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Managing for Extinction

Shortcomings of the Bureau of Land Management's National Wild Horse and Burro Program

Introduction

"...[W]ild free-roaming horses and burros are living symbols of the historic and pioneer spirit of the West...It is the policy of Congress that [they] shall be protected from capture, branding, harassment, or death; and to accomplish this they are to be considered in the area where presently found, as an integral part of the natural system of the public lands."

These are the words the U.S. Congress used to describe America's wild horses and burros in the preamble of the Wild Free-Roaming Horses and Burros Act of 1971 (WFHBA). Although the WFHBA was supported overwhelmingly by the public and passed unanimously by Congress, these majestic animals were not always treated with such high regard. Earlier in the 20th century, hundreds of thousands of wild horses and burros were slaughtered to make room for livestock on the Western frontier.

This "livestock vs. wild horse and burro" battle continues into the present. While the current rate of removal of these wild animals is a far cry from the wholesale and grisly slaughter that occurred during the early 20th century, the welfare and continued survival of America's wild horses and burros are threatened by a government program that systematically favors the interests of private ranching and livestock over those of wild horses and burros.

The BLM National Wild Horse and Burro Program and broader public land management policies are fundamentally flawed and not in the best interest of the American people, the public lands, or the very animals the agency is charged with protecting. The BLM's preferential treatment of livestock grazing and other commercial uses has resulted in the degradation of public lands, as well as massive and unjustifiable removals of wild horses and burros from their home ranges. American taxpayers and the animals in question have paid a heavy price. To remedy the situation, the BLM must be willing to conduct a truly candid review of its program and implement new approaches that conform to the law, are scientifically sound, and respect the historical, cultural and inherent value of our nation's wild horses and burros.[1]

This report will focus on the BLM as the government agency charged with protecting the vast majority of America's wild horses and burros. However, as previously noted, it also applies to the USFS, which is responsible for managing and protecting a much smaller number of wild horses and burros on lands under its jurisdiction. Finally, it will include specific recommendations on how our government might better protect and manage America's remaining wild horses and burros so their survival is ensured for both their intrinsic value and the enjoyment and appreciation of future generations.

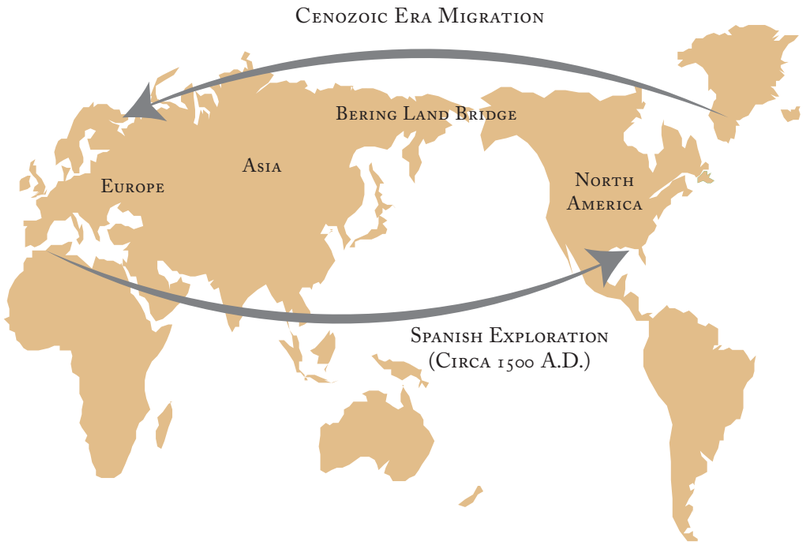
[1]The BLM has announced it would contract with the National Academy of Sciences to conduct a formal review of the National Wild Horse and Burro Program. If this review is comprehensive, conducted objectively, and based on the best available scientific evidence, it may well provide the foundation for such changes. While the parameters of the NAS review remain unclear, AWI will continue to monitor this review and comment and assist whenever possible. At the time of this July 2011 printing, the study (expected to take two years to complete) had not yet begun.

History

Today's wild horses are descendants of escaped or abandoned horses reintroduced to North America by Spanish conquistadors and settlers. Recent fossil evidence indicates horses evolved in North America to a form that is essentially like the wild horses of today. It is generally believed that they died out recently (in geologic time), approximately 10,000 years ago.

In the course of their evolution on the North American continent, some animals migrated across the Bering land bridge into Asia, only to have their descendants return home 500 years ago on the ships of Spanish explorers and soldiers. Yet, today's wild horses are erroneously regarded by the BLM as a non-native species (see *www.awionline.org/wildhorses_native*). It is estimated that in the 1800s there were more than 2 million wild horses roaming Western states. Tens of millions of bison also shared the land, along with numerous other wildlife species.

During the 1850s and 1860s, livestock production expanded exponentially throughout the country. Predator species, along with indigenous grazing animals and the Native Americans who depended on them, were either displaced or exterminated to make way for domestic cattle and sheep. By 1884, the cattle population in Western states peaked at an estimated 35 to 40 million. Nearly 700 million acres of grassland west of the Mississippi River were depleted or destroyed by overgrazing.



"The wild horse may in fact be an exotic species in Australia, New Zealand, and a few other locations around the world, but it is certainly not so in North America. Horses evolved on this continent only to later disappear, possibly at the hand of man. After what can only be viewed as seconds on the hands of evolution's clock, the horse was returned by the same hand to resume its place among the same animals and plants with which it had evolved. To label the North American wild horse as an exotic ignores the facts of time and evolutionary history."

—*Into the Wind* by Dr. Jay F. Kirkpatrick, 1994

Formation of the Bureau of Land Management

Taxpayer-subsidized ranching on public lands began in 1905 under the Theodore Roosevelt administration. Congress passed the Taylor Grazing Act in 1934, and the Division of Grazing was formed and placed under the Department of the Interior. The Division was under the political control of wealthy livestock producers who helped ensure obscenely low grazing fees and an intentionally weak agency.

The U.S. Grazing Service superseded the Division of Grazing in 1939, and in 1946, the BLM was formed by combining the Grazing Service and the General Land Office. The practice of permitting private ranchers to graze livestock on public lands at highly subsidized rates continued throughout these transitions.

As more room was needed for livestock, hundreds of thousands of wild horses and burros were captured and removed from the range using brutal techniques, slaughtered, and then rendered into dog food or chicken feed. Such acts were not only legal at the time, but were also sanctioned or even undertaken by the government. This unregulated exploitation and mass destruction of wild horses and burros constituted the policy of the Grazing Service/BLM for nearly 30 years. Both the mass removal of wild horses and burros to accommodate privately owned livestock and the practice of taxpayer-subsidized ranching continue today on most federal lands, including those administered by the BLM.

"Propped up by more than $-100 million last year in taxpayer subsidies, a small number of ranchers continue a practice that began in the Wild West-150 years ago...Who benefits? Mostly the rich. The Mercury News reviewed more than 26,000 federal billing records and found corporations, millionaires and 'Rolex' ranchers dominating the public range."

—"Cash Cows" by Paul Rogers and Jennifer LaFleur, *San Jose Mercury News*, November 7, 1999

The Wild Free-Roaming Horses and Burros Act and Other Public Lands Legislation

The Wild Free-Roaming Horses and Burros Act (WFHBA) passed in 1971. The WFHBA states: "Congress finds and declares that wild free-roaming horses and burros are living symbols of the historic and pioneer spirit of the West; that they contribute to the diversity of life forms within the Nation and enrich the lives of the American people." It further states that, "wild free-roaming horses and burros shall be protected from capture, branding, harassment, or death; and to accomplish this they are to be considered in the area where presently found, [i.e., in 1971] as an integral part of the natural system of the public lands." The WFHBA provided for criminal penalties of up to $2,000 and/or a year in jail for those convicted of a violation of the law. Penalties increased under the Sentencing Reform Act of 1984, as amended. Today, violation of the WFHBA is a Class A misdemeanor, and fines can run up to $100,000 for each offense.

The BLM is required to manage wild horses and burros "in a manner that is designed to achieve and maintain a thriving natural ecological balance on the public lands … [and] all management activities shall be at the minimal feasible level."

The WFHBA recognizes the importance of maintaining and protecting lands where wild horses and burros may roam. It defines a range as "the amount of land necessary to sustain an existing herd or herds of wild free roaming horses and burros … and which is devoted principally but not necessarily exclusively to their welfare in keeping with the multiple-use management concept for the public lands."

