMAP	FY LAST CENSUS
	BLM	OTHER*							
UTAH									
HILL CREEK	118,532	20,622	HERD MGT AREA	195	460	0	0	--	88
KINGTOP	134,847	14,720	HERD MGT AREA	4	53	0	0	--	89
MOODY-WAGON BOX MESA	38,231	0	REMOVE ANIMALS	0	0	0	0	--	87
MT ELINOR	31,600	6,480	HERD MGT AREA	15	34	0	0	--	85
MUDDY CREEK	137,110	17,480	HERD MGT AREA	35	71	0	0	--	89
NORTH HILLS	35,573	35,422	HERD MGT AREA	65	81	0	0	--	85
ONAQUI MTN	34,495	9,385	HERD MGT AREA	45	92	0	0	86	89
OQUIRRH MTN	71,730	0	REMOVE ANIMALS	0	0	0	0	--	--
RANGE CREEK	16,600	6,380	HERD MGT AREA	100	69	0	0	--	89
ROBBERS ROOST	120,970	15,180	HERD MGT AREA	10	10	0	0	--	89
SINBAD	217,600	25,450	HERD MGT AREA	14	45	50	45	--	89
SULPHUR	142,800	16,460	HERD MGT AREA	155	173	0	0	87	88
SWASEY	120,113	16,200	HERD MGT AREA	100	126	0	0	--	89
TILLY CREEK	26,480	5,520	HERD MGT AREA	21	41	0	0	--	87
WINTER RIDGE	15,000	0	REMOVE ANIMALS	5	5	0	0	--	88
TOTALS:	2,130,901	411,588		1,220	1,884	70	91		

STATE HERD AREA TOTAL: 2,542,489

STATE WH&B AML: 1,290

STATE WH&B POP: 1,975

WYOMING

ADOBE TOWN	386,600	27,700	HERD MGT AREA	500	725	0	0	83	89
ALKALI-SPRING CREEK	3,000	1,500	REMOVE ANIMALS	0	0	0	0	--	--
CARTER	118,114	139,199	REMOVE ANIMALS	0	0	0	0	--	--
CUMBERLAND	266,144	193,158	REMOVE ANIMALS	0	0	0	0	--	--
DEER CREEK	9,750	55,250	REMOVE ANIMALS	0	0	0	0	--	--
DIVIDE BASIN	562,702	216,213	HERD MGT AREA	500	886	0	0	81	89
FIFTEENMILE	69,273	13,418	HERD MGT AREA	100	129	0	0	85	89
FLAT TOP	218,400	27,500	HERD MGT AREA	70	139	0	0	84	89
FOSTER GULCH-DRY CREEK	116,500	6,400	REMOVE ANIMALS	0	0	0	0	--	--
LABARGE	154,800	52,220	REMOVE ANIMALS	0	0	0	0	--	--

STATE HERD AREA NAME	ACREAGE		HERD AREA MANAGEMENT STATUS	HORSE AML	HORSE POP	BURRO AML	BURRO POP	FY HMAP	FY LAST CENSUS
	BLM	OTHER*							
WYOMING									
LANDER	323,700	42,000	HERD MGT AREA	615	712	0	0	84	89
MCCULLOUGH PEAKS	86,160	24,260	HERD MGT AREA	100	142	0	0	85	89
NORTH GRANGER	248,107	274,138	REMOVE ANIMALS	0	0	0	0	--	--
NORTH SHOSHONE	18,980	2,720	REMOVE ANIMALS	0	0	0	0	--	--
SALT WELLS CREEK	584,077	397,883	HERD MGT AREA	365	555	0	0	82	89
SAND DRAW	9,560	640	REMOVE ANIMALS	0	0	0	0	--	--
SEVEN LAKES	297,100	38,300	HERD MGT AREA	95	420	0	0	81	89
SLATE CREEK	229,365	41,805	REMOVE ANIMALS	0	0	0	0	--	--
SOUTH DESERT-FIGURE FOUR	150,975	4,389	REMOVE ANIMALS	0	106	0	0	83	89
SOUTH GRANGER	107,500	108,320	REMOVE ANIMALS	0	0	0	0	--	--
WHITE MTN	240,416	52,233	HERD MGT AREA	250	301	0	0	83	89
ZIMMERMAN	9,580	720	REMOVE ANIMALS	0	0	0	0	--	--
TOTALS:	4,210,803	1,719,966		2,595	4,115	0	0		

