

Investigation of Wild Horse Deaths in Grass Valley, Nevada

Chronology of Events

(Prepared by Investigative Technician George T. High)

8/5/88

This investigator received a telephone call from Mike Mitchell, Acting District Manager, Battle Mountain District. Mr. Mitchell informed that dead horses had been found in the vicinity of Corral Spring in the Toiyabe Range. At the time of the call, the information was that a helicopter pilot had located 13 dead horses. Mr. Mitchell informed that John Kelly, the pilot, did not give an accurate location. Mr. Mitchell stated he had sent an employee into the area on the ground to attempt to locate the carcasses and requested that this investigator contact him after work hours at his residence for the results of the search.

Mr. Mitchell was contacted again after business hours and informed this investigator that the employee was unable to locate the dead animals. Mr. Mitchell stated that on Monday (8/8) he would have someone else check, who was more familiar with the country. He asked that this investigator call him again on Monday evening for the results. Due to the fact that I was already in the Elko area, this investigator suggested attempting to locate the helicopter pilot at El Aero Flying Service. This investigator contact the manager at El Aero, who informed that the pilot was in California on a job and would not return until late Monday 8/8. This information was given to Mike Mitchell. Mr. Mitchell requested this investigator contact WH&B Specialist Rodger Bryan on Monday night (8/8).

Mr. Bryan was contacted at his home at about 9:00 p.m. Mr. Bryan stated that he had located 3 carcasses, which were all old. Mr. Bryan further stated that they would attempt to get a helicopter to locate the other ten head. Mr. Bryan requested that this investigator keep in contact for further results. This investigator contacted the Battle Mountain District Office almost daily.

8/13-14/88

This investigator checked the area of Grass and Crescent Valleys for any evidence of wild horse violations. At the time, the exact locations of the carcasses were unknown to this investigator. It was known who the permittees are in this herd area. No illegal activities were observed on the east side of the mountain range.

8/16/88

This investigator was at the Nevada State Office. Battle Mountain District Office was contacted and informed that this investigator would be on scheduled days off and annual leave from 8/17 through 8/25. This investigator requested that if the other carcasses were found, SAC Sims be notified.

8/25/88

This investigator called the Nevada State Office on my last day off for case priority for 8/26. At that time, it was learned that other carcasses had been found, for a total of 33. Rodger Bryan informed that a helicopter flight had been set for 10:00 a.m. on 8/30. This investigator stated that SAC Sims would be contacted for direction and a decision on who would go into the area with Mr. Bryan. Mr. Bryan was notified that this investigator would meet him on 8/30 at Iowa Canyon.

8/30/88

Rodger Bryan and this investigator went to the location of the dead horses. 8 more carcasses were found, making the total forty-one. The location is T. 24 N, R. 46 E. The largest group of carcasses is located approximately 1[mile to the northeast of the southwest corner of the township. The second group is about 1 mile to the north of the large bunch. The third group is smaller and is located about 2 miles southeast of the northwest corner of the township, thence S. 36° E. 2 miles. All of the carcasses are within an area of 3[to 4 miles on the east side of the Toiyabe Range.

In the opinion of this investigator, the remains appeared to be from 3 or 4 months old to 1 year old. 20 carcasses were checked with a metal detector, with negative results. At the time of death, the ages of the horses varied from 2 or three weeks old to 12+ years old. Determining the sex was impossible on some of the carcasses, but the adults appeared to be divided equally between mares and studs. It appeared that the horses had been shot - some had neck and rib damage - but the bullets had gone through. Several of the horses appeared to have been running when they were hit. About 19 of the carcasses are mostly bones at this point.

