

COOPERATIVE AGREEMENT
BETWEEN
THE DEPARTMENT OF AGRICULTURE, STATE OF UTAH
AND THE
UTAH STATE OFFICE, BUREAU OF LAND MANAGEMENT
U.S. DEPARTMENT OF THE INTERIOR
FOR THE
DISPOSITION OF WILD HORSES AND BURROS AND/OR
LIVESTOCK
GATHERED OR IMPOUNDED FROM PUBLIC RANGES WITHIN
THE STATE OF UTAH

1. PURPOSE

This cooperative agreement between the Department of Agriculture, State of Utah, hereinafter referred to as the STATE, and the Bureau of Land Management, hereinafter referred to as the BLM, is for the purpose of identifying procedures to be carried out relative to the disposition of horses and burros and/or livestock gathered or impounded from the Federal ranges, or land under the control of the BLM, by the BLM or its agents in connection with the roundups of horses and burros or impoundments of livestock within the State of Utah.

2. AUTHORITY

The STATE is responsible for determining diseased animals and ownership and identification of domesticated stray and estray animals under State law pursuant Title 4, Chapters 24 and 25 of the Utah Agricultural Code.

The BLM is responsible for identification, management and protection of wild free-roaming horses and burros, as defined in 16 U.S.C. 1331, *et seq.*

The BLM is responsible for administration of livestock grazing on public lands, as defined in 43 U.S.C. 315, 315a through 315r; 43 U.S.C. 1701 *et seq.*; 43 U.S.C. 1901 *et seq.*

The BLM is authorized to enter into cooperative agreements with State agencies concerning the management and protection of wild free-roaming horses and burros under the provisions of the Wild Free-Roaming Horse and Burro Act of December 15, 1971, 16 U.S.C. 1331-1340 (Supp.1, 1971), and the Taylor Grazing Act, 43 U.S.C. 315-315r (1970), and other authorities.

3. PROCEDURES

A. BLM shall notify the STATE of any intended or planned roundup of horses and/or burros, stating the locality or area where the gathering is to take place, the starting time of such gathering and any other specifics necessary to ensure proper cooperation between the parties thereto pursuant to the agreement.

B. BLM shall notify the STATE and county of any intended or planned impoundment actions of unauthorized livestock stating the locality or area where the impoundment action is to take place, the starting time of such impoundment and any other specifics necessary to ensure proper cooperation between the parties thereto pursuant to the agreement. BLM shall provide the STATE with appropriate documentation that ensures the proper notifications have been served on the owner(s) of the livestock, if known, or the proper notice of intent to impound that was published in a local newspaper and posted at the county courthouse and a post office near the public land involved, if the owner and his agent are unknown, or where both a known owner and his agent refuse to accept delivery of the notifications.

C. Any unlicensed horses and burros or impounded livestock gathered by the BLM or its agents, from lands under the administration of the BLM, will be examined by the BLM and a State Brand Inspector at the capture site or temporary holding facility as provided in this section. Horses or impounded livestock with obvious brands or other evidence of private ownership where the STATE can not determine the owner will be determined by the State to be ESTRAYS and will be released to the county at or near the capture sites if they can be separated without unreasonable handling. Horses or impounded livestock with obvious brands or other evidence of private ownership where the STATE can determine the ownership will be processed by the BLM as impounded unauthorized animals and follow the DISPOSITION OF LIVESTOCK CAPTURED FROM PUBLIC LANDS DURING BLM LIVESTOCK IMPOUNDMENTS as provided in Attachment 1, or DISPOSITION OF HORSES CAPTURED FROM PUBLIC LANDS DURING BLM WILD HORSE CAPTURES OR LIVESTOCK IMPOUNDMENTS as provided in Attachment 2 of this agreement.

The STATE will issue a Brand Inspection Clearance Certificate for all other horses to the BLM for transportation to the designated BLM central holding. The STATE will issue a Brand Inspection Certificate for transport of impounded livestock to a final destination and/or a holding facility if appropriate. No horses or impounded livestock will be transported from the capture site without a brand inspection travel certificate issued by a state brand inspector or without prior approval to transport being given by a state brand inspector.

