

1-1-1998

Wild horses and the Bureau of Land Management: A policy review and critique

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**WILD HORSES AND THE BUREAU OF LAND MANAGEMENT:
A POLICY REVIEW AND CRITIQUE**

by

Julene Haworth

**Associate of Applied Science
Community College of Southern Nevada
1994**

**Bachelor of Arts
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1996**

**A thesis submitted in partial fulfillment
of the requirements for the degree of**

Master of Arts

in

Political Science

**Department of Political Science
University of Nevada, Las Vegas
December 1998**

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Thesis Approval

The Graduate College

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August 28, 19 98

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Wild Horses and the Bureau of Land Management:

A Policy Review and Critique

is approved in partial fulfillment of the requirements for the degree of

Master of Arts in Political Science

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ABSTRACT

Wild Horses and the Bureau of Land Management: A Policy Review and Critique

by

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The 1971 Wild Horse and Burro Act (PL 92-195) charged the Bureau of Land Management (BLM) with the management and protection of wild horses and burros on public lands. The implementation of the Act was remiss in failing to recognize the limitation of expertise within the Bureau in carrying out its new responsibilities. The lack of specialists in horse and burro management led to an inconclusive protection policy that consequently has generated conflict and controversy. Therefore, policy decisions and actions associated with management and protection programs have been subjected to charges of abuse, neglect, and corruption. This thesis will discuss the various policy changes and the consequences thereof. The research will examine the "crisis management" approach taken in the management and protection of the wild horse, and will also examine the Adopt-A-Horse program. The thesis will address the most recent federal policy changes and also study the protection plan uniquely associated with the state of Nevada.

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ABBREVIATIONS

AMLs	Appropriate Management Levels
BLM	Bureau of Land Management
CFR	Code of Federal Regulation
CPWH	Commission for the Protection of Wild Horses
FACA	Federal Advisory and Committee Act
FLPMA	Federal Land Policy and Management Act
HMA s	Herd Management Areas
HMP s	Herd Management Plans
HSUS	Humane Society of the United States
NEPA	National Environmental Policy Act
NRS	Nevada Revised Statutes
NWHA	National Wild Horse Association
PRIA	Public Rangeland Improvement Act
RAC	Resource Advisory Council
USC	United States Codes
WH&B	Wild Horse and Burro

ACKNOWLEDGMENTS

I wish to express my love and appreciation to my mother, Norma Moffitt, for instilling in me the idea that I could do anything my heart desires, and to my daughters, Jennifer and Brittney, for their patience and presence. My appreciation is also extended to Jim Nelson, algebra professor and editor. I also want to thank Royse J. Smith, Mentor.

CHAPTER 1

INTRODUCTION

It is widely acknowledged that the forebear of the wild horses in the western United States are Spanish descendants from domestic stock brought to the Americas during the Spanish Conquest.¹ There is some disagreement as to how much of that original bloodline is still in existence. Most research points to the dilution of Spanish pedigrees by domestic horses that either escaped their owners or were deliberately turned out on public lands.²

As two and a half centuries passed, the number of wild horses increased, reaching an approximate maximum of 2 million animals about 1800. The population of the herds increased or diminished depending on a number of environmental conditions. The most important controlling factor was the availability of grasses within migratory grazing patterns.

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¹ Heather Smith Thomas, *The Wild Horse Controversy*, (New York: A.S. Barnes, 1970), 17. Kenneth Pitt, "The Wild Free-Roaming Horses and Burros Act: A Western Melodrama," *Environmental Law* 15, (1985): 505. Richard Symanski, *Wild Horses and Scared Cows*, (Flagstaff: Northland, 1985), 33.

² Thomas 34. Pitt 505. Verlyn Klinkenborg, "The Mustang Myth," (*Audubon*, 1994), 37.

The expansion of settlers into the West during the 1800s had a tremendous impact on the wild and free-roaming horses. People and livestock encroached on western lands. The number of domestic livestock feeding on public lands without basic land management practices during the late 1800s further depleted grazing resources. This was the era of the Department of the Treasury's land disposal policy involving homesteading and land sales. In order to encourage western settlement, land grants were issued to railroads and states by the U. S. Government.³ Homesteaders needed to file the requisite paper work and the land became theirs. All a livestock owner had to do was homestead or purchase a base (deeded) property that had attached water rights. With control of a limited water resource the livestock owner was able to utilize vast amounts of land, that was otherwise useless, for grazing purposes.

The signing of the Taylor Grazing Act, on June 28, 1934, had two important consequences. First, a long standing policy of federal land disposal officially ended. Nevada's U. S. Senator Pat McCarran, a state's rights advocate in the 1940s, believed that minimal grazing management should be practiced until public lands could be incorporated into private ownership. "Failing private ownership, public land policy should, McCarran seemed to believe, be subject to the approval of users (that is stockmen)."⁴ Second, a new Division of Grazing was established which "ended the nonmanagement of the public domain;" therefore, the federal government became involved in regulating livestock grazing on public lands. Grazing districts were

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³ Paul J. Culhane, *Public Lands Politics*, (Baltimore: Johns Hopkins University Press, 1981), 76.

⁴ Ibid. 84, 87.

implemented which allocated rangeland allotments and permits to ranchers in order to monitor the grazing of domestic cattle, horses, and sheep on federal lands. The law was enacted to check the destruction of grazing resources on public lands, in the best interest of cattlemen. "The Taylor Grazing Act was generally seen as a pro-cow...policy."⁵ At the time of the Grazing Act's passage, it was estimated that there were 150,000 wild horses on public lands in 11 western states.⁶

Management of the western lands stressed the recovery of a misused range. Domestic livestock grazing was regulated and ranchers could be ordered to remove their animals during recovery periods. Land use experts, whose emphasis was on management and controlled recovery rather than the lack of such, viewed the wild horse as a threat and menace to the improvement of the depleted land. The wild horse was on the range for the full year and within that period ate more foodstuff than two cows or eight sheep. Therefore, under the Act, in the words of one commentator, "the government worked to exterminate the feral horse."⁷ A serious effort was made to reduce the number of wild horses on public land.

A journal article, *Feral Livestock In Anglo-America* authored by Tom McKnight, described actions taken during the fifteen years after the Taylor Grazing Act was passed. McKnight alleges that particular areas were unsuitable for domestic livestock grazing, yet "[a]pproximately 1,000 trespass horses were shot...between 1935-42. There are reports of thousands of horses being removed from a single Montana county in the 1930s. As many

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⁵ Ibid. 86.

⁶ Thomas 42.

⁷ Ibid. 50.

as 4,000 trespass horses were taken...in a two year period, less than five percent proved to be branded animals.”⁸

In 1946, the Bureau of Land Management (BLM) was formed during a reorganization that incorporated the General Land Office and the Grazing Service of the Taylor Grazing Act.⁹ Also in 1946, Senator McCarran and cattlemen began drafting a resolution for the American National Livestock Association, encouraging legislation allowing the sale of public rangeland to those cattlemen who had grazed it. “The main objective of the stockmen was to transfer BLM land to private ownership, a goal they believed to be consistent with the Taylor Grazing Act.”¹⁰

The BLM continued the basic policies and rules for range management outlined in the Grazing Act. An area of policy carry-over was removal of wild horses.¹¹ Quoting from a letter written by a BLM official, McKnight further substantiates the BLM’s policy of horse removal. “Within a period of four years we [the Bureau of Land Management] removed over 100,000 abandoned and unclaimed horses from Nevada ranges.”¹²

The fate of these horses is a sad story. The market for canned cat and dog food, along with an expanding industry of processing horse meat for human consumption, encouraged roundups of wild horses for sale to slaughterhouses. This practice

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⁸ Tom McKnight, “Feral Livestock in Anglo-America.” *University of California Publications in Geography* 16 (1964): 9.

⁹ Culhane 75.

¹⁰ Ibid. 88.

¹¹ Symanski 35. Thomas 43.

¹² McKnight 9.

contributed to the decline in the wild horse population and was ascribed to a specific group known as mustangers. A lack of public interest allowed these men to conduct brutal roundups and captures with few guidelines and little oversight.

The mustanger or horse chaser has played a key role in the wild horse saga. The history of the North American horse chaser dates back to Native Americans and Spanish horses. In order to increase a herd size, wild horses were captured and domesticated. As the American frontier was explored and expanded, the white man joined in wild horse captures. These early horse chasers conducted roundups to increase their own horse holdings, to sell the captured animals, or on many occasions, simply for the sport.

The image associated with the horse chaser/mustanger has run the gamut from romanticized cowboys to that of cruel and inhuman thugs. In the motorized 20th century, “[t]he term mustanger has come to mean any person who makes his living...capturing horses for profit.”¹³ The term also acquired a negative connotation as the means of capture and the associated ramifications became public.

Historically, man’s impact on wild horses has been deleterious. The conventional wisdom was that the feral equine was on the public land for the economic benefit of the gatherer. The idea of protecting or preserving the animal, simply was not considered. Yet, by the 1950s that very idea was gaining momentum. Since the 1970s, the issue of preserving and protecting wild horses has been one of continuing importance. Many arguments have been directed at the BLM’s protection role and its associated management of wild horses. More recently, the debate over the BLM’s management practices can be found in professional and public sources, citizens’ questions, and policy

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¹³ Thomas 45.

maker's decisions. This debate has been recorded in numerous articles that have appeared in a variety of publications.

An article titled "Wild, Wild Horses: Westerners Rally to Save the Last Roaming Herds," appears in the *Utne Reader* in 1989. The article is a burning critique of the BLM's management of wild horses. Jim Clapp, a former contractor for the Fish and Wildlife Service, turned conservationist, tells how management should properly be effected. He has founded the Wild Horse Sanctuary located in Shingletown, California, for unadoptable horses. Clapp says, "you have to remember what the BLM is. Its a bunch of cattlemen running public lands. Bob Burford, the director of BLM, owns feedlots in Colorado and runs his cattle on 28,000 acres of public land." In order for the endangered horses to survive, Clapp has developed a plan that is called 'sponsor a horse' program. The idea is that through contributions, horses can be maintained at "about half of what it costs the government to feed a horse...and ensures the animal a lifetime of freedom."

Similarly, a 1991 article, "Reigning In A Runaway Herd," in the *National Wildlife Journal*, discusses the numbers of wild horses and what can be done about population growth other than utilizing the management techniques of roundups and adoptions, since the wild horse has no natural predator. Other management tools, such as the use of mountain lions and various methods of fertilization, were outlined. The only legal way to handle excess horses has been through the BLM's adoption program. "Unfortunately, the project has been plagued by problems and a huge price tag." The article states that "the history of horse management has read like a prize fight between ranchers and horse protection groups, with the BLM trying to referee."

Taking a different approach, the magazine, *Audubon*, in a 1994 story, looks at "The Mustang Myth." "America's wild horses have inspired one of the nation's most passionate conservation battles. But how much of the 'wildness' is in the horses and how much is in our minds?", it asks. The article raises the idea that "once you domesticate any species..you can never go back to a truly wild animal." Yet, the BLM has been charged with the protection of the feral species. The article's author also states some of the problems associated with management of the horses. For instance, the remote country that feral horses live in makes it extremely difficult to count the animals and more difficult "to protect them from ranchers who see no use for them and from range managers who would rather put cattle on the land."

A *Smithsonian* article and its accompanying photo layout was written by a husband and wife team who had spent nearly three years chronicling the American West's mustangs. The couple followed and studied various wild herds under the BLM's management and offer an explanation to the question, "What good are they?" Their answer is, "They're a living lesson in social organization and animal psychology..They can teach us a lot, for their domesticated kin have lost many of their natural traits. (The horses) give us the thrill of watching big animals superbly adapted to their harsh environment."¹⁴

"Wild Horses Do They Really Belong in the West?" was the headline story for the March 2, 1998, *High Country News*. The report specifically highlighted the Pryor Mountain Wild Horse Range in Montana but also discussed generally problems associated with the BLM's management of wild horses. The story reviewed the fact that

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¹⁴ Yva Momatiuk, "Mustangs on the Move." *Smithsonian*. (November 1997): 60.

the ever increasing population numbers of wild horses has been and continues to be a management dilemma. A 1994 roundup of the Pryor Mountain herd meant to reduce its numbers turned into a disaster, according to the High Country News: “At least five horses died, several colts were separated from their mothers.. Worse, BLM officials lied to the public about a colt that fell off a cliff and had to be shot.” What to do with excess horses that have been removed from the range and the ensuing controversy surrounding their sale to slaughterhouses, were also discussed in the news article. Yet, as with most articles discussing wild horses, a definitive solution continues to elude not only the BLM, but also the media.

Most recently (spring 1998) a critique of management practices assesses the action taken by the BLM on a management area in eastern Utah. A virus was confirmed in a wild horse herd grazing on the Ute Indian Reservation. The BLM felt its only recourse was to humanely destroy the infected animals. Yet, nursing foals will often test positive due to their ingestion of an infected mare’s milk, and not because they are actually infected. An injunction against destroying the foals has mandated that further tests will need to be conducted, after the weaning process is complete.

The issue of preserving and protecting wild horses has been and will continue to be controversial. The initial failure of the Secretary of the Interior and the Bureau of Land Management, to recognize the lack of knowledge in how to manage wild horses and the lack of specialists to do so has led to an inconclusive and incongruous protection policy. Because of the “crisis management” approach taken, public opinion toward the agency has often been one of mistrust and at times, of outrage. The BLM’s policy

decisions and associated actions have at times been subjected to charges of mismanagement and of abuse on the part of BLM officials.

CHAPTER 2

HISTORY OF FREE-ROAMING HORSE AND BURRO MANAGEMENT 1959-1992

The plight of feral horses roaming western public lands was brought to the attention of the entire nation during the 1950s by Velma Johnston, a rancher's wife and native Nevadan. As she was driving down the highway, on her way to work in Reno, Nevada, she overtook an animal transport vehicle that was crammed full of animals and spewing blood along the road. Mrs. Johnston decided to follow the truck when she realized it was hauling live horses. She was tremendously shocked when the transport turned into a packing plant and began unloading the bloodied, injured, and, in some cases, dying horses. Her further investigation led to the exposure of the unconscionable actions directed at the West's wild horses.¹⁵

Dubbed "Wild Horse Annie" by her detractors, she was the single advocate who would seek and gain protection for wild horses. During congressional hearings, Velma distributed a "photo album," comprising a graphic chronicle of mustangers' roundup techniques. One example entailed the use of a truck, on fairly flat terrain, chasing a horse until it neared exhaustion. The animal was then roped (lassoed). One end of the rope went around the horse's neck while the other end was attached to a weighted tire.

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¹⁵ Hope Ryden, *America's Last Wild Horses*, (New York: E.P. Dutton, 1978): 216-18. Thomas 67-68.

For the entire day, the practice would be continually repeated. In the evening, mustangers would then back track to load the captured horses. Sometimes all the animals were not found.

The media coverage of Mrs. Johnston's story garnered support from the general public. Nevada Congressman Walter Baring introduced a bill to protect the feral animals, as a result of Mrs. Johnston's testimony and the public's outcry. Public Law 86-234, the "Wild Horse Annie Bill," was signed by President Eisenhower on September 8, 1959, and put a stop to horse roundups conducted by airplanes and motorized vehicles.¹⁶ The Bill afforded only cursory protection, as no other substantive protective measures were designated. The "Wild Horse Annie Bill" was a reverseal for the government from its historic horse removal policy and therein lies the significance of this limited protection. Roundups continued on private land, target shooters continued to take their toll, and roundups by non-motorized means were still conducted on public land. "[B]y 1971 the wild horse population had decreased to an estimated 9500 [animals]."¹⁷

Continuing calls from an outraged public, horse protection advocates, and humane societies prompted the introduction of a number of protective bills, in early 1970. Strong livestock interests thwarted any successful protection policy. Finally, House Bill 9890, introduced by Congressman Baring, and Senate Bill 1116, introduced by Senators Henry Jackson and Mark Hatfield from Washington and Oregon, respectively, received the needed support. The Senate Bill was passed by voice vote in the Senate on June 29th. "The House passed HR 9890 Oct. 4 by voice vote, then substituted its language for

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¹⁶ Pitt 506-07. Ryden 223-34.

¹⁷ Pitt 507.

S 1116 and passed that measure by voice vote.”¹⁸

Wild horses were not acknowledged as indigenous species by North American ecologists. Hence, they were not allowed refuge in national parks and were excluded from the protection afforded native wildlife within park boundaries¹⁹. The lack of protective measures was, therefore, the impetus for the Secretary of the Interior declaring the wild horses part of our national heritage.

Twelve years after the passage of the “Wild Horse Annie Bill,” the Wild Free-Roaming Horses and Burro Act (PL 92-195) was signed by President Richard Nixon on December 15, 1971:

AN ACT

To require the protection, management, and control of wild free-roaming horses and burros on public lands.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Congress finds and declares that wild free-roaming horses and burros are living symbols of the historic and pioneer spirit of the West.... It is the policy of Congress that wild free-roaming horses and burros shall be protected from capture, branding, harassment, or death....

The passage of the the Wild Horse and Burro Act adjusted the BLM’s focus from that of protecting a natural resource (public lands) to that of protecting the feral horse on that natural resource. This shift meant that the BLM must now work at cross purposes. The dilemma was how to protect public range land from some of the detrimental elements

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¹⁸ Congressional Weekly, Vol. XXIX No. 39. 25 Sept.1971. (Congressional Quarterly: Wash., D. C.) 1993. Congressional Weekly, Vol. XXIX No. 51. 18 Dec. 1971. (Congressional Quarterly: Wash., D.C.) 2606.

¹⁹ Ryden, 20

associated with a grazing animal, that could not by law be removed from public lands, and yet protect that animal. The reversal of long standing policy in order to incorporate the protection and management of the wild horse has been difficult for the federal government.

The Wild Free-Roaming Horse and Burro Act stipulates that implementation and enforcement of the required actions be administrated by the Secretary of the Interior through the Bureau of Land Management (BLM) and by the Secretary of Agriculture through the Forest Service (FS). For purposes of this thesis, I will address only the BLM mandate.