STATE HERD AREA TOTAL: 5,930,769

STATE WH&B AML: 2,595

STATE WH&B POP: 4,115

SUMMARY OF BLM'S WILD HORSE AND BURRO HERD AREA DATA

<u>HERD AREA ACREAGE</u>		<u>HERD AREA MANAGEMENT STATUS</u> (NO. OF AREAS)		<u>SIGNED HMAP'S</u>
BLM	33,649,723	HMA	- 195	89
OTHER	8,334,622	REMOVE WHB	- 71	
TOTAL:	41,984,345	NO DECISION	- 2	

<u>APPROPRIATE MANAGEMENT LEVELS</u>		<u>POPULATION AS OF 10/1/89</u>	
HORSES	26,812	HORSES	41,774
BURROS	3,834	BURROS	4,775
TOTAL WHB AML	30,646	TOTAL WHB POP	46,549

Appendix B

APPENDIX B. BIENNIAL POPULATION ESTIMATES BY STATE FOR WILD HORSES AND BURROS ON LANDS ADMINISTERED BY
THE BUREAU OF LAND MANAGEMENT

(Number of Animals - Start of Fiscal Year)

State	1974	1976	1978	1980	1982	1984	1986	1988	1990
<u>Wild Horses</u>									
Arizona	115	107	70	125	150	115	115	204	225
California	3,000	4,230	3,700	2,897	3,320	4,106	2,354	1,755	1,745
Colorado	500	1,035	990	1,229	650	675	414	569	605
Idaho	500	874	1,200	935	880	881	706	449	354
Montana	325	257	300	232	200	141	157	128	128
Nevada	20,000	22,258	31,800	31,260	26,050	29,642	29,853	27,015	30,798
New Mexico	7,550	6,420	70	76	80	165	70	70	29
Oregon	5,265	7,493	4,050	3,458	3,270	3,748	3,149	2,549	1,891
Utah	1,000	1,803	2,150	1,714	1,330	1,636	1,254	1,319	1,884
Wyoming	<u>4,411</u>	<u>8,833</u>	<u>9,700</u>	<u>10,448</u>	<u>9,000</u>	<u>7,959</u>	<u>4,684</u>	<u>3,764</u>	<u>4,115</u>
TOTALS	42,666	53,310	54,030	52,374	44,930	48,998	42,756	37,822	41,774
<u>Wild Burros</u>									
Arizona	10,000	2,668	3,780	5,000	5,600	3,625	3,625	2,465	2,075
California ^a	3,200	3,072	3,845	6,152	4,850	5,900	2,765	1,369	1,333
Colorado	0	0	0	0	0	0	0	0	0
Idaho	8	9	10	16	20	0	0	1	1
Montana	0	0	0	0	0	0	0	0	0
Nevada	1,000	842	1,420	939	1,330	1,744	1,202	1,518	1,269
New Mexico	80	104	25	31	30	14	14	0	0
Oregon	16	25	0	20	20	25	25	25	6
Utah	50	70	80	13	20	50	34	86	91
Wyoming	<u>20</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>
TOTALS	14,374	6,790	9,160	12,171	11,870	11,358	7,665	5,464	4,775

^aBecause several burro herds roam freely between BLM-administered lands and lands under the jurisdiction of the National Park Service or Department of Defense, population estimates through 1984 had included some animals whose status was uncertain. This discrepancy was resolved in the figure reported for 1986, due in part to an aggressive removal program by the Park Service and the Defense Department.

