



**COMMISSION FOR THE
PRESERVATION OF WILD HORSES**

1105 Terminal Way
Suite 209
Reno, Nevada 89502
(702) 688-2626

January 28, 1997

Sylvia Baca, Acting Director
Bureau of Land Management
Department of the Interior
1849 "C" St. N.W.
Washington, D.C. 20240

RE: Questionable Practices and Accountability in Wild Horse
Program

Dear Ms. Baca,

During recent meetings over the past few months, specifically during the emergency task force meetings and in Washington, D.C., we discussed questionable practices and accountability in the wild horse program. We (wild horse organizations) were requested to document incidents that we have alleged to have occurred. We feel these incidents have contributed to eroding confidence and created a level of mistrust in the Bureau's handling of the horse program.

We will document allegations occurring over the past few years for your information and review. We have categorized the issues in the following manner:

FORAGE ALLOCATION

- A) Wild Horses and Burros Suffer the "Scapegoat Role" on Public Lands
- B) Failure to Provide Adequate Management Actions led to Inhumane Conditions and Acts
- C) Discretionary Use of Laws, Regulations, and Policies; and NEPA Infractions
- D) Strategic Plan for the Management of Wild Horses

INHUMANE TREATMENT

- A) Questionable Capture Techniques and Policy/Contract Violations
- B) Research Studies
- C) Inhumane Treatment
- D) Highgrading

These issues have been brought to the attention of the Bureau in the past and it is these issues that keep advocacy groups from trusting the agency in the wild horse program. In all fairness, the Bureau cannot expect to build trust with the public as long as these issues go unaddressed.

ALLOCATION OF FORAGE

A) WILD HORSES AND BURROS SUFFER THE "SCAPEGOAT ROLE" ON PUBLIC LANDS

Spruce-Pequop Interim Allotment Management Plan

Elko District

*The Spruce-Pequop Interim Allotment Management Plan was contracted for by the private interest and prepared by Resource Concepts Consultants. This domestic sheep allotment had been authorized for **temporary livestock use pending an environmental assessment and decision for 29 years**. To my knowledge it is still in this status today. The majority of the "temporary" conversion from sheep to livestock was done at a one to one conversion instead of a five to one conversion. Livestock use is in direct competition with wild horse use and the impacts should have been analyzed prior to authorization, even temporary authorization. The Wells Resource Management Plan of 1986 was completed which still didn't address this conversion. Since grazing practices were not consistent with the land use plan and the desire for the allotment to be horse free, private interests paid the consultant firm to prepare necessary environmental documents to justify the ongoing cattle operation. As a part of this plan, the BLM was to provide \$200,000 in range improvement projects that included a fence barrier severing approximately one half of the Spruce-Pequop Wild Horse Herd Area. The Interim Plan was implemented without consultation with interest groups or the appropriate State of Nevada agencies.

Wells Resource Management Plan Wild Horse Amendment

Elko District

*In conjunction with the Spruce-Pequop Allotment Management Plan, the BLM amended the Wells RMP to eliminate portions of the HMA's and establish strict management criteria for future actions affecting wild horses. We were informed that an allotment management plan had been arranged without public consultation which severely affected wild horse management. We learned that the State and Associate Directors of Nevada had instructed the District Manager to implement the AMP (without consultation), which was written by Resource Concepts, the private interests paid consultant. While eliminating portions of the wild horse herds based upon the unmanageability of fragmented ownership had some logic, the Bureau implemented an allocation criterion of only 10% use of key winter forage. This was within their surviving herd area and in the key critical winter range for wild horses, prior to livestock turnout. With the combination of these factors and the Spruce-Pequop AMP, the Bureau established a clear pathway to first

abolish one half of the herd area and additionally justify over a 90% removal of wild horses from the surviving herd area.

Upon detection of the AMP implementation without consultation, numerous appeals were filed by not only the Commission and WHOA but the Sierra Club, NRDC, NDOW, etc.. After the public found out and filed appeals, the District immediately withdrew the AMP thus cancelling all appeals. However, in our opinion, the LUP, which is still currently in place was really the ultimate goal in reducing wild horse habitat and use.

Meadow Valley Wild Fire Emergency Plan

Las Vegas District

*A summer wild fire in Meadow Valley, Lincoln County, June 1993, implemented a series of management actions that affected the Meadow Valley wild horse herd. The fire in June burned 20% of the HMA. This HMA and grazing allotments have been without any resource activity planning since the completion of the Caliente Management Framework planning or Land Use Plan in 1980. Due to the BLM's broad discretion for wild fires, the new opportunity allowed immediate action to gather wild horses. Without public notification or consultation and under the auspices of a wild fire environmental assessment/decision - 289 wild horses were gathered. Only 15 old, aged horses were released onto the HMA. After annihilation of the herd, livestock agreements were not altered and allowed for continued yearlong use at permit levels. The fire habitat "emergency" was applied to wild horses only.

Buffalo Hills Final Multiple Use Decision

Winnemucca District

*Multiple Use Decisions for each allotment allocate available forage to livestock and wild horses. Computations determining available forage and carrying capacities are usually disclosed in allotment evaluations for the decisions. In examination of the data and procedures it was found that the Districts seek data where livestock and wild horse use cannot be distinguished. This allows wide discretion in data use and more "social" influence on the allocation of resources. Social decisions are just that and not always in the best interest of the habitat. The Buffalo Hills allotment evaluation did not disclose how the data was analyzed for decisions that sustained the livestock numbers and the system at the expense of wild horses. Combined stocking levels were above the levels documented to cause serious damage to riparian systems in the HMA. Data is available to determine an appropriate management level and a livestock stocking level to meet allotment specific objectives, however, the Bureau chose to sustain livestock practices at the expense of wild horses.

*During the early 1980's approximately 700 horses died from starvation in the Buffalo Hills HMA. Between a livestock fence and insufficient winter range, the wild horses had nowhere to go to escape heavy snows. The deaths were blamed on a gate that had not been opened at the beginning of winter.

Again, during the late 80's and early nineties, horses and livestock were trapped against the fence due to severe winter

storms. The permittee cut the fence. The Commission, WHOA, permittees and BLM met in the field over proper placement of a new fence. Because neither permittees agreed on a change, BLM put the fence back in the same place it had trapped animals before.

The BLM issued a MUD in March 1993, which the Commission and WHOA appealed. The AML was artificially high to justify the current stocking levels for livestock. The issue was insufficient winter habitat for the level of horses to be kept on the allotment. During mild winters these animals remain on the mountain, but periodically, once a decade, excessive numbers of horses die. In addition, the fence at Frog Creek traps livestock and horses from conditions as previously described. The agency agreed that the fence needed to be relocated; however, because the permittees could not agree on a relocation of the fence the Bureau, with opposition from the permittee, the environmental community and wild horse groups rebuilt the fence.

Since the beginning of the Act, the Buffalo Hills HMA has suffered three major die offs due to the insufficient winter range for horses, overstocking, and the fence. Even with these past lessons experienced but not learned, the Bureau continues the same management actions that have been documented to kill horses.

B) FAILURE TO PROVIDE ADEQUATE MANAGEMENT ACTIONS LED TO INHUMANE CONDITIONS AND ACTS.

FOX/LAKE HMA

Winnemucca District Office

*The Nevada Division of Wildlife (NDOW), was conducting a water survey in Nevada in the spring/summer of 1994. The Division called the Commission to relate that they anticipated serious problems for wild horses in the Winnemucca District due to lack of forage and water. This was in early June and immediately prompted a call to the Winnemucca District Wild Horse and Burro Specialist. The response to the concerns of NDOW, WHOA, and the Commission was "I don't know what they're referring to...I've just been out there and everything is okay, horses aren't in any trouble." Again in August and October reports from the field indicated that horses were in poor condition and forage was at a minimum. Again, twice, the Commission called the District only to be told "the horses are fine."