The assignment of implementing the Act to the BLM caught the agency unprepared for its new responsibility of managing, protecting, and controlling wild free-roaming horses and burros. (See Wild Horse and Burro Adoption Analysis Team [Culp], Chapter 4) It is my contention that because of this, the BLM has constantly been playing catch-up and its policy has been reactive, not proactive, when it comes to wild horse and burro management.

The Bureau of Land Management's Mission Statements and Policy Objectives

The policy and responsibilities of the Bureau of Land Management (BLM) in the protection, management and control of wild free-roaming horses and burros are detailed in Part 4700 of 43 Code of Federal Regulations (CFR) Chapter 11. The authority placed with the BLM to carry out the above mandate is described in 16 United States Codes (USC) Conservation Chapter 30: Wild Horses and Burros: Protection, Management, and Control, Section 1331-1340.

The explicit mission of the BLM is that:

[the wild horse] contributes to the diversity of life forms within the Nation and enrich the lives of the American people; and that these horses and burros are fast disappearing from the American scene. It is the policy of Congress that [they] be protected...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.

Moreover, under 43 CFR, subpart 4700.0-6, the BLM is charged with carrying out the following policy:

- (a) Wild horses and burros shall be managed as self-sustaining populations of healthy animals in balance with other uses and the productive capacity of their habitat.**
- (b) Wild horses and burros shall be considered comparably with other resource values in the formulation of land use plans.**
- (c) Management activities affecting wild horses and burros shall be undertaken with the goal of maintaining free-roaming behavior.**
- (d) In administering these regulations, the authorized officer shall consult with Federal and State wildlife agencies and all other affected interests, to involve them in planning for and management of wild horses and burros on the public lands.**
- (e) Healthy excess wild horses and burros for which an adoption demand by qualified individuals exists shall be made available at adoption centers for private maintainment and care.**

The BLM is clear and forthright in its written management instructions. For example, in subpart 4710 of 43 Code of Federal Regulation, specific instruction is given concerning the following: “inventory and monitoring, herd management areas (HMAs), wild horse and burro ranges, constraints on management, closure to livestock grazing, removal of unauthorized livestock in or near areas occupied by wild horses or burros, and maintenance of wild horses and burros on privately controlled land.”

In order to better manage and control the wild herds, other pieces of federal legislation that impacted the BLM’s management of wild horses are the National Environmental Policy Act (NEPA) of 1969, the Federal Land Policy and Management Act (FLPMA) of 1976, and the Public Rangeland Improvement Act (PRIA) of 1978..

NEPA requires environmental analysis of management alternatives to support any federal record of decision, affecting rangeland health of public lands. FLPMA requires specific land use plans requiring multiple use and sustained yield of public lands. Multiple use is defined in FLPMA as entailing the management of public lands and their resources (recreation, range, timber...wildlife and fish, and natural scenic, scientific and historic values) in such a manner that lands and resources can best be utilized to "meet the present and future needs of the American people." FLPMA also amended the 1971 Act by adding specific language that allowed the BLM use of helicopters when rounding up wild horses. PRIA was amended in 1978 to allow transfer of ownership of the feral horse, from the government to a private citizen. PRIA also outlines further responsibilities for the BLM: "(1) inventorying the wild herds, (2) determining appropriate population levels, and (3) determining whether excess animals should be removed from a given area."²⁰

The above policy and ensuing responsibilities are succinctly stated; yet controversy and conflict occur over the means of implementation and the attainment of goals. Pressure for a definitive policy or clarification of existing policy has been applied to the Bureau from all sides: specifically livestock producers, outdoor enthusiasts, environmental protection groups, and wild horse advocates. The result has been a disjointed policy reflective of who has applied the most pressure at any particular juncture.

In the early 70s and prior to the Federal Land Policy and Management Act (FLPMA), the concept of multiple land use (and therefore multiple land use plans) was

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²⁰ 16 U.S.C. sec. 1332-1333.

not an issue. With the advent of off-highway vehicles, the increase in environmental interests, public lands grazing permit holders, and the wild horse program, questions have arisen as to who has the right to use public lands. Moreover, when conflict arises over the use of a specific resource, for example domestic livestock/wild horse grazing, the question arises of who has the priority use.

Careful attention to specific policy areas, such as completing herd management areas (HMAs), herd management plans (HMPs), and appropriate management levels (AMLs), as mandated in 43 CFR, Subpart 4710, Management Considerations, has most often been extremely slow, or as in the case of animal disposal, not implemented at all.

Wild horses are managed by the BLM, in specific herd management areas (HMAs), in ten western states. The Bureau has the responsibility of establishing formal management plans for each of the HMAs known as Herd Management Area Plans (HMAPs). The HMAPs “state the resource objectives for the herd areas, set the management actions required to reach the objectives, discuss monitoring and census requirements, and document the structural improvements (spring development, fences, etc.) required.”²¹ Also, in order to insure protection of the environment, an environmental analysis is mandated.

BLM statistical data indicates there are a total of 267 herd areas within the agency’s jurisdiction. Data also indicates there are 194 established HMAs. Not all of those established HMAs have set the appropriate management levels (AMLs) as mandated by law. Even in those HMAs that have set appropriate management levels,

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²¹ Bureau of Land Management, *National Wild Horse and Burro Program Summary* [government document on-line] available from <http://www.blm.gov/whb/summary.html>; (accessed 30 June 1997).

BLM statistical data indicates a lack of AML attainment. The ramifications associated with not implementing mandated management practices then are manifest in overpopulation of some herds, range resource degradation, and the ensuing decline/starvation of wild horses and the need to initiate costly emergency gathers. (See Appendix A: *Herd Area Statistics*.)

Population Quandary

By 1974, the results of the protective aspect of implementing PL 92-195 were exceeding almost everyone's expectations. Wild horses were increasing in number, according to most observers, some herds dramatically so. BLM statistical information indicates that data estimates for "end of year population" were not available until 1976. From less than 10,000 horse in 1971, population estimates in 1976 indicated there were over 60,000 feral horses roaming in western states. (See Appendix B *Information Overview 1972-1997*.) Hope Ryden was the dissenting voice and claimed that wild horse bands would continue to decline, even under the protection of the act. Ms. Ryden was a feature producer for the ABC evening news. She had been sent to Montana, in the 1960s to do a spot on a controversy concerning the BLM's intention to roundup several hundred head of horses in the Pryor Mountain Range.²² The book *America's Last Wild Horses* was written by Ms. Ryden as a result of her experiences.

The increases seen in the wild horse herds ranged from 17% in Wyoming and Montana to 30% in Idaho's Salmon District.²³ More conservative estimates claim feral

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²² Lynne Bama, "Wild Horses Do they belong in the West," *High Country News*, 2 March 1998, 8.

²³ Pitt 517-18. Thomas 140.

herds increased 10-25%.²⁴ At a 20% increase a year, the size of a herd would more than double in 4 years.²⁵ Even with lack of agreement on the exact percentage, it was acknowledged that herd sizes were increasing to the extent that some action was needed in order to ward-off damage to the range and to the horses themselves. (See Appendix B: Information Overview 1972-1997). The Act itself limited the means available to the BLM for controlling herd population through lack of funding, manpower, and an acceptable means of disposition of excess animals.²⁶

A National Wild Horse and Burro Advisory Board, appointed under Section 7 of the Act, was concerned enough over the increasing population in 1974 to demand congressional oversight hearings. In mid 1974, a warning was delivered to Congress, through a report issued by the Secretaries of Agriculture and Interior, that the wild horse population was increasing so dramatically that some horses might have to be destroyed, due to the deteriorating conditions of the range. The alternative (the boarding, feeding, and care of horses) is expensive and time consuming. The humane disposal of excess animals, however, was not acceptable to the public. The Board met again in Reno, in September 1974, for further discussion. Dean Rhodes, a Nevada cattleman and member of the Nevada legislature, recommended to the Board, amendments to the Act that would allow for aircraft use to help manage herds. Aircraft use and transferring title of excess

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²⁴ Joel Berger, *Wild Horses of the Great Basin*, (Chicago: Univ. of Chicago, 1986), 77. Symanski 87.

²⁵ Michael Tennesan, "Reigning in A Runaway Herd," *National Wildlife* 30 (1992): 22.

²⁶ Thomas 139.

horses had been seriously discussed in the U.S. Senate Interior Committee in June, but without any resulting legislation.²⁷

The issue concerning the use of aircraft dates back to the principle reason for PL 86-234 (“Wild Horse Annie Bill”) and the abuses heaped on wild horses during roundups conducted by airplanes prior to 1959. The only management tool being utilized by the BLM to control overpopulation was removing excess horses from the range. Yet, roundups conducted under the Act, without the aid of vehicles or aircraft, were proving to be time-consuming, expensive, and not particularly successful. The only other management avenues included tranquilizing horses in order to make gathering them easier or destroying the excess animals. Both of these options were unacceptable, either because of the associated expense or public outrage.

FLPMA (1976) amended the 1959 “Wild Horse Annie” Bill to allow the use of helicopters in rounding up excess wild horses. “Fixed wing aircraft can be used for counting horses, observation and surveillance, but not for capture operations. Motor vehicles can be used in transporting captured horses, but not in chasing or herding them.”²⁸ (See Appendix C: Summary - Removals and Adoptions 1973-1996.)

Horse removal and the ensuing problem of what to do with the excess animals had not received much attention by the Interior Department. The issues gained increased exposure due to a new BLM program: Adopt-A-Horse (see Chapter 3).

Under the leadership of then BLM Director Cy Jamison, the agency, in 1992, completed a *Strategic Plan for Management of Wild Horses and Burros on Public Lands*.

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²⁷ Ibid. 142.

²⁸ Thomas 165.

Director Jamison's goal was to "help create the course of the BLM into the 1990's." The "new" BLM would direct its efforts toward meeting the changing public land needs. Once again the Bureau was addressing the issue of balancing multiple use programs of conservation and natural resources. One aspect of the "new" BLM was therefore to "develop and implement a long range strategy for the management of America's Wild Horses and Burros.." ²⁹

1992 Strategic Plan for Management of Wild Horses

The Strategic Plan's mission was "to affirm wild free-roaming horses and burros are a living legacy of our American heritage, ensuring that they are recognized and maintained as a part of the natural ecosystem, and are valued for their biological, social and cultural attributes." ³⁰ The mission statement was not so much a change in BLM policy, rather it was a restatement and clarification of the 1971 Act.

The Plan's five goals are:

- 1: Perpetuate and protect viable wild horse and burro (WH&B) populations and their habitat in accordance with the principles of multiple-use management.
- 2: Ensure humane care and treatment of excess WH&Bs, including a national adoption program.
- 3: Establish and maintain partnerships and cooperative relationships to benefit WH&Bs.
- 4: Increase and maintain WH&B professional capability, leadership and service ethic within the Bureau of Land Management, and credibility with the public.
- 5: Integrate and incorporate research, science, and technical development into the overall WH&B program.

The Plan also includes the following assumptions which have been integral to BLM policy. The assumptions also infer that existing policy was not in need of change.

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²⁹ Bureau of Land Management, *Strategic Plan for Management of Wild Horses and Burros on Public Lands* (Washington D.C.: June 1992), statement from the Director.

³⁰ Ibid. 1.

“No change will be made in the WH&B Act, [r]egulations and policies can be changed, [a]doptions will be the primary placement tool of excess animals removed from public lands, [t]here will be no destruction of healthy animals, [t]he prison system/sanctuaries are not long-term solutions, [f]ertility control will be an available management tool beginning in FY94.”

Four proposals of action are included in the Plan:

- 1. Increase emphasis on habitat management.**
- 2. Establish a National Wild Horse and Burro Center which will include the following:**
  - Research and Development**
  - Interpretative Center for Visitors**
  - Science and Technology Transfer**
  - Senior technical staff for national support**
  - WH&B adoption processing and holding facilities**
  - National Adoption program**
- 3. Population Management, Removals, and Adoptions**
- 4. Cooperative Relations and Outreach**

The Strategic Plan is germane to the assertion that the Bureau has not and does not follow through on its stated policies. The 1992 Plan’s goals were put on a shelf. It was not until 1996-97, when the BLM convened an Emergency Evaluation Team (Pierson Team) and a Wild Horse and Burro Adoption Program Policy Analysis Team (Culp Team), that the Plan was revisited. (See Chapter 4)

CHAPTER 3

THE ADOPT-A-HORSE PROGRAM

Concerns over the alarming growth in wild horse numbers, the lack of any viable solution, and an increasing public interest in obtaining an animal, prompted the BLM's Montana office to institute a trial adoption program. The success of Montana's adoption experiment led to implementation of a national program in 1974.³¹

The greatest difficulty historically associated with gathering sufficient numbers of wild horses, for herd control and adoption, was that it had to be accomplished by cowboys on horseback.³² An illustration of that limiting factor is that in the two years after the adoption program had been initiated, only "700 horses had been captured and adopted...by the summer of 1977 there were over 40,000 wild horses in Nevada alone (and more than 65,000 wild horses, total)."³³

A means to gather excess horses in a less time consuming, more productive manner was imperative. The time had come to reconsider the use of aircraft as a means

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³¹ Pitt 528.

³² PL 86-234.

³³ Thomas 148. Bureau of Land Management, *Information Overview 1972-1997* [government document on-line] available at <http://www.blm.gov/whb/statsum.html>; Internet; 30 June 1997.

to facilitate wild horse roundups. The 1978 amending of PRIA, allowing the use of helicopters for gathering wild horses, greatly alleviated the excess horse removal problem. Between 1973 and 1997, 155,216 wild horses have been adopted and placed in private care.³⁴ (See Appendix C: *Summary-Removals and Adoptions 1973-1996*, Appendix D: *Removal/Adoption Statistics 1996*, Appendix E: *Removal/Adoption Statistics 1997*.)

The BLM has prepared a booklet, *So You'd Like To Adopt*, to address questions of prospective adopters, and to provide information on adoption centers/areas. The booklet also contains an application for adoption of wild horses or burros. Fees for adopting a wild horse range from a minimum \$125 per single animal, to \$125 each for mares with unweaned foals (a competitive bidding experiment is discussed later in this chapter). There are specific requirements that must be met, by an interested party, in order to have an application approved. In order to qualify to adopt a wild horse:

You must be at least 18 years old, be a resident of the United States, and have no convictions for inhumane treatment of animals. You must also have, or have arranged for, adequate facilities and the financial means to provide for the number of animals adopted. An individual who has expressed an intent to commercially exploit the wild nature of a wild horse or burro may not adopt a wild horse or burro.³⁵

The potential adopter's facility requirements are stringent and include:

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³⁴ Bureau of Land Management, *Summary - Removals and Adoptions 1973-1996* [government document on-line] available from <http://www.blm.gov/whb/rmvadp36.html>; Internet; 30 June 1997. Bureau of Land Management, *Removal/Adoption Statistics 1996* [government document on-line] available from <http://www.blm.gov/whb/rmvadp96.html>; Internet; 27 March 1998. Bureau of Land Management, *Removal/Adoption Statistics 1997* [government document on-line] available from <http://www.blm.gov/whb/Stat297.html>; Internet; 27 March 1998.

³⁵ Bureau of Land Management, *So You'd Like to Adopt* (Washington D.C., Revised 1997), 6.

Newly adopted wild horses...must be kept in an enclosed corral with a minimum area of 400 square feet...per animal.... Gentled animals must...have a box stall of at least 144 square feet that is well ventilated, drained, and frequently cleaned. Fences must be at least...6 feet high for ungentled horses.... Fences should be of pole, pipe, or plank construction and must not have dangerous protrusions. Barbed wire is not allowed in stalls or corrals. Adopted wild horses...must be provided shelter where severe weather (heat, cold) occurs.³⁶

In order to transport a newly adopted horse, the following requirements must also be met:

[A]ll (horse) trailers must meet these standards:

- A. Covered top, sturdy walls/floors, and a smooth interior....
- B. Ample head room.
- C. Partitions or compartments to separate animals by size and sex if necessary.
- D. Floor covered with a non-skid material.
- E. Adequate ventilation.

Drop ramp and two horse trailers are strongly discouraged; some adoption centers may refuse to load a horse into a trailer so equipped.³⁷

A controversy that arose in conjunction with the Adopt-A-Horse program and its policy of transferring the title of ownership to private individuals, has been the subject of much debate. Once title transfer occurs, the government no longer has a valid legal interest in that horse.³⁸ Charges of abuses toward adopted horses have occurred in the past and renewed charges continue to surface as policy reforms are enacted.

In *Animal Protection Institute of America, Inc. v. Hodel* (1987),³⁹ the right of the BLM to refuse the transfer of title, to a potential adopter, was at issue. The case arose out of an incident that occurred when the potential adopter, M.E. Eddleman, in response to a

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³⁶ Ibid. 7.

³⁷ Ibid. 10.

³⁸ 43 U.S.C. (Chapter 37 Public Rangeland Improvement Act [PRIA]).

³⁹ 671 F.Supp. 695.

reporter asking, "What happens to adopted mustangs?", replied that as soon as title transfer occurs, "They go to slaughter."⁴⁰ The Court held that the "Secretary must reject the potential adopter as unfit and refuse to transfer title under [the] Wild and Free-Roaming Horses and Burros Act,"⁴¹

The lawsuit above is just one example of the many challenges that have faced the BLM's adoption program. What follows is a sample of the vast amount of journal, magazine, and newspaper articles that have appeared in the last decade, along with a brief note highlighting each article's particular adoption issue.

In *US News and World Report*, Mar. 1987, Michael Satchell seeks answers to "The Final roundup for America's Wild Horses?" The article looks at the expense associated with rounding-up wild horses for adoption. From 1985 to 1987, Satchell states, the BLM has spent \$50.7 million on roundups to protect horses and the rangeland. He also gives figures for the cost to taxpayers of \$26,000 a day, or close to \$9.5 million per year, to maintain unadoptable horses.