Wild horses and burros are managed within "herd areas" (HAs). By regulation, the BLM defines an HA as "the geographical area identified as having been used by a herd as its habitat in 1971." However, in the process of drawing HA boundaries, the BLM did not always recognize or consider the seasonal migratory patterns of wild horses and burros, thus depriving the animals of critical habitat needs. To make matters worse, wild horses and burros have not even received the protections to which they are legally entitled in many of the originally designated HAs. Instead, the BLM has created "herd management areas" (HMAs)—parcels of land designated by the BLM for the management of wild horses and burros based on factors such as convenience, availability of forage and water, or lack of competition with livestock grazing or other commercial uses. In most instances, HMAs are smaller subsets of HAs.

According to BLM data, in FY 2009 there were 339 wild horse and burro HAs encompassing 51,282,424 acres. In 2005, the BLM had reported 53,349,826 HA acres—indicating a four-year loss of potential habitat exceeding 2 million acres. HMA losses were even greater: For FY 2009, the BLM reported that wild horses and burros were managed on 180 HMAs encompassing 31,864,463 acres. In FY 2005, there were 201 HMAs

Wild Horse Annie

Were it not for the heroic and courageous efforts of Velma Johnston, a.k.a. "Wild Horse Annie," there might be no wild horses in America today. After happening upon a truck of bloodied wild horses destined for slaughter in 1950, Johnston, a secretary in Nevada, began lobbying Congress to protect these animals.

In 1959, Congress passed the "Wild Horse Annie Act," prohibiting the use of aircraft and motor vehicles to capture wild horses on federal lands. Yet it was not until 1971, when the Wild Free-Roaming Horses and Burros Act was signed into law that America's wild horses and burros were finally given legal protection from capture, harassment, branding and death.

By some accounts, there were as many as 2 million wild horses when Johnston began her crusade in 1950. By the time the 1971 Act was passed, as few as 10,000 may have been left.

Congressional records indicate that Wild Horse Annie's campaign in the late 1960s generated more mail to Congress than any other issue of the day, save the Vietnam War.

encompassing 34,407,035 acres—indicating a four-year loss of over 2.5 million acres.

Since passage of the WFHBA, the designated habitat for wild horses and burros has declined by nearly 21.5 million acres (an area larger than the state of South Carolina), the majority of which were under BLM jurisdiction. The BLM routinely rounds up and permanently removes wild horses and burros who have wandered outside of HMA boundaries, even when the animals remain within their historic and legally protected ranges.

In 1976, Congress passed the Federal Land Policy and Management Act (FLPMA), which amended the WFHBA and affected how the BLM administers public lands under its jurisdiction. FLPMA requires the development of comprehensive land use plans, which reflect the principles of sustained yield and multiple-use management. The principle of multiple-use as defined in the statute means that public lands and their various resources should be managed "so that they are utilized in the combination that will best meet the present and future needs of the American people." The federal government is not required to allow all uses on all lands, nor is it mandated to preserve an existing use or level of a particular use based upon economic considerations.

The BLM should not permit livestock use or authorize a level of livestock use in areas where its ecological and economic costs outweigh its benefits. In doing so, the agency fails to account for "the long-term needs of future generations for renewable and nonrenewable resources, including, but not limited to, recreation, watershed, wildlife and fish, and natural scenic, scientific and historical values" as is mandated by law.

Nothing could better illustrate the agency's abdication of responsibility than its management over the years of wild horse and burro HAs and HMAs. Today, livestock grazing is allowed in virtually all wild horse and burro HAs, regardless of adverse impacts on these native animals. Moreover, the BLM has totally removed numerous herds of wild horses and burros and has set population targets (Appropriate Management Levels, or "AMLs") so low in other herds that the genetic viability and very survival of these animals is seriously threatened—all to accommodate privately owned livestock and other commercial interests. As a result, the BLM's "multiple use" mandate has come to mean "multiple livestock use."

The Public Rangelands Improvement Act (PRIA), a 1978 amendment to the WFHBA, requires the BLM to maintain a current inventory of wild horses and burros and to "determine

"From an estimated population of 14,000 in 1974 to an estimated AML of 2,750 in 2005, there will be an 80 percent reduction in the wild burro population. ... Wild burro habitat has been reduced by 45 percent."

—"A Strategy to Achieve and Manage Wild Burros at Appropriate Management Levels," BLM, June 2000

appropriate management levels," i.e., the number of wild horses and burros that the range can sustain. AMLs were not meant to be static, but rather to fluctuate based upon various factors (e.g., range condition or range use). The BLM, however, rarely adjusts AMLs. Moreover, the BLM relies on AMLs set in outdated land use plans—the development of which was dominated by local livestock interests in the first place. In 2001, in an effort to reduce populations and meet the BLM's unsubstantiated and largely arbitrary AMLs, the agency began removing wild horses and burros at an alarming rate and at enormous taxpayer expense.

In addition to its flawed population targets, the BLM's wild horse and burro population "guesstimates" repeatedly have proven incorrect. A cursory review of yearly gather schedules indicates that the numbers of animals the BLM plans to remove is often significantly greater than the numbers the agency actually removes. While there may be many reasons for such discrepancies, the most troubling is that the agency has for years managed wild horses and burros without reliable census data. With assistance from U.S. Geological Survey Biological Resources Discipline (USGS/BRD) and Colorado State University scientists, the BLM has implemented new techniques for counting wild horses and burros. However, the BLM has never adequately explained, nor solicited public comment on, the technique or its decision to use it, and the accuracy of these techniques remains dubious at best. This became evident when the new counting technique was used on the Adobe Town–Salt Wells Creek wild horse herd complex in Wyoming in 2006, resulting in a determination that the horse population was 2.5 times larger than the BLM's count of the population *after* a removal operation just one year earlier. These new count data were then used by the BLM to justify another roundup and removal of wild horses from this complex in 2006.

The PRIA further authorizes the BLM to remove "excess" horses in order to achieve "a thriving natural ecological balance" and "multiple-use relationship" on the public lands, and it sanctions killing healthy animals for whom no adoption demand exists. Until late 2004, a rider prohibiting the destruction of healthy wild horses and burros had been attached to the annual Interior Appropriations bill, preventing the mass slaughter of tens of thousands of healthy wild horses and burros each year. That changed in November 2004, when a rider was quietly attached to the WFHBA

by Senator Conrad Burns (R-MT), allowing wild horses and burros to be cruelly slaughtered once again. While Congress has yet to rescind the Burns rider, legislators did restore language to the annual appropriations bills prohibiting the BLM from spending any money to kill healthy, adoptable horses. This should be made permanent and the Burns rider overturned.

The intent of the WFHBA was to protect wild horses and burros where they existed in 1971. These amendments, however, and the BLM's close ties to the ranching and livestock industries have resulted in the unwarranted removal of wild horses and burros from areas where they are legally protected and where they should be given legal preference over domestic livestock.

Wild horses and burros' free-roaming status has been seriously compromised, as well, by the construction of fences and gates crisscrossing public lands—often at taxpayer expense. These fences create pastures for rancher convenience, but also effectively impede the movement of wild horses and burros, thereby preventing them from accessing habitat to which they are entitled and which contain resources (including water) necessary for their very survival. Even the BLM's current policy manual acknowledges the gravity of this fencing problem, conceding that fences "might restrict seasonal [wild horse and burro] movement or use of critical escape (hiding) or thermal cover, key spring-summer-fall-winter use areas, or critical water sources." Rather than resolving the problem by removing fences that fragment HAs and HMAs, however, agency officials have elected to manage wild horses and burros within the boundaries of fenced livestock grazing allotments.

Wild horses and burros have become the BLM's scapegoats for virtually all range deterioration, despite the fact that both independent and BLM data show most or nearly all rangeland deterioration is caused by livestock. In its 1990 report entitled *Rangeland Management: Improvement Needed in Federal Wild Horse Program*, the Government Accountability Office (GAO) reported that the "primary cause of the degradation in rangeland resources is poorly managed domestic livestock (primarily cattle and sheep) grazing." Not only do cattle and sheep vastly outnumber wild horses and burros on our public lands, but unlike wild horses and burros, they tend to congregate around vulnerable riparian areas, causing serious habitat degradation.

