



Comprehensive Animal Welfare Program Team Assessment Report

**Assessing the Assessment
and
Recommended Changes to CAWP Standards and Protocol
Dated: October 11, 2022**

Wild Horse Education (WHE) have maintained a base of visual gather (and post gather) documentation since 2009. The public daily reports begun by WHE, pre-date those from the BLM. Our unique position of being an organization founded by the only individual in history to litigate issues of abuse of wild horses and burros, driving repeated and successful efforts, lends experience and legally recognized credibility to the assessment process we engage in: both on-site and of agency protocols.

The deficiencies in BLM CAWP assessment, lacks of enforcement and review, failures to revise the policy since it was adopted in 2015, have led to a solidification of public distrust in the agency and any purported commitment to the welfare of wild horses and burros.

Assessing the Assessment: Deficiencies in the BLM CAWP Team Approach

The BLM rating system for the Comprehensive Animal Welfare Program (CAWP) lacks transparency and consistency. BLM does not list any formula to determine how each infraction is utilized to create the cumulative rating the BLM CAWP team arrives at. The inconsistencies create a situation where it is impossible for the public to even attempt to discern the rating system.

As an example: The CAWP team assessed two roundup operations involving the same district/COR/contractor within months of each other: Antelope and Triple B. The team report noted 13 findings of non-compliance at Antelope. The team only noted 5 findings of non-compliance at Triple B. The BLM CAWP team gave Antelope a 91% rating, Triple B a 96%. The agency does not include any rating system that would justify the finding of only a 5% distinction considering the vast differences in finding notes. Some of the findings in the later report (Triple B) demonstrated repetitive findings with no additional notations demonstrating an ongoing concern that should have some effect on the (unknown) rating system.

The type of assessment ratings given by the agency have created an impression that they are designed to rate as “Compliant” in all assessments, regardless of the findings. In fact, in all assessments (facility

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and roundup) all were found “Good” or Excellent,” with the only three being merely “Compliant.” Many members of the public now see a score as less than “Excellent” as a a rating of utter non-compliance due to the lack of transparency and the seeming lack of a willingness to identify “non-compliance” in terms that describe these actions the unacceptable actions they truly represent that can cause injury and death.

Non-Comprehensive: The BLM CAWP team does an extremely finite assessment. Notification to the on-site crew that the CAWP team will be present, will be there for 1-3 days, creates an artificial and non comprehensive baseline. As an example: The Triple B 2022 assessment was attended for 3 days at the start of 42 days of active trapping. The report was published over a month before the operation ended. That is not a comprehensive assessment of the gather operation. Conduct changed, often dramatically, after the CAWP team departed. An assessment that makes claim to be an assessment of conduct represented by a gather operation, the time spent on-site should reflect the length of operations; three days may assess a 7 day operation (to some extent), but it is entirely inadequate for 42 days of active trapping.

In addition, if the assessment is being made of the same district/COR/staff as a previous assessment, the BLM CAWP team does not note repeat non-compliance.

Personnel: It is concerning that assessment ratings and findings seem to correlate to individuals involved in doing the assessment; some individuals appear to show a much more lax approach. In fact, where only people employed by BLM in handling of wild horses and burros dominated the team the assessment gave a 100% compliance rating (Jackson Mountain) when public observers noted multiple violations that included insufficient/non-existent overhead pads, right angle pen construction and more (even with the extremely limited viewing provided at trap locations). It is unclear how the CAWP team prioritizes what they review; if prior reviews impact agenda. However, the next operation in that district (Buffalo Hills) had no CAWP assessment and was exceptionally deficient.

Recommended Changes to CAWP Standards and Protocol

Assessment Protocol

Disclosure: The BLM must make public the rating system to demonstrate how they arrive at their conclusion. In the assessments being done today, too much is being assessed using subjective reasoning.