One year later, in a second article by Michael Satchell, "No Longer Home on the Open Range," Satchell writes that the BLM's "botched management of its Adopt-A-Horse program has added to the tragedy.." Even under the protection of the Interior Department, "mustangs continue to suffer abuse and exploitation." The BLM's "sloppy management" results in major abuses. "Under a controversial program in which the \$125-per-head fee is waived for anyone taking large number of animals..110 mustangs

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⁴⁰ William Nack, "Bad Times For Wild Horses," *Sports Illustrated* 25 April. 1988: 28.

⁴¹ 671 F.Supp. 695.

were found starved to death, part of a herd of 400 adopted by a North Dakota rancher.”

The fee waiver program was suspended.

William Nack writes in *Sports Illustrated*, Ap. 25, 1988, "incidents of gross neglect and even starvation have brought an American dilemma back into the news once again." The article, entitled "Bad Times For Wild Horses," also highlights the abuse of 400 horses, adopted under new rules for people who were willing to adopt large numbers of horses. Federal district court judge, Howard McKibben, "ordered the BLM to withhold the title from any adopter who expressed an interest to exploit the horses.... The BLM had admitted to him...it knew before granting title that [some] adopters intended to slaughter the animals.”

More recently the BLM has faced charges that its own officials are circumventing the law. A 1995 *New York Times* piece, titled "Inquiry to See Whether Officials Helped Sell Protected Horses for Slaughter," reports that some BLM officials and employees are under investigation for their role in a "profit-making scheme to divert adopted horses to slaughterhouses." The investigation had been ongoing during the past four years. Allegation were made by a BLM investigator, prior to his retirement, "that bureau officials tried to obstruct justice in a case before a Federal grand jury in Texas." The General Accounting Office (GAO), in 1990, investigated the bureau on similar allegations. The GAO "investigators obtained evidence from slaughterhouses in Nebraska and Texas that showed more than 3,700 adopted horses had been sold for slaughter." The agency has disputed the accusations.

Three articles appearing in a Las Vegas newspaper, the *Review Journal*, in early January 1997, addressed the slaughter of adopted wild horses. "Pets or Food," by Martha

Mendoza, is a report on an Associated Press investigation that concluded rather than saving lives, the Adopt-A-Horse program is being used to channel horses to slaughter houses. Those individuals benefitting from the slaughter house sales are employees of the Bureau of Land Management. Ms. Mendoza's information states that the law does not prevent sending adopted horses to slaughter, yet there is not a conclusive decision as to "whether it is legal or ethical for BLM officials to adopt and sell wild horses."

In "Wild Horse Program to Face Inquiry," the Interior Department looks into allegations that protected horses are being sold for slaughter purposes. Bob Armstrong, assistant secretary for land and minerals, says "[i]f it is found that a BLM employee or other horse adopter has been involved in criminal violations, the investigation will be promptly turned over to the appropriate U.S. attorney's office. Armstrong is referring to an Associated Press (AP) story alleging adoption abuses by BLM employees.

Tom Pogacnik, director of the BLM's Wild Horse and Burro program, wrote a rebuttal to the January 6, 1997 AP charges. "Wild Horses, BLM Official Says Stories of Abuse in Adoption Program are Overblown," is the response offered by Pogacnik. He then offers information concerning the adoption process and stresses that once title has been issued, after a mandatory one year waiting period, the adopted animal is no longer under the BLM's jurisdiction. As far as BLM employees adopting horses, the agency does not give preferential treatment to facilitate any adoption. Pogacnik states that "they (BLM employees) must abide by the same laws and regulations as everyone does." He continues his denial of alleged employee abuses by saying "that the Associated Press story paints a distorted picture; it is a disservice to the thousands of Americans who dedicate themselves to caring for wild horses and burros."

A January 29, 1997, *New York Times* story, "Report Acknowledges Wild Horses Are Being Slaughtered," updates information from an earlier investigation surrounding the selling of adopted horses, by BLM employees, to slaughterhouses.

Finally, another article by Martha Mendoza, on March 24, 1997, was the front page headline story in the *Las Vegas Review Journal*. "Above the Law," was an article in which "a federal prosecutor says she believes her investigation into the slaughter of wild horses taken from federal lands was obstructed by BLM officials seeking to avoid embarrassment." Prosecutor Alia Ludlum and the grand jury foreman wanted to bring criminal indictments against BLM officials, "but the case was closed down last summer [1996] after federal officials in Washington...intervened." Apparently there are records that substantiate that other criminal investigations involving horse adoptions have been dropped. Also, as the investigation progressed, hundreds of discrepancies between the actual brand number on horses and BLM records showed up. The article also points out that questionable sales of "titled" horses to slaughterhouses continues.

While the BLM tries to clear its image, roundups of excess animals and the adoption process are ongoing.

New Formats for Adoptions

Because of failure and bad publicity, the BLM is working to reform its Adopt-A-Horse Program. Recent changes include two new experimental adoption formats, Internet adoptions and competitive (auction style) bidding.

On May 8, 1998, the BLM began accepting applications for its first Internet Adoption of wild horses. The information on the pending adoption process was first

released on the WH&B Program's Web page. One specific Web site gives information on the "how to" process for internet adoptions. Another site has a question and answer format for prospective adopters.

The first Internet adoption offered 25 horses, had 53 applications submitted, granted 18 approvals to participate, and successfully adopted 19 horses. Applications were accepted from May 8, 1998 at Noon, Central Time to May 22, 1998, Noon, Central Time. There were 19 steps involved in the Internet Adoption Process. A brief version of the steps include:

1. Access the Web site <http://www.adoptahorse.blm.gov>
2. View the animals and see if you would be interested....
3. Read the requirements for adoption and make sure that you are in compliance with all of them.
4. Complete the Electronic Application....
5. Choose your own password...
6. When the "submit" button...is pressed, your application will be sent....
7. You must send BLM a drawing of the layout of corral(s) and shelter(s)....

The question and answer Web site offers further clarification on the process and addresses specific questions, that potential adopters might ask, such as:

Can I Bid On More Than One Animal During This Adoption?
 What Is The Minimum Bid? What Are The Bidding Increments?
 How Will The Final Selection of High Bidder Be Handled?
 Can I Refuse To Take The Animal After I See it "In Person"?
 How Will The Post Adoption Process Differ for These Animals vs Those
 Adopted Through BLM's "Regular" On Site Adoptions?
 Are The Animals Offered in This Internet Adoption the Same Type of Animals
 Offered in Your Other Adoptions?

Presently the BLM is assessing its first Internet Adoption Pilot and is also beginning the initial planning for a second adoption, possibly in September or October, 1998.⁴²

The BLM is currently involved in the formulation and implementation of competitive bidding or auction style adoptions. As with the Internet adoptions, only a very select group of horses will be offered in this format. The premise being that in offering the most desirable animal, the demand for it will be greater and therefore the potential adopter will be willing to bid (spend) more.

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⁴² Bureau of Land Management, *How to Adopt a Wild Horse or Burro* [government document on-line] available from <http://www.adoptahorse.blm.gov/html/howtoadopt.html>; Internet; accessed 29 May 1998. Bureau of Land Management, *The Adoption Process* [government document on-line] available from <http://www.adoptahorse.blm.gov/html/process.html>; Internet; accessed 9 July 1998.

CHAPTER 4

EVALUATIONS AND RECOMMENDATIONS

Throughout its relatively brief history, the BLM's horse policy has been extremely controversial. Legal challenges to the BLM's actions in protecting, managing, and controlling the wild herds began materializing almost at the outset of the Wild Horse and Burro Act. The following cases illustrate the types of suits brought against the BLM and the challenges to various BLM activities carried out in conjunction with their policies and programs.

Two early lawsuits dealt with the protection of the range from overgrazing by both wild horses and domestic livestock. In order for a depleted range to be able to recover, animals had to be removed. *American Horse Protection Association v. Frizzell* (1975), and *American Horse Protection Association v. Kleppe* (1976)⁴³ addressed the issue of whether an Environmental Impact Statement (EIS) needed to be prepared in order to conduct a roundup of the wild horses. The Court, in *Frizzell*, held that the BLM, prior to conducting a roundup of 400 wild horses, was not required to file an EIS. The Court further stated that since the purpose of the roundup was to ease pressure on over grazed land, it would not have a significant effect on the environment. Yet, only a year later, in

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⁴³ *American Horse Protection Association v. Kleppe*, 50 L.Ed.2d. (1976).

Kleppe, the Court reversed itself and held that the BLM must prepare an EIS prior to conducting any roundup. Furthermore, the Court held that all alternatives, such as the removal of domestic stock and not just wild horses, must be considered.

An ongoing controversy concerns the population numbers of wild horses that should be maintained. Some interest groups feel that the number of horses on public land should be held at the 1971 population when the Act was implemented. Other groups feel limitations on the population of wild horses are not necessary. Still other parties express the need to set a favorable number that reflects responsible management. The Court, after hearing all of the above positions, held in *American Horse Protection Association v. Andrus* (1978),⁴⁴ that Chapter 30 of USC 16 Section 1333, "made a place for wild free-roaming horses, but not in unlimited numbers...and, inferentially [not at the] population at around the 1971 level...." Also, in *Dahl v. Clark* (1984)⁴⁵ the Court held that the "Secretary of Interior is not required to maintain wild horse population levels on public lands at levels existing at [the] time of enactment of [the] Wild Free-Roaming Horses and Burros Act...." The Court also reminds the parties that a statute "directs the Secretary to manage horses in a manner designed to achieve and maintain a thriving, natural ecological balance on public lands.."

A 1993 case, *Blake v Babbitt* (1993),⁴⁶ revisits the issue concerning roundups of wild horses. The suit attempted to "challenge a decision by the Department of the Interior...to allow local officials to authorize regional roundups," and claimed that "[i]t

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⁴⁴ 460 F.Supp. 880.

⁴⁵ 600 F.Supp. 585.

⁴⁶ 837 F.Supp. 458.

removes them [horses] from the range, destroys their lives and dumps them on the taxpayer."⁴⁷ The Court held that "[w]hen a determination is made that there is overpopulation of wild horses, action is required based on knowledge available...."⁴⁸ Hence, local officials were able to conduct regional roundups to preserve an overpopulated herd.

In addition to court rulings, public criticism had led the BLM to re-evaluate its own policy. Following in the wake of the *1992 Strategic Plan*, a number of studies were commissioned and recommendations made for improving general management and wild horse policies.

Wild Horse and Burro Emergency Evaluation Team (Pierson Team)

First, the BLM assembled an Emergency Evaluation Team of federal and state officials commonly referred to as the Pierson Team ⁴⁹ in the summer of 1996. The impetus behind the organization of the group was immediately to address an emergency occurring to the Nellis Range herd. Due to a severe drought during the winter of 1995-96 in Arizona, Nevada, and Utah, and the associated rapid deterioration of grazing lands and of the physical condition of wild horses, an emergency gather of the Nellis Range wild

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⁴⁷ Raymond Frazzi, "War of Words: Rutgers Enmeshed in Mustang Debate," *Home News* 5 Aug. 1993.

⁴⁸ *Blake v. Babbitt*, (1993) 837 F.Supp. 458.

⁴⁹ Bureau of Land Management, *Wild Horse and Burro Evaluation 1997* [government document on-line] available from http://www.blm.gov/nhp/pubs/97whb_eval/WHB_intro.html; Internet; accessed 22 Apr. 1997. In a telephone conversation with Maxine Shane, 21 Apr. 1997, External Affairs, BLM Nevada State Office, Reno, Nv., she indicated to me that the Evaluation was referred to as "The Pierson Team," after the Team's chairman.

horses had to be conducted. Range conditions had deteriorated to the point that wild horses were starving and dying.

Besides addressing the immediate emergency, the Pierson Team also addressed general management and herd management issues. Furthermore, the Team recommended updating an earlier management plan, the 1992 Strategic Plan, and re-establishing the National Wild Horse and Burro Advisory Board. Specifically the Team was asked to:

- “1. Provide recommendations for actions in response to the immediate emergency situation;
2. To take a long-term look at the Wild Horse and Burro program and its operation”.⁵⁰

The Team was comprised of only federal and state employees, in order to conform to the Federal Advisory and Committee Act (FACA). The members of the Team were: Al Pierson, Team Leader, Wyoming State Director, BLM; Deborah Ann New, BLM; Chuck Reed, BLM; Cathy Barcomb, Executive Director State of Nevada Wild Horse Commission; Lee Otteni, Department of the Interior; Jack Blickley, BLM; Art Garey, Department of the Interior; Kathy Davis, National Park Service; Ralph Giffen, Forest Service; Terry Lewis, BLM; and Willie Molini, Nevada Division of Wildlife. Advisors that assisted the Team included: Robin Lohnes, American Horse Protection; Fred Burke, former Wild Horse Representative to the BLM Arizona RAC; Fred Waggoner, Utah State University; Dawn Lappin. Wild Horse Organized Assistance; Ed

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⁵⁰ Bureau of Land Management, *Wild Horse and Burro Evaluation 1997* [government document on-line] available at http://www.blm.gov/nhp/pubs/97whb_eval/WHB_intro.html; Internet; accessed 22 April 1997. 2.

Spang, former BLM state director; Rey Flake, Chairman, Lincoln County Public Lands Commission; Marta Agee; and Harvey Barnes, President, Nevada Cattleman's Association. They made recommendations within specifically identified policy areas: management oversight and accountability; organizational considerations; wild horse and burro advisory board; herd management area designations; appropriate management levels; selective removal policy; and adoptions.

Management Oversight and Accountability, and Organizational Considerations

The Evaluation Team found that the decision to combine the National Program Office (NPO) and the Nevada State Office of the Wild Horse and Burro (WH&B) program was detrimental to both programs. Due to a 1992 downsizing initiative, the WH&B program was moved from Washington, D.C., to the Nevada State Office. The NPO was established under the supervision of the Nevada State Director.

The organizational change did benefit coordination among state offices. However, communication between the NPO and the Assistant Directors that remained in Washington was insufficient. Without effective communication, programs and directives suffered because decisions affecting the WH&B program were being made separate from other national program activities such as rangeland management and wildlife habitat. The Team's evaluation reasoned the combination "to be more than one position/office can handle effectively. In order to remedy the inconsistencies and impotence of the combined programs, along with the public sense of mistrust, the Team recommended that "the National Program Office be placed organizationally under the direction of the Assistant Director of Renewable Resources and Planning."⁵¹ In conjunction with the above

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⁵¹ Ibid. Section 3, 2.

recommendation, the Team suggested that due to Nevada's overwhelming share of wild horses, the BLM's Nevada State Office redirect its WH&B program to act on Nevada's wild horses best interest.

Wild Horse and Burro Advisory Board

Section 7 of the Wild Free-Roaming Horse and Burro Act (1971) authorizes and directs the Secretaries of Agriculture and the Interior to appoint joint advisory boards "to advise them on any matter relating to wild free-roaming horses and burros and their management and protection."⁵² The section also directs the Secretaries to select those persons who are not employed by state or federal governments, (as was not the case with members of the Pierson Evaluation Team) who would have special knowledge applicable to the program.

The Team recommended that such advisory boards be chartered and rechartered to represent the diverse interest groups in order to achieve greater consensus in addressing and resolving issues. The Washington BLM Office would be given the responsibility of coordination of the board.⁵³

Herd Management Area Designations and Appropriate Management Levels

"HMAs are areas identified by BLM in the land use planning process for the long-term management of wild horses and burros".⁵⁴ The Pierson Evaluation Team found that

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⁵² PL 92-195

⁵³ The Bureau of Land Management, *Wild Horse and Burro Evaluation 1997* [government document on-line] available from http://www.blm.gov/nhp/pubs/97whb_eval/WHB_html; accessed 22 April 1997. Section 1, 1-2.

⁵⁴ Ibid. Section 5, 11.

due to experience and knowledge gained since the passage of the Act in managing wild horses, that for truly effective management to take place, revision of certain practices must be addressed. For example, wild horses migrate over a number of different HMAs. The BLM practice has been that multiple jurisdictions have been managing the same herd, instead of combining those multiple HMAs in order to manage an entire herd. The Team recommends combining such HMAs and designating only one field office as having management jurisdiction.

“Appropriate management levels (AMLs) of wild horses and burros on the range are the optimum number of animals that ensure a thriving natural ecological balance.”⁵⁵ The historic problem in setting AMLs has been the disagreement among the competing interests (livestock producers, horse advocacy groups), surrounding public land use allocation. Also, there is disagreement over whether AMLs should be expressed as a set number (25) or as a range (25-35). The Team recommends that by establishing AMLs a perception of commitment, by the BLM, to better management practices would receive greater acceptance. The Team also recommends that “[i]ncreased emphasis be given to the completion of all related environmental evaluations and analyses to enable the BLM to establish AMLs....”⁵⁶

Selective Removal Policy and Adoptions

BLM policy has been to remove horses for adoption between the ages of 5 and 9 years, with the infrequent removal of even younger animals. The consensus has been that this age horse would better adapt to adoption. As the process for herd assessment begins

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⁵⁵ Ibid. Section 6, 13.

⁵⁶ Ibid. 14.

the Team recommends that careful attention be paid to the herd's structure in terms of sex, age, and social structure, so as to contribute towards a "thriving ecological balance," or, in other words, herd viability. The Team also recommended that as the BLM develops removal criteria, the use of its population model should be implemented, in order to best use available data concerning population trends. The Team also recommended the review of adoption programs that are working smoothly and assess how to promote those activities.⁵⁷

Birth Control/Immunocontraceptive Studies

A second area of re-evaluation, by the BLM, was an issue that has and continues to be in need of serious consideration, birth control/immunocontraceptive studies. In 1992 at the Montgomery Pass Wild Horse Territory, representatives from the BLM, the CPWH, the Nevada Department of Wildlife, and the U.S. Forest Service had joined John Turner for his annual wild horse census. John Turner is an endocrinologist at the Medical College of Ohio. Turner and a colleague, Michael Wolfe, a Utah State University researcher, had been studying this herd for the previous seven years. They had met at a conference when Turner was addressing the potential of birth control for horses and Wolfe was studying the dynamics of wild horse population.⁵⁸ During this same time period Turner was also working with Irwin Liu, a professor of veterinary medicine at the University of California at Davis, and Montana researcher, Jay Kirkpatrick, on a contraceptive vaccine.

