

The Tools Already in the Toolbox

When critics insist they "need all the tools back," they mean a single tool that was never original — the Burns sale authority. Meanwhile, the genuine on-range tools Congress and the regulations already handed BLM sit unused. These are not theoretical. Each is current law, and BLM's refusal to use any of them is the subject of active litigation.

1. Close public lands to livestock to protect wild horses (43 CFR 4710.5). The authorized officer "may close appropriate areas of the public lands to grazing use by all or a particular kind of livestock" whenever necessary "to provide habitat for wild horses or burros, to implement herd management actions, or to protect wild horses or burros from disease, harassment or injury," and that closure "may be permanent" (43 CFR 4710.5). BLM routinely claims this is an emergency-only power, but **nothing in the regulation restricts it to emergencies**. The tool to rebalance forage on range — instead of removing horses — has been on the books the entire time.

2. Remove unauthorized and stray livestock first (43 CFR 4710.6). The authorized officer "may establish conditions for the removal of unauthorized livestock from public lands adjacent to or within areas occupied by wild horses or burros to prevent undue harassment" (43 CFR 4710.6). Before a single wild horse is gathered for being "over AML," the law contemplates clearing trespass and stray livestock that crowd the same forage.

3. Write the Herd Management Area Plans the law requires (43 CFR 4710.3-1). HMAs "shall be established for the maintenance of wild horse and burro herds," and the authorized officer "shall prepare a herd management area plan" (43 CFR 4710.3-1). In **March 2024**, a federal court in Reno ruled that BLM had "unreasonably delayed" crafting HMAPs for the Pancake Complex, rejected the agency's claim that Resource Management Plans and gather plans satisfy the duty, and ordered a plan within one year — noting the obligation "arose as soon as BLM created the HMAs" and calling the decades of delay "nothing short of egregious." A second lawsuit at Blue Wing came to the same conclusion solidifying precedent. An HMAP is the lawful, public-process venue to do real on-range management — and, contrary to BLM's repeated claim, it is precisely the avenue through which a land-use-plan amendment can be initiated, not a reason to avoid one. That fight expands on appeal at the **Ninth Circuit in 2026 for Stone Cabin** (Wild Horse Education).

4. Repatriate horses to designated Herd Areas through the HMAP process. Hundreds of Herd Areas were zeroed out or never managed, many drawn "for ease and on an interim basis" rather than on the merits. A properly prepared HMAP — followed by the LUP amendment the Handbook itself describes (BLM Handbook H-4700-1) — is a legally valid place to evaluate evacuation, relocation, and repatriation within the original Herd Areas where these animals already existed (16 U.S.C. § 1339.) **BLM has never once** exercised — or even seriously evaluated — this authority.

5. Reexamine boundaries that were never set on the merits. Many HMA and Herd Area lines were drawn for administrative convenience and treated as permanent. The HMAP and LUP-amendment process is the lawful mechanism to revisit those interim boundaries — exactly the on-range planning BLM says it cannot do, and exactly what it can.

6. Apply the statutory principal-use standard — and formally designate ranges (16 U.S.C. §§ 1332(c), 1333(a)). The principal-use command does not depend on a special designation: it is written into the definition of "range" itself, which Congress devoted "principally but not necessarily exclusively" to the herds' welfare within multiple use (16 U.S.C. § 1332). On top of that baseline, the Secretary also "may designate and maintain specific ranges on public lands as sanctuaries" (16 U.S.C. § 1333(a)) — a stronger, formal protection used only four times in 55 years. Both have sat on the shelf: BLM neither honors the principal-use standard that already governs the herds' range, nor uses the designation power that would make it explicit.

The pattern is unmistakable. Every one of these is an on-range management tool aimed at letting horses live where the Act intended. Slaughter sales are an off-range disposal tool aimed at the opposite and not even contemplated in the original text of the law.

The toolbox is full. What is missing is not authority — it is the will to open it.