Despite the BLM's claims to the contrary, there are not too many wild horses and burros on public lands; there are too few. To put the issue in perspective, the BLM currently manages 245 million acres of land; wild horses and burros are currently managed on under 32 million of these acres—a mere 13 percent of all BLM lands. Meanwhile, wild horses and burros have been reduced to 1 percent of their population at the turn of the 20th century. While millions of cows and sheep graze on public lands, the BLM—capitulating to the political pressure of the livestock industry—set the *upper* population targets for wild horses and burros for FY 2009 at a paltry 23,663 and 2,915, respectively. Today there are more wild horses and burros in holding facilities than there are in the wild.

The BLM's Failure to Comply with the National Environmental Policy Act

The BLM must comply with the National Environmental Policy Act (NEPA), and the BLM's wild horse and burro management actions are subject to the NEPA process.

NEPA requires agencies to assess the environmental impact of and alternatives to major federal actions significantly affecting the environment, prior to implementing the action. At minimum, the BLM must prepare an environmental assessment (EA) to determine the impacts of its wild horse and burro management decisions. Where significant impacts exist, the agency must prepare a more detailed environmental impact statement (EIS). In nearly all cases, the agency must provide for public review and comment on the draft document prior to making a final decision. The EIS or EA must include information on the purpose and need for the proposed action, a description of the affected environment, an evaluation of a reasonable range of alternatives (including a "no action" alternative), and an analysis of the environmental impacts of these alternatives.

However, many of the BLM's NEPA documents neither analyze a reasonable range of alternatives nor provide critical information necessary for the public to assess the validity of the proposed action and understand its environmental impacts. This hinders the public's ability to offer informed and substantive comment. Often, much of the information on which the BLM relies is unsubstantiated and conclusory. Particularly alarming is the fact that the BLM continues to rely on outdated and deficient documents to support management actions. Its failure to consider a reasonable range of alternatives allows the BLM to intentionally narrow its list of potential management options instead of considering other strategies, such as:

- Adjustment of AMLs based on more timely and thorough efforts to inventory and monitor rangeland health;
- Adjustment of livestock permits as provided for in existing regulations;
- Closure of wild horse and burro HMAs to livestock grazing;
- Transfer of wild horses and burros to areas where they previously existed but from which they were completely removed or "zeroed out";
- Analysis of the feasibility of meeting essential wild horse and burro habitat needs through private lands acquisition, land exchanges, or cooperative agreements with owners of contiguous or intermingled private lands;
- Analysis of fertility control as a means to reduce population size and growth rates in place of removals;
- Protection of predators in wild horse and burro HAs to allow natural controls to operate as provided for in the WFHBA;
- Analysis of returning animals, particularly older animals and geldings, to the wild rather than warehousing them in privately owned sanctuaries; and
- Designation of specific ranges on public lands as sanctuaries for wild horse and burro protection and preservation as provided for in the WFHBA.

All too often, the BLM ignores these alternatives, claiming that specific actions, such as roundups, are necessary to conform with existing land use plans—many of which are dated and based on questionable scientific data.

The BLM's Failure to Fully Disclose Public Information

The BLM's National Wild Horse and Burro Program is fragmented, with two national offices (one in Washington, D.C. and the other in Reno, Nevada), 10 state offices, and numerous regional and field offices, making public access to information and documents problematic. A cursory review of the BLM's NEPA documents shows the BLM frequently expects the public to visit remote field offices to find and review documents that might contain the information needed to offer substantive and informed comment on agency proposals—the very information that should be disclosed in the NEPA documents themselves.

When documents are available, they are often deficient and contain conflicting information. Requests for information submitted under the Freedom of Information Act routinely go unanswered for many months, leaving wild horse and burro advocates little recourse when confronted with an unacceptable BLM decision other than to seek relief through the courts. The BLM's failure to provide accurate information in a timely manner is at the heart of many of the National Wild Horse and Burro Program's deficiencies. The BLM's inability or unwillingness to fully disclose all relevant information in their NEPA documents ultimately renders the public unable to fully participate in a program designed to protect one of America's iconic animals. The fate of these animals is being determined instead by a small group of politically connected individuals and special interest organizations.

Moreover, a lack of internal communication has resulted in low staff morale and relatively little uniformity in program practices. Recommendations from specialists in the field are often discounted or ignored by administrators. Over the last few years, several well-intentioned BLM employees have left the wild horse and burro program out of sheer frustration.

A task force representing a full complement of interests (including wild horse and burro advocates, ranchers, wildlife enthusiasts, environmentalists and veterinarians) worked with the BLM for months to update its antiquated "Strategic Plan for the Management of Wild Horses and Burros" in the late 1990s. The plan received broad public support and was approved by the National Wild Horse and Burro Advisory Board, a committee chosen by the Secretaries of the Interior and Agriculture to assist and advise the BLM and USFS on wild horse and burro issues. Despite this, the plan never received final approval by the BLM director or Interior Secretary; thus, its many constructive recommendations were never implemented.

In 2010, the BLM finally issued a "Wild Horse and Burro Program Strategy Development Document," as the foundation for a new management course. Yet, this document recommended program changes inconsistent with public sentiment, improved management, and in some cases, federal law. The release of such a document suggested that the BLM at least understood the need for a new plan. The strategy laid out in the document, however, failed to provide the needed comprehensive overhaul of the program so as to—among other things—emphasize responsible management of wild horses and burros on the range rather than continued focus on capture and removal. In February 2011, in response to considerable public comment, the BLM produced an updated strategy—one which represents a slight improvement, but which remains deficient.

Forage Allocation and Appropriate Management Levels

"The committee wishes to emphasize that the management of the wild free-roaming horses and burros be kept to a minimum both from the aspect of reducing costs of such a program as well as to deter the possibility of "zoolike" developments. An intensive management program of breeding, branding, and physical care would destroy the very concept that this legislation seeks to preserve."

—Senate Report by the Interior and Insular Affairs Committee, June 25, 1971

At the heart of the debate on how best to manage the public lands is the issue of resource allocation. The BLM must determine carrying capacity and guard against overuse and degradation of the range. Finite resources must be shared among the various and often competing interests, including livestock, wild horses and burros, other wildlife, recreational users, and extractive industries such as timber, oil and gas. Unfortunately, this "multiple-use" management concept has given way to preferential treatment for moneyed interests. In consequence, wild horses and burros consistently lose out—in violation of federal law.

Typically, wild horse and burro AMLs are calculated based on resource availability *after* existing livestock use and state wildlife population objectives are considered. The BLM repeatedly ignores its regulatory mandate to consider wild horses and burros *comparably* with other resource values in the formulation of land use plans. Judging from most BLM land use plans, wild horses and burros are an afterthought in the process. Furthermore, contrary to legal mandates, wild horses are often managed in accordance with the boundaries of livestock grazing allotments rather than the generally larger herd areas. In Nevada, for example, wild horse AMLs are established for each grazing allotment *within* an HA or HMA, underscoring the fact that the animals often do not have free range over their entire legally designated HAs or even over the smaller HMAs. The BLM's 2010 *Wild Horses and Burros Management Handbook* discloses a standardized three-tier process for setting AMLs: (1) assessing whether essential habitat components are sufficient to sustain healthy rangelands and wild horse and burro populations; (2) calculating Animal Unit Months (AUMs) based on rangeland monitoring data; and (3) determining whether the number of wild horses and burros permitted based on AUMs is sufficient to maintain genetic diversity. However, this process has not been consistently followed to calculate AMLs in all HAs and HMAs.

An AUM is the amount of forage needed to sustain an "animal unit" on the range for one month. An "animal unit" is defined as a mature cow or her equivalent. Although there is no official policy, the BLM generally considers one AUM equal to one cow *and* one calf, or one wild horse or burro (adult *or* foal).

The Congressional Research Service reported that in FY 2005, livestock (cattle, sheep, goats, and domestic horses and burros) on BLM lands were granted over 6.8 million AUMs, while wild horses and burros were allowed a mere 381,120. For FY 2009, BLM authorized over 8.6 million AUMs for cattle, sheep, goats, domestic bison, and domestic horses and burros, while limiting wild horse and burro AUMs to 318,936. On USFS lands for FY 2005 (the last year for which data were available), livestock AUMs totaled over 6.5 million, yet wild horse and burro AUMs amounted to only 26,684.