Appendix C

APPENDIX C. BIENNIAL POPULATION ESTIMATES BY STATE FOR WILD HORSES AND BURROS ON NATIONAL FOREST LAND
(Number of Animals - Start of Fiscal Year)

State	1974	1976	1978	1980	1982	1984	1986	1988	1990
<u>Wild Horses</u>									
Arizona	7	5	3	8	5	7	5	5	5
California	828	1,037	1,381	1,397	1,006	496 ^{a,b}	581	500	475
Colorado	0	0	0	0	0	0	0	0	0
Idaho	34	5	0	7	7	3	4	0	6
Montana	8	9	8	8	8	20	0	10	12
Nevada	1,174	1,305	1,042	951	1,139	490 ^{b,c}	571	560	1,552 ^d
New Mexico	207	279	420	230	170	119	129	158	176
Oregon	215	295	215	225	485	205 ^{a,c}	180	170	135
Utah	45	90	103	121	74	47	55	50	49
Wyoming	23	0	0	0	0	0	0	0	0
TOTALS	2,541	3,025	3,172	2,947	2,894	1,387	1,525	1,443	2,410
<u>Wild Burros</u>									
Arizona	36	24	14	4	16	166 ^c	76	48	46
California	209	252	312	143	325	77 ^{a,b}	232	90	92
Colorado	0	0	0	0	0	0	0	0	0
Idaho	6	5	6	6	3	0	0	0	0
Montana	0	0	0	0	0	0	0	0	0
Nevada	13	15	28	16	40	15	17	15	269 ^d
New Mexico	5	15	30	35	32	25	25	25	25
Oregon	0	0	0	0	0	0	0	0	0
Utah	13	0	0	0	0	0	0	0	0
Wyoming	0	0	0	0	0	0	0	0	0
TOTALS	282	311	390	204	416	283	350	178	432

Reasons for significant differences between 1982 and 1984 population estimates:

^aAn aggressive capture program to bring population in line with management plan level.

^bElimination of duplicate counting by BLM and FS on overlapping territories.

^cImproved census techniques.

^dPopulation increases due to land being transferred from BLM to FS administration.

Appendix D

APPENDIX D. SUMMARY OF FOREST SERVICE WILD HORSE AND BURRO PROGRAM ACCOMPLISHMENTS
FOR FISCAL YEARS 1988 AND 1989

State	Territories		Management Plans Completed			1988-1989	
	No.	Acres	Prior to 1988	1988-1989	Total	Removals	Adoptions
AZ	3	42,964	2	0	2	8	0
CA	9	431,189	9	0	9	123	0
ID	1	4,246	1	0	1	5	0
MT	1	3,350	1	0	1	0	0
NV	16	1,250,421	10	0	10	0	0
NM	9	142,434	3	0	3	29	0
OR	2	100,660	2	0	2	30	0
UT	<u>2</u>	<u>40,356</u>	<u>2</u>	<u>0</u>	<u>2</u>	<u>0</u>	<u>0</u>
TOTALS	43	2,015,620	30	0	30	190	0

Appendix E

APPENDIX E. SUMMARY OF BUREAU OF LAND MANAGEMENT WILD HORSE AND BURRO PROGRAM ACCOMPLISHMENTS FOR
FISCAL YEARS 1988 AND 1989

Fiscal Year 1988

State	Herd Areas Monitored	Removals		Adoptions		Compliance Inspections (No. of Adopters)	Titles	
		Horses	Burros	Horses	Burros		Horses	Burros
AK	0	0	0	6	0	0	0	0
AZ	2	15	449	107	32	85	188	65
CA	9	483	381	488	170	132	332	145
CO	5	242	0	305	0	90	134	1
ID	15	94	0	78	0	4	79	23
MT	2	22	0	2,728	57	1,689	4,163	3
NV	153	4,118	176	156	42	78	77	4
NM	0	0	0	2,929	108	539	1,229	187
OR	18	773	1	114	3	8	117	89
UT	12	43	0	96	2	26	106	7
WY	12	1,522	1	629	4	421	916	23
ES	0	0	0	2,391	545	84	2,132	626
SUBTOTALS		7,312	1,008	10,027	963		9,473	1,173
TOTALS	228	8,320		10,990		3,156	10,646	

