

FS Notice of Proposal to Change WH&B Regulations

384. REVISIONS TO GENERAL PROHIBITIONS REGARDING LIVESTOCK AND WILD FREE-ROAMING HORSES AND BURROS ON NATIONAL FOREST SYSTEM LANDS

Agency:

[Department of Agriculture](#) (USDA)/Forest Service (FS)

Priority:

Substantive, Nonsignificant

Legal Authority:

[16 USC 551](#)

CFR Citation: (To search for a specific CFR, visit the [Code of Federal Regulations.](#))

36 CFR 222; 36 CFR 261.7; 36 CFR 261.21

Legal Deadline:

None

Abstract:

The Forest Service is proposing to revise the regulation governing the management of wild free-roaming horses and burros. This proposed action will incorporate into regulation new provisions for management of wild horses and burros enacted by the Fiscal Year 2005 Omnibus Appropriations Act (Pub. L. 108-447, Division E, title 1, section 142). This proposed action would also eliminate concerns raised by employees and others about inconsistencies in Forest Service and Bureau of Land Management regulations on the management of wild horses and burros.

The Fiscal Year 2005 Omnibus Appropriations Act amended the Wild Free-Roaming Horses and Burros Act (Pub. L. 92-195) and mandated the sale of wild horses and burros that meet specific criteria. In general, the law mandates the sale of excess wild horses and burros that are more than 10 years of age or that have been offered unsuccessfully for adoption at least 3 times. These animals are to be made available for sale without limitation, including through auction to the highest bidder, at local sale yards, or other convenient livestock selling facilities, until all excess animals offered for sale are sold or until appropriate management levels are attained across all areas occupied by wild horses and burros. Funds generated from the sale of these animals are to

be credited to the Bureau of Land Management and used to help alleviate costs generated from the adoption of wild horses and burros.

Additionally, the Forest Service wishes to merge this revision of 36 CFR part 222 with an existing proposed action to revise 36 CFR part 261, subpart A—General Prohibitions; section 261.7, Livestock; and section 261.21, Wild Free-Roaming Horses and Burros (RIN 0596-AC31). That proposed rule would clarify ambiguity regarding whether strict liability must be proven for violations of the prohibitions set out in those sections related to livestock and wild free-roaming horses and burros.

Timetable: Action	Date	FR Cite
NPRM	01/00/07	

Regulatory Flexibility Analysis Required:

No

Small Entities Affected:

No

Government Levels Affected:

None

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