The disparity in forage allocation is further underscored when one understands that livestock consume that amount of forage despite being on the range for only a few months each year. In addition, they are far less mobile, and therefore graze in much higher concentrations. The cattle also tend to graze in proximity to more biologically diverse riparian areas. Hence, by virtue of their numbers, density, foraging behavior, and grazing schedule, livestock impacts on the range are dramatically greater than those of wild horses and burros.

When livestock utilize vegetation important to the nutrition of wild horses and burros and other wildlife species, these animals may go into winter in poor condition. Yet the BLM routinely asserts a need to consider animal welfare as an excuse to remove even more wild horses and burros, never owning up to the fact that its own livestock management policies actually contribute to the poor condition of wild horses and burros on the range. The BLM has similarly justified wild horse and burro removals based on humane concerns associated with drought conditions, failing to concede that water resources would be available to the animals were it not made inaccessible because of livestock fencing or because the biotic needs of the animals were not adequately considered when HA boundaries were originally drawn. Remarkably, in response to such concerns, the BLM has rarely used its management authority to close areas to livestock grazing to provide habitat, access to water and/or enhanced protection for wild horses and burros. Instead, it has systematically removed these animals to provide access to more forage for domestic livestock.

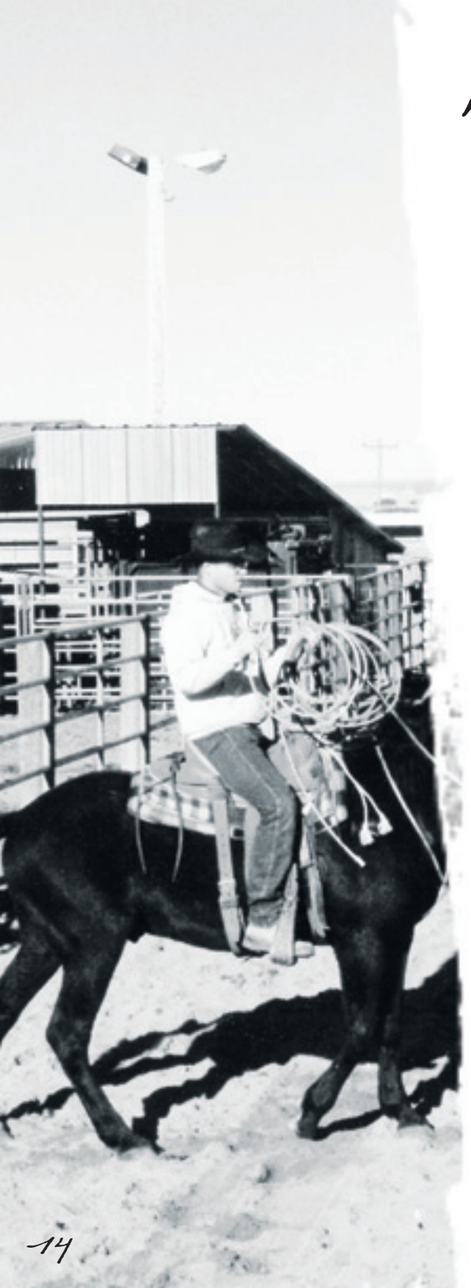
The BLM is now working to further reduce wild horse and burro populations to dangerously low levels to facilitate continued livestock grazing. Though the BLM claims that it is concurrently reducing livestock numbers, in many cases it is only removing "paper cows" from the range, as a 1996 BLM report explains:

"AUMs reduced from a permit that do not result in removing actual livestock from the range are often referred to as 'paper AUMs' or 'paper cows'…. For example, if the [authorized use] was for 1,000 AUMs and the…actual use was 800 AUMs, there would be 200 'paper AUMs.' In most situations, when the number of wild horses and livestock need to be reduced to achieve the sustainable carrying capacity, a specific number of actual wild horses are removed, while 'paper AUMs' of livestock use are first removed before there are any reductions in the actual number of livestock." (*Report of the Review Team on Forage Allocations for Wild Horses and Livestock*, BLM 1996).

As the aforementioned report succinctly states, "… the ultimate decision on the balance between wild horses and livestock is a social and political one based on public perceptions and values." In other words, the decision as to how many wild horses and burros should live on the range is often an arbitrary one that consistently dismisses the animals' historical, cultural and ecological significance. Even when actual livestock use is reduced, the numbers reveal a flagrant bias in agency decision-making. Despite severe drought conditions over the past several years in many areas in the West, and the immense burden cow and sheep foraging represents to these drought-stricken lands, authorized AUMs for livestock were increased from 7.9 million in 2002 to 8.6 million in 2009. Over the same period, the BLM decreased AUMs for wild horses from 295,476 to 203,956 (in conjunction with a decrease in AMLs from 24,623 to 23,663).

"BLM could not provide us with data to demonstrate where wild horse removals have materially improved the specific areas from which they have been removed."

—*Rangeland Management: Improvements Needed in Federal Wild Horse Program*, General Accounting Office, August 1990



Welfare Cowboys to Corporate Cowboys

The practice of taxpayer-subsidized grazing on federal lands is long standing, and it has led to the phrase "welfare cowboy." The initial grazing fee in 1905 was five cents per AUM, or animal unit month. Fees have increased over the years, but much more slowly than the rate of inflation. In 1980, grazing fees peaked at $2.36 per AUM. In 1986, President Reagan signed an executive order mandating that the fee could not fall below $1.35, thereby setting the stage for the fee to be lowered to this figure.

Subsequent efforts by Members of Congress and various administrations to raise grazing fees to reflect their true value have resulted in temporary successes, at best. For example, in 1999, the BLM announced that the fee would remain at $1.35, due to falling beef prices. The fee was raised to $1.43 a month for each cow-calf pair in 2004 and to $1.79 in 2005, but it declined to $1.35 in 2007, where it currently remains. Between 1980 and 2004, the fee dropped 40 percent, even as fees on private land increased 78 percent. Today, ranchers using private land pay an average of $14.50 a month. Hence, public land ranchers are paying less than one-tenth the fair market rate.

Taxpayer-subsidized grazing has cost Americans hundreds of millions of dollars over the years. In September 2005, the GAO reported that the government lost a minimum of $123 million on the livestock grazing program each year, with 10 federal agencies spending at least $144 million and collecting only $21 million in grazing fees in return. The BLM and the USFS manage more than 98 percent of the lands used for grazing, and the two agencies lost almost $115 million on this program in FY 2004 alone. The GAO concluded that if the BLM and the USFS wanted merely to recover expenditures, the agencies would have had to charge $7.64 and $12.26 per AUM, respectively.

In 2002, the Center for Biological Diversity issued an economic analysis entitled *Assessing the Full Cost of the Federal Grazing Program*, which revealed the discrepancy between costs and revenues in the federal grazing program and attempted to estimate the additional costs incurred through ecological damage. This report estimated the total cost of public land ranching in tax dollars and damaged resources to be nearly $500 million annually.

In addition to the hundreds of millions of dollars lost by its public grazing program, the government spends millions of tax dollars annually on lethal predator control (such as the killing of bears, mountain lions, wolves or coyotes) on federal lands, primarily to benefit private ranching operations. Ironically, whether large predators are killed by government agents or by hunters, their loss eliminates the very animals who may help in some places to control wild horse and burro populations naturally. A vivid illustration of natural predation at work is in the Pryor Mountain Wild Horse Range in southern Montana, where, in the past, the wild horse population was not only kept in check, but also reduced through mountain lion predation. However, a recent increase in mountain lion removals from the area by sport hunters has apparently resulted in a correlative increase in the wild horse population.

Not only do taxpayers pay the government to kill wildlife on public lands for private ranchers (who themselves pay a pittance for grazing fees), but these same ranchers profit from low property taxes and open range laws, and they use public land permits as collateral to obtain bank loans. The federal government also subsidizes the cost of fence construction to accommodate livestock producers. These subsidies exist in addition to the subsidized removal of thousands of our nation's wild horses and burros to eliminate competition with livestock for valuable forage.

Today, there are about 22,000 public land ranchers in 13 Western states, including Washington, North Dakota and South Dakota—three states in which no federally protected wild horses or burros currently remain. Only about 15 percent of Western livestock ranchers hold public land grazing permits. While it is undeniable that grazing on public lands is integral to the livelihood of a small percentage of ranchers, less than 3 percent of American beef is produced from federal rangelands. Livestock grazing on federal lands contributes less than 1 percent to annual incomes in Western states. Many permit holders are large agribusiness corporations, not small family ranchers who would go bankrupt if their grazing rights were reduced or rescinded.