A freshly killed horse was observed about 1 mile southeast of Corral Spring, at the location of the second bunch of carcasses. The animal was a sorrel stud, about 7 years old. It appeared to have been dead for about 4 or 5 days. The carcass had not been there when the area was checked by Rodger Bryan on 8/17. Upon examination, it was discovered that the animal had been shot in the left side (in the gut area) just in front of the left hind leg. The wound was small - in the opinion of this investigator it was made by a .22 or .25 caliber. The bullet appeared to have gone through the animal. Photos were taken of this horse and most of the other carcasses. This investigator recommended that this latest carcass be checked by a veterinarian. The Deputy State Director for Operations, Bob Steele, was contacted at this point and concurred with this recommendation. Mr. Steele contacted the Division of Resources and arrangements were made to have D.V.M. Jerry Peck inspect the freshly killed sorrel stud and some of the other carcasses.

9/1/88

Rodger Bryan, D.V.M. Peck and this investigator proceeded to the location of the sorrel stud. Dr. Peck inspected the animal and agreed that it had been shot in the gut with a small caliber weapon. Dr. Peck was unable to locate a slug. His opinion on this and the other carcasses will be in his report.

Mr. Bryan was with Dr. Peck in the helicopter when he received a call from Battle Mountain District Office requesting that this investigator telephone Ms. Terri Jay as soon as possible. This investigator was at the location of the sorrel stud at the time. The helicopter took this investigator to my vehicle. I then drove to Austin and called Ms. Jay, who had information from a Secret Witness call. The witness had been given the identifying number 0901880125. This investigator called the witness and learned that his information is about 18 months old; but it would still have a bearing on the case, as it appears that the killings are ongoing and date back several years. The witness will be contacted again for additional details.

This investigator then returned to the Battle Mountain District Office, arriving at about 4:30 p.m., for a meeting with the District Manager, Mike Mitchell, Rodger Bryan and SAC Sims.

- 9/2/88 This investigator went to the Fallon area to check the location of several suspects. A call was received from SAC Sims directing this investigator to call Rodger Bryan at his home for information from Game Warden Walt Campbell. Mr. Campbell had been in the area of Corral Spring on 9/1/88 when he observed a wounded white horse. Mr. Campbell was contacted and directions to the location of the horse were obtained.
- 9/3-4/88 This investigator searched the area for the wounded white horse, with negative results.
- 9/6/88 This investigator contacted Rodger Bryan and made arrangements to check the entire area again by air on 9/8/88. SAC Sims would accompany Mr. Bryan on the flight.

Les

Def Jaci MAF

8/31

We need to ① write our own chronology from
2. Div of Res. perspective (i.e. received call, brought up
in staff meeting, etc.)

b. Also BTMT needs the name of 2 vet. that ~~we~~ ^{they} can
use to look at 3 ~~a~~ recently killed carcasses.

Page 2

RL
8/31

8/5

John Kelly, local helicopter pilot, reported sighting of thirteen dead horses in vicinity of Carrel Spring. B.M. investigator, George High, notified by Acting Dist. Mgr. ^{to Dist. office}

8/5

Clay Dalluge, Range technician, dispatched to the area in a pick-up to search the area. Nothing found.

8/7

Acting Dist. Mgr. reported situation to investigator. Recommended no investigation until report could be confirmed. ~~and cause of death.~~

8/8

Roger Bryan, Dist. WH&B Specialist, drove into the area. Found three carcasses, all old. Investigator notified. Acting D.M. recommended no immediate investigation. Pending further search of the area by air and due to higher priority ongoing investigations by the investigator.

8/9

Request to NSO for authority to obligate funds for helicopter flight into the area for a thorough search. Note: the area is generally inaccessible by vehicle. The three carcasses were found by searching the area on foot.

8/15

Helicopter, ^{available this day &} hired for flight on 8/17

8/17

Air recon of the area by WH&B Spec. Thirty three carcasses located within an eight mile radius. Photographs taken, some of the carcasses inspected on the ground. The most recent appeared to be 3-4 months old.

8/18

NSO WH&B specialist notified. Message left for NSO law enforcement requesting an investigator. Note: Special agent on assignment to Oregon and investigator on scheduled leave through 8/23.