Dawn Lappin, WHOA, made arrangements with the District to accompany the wild horse specialist on a flight to assess the range and forage condition. "After driving 2 1/2 hours to Gerlach, Nevada, the helicopter was just setting down. The horse specialist and a woman that had been doing the use pattern mapping deplaned and I approached them. The specialist then informed me that due to new policies, I would be unable to fly with them on the monitoring trip. I knew of no such policy, but did not argue. I had been flying with the Bureau for over 20 years and this was the first time it was a problem and even after I had called and we made arrangements for me to go to Gerlach and fly. It made me wonder if there was something the District did not want me to see." The monitoring person then approached me and stated, "What are you

going to do about this situation?" When I told her that I had just been advised that I could not accompany them, and that I was unsure why she would be upset at this she replied, "They know now and have known these animals would be in trouble this winter, as I have told them all along." She informed me that she had advised the specialist of the starvation these animals would suffer, the response from the horse specialist was "out of sight, out of mind." They are in an area not commonly visited by the public and no one would know about the deaths." Heretofore, I had never met this lady, did not even know her job description and it was the one and only time I had ever met or talked to her.

I came back to Reno and reiterated my concerns to the State Office. I was then contacted by the District to accompany the District personnel and the NSO staff to the Fox/Lake HMA where the concerns regarding the herd would be discussed. Flights taking all observers indeed showed animals in severe starvation condition, trapped in canyons and on the mountain, and unable to move. The agreement was indeed that it was an emergency, though the District continued to downplay the number of animals in trouble. Once the NSO became involved, the "new policy" that had supposedly prohibited me from flying initially, evaporated. No one had ever heard of such a policy, however, refusal of the first flight achieved it's goal; I was unable to see prior to the declaration of an emergency, the conditions the specialist knew were out there, which would have confirmed what I had been told by numerous BLM and NDOW personnel.

I returned to the Fox/Lake HMA at the onset of the capture, and flew with the contractor pilot and another specialist. Of the animals we had seen, more than three-fourths were in starvation mode, some on side hills that could not move, others urinating blood, which the veterinarian advised me was the result of consuming large amounts of greasewood. There was virtually no forage left which forced the horses to eat the greasewood to survive. This destroys the animals insides resulting in cruel and painful deaths.

It took approximately one week for the District to receive authorization to humanely destroy those animals that could not be brought out through the capture techniques. I was forced to threaten the Bureau with media publicity in order to get those animals humanely destroyed (this is reminiscent of Nellis 96 & 97, and Goldfield 96). I was present in the helicopter when at least 50 of those animals were shot and I know of at least 35 - 40 additional animals that were shot. Afraid of the negative publicity stating that approximately 100 had been shot, NSO released the information to the public that only 35 - 40 animals had to be destroyed. No admission was made of any mismanagement, they only blamed the situation on the environment and said that the Bureau came in at the end to rescue the horses from death. The most excruciating fact here is that this didn't need to happen and was entirely preventable.

It is the estimate of more than one person in the Bureau and myself, that at the very least 75% of the herd had been lost from starvation, including those that had to be put down. The District

attempted to authorize grazing the following spring for livestock use. It was, in our opinion, the continued authorization of high levels of cattle, and horses, that failed to reserve sufficient forage for the remaining wild horses over the winter months. It is still our opinion that the District was successful in failing to disclose to the public the large number of deaths of wild horse in this HMA.

During that emergency, one horse was found that had been caught, supposedly by the Indians (next to Pyramid Lake Reservation) that had been captured alive and its legs wrapped together with wire. The horse died tied up. The District people told me that "the reservation fence was a nightmare, that the Indians would not agree to maintain the fence and no one in the BLM enforced it." To my knowledge, the horse tied up-to be retrieved at some time later, that instead died-was never turned over to law enforcement. Nothing has been done to stop this action or repair the fence to prevent movement.

Emergency Gather Goldfield HMA - 1990/91

Battle Mountain District

* We were called to an emergency field tour of the Goldfield HMA by the Tonopah wild horse and burro specialist, to review and support the need for an emergency gather of horses. We (API, Nancy Whittaker and the Commission, Cathy Barcomb), were informed by the specialist that there was inadequate water and forage to sustain the current number of horses. There were approximately 800 horses with adequate water supply for 200. Water was already being hauled to keep the horses alive at that point. There was no forage available and we were informed that the rancher had been permitted, by the Bureau, to "range feed" his livestock because there was no forage and "he had no place to go with his cattle." The range was severely above carrying capacity. This "range feeding" was authorized by the Tonopah BLM office for 2 years prior to this created horse and land emergency. Horses were in equally critical condition to those removed during the summer of 1996 (see Goldfield 1996).

Even though the Bureau was aware that for years prior to this emergency there was inadequate forage to sustain livestock, wildlife, and wild horse/burro use they continued to license livestock use on the allotment. Instead of adjusting use to protect the habitat it was allowed to be destroyed beyond repair with continued year round use and documented "range feeding." If range feed is necessary it is our opinion that its obvious that the habitat cannot support the use. In addition to range feeding being a violation of policy and regulation, this continued for 2 years after the habitat was destroyed which further created the man caused emergency for wild horses and wildlife.

Goldfield HMA - 1996

Battle Mountain District

*Severe range conditions continued from the 1990/91. Lack of responsible Bureau management and monitoring has resulted in current conditions of 95% utilization of the habitat. In addition,

lack of Bureau monitoring of the wild horse herd resulted in dead and dying animals causing the emergency gather that could have been prevented. This has resulted in their annihilation from their entire herd management area with a current population of zero!

Removal of excess livestock and horses prior to entire depletion of the range would have saved this habitat and the base population. The wild horse herd in this HMA has been "managed" out of existence by the Bureau.

1991 Nellis Emergency Gather

Las Vegas District

*The Nellis Air Force Base has a Natural Resource Plan and Nevada Wild Horse Range Management Plan with the BLM. According to previous planning, the Nevada Wild Horse Range could support 1,000 head. Drought conditions persistently cycle this portion of Nevada causing boom and bust populations of wild horses and wildlife. Summer kills of wild horses are common. Public access and awareness of wild horses on Nellis are limited and easily overseen. Though 10,000 horses have been removed from Nellis since 1986, annual recruitment maintained over 4,000 head. Reoccurring droughts and die offs of wild horses are predictable under these conditions without management.

In 1990, we requested census information from the Bureau, Las Vegas District, wild horse specialist, for the Nellis Wild Horse Range. The information supplied documented approximately 6,200 horses on Nellis both inside and outside the HMA in August. In January of 1991, the Bureau supplied new census information showing only 4,300 horses. WHAT HAPPENED TO 2,000 HORSES? There was no explanation given other than death. The Bureau declared an emergency to gather horses in December 1990. The emergency gather was conducted and then suspended for the holidays - Christmas and New Years. We questioned the validity of the emergency status if it could be suspended for the holidays. Further documentation showed over 4,000 horses still on Nellis. The Commission held an emergency meeting in Las Vegas with the Bureau, DOD, and DOE present. Again, there was no explanation given other than death. With the public scrutiny and urging to rescue the animals DOE, DOD, and the Bureau immediately started hauling water to keep the animals alive until the Bureau could do an emergency gather. This was done during foaling season because the animals would not have survived until summer. Lack of planning and management caused this emergency situation to escalate. The Bureau's trust is to maintain habitats within their carrying capacity, not allow animals to overpopulate to predictable starvation.

Nellis 1996

Las Vegas District

*Nellis (the Nevada Wild Horse Range), has been critical for the habitat conditions, lack of water, and dead and dying horses for more years than should be allowed. Starting with the winter of 1990/91 and being allowed to continue until currently being gathered now, in January 1997.