According to the *San Jose Mercury News*, which ran an in-depth piece in 1999 on livestock grazing on BLM lands, "The top 10 percent of grazing permit holders control a striking 65 percent of all livestock on Bureau property." The largest livestock operator on BLM lands was the late John Simplot, who appeared on the Forbes 400 list and whose company still supplies half the french fries to McDonald's restaurants in this country. Other permit holders include the Hilton Family Trust, which owns the Hilton hotel chain, brewery giant Anheuser-Busch, Inc. and the Agri Beef Company—hence the term "corporate cowboys." The majority of taxpayer subsidies go directly into the pockets of large corporations and millionaires, not small family ranchers.

Strictly from a public policy perspective, it makes little financial sense to dole out welfare to these ranchers in order to facilitate livestock grazing, only to turn around and spend more money to remedy the multitude of problems—ranging from habitat degradation and fragmentation to killing predators to removing wild horses and burros—that public land ranching creates. It is analogous to subsidizing tobacco farmers while at the same time financing the cost of anti-smoking campaigns and research into how to treat smoking-related illnesses.

Concerns About the BLM's "Adopt a Wild Horse or Burro Program"

The WFHBA stipulates that the number of wild horses and burros removed during roundups be based on the availability of homes to which the animals may be adopted. However, wild horses and burros are routinely rounded up in the absence of such homes. There are presently thousands of horses and burros in BLM holding facilities awaiting adoption. Some of these animals have been in this "adoption pipeline" for years. The resultant overcrowding of animals at most facilities leads to unnecessary stress and increases the risk of disease transmission among the captive horses. In the fall of 2006, the Palomino Valley, Nevada, and Litchfield, California, holding facilities suffered from outbreaks of strangles, a highly infectious and serious respiratory disease. Over the past several years, practically every BLM facility has experienced similar disease outbreaks, leading to the confirmed deaths of scores of animals. The overcrowding at these facilities also results in a lack of adequate space to quarantine sick animals.

The adoption pipeline is backed up because in 2001, the BLM implemented an ill-conceived and indefensible strategy to rapidly reduce wild horse and burro populations by half, in the process doubling the numbers of animals removed each year. Until this time, adoptions had for the most part kept pace with removals.

"The government's continued lackadaisical attitude toward the mustangs makes it necessary for private conservation groups to constantly remain alert and follow the administration and enforcement of the law. Otherwise, the horses' traditional enemies will succeed in slowly but surely eliminating them."

—*The Politics of Extinction* by Lewis Regenstein, 1975

The BLM has compounded the problem by simultaneously failing to adequately promote adoptions of these animals. In essence, not only has the BLM managed wild horses and burros irresponsibly, it has abdicated its fiscal responsibility—placating ranchers and state agricultural officials through massive and expedited removals of wild horses and burros for which they cannot or will not find homes.

The backlog of wild horses and burros in the adoption program is financially draining to the BLM and the American public. However, these costs are directly attributable to the BLM's mismanagement of the program—with practically the agency's entire budget spent on rounding up and holding wild horses and burros rather than protecting them in the wild. Even so, it is important to note that the $63.9 million received by the BLM for its wild horse and burro program in FY 2010 pales in comparison to the hundreds of millions of dollars lost through the federal livestock grazing program.

Sadly, the BLM has failed to promote its adoption program effectively or responsibly to the established horse community, the very people who would make the best adopters. The minimal asking price per animal encourages first-time horse owners who are often unable to work with the animals they adopt. Some wild horses may prove impossible for a novice to "gentle," thus they may be shuffled from one owner to another. Current efforts to gauge the suitability of a potential adopter are minimal, as are follow-ups to determine whether adoptions are successful and the animal is being treated well, (i.e., that the physical and psychological needs of the animal are met). Of even greater concern are incidences of wild horses being physically neglected or ending up at slaughter.

In order to verify that its adoption program is operating properly, the BLM should conduct a pilot study to track a group of wild horses and burros for at least five years following transfer of title to the new owners. In addition, the BLM should compile a list of individuals who have adopted and then neglected or abused wild horses in the past, to ensure they do not adopt again. People who have sold horses to slaughter or whose horses end up at slaughterhouses must be permanently barred from future adoptions.

Given BLM policy allowing adopters to return animals before assuming title if for any reason they cannot fulfill their responsibilities, there is little reason for wild horses and burros to fall victim to killer buyers. To eliminate any such possibility, Congress should enact legislation prohibiting equine slaughter, including the export of equines for slaughter in Canada, Mexico and elsewhere. In the meantime, the BLM should promulgate regulations to protect adopted wild horses and burros from commercial exploitation for their entire lives, as was the original intention of Congress.

Wild Horses Sent to Slaughter

"It is a sad state of affairs when we have to fight to prevent the slaughter of more than 90,000 American horses a year ...after all, horses have long been an integral part of the tapestry of this country—a symbol, a faithful companion, and a treasured childhood memory. They are a part of our national identity and heritage, and in America, horses are simply not for human consumption."

—The Honorable Nick Rahall (D-WV),
House Natural Resources Committee chairman, 2007

Under the WFHBA anyone who adopts a wild horse or burro from the BLM must care for the animal for one year before applying for legal title to the animal. Until such title is transferred, the animal belongs to the federal government and may not be traded or sold by the adopter. In theory, this prevents individuals from paying a nominal fee to adopt wild horses or burros with the intent to sell the animals to slaughter for a quick profit. Horses bound for slaughter are sold by the pound. Because a large, healthy horse can fetch as much as $1,000, selling them for slaughter can be very profitable—especially if the adopter paid a minimal fee, as is the case with wild horses adopted from the BLM. The meat from slaughtered horses is shipped to foreign markets for human consumption.

In 1997, the *Associated Press* ran a series of articles detailing the illegal sale to slaughter of thousands of untitled wild horses adopted from the BLM by individuals. Earlier, suspicions of mass corruption within the BLM led to a Justice Department inquiry into the BLM's practices. According to *The New York Times*, a 1996 Justice Department memorandum suggested that the BLM's unstated policy is to not look too closely at proposed adoptions. The memorandum went on to describe how attempts by the department to prosecute violators of the WFHBA were "thwarted by bureau officials."

"The Environmental Protection Agency concluded that riparian conditions throughout the West are now the worst in American history—livestock grazing is a primary reason."

—"Land Held Hostage" by Thomas L. Fleischner, Ph.D., in *Welfare Ranching: The Subsidized Destruction of the American West*, edited by George Wuerthner and Mollie Matteson, 2002

This practice is particularly egregious since the original intent of Congress in passing the WFHBA unanimously was to prohibit the slaughter of wild horses both before and after title is conveyed to the animals' new owners. The legislative history of the Act substantiates this interpretation. The BLM, however—in addition to its lax enforcement—takes the position that once title has been given to an individual, the agency has no further responsibility to ensure the animal is not sold to slaughter. Further, a 2004 congressional rider to the WFHBA requires certain animals to be sold without limitation—by the very agency charged with their protection (see page 20). This opens the floodgates for even more animals to be slaughtered for profit. It also undermines the will of the overwhelming majority of Americans.

A lawsuit brought by wild horse and burro advocates did induce BLM to tighten its adoption procedures which, among other things, formerly allowed one person to adopt large numbers of animals, supposedly for multiple people. The BLM also entered into a memorandum of understanding with the U.S. Department of Agriculture's Food Safety and Inspection Service, the agency responsible for inspection of U.S. slaughterhouses.

Under this agreement, any federally protected horse who shows up at a slaughterhouse with a BLM freeze brand is not supposed to be slaughtered unless accompanied by a title of private ownership. If there is no title, the BLM is notified and the horse is returned to the agency's possession. An adopted wild horse who is not yet titled remains the property of the federal government, and individuals trying to profit from their sale should be prosecuted to the full extent of the law.

At the time of adoption, a statement is signed under penalty of perjury, indicating the individual does not intend to sell the animal for slaughter. Despite this, reports of wild horses being sold to slaughter are recorded each year. It would be reasonable to expect the BLM to vigorously pursue prosecution of at least some of these individuals (particularly those whose horses are slaughtered within a few days, weeks or months after title transfers) for making false statements in violation of 18 U.S.C. Sec. 1001, a Class D felony punishable by up to five years in prison and a $250,000 fine. Such prosecutions would serve as a deterrent to others who contemplate selling wild horses to slaughter. Yet, the BLM rarely investigates or seeks prosecutions against persons who may be guilty of perjury or violations of other federal laws.

