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*Via electronic mail*

September 3, 2010

Wild Horse & Burro Strategy Document  
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**Re: WHB Public Comments**

Dear Sir or Madam:

On behalf of The Humane Society of the United States (The HSUS), the nation's largest animal protection organization with more than 11 million members and supporters nationwide, we appreciate the opportunity to provide comments on the Bureau of Land Management's (BLM) wild horse and burro strategy development document entitled "Working Towards Sustainable Management of America's Wild Horse and Burros: Draft Goals, Objectives and Possible Management Actions."

The HSUS was also grateful for the opportunity to participate in the various meetings and discussions with the U.S. Department of the Interior (DOI) and the BLM that have taken place over the past year. When controversial issues involving the management of wild animals arise, we believe it is essential that agencies engage in a full and open dialogue with all affected stakeholders and that a fair, rational and objective information collection and assessment process take place before proceeding with any proposed management action or plan. We also commend the Secretary of the Interior and the BLM's for the prudent and compassionate decision to withdraw plans to euthanize and/or sell without limitation thousands of excess animals currently in federal holding facilities, and instead, engage the public in this important planning and decision-making process.

As stated at the previous meetings and discussions regarding the management of wild horses and burros on our public lands, The HSUS is committed to animal protection and seeks to work in a positive manner with federal agencies to provide guidance and assistance with respect to decisions concerning wildlife. We also advocate strongly for the need to create sustainable, humane and fiscally responsible solutions to conflicts with

wildlife. As the BLM would expect, we will question, and in some cases, strongly oppose, any proposed wildlife management programs that we feel have not been fully justified.

To that end, we again urge the BLM to place an immediate moratorium on all gather and removal operations, except in demonstrable emergency situations, until the agency has completed the process of developing a new wild horse management strategy. Only when the BLM has finalized and implemented a plan for success should the agency even consider the possibility of removing more horses from range – the agency barely has the resources to care for the more than 30,000 animals in its holding facilities today.

Our comments are contained herein and, with the exception of answers to the “Implications for Strategy Development” questions, have been categorized using the seven key areas identified in the strategy development document and will be addressed by answering the three questions listed in the document:

- 1) How satisfied are you that this element will lead to a successful strategy?**
- 2) What suggestions do you have to improve this element of the strategy?**
- 3) Are you or your organization willing to become a partner with the BLM to assist with implementing some or all of these actions?**

The majority of our comments focus on the first category – Sustainable Herds – as we strongly contend that above all else, balancing annual population growth rates with current and projected adoption rates is the key to the BLM’s efforts to develop and implement a successful, humane, cost-beneficial wild horse and burro management program.

## **IMPLICATIONS FOR STRATEGY DEVELOPMENT**

- Would you support increased use of fertility control and sex ratio adjustments to slow population growth?**

The HSUS strongly supports an increase in the use of fertility control – specifically the Porcine Zona Pellucida (PZP) immunocontraception vaccine – and sex ratio adjustments to slow population growth. However, we do not support the use of certain fertility control methods, such as gelding stallions or spaying mares, for the reasons discussed below in the section titled SUSTAINABLE HERDS.

- Would you support male-only herds in some Herd Management Areas (HMAs)? If so, how should the areas be identified?**

We would not support the establishment of male-only herds because such an action, in principle, would violate the original intent of the Wild Free-Roaming Horses and Burros Act of 1971 (1971 Act), 16 U.S.C. § 1331, *et seq.*, by denying these animals the opportunity to exist in their natural state – stallions and mares living together in a continuum with wide spectrum of age classes. In fact, the Act specifically defines “herd” to mean “one or more stallions and his mares.” *Id.* at § 1332(d). More importantly, without any recruitment, male-only herds would eventually cease to exist via natural attrition which also

violates the original intent of the Act. Non-reproducing herds may be conditionally acceptable under certain circumstances which we describe in the section of our comments titled SUSTAINABLE HERDS under Question 1.

- **Under what conditions would you support placement of animals in good homes overseas?**

The HSUS unconditionally opposes the placement of animals overseas.

- **What suggestions do you have to increase the number of excess animals in private care?**

BLM's Adopt-A-Horse Program has been overlooked and neglected for years. When the agency began aggressively removing more horses from the range than could be adopted annually a decade ago, the program suffered as a result.

To increase the number of animals placed in private care, the BLM must use some of the increased funds from Congress to develop and implement state-of-the-art strategies to promote the adoption program, as well as expand its training program. This is critical because in order for the adoption program to be successful, it is essential that the horses - and potential adopters - be given suitable training to ensure a successful outcome prior to placing horses in new homes.

