U.S. Forest Service
Los Padres National Forest
Briefing Paper

Date: July 30, 2014

Topic: Black Mountain Wild Horse Territory (WHT) Management

Purpose of Briefing: To inform the Forest Leadership Team that the wild horse herd on the Black Mountain WHT of the Santa Lucia Ranger District (District) is in need of management action due to the continuing drought and is currently above management plan population numbers. The horses are in need of a sustainable water source to provide for their welfare and to keep them on the territory during the current drought situation. Decision points are described in the Recommendations section.

Background & Key Points:

- As a result of the 1971 Wild Horse and Burro Act, the small herd of horses in San Luis Obispo County was recognized and designated as an official wild herd.
- The Black Mountain WHT is located approximately 20 miles east of San Luis Obispo, CA. The territory consists of 13,215 acres of National Forest System (NFS) land and 635 acres of private land and lies primarily on the east side of the La Panza Mountain Range.
- The Los Padres National Forest (Forest) has actively managed the Black Mountain WHT herd since the execution of a Management Plan (Plan) and completion of an Environmental Assessment (EA) in 1980.
    - Water sources were developed (springs with distribution lines to troughs).
    - Regular monitoring of the herd and the territory.
    - Introduced stallions and mares to add genetic diversity to the herd.
    - Herd was temporarily relocated in 1996 when the Hwy 58 fire burned the entire territory.
    - We have separated two stud colts and have them in the corral to prevent them from breeding and making the population problem worse. Because they are being held in the corral, they must be fed and watered daily.
- Our Plan calls for no more than 20 horses, currently we have 23.
    - Over the years, and through a national Interagency Agreement with Bureau of Land Management (BLM), excess horses were routinely sent to BLM for adoption, which kept the herd at or below numbers specified in the Plan.
    - National Interagency Agreement between BLM and Forest Service has expired and a new agreement still needs to be signed, until then BLM cannot take on new holdings (no more BLM facilitated adoptions). BLM has also expressed budget concerns for managing the adoption program; would require FS Regional Office funding.
    - We have the option of doing adoption or direct sale of excess horses to private individuals. Currently we have a private party, Thatcher Private School, interested in a direct sale of two horses and Cal Poly interested in direct sale of 4-7 horses.
        - Adoption: $125 minimum fee, FS staff must monitor maintenance and care under humane conditions for at least 1 year.
        - Direct Sale: Sell excess animals that we have been unable to adopt for $25 to $125 and the transaction is done. There is a bill of sale and no follow-up after one year. Authorized by Statute, allows the sale of horses after attempts to adopt have failed. 16 USC 1333. Powers and duties of Secretary (C).

External-Internal Interest: Wild horse management is a very contentious issue that has been in the news and on the internet, with BLM receiving most of the interest. There are groups like Return to Freedom and American Wild Horse Preservation that are worried about humane treatment of wild horses and the possibility of them going to slaughter. There are also vocal groups concerned about the impacts on public lands, and the high cost of keeping wild horses in government facilities. There are also landowners and ranchers concerned about competition for forage and water with cattle grazing. There are very emotional factions on all sides of this issue, ranging from advocates for active government management, to those favoring disbanding wild horse herds.

The Black Mountain herd is known to locals in San Luis Obispo County. Most people have a positive reaction to their existence. Over the years there have been several newspaper stories about the horses and local people have adopted them. There is an active wild horse protection group called Return to Freedom Wild Horse Preservation & Sanctuary centered in Lompoc. There is also an affiliated organization called American Wild Horse Preservation Campaign. This situation could have media and political interest if horses become distressed or parish from lack of food or water.

Recommendations for Decisions:

- Continue to actively manage the Black Mountain WHT horses according to agency regulations and the Plan (verses disbanding the herd and abolishing the WHT).
- Delegate management decisions to the District Ranger pursuant to FSM 2204.3 for more efficiency (e.g. authorizing direct sale or adoption).
- Review the Plan to assess need for updating best management practices.
- Reduce the size of the herd to 8-10 to minimize the stress on the territory due to the drought and keep the herd size well within Plan numbers.
    - Manage excess horses through the Direct Sale authority. This will be considerably easier and less costly to accomplish than an adoption option.
    - We have been talking with the Cal Poly University Horse Unit manager who has some interest and the Ojai Thatcher School has offered to purchase two. Request authorization to proceed with Direct Sale to these organizations.
        - Need to decide the amount to charge. Forest in New Mexico is charging $25.
- Continue to utilize the temporary water development at Fernandez Spring to get through the drought. This will keep the herd healthy and prevent them from straying off of the territory, which would possibly pose a public safety risk.
- Install a permanent water development(s) for long term water reliability. Needs: NEPA (EA?), and execution of a cooperative agreement with the neighboring private land owner to use Fernandez Spring.
- Assess suitability of other springs in the Black Mountain WHT for installing water troughs, and repair old troughs and water lines that were developed in the past.

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        - We have been attempting to find interested adopters locally without success to date. Attempts include attending local horse group meetings, taking people out to see the horses and showing the horses to people from Cal Poly University and Thatcher Private School in Ojai.
- Due to the continuing drought, the usual natural water sources have dried up.
    - A large pond on private land within the territory has been the traditional primary water source. This pond has dried up for the first time ever during the current drought.
    - A temporary water line, storage tank and trough were established in July, 2014 to link to an active spring (Fernandez Spring) on neighboring private property.
- Budget: LPF line item in Range (NFVW) for the Black Mountain WHT program of $10,000. No regulatory authority or agency policy to pay directly for supplemental food and water.
- We believe the delegation for administering the WHT program currently resides with the Forest Supervisor; however administration of the program can be delegated to District Ranger.
- There are no active livestock grazing permits in the wild horse territory.

Authorities/ Land Management Plan Consistency:

Statutory Authority: 16 USC § 1331-1340

- The Wild Horses and Burros Protection Act of 1971, as amended by the Federal Land Policy and Management Act of 1976 and the Public Rangelands Improvement Act of 1978, establishes wild free-roaming horses and burros as a part of the natural system where they occur on National Forest System lands. The acts require management, protection, and control of these horses and burros.

Regulatory Authority: 36 CFR 222 Subpart B

- 36 CFR 221.21(a)(1): "Administer wild free-roaming horses and burros and their progeny on the NFS in areas where they now occur (wild horse and burro territory) to maintain a thriving ecological balance considering them an integral component of the multiple use resources, and regulating their population and accompanying need for forage and habitat in correlation with uses recognized under the Multiple Use Sustained Yield Act of 1960."

Policy Direction: Forest Service Manual (FSM) 2260

- Delegations (FSM 2204.2 – 2204.3):
    - Regional Forester may delegate down to Forest Supervisor: approve management plans, and adjust or abolish wild free-roaming horse and burro territories in accordance with Forest Plans.
    - Forest Supervisor may delegate down to District Ranger: Administer Wild Free-Roaming Horse and Burro Act.

Forest Land and Resource Management Plan

- Part 2 Los Padres National Forest Strategy, Long Term Goal 3, Wildhorse Territories: "Wildhorse populations and distribution are managed as specified in the approved Territory Management Plan. The Wildhorse territory remains suitable and sustainable over the long-term."
- Part 3 Design Criteria, Wild Horses and Burros Act of 1971: "...states they are to be considered in the area where presently found an integral part of the natural system of the public lands. It directs the Bureau of Land Management of the Department of the Interior and Forest Service of the Department of Agriculture to manage such animals on public lands under their jurisdiction."