Fiscal Year 1989

State	Herd Areas Monitored	Removals		Adoptions		Compliance Inspections (No. of Adopters)	Titles	
		Horses	Burros	Horses	Burros		Horses	Burros
AK	0	0	0	0	0	0	2	0
AZ	3	33	409	106	29	164	143	50
CA	17	435	401	374	74	150	336	148
CO	5	83	0	59	0	106	398	1
ID	8	188	0	76	8	1	52	7
MT	2	21	0	95	107	606	2,757	44
NV	83	1,292	40	140	42	38	106	30
NM	1	0	0	749	119	482	2,466	137
OR	19	572	0	112	35	7	109	18
UT	16	198	26	46	15	44	83	9
WY	13	764	0	121	11	141	441	6
ES	0	0	0	2,447	455	65	1,915	519
SUBTOTALS		3,586	876	4,325	895		8,808	969
TOTALS	167	4,462		5,220		1,804	9,777	

Appendix F

REPORT TO CONGRESS ON STRENGTHENED COMPLIANCE PROCEDURES

Report To Congress

January 1989

STRENGTHENED COMPLIANCE PROCEDURES IN THE BUREAU OF LAND MANAGEMENT'S WILD HORSE AND BURRO ADOPTION PROGRAM

Assuring that adopted wild horses and burros receive proper care has been a major objective of the Bureau of Land Management (BLM) since the start of the adoption program in 1973. Policies and procedures to meet this objective have evolved over the ensuing 15 years. Our activities to assure humane care of adopted animals focus on two areas: (1) screening and education of prospective adopters to insure that they are capable of caring for a wild horse or burro and (2) enforcement of laws and regulations related to humane care after animals are adopted.

The pre-adoption screening and education process is the most effective method of assuring animals receive proper care. Every applicant is interviewed in person or by telephone to ascertain that the prospective adopter has the physical and financial capability to care for the animal as well as the knowledge to handle and train the animal. (In some cases, applicants who lack the expertise to train a wild horse arrange for the services of a more knowledgeable person as a trainer.) The screening interview also provides an opportunity for the adopter to ask questions about the process for selecting, transporting, and caring for a wild horse or burro.

For adoptions where there will be more than 24 untitled wild horses or burros at a single location, the screening process has for several years involved both an in-person interview and an on-the-ground inspection of the property and facilities prior to approval of the adoption. New procedures effective in January 1989 will extend this more stringent screening requirement to circumstances where 5 or more untitled animals will be maintained at one site.

In spite of the screening process, not every adopter

provides adequate care to adopted wild horses or burros. Because the Federal Government remains responsible for the animal for at least 1 year, the BLM must also have a compliance and inspection program to assure humane care of adopted animals. However, the BLM's compliance actions are limited to the period prior to the issuance of title. The adopter is eligible to receive title to the adopted wild horse or burro after caring for the animal humanely for 1 year. Once title has been conveyed to the adopter, the animal loses its status as a wild horse or burro, and the BLM has no further responsibility for the animal.

To make the most effective use of funds and personnel available for compliance work, BLM's inspection requirements depend on the number of animals being maintained in one location. Until recently, if fewer than 25 untitled wild horses or burros were maintained in one place, onsite inspections were required only in response to reports of inhumane treatment. When 25 or more wild horses or burros were maintained at one location, a minimum of one on-the-ground inspection during the year was mandatory in addition to a final inspection prior to titling the animals.

In the last few years, most situations involving 25 or more animals at one location were fee waiver adoptions. Since 1984, the BLM Director has had the authority to reduce or waive adoption fees for wild horses or burros not adoptable at the regular fee. This change in the regulations was prompted by the accumulation of unadoptable older or otherwise less desirable animals (mainly horses) in BLM facilities. From 1984 to September 1988 when the fee-waiver program was terminated, about 20,000 wild horses were adopted by about 5,000 individuals and organizations. The majority of these animals were cared for by a third party in groups of 100 or more animals.

With three significant exceptions, the compliance inspection policy has worked well in preventing deaths due to improper care by the caretaker in large-scale adoptions. Of these three cases, only one was directly related to an inadequate compliance inspection process. By far the majority of the animals placed under this program have received excellent care as evidenced by the animals' condition during the titling inspection. Overall, the rate of noncompliance in the fee waiver program has been somewhat less than that experienced under the full fee adoption program. Nonetheless, when inadequate care is provided for a large number of

animals maintained in the same location, the magnitude of the damage is much greater than in individual adoptions.