Supplement: When time is limited for the BLM CAWP team onsite, a mechanism to include additional documentation provided from the public should be implemented. In addition, any After Action Review (AAR) done by onsite staff should be published on the “Gather update” to reassure the public that

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when the CAWP team is present, self-assessment occurs (FOIA requests reveal that about 90% of capture operations have completed no internal review by any name).

Timeliness: No assessment should be completed for any roundup operation before the conclusion of the operation and include significant incidents that have occurred, even if CAWP team is not present.

Repetitive Non-Compliance: Inclusion of observations of repetitive areas of non-compliance in previous reviews noting COR/contract staff present.

Personnel: No individual employed or contracted by BLM (to perform the activities being assessed anywhere within the program) should be involved in assessing CAWP compliance. This will eliminate obvious conflicts of interest.

CAWP Standards

Foaling Season: Although CAWP is not the process for determining a site-specific foaling season, or the placing of HMAs on a schedule, additional standards should be added for helicopter drive trapping that take into account the fact that new foals and heavily pregnant mares should not be run (according to standard veterinary recommendations for equines). Specific maximum distance parameters and pursuit duration times should be adopted. At COR discretion those parameters could be shortened, but not extended. Assessing helicopter drive trapping where any parameter is left to the discretion of the COR, limits are pushed for expediency.

WHE recommends drive distances of no more than 5 miles, lasting no more than 30 minutes, when young foals or pregnant mares are present. Bands should be noted and only pursued once in a 24 hour period. At locations where such individuals are noted, will remain active for no more than a 48 hour period before trap is moved. A minimum of 48 hours must transpire prior to trap resuming in that location.

Injured wild horses: In multiple instances throughout the year, our on-site team noted injured wild horses during helicopter drive trapping.

Observed injuries included such incidents as collisions with panels and broken necks. Simply breaking a neck may not cause an instant fatality, even though full paralysis occurs. In the majority of cases where

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this was observed, BLM continued to drive wild horses into the trap prior to physical assessment and removal of the horse from the trap.

WHE recommends that this practice be strictly forbidden to assure that a dying wild horse is not caused further distress. The distress of the dying wild horse outweighs any band, under any circumstance, from being captured.

Observed injuries included incidents where injuries occur prior to entering the wings of the trap. In most incidents a trailer is taken out to the site and the horse is assessed and loaded. However, it is not always standard practice. In one incident a foal blew a leg over a mile from trap. The run was allowed to continue. It took over 15 minutes for wranglers to arrive to rope the foal. It took over 20 minutes for the foal to limp the distance to the trap where, the injury was assessed as so severe, the foal was euthanized. Did the walk to the trap amplify the injury? If not, the injury was so severe the foal was immediately euthanized and experienced severe pain for the entire walk to the trap.

WHE recommends that a trailer is dispatched for all injuries that transpire outside the wings of the trap. After assessment by a vet, a determination of ambulatory capacity should be made and transport by trailer required to eliminate further injury.

Observed injuries included incidents where the injury could result in no other outcome than euthanasia, where a severely injured wild horse is loaded into a trailer and made to endure transport to the temporary corrals to be euthanized on arrival. A clear example of this type of incident was illustrated at the Pancake Complex roundup where a young colt literally snapped a leg and was loaded onto a trailer, transported and euthanized on arrival at temporary corrals. If a vet was not present at trap to perform the task, that is an inexcusable deficit. If COR did not want the public to know of the immediate euthanasia and decided to transport, that is inexcusable infliction of additional suffering.

WHE recommends that any injury that occurs at trap where the outcome will be euthanasia, that the euthanasia occur immediately and that no further stress, pain and suffering be inflicted.

Loading of wild horses for transport from temporary corrals to processing facilities includes sorting of males and females recognizing the potential for injury or death. *However, at trap competing stallions and mares are often loaded in the same compartment on stock trailers for transport to temporary corrals resulting in fighting.*

WHE recommends that mares and stallions be transported separately. When not feasible and loading involves mixed sexes at trap, that only one stallion be placed in with any mares.

