

Wild Horse Education  
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**Position Statement re:**

Bureau of Land Management Wild Horse and Burro Program  
Interior Appropriations 2020

**Recommendation:**

- Reject House Version of bill.
- Propose alternative to address deficits in information before approving fiscal, structural or foundational changes.

**Alternative Proposal:**

- Maintain current authorities.
- Allot \$2 million in additional funding to hire personnel to gather basic data and compile original survey information HMA-by-HMA.
- Report to Congress (quarterly progress reports) and make transparent to the public.
- Findings, and progress report toward rectifying data deficits (outlined and analyzed by the National Academy of Sciences, NAS, 1982-2013).
- Based on the data report analysis by the NAS, new tools, authorities, additional fiscal requests, can be evaluated for 2021 budget. (Prior to fixing historic flaws, any additional program, subsidy, method, authority is not justified. Addressing the frame allows justified and scientific reform that creates responsibility to the public and the law.)

**Reasoning:**

**In determining management of wild horses and burros (whb), the Secretary is to consult with and rely on “the best available science.” Since 1982 the National Academy of Sciences (NAS) has been commissioned** by the bureau to create evaluations and recommendations. Since 1982 the NAS has stated that the bureau’s population surveys, boundary lines, forage allocations, etc., are not based in scientific method. PUBLIC LAW 92-195, §1333 (b,1) *In making such determinations the Secretary shall consult with the United States Fish and Wildlife Service, wildlife agencies of the State or States wherein wild free roaming horses and burros are located, such individuals independent of Federal and State government as have been recommended by the National Academy of Sciences...*

**These recommendations by the NAS have never been addressed through the creation of protocols and policy** to rectify these deficits and historic failures, through scientific baseline (boundaries, AML, allocations of forage).

**There has recently (2013) been one exception to rectifying flaws outlined by the NAS: population count survey methods.** The new methodology is reported as 30%-50% more efficient. The new counts are publicly utilized to represent “rapidly expanding populations” as they are compared to surveys done pre-2013 and creating actions, based on old management paradigms (removal) as all HMAs are considered “vastly overpopulated.” This is invalid basic mathematical principal.

**The removal operations, prioritized by the agency under current budget constraints, are not removing “starving” wild horses.**

To justify the new requests through Appropriations for rapid and massive removals, assertions are being made of “starving wild horses.” In fact, this is simply not the case. There are even instances where BLM public affairs will publish that “wild horses removed were starving,” yet when challenged by onsite observers, change the online reporting.

**Political agenda in Nevada had priorities** for BLM Nevada: Owyhee, Antelope, Triple B, Fish Creek, Pancake. Three of the vast HMAs had priority areas that all reside in Eureka County. One includes HMAs in the district where Craig Hoover, career BLM employee, was fired for reporting trespass livestock. The other includes powerful political connections in public lands livestock.

**None of the BLM NV priority HMAs have a “starving” wild horse population.**

Owyhee: 2000 wild horses were removed. In 2018 the Martin fire burned over 400,000 acres of wild horse territory due to grass loads of 200-1000 times the normal level. The fire created massive rereading for livestock (not sage grouse as BLM reports). BLM removed more wild horses. In a 2 million acre project area less than 500 wild horses remained.

Antelope: Craig Hoover, BLM employee, reported trespass grazing in areas within the Antelope Complex. Hoover was fired. The largest bait trap operation (that keeps the public from documenting) is underway. 1250 wild horses are being removed to soothe the politics angered by Hoover’s actions.

Triple B: Priority of Triple B were the grazing allotments of county commissioner and his father, state legislator Goicoechea. The second priority were wild horses, on healthy ranges, due to collisions with mining trucks (that would not travel slowly and often exceed 50 mph at dusk and dawn).

Fish Creek: An area with contentious trespass livestock and attacks on the BLM district and volunteers working on wild horse issues. A “political black-eye” for counties intent on controlling federal authorities.