As a result of the compliance problems in the fee waiver program, the three BLM State Offices involved issued new guidance in 1988 requiring at least one inspection every 3 months with additional visits when weather or forage conditions warrant. In addition, BLM has reviewed the entire compliance program with emphasis on situations where problems have been encountered. As a result, we have instituted procedures that require increased compliance inspections for adoptions where more than 5 animals are maintained in the same location.

The new compliance policy, contained in BLM's new Wild Horse and Burro Manual, will go into effect in January 1989. The policy states: "The Authorized Officer or an individual approved by the Authorized Officer shall inspect the animals at least monthly or whenever there is a report of inhumane treatment. In addition, inspections shall be made as often as necessary to assure the animals are receiving adequate care during periods when weather conditions may adversely affect the animals' feed or water or the adequacy of shelter, or when there is an outbreak of disease."

Recognizing funding and personnel limitations, our policy for BLM inspections where there are fewer than 5 animals in a single location will remain unchanged. However, we encourage individual BLM State Offices to develop agreements with local humane groups to provide volunteers to inspect wild horses or burros where funding is lacking. In Arizona, this effort has resulted in an agreement with the International Society for the Protection of Mustangs and Burros to inspect all of the adopted wild horses and burros in that State to assure humane care is being provided and to aid the adopter where problems are encountered. We will continue our efforts to expand this type of program to additional States to be certain that adopted animals receive adequate care.

As noted above, the fee waiver program was terminated at the start of FY 1989. Once the remaining animals adopted under this program have been titled, the number of locations where animals are maintained in groups and the number of mandatory inspections will be greatly reduced. Also, an increasing number of wild horses are being partially gentled by prison inmates in four State prison training programs prior to adoption.

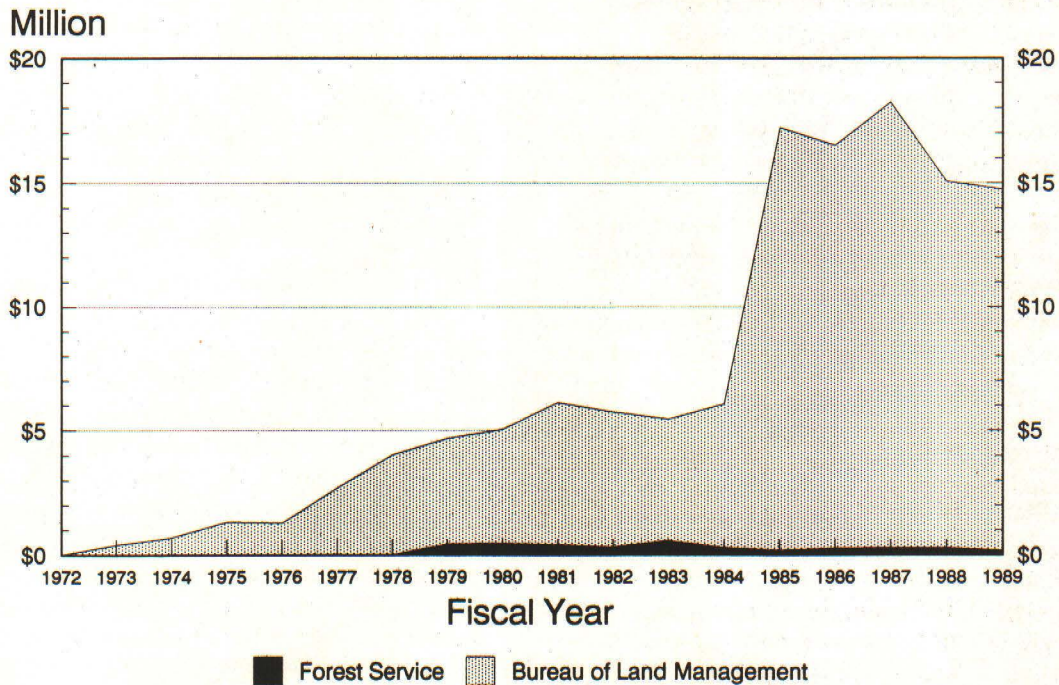
This training is expected to reduce the type of mistreatment or neglect resulting from an adopter's inability to approach or handle the animal. In combination with the pre-adoption screening process, these changes will result in better care for adopted wild horses and burros.