C) DISCRETIONARY USE OF LAWS, REGULATIONS, AND POLICIES; AND NEPA INFRACTIONS

Nellis 1991

Las Vegas District

*We found that during the gather the horse specialist had instructed other Bureau personnel and the contractor's crew to cut off the horses tails at the flesh. Also, he had instructed that the tails be saved, bagged, and held for him to pick up. We were told by Bureau personnel that the tails were being sold and used for commercial purposes. Upon finding this situation which was illegal and intolerable the Commission and WHOA demanded this be halted immediately. Not only was this illegal but the tails of the horses were the only defense they had for insects that are such a problem during the summer months. Not only were the animals in extreme distress through lack of forage and water but must endure the inability to protect themselves from insects with anything other than their mouths. We immediately went to the Associate State Director, who supported the Commission and WHOA and decided to subsequently remove the specialist from the gather operation and wild horse program. However, we know of no other repercussion or accountability brought to bear on his activities. In fact this person, by the accounts of numerous District BLM personnel is still active in the wild horse program in Las Vegas.
(See attached Exhibit 2)

Nellis 1996

Las Vegas District

Since we have touched on Nellis emergencies earlier in this report we will focus on the past year at Nellis now. In December of 1995 a gather was conducted that had been planned for at least 1/2 a year prior to that date. It had been on the gather schedule and planned especially since the Bureau was going to instigate a trial fertility control program at Nellis. I don't have the exact dollar amount spent but the plan was to treat with fertility control approximately 400 mares. You may want to investigate that amount. To instigate a fertility control program on such a critical population that was continually crashing didn't seem feasible at the time but since Nellis had such a high fertility rate it seemed necessary.

Two weeks prior to the actual gather date, the Commission had to call the Caliente District to ask for the gather plan and EA for the gather. This was no normal gather and should have had extensive work on population modeling done since treating 400 mares was no minor environmental action. In violation of NEPA and BLM policy two weeks prior to such a major actions no public consultation was initiated and had to be requested. It was fortunate that we knew about the action to be able to request the information.

This seems to be a common problem in Nevada where we either get the information as an action is occurring without comment time prior to the action or just before, again without time to analyze the action. We had brought this to the attention of the State

Director Billy Templeton after 5 after-the-fact incidents in a row. He wrote a Nevada policy which guarantees the public a minimum of 30 days comment time on a gather document prior to the action unless it is an emergency. Even with that additional policy and NEPA we are still fighting the public consultation issue. We received the proposed gather documents approximately one week prior to the gather starting. That leaves no time to comment on the proposed actions for the Bureau to consider any changes to the final prior to start. Each document should have had a 30 day comment period with sufficient time between documents for the Bureau to analyze the comments and recognize which suggestions have merit and which do not. This would enable the Bureau to incorporate the comments provided by the public which that participation the law allows. The Bureau continues today to violate NEPA and BLM policy on this issue.

BUFFALO HILL GATHER - 1996

Winnemucca District Office

* In a continued effort to sporadically monitor capture operations we attended the Buffalo Hills capture in the spring of 1996. In attendance was the Commission, Cathy Barcomb and Roy Leach, the Nevada Humane Society, Mark McGuire, and WHOA, Dawn and Bert Lappin. Upon our arrival just outside of Gerlach, Nevada, a group of us met a BLM representative at the holding site about 1 mile from the town. The BLM representative was sorting animals for shipment. I (Dawn Lappin), inquired where the trap site was and the specialist in charge of the capture operation? I was told that the BLM specialist was a Bruno's cafe/bar doing paperwork and that the capture was proceeding without Bureau attendance at the site. He radioed the specialist that we were present at the holding site and informed me that he really did not have the time to show me the capture site. I informed him that he needn't take his time, just give me directions. He proceeded to try to talk me out of going out to the trap site, that they were nearly finished and I would be wasting my time and his. I persisted. It turned out to be a familiar trap site, having been on previous captures in this area. The specialist finally agreed to lead us to the trap site. It should be noted that in all capture plans and BLM policy, the COR or PI must be physically present whenever capture operations are being completed. This is to insure that BLM captures are in compliance with BLM policy and plan as well as the safety of the animals and personnel.

The specialist ended up not accompanying us to the trap site but giving us directions. He was too busy with paperwork and phone calls at Bruno's. I knew within half a mile of the trap site, the specialist had not wanted our group to observe the capture operations. Very neatly flagged was a barbed-wire fence, being used as a wing trap for the capture. This is in violation of the capture contract and Nevada BLM policies. The capture was proceeding, the helicopter was bringing approximately 7 horses in to the site. However, when we arrived we stayed off in the distance watching with binoculars noting the number of animals. Just as they got close to the trap, where we could obviously be

seen, the helicopter pulled back, 2 horses were captured and the others were allowed to escape. I have never seen this highly experienced pilot...lose horses so close to the trap without going out to pick them up again.

It was apparent that 1) no one was observing the contractor, as required, instead the contractor was being left on his own, 2) that BLM should have required the elimination of the barbed wire as a trap wing, and 3) if they would violate such an obvious restriction, could they be trusted to abide by other restrictions in the law. This specialist, and this particular contractor have been repeatedly warned from similar incidents in the past. Animals injured severely by barbed wire fences are well documented in WHOA's files, and most if not all required extensive medical care, which the BLM is unwilling to provide, therefore the animals are destroyed.

The barbed wire use was brought to the attention of the Associate State Director in Nevada as well as NPO. No disciplinary actions were taken and within one month of this incident the capture crew in Colorado on a BLM gather was also caught using a barbed wire fence as the wing trap. Again, no actions were taken against the Bureau personnel involved or either capture crew.

* Another note...the Del Rio Grand Jury investigation contained allegations of BLM contractors and personnel taking horses out the "back door" at trap sites when no outside people were watching. The allegations were that horses were being trailered from trap sites to other locations where later they would be taken to sale yards. While we are certainly not alleging this happened at this particular gather...the trap site was in the desert, an hour away from any live person or holding site...1/2 an hours drive from the California border and especially with no Bureau personnel present to 1) count the number of horses brought in to the trap, 2) assure that the same number of horses made the trip from the trap to the BLM holding corral, 3) assure the safety and well being of the animals in his charge, and 4) validate the capture as was his job.

This scenario contributes to the perceptions of improprieties which have led to other allegations in the past.

MEADOW VALLEY MOUNTAIN HMA

Las Vegas District

* Approximately June of 1993, Meadow Valley Mountains experienced a fire (of questionable origin), burning approximately 20% of the HMA. A verbal emergency was declared in June but not acted upon until October. Apparently the "emergency" was not that critical since it could wait 4 to 5 months, but used as a way to gather without data. The gather was completed in early October, no allotment evaluation, no gather plan, no data evaluation to determine carrying capacity,...nothing. It should also be noted that the livestock grazing permit for exactly the same area was renewed fully for the permittee at the same time. Not one cow was removed but it was serious enough to remove all the horses. The gather was contracted for and monies committed through NSO, and the gather completed without public notice. Two weeks after the gather was completed a letter was sent to the affected public noticing the

gather and that only a portion of the HMA was burned but stating that the balance of the HMA was severely utilized and from a population of 289 horses....ALL WERE REMOVED WITH THE EXCEPTION OF 15. The entire herd was annihilated.

Older horses were trailered to various herd areas that had no AML and were dumped out. No evaluations, no notice, no thoughts were given to the effects of dumping those horses on non-evaluated habitat and unknown populations of other horses. One of those locations included NELLIS, where there was an AML but the horses on Nellis far exceeded that AML prior to dumping more on the area. There were no EA's completed, no evaluations done to insure that the new areas could support the extra "mouths" or that the horses would survive. There were no evaluations after the fact to determine if this action was appropriate or that it would not further stress already overpopulated areas. This was all done behind closed doors within the Bureau. We did not learn of the "dumping" of horses until almost 2 years after the incident, this was withheld from the public.