8/22

Down Leppin contacted by Dist. WH&B spec.

about the situation. Requested to pass along info to
Terry Jay. Attempt made to contact Helen
Reilly - no contact made.

8/23^{or}24

Contact made with investigator by Dist. Agreement to
visit the scene 8/30; ~~nearest~~^{nearest} ~~where~~ helicopter was
available.

8/30

Flight into the area by Dist. WTVB spec and
NSD investigator. Thorough investigation performed;
eight more carcasses found. Blood stains
on the hide of some of the carcasses, and
the position of some indicate the horses were
shot. Conclusion was that a veterinarian will be required to
verify these findings.

8/31 Investigator in process of arranging for veterinarian
to conduct investigation.



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VELMA JOHNSTON
"Wild Horse Annie"

HARRY DEARINGER

MRS. FRANK V. BRACH

CHARLOTTE L.B. PARKS

CLAUDE
Countess of Kinnoull

August 22, 1988

Kenneth G. Walker
District Manager
BLM District Office
Star Route 5, Box 1
Ely, NV 89301

Dear Mr. Walker:

I realize that it is a case of locking the barn door after the horse has run away to protest the Removal Plan from Jake's Wash. However because the facts we accumulated in the course of the Jake's Wash incident are not consistent with the facts reported in the gather plan and unresolved question remain, we are writing to protest the incident and request a response to the unresolved issues.

Our first telephone notes are dated July 5 and 6 (Tuesday and Wednesday) and the report at that time was that there were twelve dead horses and six more on their last legs. The six died by the second telephone call. There were two foals, one of which died. The total death toll was 19.

We wrote to you on July 8 regarding the emergency removal of horses from the Jake's Wash area and we find our telephone notes and the facts as reported in the Removal Plan are not consistent.

According to the report (P. 1, #3) there were no horses west of the fence (the "wet" side); we were told that there were 4 horses on that side being watered by the rancher along with her cattle.

Our original understanding with the spokesperson from Ely was that no horses would be removed from the south and the emergency involved only the 31 horses dependent on the two ponds on the dry side of the fence--19 of which were dead. There was then confusion introduced with regard to this number 31. It was, we were told, the number counted in the area prior to the deaths. We were lead to believe that there were 19 dead, 4 west of the fence and 8 remaining in an "emergency situation." At that time, we questioned

why the fence was there in the first place. We questioned why drought was mentioned as a cause.

Since that letter we've learned that at least 49 horses were removed--eight being directly affected, the others having moved up from the south. We questioned why would horses move voluntarily from a good water source in the south some 15 miles to no water in the north. The migration of these horses remains highly suspicious. When we learned that the removals were conducted by unauthorized, untrained staff while the horse specialist was sent off on a mission elsewhere, our suspicions were increased not lessened. The report does not allay them.

API staff traveled to Palomino Valley to observe the condition of the eight horses removed as the actual emergency. They had been at the facility for about five days when observed. The observations were made in the company of Dawn Lappin from WHOA and BLM's Fred Wyatt. The eight horses identified as coming from Jake's wash were deemed to be in good condition. For unknown reasons one large, palomino stud was set aside to be adopted evidently by the rancher. It was already gelded despite the fact blood tests had not returned from the lab. We thought it unusual and suspicious that this magnificent horse was going to the rancher as a result of this "emergency," especially when an Adopt-A-Horse satellite was scheduled in Ely in mid-July.

Because drought was mentioned as a cause--in fact we were told there was no precipitation since March, we have looked at the precipitation charts from Nevada weather stations and found that April was twice the normal rainfall. Except for February (which was below normal) other months were normal or above.

We continue to question why the fence is there. Why after it was let down it was put back up when there was no justification for the fence to begin with. Our understanding is that no one knew when it had been put up. In the initial telephone conversation, it was suspected by BLM that it had been a public works project during the depression. It is not a boundary fence, it is not a rest-rotation pasture fence. There is no reason for its existence. It very definitely impedes the free-movement of the wild horses in the area and prevents their access to the full use of their habitat. It violates policies related to fences in the Nevada wild horse management manual which allow boundary fences only.