Organizations like the Mustang Heritage Foundation (MHF) have had enormous success in working with certified trainers to gentle, train and place wild horses with qualified individuals. We hope the BLM will seize every opportunity to work with MHF and other wild horse rescue groups to learn from their success and maximize the potential of the Adopt-A-Horse program.

- **Would you support revising adoption requirements (such as lower fence heights, reduced shelter requirements, or reduced or waive title waiting period)?**

The HSUS would oppose revising adoption requirements unless by the term "revise" the BLM means to enhance, rather than reduce, current requirements.

As the BLM may recall, in April 2009, the HSUS rescued more than 220 mustangs from the 3-Strikes Mustang Ranch in Morrill County, Nebraska after the local authorities raided the ranch and found the animals living in crowded, filthy pens without access to proper food or fresh water. Many of the animals were severely emaciated and suffering from overgrown hooves and other untreated medical conditions. Unfortunately, help came too late for approximately 60 horses found dead on the property.

The property owner, Jason Charles Meduna, was charged and convicted on 145 counts of cruel neglect of an animal - a class IV felony - and is currently serving 40 to 120 months in prison for his crimes and has been prohibited from owning, possessing or residing with any animal for the next 30 years. According to its website, 3-Strikes Ranch adopted many of the animals rescued by the HSUS from the BLM.

While we understand and appreciate the need to explore ways to increase the annual adoption rate, given the aforementioned incident involving animals adopted from the BLM, we believe that any effort to

reduce current requirements will only serve to hurt the animals and the adoption program in the long run.

## **SUSTAINABLE HERDS**

### **Question 1) How satisfied are you that this element will lead to a successful strategy?**

We strongly support the Goal under the Sustainable Herds category – to “manage wild horse and burro populations” to ensure that “healthy rangelands and animals are maintained in a thriving natural balance” – and are cautiously optimistic that the stated Objectives and some of the Actions listed under each will lead to a successful strategy.

#### ***Objective 1: Implement fertility control and other population control measures to balance annual herd growth rates with the adoption demand.***

Under Objective 1, we support Action 1. “Increase the use of PZP [Porcine Zona Pellucida] fertility control” and skew sex ratios to balance “annual herd growth rates with adoption demand,” but strongly encourage the BLM to optimize such action by implementing The HSUS’ suggestions for improvement [See answer to Question 2 under Sustainable Herds].

However, we are not satisfied with, and strongly oppose, several Actions listed under Objective 1. For example, we oppose Action 2 - “Implement fertility control on stallions (castration and vasectomy)” – because these methods are extremely invasive (i.e. require capture and restraint), may alter and disrupt herd behavior and dynamics, and most importantly, are not the most effective or efficient way to achieve Objective 1 – to balance annual growth rates with adoption demand – as they fail to target the reproductive population (i.e. mares).

We also do not support, and strongly oppose, Action 3 – “Spay mares (ovariectomy) because this procedure is also highly invasive, irreversible, may also alter and disrupt herd behavior and dynamics, and is unnecessary given the demonstrated efficacy and cost-benefits of using immunocontraception (i.e. PZP) on mares.

We also oppose Action 4 – “Research use of chemical sterilization...” because it is irreversible, may alter behavior, and would be a waste of precious resources – any funds available for fertility control should be used to expand the use PZP, where appropriate, to any HMAs where roundup and removals are planned. Wasting tax dollars developing new methods of birth control seems a poor choice of resource use when a viable, effective and humane method is currently available.

Finally, in principle, we oppose Action 5 – “Establish non-reproducing populations...” on Herd Areas/HMAs because such an action does not reflect the original spirit and intent of the 1971 Act, *See* 16 U.S.C. §§ 1331-1333. However, non-reproducing herds may be conditionally acceptable under certain circumstances (i.e. an alternative to relegating animals from a legitimate, emergency gather to perpetual, long-term, costly holding pastures) and if they are incorporated into existing HMAs with self-sustaining (i.e. reproductive) wild horse populations.

***Objective 2: Make additional forage available for wild horse and burro use.***

The HSUS strongly supports Objective 2 – “Make additional forage available for wild horse and burro use” – and all related Actions (i.e. 1. exchange livestock use areas for wild horse and burro use; 2. voluntary relinquishment of livestock grazing permits; and 3. third party purchase of grazing permits for use by wild horses and burros) because additional grazing areas for wild horses and burros will permit BLM to increase Appropriate Management Levels (AML) for Herd Management Areas (HMA) which, if coupled with the other objectives and actions in a future strategy plan, will reduce the need and frequency of removals.

***Objective 3: Improve gather efficiency and expand the use of various gather techniques.***

The HSUS supports Objective 3 – “Improve gather efficiency and expand the use of various gather techniques” – and two related Actions (i.e. 1. implement passive capture techniques; 3. develop in-house gather capabilities). We are unable to take a position on Action #2 – “Increase the number and type of...gather contracts...,” simply because the intent and potential costs and/or benefits of such an Action are not apparent in the description provided in the strategy development document.