We questioned the Area Manager, regarding the letter stating that the majority of the HMA was severely overutilized which was the excuse used to gather all of the horses. We requested a copy of the data that was analyzed to determine this utilization level. He told us that they did not have any data collected and through checking with his people that "no one knew how that sentence got in there."

* We started checking the locations horses had been shipped to from this gather...Palomino Valley and Ridgecrest, and found a discrepancy in the number gathered versus the animals received at the BLM holding facilities. Through further investigation, we learned that 27 horses had been "given" to the permittee. You must realize that the Bureau legally has the first determination if a horse is wild or estray and then it is up to the State of Nevada Division of Agriculture to determine private ownership once the Bureau releases those to the State Brand Inspector. In violation of BLM regulations, domestic horses had been licensed for 25 years on that allotment within the HMA.

Besides paying the nominal AUM fee for the "domestic" horses there was no evidence that could be produced that the permittee had ever turned loose any horses to graze. Under Nevada law, all animals turned out to open range MUST be branded. We requested that the BLM provide documentation that the 27 horses given to the permittee had indications under Nevada law and MOU with BLM to indicate prior ownership. There was none that either the BLM or the State Agriculture Department could provide. The permittee was claiming these animals as progeny of horses he had turned out in years past, again, with no proof of ownership! The ability to claim horses from public lands ended in 1975. As you will see through investigation of Bureau records that the horses were given to the permittee by the BLM first, Nevada Brand Inspector second, for expediency and "good public relations."

We further questioned the Area Manager and wild horse specialist regarding...what if... "Any permittee never turned out a horse but only paid for the AUM fee? Since it was in an HMA that

the permittee, on his own, could go into the HMA at his convenience and gather 27, 50, or 75 horses as a weekend outing...that the permittee then could take those horses to the sale yard and made themselves quite a fee for a weekend get together. In addition, who is to say how many horses the permittee took each time since there was no person to check the gathers." The response from the Area Manager was "Well...we sort of suspected that this was going on...but...it won't happen anymore because we're cancelling his permit for domestic horses!" The Bureau "suspected" this was going on, continued licensing horses, and released horses to a private individual without documentation.

* Another point to be noted is that through investigation of this issue we learned that the **entire** Caliente District had **never** had a horse gather done since the passage of the Act in 1971. There are 13 HMA's in the Caliente Resource Area under the Las Vegas District. It also raises questions as to why the people in other areas of this District were not complaining of excess wild horses unless somebody was also taking the "gathering" of wild horses into their own hands. You must really speculate why no gathers were done in over 25 years and why horse populations remained static without gathers. We learned that there was more than enough data collected to make grazing decisions, set carrying capacity and set AML's on the allotments for grazing livestock and horses at least three to five years ago. The data showed that not only would horses be reduced but the monitoring data indicated that 65-80% reductions were necessary for livestock. We believe it is apparent why the monitoring data was not analyzed and reductions made even though the Bureau's job is to protect the habitat.

* At the same time as the reduction, the permittee was given full license for his livestock on this purported emergency range situation. The Commission, HSUS, and WHOA appealed this decision. With this attention drawn to the permit, the District reviewed the decision and immediately cancelled the Area Managers decision and reissued a new permit reducing the livestock use within the burn area. The following year the Area Manager attempted, again, to increase the permit level. The District caught this again, and negated the decision.

Dann Sisters Gather

Elko District Office

* BLM files document the Dann sisters (Native Americans), historically ran large numbers of animals in trespass on Bureau managed public lands. The Bureau finally took action to impound these animals. Since the Dann area is on the Elko District boundary line it also borders various Battle Mountain District HMA's. When the Bureau started gathering Dann livestock (cattle and horses), the Dann family called WHOA and the Commission stating that the Bureau was "gathering wild horses and taking them to slaughter." Upon investigation we found that 17 miles of border fence between Battle Mountain and Elko had been down for many years. No one could tell us how many years the fence had been down. This fence would have prohibited wild horses in the adjoining HMA from migrating onto the Dann allotments.

The Commission had just recently funded \$14,000 to the Battle Mountain District for wild horse censusing and distribution mapping. The Commission then called the Battle Mountain District asking if that mapping documented the horse use within traveling distance to the Dann ranch. The horse specialist immediately collected that data and sent it overnight to us. The data clearly documented horses on the range around the Dann area, right up against the fenceline that wasn't there anymore. When asked why the documentation stopped at the fenceline we were told that this was the District Boundary and they did not monitor any further. The mapping showed the date and the number of animals by group that were right on that boundary. From that fenceline, the land goes uphill to go back to Battle Mountain and downhill to enter the Dann area. The District Specialist told us that they knew for years that the horses had been going into the Dann area, the fence was down for many miles, and it was downhill from there.

WHOA and the Commission immediately took the Bureau's own maps and data to a meeting with the Associate State Director in Nevada. We presented the maps showing the location of the horses and presented all we had learned. The Associate Director, was silent, he looked at all of the information, looked up at me and told me "This is none of your business, they are not wild horses and I will not discuss this any further because again, this is none of your business." Needless to say, we had a few words as to whose business it was. The relationship between the State and the Associate Director and ourselves was damaged beyond repair as of that meeting. In fact, I later learned later that a call had been placed to the Chairman of the Commission to have me replaced because of this incident. The horses were gathered along with the Dann livestock, they were sent to sale and went to slaughter. I don't have the exact number but know it was in the hundreds.

New Pass/Roberts Mountain

Battle Mountain District

*Battle Mountain District censused the herd in 1992 and observed 527 horses. This was done prior to a proposed gather to reduce the herd to 271 horses. With the rate of increase that is predictable to wild horse herds in Nevada, approximately 18%, you could assume a large herd by 1996.

For the past year and even prior to this, WHOA and the Commission had been receiving reports of horses being "poached" from this area. The District horse specialists had been notified as well as continuous calls to law enforcement over the last year. Reports had come in as to specific illegal captures and when horses would be arriving at the sale yard for disposal at auction. Immediately BLM law enforcement was notified...to no avail. Traps have been observed set up around water sources as recently as the past two months. When brought to the attention of the Battle Mountain horse specialist he expressed that he knew the traps were up but had not been able to make the permittee take them down. Bureau personnel were aware that horses were vanishing from the HMA.

At the Reno meeting of the "emergency task force", the District Manager was responding to questions by the task force on horse issues specifically in the Goldfield area. When asked why excess Goldfield horses were being released in the New Pass/Ravenswood area, he expressed that they were releasing horses there because they were so far under AML in that area that other horses could be brought in and released. When asked why they were so far under AML when every other place was over AML, he blatantly told the group that it "was because all of the horses have been stolen from the range."

If you calculate how many horses there were in 1992 (527), add the recruitment, add the 53 Goldfield horses relocated to that area...you would have quite an increased number. **In August of 1996 the area was censused and BLM found only 73 horses!** How many times must a crime be reported before BLM takes any action or is the Bureau deliberately turning their heads in this matter because it solves a removal and placement problem for them. In our opinion, placing critical Goldfield horses in this area would then also put these animals in jeopardy of disappearing as other New Pass horses have vanished.

D) STRATEGIC PLAN FOR THE MANAGEMENT OF WILD HORSES

*The Strategic Plan for Wild Horses established a strict adoption age criterion for excess horses. This action requires the removal of all horses five years of age and younger with exceptions allowing removal up to nine years for emergency gathers. The Strategic Plan then required all older horses be released back into the herd areas, thus increasing densities at levels known to significantly exceed carrying capacity.

