

A UNIFIED RESPONSE

to Misinformation in BLM's Wild Horse & Burro Management Plan



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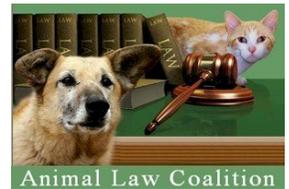


MAY 2018

FREE TO RUN



BLACK HILLS WILD HORSE SANCTUARY
HOT SPRINGS, SOUTH DAKOTA



THE Cloud FOUNDATION



The Bureau of Land Management's recently proposed management plan is a threat to our wild horses and burros. We were deeply disappointed that the Bureau of Land Management (BLM) submitted a report to Congress late last month that embraced the failed policies of the past while dismissing the promising research over the last decade to improve BLM's management of wild horses and burros.

BLM's report, "*Management Options for a Sustainable Wild Horse and Burro Program*," endorsed the most controversial and barbaric methods to reform the program: (1) permanent sterilization, (2) euthanasia, and (3) "sale without limitation," or slaughter. The report has many similarities to BLM's 10-year old proposal, first suggested by the agency in 2008-2009 that included the following three options:

- (1) destroy healthy animals, under the authority in the 1971 Act;
- (2) sell animals "without limitation," as provided in the 108th Congress changes in law; and
- (3) cease the removal of animals from the range.

In addition to our concern about the report's obvious regurgitation of failed policies, we are also concerned about a number of false statements made within the plan that mischaracterize the program and the wild horse and burro species themselves. We state and examine those inaccuracies below:

1. The plan is completely focused on achieving the "appropriate management level," which has been deemed unscientific and arbitrary.

While the BLM repeatedly states the need to achieve appropriate management level (AML) in this plan, a 2013 report by the National Academy of Sciences, commissioned by the BLM, determined that the agency's AMLs were "not transparent to stakeholders, supported by scientific information, or amenable to adaptation with new information and environmental and social change."¹ The national AML the BLM established for wild horses and burros is 26,715 animals. That number is only slightly above the estimated population of these animals in the mid-20th century, which was so alarming to lawmakers that Congress unanimously passed the 1971 Wild and Free-Roaming Horses & Burros Act in order to prevent possible extinction of these animals.²

Additionally, a review of the BLM's Wild Horse & Burro Program by the Government Accountability Office determined that "BLM decisions on how many wild horses to remove from federal rangelands have been made without benefit of solid information concerning range carrying capacity or the impact of wild horses on range conditions. Instead, its decisions have reflected either the desire to achieve perceived historic wild horse population levels or deference to advisory groups largely comprised of livestock permittees."³

2. The BLM's management plan is full of inconsistencies, including points as simple as establishing the current number of wild horses and burros in America.

On the first page of the BLM's management plan, they claim that the current wild horse and burro population in America is 83,000. However, on page 5 of the same report, the agency claims the current population of animals is 86,000.⁴ There is no evidence to suggest that the current population of these animals is as high as either of these numbers. The identifiable inconsistencies put the validity of the entire management proposal in question. These inconsistencies are mirrored on the BLM website, in press releases, requests for public comment, and roundup reports that are inconsistent on herd sizes and other figures.

3. The management plan incorrectly cites a number of wild horse and burro management-associated costs in Attachment 2 – FY 2017 Cost Estimates.

The cost figures presented in *Attachment 2 – FY 2017 Cost Estimates* on page 21 of the BLM management proposal are outlandishly high. Most notably, it is stated that fertility control costs \$3,000 per mare.⁵ In herds where volunteer groups take charge of fertility control darting, such as the Pine Nut Wild Horse Herd, there is often no cost to the government and the taxpayer. After initial costs of darter training (approximately \$250⁶)

and dart rifle purchase (approximately \$2,400⁷) are taken care of, the cost for the mare in the first year is \$48 for the primer and booster, and \$24 per mare every year after the first.⁸

In addition, the costs of removals are much higher than they need to be. The deals between BLM and roundup contractors have turned a number of cattlemen into multi-millionaires. For example, the BLM's helicopter roundup contractor of choice, Cattoor Livestock Roundup, made \$1.5 million **just in 2017**. They made \$20.1 million between 2007-2016 on 161 roundup contracts with the BLM.⁹ It is unclear why this process is so expensive, therefore so lucrative for these companies.