Appendix G

WILD HORSE AND BURRO PROGRAM APPROPRIATIONS - 1972-1989

<u>Fiscal Year</u>	<u>Appropriated Amount</u>	
	<u>Forest Service</u>	<u>Bureau of Land Management</u>
1972		\$ 0
1973		400,000
1974		687,000
1975		1,314,000
1976		1,272,000
1977		2,679,000
1978		4,025,000
1979	\$435,000	4,250,000
1980	450,000	4,582,000
1981	400,000	5,704,000
1982	310,000	5,418,000
1983	570,000	4,877,000
1984	293,000	5,766,000
1985	175,000	17,039,000
1986	262,000	16,234,000
1987	280,000	17,936,000
1988	286,000	14,774,000
1989	181,000	14,560,000

WILD HORSE AND BURRO PROGRAM APPROPRIATIONS FUNDING HISTORY - 1972 TO 1989



Appendix H

LITIGATION SUMMARIES

The following summaries give the status of wild horse and burro litigation in FY's 1988 and 1989.

RESOLVED

1. *Fallini v. Watt*, Civil No. 81-536-RDF (D. Nev., filed August 1981).

Issue: The plaintiff requested the court to require BLM to remove all wild horses from his private property and to prevent the animals from straying on the subject lands in the future. Plaintiff had asserted identical facts in an earlier case which was eventually dismissed.

Status: On October 4, 1984, the court decided in favor of the plaintiff, ruling that the BLM has a duty under the act to remove wild horses from private lands upon request of the landowner and to prevent their return. Based on this decision, an order was issued on November 20, 1984, enjoining the BLM "from suffering or permitting the presence of wild free-roaming horses and burros to hereafter be upon plaintiff's land." The government filed a notice of appeal in January 1985. Arguments were heard before the Ninth Circuit Court of Appeals in October 1985.

In February 1986, the Ninth Circuit decided in favor of the government that there is no ministerial duty to keep wild horses from straying onto private lands once they have been removed. However, the case was remanded to the trial judge for his determination of a reasonable time frame in which the government must remove animals from private lands upon request.

On October 1, 1987, a memorandum of understanding was signed by all parties, who agreed to initiate the legal steps to effect a stipulated settlement.

2. *Fallini, et al. v. Clark, et al.*, Civil No. CV-LV-84-040-HEC (D. Nev., filed January 1984).

Issue: The plaintiffs sought to set aside the BLM's land use planning decision for managing wild horses on the Reveille Allotment in Nevada. The complaint alleged that BLM, through inaction, was allowing wild horses to overpopulate the public lands resulting in "ecological imbalance." Plaintiffs further alleged that the number of wild horses in

the area could not be allowed to exceed the level existing in 1971. The lawsuit was closely related to the previous case of *Fallini v. Watt*.

Status: The BLM filed an answer to plaintiffs' amended complaint. The parties entered into a stipulation extending discovery until March 19, 1985. Trial was set for September 1985, but a change of venue to Reno was subsequently granted, and a new judge (Bruce Thompson) was assigned. In a bench ruling dated November 28, 1986, Judge Thompson decided in the plaintiffs' favor, ordering the BLM Nevada State Director to determine an optimum number of wild horses to be managed within the historical wild horse use area and to remove all wild horses in excess of that number before March 1, 1987.

The Nevada State Director determined that the appropriate management level for the herd area described by the court is 145 to 165 animals, and filed this number with the court on December 1, 1986. Removal of the excess animals was begun in January 1987 and completed in February.

On January 26, 1987, the Department of Justice filed a notice of appeal on behalf of the Department of the Interior. Meanwhile, representatives of the BLM and the plaintiffs worked towards a negotiated settlement of the issues in this suit and the previous *Fallini* action. On October 1, 1987, a memorandum of understanding was signed by all parties, who agreed to initiate the legal steps to effect a stipulated settlement.

3. *Animal Protection Institute of America, Inc., and the Fund for Animals, Inc., v. Hodel, et al.* CV-R-85-365-HDM (D.Nev., filed July 1985; amended September 1985).