Wells Resource Area

Elko District

*In the case of Spruce-Pequop wild horse herd, the AMP and land use plan amendment allowed for the elimination of approximately one half of the herd area. Again, the Strategic Plan required all older horses released into the surviving herd management area, thus increasing densities at levels known to significantly exceed 10% utilization of key winter forage in the fall. It is predictable that procedurally the BLM has the land use planning to reduce the 270 head of wild horses to less than 15 head of old age class horses into the Spruce-Pequop HMA.

Nellis 96

The gather proceeded, approximately 800 horses were removed, we have pictures of those animals and they were in poor condition in December 95. More animals were returned to the range than carrying capacity could support. By February/March the Bureau already knew they would be in emergency conditions by summer. In the beginning of July an emergency gather was conducted again on Nellis. 600 horses were brought in for adoption and over 1,000 horses were released back on the habitat the Bureau knew could not support them. They were turned back to certain death. Again, the

adoption program was driving the range program as to what will be brought in from the range. We learned of this action at the subsequent Goldfield gather and immediately called NPO. From that call many calls were made to Washington and the Emergency Task Force was formed. Another gather which was to take place by September 1996 and was continually delayed is occurring now, January 1997.

We were told by NPO that emergency gathers cost approximately 2 to 1 in dollar figures. With three gathers in one years time, two of those being "emergency gathers", an expensive fertility control study which now has questionable results, and inhumane treatment to the horses, how much of this could have been averted with proper planning. How grossly much more did this cost on this one HMA in one year than would have been spent if the initial gathers had taken the animals down to carrying capacity? This doesn't even factor in the inhumane treatment associated with overgrazing and starvation or lack of water. This must stop! We would really be curious to know how much Nellis has cost just since December 1995 and with the realization that with proper management of the habitat and the herds that this could have been prevented and never should have happened. Even the July 1996 gather...if the animals had been removed to carrying capacity you would not be going through another expensive gather right now.

We were just notified that the January 1997 gather which hasn't been completed on Nellis resulted in **84 horses having to be destroyed**. We have been advised that there are approximately 80 to 100 more in the trap for whom the veterinarian will confirm whether their condition warrants destruction. This is a disgrace that these animals were forced to suffer this long when in fact the Bureau should have addressed these issues at the last gather in July 1996!

Goldfield 1996

Battle Mountain District

* After the summer Nellis 1996, emergency gather, the Bureau went to Goldfield to gather horses under emergency criteria. We had not attended the gather until we received two internal BLM phone calls notifying us that horses were critical. They stated that the District was being "ordered" by NPO to turn back approximately 130 older horses that didn't fit the Strategic Plan guidelines of age adoptability, regardless of condition on to a range that couldn't support any of them. We immediately drove down to Goldfield that evening and were on the gather the next morning.

What I found was corrals full of horses in critical condition and dying. I was informed that the younger adoptable horses had already been shipped to Palomino Valley Corrals but that the horses I was witnessing were scheduled to be released back into the HMA. At that point I declared that they would be turned back on the range "over my dead body." The horses were critical but because the Bureau didn't want to take responsibility for those animals they would be turned back on a depleted range that could not support them to begin with. They were being turned back to certain death.

I talked with the permittee, the brand inspector, and the capture crew. All noted the condition of the animals and the depleted range (95% utilization). They also noted they had witnessed the Nellis horses gathered the month before and stated that the Nellis horses were in much worse condition than the Goldfield horses but that NPO-BLM had ordered those 1,000 plus horses turned back on the range as well. Again, the Strategic Plan and adoption program dictated the public lands management and forced animals to be turned back on the range to certain death.

INHUMANE TREATMENT

A) QUESTIONABLE CAPTURE TECHNIQUES AND POLICY/CONTRACT VIOLATIONS

Also See Buffalo Hills under Allocation of Forage (C)

Use of Barbed Wire as Capture Wings

Also See Fox/Lake under Allocation of Forage (B)

BLUE WING/SEVEN TROUGHS

Winnemucca District Office

*Abusive Roping In January of 94, the Winnemucca District gathered the Blue Wing/Seven Troughs HMA. Paper was in place, however, the AE, proposed and final Multiple Use Decision (MUD), was based on 2,500 horses and (xxx) cows. When the gather was in progress the District discovered there were actually 3,600 horses. In regards to seasonal movement, were there excess horses there because of the time of the year the gather was being conducted? Is this because of a lack of censusing and coordination by the District? How valid are the MUD evaluations and carrying capacity when the District was off by over 1,100 horses? The Decision has not been re-evaluated since that time and the carrying capacity remains unchanged.

Post-gather we received an anonymous call informing the Commission and WHOA that in excess of 700 horses had been roped at the Blue Wing/Seven Troughs gather. You must fully realize how significant this is in that the roping at the gather was at the end of February. BLM does not gather wild horses from March 1 through June 30, because of foaling season. Can you imagine a woman, 9 months pregnant being roped, dragged, knocked down on her stomach and tied up WITHOUT ABORTING HER BABY! Bureau policy does not allow for cowboying and roping horses as a sole method of capture, and certainly not on an excessive basis. The gather plan as in all others proposed by the Bureau dictates that roping is only to be used "as extremely necessary", ie: mare and foal separated, lone horse outside trap, etc. Roping is not to be used as a sole capture method, ever! When questioned, the District admitted to gathering by roping method over 700 animals.

Through investigation of daily work logs, we discovered an excessively high death loss and an insupportable excuse that roping was necessary. Weather conditions were blamed for using the roping technique, however, not bad enough to cancel or delay the capture. We were told by the District, in hindsight, that the capture

probably should have been delayed for better weather conditions.

In conversations with the BLM wild horse specialist for the 1995 capture of wild horses from the Blue-Wing, I was told personally that the total horses that had to be roped was done because of weather conditions. First, I was told it was too muddy to get the trucks into different areas, therefore they could not move the trap sites. But anyone who has experienced a capture operation knows that even with roping animals, a truck and trailer needs to be able to get in to pick up the roped animals. So much for the muddy conditions. I was told that several "local ranchers and their wives" came by to help out with the roping, something the Bureau's daily logs admit. This is not legal and what is the thought of liability? It is apparent that not only are the specialists still heavily influenced in their decisions and fulfillment of their legal obligations under the law, by contractors, but that they are willing to compromise the animals welfare and humane treatment, to satisfy their demands. If the weather was that "foul" the operations should have been shut down for a couple of days.

We did a FOIA request of the Bureau asking how many mares aborted their fetuses as well as death loss to foals/mares. Records had not been kept at the trap site documenting abortions or dead foals, nor was there any request from the District for Palomino Valley to record these deaths. To record the deaths at the site as well as stress deaths at Palomino Valley would have documented the deaths resulting from the roping and further confirmed why the Bureau no longer allows roping. Not only is it dangerous for broken legs and necks for the wild horses but also life threatening to the domestic horses. If you will remember the last Pryor Mountain gather allowing roping not only killed wild horses but three domestic horses as well.

We checked with our State Commission Veterinarian and he expressed that the resulting stress from being so close to term for births and being roped could affect the mares at Palomino Valley by aborting the fetuses. We were unable to determine death loss to mares/foals and abortions at the trap site because of lack of recording but asked Palomino Valley to record deaths as best they could so late in the capture. Palomino Valley did not record many of the aborted fetuses or dead foals found in the corrals in the morning rounds. We were told at the time that as many as **10 DEAD FOALS PER DAY WERE BEING PICKED UP**. Of the ones they could document, the last approximate 300 mares, (100 of those were under 1 year of age so were determined not to be carrying foals), 200 mares were potentially pregnant in the age group of 2 to 5 year olds. The resulting 200 mares lost 53 foals that were documented. That is only what could be documented, we know the number was much higher considering how many foals per day were being picked up. This is not normal for mares gathered by helicopter even so close to full term in their pregnancy.