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⁵⁷ Ibid. Section 7, 15. Section 8, 17.

⁵⁸ Michael Tennesen, "Reining in a Runaway Herd," *National Wildlife* 30 (1992): 22.

The first testing of a contraceptive was conducted in the Antelope Valley HMA, in 1992. The drawback with the vaccine was that it had to be administered in two inoculations for the first year, followed by an annual booster. Therefore, wild mares must remain corralled for two weeks in order to receive the second inoculation. But after four years of research, by Turner, Kirkpatrick and Liu, a time release vaccine that only had to be administered in a yearly single dose, and had a 95 percent effective rate was ready to be tested on wild mares.⁵⁹

The BLM rounded up 267 wild mares in Nevada in January 1996, and “vaccinated them with porcine zona pellucida, or P.Z. P., a long lasting contraceptive made from the membrane that surrounds the ovum of the pig....Porcine zona pellucida alter the protein membrane around the female’s egg so that sperm cannot penetrate the membrane and fertilize the egg..(P.Z.P.) is regulated by the Food and Drug Administration (FDA).”⁶⁰

Concerns over the possibility of indiscriminate use of the vaccine and its affect on the genetic diversity of the feral horses was addressed by Dr. Kirkpatrick. The Humane Society of the United States (HSUS) is working with Dr. Kirkpatrick’s team. The FDA had given only the Humane Society approval to control wildlife testing. “Under the Society’s guidelines, the vaccine is not used until a wild mare has given birth at least once....”⁶¹

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⁵⁹ “New Time-Release Birth Control Method to be Tested on Wild Horses,” *Las Vegas Review Journal*, 4 December, 1997, 5B.

⁶⁰ Doug McInnis, “Birth Control Might Keep Mustangs From Outgrowing Range,” *New York Times*, 26 March 1996, C4.

⁶¹ Ibid.

HSUS believes that immunocontraception, with its simplified method of delivery, has the capability to lessen the need for wild horse gathers and therefore lessen the number of horses entering the adoption process. “The BLM, The HSUS, and the research team (Turner, Kirkpatrick, and Liu)..began three new field projects in 1997-98, in Oregon and Nevada(Nellis Range)..HSUS Senior Scientist Allen Rutberg, Ph.D, has been appointed to the BLM’s 1998 National Wild Horse and Burro Advisory Board.”⁶²

The immunocontraceptive testing program performed on the Nevada Wild Horse Range (Nellis) was a major project. The field trial was instituted to test “the contraceptive efficacy of a version of a controlled-release PZP vaccine....we initiated a test to determine whether” a particular adjuvant would in fact enhance the effectiveness of the vaccine when added to yet another adjuvant. (See Appendix F: Turner Letters and *Excerpted From 1997 Progress Report*.) The study also “wanted to test a new formulation..which would give the mares a second exposure to both PZP and adjuvant without a second injection.”⁶³ The test showed that, “[f]oal production in 1996...(before treatment) was 165 foals/250 mares (66.0%). The overall foal production rate in 1997 (representing pregnancy rate during active treatment) was 26 foals/222 mares (11.6%).”⁶⁴ (See Appendix F).

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⁶² “Hope for Wild Horses,” *HSUS News*, (Summer 1998): 7.

⁶³ “Excerpted From 1997 Progress Report on Wild Horse Fertility Control,” (revised 1 January, 1998): 1.

⁶⁴ *Ibid.*, 3.

Wild Horse and Burro Adoption Program Analysis Team (Culp Team)

Meanwhile, a further recommendation of the Pierson Report was put into effect when the BLM commissioned the *Wild Horse and Adoption Program Policy Analysis Team Report*, commonly referred to as the Culp Team, in January 1997. The Team members were: Carson W. Culp, Jr., Team Leader, State Director, BLM, Eastern States; Cathy Barcomb, Executive Director, State of Nevada Wild Horse Commission; Linda Coates-Markle, WH&B Specialist, BLM, Montana State Office; Kim Fondren, Attorney Advisor, Department of the Interior; Kelly Grissom, WH&B Specialist, BLM, Arizona State Office; Terry Lewis, Chief, External Affairs, BLM, Eastern States; Art Lunckley, Special Agent, BLM; Lee Otteni, Department of the Interior; Al Pierson, State Director, BLM, Wyoming State Office; Margaret M. Riek, Writer-Editor, BLM, Eastern States; Dick Stark, Range Management Specialist, BLM, Denver-Washington Office; and Lili Thomas, WH&B Specialist, BLM, National Program Office. The Culp Team's focus was directed strictly at an analysis of the BLM's wild horse adoption program. "The team's mission was to analyze the current program and make recommendations for changes in policy and procedures to better ensure that adopted animals receive short- and long-term humane care. Additionally, the Team was charged with reviewing policies for adoptions by BLM employees."⁶⁵

The Culp Team's research specifically centered around three sets of issues: compliance program and management issues including training for employees, employee adoptions, and allegations of sales of adopted Wild Horses and Burros (WH&B) for

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⁶⁵ Bureau of Land Management, *Wild Horse and Burro Adoptions Program Policy Analysis Team Report*, 18 April 1997 [government document on-line]; available from <http://www.blm.gov/whb/culp2.html>; Internet; accessed 30 June 1997. 1.

slaughter. In the post issue research stage, the Team made recommendations in the following six categories; compliance activities (including titling), employee adoptions, WH&B data system, training, public outreach, and management/accountability. I will summarize what I consider to be the four most salient of the category topics: compliance and titling, employee adoption, training, and management and accountability.

The Team also affirms my thesis contention that the BLM was unprepared for its management and policy implementation and that it has not followed mandated directives. *“The Policy Analysis Team believes that establishment and achievement of Appropriate Management Levels (AMLs) in Herd Management Areas (HMAs) is the highest overall WH&B priority. Effort toward this objective should not be reduced in order to provide funding or staff time for implementation of our recommendations.”*⁶⁶

Compliance and Titling

The BLM’s compliance program addresses several issues. First, the intention that humane care be afforded adopted animals, during the time they remain “Federal Property” (prior to titling). Second, that all complaints of ill-treatment of adopted, untitled animals are investigated. Finally, the compliance program institutes on-site visits to approximately five percent of adopted, untitled animals during the fiscal year.

The process for gaining title to an adopted animal is conducted by mail. Due to a lack of personnel, the agency does not have the capability to pursue those adopters who fail to complete the process to acquire legal title. An salient fact of the titling issue that

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⁶⁶ Ibid. 3.

must not be overlooked is that “[u]pon titling, the animal loses its protected status under the Act and becomes the private property of the adopter.”⁶⁷

Adopted wild horses ending up in slaughter houses has been the focus of public and media criticism of the wild horse adoption program. It is a crime to sell for slaughter prior to gaining title. “BLM has no statutory authority to prevent sales for slaughter after a title is given for a particular animal..Comparing the slaughter data to current adoption rates indicates that slaughter sales are a relatively low percentage of the total number of animals adopted annually...less than 4 percent....”⁶⁸ The data also suggests “that one-quarter of one percent of horses processed annually at the slaughter plants were titled adopted wild horses.”

The results, of the BLM’s Special Agents’ review, state that the media stories of ““thousands”” of adopted animals being sent to slaughter appear to be exaggerated. Yet, the Culp Team acknowledges the plausibility that appropriate actions, on the BLM’s behalf, could notably reduce slaughter sales. In order to help resolve the problems associated with compliance and titling the Team offers pertinent recommendations. The following are a brief example:

Letters be sent to every eligible adopter of record without title...The Team believes that a nationwide effort for untitled animals...would be worth-while. Develop strategy with the Department of Justice to prosecute egregious cases...adopt uniform national policy on issuing citations...to all adopters selling or transferring animals before title. Telephone or physically check 100 percent of all new adoptions within 6 months. Increase on-site compliance inspections to assure...untitled animals...are being properly cared for. Enforce 43 CFR 9260 to ensure slaughterhouses keep the titles of adopted wild horses and burros for at least 1 year.

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⁶⁷ Ibid. 4.

⁶⁸ Ibid. 7-8.

Employee Adoptions

Following a national media story accusing BLM employees of “‘profiteering’” from the sale of adopted horses to slaughterhouses, the BLM’s Special Agents reviewed sale records. Those slaughterhouse records “disclosed only one case of an animal adopted by a BLM employee being sold for slaughter in the last 2 years. Follow up on that case indicated that the employee had sold the animal to a neighbor..and had obtained a verbal assurance that he did not intend to sell the animal for slaughter.”⁶⁹

Due to the cost of private maintenance for a horse and the current price received for a slaughter sale, “it is almost impossible for any adopter to earn a “‘profit’” from selling a titled former wild horse.... No other cases of commercial exploitation of adopted animals by BLM employees were identified by the Policy Analysis Team.”⁷⁰

Training

“Since the inception of the WH&B Program, no formal program-specific training has been available for staff working in the program, including WH&B specialists...personnel and managers responsible for herd management areas and/or adoptions.” The Team concedes that due to the lack of formal training programs, interpretation of policy and procedural requirements vary among the different BLM offices. Recommendations include the completion of formal in-depth training for employees in such areas as: “planning, establishing Appropriate Management Levels (AMLs), herd management, adoptions, and compliance.”⁷¹

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⁶⁹ Ibid. 15.

⁷⁰ Ibid. 15-16.

⁷¹ Ibid. 20-21.

Management and Accountability

The Policy Analysis Team (Culp), agrees with the recommendation of the Pierson Team that the WH&B National Program Office's placement into the Nevada State organization had resulted in losing "part of their previous identity and effectiveness." The combination created a "responsibility overload." By placing the national Program under the direction of the Washington Office and maintaining a subordinate staff in Nevada, "Bureau wide communication and coordination" has improved. The Culp Team maintains the following recommendations as the means to further improve the WH&B Program: "Require State Directors to complete monitoring and environmental analysis to establish AMLs on each HMA by December 31, 2000. Provide clear and concise WH&B Program direction from the Washington Office. Initiate an Annual WH&B Stewardship Report...."⁷²

1998 National Wild Horse and Burro Advisory Board

Finally, a penultimate recommendation from the Pierson report was the re-activation of a National Advisory Board. Even though the framework for a board was included in the 1971 Act, the first Board was not chartered by the Secretaries of the Interior and Agriculture until 1986. One of the issues that Board addressed was the necessity of establishing and achieving appropriate population levels for the feral horses. In 1990, a second Board was chartered for a two year period.⁷³

The Pierson Team found, through interviews, that by not utilizing a Board, the BLM loses a management tool and therefore, the WH&B program suffers. The BLM's

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⁷² Ibid. 25-26.

⁷³ *Wild Horse and Burro Evaluation* (Pierson Team). 9.

ability to build a consensus is hampered due to the lack of representation by diverse interest groups. Also, the Board provides the type of public forum that would encourage dialogue enabling the building of trust and confidence in the public sector.

In the summer of 1997, Director Shea opened nominations for appointments to a National Advisory Board. The Board will consist of approximately nine members, serving for a two year term, in one of the following categories: “wild horse and burro advocacy groups, wild horse and burro research (especially genetics and population biology), humane organizations, wildlife management, livestock management, and the general public.”⁷⁴ The 1971 wild Horse and Burro Act also stipulates that members of the National Board cannot be employees of the Federal Government or of a state government.

On January 28, 1998, the selection of the members of the re-established National Wild Horse and Burro Advisory Board were announced. They are: Ms. Robin Lohnes, American Horse Protection Association, Washington D. C.; Ms. Dawn Lappin, Wild Horse Organized Assistance, Reno, NV; Dr Nat Messer, College of Veterinary Medicine, University of Missouri, Columbia MO; Mr. John Artz, Cool CA; Mr. John Hanson , Susanville, CA; Dr. Allen Rutberg, The Humane Society of the United States, Washington D.C.; Mr. Fred Burke, Wickenburg, AZ; Dr. Peggy Stock, Westminster College, Salt Lake City, UT, and Ms. Naomi Tyler, Boise , ID. (The Board’s first meeting was held in Reno, NV on February 9th.) “The board’s upcoming meeting will be a step forward in the federal government’s effort to improve the way we protect and

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⁷⁴ “Wild Horse, Burro Board Nominations Now Open,” *Las Vegas Review Journal*, October 1997.

manage these living legends of the Old West...I encourage everyone who is able to attend the Reno meeting to do so.”⁷⁵

Along with the National Advisory Board, the BLM has another advisory body that is available on a continuing basis. Whereas the National Board is just that, national, the BLM has Resource Advisory Councils (RACs) which are regional, for example, the Mojave-Southern Great Basin Resource Advisory Council in Nevada. RACs are also comprised of diverse interests, address a greater number of issues (BLM land swaps to tortoise habitat) than just wild horses, and meet at prescribed times. RACs also impact wild horse policy.

On February 27, 1998, in Las Vegas, Nevada, the fifteen member Mojave-Southern Great Basin Resource Advisory Council meet and a major item on their agenda was a discussion of Wild Horse and Burro *Standards and Guidelines*. The BLM’s Wild Horse and Burro Director, Tom Pogacnik, reviewed laws, regulation, policies, and national initiatives. Cathy Barcomb, CPWH, compared *Standards and Guidelines* of BLM with the State of Nevada. Finally, the Council members commenced work on a specific document specifying standards and guidelines for Wild Horse and Burro Management.

Along with the National Advisory Board and the continuing use of RACs, the BLM’s newly confirmed director, Pat Shea, has engaged the assistance of an accountant, an editor, and a veterinarian. Each individual will have a distinct role in his capacity as a fact-finder. Editor Jay Shelledy will respond to adoption inquiries by the press and review implementation of recommendations from various sources including the Pierson

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⁷⁵ Bureau of Land Management press release, 23 Jan. 1998.

and Culp reports. Certified public accountant, Stuart Finley, “will review the BLM’s methods to inventory wild horse and burro population; the administration of the overall program; its record keeping; and its methods of checking adopters’ compliance with laws pertaining to wild horses and burros.”⁷⁶ Finally, Matthew Mackay-Smith, a veterinarian, “will review population control options such as birth control for wild horses; ways to achieve appropriate levels of wild horses on the range; and BLM procedures to ensure adopted horses receive humane care.”⁷⁷

Each of the fact-finders will be responsible for conducting an extensive analysis of a number of aspects associated with the wild horse and burro program. The three men will report their findings and conclusions to the new National Advisory Board that is in the process of being formed. If each of the men carry-out the Director’s requests and offer a substantive analysis that reflects both the positive aspects of the program, along with those areas that require revision or new policy, then I feel that the BLM, Director Shea, and the Wild Horse and Burro program will enjoy a better public image.

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⁷⁶ “Veterinarian, Account, Editor to Scrutinize Wild-Horse Issues,” *Las Vegas Review Journal*, 21 October 1997, 2B.

⁷⁷ *Ibid.*

CHAPTER 5

NEVADA'S UNIQUE PROTECTION PLAN

Of the western states with wild horses, Nevada is unique in that it has a state program to protect the already federally protected horse, hence the applicability of a discussion on the federal/state, jurisdiction and power relationship, otherwise known as federalism. Federalism is defined as that distribution of power between a central government and subdivisional (state) government, allowing each substantial functions.⁷⁸ Nevada's jurisdiction and the role of equine protector has and will continue to be of a secondary nature compared with the functions of federal jurisdiction and protection policy.

The United States government owns and manages 87 percent of the land within Nevada's boundaries. Fifty six percent of the country's federally protected wild horses graze on public lands in Nevada. The state's lack of prerogative in dealing with public land use, especially in conjunction with the protection of wild horses, has created contention among citizens of the state. Conventional wisdom suggests that the public attitude of Nevadans has, for some period of time, been toward a commitment that state

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⁷⁸ *Government by the People*. 41.

government should have a larger role and greater control concerning actions that impact the state.

The historical political culture of Nevada contributes to the contentious nature that her citizens exhibit when interacting with the federal government's land use and wild horse protection policies. Political culture can be defined as "political beliefs, values, and norms most citizens share concerning the relationship of citizens to government and to each other."⁷⁹ Nevada's citizens' contentious nature leads to a cohesiveness among those same citizens when addressing the above policies. According to political scientist Daniel Elazar, Nevada ranks high in state cohesiveness, with public land use as one of the two variables (gambling and attendant recreation is the other variable) used to measure cohesion. Professor Elazar, discusses the idea that the cohesiveness or internal unity of an individual state also carries across state boundaries when a national issue, such as wild horse protection, affects neighboring states.⁸⁰

The state's cohesiveness can be explained by Elazar's "three political cultures," (individualistic, moralistic, and traditionalistic) which are in actuality, subcultures that coexist, sometimes overlap, and are found in every state across the U. S.⁸¹ Nevada falls under the individualistic subculture. Characteristics associated with this particular classification include a view of government as having a utilitarian function, "to handle those functions demanded by the people it is created to serve."⁸² Also, an importance is

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⁷⁹ *Government by the People*. 464.

⁸⁰ Daniel J. Elazar, *American Federalism*, (New York: Harper and Row, 1984), 16.

⁸¹ Elazar 115.

⁸² *Ibid*.

placed on limiting government intervention, along with the idea that it is a government system of mutual obligation. Finally, the individualistic subculture promotes the belief “that politics is a dirty..business..,” and therefore should be left in the charge of those who are willing to voluntarily subject themselves to the soiling.

Nevadans’ attitudes toward government can be further explained by the concept of sectionalism (not to be confused with regionalism), “the expression of social, economic, and especially political differences along geographic lines.”⁸³

Sectionalism of the Far West can be illustrated through the following examples that occur in response to national concerns. Water resources are a continuing source of intrasectional conflict among the western states, as is the issue of control over the public lands. But those conflicts do not detract from their long-standing common interests in water and land use issues. Wild horse issues also fall under the above examples of sectionalism.

The controversial issue of control of public lands came to the fore in the 1970s with the advent of Nevada’s “Sagebrush Rebellion” and again, in the 1990s under the guise of “county supremacy.” The reality of the “Sagebrush Rebellion” was manifest when a western coalition was formed in the spring of 1978, by the Western Conference of the Council of State Governments and the Western Interstate Region of the National Association of Counties, to address the issue of public lands ownership. During the 1979 legislative session, Nevada “enacted Assembly Bill 413 asserting state control over the public lands under the jurisdiction of the federal Bureau of Land Management [BLM]: the

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⁸³ Elazar 137.