Issue: The original suit, filed by the Animal Protection Institute on July 16, 1985, named as defendants, in addition to the Secretary and BLM Director, various BLM officials in Nevada; and was limited in scope to conditions and practices at the wild horse maintenance facilities there. The suit alleged that BLM's roundup, possession, and transportation of excess wild horses and burros are cruel and inhumane. The suit contended that the BLM had exacerbated the inhumane conditions by deliberately discouraging the adoption of these animals by individuals, by failing to provide adequate veterinary care, and by overcrowding the facilities.

Status: The lawsuit was amended on September 12, 1985, to add the Fund for Animals as a plaintiff and the BLM State Directors of Wyoming and Montana as defendants. An answer was filed to the amended complaint.

In July 1986, the court denied a motion for extension of discovery by the plaintiffs, and directed the parties to negotiate a settlement. In August 1986 an agreement was reached on all points except for the large-scale adoption of horses under reduced or waived fee. In September 1986, plaintiffs filed a motion for summary judgment on this issue. On October 10, 1986, defendants filed an opposition to plaintiffs' motion and a cross motion for summary judgment. A week later, plaintiffs filed "Reply Points and Authorities in Support of Plaintiffs' Motion for Summary Judgment." On November 13, defendants filed a reply memorandum on cross motions for summary judgment in support of the Secretary's interpretation of the law in regard to an animal's loss of status as a wild horse upon transfer of title and asked that it be upheld.

The District Court assigned the unresolved issue to a magistrate for review and recommendation. On March 27, 1987, the magistrate filed her report and recommended that the plaintiffs' motion for summary judgment be denied and that the defendants' cross motion for summary judgment be granted. Plaintiffs filed an objection to the recommendation on April 10, 1987. Defendants filed a response to the objection on April 17, 1987.

On July 14, 1987, the U. S. District Court for Nevada issued its decision. The BLM was enjoined from adopting animals or transferring titles to adopters who have expressed an intent to use the animals for commercial purposes upon receipt of title. The decision stated, however, that the BLM is not required to inquire about adopters' intentions prior to approving adoptions or conveying titles or to reclaim animals whose titles had already passed to adopters.

In response to a request by the Department of the Interior, the Department of Justice filed a protective notice of appeal. The case was appealed to the Ninth Circuit Court of Appeals, which on October 31, 1988, affirmed the Nevada District Court's grant of summary judgment in favor of the plaintiffs. Defendants did not seek Supreme Court review.

4. *M. E. Eddleman and Jimmie Lue Eddleman v. Robert Burford*. CV 88-276-BLG-JFB (D. MT., filed November 21, 1988).

Issue: Plaintiffs demand a jury trial in regard to their request for the following:

\$1,117,350 (plus interest) for the feeding and care of 613 adopted wild horses from November 10, 1986, to April 15, 1988.

\$163,055 (plus interest) for transportation expenses.

\$1,150,000 for pain and anguish resulting from Defendant's (BLM's) negligence.

Plaintiffs allege that the BLM "was, or should have been, able to make a determination that Mr. Eddleman was not a qualified individual," according to terms of an October 1986 District Court (Nevada) ruling, because he had previously sold 450 adopted wild horses after receiving title. Plaintiffs allege that if they had been made aware of the possibility that the second group adoption transaction might be handled any differently than the first, they would not have incurred the expenses cited above. (The BLM's determination that title could not be transferred to Mr. Eddleman was based on statements made to the press by Mr. Eddleman during the adoption period.)

Status: On November 21, 1988, plaintiffs filed a complaint in the U.S. District Court, Montana, requiring an answer by the defendants within 60 days. In September 1989, the District Court granted the Government's Motion to Dismiss for lack of subject matter jurisdiction.

PENDING

1. *Joe B. Fallini, Jr., Susan Fallini, and Helen Fallini v. Donald P. Hodel, Robert F. Burford, and Edward F. Spang*. CV-S-86-645-RDF (Filed July 1986).