One excuse by the Bureau for the high death loss was weather and corral conditions at Palomino Valley Corrals. They said that foals were dying because they were being born in the mud and in water puddles and drowning. If this was a severe condition at the

time why were not emergency measures taken to move pregnant mares to better corral areas with proper drainage to prevent this.

* Through thorough investigation of the capture logs we learned that many, many horses were adopted at the trap site. This is in violation of policy in every state unless it is a "leppie" foal that must have emergency care to survive.

We requested that NSO investigate this incident. Six months after the gather, we learned the adopted horses were still not freeze marked and some of them had left the state. The internal investigation reported no wrong doings and actions were attributed to interpretation of "grey" areas. There was no accountability or repercussions for inhumane treatment or violations causing excessive deaths of wild horses.

B) RESEARCH STUDIES

University of Minnesota Fertility Control Study

Carson City District, Battle Mountain District

* Collars were installed improperly on younger animals that "grew" into those collars prior to the next evaluation. The collars not only came up over the horses ears and eyes but "embedded" themselves into to flesh on their necks. Many of those animals died of slow suffocation as a result. Many animals had to be put down and animals that did survive had collars surgically removed with infestations of maggots underneath eating tissue.

There were many frequent spring evaluation flights that violated Bureau policy regarding low level flights during the foaling season. This resulted in orphaning many foals. As the mares were being run under these low level flights to identify their freeze mark the foals could not keep up and were left behind, orphaned to die a slow death. In addition, this was a fertility control study...killing foals...how badly did this skew the data from the research study? At the recent Goldfield gather (summer 96), I was personally informed that the helicopter pilot expressed his concerns for orphaning those foals to the Bureau personnel conducting those flights, he told me he was ignored. The Bureau representative told him to continue, stating that he felt they would be okay, not ever confirming this. The Bureau Chief of Resources, NSO, warned Bureau personnel and documented the file that these flights were orphaning and killing foals. The Bureau representative on those flights was the wild horse specialist from the Tonopah Resource Area. WHOA and the Commission protested these flights for many years to no avail. During the duration of the study and continued spring flights many foals died. Finally, the Governor of the State of Nevada intervened to request a cessation to these spring flights as they were killing animals and at that point, finally, the flights were stopped.

* The University of Minnesota requested a large block of mares that were needed for the implantation of the fertility drug and the Bureau proposed a capture in the Clan Alpine HMA. An insufficient number of mares were captured in the Clan Alpine HMA and a Bureau employee without authorization directed the contractor to cut the fence and retrieve mares from the Augusta HMA. Animals not needed

for the research project, captured in the Augusta's, were released in unfamiliar territory, on the wrong side of a fence after being driven during capture that same day in excess of 100 degree heat. This led to all of those 48 animals dying from lack of water. All 48 animals stood on one side of the fence within sight of the water but had no ability to reach it. *Shortly after this, WHOA visited Nevada Nile Holding Facility and found that 80 - 90 rod implanted mares were missing from the study and had gone into the adoption program. These animals were considered "toxic" and were never to be allowed entrance into the adoption program or potential food chain through slaughter. To our knowledge, these animals were never tracked or attempted to be recovered.

Study Horses - Herpes Vaccine

Winnemucca District/NPO

* When the Blue Wing-Seven Troughs gather was completed two years ago, (the gather where over 700 horses were roped), there was a discrepancy in the number gathered versus what reached the holding corrals. Upon investigation, we learned that NPO had authorized 50 horses to be shipped out of state to a medical study on a herpes vaccine. When NPO was questioned, they replied that they were well within their legal rights to send the horses to a medical study. We had agreed that they may be in their rights to allow a study but asked where they could take the horses without public disclosure. We reiterated that there was no public disclosure in the gather plan, no EA, or no proposal presented that 50 horses would be taken away, out of state, to a medical study. NPO agreed, apologized, and promised not to do that again.

Two weeks ago, we learned that at the current Winnemucca gather (November 1996), horses were being taken again to a medical study authorized by NPO. Again, there was no public disclosure as to the study or in the gather plan that wild horses were being taken away. NPO lead called us last week, after they were caught again sending horses away to a medical study without disclosure, to inform us that "oops, we forgot to tell you that horses were being sent to the study."

The point here is not only as to whether the study was valid or humane, but more that there was no public disclosure. The public has the right to know where the horses are going and what studies are being done. The public can then decide if the study is warranted, is humane, or is necessary. There is no excuse for NPO for not disclosing the study, especially a second time after it was brought to their attention the first time.

We understand the study had positive results but again, the point is no public disclosure which continues to breed mistrust of the program.

C) INHUMANE TREATMENT

NELLIS 1991

*There was not adequate funding to support this gather and Senator Reid convened a special oversight hearing to document the situation and help provide funding. The horse specialist was

resulting in their deaths. I, personally (Cathy Barcomb) caught the Supervisor, Palomino Valley Corrals, engaged in this activity on two occasions.

Goldfield 1996

*I went with the capture crew out to the trap site, they were water trapping the horses. On the way there I witnessed a horse crossing our path only to collapse in front of us, unable to go any further. The horses could not get up and was later destroyed by shooting to end his suffering. The contractor immediately tore down the trap around the water declaring that he didn't care what the Bureau wanted him to do he would not continue the "intentional inhumane suffering" that was being done to these animals. Of the three water sources in the area, only one was open to horses and the other two were completely fenced so as to force horses to the third location. If the horses did not know of the other waters or were not strong enough to journey the miles away to the other site, (maybe they were traveling between the two sites that were completely fenced), they would die in the desert looking at the water but unable to get that drink to keep them alive.

At the trap site I witnessed horses barely able to drag themselves in to get that drink of water. By the end of the day only about 12 horses were caught. The capture crew felt this was much more inhumane than quickly gathering them with a helicopter. They felt the horses would wait one to two days to allow their thirst to displace their intense fear before entering the trap. This stressed them further when they were barely surviving as it was.

I took two rolls of film, drove back to Reno, developed them the next morning, and made an appointment with the Associate State Director to discuss this critical matter. This was especially critical since the dying horses were slated to be released back on the range immediately. The Area Manager from the District was there as well. I showed them the pictures, the release of the animals was cancelled. All of the horses, 100% removal from the range to a zero population herd management area occurred.

The important factor here is that NPO had ordered those critical horses released back on a range that could not support them fully knowing the condition of the animals and the range. The only time the Bureau "did what was right" for the animals and the range was after they were caught.

The Nellis gather and subsequent release of those animals occurred. The animals were critical, they were worse than the Goldfield horses, and NPO ordered them released back on the range...to certain death. The difference being, the Bureau only did what was right when caught.

Duckwater Indian Incident/Sand Springs Horses

Elko District Office

*The Duckwater Indian tribe had boldly advertised the need for a contract capture crew for wild horses. The Bureau contractor, answered the advertisement and agreed to be hired to gather horses for the tribe. Since there had been so much publicity the Bureau

knew full well the intent of the tribe. It should be noted that it is not illegal for native americans to round up wild horses that reside on their legally bounded native lands.

The problem in this specific incident is that they were capturing horses outside the reservation and driving them on to reservation land. The contractor used his helicopter pilot to drive the horses from outside the reservation in to traps on reservation lands. BLM law enforcement was there, viewing this from the hilltops, and recording the incident. Catching them, the law enforcement went in, ordered the helicopter to stop gathering, impounded the animals, filed charges, and informed the individuals not to "do anything with the animals, that they would be back the next day to pick the horses up." It should be highly noted that he claimed he did not realize he was gathering off reservation land. However, only months before, the BLM contractor had done a gather for BLM on those same Sand Springs horses.