We are requesting that it be either removed entirely from the HMA or moved to the boundary of the HMA.

The second ongoing concern to us is the maintenance of the water ponds and the question of water for horses in this HMA. In our original telephone conversation there was a reference to an agreement with the rancher who owns the water rights in the source reservoir that includes his releasing water in October to "Waldy pond." Again, no records of maintenance for this pond was found.

There is no HMAP for this area. Had there been an HMAP, both the fence and the water situation would have been evaluated long before deaths occurred from failure to meet wild horse habitat needs.

We would appreciate your response to our request that the fence be removed as soon as possible and the question regarding the maintenance of Waldy pond and its water source.

Sincerely,

Nancy Whitaker
Nancy Whitaker
Program Assistant

c: Dan Rathbun
Nevada State BLM Office
P.O. Box 12000
Reno, NV 89520

9/2/88

To: Rodger Bryan
P.O. Box 1420
Battle Mt., Nv 89820

RECEIVED
BATTLE MOUNTAIN
SEP 21 11 10 00

Re: Investigation of dead horses in the Mt.
Callahan area

I flew into the area of the dead horses on Thursday Sept 1, 1988. When flying over the area I was able to see many carcasses of horses that died 2 to 3 months earlier. I landed at a carcass of a 5 year old stallion that had been dead approximately 5-7 days. Because of the heat and abundance of fly larvae on the body, it was in a state of advanced decomposition. The autolysis of body tissue at this time made necropsy of the cadaver extremely difficult. However upon external examination it was evident that this horse was shot in left flank near the rear leg. I was able to follow the path of a small caliber bullet in to the abdominal cavity. But I was unable to see any pathological changes due to the advance decomposition of the internal tissues. No exit wound was noted but I was unable to find a bullet in the carcass. My conclusion is that this horse was shot in the abdomen and died sometime after it was shot.

When horses (ie all animals) are shot in the abdominal cavity and no major bleeding results, the horse develops a condition of bacterial peritonitis due to contamination of the abdomen from the bullet or

from rupture of the bowel from the gunshot. This peritonitis will usually result in death in 1 to 4 days. As with other animals thirst results along with weakness and loss of appetite, so many of these horses return to waterholes in search of water. Therefore many of horses die near waterholes. This is consistent with what we found in the Mt. Callahan area.

Because only horses were found we have ruled out the possibility of poison in the water or nearby area.

In conclusion I have determined to the best of my knowledge that these horses died from gunshot wounds as evidence from the horse I examined with a bullet hole in the left flank and closeness of the other carcasses to the waterhole.