“Sagebrush Rebellion” was born.”⁸⁴ The federal government refused to recognize Nevada’s claim.

A 1995 *Time* magazine article highlighted the efforts of county governments, specifically Nevada’s Nye County which, tired of government control of their land, have been induced to seize control of those lands from federal management. “The new movement is no mere rekindling of the ‘70s’ Sagebrush Rebellion, although it does share the same goal of increasing local control over federal lands. Nye’s..rebellion is driven by an an intense feeling that the..forces of federal law,..may have doomed a mythic frontier life-style.”⁸⁵ The article goes on to describe ranchers’ (not just Nye County’s) disagreement with the BLM over allowing wild horses, as well as other animals, reserved land for grazing.

The above examples would tend to illustrate the incongruousness of the State of Nevada having a state protection plan for the already federally protected wild horse yet that is precisely what the Commission for the Preservation of Wild Horses entails.

The Commission for the Preservation of Wild Horses

The Nevada Legislature in 1985 created the Commission for the Preservation of Wild Horses (CPWH) to administer the Leo Heil Trust. Heil was a wealthy Nevadan who, when his family was arguing over how his estate should be split, stated that he

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⁸⁴ Dina Titus, “The Nevada “Sagebrush Rebellion” Act: A Question of Constitutionality,” *Arizona Law Review* 23, (1981): 264.

⁸⁵ Erik Larson, “Unrest in the West,” *Time*. (23 Oct. 1995): 52-53.

would rather leave his money to wild horses.⁸⁶ Only Nevada has a state commission for the preservation of the federally protected wild horse. Nevada Revised Statutes (NRS) 504.430 to 504.490 contains the requirements for fulfilling the Trust's instructions. The Commission consists of five members. The make-up of the Commission includes one rancher, one wild horse advocate, and three at-large members representing the general public.⁸⁷

Of the 10 western states with wild horse populations, Nevada, by far, has the greatest number of feral equines. Nevada's horse numbers are estimated to be 22,796, which is 56 percent of the national figure of 42,138.⁸⁸ The protected horses are on federal public lands within the State of Nevada and consequently subject to federal land management jurisdiction. The Commission acknowledges that the BLM, under the direction of the Secretary of the Interior, is the principal authority for administering the Act, "Nevada's authority in federal land management is limited to its statutes and provisions under federal law and regulations."⁸⁹

The Heil Bequest consists of one sentence which simply states that the trust money is to be used for "the preservation of wild horses." The interpretation of the meaning of the word "preserve" has given rise to heated debate, according to Cathy

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⁸⁶ Executive Director Catherine Barcomb, CPWH, interview by author, 18 March 1998, Las Vegas, telephone, University of Nevada, Las Vegas.

⁸⁷ Nevada Revised Statutes 504.4401, Section 3. Ed Vogel, "Wild Horse Bill Criticized," *Las Vegas Review Journal*, 17 Dec. 1996, 3B.

⁸⁸ Keith Rogers, "Home on the Range Not so Cozy for Some Wild Horses," *Las Vegas Review Journal*, 19 May 1997, 3A.

⁸⁹ Nevada Department of Conservation and Natural Resources, *Draft Outline Nevada Wild Horse Management Plan for Federal Lands*, (1997) by Catherine Barcomb, 1.

Barcomb director of the Commission.⁹⁰ The 1997 Legislative Session, through Senate Bill No. 211-Committee on Natural Resources, passed a number of revisions to the statute. The foremost reason for the revision, according to Ms. Barcomb, was that by placing the Commission under the direction of the state agency (Department of Conservation and Natural Resources) it allowed a greater focus for the Commission. For example, there is not a duplication of various chores (notification of hearings, meeting schedules, etc.). It also allowed for sharing of services (secretarial) which had previously cut into Barcomb's time.⁹¹ Pete Morros, director of the Department of Conservation and Natural Resources, realized that the transfer will create a greater workload for him but also felt that "[t]he rural legislators wanted some oversight on the commission's activities for awhile. They [the commission] have to be managed on some level because they've been controversial."⁹²

The first reform was the removal of the CPWH from the Governor's office and its replacement with the State Department of Conservation and Natural Resources. Second, the Bill revised the duties of the Commission, and third, it "prohibits the filing of certain documents on behalf of the commission unless approved by the director of the state department of conservation and natural resources."⁹³ Nevada Revised Statute (NRS)

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⁹⁰ Executive Director Catherine Barcomb, CPWH, interview by author, 18 March 1998, Las Vegas, telephone, University of Nevada Las Vegas.

⁹¹ Ibid.

⁹² Martha Bellisle, "Bill Shifts Goal of Wild Horse Commission," *Las Vegas Review Journal*, 20 June 1997.

⁹³ State of Nevada Legislative Committee on Public Lands, *Bulletin No. 97-12*, report prepared by the Legislative Counsel Bureau, 1997.

505.4701 states the mission of the Commission for the Protection of Wild Horses (CPWH):

“[t]he primary duties for the Commission are to preserve viable herds of wild horses on public lands designated by the Secretary of the Interior as sanctuaries for the protection of wild horses and burros pursuant to 16 United States Codes (USC) 1333 (a) at levels known to achieve a thriving natural ecological balance with the limitation of natural resources of those lands and the use of those lands for multiple purposes, and to identify programs for the maintenance of those herds.”

The Commission, therefore, “serves as an advocate for wild horses and protection of the habitat for the horses as well as livestock and wildlife.”⁹⁴

43 USC sec. 1701-1782, (FLPMA) states that when state and local land use plans are compatible with land use plans under the Code, the Secretary shall be “consistent” in furthering such plans. Thus, a major role of the CPWH is to develop and initiate the *Nevada Wild Horse Management Plan for Federal Lands* so as to be in compliance with federal mandates. The end result formulates policy that will benefit both the national program and the CPWH.

NRS 504.4701 also lists the means for fulfilling the commission’s duties. The following are samples of specific implementation tools:

Promote the management and protection of wild horses; Recommend to the legislature legislation which is consistent with federal law; Develop, identify, initiate, manage, and coordinate projects to study, preserve and manage wild horses and their habitat; Monitor the activities of state and federal agencies, including the military, which affect wild horses; Develop and manage a plan to educate and inform the public of the activities of the commission for the preservation of wild horses;

Other goals stated by the Commission are:

Preserve viable wild horse populations within 1971 herd management areas at levels that will achieve a thriving natural ecological balance; Establish proper herd

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⁹⁴ State of Nevada Commission for the Protection of Wild Horses, *Expanded Narrative 1997*, (Reno, Nevada: 1997), 1.

management areas based upon biological needs and management feasibility; Genetic uniqueness and herd viability will be preserved for each herd management area; Insure that research and technical development is directed and implemented into management action affecting wild horse herds and herd management areas; Assure the humane and effective disposal of excess wild horses from federal lands; Assure adequate funding of wild horse management in Nevada.⁹⁵

The above goals of the Commission must be compatible with the following federal laws: The Free-Roaming Wild Horse and Burro Act (1971), Federal Land Policy and Management Act (1976), National Environmental Policy Act (1969), and the BLM's multiple land use decisions.

Nevada State Legislative Committee on Public Lands

The Nevada legislature, during its 1983 session, combined two legislative committees in order to initiate the statutory Nevada State Legislative Committee on Public Lands. The earlier select committee on public lands (nonstatutory) and the legislative committee for the review of federal regulations (statutory) had been found to share complementary functions and therefore the impetus for creating one comprehensive body. The mission of the new Nevada legislature's committee was two-fold: first, "to provide oversight," and second, "to provide a forum for the discussion and hearing of public land matters, particularly as they affect state sovereignty."⁹⁶ The 1985 legislation that "created the Commission for the Preservation of Wild Horses.., authorized cooperative agreements with federal land management agencies; and declared the

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⁹⁵ State of Nevada Commission for the Preservation of Wild Horses, *Draft Outline Nevada Wild Horse Management Plan for Federal Lands* (Reno, Nevada: 1997), 3-4.

⁹⁶ State of Nevada Legislative Committee on Public Lands, *Bulletin No. 85-22*, reported by the Legislative Counsel Bureau, 1985, 1 .

harming and unauthorized killing of wild horses to be a gross misdemeanor.”⁹⁷ In this capacity, it also addresses wild horse issues. For example, in 1997 the committee introduced a concurrent resolution urging, “Congress to enact legislation to control strictly the populations of wild horses and burros on public lands and to authorize additional methods for removing these animals from public lands in Nevada. The additional methods include the sale of excess wild horses and burros at public auction or the destruction of the animals in the most humane and economical manner possible.”⁹⁸

The Legislative Committee was also responsible for the 1997 legislation that extensively revised NRS (Nevada Revised Statutes) 504.430 to 504.490 (Nevada’s Wild Horse Commission). The greatest changes took place in Section 5, NRS 504.4601 and Section 6 NRS 504.470. Those changes are discussed in greater detail in the following section.

Nevada State Senator Dean Rhoads is the Chairman of the Legislative Committee on Public Lands. He is also the Chairman of the Senate Committee on Natural Resources that heard and passed Senate Bill-211, revising the Commission for the Protection of Wild Horses. This committee killed a bill in both the 1991 and 1993 legislative sessions, making it a felony to kill a wild horse. Senator Rhoads is also a rancher and feels there is no conflict of interest among the many hats he wears.⁹⁹

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⁹⁷ Ibid. xi.

⁹⁸ Ibid. xii.

⁹⁹ Nevada State Senator Dean Rhodes, interview by author, April 1998, Las Vegas, telephone, University of Nevada Las Vegas.

Cooperation and Conflict Among Agencies

As stated earlier, BLM policy making and implementation have generated heated debate. Where do problems with and challenges to policy originate? Why is there continuing controversy over management and policy implementation?

One challenger is Nevada's Commission for the Preservation of Wild Horses, and its administrator, Cathy Barcomb. The Commission, at times, seems to frustrate its own policy. With seemingly insurmountable challenges, due to the expanded interpretation of the scope of its responsibilities, how does the State Commission implement its goals that differ somewhat from federal policy? One example where the state is at odds with federal policy concerns the question of "viability" of herds in age, gender, and breeding characteristics. Basically, the Commission can only comment on the BLM's policies and actions. The Commission's comments are applicable only to federally protected horses on federal lands. "Horses not qualifying for the federal definition fall under the jurisdiction of state Division of Agriculture."¹⁰⁰ Horses not meeting the federal definition are classified under Nevada's estray laws. Also, when wild or estray horses migrate onto state land, it is the Division of Agriculture that has jurisdiction.

The Commission has identified a number of critical issues that fall under BLM policy. For example, the issue of completing the identification of herd management areas (HMAs) and the setting of appropriate management levels (AMLs) of animals, within the

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¹⁰⁰ "Lawmakers Ask What Defines a Horse As Wild," *Las Vegas Review Journal*, 20 February 1997.

state, have been areas of contention between the Commission, the BLM, and wild horse advocacy groups.¹⁰¹

The Commission also contends that the Bureau of Land Management has not followed through on its policy directives. To illustrate this point, 43 CFR 4710 Management Considerations, section 4710.3-1 specifically addresses the establishment of herd management area (HMAs). Also section 4710.4, Constraints on management, states, "Management of wild horses and burros shall be undertaken with the objective of limiting the animals' distribution to herd areas. Management shall be at the minimum level necessary to attain the objectives identified in approved land use plans and herd management area plans." Of Nevada's 97 wild horse herds, complete HMPs and AMLs have not yet been established on those HMAs. "Currently, the Bureau of Land Management oversees the management of approximately 110 herd areas in Nevada. Only approximately 10 to 12 of those areas have Herd Management Area Plans...."¹⁰²

The Commission is critical of the BLM's lack of preparation and implementation of these necessary tools for optimum management of the feral herds. The areas that do not have complete herd management areas (HMAs) established obviously then have not had an analysis of what the appropriate numbers of horses or the appropriate management levels (AMLs), for that particular grazing area, might support. The lack of the above tools then adds to the problem of water shortages and forage shortages that further add to

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¹⁰¹ Executive Director Catherine Barcomb CPWH, interview by author, 18 March 1998, telephone, University of Nevada Las Vegas.

¹⁰² State of Nevada Commission for the Preservation of Wild Horses, *Expanded Narrative 1997*. Reno, Nevada (1997): 5.

the declining range condition, to say nothing of the starving and dying horses that the BLM is too often faced with.¹⁰³

Conflicting policy also occurs between the CPWH and the Nevada Legislature's Committee on Public Lands. The Committee, by a recommendation made to the 69th Session of the Nevada Legislature, actually tried to change the focus of the Commission, from protection and management of the horses to removal and disposal of the horses. "The legislative committee that voted to draft the bill consists of five legislators from rural Nevada, including three with ranching backgrounds."¹⁰⁴ The recommendation was not accepted by the Senate Natural Resources Committee authoring SB-211.¹⁰⁵ Instead the senate committee left the original language of "protect and manage" in the revised bill.¹⁰⁶ The Legislative Committee also made the following recommendations that were written into the law:

Clarify that the commission's primary duties are to encourage the preservation of wild horses in certain areas and to identify certain programs for the management of wild horses. Revise the various ways in which the commission is directed to carry out these duties.

Require that each appeal or protest filed on behalf of the commission be approved by the commission before submission.

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¹⁰³ "Home on the Range Not so Cozy for Some Wild Horses," *Las Vegas Review Journal*, 19 May 1997, 2B.

¹⁰⁴ Ed Vogel, "Wild Horse Bill Criticized," *Las Vegas Review Journal*. 17 December 1996, 3B.

¹⁰⁵ Martha Bellisle, "Bill Shifts Goal of Wild Horse Commission," *Las Vegas Review Journal*, 20 June 1997. "Legislation Would Push Wild Horse Removal," *Reno Gazette-Journal*, 29 Nov. 1996.

¹⁰⁶ NRS 504.4701 Section 6 (h).

Clarify that the authority of the commission to enter into agreements with the Federal Government includes the authority to cooperate with law enforcement agencies in the apprehension and prosecution of violators of wild horse laws.¹⁰⁷

Interest Groups

Another player in all of this conflict is wild horse advocacy groups, such as the National Wild Horse Association (NWHHA). The NWHHA acts as volunteers and monitors for both protection and adoption programs. Conflicting policy addressing the level and type of protection that should be performed, by the BLM and CPWH, are sources of contention and debate.¹⁰⁸

The Las Vegas based-NWHHA contends that public lands, particularly those with specific herds of feral horses, must be managed with great care. Laurie Howard of the NWHHA maintains that man has impacted the broad open ranges of Nevada and therefore the wild herds. Moreover, she states, range management and herd management are the keys to wild horse preservation. Ms. Howard argues that it is only logical that viable herds can be protected only on viable ranges. Range management is a multifaceted responsibility that includes improving range conditions by monitoring forage conditions and the amount of grazing materials, maintenance of existing water resources and the development of new sources. Proper management therefore demands the establishment

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¹⁰⁷ Legislative Committee on Public Lands, *Bulletin No. 97-12*, 1997.

¹⁰⁸ "Wild Horse Advocates Argue Against Government Help With Herds," *Las Vegas Review Journal*, 26 Feb. 1997, 5B.

of herd management areas (HMAs), herd management plans (HMPs), and appropriate management levels (AMLs).¹⁰⁹

Ms. Howard expresses frustration over the personnel shortages and lack of funding within the Bureau. For example, there is one wild horse specialist for the Las Vegas Resource Area. The specialist is not the problem; it is the overwhelming number of associated responsibilities. For this particular resource area (which is indicative of other areas) duties include, but are not limited to: establishing and completing HMAs and AMLs, assessing the condition of the range, assessing water resources, assessing conditions and documenting numbers of horses, initiate and participate in roundups of excess feral horses and burros, follow rules and procedures outlined by the BLM.¹¹⁰

Ms. Howard also contends that it is imperative to assess the health and the condition of herds, and use all available tools, such as culling and euthanasia, as means to increase the viability of the feral equines, not only in Nevada, but all western herds. Howard further expresses her concern with the BLM over its funding for wild horse protection within the state of Nevada. Given that the state has over fifty percent of the total number of wild horses, distribution of funds by the Bureau has not been equitable.

Another area of contention involving the Bureau, the CPWH, and the NWHHA focuses on the Bureau's birth control studies as a management tool. The first studies began in 1992. A major problem associated with the contraceptive was the necessity of

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¹⁰⁹ Laurie Howard, NWHHA, interview by author, 11 March 1998, Las Vegas, telephone, University of Nevada, Las Vegas. BLM wild horse specialist Gary McFadden, interview by author, 17 March 1998, Las Vegas, telephone, University of Nevada, Las Vegas.

¹¹⁰ Ibid.

having to administer the vaccine on two separate occasions. Hence, wild mares must be constrained for at least a period of two weeks.

Four years after the initial study, a new vaccine is being tested. In January of 1996, 267 mares were gathered from the Nellis range by the BLM, for the purpose of administering the contraceptive. The new vaccine will have a time-release effect and “seems to be 95 percent effective for at least one year with only one shot.”¹¹¹

CPWH's Cathy Barcomb questions the validity of the Nellis test results. She feels that the fertility study was skewed from the beginning of the experiment. She questions whether the study mares' lack of conception occurred because the vaccine was in fact effective, or was the lack of conception due to their declined state of malnutrition. Barcomb says that range and wild horse conditions have been in such a grave state, on the Nellis Range, that the BLM has declared three emergencies in the past five years.¹¹² The National Wild Horse Association agrees with the CPWH that the BLM must implement birth control as a means of wild horse management. NWHHA also expresses doubts as to the credibility of the Nellis study.¹¹³

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¹¹¹ Keith Rogers, “Home on the Range Not so Cozy for Some Wild Horses,” *Las Vegas Review Journal*, 19 May 1997, 1B. “New Time-Release Birth Control Method to be Tested on Wild Horses,” *Las Vegas Review Journal*, 4 Dec. 1997, 5B.