Specific procedures for obtaining Brand Inspection services are as follows:

1. The local Brand Inspector should have the opportunity to inspect all horses and burros or impounded livestock before they are loaded for shipment to the designated holding facility, therefore:

- a. The Field Manager and/or the Field Office Wild Horse and Burro Specialist shall consult with the local Brand Inspector prior to each wild horse and burro roundup and shall develop a reasonable minimum time frame for obtaining brand inspection services for each specified capture site.
- b. The Field Manager and/or the Field Office Rangeland Management Specialist shall consult with the local Brand Inspector prior to each impoundment of unauthorized livestock and shall coordinate timing of livestock brand inspections for each impoundment action.
- c. BLM will not load any of the captured horses or impounded livestock for transportation to the designated holding site without prior approval of the local Brand Inspector.
- d. BLM shall make every effort to notify the local Brand Inspector and obtain the required inspection services in excess of the minimum time whenever possible.
- e. BLM will reimburse the STATE for the actual costs of brand inspection services provided at the capture/impoundment site.
- f. All horses and burros gathered pursuant to the agreement during a wild horse and/or burro roundup will be transported from the capture site to a designated BLM central holding facility where they may be inspected by the STATE prior to processing to determine if horses and burros (1) are branded in accordance with State law, or foals and yearlings following branded mothers, (2) are unbranded or foals and yearlings following unbranded mothers, or (3) possess any of the following evidence of existing or former private ownership, to wit: Gelding, shoes, saddle or bridle marks, or foals and yearlings following mothers having these characteristics.
- g. The local Brand Inspector shall expedite wild horse and impounded livestock inspections to the fullest extent possible.
- h. In addition to the required procedures for impoundment and livestock disposition outlined in the BLM grazing regulations, 43 C.F.R. Part 4100, see attachment 3, the BLM will afford the affected permittee an opportunity to have the State Director or other designated officer in the Utah State Office of the BLM review the facts, circumstances, and procedures which led to the impoundment as well as any mitigating factors the grazing permittee may wish to present for such review. The permittee's request for review must be submitted to the State Director in writing within 3 calendar days of receipt of the notice of public sale. The State Director review should be completed before the impounded livestock are sold or otherwise disposed of, but unless the notice is modified or stayed, the date of sale will be unaffected.
- i. If at any time during the process, it appears a breach of the peace may occur, the BLM and or STATE shall request and involve the help of the U.S. Attorney's office and the appropriate county.

D. STATE shall provide a brand inspection and issue a Brand Inspection Certificate for horses and burros determined to be wild free-roaming horses and burros under the Act prior to their being placed in private custody. BLM shall reimburse STATE for the actual cost to the STATE of said brand inspection. The STATE agrees to provide a monthly accounting to the BLM of all brand inspection services for billing purposes.

E. Those horses determined to be unbranded and determined to be wild and free roaming by the BLM, after consultation with the brand inspector, pursuant to the provisions of III. C. of the agreement will be

disposed of in accordance with the provisions of the Wild Free-Roaming Horse and Burro Act, 16 U.S.C. 315, 315a through 315r, and any regulations adopted pursuant thereto. Those impounded livestock shall be processed or disposed of in accordance with 43 U.S.C. 315, 315a through 315r, and any regulations adopted pursuant thereto. Upon sale or disposal of impounded cattle, the STATE will provide the certificate of brand inspection necessary to effectuate change in ownership to the buyer(s).

F. In case of disagreement which the parties are unable to resolve by the exercise of good faith efforts as to the status of any particular horse or horses, the STATE and BLM agree that BLM will issue a decision as to the status of the horse(s) in question. That decision would contain appropriate appeal language that could be subject to administrative review as provided in 43 CFR Subpart B, part 4.

G. Disposition of those horses that are claimed, but which lack any evidence of present or former private ownership will be determined jointly by the STATE and BLM on a case-by-case basis. In case of disagreement as to proper disposition, STATE and BLM agree to follow the administrative procedures as set forth in III F.

H. State/Federal health requirements and regulations governing the interstate and international movement of livestock shall be complied with. Compliance with the receiving State=s or Countries= requirements and regulations shall be accomplished through a Utah licensed and federally accredited private veterinarian who shall be reimbursed by the BLM or the person shipping the animal. Blood samples submitted to the STATE Animal Disease Laboratory for EIA analysis. BLM shall reimburse the STATE for such tests. Any additional analysis of blood samples from unbranded and unclaimed horses would be identified by a separate Cooperative Agreement between the STATE and BLM on a case by case basis.

I. The BLM shall provide the STATE notification of markings of all wild horses that are captured, marked, and released back to public lands by the BLM.

4. ADMINISTRATIVE MATTERS

A. Meetings

Joint STATE and BLM meetings may be held at any time it is beneficial for either party or in the interest of individuals or the public. Meetings may be held at the field or State Office level, as determined by convenience.

B. Funding Obligation

Nothing in this cooperative agreement shall be construed as obligating any party hereto for the expenditure of funds unless and until appropriated by Congress.

C. Restriction of Congressional Delegates or Resident Commissioners.

No member or delegate of Congress, or Resident Commissioner shall be admitted to any share or part of the agreement, or any benefit which may arise therefrom.