Pancake: Multiple grazing allotments and new mining projects closely associated with county involvement. Highly manipulated, barely monitored HMA, many (70) of these horses were captured in the Fish Creek operation.

**Increased monitoring of rangelands and evaluation of historic data should be priority before Congress approves any additional funding for holding, removals, approves any new authority.** A modest 2 million dollar increase to create a report, HMA by HMA, that includes original survey maps and notes, should be required for appropriate oversight and protection of the public lands and public funds.

Examples for justification:

- BLM is behind on monitoring 80% of rangelands prior to permitting livestock.
- Trespass livestock is rampant in the state of Nevada, and under BLM in general (GAO 2016) and the illegal use of grazing land is causing wild horses to be scapegoated and removed.
- Mitigating for extraction is woefully inadequate. No metrics exist for success or failure of current measures (i.e., trucks have no set speed limit and do not travel slowly).
- The current “national AML” is a political number, not scientifically justified. Changes to inventory methods invalidate any assertion that a number pre-2013 can be compared to one post inventory methodology changes in 2013.
- BLM does not comply with their own staffing requirement evaluation for wild horse and burro specialists (i.e., having one specialist when they should have three in a field office).

#### **BLM Handbook H-4700-1**

- Requires Herd Management Area Plans (HMAP) to establish management objectives. The entire state of NV has one HMAP.
- Allows for retirement of grazing permits and closure to domestic livestock to preserve habitat for wild horses in their designated areas (wild horses can legally occupy only about 12% of public land and are only allowed fractional forage in those areas). Not one permit for livestock has been retired or denied.
- Allows for repatriation of areas where acreage was taken from original boundaries drawn in 1970 (Herd Areas made smaller through boundaries called Herd Management Areas). No repatriation assessment has been performed in the state of Nevada.
- Specific mitigation measures will be identified through a site-specific environmental analysis and decision process in accordance with the 1969 National Environmental Policy Act (NEPA). Instead there is no actual analysis and site-specific mitigation. “Trucks will slow down” is the only proposed mitigation.
- Multiple examples of violations of the Handbook. When BLM is questioned they claim “discretion” to follow the handbook, or not.

**Additional Obstructions:**

- BLM currently restricting FOIA requests and allowing the personnel involved to control the information released to the public.
- One FOIA, the original surveys, was filed in 2012 and still not answered.
- The Office of the Inspector General (DOI OIG) has been turning over investigations into ethics complaints, complaints of waste of taxpayer funding, etc., to BLM for internal review.
- Deputy Directors that have ethics concerns: John Ruhs involved in creation of “The Path Forward” and parameters; Brian Steed (Chief of Staff for Chris Stewart R-UT) directly involved in the creation of “The Path Forward” and parameters before becoming BLM Deputy Director.
- Legal penalties for trespass, illegal water hauls, illegal removal of wild horses are going unpunished under John Ruhs (prior to his promotion to Deputy Director).
- Congressional testimony by multiple individuals is often false. As an example, in 2016 an area was represented as residing in Elko County and illustrative of a “transition modeling” method that demonstrated impacts from wild horses. In fact, the area was in the Fish Creek HMA in Eureka County and represented impacts from permitted and trespass livestock grazing. To date, BLM has not amended the record.

**Conclusion:**

***Prior to any approval of additional funding, authorities, or programs, Congress needs a clear and concise report on current rangeland conditions (site-specific, HMA-by-HMA) and the historically flawed framework (original survey notes and maps HMA-by-HMA). The public also deserves a clear and concise evaluation, transparent actions, and proper oversight of the agency. Oversight is vacant in the wild horse program and creates a highly exploitive and manipulated system.***

***The only additional funding, directed by Congress, should be a \$2 million dollar allocation to provide a baseline that demonstrates a factual representation of the baseline for the formation of current boundaries and AML and the current conditions of rangelands (impacts by encroachment into wild horse habitat). No new funding should be provided to compound symptoms prior to identifying flaws in the program and addressing them.***