Change to the Act Threatens the Welfare of Wild Horses and Burros

Much to the shock and dismay of wild horse and burro advocates and the American public, in November 2004, the WFHBA was again changed to the serious detriment of these animals. Thwarting the very intent of the Act, Senator Conrad Burns (R-MT) stealthily attached a controversial rider to an omnibus appropriations bill that served to eliminate the prohibition on killing wild horses and burros, undermining more than 30 years of protection. Under the Burns rider, the BLM is required to offer for sale without limitation wild horses and burros 10 years and older, as well as those not adopted after three attempts. The rider, which bypassed deliberations of the full legislature due to the backdoor maneuver by Senator Burns, has resulted in animals being sold to slaughter for human consumption. Many more will undoubtedly meet this same grim fate unless the Burns' rider is repealed.

At the time of the Burns rider's passage, approximately 20,000 wild horses and burros, nearly 10,000 of whom met the amendment's criteria, languished in holding facilities—victims of BLM's politically driven decision to reduce wild horse and burro populations by half beginning in 2001. The agency's strategy to annually remove twice the number of animals typically adopted required costly additional sanctuaries and long-term holding facilities. Requiring these animals to be sold is a shortsighted and inhumane means of dealing with a problem that the BLM itself created by caving to the demands of the livestock industry and its political allies. To make matters worse, many wild horse and burro populations have been reduced to such low levels during the last few years that their overall health and genetic viability are seriously jeopardized. One has to wonder if this was and is an objective of the BLM.

A decision in early 2006 by the BLM to collaborate with the Public Lands Council (PLC) underscores the degree to which the agency has lost sight of its mission to protect wild horses and burros. In a desperate attempt to deal with the large numbers of animals in holding, the BLM and the PLC sent letters to more than 15,000 grazing permittees asking them to consider purchasing older wild horses and burros for a negotiable $10 fee per animal.

The PLC represents the National Cattlemen's Beef Association (NCBA), the American Sheep Industry Association, and the Association of National Grasslands on public land issues affecting ranchers. The NCBA is an organization that has historically adopted resolutions and lobbied for legislation antithetical to the welfare of wild horses and burros. For example, in 2003, a year in advance of the Burns' amendment to the WFHBA, the NCBA resolved to support legislation that authorized the sale and immediate title transfer or disposal of unadopted horses and burros. The same resolution astonishingly called for a reopening of a period to allow ranchers to claim as their own horses and burros not previously removed from federal and private lands—more than 30 years after passage of the WFHBA. In addition, the NCBA's resolution demanded a finding that owners of state water rights permits and related facilities are not responsible for providing water for wild horses and burros without prior agreement and unless permittees are compensated for expenses incurred. Such provisions hardly instill a sense of confidence that the welfare of wild horses is the PLC's principal concern.

The PLC represents the interests of the very individuals who have for years clamored to eradicate wild horses and burros, and it has vehemently opposed passage of federal legislation prohibiting horse slaughter. What better way to dispose of unwanted wild horses and burros than to purchase them "without limitation" for $10 or less per animal, only to profit from their sale to killer buyers and plead ignorance of their fate?

In an effort to quell public outcry over wild horses being sent to slaughter, the BLM requires purchasers to sign an affidavit swearing that they have no intention of selling animals to slaughter. However, the agency has a record of ignoring violations. Given the difficulty of proving intent at the time of sale, coupled with the problems presented by the Burns rider language, it is questionable whether such a restriction would ever be enforced.

The BLM's Future Plans Threaten America's Wild Horses and Burros

The BLM remains under immense pressure from the ranching and livestock industries to further reduce wild horse and burro populations and the habitat acreage upon which they survive. Failure by the BLM to act spurs complaints from disgruntled grazing permittees, who lease land from the agency at below-market rates. In some cases, lawsuits are filed by states or livestock grazing associations seeking to impose even more stringent restrictions on wild horses and burros.

The BLM has also come under fire on Capitol Hill by congressional allies of the livestock industry who want to transfer responsibility for the management of America's wild horses and burros from the federal government to the states in which the animals reside. The historical and contemporary record speaks for itself. Allowing state authorities to assume management of wild horses and burros would spell doom for these magnificent animals. Wyoming, the state with the second largest population of wild horses in the nation, has already successfully sued the BLM, demanding that the agency reduce the number of wild horses in the state to a politically established AML of a mere 3,725 animals on almost 5 million acres. This enforced limit to wild horse numbers in Wyoming—irrespective of range conditions—sets a dangerous precedent for the future management of wild horses throughout the west. In fact, politics is the driving force behind the BLM's astonishing decision to manage for just a few thousand wild horses and burros while permitting millions of cows and sheep to degrade public lands.

Further, the BLM dismisses its legal mandate to round up only horses for whom the Secretary of Interior "determines an adoption demand exists by qualified individuals" and who are truly "excess." Instead, the agency has repeatedly failed to demonstrate that the animals being removed are "excess" and seemingly is content to continue adding to the growing population of animals living out their lives in holding facilities.

"...after years of domestication, they [wild horses] have adapted so successfully to life in the wild. If these horses are really as healthy and as sound as they appear, then there is probably a lot we can learn from them...For this reason, I have come to think of them as embodying the spirit of the "natural horse," nature's model of the ideal horse fitted to the rigors of survival without the need of human intervention."

—*The Natural Horse* by Jaime Jackson, 1992

Managing for Extinction

Recent scientific evidence suggests that most of America's wild horse and burro herds are no longer genetically viable, and if the current management course is continued, the eventual extinction of most wild horse and burro populations is likely. The BLM's plan to reduce the wild horse and burro population to 26,578 animals—its most recent claim for what the habitat can support—only compounds this problem. The question then arises: can we save the remaining wild herds before it is too late?

In the past decade, tremendous strides have been made in genetics research through DNA analysis. Research conducted on wild horse populations in the American West reveals how precarious the situation is for the vast majority of wild horse and burro populations under the BLM's management.

Dr. Gus Cothran, a professor in the Department of Veterinary Integrative Biosciences at Texas A&M University and a leader in the field of equine population genetics, has been analyzing blood and hair samples from wild horses in the U.S., including a long-term study of horses living on the Pryor Mountain Wild Horse Range. He suggests that managing wild horses at low population levels leaves the animals vulnerable to inbreeding—the same problem plaguing endangered species around the world. Dr. Cothran's research indicates that in a closed population (where there is no immigration of horses from adjacent populations), the minimum number of wild horses and burros needed to ensure long-term genetic viability is 150 to 200 animals, of whom it is estimated 50 will contribute their genes to the next generation. Yet, the BLM recklessly dismisses this need to maintain larger, genetically healthy herds—claiming instead that it is sufficient to occasionally introduce an unrelated wild horse into a herd to ostensibly compensate for managing the herd at too low a level. This band-aid approach with the alleged purpose of preserving the genetic diversity of wild horse populations not only results in adverse biological impacts and a dilution in herd-specific genetically unique characteristics, but it also violates the BLM's legal mandate to manage for "self-sustaining" animal populations.

Dr. Cothran has worked in collaboration with Dr. John Gross, an ecologist with the National Park Service's Inventory and Monitoring Program. Dr. Gross analyzed five years of research data on the Pryor Mountains and created an individual-based model to simulate the dynamics of wild horse populations controlled by removal and/or immunocontraception. In his 2000 study, "Genetic and Demographic Consequences of Removals and Contraception on Wild Horses in the Pryor Mountain Wild Horse Range,"

States with Wild Horses and Burros	Number of Herd Management Areas (HMA)	Wild Horse HMAs with AMLs at less than 150
Arizona	7	6
California	22	19
Colorado	4	1
Idaho	6	5
Montana	1	1
Nevada	85	54
New Mexico	2	2
Oregon	18	8
Utah	19	16
Wyoming	16	8
Totals	**180**	**116**

"...despite Congressional direction, BLM's decisions on how many wild horses to remove from federal rangelands have not been based on direct evidence that existing wild populations exceed what the range can support."