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Loading of wild horses for transport from temporary corrals to processing facilities includes sorting of males and females recognizing the potential for injury or death. *Often, during roundups wild horses will be loaded from a stock trailer (that contains both mares and stallions) onto a large livestock cargo transport trailer (semi) and then left on those trailers awaiting the next stock trailer to arrive.* This process repeats until the semi-trailer load is full before proceeding to temporary corrals. The first load of horses/burros can often wait on the trailer for more than an hour before transport. This practice occurs where an insufficient number of stock trailers are available to maintain a flow of horses from trap to temporary corrals; convenience over safety.

WHE recommends that the practice of loading from a stock trailer to a semi trailer be suspended. A sufficient number of stock trailers must simply be a part of awarding a roundup contract and not an avenue to place safety of wild horses at risk by engaging in this practice.

Wild horses and burros are often loaded immediately after capture. This results in undue stress and increases incidents of potential injuries such as broken legs, necks and foals being placed at risk. Loading immediately to make space in a trap for the next group is not an acceptable practice if ensuring animal welfare is a priority. A simple barrel racing event can require 24-48 hours for a trained sport horse to fully recover.

WHE recommends that a minimum of fifteen minutes after capture prior to loading. For a domestic horse being exercised in familiar surroundings it can take about 15 – 60 minutes for a horse's heart rate to recover back to normal after exercise. For a wild horse, in unfamiliar and distressing circumstance, the time can be considerably longer. In addition, both respiration rate and volume need time to return to normal prior to placing a wild horses or burro onto a trailer for transport (another unfamiliar experience that includes separation of band members, increasing stressors).

Transport of wild horses and burros after capture often demonstrates a lack of consideration of the repetitive traffic that will occur each day. Rutting, dust and rough roads create unstable and unsafe transport conditions. Speeds on these roads often exhibit expediency over safety of cargo. Wild horses and burros newly captured are not domestics used to trailer transport; more care should be afforded during transport of newly captive wild horses.

WHE recommends that adding a standard that includes ensuring safe road conditions and cautious rates of travel for transport from trap to holding when trap locations are selected. Additionally, dust abatement or grading should be done as needed to elevate health and safety concerns.

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Wildfire has become an increasing risk as drought, climate change and habitat fragmentation escalate. There are increasing instances where wildfire smoke blow in to areas of active helicopter drive trapping; many times this smoke originates hundreds of miles from trap location. We have observed wild horses driven in dense smoke where air quality health warnings have gone so far as to caution people walking their dogs to remain outside only as long as necessary. Trapping continued because “the pilot could see the horses.”

WHE recommends that CAWP **immediately be amended** to include prohibition against helicopter drive trapping when the Air Quality Index (AQI) moves into “orange” (unhealthy for sensitive groups) to protect young and old wild horses and burros that are always a part of capture drives. At the very least, prohibit all drive trapping above and beyond an AQI rating of “red” (unhealthy). The Equine Sports Medicine Association recommends that all sporting events be cancelled when the index reached red; they recommend limiting any outdoor activity when the AQI reaches orange.

Currently, temperature guidelines in CAWP fall outside the scope of veterinary recommendations for equines. “Horse captures must not be conducted when ambient temperature at the trap site is below 10°F or above 95°F without approval of the Lead COR/COR/PI. Burro captures must not be conducted when ambient temperature is below 10°F or above 100°F without approval of the Lead COR/COR/PI. The Lead COR/COR/PI will not approve captures when the ambient temperature exceeds 105 °F.” In addition, it is our experience that temperatures are only taken at trap sites where traps are often located in a draw or hidden in trees. This leads to the drive of wild horses or burros occurring in valleys and over mountains where the temperature can exceed that at trap by as much as 10 degrees. Our experience has shown that COR does not preemptively begin evaluating operations as recommended extremes near, they wait until after they have been surpassed.