¹¹² Catherine Barcomb, interview by author, telephone, Las Vegas, 18 March 1998.

¹¹³ Doug McInnis, “Birth Control Might Keep Mustangs From Outgrowing Range.” *New York Times*, 26 March 1996, L ed., C4.

CHAPTER 6

CONCLUSIONS

In the past, the BLM, by not fully discharging mandated policy, due to a lack of training, manpower, and budget constraints, continually exposed itself to criticism from an angry public sector, ranchers, and wild horse interest groups. A number of developments that have occurred since the early 1990s seem to offer encouragement that the Bureau might be taking substantive actions to alleviate a number of its problems which include: the general public's perception of illegal activities conducted by BLM employees (adoption program); the perception that abuses of wild horses are occurring within the adoption program; criticism from wild horse advocates, livestock grazers, and the public concerning BLM's management practices.

The first development was the creation of the 1992 Strategic Plan. In review, its basic tenets included; a review of BLM's policy on selective removal of animals, fertility studies, the moving of the Wild Horse and Burro (WH&B) staff from Washington D.C. to the Nevada State Office (accomplished August 14, 1996), the establishment of the WH&B National Program Office, and funding set-asides. Each of the above projects was, to some degree, implemented, but evaluation of the Plan did not take place until the fall of 1996, under the leadership of the Emergency Evaluation Team (the Pierson Team).

A further indication that the BLM was seriously addressing criticism of its policies was the formation, in August 1996, of the Emergency Evaluation Team (Pierson Team), and in January 1997, of the Wild Horse and Burro Adoption Policy Analysis Team (Culp Team). It was unfortunate that emergency conditions affecting wild horses had to be reached before the BLM took the responsibility to assess its protection policies.

Through the Culp Team's analysis of the adoption program and the Pierson Team's analysis of management problems, sound recommendations for improvement in a number of policy areas have been made. The question remains as to how many of the Teams' recommendations will actually be implemented. Those specific recommendations that address the lack of earlier policy directives being implemented, for example, the Pierson Team's recommendation of the completion of HMAs and AMLs, should have top priority.

The recommendation addressing ongoing fertility studies must be given top priority status for the BLM. The importance of this management tool cannot be overstated. Reaching and maintaining AMLs with the help of birth control will reduce the budget required for the entire WH&B program. There will no longer be the need for emergency gathers nor the numerous roundups for population control. Reductions in personnel and the entire Adopt-A-Horse program will benefit the BLM.

Concern that action on some of the recommendations will not take place is just. The BLM has not always acted in an expeditious manner. One needs only to look at the starvation and death of animals in their care or periods of population explosions taking place, which further endanger wild horses and public lands.

A final development that offers encouragement of positive change within the BLM is that after a number of years of not having a permanent director, Pat Shea, a Salt Lake City, Utah attorney was appointed to the post in the fall of 1997. The combination of both analytical Teams' recommendations, a new director, the re-establishment of the National Advisory Board, and the appointment of Director Shea's three fact-finders, seemingly have pointed recommended and established policy in a plausible direction. The perception that the BLM is actively seeking ways to address and improve its problems, has allowed Director Shea some necessary time to analyze what direction the agency will need to take.

Controversy will continue over the actual numbers of wild horses that should be preserved, due to the inherent interests of ranchers, wild horse advocates, and the general public. Formulation of substantive policy in controversial areas will be paramount. More importantly, it is imperative that some substantive action occur. Yet, I feel the question of how to best manage horses for optimum protection will continue to be asked and addressed by various means.

Solutions Pertinent to Nevada

Nevada's Commission for the Protection of Wild Horses has recently instituted a scoping process that should enable the Commission to ascertain and prioritize issues in which it would have the greatest impact. Due to the lack of extensive funding and manpower, the above process should allow for a narrower focus for the Commission. Such action would then lessen the broad spectrum of responsibilities and increase the influence of the Commission when addressing particularly significant issues. The

Commission has, in the past, acted in a manner that has created alienation among groups that should be cooperating for a mutually beneficial purpose. Subsequently, because of its placement in the Nevada's Department of Conservation and Natural Resources, cooperation among the Commission, wild horse advocates, and BLM personnel is improving. Direct interview questions asked, of the involved parties, indicate that the historic animosity between the CPWH and the BLM, and the CPWH and wild horse advocates has lessened mostly due to the Commission's move and the attendant oversight.

Finally, as long as one interest group has a predominant role in the legislative process, controversy will continue. Even though State Senator Dean Rhoads denies any conflict of interest, ranchers and wild horse policy have not been harmonious. While Senator Rhoads chairs the Legislative Committee on Public Lands and the Senate Natural Resources Committee, then those two committees, the CPWH, and the BLM will continue to be at loggerheads.

APPENDIX A

1996 HERD AREA STATISTICS

Bureau Of Land Management **Wild Horse and Burro Program**

1996 HERD AREA STATISTICS

HERD AREA STATISTICS- AS OF SEPTEMBER 30, 1996

Management Status: HM AREA- Herd Management Area- A herd area managed for the long term;

REMOVE ALL- All wild horses and/or burros are to be removed;

NO DECISION- A decision is pending land use planning.

AML: Appropriate Management Level- The optimal or median population level.

Excess Herd Management Name Burros	Herd Area Code	BLM Acres	Other Acres	Total Acres	Management Status	Year HMAP Signed	Horse AML	Est. Horse Pop.
-----	-----	-----	-----	-----	-----	-----	-----	-----
ARIZONA								
ALAMO	AZ005	238000	68000	306000	HM AREA	79	0	0
HARQUAHALA	AZ008	116000	8000	124000	HM AREA		0	0
BIG SANDY	AZ004	181000	71000	252000	HM AREA	82	0	0
BLACK MTN	AZ003	544000	725000	1269000	HM AREA	81	0	0
CERBAT MTN	AZ002	51700	21600	73300	HM AREA		100	81
CIBOLA-TRIGO	AZ011	250000	581000	831000	HM AREA	80	113	90
HAVASU	AZ010	312000	152000	464000	HM AREA	79	0	0
LAKE PLEASANT	AZ006	57800	31900	89700	HM AREA		0	0
LITTLE HARQUAHALA MTNS	AZ009	53000	14000	67000	HM AREA		0	0
PAINTED ROCK	AZ007	178000	37000	215000	HM AREA		0	0
TASSI-GOLD BUTTE	AZ001	52000	50000	102000	HM AREA	82	0	0
----OUTSIDE HERD AREAS	AZ000	0	0	0			0	0
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ARIZONA TOTALS		2033500	1759500	3793000			213	171

Excess Herd Management Name Burros	Herd Area Code	BLM Acres	Other Acres	Total Acres	Management Status	Year HMAP Signed	Horse AML	Est. Horse Pop.
-----	-----	-----	-----	-----	-----	-----	-----	-----
CALIFORNIA								
BITNER	CA267	43550	7110	50660	HM AREA	85	20	27
BUCKHORN	CA262	62320	3320	65640	HM AREA	84	72	81

CARTER RESERVOIR	CA269	21880	1320	23200	HM AREA	85	25	55
CENTENNIAL	CA654	329010	667990	997000	HM AREA	76	168	280
CHEMEHUEVI	CA698	320620	70380	391000	HM AREA	84	0	0
CHICAGO VALLEY	CA681	248400	27600	276000	HM AREA	84	28	9
CHOCOLATE-MULES	CA671	166500	166500	333000	HM AREA	84	0	0
CIMA DOME	CA695	0	69000	69000	HM AREA-NPS	85	0	0
CLARK MTN	CA691	122901	50199	173100	HM AREA	85	0	0
COPPERSMITH	CA261	63020	7740	70760	HM AREA	84	63	91
DEAD MTN	CA697	24300	24300	48600	HM AREA	84	0	0
FORT SAGE	CA241	12509	160	12669	HM AREA	85	60	15
FOX HOG	CA263	94080	5480	99560	HM AREA	84	63	314
GRANITE-PROVIDENCE MTN	CA693	0	136500	136500	HM AREA-NPS	85	0	0
HIGH ROCK	CA264	114447	653	115100	HM AREA	85	85	168
KRAMER	CA682	5796	8004	13800	HM AREA		0	0
LAVA BEDS	CA692	0	178500	178500	HM AREA-NPS	85	0	0
LEE FLAT	CA652	62100	59900	122000	HM AREA	86	0	0
MASSACRE LAKES	CA268	39959	471	40430	HM AREA	85	15	41
MORONGO	CA661	27370	11730	39100	REMOVE ALL	85	0	0
NEW RAVENDALE	CA243	18500	9060	27560	HM AREA	85	24	47
NUT MTN	CA266	38840	1840	40680	HM AREA	85	43	52
PALM CANYON	CA662	575	10925	11500	HM AREA		6	2
PANAMINT	CA653	416990	430010	847000	HM AREA	86	0	0
PICACHO	CA672	38400	1600	40000	HM AREA	84	42	0
PIPER MTN	CA656	53040	24960	78000	HM AREA	76	17	54
PIUTE MTN	CA696	16555	13545	30100	HM AREA	85	0	0
RED ROCK LAKES	CA251	12475	4420	16895	HM AREA	85	21	26
SAND SPRING-LAST CHANCE	CA657	43700	186300	230000	HM AREA	76	0	0
SLATE RANGE	CA655	72800	447200	520000	HM AREA	76	0	0
TWIN PEAKS	CA242	653905	139727	793632	HM AREA	85	725	1071
WALL CANYON	CA265	47877	1400	49277	HM AREA	85	20	35
WAUCOBA-HUNTER MTN	CA651	5980	592020	598000	HM AREA	86	0	4
WOODS-HACKBERRY	CA694	0	39400	39400	HM AREA-NPS	85	6	27
----OUTSIDE HERD AREAS	CA000	0	0	0			0	35
-----	-----	-----	-----	-----	-----	-----	-----	-----
CALIFORNIA TOTALS		3178399	3399264	6577663			1503	2434

	Herd Area	BLM	Other	Total	Management	Year HMAP	Horse	Est. Horse
Excess Herd Management Name Burros	Code	Acres	Acres	Acres	Status	Signed	AML	Pop.
-----	-----	-----	-----	-----	-----	-----	-----	-----
COLORADO								
LITTLE BOOKCLIFFS	CO766	28937	1399	30336	HM AREA	84	80	95
NATURITA	CO345	19700	5640	25340	REMOVE ALL		0	0
NORTH PICEANCE	CO163	120214	10705	130919	NO DECISION		0	130
PICEANCE-EAST DOUGLAS CREEK	CO161	148153	16559	164712	HM AREA	84	140	240
SANDWASH	CO143	154540	4880	159420	HM AREA	84	217	270
SPRING CREEK	CO384	14835	1620	16455	HM AREA	94	50	45
WEST DOUGLAS CREEK	CO162	274019	28272	302291	REMOVE ALL		0	91
----OUTSIDE HERD AREAS	CO000	0	0	0			0	0
-----	-----	-----	-----	-----	-----	-----	-----	-----
COLORADO TOTALS		760398	69075	829473			487	871
	Herd Area	BLM	Other	Total	Management	Year HMAP	Horse	Est. Horse
Excess Herd Management Name Burros	Code	Acres	Acres	Acres	Status	Signed	AML	Pop.
-----	-----	-----	-----	-----	-----	-----	-----	-----
IDAHO								
BLACK MOUNTAIN	ID006	35000	0	35000	HM AREA	78	30	34
CHALLIS	ID005	154150	10570	164720	HM AREA	89	185	249
HARD TRIGGER	ID007	70000	0	70000	HM AREA	78	66	77
MORGAN CREEK	ID009	17952	0	17952	REMOVE ALL		0	0
SA	ID004	15000	0	15000	HM AREA	78	50	55
SAYLOR CREEK	ID003	50000	0	50000	HM AREA		200	114
SHEEP MOUNTAIN	ID008	4000	10000	14000	REMOVE ALL		0	0
WEST CRANE CREEK	ID001	10000	0	10000	REMOVE ALL		0	0
WILLOW RIDGE	ID002	90000	0	90000	HM AREA		50	22
----OUTSIDE HERD AREAS	ID000	0	0	0			0	0
-----	-----	-----	-----	-----	-----	-----	-----	-----
IDAHO TOTALS		446102	20570	466672			581	551

	Herd Area	BLM	Other	Total	Management	Year HMAP	Horse	Est. Horse
Excess Herd Management Name Burros	Code	Acres	Acres	Acres	Status	Signed	AML	Pop.
-----	-----	-----	-----	-----	-----	-----	-----	-----
MONTANA								
ERVIN RIDGE	MT252	14720	560	15280	REMOVE ALL		0	0
PRYOR MTN	MT251	35503	2510	38013	HM AREA	84	95	165
----OUTSIDE HERD AREAS	MT000	0	0	0			0	0
-----	-----	-----	-----	-----	-----	-----	-----	-----
MONTANA TOTALS		50223	3070	53293			95	165
	Herd Area	BLM	Other	Total	Management	Year HMAP	Horse	Est. Horse
Excess Herd Management Name Burros	Code	Acres	Acres	Acres	Status	Signed	AML	Pop.
-----	-----	-----	-----	-----	-----	-----	-----	-----
NEVADA								
AMARGOSA VALLEY	NV511	10000	13000	23000	HM AREA		0	0
ANTELOPE	NV401	390553	9782	400335	HM AREA	93	311	348
ANTELOPE RANGE	NV211	83009	48751	131760	REMOVE ALL		0	105
ANTELOPE VALLEY	NV107	462040	1500	463540	HM AREA	93	240	411
APPLEWHITE	NV518	27814	0	27814	HM AREA		20	28
ASH MEADOWS	NV509	200000	20000	220000	REMOVE ALL		0	0
AUGUSTA MTNS	NV311	210000	6000	216000	HM AREA		269	436
BALD MTN	NV603	120000	0	120000	HM AREA		362	276
BLACK ROCK RANGE EAST	NV209	91300	3804	95104	HM AREA		93	400
BLACK ROCK RANGE WEST	NV227	92543	8047	100590	HM AREA		93	420
BLOODY RUNS	NV204	43991	31856	75847	REMOVE ALL		0	0
BLUE NOSE PEAK	NV514	86695	0	86695	HM AREA		20	20
BLUE WING MTNS	NV217	17913	0	17913	HM AREA	87	29	30
BUCK-BALD	NV403	613950	13080	627030	HM AREA		426	798
BUFFALO HILLS	NV220	123141	9269	132410	HM AREA		314	305
BULLFROG	NV629	126900	700	127600	HM AREA		12	0
BUTTE	NV407	430770	5730	436500	HM AREA	93	116	127
CALICO MTN	NV222	155594	1572	157166	HM AREA		333	785
CALLAGHAN	NV604	153000	0	153000	HM AREA		245	1817

CHERRY CREEK	NV406	44269	0	44269	HM AREA		11	0
CLAN ALPINES	NV310	320000	2800	322800	HM AREA	93	979	1016
CLOVER CREEK	NV517	33653	0	33653	HM AREA		40	50
CLOVER MTNS	NV516	175717	0	175717	HM AREA		60	60
DEER LODGE CANYON	NV521	106607	0	106607	HM AREA		50	130
DELAMAR MOUNTAINS	NV515	190234	1336	191570	HM AREA	82	100	150
DESATOYA	NV606	124000	0	124000	HM AREA		217	182
DIAMOND	NV609	122000	0	122000	HM AREA		205	614
DIAMOND HILLS NORTH	NV104	70000	0	70000	HM AREA		95	202
DIAMOND HILLS SOUTH	NV412	10500	0	10500	HM AREA		22	375
DOGSKIN MTN	NV302	7600	0	7600	HM AREA	94	12	46
DRY LAKE	NV410	494335	0	494335	HM AREA		94	64
EAST RANGE	NV225	310605	120790	431395	REMOVE ALL		0	0
ELDORADO MTNS	NV501	22734	81210	103944	REMOVE ALL		0	0
EUGENE MTNS	NV207	39540	37989	77529	REMOVE ALL		0	0
FISH CREEK	NV612	275000	0	275000	HM AREA		246	315
FISH LAKE VALLEY	NV622	10000	10	10010	HM AREA		50	10
FLANIGAN	NV301	16260	1000	17260	HM AREA	91	104	105
FOX-LAKE RANGE	NV228	171956	5307	177263	HM AREA		204	295
GARFIELD FLAT	NV313	146800	3200	150000	HM AREA		125	290
GOLD BUTTE	NV502	176878	96890	273768	HM AREA		0	0
GOLD MTN	NV628	92000	50	92050	HM AREA		50	0
GOLDFIELD	NV626	62000	0	62000	HM AREA		103	0
GOSHUTE	NV108	250800	0	250800	HM AREA		160	363
GRANITE PEAK	NV303	4800	0	4800	HM AREA	93	15	28
GRANITE RANGE	NV221	88436	13214	101650	HM AREA		258	375
HIGHLAND PEAK	NV522	137776	1849	139625	HM AREA	87	50	40
HORSE MTN	NV307	53000	160	53160	HM AREA	92	75	61
HORSE SPRING	NV308	18000	12000	30000	REMOVE ALL		0	0
HOT CREEK	NV616	40476	35584	76060	HM AREA		41	50
HOT SPRING MTNS	NV203	49324	21139	70463	REMOVE ALL		0	0
HUMBOLDT	NV224	243046	198886	441932	REMOVE ALL		0	0
JACKSON MTNS	NV208	274510	8490	283000	HM AREA		230	360
JAKES WASH	NV408	67045	0	67045	HM AREA		35	58
KAMMA MTNS	NV214	54573	2872	57445	HM AREA	87	64	53
KRUM HILLS	NV206	30780	23220	54000	REMOVE ALL		0	0
LAHONTAN	NV306	10500	1000	11500	HM AREA	92	9	40
LAST CHANCE	NV510	78895	3342	82237	HM AREA		0	0
LAVA BEDS	NV215	231744	0	231744	HM AREA	87	119	333
LITTLE FISH LAKE	NV614	26420	83488	109908	HM AREA		54	60
LITTLE HUMBOLDT	NV102	64075	8406	72481	HM AREA		107	227
LITTLE MTN	NV519	54148	410	54558	HM AREA	84	50	40
LITTLE OWYHEE	NV200	398160	16560	414720	HM AREA	87	296	740
MARIETTA	NV316	66500	1550	68050	HM AREA	87	0	0
MAVERICK-MEDICINE	NV105	285960	500	286460	HM AREA		332	435