—"Rangeland Management Improvements Needed in Federal Wild Horse Program," General Accounting Office, 1990

Dr. Gross concludes that, "…current population sizes are inadequate to ensure long-term maintenance of existing genetic variation…." In a 2004 USGS study, "An Animal Location-Based Habitat Suitability Model for Bighorn Sheep and Wild Horses in Bighorn Canyon National Recreation Area and the Pryor Mountain Wild Horse Range, Montana, and Wyoming," Dr. Francis Singer and colleagues concluded that a minimum goal for genetic viability in the Pryor Mountain wild horses requires that at least 160 animals be present on the range. Unfortunately, the current AML for the Pryor herd is set at only 105, including newborn foals.

The deficient management of the Pryor horses has even been noted by BLM management staff. In a letter dated July 7, 1999, Sandra Brooks, the BLM field manager for Pryor, wrote, "… preliminary evidence suggests that the [Pryor Mountain wild horse herd] has been managed at dangerously minimum levels over the past 25 years and an increase in established appropriate management levels will need to be considered in order to preserve the genetic viability of the herd."

Ironically, even at its inadequate level, the Pryor herd is larger than the majority of herds under the BLM's management. Other examples of herds being managed at dangerously low levels include the famed Kiger herd in Oregon, with an AML of 82 (only 62 wild horses existed in this herd as reported by BLM for FY 2009), the Cerbat Mountains herd in Arizona with an AML of 90 (only 60 wild horses were reported by the BLM for FY 2009), and the only two remaining BLM-managed wild horse herds in New Mexico, the Bordo Atravesado and Carracas Mesa, with AMLs of 60 and 23 respectively. The status of wild burro herds—which are effectively being wiped out—is even more dismal. For example, of the 16 burro herds remaining in Nevada, 11 have AMLs set at fewer than 50 animals each. Twelve of these burro herds have considerably lower actual numbers than the population targets established in the AMLs. In 2009, the Nevada Wild Horse Range burro AML was set at 500, while the actual herd population was only 425. The Clan Alpine herd AML was 975, but the population was only 685.

While some wild horse and burro herds are contiguous and there is the possibility for genetic exchange, many herds are isolated. Others are jeopardized by fences or natural barriers preventing genetic exchange. In some cases, the BLM has introduced horses from other herd areas to try to offset extremely low AMLs. These transfers, however, threaten to dilute the unique characteristics that herds developed over years, if not centuries, of natural selection. In short, the BLM's mismanagement of and inattention to herd genetics has serious ramifications.

Rather than manipulate the genetics with outside introductions, wild horse and burro advocates believe it is more prudent to allow populations to return to genetically viable levels. This may require rewriting management plans, decreasing the available AUMs for livestock grazing in HAs and HMAs, expanding herd area boundaries, and/or simply allowing numbers to rise naturally over time within each herd in jeopardy. The BLM should be guided by the WFHBA and scientific research. Otherwise, we will lose our precious wild horses and burros forever.

The evidence makes clear that the BLM is engaged in a concerted effort to ignore science and manage wild horses and burros to extinction. To reverse this, the BLM must again embrace the intent of the WFHBA, stop favoring the interests of livestock producers over the interests of wild horses and burros, and allow the precautionary principle to govern its management actions. Former New Jersey Governor and then-Environmental Protection Agency Administrator Christine Todd Whitman eloquently described the need for such an approach in a speech to the National Academy of Sciences in 2001 when she stated, "Policy makers need to take a precautionary approach to environmental protection …. We must acknowledge that uncertainty is inherent in managing natural resources, recognize it is usually easier to prevent environmental damage than to repair it later, and shift the burden of proof away from those advocating protection toward those proposing an action that may be harmful."

The BLM has demonstrated repeatedly that it has neither the interest nor the expertise to responsibly protect and manage the wild animals in its charge. It had been the hope of the wild horse and burro advocacy community that the reformation of the National Wild Horse and Burro Advisory Board would provide the sorely needed expertise and oversight to chart a new management direction. Unfortunately, the Advisory Board, handpicked by the BLM to rubberstamp the agency's bidding, is stacked with members who represent livestock ranchers and other constituencies opposed to the restoration and maintenance of adequate habitat with healthy wild horse and burro populations. The BLM's refusal to select strong wild horse and burro advocates to serve on the Advisory Board reveals the agency's bias, lack of backbone, and unwillingness to introduce oversight and accountability into the program.

For years, the Animal Welfare Institute has called on Congress and the administration to seriously consider removing the National Wild Horse and Burro Program from an agency that never wanted to protect and manage these animals in the first place, and has failed them miserably over the years. Short of that, a new division within the BLM dedicated to the protection and preservation of wild horses and burros should be established and administered by officials who will appreciate and treat wild horses and burros as uniquely special animals in both our natural landscape and our national history.

Conclusions and Recommendations

Wild horse and burro advocates are gravely concerned the BLM is failing to fulfill its legal mandate to protect America's wild horses and burros, as well as the public lands on which these animals reside. Instead, the agency is engaging in scientifically, ecologically, economically and ethically questionable practices under the guise of multiple-use land management. The result is an unbalanced program that overwhelmingly favors the livestock industry over the environment and wildlife—including wild horses and burros. In order to rectify this situation, the following recommendations should be implemented:

1) A new agency should be formed within the government that is dedicated to the protection of wild horses and burros, modeled after other federal programs for unique species or landscapes;

2) All agency actions affecting wild horses and burros should comply with relevant laws and regulations (such as the WFHBA and NEPA);

3) The BLM should implement a moratorium on wild horse and burro roundups until a comprehensive review of all aspects of the wild horse and burro management program is completed;

4) Wild horses and burros for whom no prospective adoptive homes exist should not be rounded up and removed from the range;

5) The agency should reestablish the historic ranges of America's wild horses and burros as they existed in 1971 when the WFHBA was enacted;

6) The boundaries of original HAs should be examined carefully to ensure that wild horse and burro seasonal migratory patterns, as well as the habitat needs of self-sustaining populations, are provided for;

7) The agency must immediately disclose its data and rationale for permanently removing wild horses and burros from over 21.5 million acres of public lands since 1971 (data it had originally promised to release in March 2009), and must reevaluate all HAs from which wild horse or burro populations have been entirely removed to assess their suitability for the eventual return or reintroduction of these animals;

8) Wild horses and burros (especially geldings) currently in privately contracted sanctuaries and incapable of reproducing (approximately one-half of those animals in holding today) should be returned to the wild, thereby actualizing a huge cost-savings to taxpayers;

9) Fences and gates used to rotate livestock but which prohibit wild horses and burros from roaming freely within their historical herd areas should be removed;

10) The BLM should review its forage allocation process to ensure that forage is allocated comparably to wild horses and burros, livestock, and wildlife as required by regulation;

11) The agency should establish AMLs that ensure self-sustaining and genetically viable wild horse and burro herds and that are based on up-to-date and comprehensive sampling of rangeland vegetation production, composition, abundance, vigor and other factors affecting rangeland ecology and health;