Obviously not leaving anyone to watch the animals overnight was an extremely bright idea. Much to their amazement, all the animals were gone the next morning. As it turned out 117 horses were crammed into a 75 cattle stock hauling rig and transported them overnight straight to a Texas slaughter yard. This was done completely illegally, no brand inspections and no coggins tests which are all required for crossing state lines, stolen horses inhumanely crammed into a small inadequate truck to transport to slaughter caused many injuries and deaths from trampling, and illegal sale to the Texas plant. Thankfully BLM

law enforcement called all slaughter yard and found a shipment of horses from Nevada that fit the description of the stolen horses.

At tremendous expense, BLM immediately went to Texas and impounded the horses, transported them to a prison contract facility in New Mexico, and proceeded to prosecute the native americans at fault and the (BLM), contractor. The animals were held for approximately one year (at great expense) since they were evidence. They were finally documented for the trial and allowed to go for adoption. As relayed from the U.S. Attorney in Del Rio Texas, a truly disgusting fact is that some of those very same horses ended up at that same sale yard and did eventually go to slaughter after all that attempt to save them.

The results were that the contractor and pilot plead guilty to the crime and received probation and this same individual is currently under contract to the Bureau to gather horses. The Duckwater Indians on the other hand claimed they were forced to do this gather to protect forage on public lands for their cattle. They claimed the Bureau was not doing their job in protecting the habitat for their use by gathering excess horses even though a gather had just been completed. They were found not guilty.

It is important to note that the Duckwaters have not paid a grazing fee for many years yet they are allowed to exercise a grazing privilege in areas used in common with wild horses. It should also be noted that there are approximately 20 other permittees in Nevada, that continue to enjoy a grazing privilege on public lands in Nevada claiming that the Federal Government has neither the jurisdiction nor the authority to charge them a fee to

use the public lands. The Bureau has not impounded any of the animals and they continue to graze in trespass.

D) HIGHGRADING

Blue Wing/Seven Troughs

Winnemucca District

*Highgrading NPO NPO had written a policy allowing adoptions at trap sites in Nevada which the State Director had signed. After the incidents at Blue Wing and Roberts Mountain we questioned NPO.

When NPO was questioned about this the reply was that, unknowingly to the public, NPO wrote a policy for the State Directors signature, allowing for adoptions at the trap site (see attached Exhibit 4). Approximately 5 months post gather is when we learned of this new policy. We asked why this policy was not told to the public or the groups to allow them to "cash in" on this new form of "highgrading" wild horses. This was kept from the wild horse interest groups and the public for obvious reasons. When asked why again, the reply was that they "didn't want the public to know because could you imagine what would happen at the site if the public knew. We wouldn't be able to handle the public showing up with that many trucks and trailers, we wouldn't be able to conduct the gather, and then there's the safety issue as well." We accused the NPO of creating this policy for Bureau employees, capture crew, and the local rancher at the site to be able to "highgrade" horses before the public ever knew. At this specific capture many horses were adopted to the Bureau personnel, the rancher took 6, and the capture crew adopted as well. Some of these animals were even delivered to peoples homes by the Bureau personnel. According to the policy memo...no horses were to ever leave Bureau possession without prior branding and signed PMAC's. As of 6 months after the gather, those horses, some 13 having left the state of Nevada, had still not been freeze branded by the Bureau.

When NPO was asked about allowing this to continue with no public announcement of the new adoption procedure which promoted highgrading...the response was "whats wrong with that!" Of course this was not a policy for Kiger or Pryor horses... only Nevada horses in Nevada trap sites. They did not want to rescind the policy. We were forced to threaten to notify the public immediately of the availability of adoption of horses at trap sites to make this fair to the public and not just Bureau personnel. Fully realizing the ramifications of 50 trucks and horse trailers showing up at any site with an anxious public storming the corrals was enough for the NPO to immediately withdraw the policy. This was not done however, in enough time for the Roberts Mountain horses to be victimized, please read "Roberts Mountain HMA".

ROBERTS MOUNTAIN GATHER*

Battle Mountain District

* As stated above, the adoption policy at trap sites was still in place for the Battle Mountain, Roberts Mountain HMA gather. Approximately 60 horses were adopted to Bureau personnel, the

rancher, and the gather contractor. Again, this was not for the public but for internal Bureau personnel only!

When the Commission learned of the discrepancy in numbers from horses gathered to horses reaching Palomino Valley Corrals we called the District. In talking to the wild horse and burro specialist from the gather, I informed him that "I would like to get some information on horses adopted out at the recent gather." He told me "I don't have to talk to you or give you any information." I informed him that as the State of Nevada and an interested party that he was responsible to answer me, and if he didn't want to freely give me the information I would call his District Manager and the State Director. He quickly changed his attitude and begrudgingly answered my questions. I asked him how many animals had been adopted out at the trap site and how many Bureau personnel adopted horses. He told me horses adopted by the permittee, horses adopted by the contractor, and NO horses had been adopted by Bureau personnel. We later found out that 16 horses had been adopted by 4 Bureau personnel from the District but they had put all of the horses in their wives names. AGAIN, none of these horses had been freeze branded as of transfer of possession.

It is the Bureau's responsibility to determine the status of a horse at a gather under previously established criteria in an MOU with the State of Nevada. That criterion also matches the States determination of unbranded but domestic horses, indication of prior domesticity, ie: saddle marks, roached mane, horse shoes, gelding, etc. This is to determine if a horse that may have wandered in with a wild horse herd is a "estrays" and not a wild horse. This is especially necessary when horses wander outside of the HMA. Also, this is critical since the Bureau does not always adhere to their own policy and regulations and continues to license domestic horses in areas inhabited by wild horses. We have found this in approximately five areas in Nevada over the past 7 years. Upon notification, we learned that on this particular gather the Bureau gave 16 horses to the State Brand Inspector who took them to the local sale yard. We sent a representative to the sale yard to inspect the horses, they were beaten up pretty badly, scarred, and bleeding. There was not one indication on those 16 animals that would flag them as being domestic. We called both the Associate State Director and the State Brand Division requesting immediate review of those animals and requested that they be held and not sold until review could be made. We were promised by the Associate State Director in Nevada that the animals would not be sold and that further review would be made to assure the "classification" of the animals. That assurance was given to us on Wednesday morning, the weekly sales were on Wednesday evening. If in fact they would be domestic but gathered with the wild horses they would be able to be sold the next week. All we had asked is that proof could be established to assure they were not wild horses. We also called the Humane Society as to the condition of these animals and no medical treatment. On Thursday morning we were informed...OOOPS, sorry, the animals were accidently sold the previous evening...evidence gone! This was never turned over to law enforcement.

Goldfield 1996

Battle Mountain District

* Another incident from this gather, the adoption at trap sites policy had been rescinded at least one year prior to this gather. As I drove in that morning a BLM horse trailer was pulling out and I heard noises coming from the trailer and saw something small and white. I asked the horse specialist what was in the trailer..her reply..."what trailer." I said "obviously the one that just left with an animal in it." She replied "thats nothing, just a leppie foal that I found a home for in Tonopah."

As it turned out I found another "leppie" foal hidden in a back corral. What we actually found was that the specialist personally picked three albino baby burros, which are very valuable, took them from their mothers to "highgrade" and give them to personal friends. We wonder why a small brown foal that was a leppie and critical in the corral that day could not be placed in a leppie home but three albino burros could. That small brown foal by the way died.

I took pictures to document the fact that the baby burro in the back corral was not truly a leppie foal. The foal was more than old enough to be separated from its mother, was in healthy condition, and was purposely taken from it mother for the purposes of "highgrading" by the Bureau staff to adopt that "valuable" foal to a friend.