MCGEE MTN	NV210	50000	0	50000	HM AREA		0	0
MEADOW VALLEY MTNS	NV513	94966	0	94966	HM AREA		0	10
MILLER FLAT	NV520	90901	280	91181	HM AREA	82	50	40
MONTE CRISTO	NV402	155330	73610	228940	HM AREA	77	236	232
MONTEZUMA PEAK	NV625	57000	30	57030	HM AREA		118	106
MORIAH	NV413	83673	0	83673	HM AREA		61	152
MORMON MTNS	NV512	175423	0	175423	HM AREA		0	15
MT STIRLING	NV508	30855	27634	58489	HM AREA		50	50
MUDDY MTNS	NV503	61226	79590	140816	HM AREA		0	14
NEVADA WILD HORSE RANGE	NV524	394500	0	394500	HM AREA	95	1000	1350
NEW PASS-RAVENSWOOD	NV602	225000	0	225000	HM AREA		476	416
NIGHTENGAL MTNS	NV219	72218	3801	76019	HM AREA	87	52	235
NORTH STILLWATER	NV229	131104	1325	132429	HM AREA		82	256
OSGOOD MTNS	NV202	68273	53643	121916	REMOVE ALL		0	0
OWYHEE	NV101	371000	3234	374234	HM AREA		150	261
PAH RAH	NV304	8000	18000	26000	REMOVE ALL		0	0
PALMETTO	NV624	71000	200	71200	HM AREA		76	1
PAYMASTER-LONE MTN	NV621	85000	0	85000	HM AREA		48	75
PILOT MTN	NV314	495000	800	495800	HM AREA		346	692
PINE NUT	NV305	216000	72000	288000	HM AREA		179	357
RATTLESNAKE	NV523	75461	0	75461	HM AREA		20	10
REVEILLE	NV619	125400	920	126320	HM AREA		165	165
ROBERTS MTN	NV607	132000	0	132000	HM AREA		150	127
ROCK CREEK	NV103	115500	38500	154000	HM AREA		200	562
ROCKY HILLS	NV605	124000	0	124000	HM AREA		135	442
SAND SPRINGS EAST	NV405	386776	0	386776	HM AREA		257	309
SAND SPRINGS WEST	NV630	203868	35	203903	HM AREA		49	241
SEAMAN	NV411	361318	0	361318	HM AREA		159	120
SELENITE RANGE	NV212	126186	3903	130089	REMOVE ALL		0	53
SEVEN MILE	NV613	80936	7492	88428	HM AREA		105	122
SEVEN TROUGHS	NV216	130161	17749	147910	HM AREA	87	124	324
SHAWAVE MTNS	NV218	88927	18214	107141	HM AREA	87	60	325
SILVER PEAK	NV623	186000	12000	198000	HM AREA		200	50
SLUMBERING HILLS	NV205	64962	14585	79547	REMOVE ALL		0	0
SNOWSTORM MTNS	NV201	133138	12400	145538	HM AREA	87	140	200
SONOMA RANGE	NV223	148799	60779	209578	REMOVE ALL		0	0
SOUTH SHOSHONE	NV601	180000	0	180000	HM AREA		85	232
SOUTH SLUMBERING HILLS	NV230	15181	14585	29766	REMOVE ALL		0	0

SOUTH STILLWATER	NV309	7600	0	7600	HM AREA	95	25	16
SPRING MTN	NV504	297653	278232	575885	HM AREA		97	115
SPRUCE-PEQUOP	NV109	138000	0	138000	HM AREA		81	82
STONE CABIN	NV618	392176	12205	404381	HM AREA	82	364	297
STONEWALL	NV627	21800	0	21800	HM AREA		43	0
TOANO	NV110	57500	57500	115000	REMOVE ALL		0	14
TOBIN RANGE	NV231	185322	9754	195076	HM AREA		19	18
TRINITY RANGE	NV232	89712	46215	135927	REMOVE ALL		0	15
TRUCKEE RANGE	NV213	91664	78084	169748	REMOVE ALL		0	0
WARM SPRINGS CANYON	NV226	82305	831	83136	HM AREA		175	590
WASSUK	NV312	60000	20000	80000	HM AREA		123	141
WHISTLER MTN	NV608	60000	0	60000	HM AREA		28	47
WHITE RIVER	NV409	98534	0	98534	HM AREA		90	77
WILSON CREEK	NV404	689185	0	689185	HM AREA		171	77
-----OUTSIDE HERD AREAS	NV000	0	0	0			0	290
NEVADA TOTALS		16877402	1994473	18871875			13534	22796
	Herd	BLM	Other	Total	Management	Year	Horse	Est.
Excess	Area					HMAP		Horse
Herd Management Name	Code	Acres	Acres	Acres	Status	Signed	AML	Pop.
Burros								
NEW MEXICO								
BORDO ATRAVESADO	NM001	16493	3113	19606	HM AREA	91	50	70
GODFREY HILLS	NM002	27746	14517	42263	REMOVE ALL		0	0
PUNCHE VALLEY	NM004	50733	30531	81264	REMOVE ALL		0	0
-----OUTSIDE HERD AREAS	NM000	0	0	0			0	0
NEW MEXICO TOTALS		94972	48161	143133			50	70

Excess Herd Management Name Burros	Herd Area Code	BLM Acres	Other Acres	Total Acres	Management Status	Year HMAP Signed	Horse AML	Est. Horse Pop.
-----	-----	-----	-----	-----	-----	-----	-----	-----
OREGON								
ALVORD-TULE SPRINGS	OR005	121323	41040	162363	HM AREA	85	107	118
ATTURBURY	OR028	5985	1183	7168	REMOVE ALL		0	0
BASQUE	OR025	8616	707	9323	REMOVE ALL		0	0
BEATYS BUTTE	OR002	396520	40600	437120	HM AREA		175	141
CHERRY CREEK	OR021	29000	120000	149000	REMOVE ALL		0	0
COLD SPRINGS	OR013	27363	800	28163	HM AREA	76	113	29
COTTONWOOD BASIN	OR026	7763	226	7989	REMOVE ALL		0	0
COTTONWOOD CREEK	OR027	25135	1406	26541	REMOVE ALL		0	0
COYOTE LAKE	OR014	173370	29731	203101	HM AREA		188	120
DIAMOND CRATERS	OR031	48077	750	48827	REMOVE ALL		0	0
EAST WAGONTIRE	OR034	158048	41146	199194	REMOVE ALL		0	0
HEATH CREEK-SHEEPSHEAD	OR004	64539	8261	72800	HM AREA		82	48
HOG CREEK	OR011	23817	236	24053	HM AREA	81	40	42
JACKIES BUTTE	OR015	56062	42	56104	HM AREA	75	113	59
KIGER	OR010	36618	3042	39660	HM AREA	74	67	73
LAKERIDGE	OR023	2720	0	2720	REMOVE ALL		0	0
LIGGETT TABLE	OR037	25000	460	25460	HM AREA		35	14
MIDDLE FORK	OR032	37885	3349	41234	REMOVE ALL		0	0
MORGER	OR030	170	17102	17272	REMOVE ALL		0	0
PAISLEY DESERT	OR001	324600	5960	330560	HM AREA		85	72
PALOMINO BUTTES	OR006	84697	13799	98496	HM AREA	80	48	39
POKEGAMA	OR018	16486	64400	80886	HM AREA	79	38	50
POTHOLES	OR024	8619	787	9406	REMOVE ALL		0	0
PUEBLO-LONE MTN	OR036	274061	33209	307270	REMOVE ALL		0	0
RHODES CANYON	OR022	13000	33000	46000	REMOVE ALL		0	0
RIDDLE MTN	OR009	74155	11830	85985	HM AREA	75	45	48
SAND SPRINGS	OR017	194846	6466	201312	HM AREA		150	98
SECOND FLAT	OR033	8281	1921	10202	REMOVE ALL		0	0
SHEEPSHEAD	OR016	116122	424	116546	HM AREA		150	78
SOUTH CATLOW	OR035	63120	38600	101720	REMOVE ALL		0	0
SOUTH STEENS	OR003	175605	76630	252235	HM AREA	80	232	166
STINKING WATER	OR008	79631	12224	91855	HM AREA	77	60	68
STOCKADE	OR029	16801	10065	26866	REMOVE ALL		0	0
THREE FINGERS	OR012	65322	5546	70868	HM AREA	75	113	141
WARM SPRINGS	OR007	456855	51536	508391	HM AREA	80	157	194
----OUTSIDE HERD AREAS	OR000	0	0	0			0	120
-----	-----	-----	-----	-----	-----	-----	-----	-----
OREGON TOTALS		3220212	676478	3896690			1998	1718

Excess Herd Management Name Burros	Herd Area Code	BLM Acres	Other Acres	Total Acres	Management Status	Year HMAP Signed	Horse AML	Est. Horse Pop.
UTAH								
BIBLE SPRING	UT440	50160	7280	57440	HM AREA		30	27
BLAWN WASH	UT441	37110	4170	41280	HM AREA		65	83
BONANZA	UT851	101160	16430	117590	REMOVE ALL		34	120
BURBANK	UT551	59240	6400	65640	REMOVE ALL		0	0
CANYON LANDS	UT571	16000	52680	68680	HM AREA		0	0
CEDAR MTN	UT241	117540	65184	182724	HM AREA	85	270	380
CHLORIDE CANYON	UT442	8855	4120	12975	HM AREA		50	59
CHOKE CHERRY	UT443	31130	3840	34970	HM AREA		30	18
CONFUSION	UT552	235005	27285	262290	HM AREA		70	83
CONGER	UT553	139920	14080	154000	HM AREA		60	53
FOUR MILE	UT444	23380	4160	27540	HM AREA		90	94
FRISCO	UT445	26680	6660	33340	HM AREA		60	60
HARVEYS FEAR	UT461	23040	0	23040	REMOVE ALL		0	0
HILL CREEK	UT852	118532	20622	139154	HM AREA		195	300
KINGTOP	UT554	134847	14720	149567	HM AREA		30	28
MOODY-WAGON BOX MESA	UT481	38231	0	38231	REMOVE ALL		0	0
MT ELINOR	UT446	31600	6480	38080	HM AREA		25	15
MUDDY CREEK	UT651	137110	17480	154590	HM AREA		55	84
NORTH HILLS	UT447	35573	35422	70995	HM AREA	77	80	101
ONAHUI MTN	UT242	34495	9385	43880	HM AREA	86	85	90
OQUIRRH MTN	UT243	71730	0	71730	REMOVE ALL		0	5
RANGE CREEK	UT641	69000	6380	75380	HM AREA		100	148
ROBBERS ROOST	UT653	120970	15180	136150	HM AREA		10	25
SINBAD	UT652	217600	25450	243050	HM AREA		35	65
SULPHUR	UT448	142800	16460	159260	HM AREA	87	225	350
SWASEY	UT555	120113	16200	136313	HM AREA		60	128
TILLY CREEK	UT449	26480	5520	32000	HM AREA		50	46
WINTER RIDGE	UT853	15000	0	15000	REMOVE ALL		5	30
-----OUTSIDE HERD AREAS	UT000	0	0	0			0	13
UTAH TOTALS		2183301	401588	2584889			1714	2405

Excess Herd Management Name Burros	Herd Area Code	BLM Acres	Other Acres	Total Acres	Management Status	Year HMAP Signed	Horse AML	Est. Horse Pop.
-----	-----	-----	-----	-----	-----	-----	-----	-----
WYOMING								
ADOBE TOWN	WY009	444744	28068	472812	HM AREA	83	700	830
ALKALI-SPRING CREEK	WY020	3000	1500	4500	REMOVE ALL		0	0
CARTER	WY017	118114	139199	257313	REMOVE ALL		0	0
CUMBERLAND	WY015	266144	193158	459302	REMOVE ALL		0	0
CYCLONE RIM	WY010	341175	18664	359839	HM AREA	81	70	192
DEER CREEK	WY024	9750	55250	65000	REMOVE ALL		0	0
DIVIDE BASIN	WY002	562702	216213	778915	HM AREA	81	500	387
FIFTEENMILE	WY011	69273	13418	82691	HM AREA	85	115	115
FOSTER GULCH-DRY CREEK	WY023	116500	6400	122900	REMOVE ALL		0	0
LABARGE	WY006	154800	52220	207020	REMOVE ALL		0	0
LANDER	WY007	323700	42000	365700	HM AREA	84	698	1086
MCCULLOUGH PEAKS	WY012	86160	24260	110420	HM AREA	85	105	84
NORTH GRANGER	WY018	248107	274138	522245	REMOVE ALL		0	0
NORTH SHOSHONE	WY019	18980	2720	21700	REMOVE ALL		0	0
SALT WELLS CREEK	WY001	584077	397883	981960	HM AREA	82	365	480
SAND DRAW	WY021	9560	640	10200	REMOVE ALL		0	0
SLATE CREEK	WY016	229365	41805	271170	REMOVE ALL		0	0
SOUTH DESERT-FIGURE FOUR	WY004	150975	4389	155364	REMOVE ALL	83	100	0
SOUTH GRANGER	WY005	107500	108320	215820	REMOVE ALL		0	0
STEWART CREEK	WY008	215369	15755	231124	HM AREA	81	150	218
WHITE MTN	WY003	240416	52233	292649	HM AREA	83	250	336
ZIMMERMAN	WY022	9580	720	10300	REMOVE ALL		0	0
----OUTSIDE HERD AREAS	WY000	0	0	0			0	377
-----	-----	-----	-----	-----	-----	-----	-----	-----
WYOMING TOTALS		4309991	1688953	5998944			3053	4105
Excess		BLM	Other	Total			Horse	Est. Horse
Burros		Acres	Acres	Acres			AML	Pop.
-----		-----	-----	-----			-----	-----
BUREAU OF LAND MANAGEMENT TOTALS		33154500	10061132	43215632			23228	35286
Total Herd Areas- 267	Total Herd Management Areas-				194			
	Total Herd Management Areas (Horse)-				158			
	Total Herd Management Areas (Burro)-				21			
	Total Herd Management Areas (Horse and Burro)-				15 (Co-habitation)			

APPENDIX B
INFORMATION OVERVIEW 1972-1997

Bureau Of Land Management

Wild Horse and Burro Program

INFORMATION OVERVIEW 1972 - 1997

FY	DOLLARS APPROPRIATED (000'S)	NUMBER REMOVED	NUMBER ADOPTED	ESTIMATED END OF YEAR POPULATION	APPROPRIATE MANAGEMENT LEVEL
72	0	0	0	NO DATA	UNDETERMINED
73	400	23	23	NO DATA	UNDETERMINED
74	687	33	31	NO DATA	UNDETERMINED
75	1314	644	144	NO DATA	UNDETERMINED
76	1272	1540	989	60100	UNDETERMINED
77	2679	2977	2832	65190	UNDETERMINED
78	4025	6802	5551	63190	UNDETERMINED
79	4250	6071	4699	63190	UNDETERMINED
80	4582	9610	8106	64545	UNDETERMINED
81	5704	11306	11330	64545	UNDETERMINED
82	5418	9360	6937	64545	UNDETERMINED
83	4877	6658	5095	60356	UNDETERMINED
84	5766	6084	5491	60356	UNDETERMINED
85	17039	18959	9554	49935	UNDETERMINED
86	16234	10126	7600	44763	30158
87	17936	11521	12776	43286	30477
88	14774	8320	10646	42347	30554
89	14560	4462	5220	46549	30646
90	13598	5050	4290	45541	30607
91	14341	7008	5967	50697	29797
92	15980	6663	8095	54804	28537
93	16020	8545	7251	46462	27737
94	16952	7868	7867	42410	26334
95	16920	9286	9655	43593	27153
96	14845	9365	8074	42138	26912
Total		165281	148223		
97	15925	*7500	*7500	NO DATA**	NO DATA**

* Numbers Are Estimated   ** Available November 1997

APPENDIX C

SUMMARY - REMOVAL AND ADOPTIONS 1973-1996



Bureau Of Land Management Wild Horse and Burro Program

SUMMARY- REMOVALS AND ADOPTIONS 1973-1996

	----- REMOVALS -----				----- ADOPTIONS -----		
	Horses	Burros	Total		Horses	Burros	Total
1973	23	0	23		23	0	23
1974	--3	--3	33		30	1	31
1975	--3	--3	644		144	0	144
1976	--3	--3	1,540		965	24	989
1977	--3	--3	2,977		2,618	214	2,832
1978	--3	--3	6,802		4,901	650	5,551
1979	--3	--3	6,071		4,094	605	4,699
1980	8,326	1,284	9,610		7,097	1,009	8,106
1981	8,362	2,944	11,306		8,835	2,495	11,330
1982	7,079	2,281	9,360		5,307	1,630	6,937
1983	5,017	1,641	6,658		3,592	1,503	5,095
1984	4,999	1,085	6,084		4,286	1,205	5,491
1985	17,399	1,560	18,959		8,091	1,463	9,554
1986	8,843	1,283	10,126		6,332	1,268	7,600
1987	10,248	1,273	11,521		11,621	1,155	12,776
1988	7,312	1,008	8,320		9,473	1,173	10,646
1989	3,586	876	4,462		4,325	895	5,220
1990	4,450	600	5,050		3,654	636	4,290
1991	6,395	613	7,008		5,307	660	5,967
1992	5,806	857	6,663		7,312	783	8,095
1993	6,947	1,598	8,545		6,103	1,148	7,251
1994	7,073	795	7,868		6,810	1,057	7,867
1995	7,355	1,931	9,286		7,706	1,949	9,655
1996	7,369	1,996	9,365		6,821	1,253	8,074
TOTALS	--3	--3	165,281		125,447	22,776	148,223****

Notes:

1. The figures in this table may differ somewhat from earlier published data. In most cases corrections were made after the data were first reported.
2. Figures for the 1970's had to be reconstructed from a variety of sources and are not considered to be as accurate as more recent data.
3. Prior to FY 1980 the number of wild horses and burros removed was reported as a combined total by field offices.