***Confidence in federal land management agencies is at an all-time low. Creating a fact-based, non-biased structure for utilization of public funding for a public lands program (wild horses and burros) would be our recommendation before approving any changes to the program. Only by creating a factual timeline of the “problems” can any problem be appropriately diagnosed.***

**“Management” example 2019; Fish Creek:**

- *The Battle Mountain Land Use Plan (LUP) for the Mt. Lewis Field Office, that created AML (stocking levels for wild horses) and solidified boundary lines, was created in 1982. This is the same date the first NAS review was released that stated AML was set on random, arbitrary, opinion statements and not scientific analysis of fact.*
- *For 37 years wild horses have been removed and stockpiled (at taxpayer expense) based on nothing but the assertions of a field worker with distinct ties to competitive interests (livestock) in the LUP.*
- *Today those removals are being done under a “more efficient” survey method (created post NAS 2013) on HMAs with inaccurate boundary lines, stocking levels and forage allocation were created in 1982. Today’s inventory of wild horses may represent the exact number of individual animals in 1982.*
- *The Fish Creek HMA in that district has boundary lines in the LUP vastly different from the original survey. Boundaries were to be drawn by “the land they stand.” In the case of Fish Creek that was not the case and conflict arises repeatedly due to the error.*
- *Waters available for wild horses, included in the 1982 LUP and those outside the HMA and utilized by wild horses since there were wild horses in Fish Creek, have been shut off. This is due to requests from counties’ new grazing protocol that allows the land to rest from livestock use by cutting off waters from wild horse use.*
- *Data collection and temporary fertility control (that utilized tracking numbers, DNA mapping metrics, and ongoing range monitoring) to rectify historic flaws and decrease population growth, were met with vehement and violent opposition.*
- *The initial phase, including the helicopter roundup and removal, cost over \$2 million dollars.*
- *Fish Creek has a long history of trespass livestock. The permittee was found in willful trespass (reduced through efforts by Dean Heller and Mark Amodei).*
- *The county and permittee blamed increase in wild horse monitoring for the citation.*
- *Political interference with federal authority (upheld through litigation) caused the program to be shut down in 2016 by BLM State Office (John Ruhs).*
- *The neighboring HMA resides in the same county in another district. In 2019 the neighboring HMA had trespass livestock, a mine breaking ground, multiple gates repeatedly closed that should remain open. This neighboring HMA was a staging area for propaganda that wild horses are destroying the land (as they were artificially manipulated to rely on one water, only).*
- *These wild horses from the neighboring HMA travelled into the area around/in Fish Creek in search of water.*
- *County made “deals” with BLM to shut off critical waters in Fish Creek. BLM refused to release information. BLM stated they would return generator and pump water. Our monitoring showed they returned generator, yet never pumped water.*
- *County pressured BLM to do a removal at Fish Creek to destroy the framework designed to be utilized in large HMAs.*

- *Inventory flight showed a “greater than expected” number of wild horses in Fish Creek.*
- *The proposed gather planning was chaotic and disorganized. Based on the manipulated population, no one would take responsibility for ordering the operation or parameters.*
- *Removal number was based on historically flawed AML, manipulation of the range and political pressure.*
- *Management plan that created actual data based management for wild horses has been destroyed. Population of wild horses in Fish Creek is now below genetically viable, does not represent preservation of the herd, remains in danger of further manipulation to placate livestock interests. The wild horses from the neighboring HMA are returning back to home range as the gates are now open.*
- *The initial phase to set the structure for data/darting, including the roundup and tracking numbers, cost over \$2 million. The second phase to begin in 2016 was cancelled without cause. In 2019 the investment in structure was destroyed in the removal of Sept 2019.*
- *The county controlled numbers removed and wild horses that could be treated and returned. The county interfered with federal authority.*
- *BLM removing a long-standing stakeholder from participation (myself and organization) in discussion on management, water source changes, ongoing discussion on fertility control. There appears to be placation of highly contentious politics (state control over federal actions) and personal relationship with BLM employees and some other “wild horse organizations.”*

***This is not management of public resource based on factual analysis; it is politics.***