D. Discrimination

All cooperative work under the provisions of this agreement will be accomplished without discrimination against any person because of race, creed, color, sex, or national origin.

E. Termination

This agreement becomes effective when signed by all the designated representatives of the parties hereto and shall remain in force until terminated by mutual agreement, or upon thirty days written notice of one party to the other party of their intention to terminate upon a date indicated.

G. Amendments

Amendments to this agreement may be proposed by any party and shall become effective upon written approval of all parties.

Sally Wisely, Utah State Director
Bureau of Land Management

Cary Peterson, Commissioner
Utah State Department of Agriculture & Food

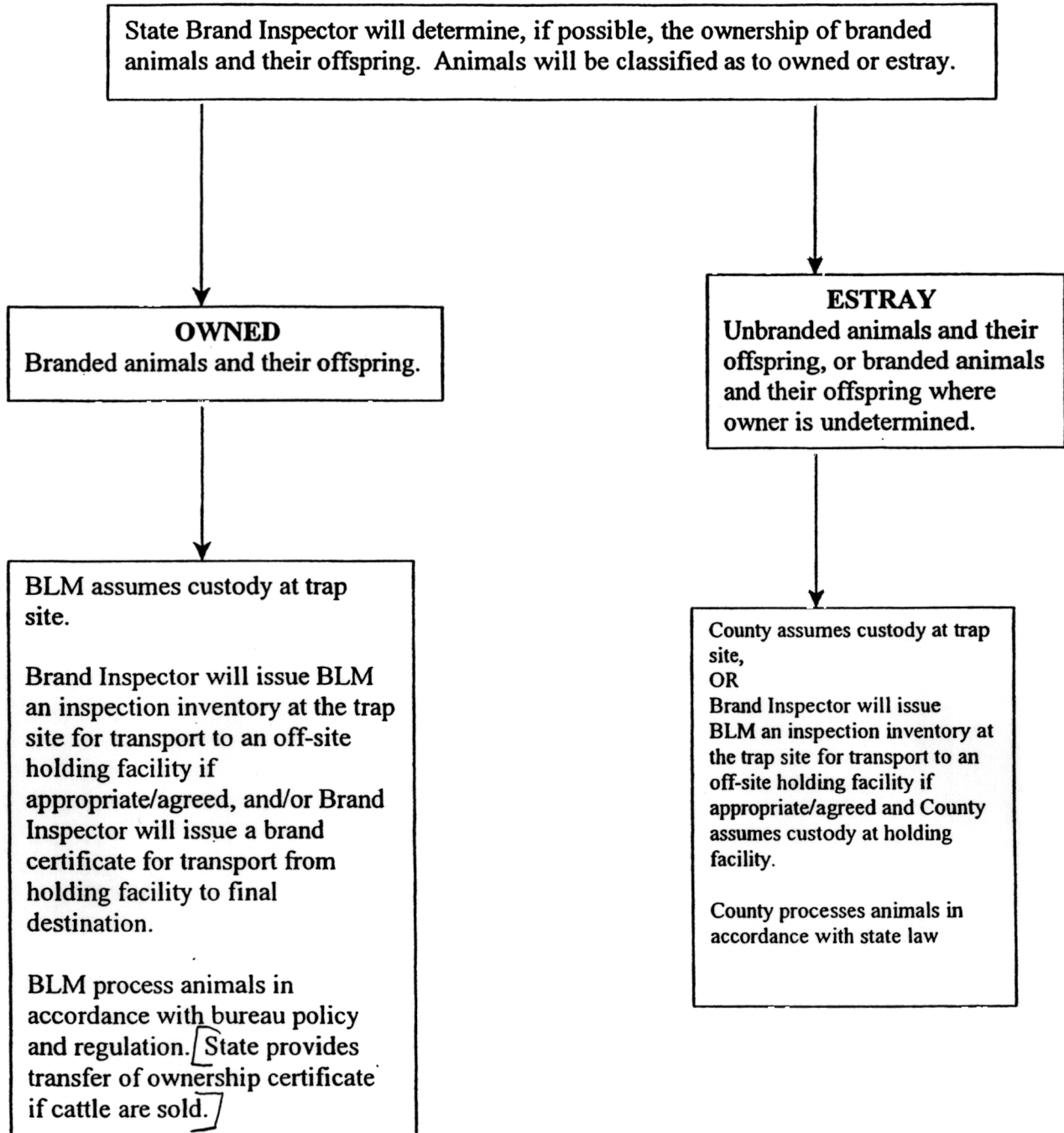
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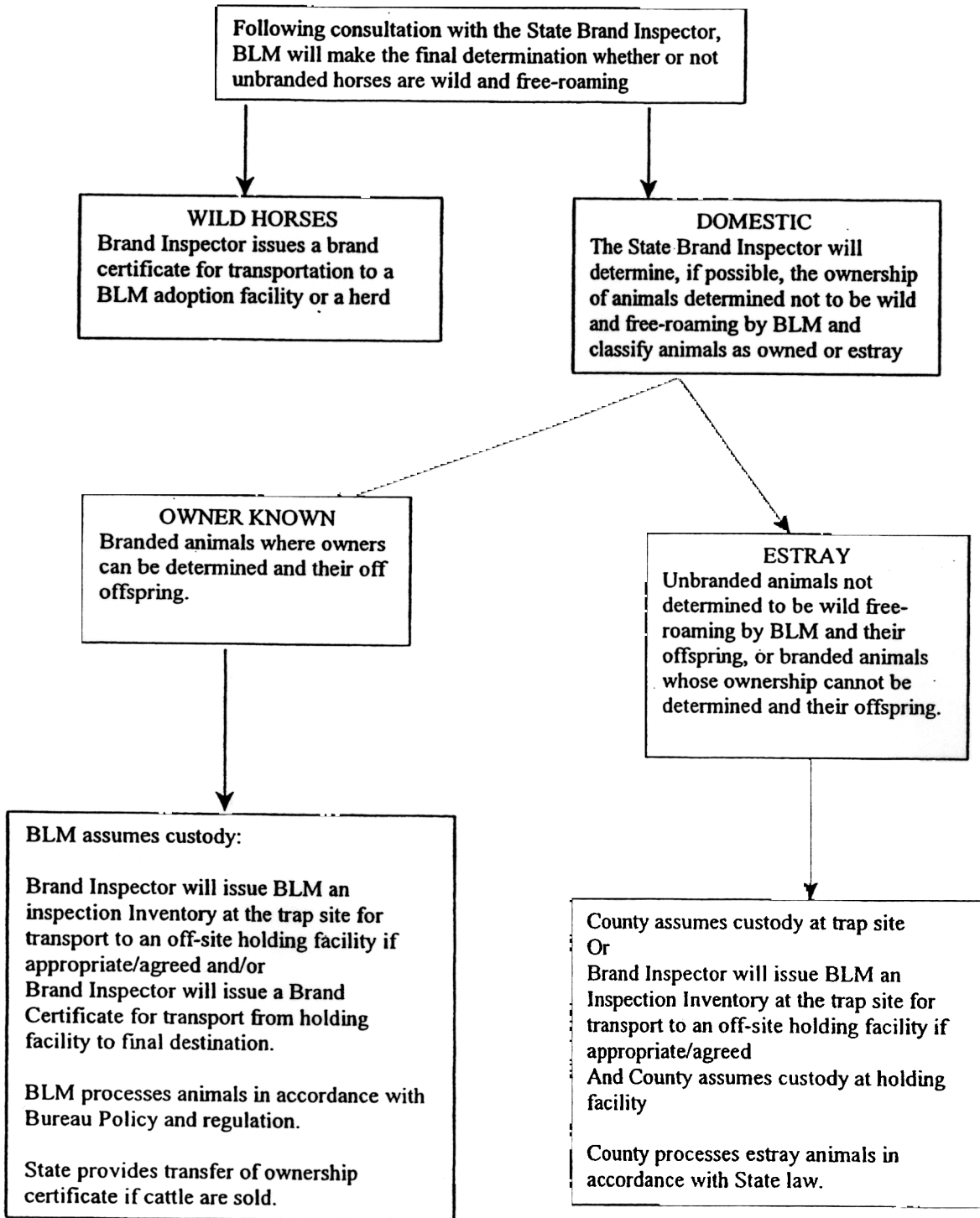
Attachments:

- #1, Disposition of livestock captured from public lands during BLM livestock impoundments (1pg.)
- #2, Disposition of horses captured from public lands during BLM wild horse captures or livestock impoundments (1 pg.)
- #3, BLM Livestock Impoundment Process (1 pg.)

DISPOSITION OF LIVESTOCK CAPTURED FROM PUBLIC LANDS DURING BLM LIVESTOCK IMPOUNDMENTS



**DISPOSITION OF HORSES CAPTURED FROM PUBLIC
LANDS DURING BLM WILD HORSE CAPTURES
OR LIVESTOCK IMPOUNDMENTS**



GENERAL DUE PROCESS IMPOUNDMENT PROCEDURES OF LIVESTOCK ON PUBLIC LANDS