APPENDIX D
REMOVAL/ADOPTION STATISTICS 1996



Bureau Of Land Management Wild Horse and Burro Program

REMOVAL/ADOPTION STATISTICS 1996

Information about removals and adoptions during Fiscal Year 1996 (October 1, 1995 - September 30, 1996)

	WILD HORSES REMOVED FROM BLM LANDS DURING FY 1996		WILD BURROS REMOVED FROM BLM LANDS DURING FY 1996		TOTAL WH&B'S REMOVED FROM FROM BLM LANDS DURING FY96	
	Goal -----	Actual -----	Goal -----	Actual -----	Goal -----	Actual -----
AZ	0	7	375	422	375	429
CA	315	257	200	132	515	389
CO	0	640			0	640
ID	125	84			125	84
MT	50	2			50	2
NV	2500	4497	0	1387	2500	5884
NM	0	6			0	6
OR	430	344			430	344
UT	380	221	0	55	380	276
WY	1930	1311			1930	1311
TOTAL	5730	7369	575	1996	6305	8632
	WILD HORSES ADOPTED BY BLM OFFICES IN FISCAL YEAR 1996		WILD BURROS ADOPTED BY BLM OFFICES IN FISCAL YEAR 1996		TOTAL WH&B'S ADOPTED BY BLM OFFICES IN FISCAL: YEAR 1996	
	Goal -----	Actual -----	Goal -----	Actual -----	Goal -----	Actual -----
AK	0	0	0	0	0	0
AZ	210	68	40	21	250	89
CA	400	401	180	81	580	482
CO	400	452	0	54	400	506
ES	2900	2911	300	716	3200	3627
ID	125	198	0	2	125	200
MT	100	497	100	64	200	561
NV	200	104	0	12	200	116
NM	650	804	100	158	750	962
OR	387	278	0	13	387	291
UT	300	326	9	53	300	379
WY	935*	782	0	79	935*	861
TOTAL	6607	6821	720	1253	7327	8074

APPENDIX E
REMOVAL/ADOPTION STATISTICS 1997



Bureau Of Land Management Wild Horse and Burro Program

REMOVAL/ADOPTION STATISTICS 1997

Statistics on wild horse and burro removals and adoptions for Fiscal Year 1997
(October 1, 1996 - September 30, 1997)

Wild Horse Removal Data by State

ACTUAL	FY 97 GOAL
8: WILD HORSES REMOVED IN AZ DURING FY 1997	0
76: WILD HORSES REMOVED IN CA DURING FY 1997	300
24: WILD HORSES REMOVED IN CO DURING FY 1997	0
0: WILD HORSES REMOVED IN ID DURING FY 1997	0
1: WILD HORSES REMOVED IN MT DURING FY 1997	50
5957: WILD HORSES REMOVED IN NV DURING FY 1997	6100
8: WILD HORSES REMOVED IN NM DURING FY 1997	20
455: WILD HORSES REMOVED IN OR DURING FY 1997	344
365: WILD HORSES REMOVED IN UT DURING FY 1997	600
1443: WILD HORSES REMOVED IN WY DURING FY 1997	1800
8337: TOTAL WILD HORSES REMOVED DURING FY 1997	9214

Wild Horse Adoption Data by State

ACTUAL	FY 97 GOAL
2: WILD HORSES ADOPTED IN AK DURING FY 1997	0
143: WILD HORSES ADOPTED IN AZ DURING FY 1997	230
448: WILD HORSES ADOPTED IN CA DURING FY 1997	500
312: WILD HORSES ADOPTED IN CO DURING FY 1997	210
2659: WILD HORSES ADOPTED IN ES DURING FY 1997	4340
336: WILD HORSES ADOPTED IN ID DURING FY 1997	200
431: WILD HORSES ADOPTED IN MT DURING FY 1997	180
179: WILD HORSES ADOPTED IN NV DURING FY 1997	140
861: WILD HORSES ADOPTED IN NM DURING FY 1997	950
453: WILD HORSES ADOPTED IN OR DURING FY 1997	420
496: WILD HORSES ADOPTED IN UT DURING FY 1997	550
673: WILD HORSES ADOPTED IN WY DURING FY 1997	900*
6993: TOTAL WILD HORSES ADOPTED DURING FY 1997	8620

APPENDIX F
TURNER LETTERS AND EXCERPTED REPORT

Department of
Physiology and Molecular Medicine

Medical College of Ohio
Block Health Science Building
3035 Arlington Avenue
Toledo, Ohio 43614-5804

Medical College of Ohio



Leading Ongoing with Knowledge

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John W. Turner, Jr., Ph.D.

U.S.D.I. Professor
BUREAU OF LAND MANAGEMENT
LAS VEGAS, NEVADA

January 29, 1997

COPY

Terry Woosley, Director
Nevada BLM Wild Horse and Burro Program
850 Harvard Way
P.O. Box 12000
Reno, NV 89520

Dear Terry:

Having recently completed our contraceptive field study on the Nevada Wild Horse Range at Nellis, I wanted to provide a brief commentary on this range. The checkered past of this horse territory in terms of management difficulties and horse tribulations is well known to those involved with wild horses. Hopefully that history can now be used to provide an enlightened future in the management of the NWHR.

In 1997 the horse population in the NWHR was finally at numbers consistent with range habitat survival and slow restoration. In addition, the removal of many old stud bachelors helped to reinstate a balanced sex ratio consistent with a healthy social structure. In short, the NWHR is poised to enter the future as a healthy horse range. This circumstance is extremely important to the national wild horse program for several reasons:

1. It is the first wild horse range in the U.S. and should be something the Wild Horse and Burro Program can point to with pride.
2. The absence of ranching interests provides the opportunity to observe the recovery and rebalancing of the ecosystem with minimal political disruption.
3. The achievement of population goals was via both roundup/adoption and contraception, suggesting a future employing these methods interactively.
4. The cooperative effort of the D.O.D. and U.S.D.I. in the NWHR provides a positive reference point for developing successful management policies for wildlife in numerous other D.O.D. installations.

As a final comment, I would point out that the current boundaries of the NWHR are somewhat arbitrary. I would suggest that the legal boundaries be expanded to the existing fences, since that is how the horses are being managed anyway. Please feel free to contact me for discussion of specifics of the above.

Sincerely,

John W. Turner, Jr., Ph.D.
Professor
Department of Physiology & Molecular Medicine

JWT:mm

CC: G. McFadden
A. Shepherd

COPY

John W. Turner, Jr., Ph.D.
Professor

January 29, 1997

Terry Woosley, Director
Nevada BLM Wild Horse and Burro Program
850 Harvard Way
P.O. Box 12000
Reno, NV 89520

Dear Terry:

We have recently completed data collection for the Nevada Wild Horse Range (Nellis) fertility control field study. The results of the study were highly encouraging as evidenced in the report I sent you several weeks ago. I would like to take this opportunity to express our appreciation to Gary McFadden and Alan Shepherd, who enabled the efficient execution of our Nellis study. We could not have carried the study forward without their tactical and logistical support and their well-organized presence. Please call me if you have questions about the report.

Sincerely,



John W. Turner, Jr., Ph.D.
Professor
Department of Physiology & Molecular Medicine

JWT:mm

attachment

EXCERPTED FROM

1997 PROGRESS REPORT ON

WILD HORSE FERTILITY CONTROL

NELLIS (NWHR) FIELD TRIAL

In January 1996 a field trial of the contraceptive efficacy of a version of a controlled-release porcine zona pellucida (PZP) vaccine was begun. Since the adjuvant Carbopol 934 (CAR) appeared to enhance the antibody titer response to Freund's Incomplete Adjuvant (FIA) in our previous studies, we initiated a test to determine whether CAR would enhance the effectiveness of Freund's Complete Adjuvant (FCA), which is more potent than FIA. We also wanted to test a new formulation of controlled-release microspheres, which would give the mares a second exposure to both PZP and adjuvant without a second injection. Three treatment groups were included in the field study:

	n	<u>Injection 1</u>	<u>Injection 2</u>
Group 1	95	standard PZP-FCA	PZP-FIA
Group 2	60	PZP-FCA/CAR	PZP-FIA
Group 3	112	PZP-FCA plus PZP-CAR microspheres	none

The study area was the Nevada Wild Horse Range (NWHR) in south central Nevada, which is inhabited by approximately 1000 horses with a harem band social structure. The peak breeding period is May and June, and the peak foaling period is April and May. The physical condition of the mares in this study was subjectively estimated to range from poor to very good at the time of capture for treatment.

PZP was prepared from porcine ovaries and the basic vaccine consisted of 0.5 cc. standard phosphate buffer solution containing 65 μ g PZP, which was emulsified with 0.5 cc. FCA (Sigma; St. Louis, MO). FIA was used for the second injection. We prepared the emulsion within 24 hours of injection, using 2, 10-cc. glass syringes joined with a plastic connector. After 100 plunger strokes the emulsion was loaded into a 3 cc. plastic syringe for injection via a 18 ga., 3.7 cm needle. The needle and injection site

were prewashed with 70% ethanol.

In an attempt to mimic the 2-injection condition with a single injection, one group of mares was given an injection as described above, with an additional component of controlled-release microspheres containing 80 μ g PZP and 10 mg CAR adjuvant, given as a separate injection using a 14-gauge, 3.7 cm needle. The microspheres were 10-100 μ in diameter and composed of bioerodable lactide and glycolide polymers. They were prepared by D. Flanagan at the University of Iowa using a coacervation method. Release rates were projected to be continuous over approximately 4 weeks, with greater release in weeks 1 and 4.

Horses were gathered by helicopter for hands-on injection. This access method was chosen because it was used for a scheduled round-up in the NWHR for the BLM adoption program.

Between January 3 and 9, 1996, approximately 800 horses were gathered into portable corrals by helicopter. Stallions and mares were separated and were singly moved through a chute, where they were aged, assessed for physical condition and lactation (yes or no) and given a 1 cc. prophylactic equine flu injection intramuscularly. Healthy mares (n=267) between the ages of 10 and 28 years were permanently marked with consecutive numbers by freeze branding. The brands were located on the upper left hip, were 10 cm. in height and were readable from a helicopter and through a spotting scope at >500 m distance on the ground. A description and data sheet was filled out for each marked mare prior to treatment. It is important to note that in many feral horse herds, reproduction is low among old mares. However, in this study mares >20 years old were included for contraception because data for Nellis horses from prior years had shown incidence of lactation to be similar in mares older or younger than 20, i.e., many old mares were producing foals in the Nellis Herd.

One ml. of freshly prepared emulsion of buffered PZP + adjuvant was hand-injected intramuscularly into the left gluteus muscle. Mares in the microsphere group were also injected at the same location with 2.5 ml. of a 1.0% solution of CAR-in-water containing suspended PZP/CAR microspheres. After one injection, all mares were trucked to a local holding facility and maintained in corrals on grass-hay and water ad lib until release. Mares in the single injection group were released after 4 days into the range area from which they were gathered. Prior to release the mares and their foals

were separated, and the foals were retained for eventual adoption. Mares in the 2-injection groups were maintained under observation for 13-17 days on a grass-hay and water (ad lib) diet until the second injection was given. The mares were then returned to their home range area and released. Within 24 hrs of the release the study area was surveyed by helicopter to determine the well-being and dispersal of the mares.

Treatment success was determined after finding freeze-branded mares on the range and 1) performing fecal analysis for pregnancy in samples collected in October 1996 and 2) counting foals in May and October of 1996 and 1997. During these periods, 80% of the freeze-mark numbered mares were located at least once after release. Finding numbered mares was aided by extreme drought conditions, as we stationed ourselves at the few water holes and read the displayed number on arriving and departing horses. In one instance covering a 48 hr period, more than 50% of all marked mares in the study visited a single water site. Foal production (Table 1) in 1996 (i.e., 1995 pregnancies, before treatment) was 165 foals/250 mares (66.0%). The overall foal production rate in 1997 (representing pregnancy rate during active treatment) was 26 foals/222 mares (11.6%). Regarding comparison of treatments (Table 2), the 1997 foal production was 10/78 (12.8%) in Group 1, 5/47 (10.6%) in Group 2, and 11/97 (11.3%) in Group 3, the one-injection group. The lack of differences in fertility rate among the groups indicates that: 1) the controlled-release component in the 1-injection group in this study provided vaccine exposure equivalent to a second injection of vaccine and 2) in the initial exposure CAR did not enhance the effect of FCA. The greater effectiveness of the standard 2-injection vaccine in the first field study in which it was used (4.5% fertility among 132 mares treated in December 1992 in Antelope/Antelope Valley HMA's) as compared to the present study (NWHR) is unexplained. However, the actual difference in numbers of fertile mares in these two groups is small, and our experience with a variety of species has revealed that a few animals in every population exhibit a poor vaccine response (low antibody titers). It may be that some horse populations show a slightly higher frequency of this characteristic than other horse populations.

Table 1. Effect of PZP immunocontraception on fertility of free-roaming feral mares in Nevada

YEAR	Treatment	No. of mares located ^a	No. of mares reproductively successful ^b	% of mares reproductively successful ^{b,c}
1997	PZP	222	26	11.6
1996	NONE	250	165	66.0

- ^a Mares that were located for sample collection and/or observation between May 1996 and Oct 1997. Mares sampled in 1996 and 1997 were not necessarily the same individuals.
- ^b A positive fecal pregnancy test or presence of a foal were criteria for reproductive success
- ^c Historical data indicate similar reproductive rate across years regardless of water/food/climate conditions, suggesting validity of year-to-year comparison for treatment effect.

Table 2. Effect of 3 different versions of PZP contraceptive vaccine on fertility of free-roaming feral mares in Nevada

YEAR	Treatment		No. of mares located ^a	No. of mares reproductively successful ^b	% of mares reproductively successful ^{b,c}
	Inj. 1	Inj. 2			
1997	PZP/FCA	PZP/FIA	78	10	12.8
	PZP/FCA + CAR	PZP/FIA	47	5	10.6
	PZP/FCA + microspheres	NONE	97	11	11.3

- ^a Mares that were located for sample collection and/or observation between May 1996 and Oct 1997
- ^b A positive fecal pregnancy test or presence of a foal were criteria for reproductive success
- ^c No significant differences among groups for $P < 0.05$, Tukey-type multiple comparison test for proportions

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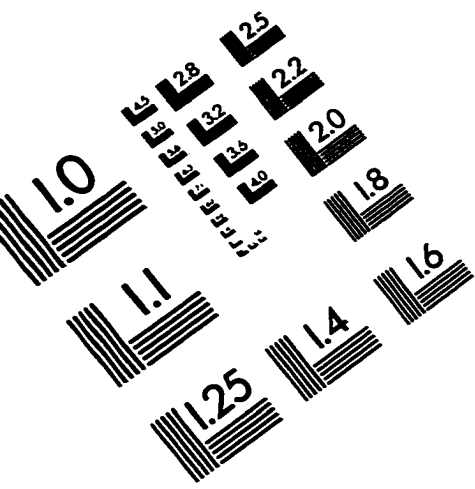
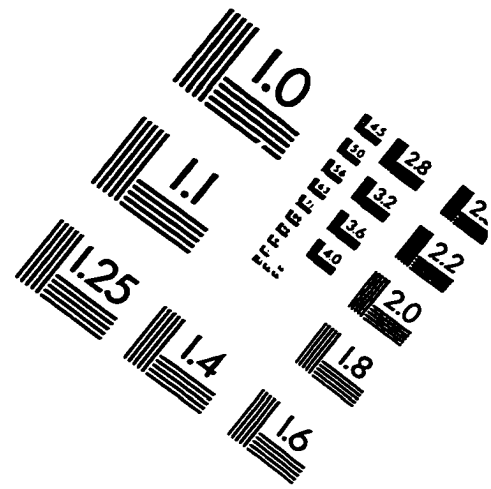
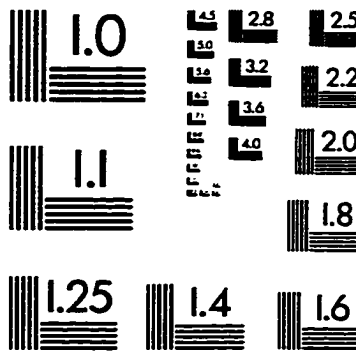
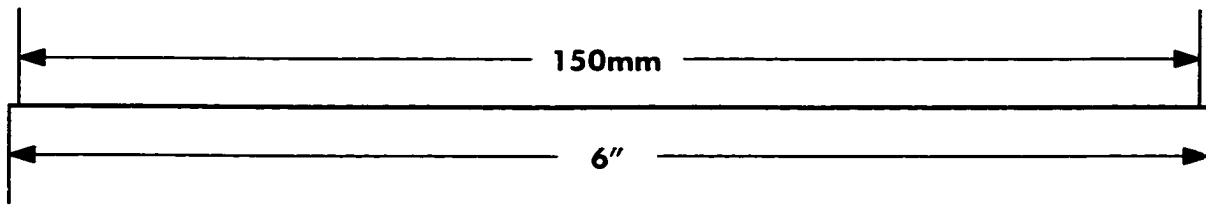
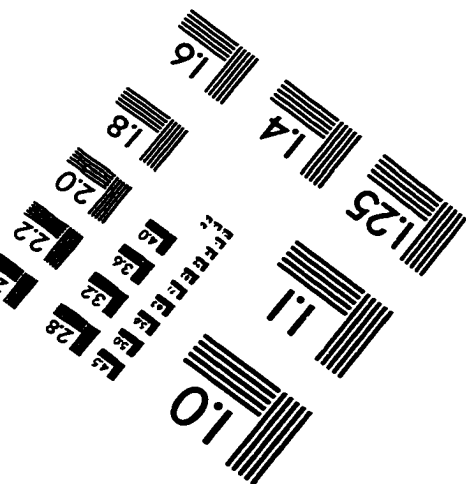
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Thesis Title: Wild Horses and the Bureau of Land Management: A Policy Review and Critique

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