Sincerely
Gerald R. Peck, DVM

9/9/88

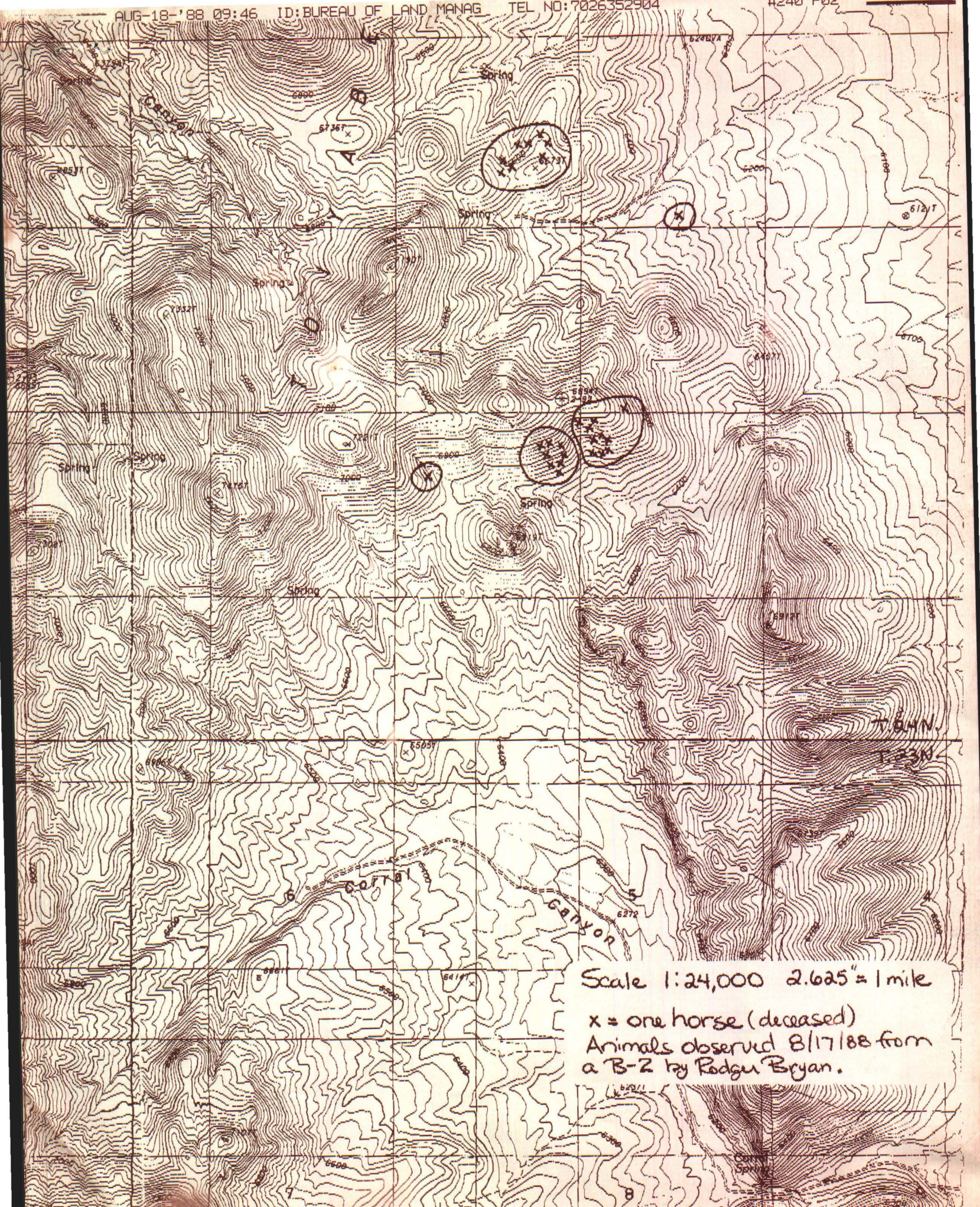
To: Rodger Bryan
P.O. Box 1420
Battle Mt., Nv 89820

Re: Investigation of dead horses in the Mt.
Callahan area

Investigator Len Sims brought the rear leg from a horse with a broken femur suspected of being broken from a gunshot. Because only part of the leg was brought in, the use of radiographs could not be used to find a bullet or see bullet fragments. The whole leg from the hip down to the hoof is needed to view the area of suspected gunshot.

I took 2 radiographs to see if bullet fragments could be seen. None were noted.

Sincerely,
Gerald R Peck, DVM



Scale 1:24,000 2.625" = 1 mile

x = one horse (deceased)
Animals observed 8/17/88 from
a B-2 by Rodgu Bryan.

514 50' 515 R. 46 E. 516 517 47' 30" 518



Scale 1:24,000 2.625" = 1 mile
 x = one horse (deceased)

Animals observed 8/17/88 from
 a B-2 by Rodger Bryan.

58677
 283



John
Harison

73

X = Dead Horses

9/17/88

Robert Bryan

T. Reunser

445
444
443
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438
438
5'
T. 26 N.
T. 25 N.
3.6 MI. TO CALIF. A