WHE recommends immediately changing the guidelines to to reflect practices for eventing (sports horses). Most eventing veterinarians use 20 degrees as a standard representing a low temperature for inhibiting cantering or jumping and a chart for demonstrating a heat index (temperature + humidity) for cessation of activity in hot weather. This heat index demonstrates that a temperature of 90 degrees, even with minimal humidity, represents dangerous conditions that require extreme caution across the board. The American Farriers Association has been compiling research that links heat indexes to increased risks of laminitis. The parameters for immediate cessation of helicopter drive trapping should be 20 degrees and 95 degrees; at 90 degrees all personnel should be advised to assess any active drive and then immediately cease operations. No drive should begin when temperatures are below 25 degrees. WHE also suggests a personnel check when temperatures reach 84 degrees and another at 90 degrees; these markers have been shown to demonstrate the beginning of impeded brain function (international Journal of Hyperthermia, Cambridge) that is also compounded by dehydration in arid environments.

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Mud and range conditions (that would inhibit the most experienced horse person from breaking into a canter) are observed at many late season (January and February) drive trapping operations as the range heats when the sun is visibly rising. We have documented everything from slipping in the trap to wild horses taking a mis-step during a drive and breaking a leg. CAWP currently contains vague terrain language that leaves everything to the discretion of the COR and it is clearly not enough to keep safety a priority over daily capture numbers. These late season operations contain a large number of mares that are more than halfway through their gestation cycle; a fragile period during gestation when a veterinarian will advise against any strenuous activity.

WHE recommends adding language that specifically denotes slippery range conditions at late winter season roundups that may develop during the day. Operations should cease with any range thaw that causes the appearance of mud at a trap location.

Electric prods are routinely used during loading. The current CAWP standards are ignored. When we are given clear opportunity to observe loading we document personnel holding hot shots, using them when there is no clear path (on the horse in the back to move the horses in front of them), on the face and neck, more than one shock in succession, etc.

WHE recommends banning the use of electric prods entirely as the parameters are ignored and horses routinely abused by an implement intended only for “safety” and not expediency.

Barbed wire remains a repetitive safety issue at chosen trap locations. There is an increasing number of fences and gates being constructed on public lands. Leaving it to the contractor to notify the COR (and then the COR deciding if a drive in progress requires a fence to be dropped or a gate to be flagged) is an absurdity. The COR present should be familiar with all gates and fence lines in an HMA prior to any helicopter drive trapping and plan accordingly before traps are set; if they are not, then they do not monitor the herd and habitat. COR will chose expediency over safety in 99% of observed incidents. Barbed wire collisions occur so frequently that any operation will demonstrate at least one incident before completion.

WHE recommends that all gates must be flagged and flagging must extend (at minimum) 20 ft to either side. Potential trap locations must be approved to protect any historic or sensitive rangelands. Potential trap locations should also be approved to minimize any barbed wire. If barbed wire is present it should never be used as a barrier wing that leads to the trap, be used as a portion of the wing or trap, or be present less than 50 ft in proximity to any portion of the trap.

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General Notes: The preceding recommendation for changes to the CAWP program represent the most pressing recommended changes. This list does not represent all suggested changes. These suggested improvements were created by reviewing our extensive data base of documentation, field notes and compiled on-site experiences.

“Major vs Minor” notations for compliance with a line item in the current policy appears to influence repetitive conduct that ignores any provision noted as a “minor” infraction. Each line item in CAWP is created to diminish potential injury or death. No provision is “minor” if it has the potential to lead to suffering. Any non-compliance with any provision of the policy should simply be seen as equally offensive, particularly when the infraction is repetitive.

We are aware that current authorities granted by the Secretary of Interior to agency personnel are deficient in granting avenues and protocols to obtain enforcement (and reprimands for violations) of this policy.

In order for CAWP to function appropriately, programmatic changes are needed and are covered in another section of this report.