In the spring of 1984, plaintiffs modified several range improvements (wells), which had been authorized by range improvement permits in 1966, without seeking or obtaining authorization from BLM. The modifications consisted of sections of highway guardrail installed across gates to the waters at a height that allowed cattle to pass but excluded wild horses. On May 3, 1984, the Battle Mountain District Manager issued a decision canceling the permits for the affected wells, citing

unauthorized modification of the improvements. The permittee removed the guardrail from all the improvements except Deep Well, and appealed the decision as it pertained to that project. On September 27, 1984, an administrative law judge reversed the District Manager's decision in a ruling from the bench, and extended the ruling to the other well projects that had not been included in the appeal, directing the BLM to issue the required authorizations. The BLM appealed the decision to the IBLA. On June 12, 1986, the IBLA reversed the decision and remanded it to the BLM for appropriate action. The plaintiffs initiated this complaint for judicial review on July 2, 1986.

Status: No action was taken on this case during FY's 1988 and 1989.*

2. *William Hein v. M. K. Eddleman, Donald Hodel, et al.* CV 88-135-BLG-JFB (D. MT., filed June 1988).

Issue: Plaintiff requested issuance of an order enjoining and restraining defendants from removing wild horses from his ranch. The application for preliminary injunction and temporary restraining order was made on the grounds that plaintiff had an Agister's Lien on the horses for costs associated with the care and feeding of the animals from November 11, 1987, to April 15, 1988.

Plaintiff owns and operates a ranch near Worden, Montana. On November 11, 1987, at the request of M. E. Eddleman, he began to care for approximately 600 wild horses at his ranch. Eddleman held power of attorney for adopters of these horses, which he could no longer care for adequately on his property.

The Bureau of Land Management had notified Eddleman, on or about October 21, 1987, shortly before the wild horses would have been eligible for titling, that title would be withheld because BLM had determined that Eddleman intended to commercially exploit the horses. Withholding of title was consistent with the ruling of Judge Howard B. McKibben of the U.S. District Court for Nevada in *Animal Protection Institute of America, Inc., and the Fund for Animals, Inc. v. Hodel et al.* CV-R-85-365-HDM.

*In November 1989, the U.S. District Court for Nevada set aside the Interior Board of Land Appeals decision and concluded in part that "the BLM actions effected a regulatory taking of Fallinis' water rights at Deep Well contrary to the dictates of the constitution."

The compensation sought by plaintiff is for the period of November 11, 1987, to April 15, 1988. The BLM agreed to assume the costs associated with caring for the horses beginning on or about April 15, 1988, through a contractual arrangement with the plaintiff.

Status: On June 13, 1988, plaintiff submitted a memorandum in support of application for preliminary injunction and in opposition to motion to dismiss. On June 14, 1988, Federal Judge James Battin denied the motion for an injunction, ruling that Federal law did not give him jurisdiction in plaintiff's debt action against the Government. The law requires that the plaintiff submit his bill to the Court of Claims in Washington, D.C. Judge Battin approved a BLM plan to remove the horses after paying the plaintiff an agreed amount for feeding since April 1988. The animals were gathered and shipped to South Dakota.

INACTIVE

1. *Bright-Holland Company et al. v. Watt*, Civil No. R-82-153-BRT (D. Nev., filed April 1982).

Issue: Plaintiffs sought a ruling requiring the BLM to remove wild free-roaming horses and burros from their private lands. They alleged the presence of wild horses had caused permanent damage to their lands and asked for compensation in the amount of \$2,500,000, as well as a daily payment for each wild horse and burro remaining on their property.

Plaintiffs filed a motion for summary judgment, arguing that there was no genuine issue of material fact, and they were entitled to judgment as a matter of law since (1) defendants were under a mandatory duty to arrange for the removal of wild horses on plaintiffs' private property, and (2) the diminution in value to their property as a result of the forage consumed by the wild horses was compensable under the Fifth Amendment.

Defendants filed a motion in opposition to summary judgment, arguing in part that a genuine issue of material fact existed as to the presence of wild horses on plaintiffs' property. Defendants also filed a motion to dismiss the compensation claim, arguing that the district court lacked subject matter jurisdiction over claims in excess of \$10,000 founded on a constitutional taking. Both parties filed new memorandums.

The district court denied plaintiffs' motion for summary judgment, holding that a genuine issue of material fact did exist as to the presence of wild horses on plaintiffs' property. The court also dismissed plaintiffs' claim for damages.

Plaintiffs have yet to ask the court for a calendar date to hold a trial or evidentiary hearing on their claim for removal of the wild horses. The case has been placed in inactive status on the Court's docket.