Further, FOIA requests filed by the American Wild Horse Campaign reveal that the BLM is inexplicably leaving wild horses and burros in short-term holding facilities for **years** at a time, rather than transferring the animals to the much more affordable and humane long-term pastures.⁹ As a result, the companies with short-term holding pastures earn a large chunk of taxpayer dollars, like Broken Arrow Horse & Cattle Company who has made \$32,819,907 on the "short-term" holding of wild horses and burros between 2009-2017.⁹

4. Widespread starvation of wild horses and burros on our public lands is a myth.

The Henneke Body Condition Scoring System was developed by Dr. Don Henneke to assess the health of a horse, and is an accepted metric in a United States court of law. The BLM's own roundup data from Nevada, Utah, and Arizona between 2015-2018 states that on average, the Henneke body scores of rounded up wild horses and burros is 4.1825.¹⁰ It has been suggested that scores of 4-5 are ideal.¹¹ This metric provided by the BLM clearly shows that these animals are in good health. Some BLM roundup reports did not include Henneke body score and other body condition data, but each roundup report containing this data was included in this analysis.

Additionally, it is unclear how "starving" wild horses and burros could reproduce at such a prolific rate that the BLM is concerned about exponential population growth in these herds. Nutritionally deprived animals are often not able to reproduce at all, but the BLM is so concerned with current population numbers that they're suggesting mass killing of these animals.

The wild horse and burro population would be much more compatible with public rangelands if the herds still had all of their original forage available. Since the passage of the 1971 Wild and Free-Roaming Horses & Burros Act, wild horses have lost 41% of the forage originally allotted to them, more than 20 million acres.¹² In addition, these public lands have been regulated in a way that the horses often end up living on the most rugged and inhospitable portions of the public lands, leaving the best forage and water sources for livestock. Regardless, these animals have adapted to the point where they are in good condition and healthy enough to reproduce at a rate that so alarms the BLM.