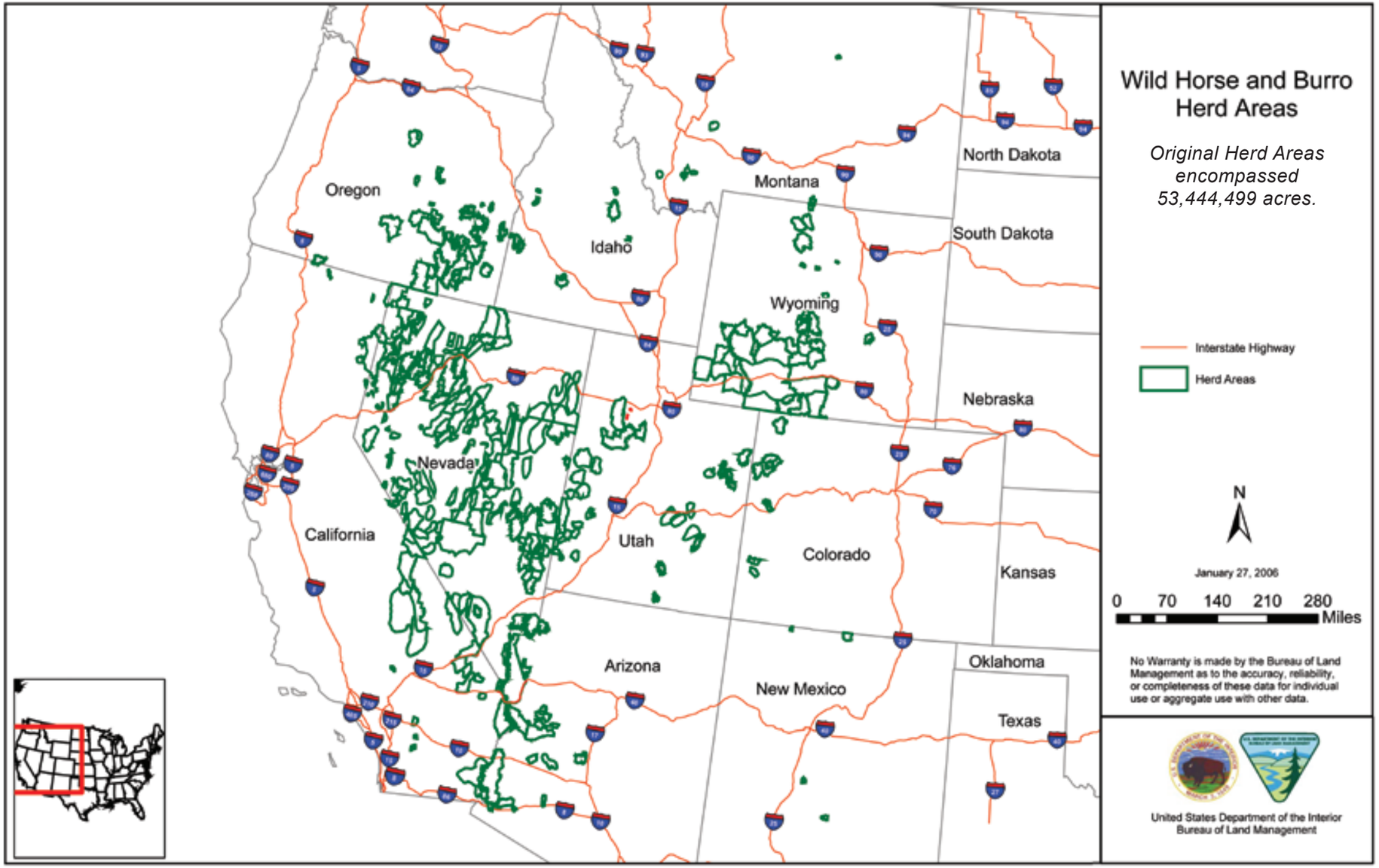
12) The agency should take steps necessary to guarantee that adopted wild horses and burros are protected from commercial exploitation for the remainder of their lives. Persons selling horses and burros to slaughter should be prosecuted to the full extent of the law and banned from future adoptions, as should those individuals found guilty of animal neglect or abuse;

13) Nominations and appointments to the National Wild Horse and Burro Advisory Board must be conducted objectively and—ideally—by an independent third party with the goal of identifying the most qualified individuals to serve on a diverse and active committee—one with a genuine interest in the proper management and conservation of wild horses and burros, not merely one that will defer to BLM proposals and decisions;

14) The BLM should evaluate, with the assistance of independent scientific experts, which wild horse and burro herds offer good public viewing and interpretation opportunities, are of ecological, historical and/or cultural significance, and/or have unique and interesting characteristics for special designation as "ranges" as provided for in the WFHBA; and

15) The BLM must conduct an independent and candid review of its National Wild Horse and Burro Program and related land-management programs and policies and—pursuant to NEPA—prepare in a timely fashion and with full public involvement a Programmatic Environmental Impact Statement. In the interim, the agency must refrain from management actions that compromise the health, genetic viability and overall welfare of our nation's wild horses and burros.

Wild horse and burro advocates understand the BLM is in a difficult position in which it must appease a diverse group of interested parties. However, it must not do so at the expense of the very animals and the public lands it is charged with protecting, or act in violation of federal laws. The BLM's record speaks for itself; what it says is damning. Wild horses and burros—and the American citizenry—certainly deserve better. Congress should clarify the WFHBA and pass legislation banning horse slaughter to ensure that these animals are never sold to slaughter or commercially exploited.


Wild Horse and Burro Herd Areas
Original Herd Areas encompassed 53,444,499 acres.
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No Warranty is made by the Bureau of Land Management as to the accuracy, reliability, or completeness of these data for individual use or aggregate use with other data.
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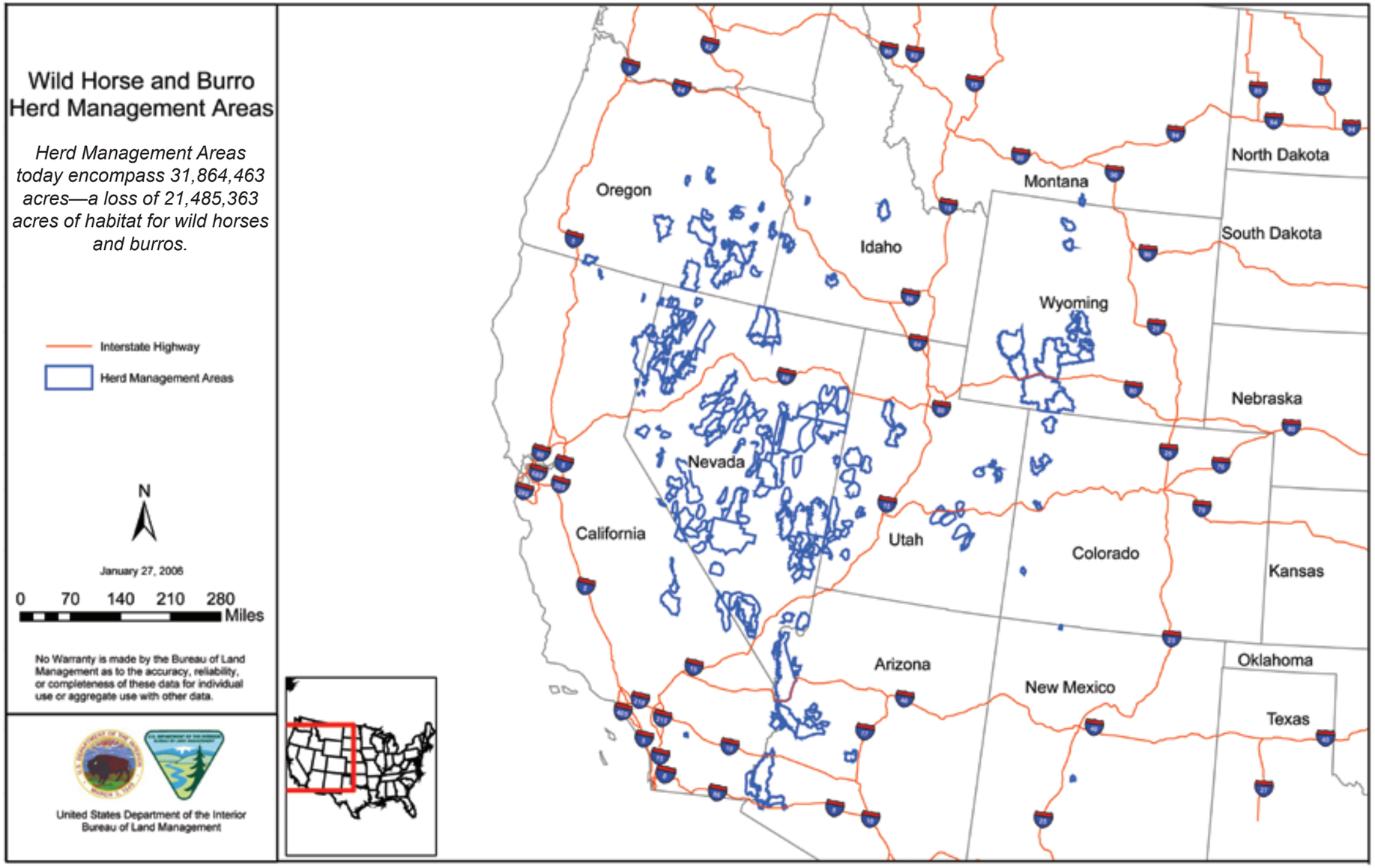
Wild Horse and Burro Herd Management Areas
Herd Management Areas today encompass 31,864,463 acres—a loss of 21,485,363 acres of habitat for wild horses and burros.
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Herd Management Areas
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Animal Welfare Institute

900 Pennsylvania Avenue, SE,
Washington, D.C. 20003
(202) 337-2332; fax (202) 446-2131

www.awionline.org

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