Palomino Valley Highgrading

*On another occasion I was walking in the back corral area after a gather of Lahontan horses approximately 2 years ago, which are typically paint horses. There was an entire corral hidden away from the public containing hand picked paint horses which the Nevada Associate Director had chosen to be separated. These were exceptional animals. When I questioned why these animals were separated and where they were going...I was told that the Associate Director had hand selected to be 1) shipped to his brother in Utah for a "special adoption" or 2) they were being shipped to his brother in Utah and were going to be released in herd areas in Utah to upgrade the herd. Neither one of the two options is legal or ethical and at Bureau expense on top of it. We don't know the final disposition of those animals.

There were many allegations of the State Director, Associate State Director, and the Supervisor at the Palomino Valley Corrals of capitalizing on the system and adopting "special" horses. They were also having week-end "rodeos" out at the corrals using the areas for roping and the facilities for training their personal horses which with that training made them much more valuable for re-sale. This was done on Bureau time and at Bureau expense for feeding, caring, and training the horses.

PALOMINO VALLEY ADOPTION CENTER

* We believe the BLM has set up Palomino Valley Corrals, the Nevada Holding Facility for disaster to strike. It is woefully understaffed, and the few employees, while devoted to the welfare of the animals, can only do so much. One issue, the premature

separation of foals from mares, we believe is because of the inability to monitor with so few employees. It is understandable and supportable that foals be separated when the health of the mare is in question, or whether the foal is receiving adequate nutrition; however, many are separated because after they get to the holding facility the mares refuse to "mother-up." If mares and foals were marked, even by a color code or numerical code at the trap site, they Palomino could mother-up the animals. Since the animals must be put through a chute at the trap site for ageing and sexing, it is just as easy to identify those pairs, so that Palomino doesn't have an "additional" problem to handle.

We also believe that the contracting changes for the veterinarian services does not allow the selection of unique or experienced veterinarians that BLM requires.

SUMMARY

This report has been prepared as a compilation of questionable practices in Nevada that have continued to erode away at the public's trust in the Bureau horse program. We are not interested in grandstanding and drawing media attention to these issues. More so we strive to bring these continuing issues to your attention in hopes of correcting the problems for a better more credible horse program that we can all be proud of. The program lacks credibility which is so necessary for the public's trust. We are willing to work with you in any way necessary to help correct these problems.

We have left out the names of the individuals involved. We have named the positions that were directly involved in the issues since the incidents are more important than the individual. However, it is sadly noted by us that most of the incidents quoted above are by the same individuals repeatedly abusing the program.

We do want to thank those responsible for pulling together the Task Force, including those that agreed to serve. The purpose behind this report is not to hang people but identify issues that can be addressed through managers, policies, instruction memorandums, and guidance manuals. Again, our purpose is to tell you why there is no trust left with the advocacy groups; what has happened and what can be done about it. In each incident we do not know whether the person that actually implemented the deed is the one who actually made the decision to follow that course of action.

We want policies that bring about accountability once policies are on board. Frankly, between not having a State Director between Spang and Templeton for a long period; not having a State Director between Templeton and Morgan for a long period, and having all the policies designed over the years evaporate from the time Spang left and Morgan arrived, contributed to this chaos. The National Program Office absorbed the State of Nevada's BLM wild horse specialist which left no specialist to monitor the Districts. The Chief was then moved to the south, and the previous wild horse specialist was left to handle both national and state issues, resulting in neither position getting the attention needed. When Washington, D.C. relegated resource decisions to the District level, they emasculated, to a large extent, what influence the State Director had with the Districts. Range management decisions

should be at the local level, but not if they conflict with national policies, laws, or regulations, ie NEPA and FLPMA requirements. It is the parameters of policies, regulations, IM's, and guidelines that keep recalcitrant employees in line with the laws they are sworn to uphold.

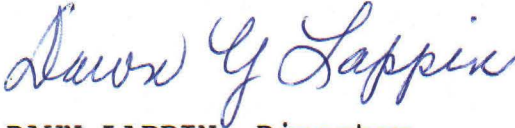
SOLUTIONS

- 1) Address the issues of stocking level formulas (all formulas should use as actual), paper cows vs actual use for horses
- 2) Determine proper conversion rates, ie cow/calve = 1 AUM, mare/foal = 1 AUM. If change is needed bring consistency among all users.
- 3) Enforce policies that reflect compliance with NEPA.
- 4) Provide training for horses specialists to include but not limited to population dynamics.
- 5) Prohibit management actions that design a) release animals into other areas without monitoring that supports forage and water availability, and b) dumping of excess animals to foreign herd areas.
- 6) Develop emergency criteria and protocols consistent with land use planning and federal regulations.
- 7) Eliminate all releases or adoption of animals at capture sites with an exception for "leppy foals" or injured animals. Prohibit any animal from leaving the State without a freeze brand.
- 8) Require an authorized BLM employee be present at trap sites during all capture operations to assure policy and decision compliance.
- 9) Investigate the inappropriate use of weight averaging and yield indexing that manipulates the data and stocking levels. Review a percentage of plans that use these techniques and compare those with the actual use formulas.

Thank you in advance for your time and consideration of our concerns. Please let us know how we may further help.

Sincerely,

CATHERINE BARCOMB
Executive Director


DAWN LAPPIN, Director
Wild Horse Organized Assistance

cc: Maitland Sharpe

1-13-97

W H O A

WILD HORSE ORGANIZED ASSISTANCE

P.O. BOX 555

RENO, NEVADA 89504

(702) 851-4817

BOARD OF TRUSTEES

DAVID R. BELDING

JACK C. McELWEE

GORDON W. HARRIS

In Memoriam

LOUISE C. HARRISON

VELMA B. JOHNSTON, "Wild Horse Annie"

GERTRUDE BRONN

January 13, 1997

Dear Lee:

I do want to thank those responsible for pulling together the Task Force, including those that agreed to serve. With a couple of exceptions I believe most people believed that we could prove the allegations. A couple, prematurely assumed that this was just another unfounded attack on BLM employees. It was not, and is not now, WHOA's intention to highlight individuals because of controversial incidents. If we had had that purpose in mind, observing the current furry over Mendoza article, we could have told these things to the media; and probably had quicker response to on-going issues. Cathy has informed me that you wish to save time by the identification of individuals, which I am very reluctant to do. I know the BLM very well, and have been down this road a few times and I know what happens to "confidential" reports...I get them all the time!

The purpose behind this report is NOT to hang people, but identify issues that can be addressed through managers, policies, instruction memorandums, and guidance manuals. Upon reading this report, should you or decision-makers determine that these problems reflect a condition that cannot be resolved through policies, etc., then I will gladly supply you with names. Again, my purpose is to tell you **WHY** there is no trust left with the advocacy groups; what has happened and what can be done about it. In each incident I do not know whether the person that did the deed is the one who made the decision. An example of how this can backfire would be: Burford issued an order to remove a person, whose decision had caused significant horse deaths, from the wild horse program; problem was he was a manager, not the wild horse specialist;

To: Lee Otteni
From: Dawn Lappin

Dear Lee:

It is not that I lack the words to describe my anger towards BLM, they're just not printable. BLM is incapable of investigating its own and I should have known better than to trust the assurances of anyone. Once the report hits the media, and it will, the BLM will have no one but itself to blame. By Thursday it was in the hands of a range con who just happens to be married to the Executive Secretary of the Nevada Cattleman's Association, and at least a dozen others. It appears to me that BLM never had any intention of addressing the issues honestly, admitting to the problems, and resolving them.. Despite all the glorious language in the Pierson Report, what does it really say? It says the drought was to blame for horses dying, when in fact it was and still is mismanagement compounded by the drought.

What a fool I've been.

Dawn