5. The management plan inaccurately states that wild horses and burros have no natural predators.

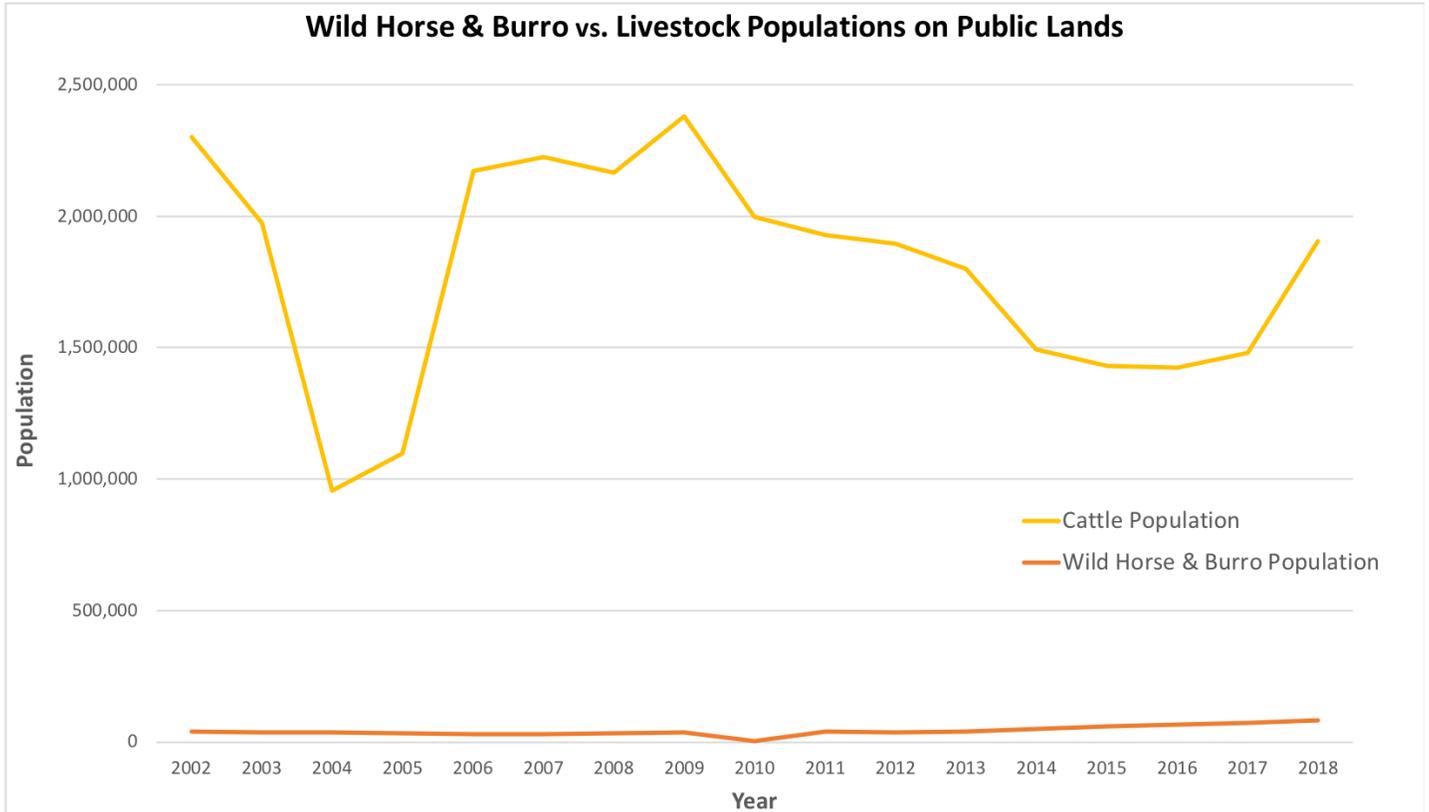
The BLM's claim that wild equine herds have no natural predators is false. Mountain lions have been shown to naturally regulate wild horse and burro populations. Wildlife Services' extermination campaigns against native predators has largely prevented these animals from coexisting with wild horses and burros.

One example of natural predation of wild horse and burro herds is found in the Montgomery Pass Herd Management Area (HMA) on the California-New Mexico border. Mountain lion predation in this HMA has been documented for decades.¹³ The Montgomery Pass HMA has not had any BLM roundups in more than 30 years due to natural predation by mountain lions.¹⁴

Additional examples of natural predation are found elsewhere in the United States. Between 2001 and 2006, the Pryor Mountain Wild Horse Range experienced such extreme predation by mountain lions that the herd was naturally at zero percent population growth. 21 foals were born to the Fish Springs herd in 2017 but only three of them survived due to predation. Protecting predators such as mountain lions and wolves would go a long way toward keeping herd sizes in check. This approach warrants close study, not dismissal.

6. **There is no data that shows wild horses are having a significant impact to rangeland apart from livestock.**

No study indicates that wild horses have a measurable impact to public lands apart from livestock that also graze the land. It is unclear how these horses could out-graze livestock when they are outnumbered by livestock on public lands by more than 20 to 1.¹⁵



Additionally, a 2017 report by the Government Accountability Office states that “According to USGS officials and documentation, research that evaluates and separates cattle and wildlife impacts from wild horse impacts has not been conducted, and studies on horse grazing effects are needed.”¹⁶

7. **The BLM grossly mischaracterized a management proposal compiled by external organizations.**

After examining a copy of the proposal submitted by the Humane Society of the United States, ASPCA, the American Mustang Foundation, and Return to Freedom, it is clear that BLM mischaracterizes the proposal. Most notably, this coalition of organizations has regularly proposed using fertility control **in conjunction with** removals of animals. However, the BLM claims the group proposed the following:

“After AML achievement, implement aggressive fertility control and continue wherever feasible to prevent the need for future large scale removals.”

Report to Congress: Management Options for a Sustainable Wild Horse and Burro Program, Pg. 10

The aforementioned coalition of organizations, as well as the organizations signing on to this document, continue to advocate for the use of cost effective and successful fertility control vaccines. If the BLM decides removals are necessary, fertility control should be used in conjunction with those efforts for mares returning to the range as well as selected mares on the range.

8. **BLM is misleading about their work with external organizations.**

The BLM dismisses the proposal made by dozens of advocate and animal welfare groups to return wild horses and burros from holding to herd areas that have been “zeroed out.”¹⁷ As justification, the report claims that these areas were never intended for long-term management of wild horses and burros. In fact, the 1971 Wild Free-Roaming Horses and Burros Act clearly protects their right to remain in “the areas where they are presently found as an integral part of the natural system of the public lands.”¹⁸ The BLM’s claim that its land use plans supersede the original designation of these lands is contrary to law. Section 302(a) of the Federal Land Policy and Management Act states that “where a tract of land has been dedicated to specific uses according to any other provision of law, it shall be managed in accordance with such law,” regardless of land use plans.¹⁹ The intent of the 1971 Act was to protect wild horses and burros on the lands in which they were found, not to regulate them in a way where they lose habitat and become a burden to the nation.

The agency also presents results from the “National Wild Horse & Burro Summit” which took place in Utah in 2017 as an example of their work with a broad representation of groups. However, none of the groups signing on to this document were allowed to attend the summit at all, which is made clear when one examines the polling results from that event.²⁰ They are so wildly skewed toward options involving the killing of wild horses and burros, an option opposed by more than 80% of Americans,²¹ that it is impossible for the summit to have hosted a broad representation of interests. Proposals that came out of the summit include 99% support for commercial use of horse meat for pet food, and 92% support for commercial use of horse meat for human consumption. Just months ago, the FDA concluded an investigation that showed the use of horse meat in pet food lead to the death of a number of pets.²² The solutions proposed by this summit are not safe or feasible for anyone, and are not representative of a broad interest group as the BLM claims.

9. The BLM’s claim that permanent sterilization would be more effective in addressing population growth than available birth control vaccines is patently false.

The BLM has never tried to implement safe, reversible fertility control in a serious way. Its budget item for birth control vaccines is less than one percent. Thus, any such comparison is moot. The proposal for sterilizing 80 percent of wild horse and burro herds is inhumane, unworkable and illegitimate. The US government has no authorization to turn free-roaming equines into non-producing, unviable herds. Mass sterilization would destroy their natural behavior and right to life. In September 2017 the US District Court in Idaho ruled that the BLM’s decision to sterilize a wild horse herd violated federal law as it would cause serious damage to the horses, to herd dynamics and to the public interest in preserving and observing these protected animals.²³

“... preventing births and reproductive capacity of the horses alters wild horse behaviors and the social structure of the herd. The NAS Report concluded that ‘absence of young horses itself would alter the age structure of the population and could thereby affect harem dynamics.’ Accordingly, the Court concludes the Defendants have violated NEPA by failing to take a hard look at these important aspects of its decision and failing to disclose and analyze the NAS Report in the FEIS.”

Case No. 1:16-cv-00001-EJL. United States District Court for the District of Idaho, 2017. Pg. 21-23.

Conclusion

Over the last decade, research studies have yielded the evaluation of alternatives, the development of proposals, and the implementation of actions for improving the BLM Wild Horse and Burro Program. Organizations such as the Government Accountability Office, National Academy of Sciences and others identified options that could serve as a starting point on difficult issues such as AMLs, limiting the number of animals in holding, and reducing program costs.

While there is both disagreement and consensus surrounding these options, taken in their entirety, they provide a path forward. More than 110 civic organizations have proposed a unified series of recommendations for humane, cost-effective on-range management of wild horses and burros that set forth alternatives to the unworkable program of roundup, removal and destruction proposed by the BLM. In the coming months, our organizations will provide a more detailed plan that highlights areas of common concern in the hope we can reach agreed upon solutions. We look forward to working with you to address this critical issue.

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