**Question 2) What suggestions do you have to improve this element of the strategy?**

***Use the HSUS Economic Model to Design and Implement a Sustainable Program***

As we stated in our response to Question 1 on Sustainable Herds, The HSUS supports Action 1 under Objective 1 – “Increase the use of PZP fertility control...”, but to achieve the BLM’s stated Objective in a reasonable amount of time while minimizing the associated costs, we strongly recommend that the BLM use the “Wild Horse Projection & Costing Model” - an economic model the HSUS commissioned to help wild horse managers develop, customize, optimize and implement humane, sustainable and cost-beneficial wild horse management programs.

Since July 2009, The HSUS has been working with Dr. Charles De Seve, a highly- respected economist, to develop an economic model that we hope will assist the BLM in implementing a plan to gradually reduce the off-the-range holding costs associated with its current program while maintaining healthy wild horse and burro herds on the range. Beginning with the initial size and age-sex distribution of each HMA population, the model forecasts population changes over a period of years by using probability distributions of adult survival and foaling rates, holding facility costs, adoption rates, and gather and contraception efficiencies against random variables, such as environmental impacts, individual animal mortality and reproductive status, to simulate various gather, removal and/or contraception applications and project outcomes over time. This model demonstrates that more aggressive changes in earlier years will yield more dramatic decreases in later years, obviating the need for removing any horses from the range in the future while still achieving AML.

It also adjusts the annual forecasts as horses are gathered and removed and/or mares are treated with PZP and released back onto the range. The model tracks the resulting changes in the horse population, tabulating each management event, calculating the associated costs, and adding the cost of operation of short and long term holding facilities and adoptions. In addition, the model has optimization procedures which are designed to identify the minimum cost solutions, vary the removal strategies (i.e. numbers,

ages and sex ratios, timing, frequency, etc.) and fertility control strategies (numbers, ages, repeat treatments, frequency, etc.) in various combinations and proportions to come up with the best case scenarios.

Model runs can also respond to complex assumptions for each management strategy and test the results under the varied conditions likely to be found in each HMA over an extended period. It is designed to apply wide-ranging assumptions and conditions to estimate expected outcomes and to measure their variability. The optimization procedures will find “best” sets of management interventions, minimizing management costs subject to achieving target populations within HMAs and reducing the number of management events (gathers, etc.) to reduce trauma to the horses. Even when some parameters for a range may be unknown, the model can use probable maximum and minimum values to reach robust management solutions.

The model is flexible, and while initial runs will be based upon realistic working assumptions of experts in the field, virtually all inputs can be adjusted to see the impact of other conditions or to test the limits of the model or the risks of other outcomes. We begin from the proposition that everything happens at the HMA level, and the gold-standard model would be a collection of micro models of each HMA, aggregated to calculate the macro impact and the total cost to BLM, etc. The greatest accuracy would be achieved with sufficient data from each HMA to work with HMA-specific populations, age-sex survival rates, foaling rates and the unique environmental conditions likely in each area. As such, we strongly support the Goal in the SCIENCE AND RESEARCH and research section of the strategy development document which prioritizes research for improving wild horse and burro population estimate techniques.

These initial model runs conclusively show that the no management alternative – meaning no gathers, removals and/or fertility control – could potentially lead to an exponential population growth rate that is not desirable or sustainable (Figure 1 – page 8). However, a model run of BLM’s current gather-and-remove management regime demonstrates that the existing program is also unsustainable, will not achieve the BLM’s management objectives and will cost over \$200 million more dollars over the next 12 years than The HSUS preferred alternative model (Figure 2 – page 9).

By contrast, The HSUS’ preferred alternative model run demonstrates that by replacing the current gather-and-remove programs with gather-treat-and-release programs, the BLM would save approximately \$204 million dollars over 12 years while achieving and maintaining Appropriate Management Levels (AML) on wild horse Herd Management Areas (HMA) on public lands in the U.S. (Table 1 – page 10).

### ***Consult and Contract with Bait Trapping Expert Dan Elkins***

Under Objective 3 (“Improve gather efficiency and expand the use of various gather techniques”), Action 1. (“Implement passive capture techniques, i.e. water or bait trapping, where feasible”), we strongly recommend that the BLM consult with Mr. Dan Elkins who, for the past seven years, has used an efficient passive technique to gather wild horses referred to as bait trapping.

Using a unique mineral and salt mix, Mr. Elkins gently lures animals to a trap site, and then, using wireless infrared technology, he monitors the horses at bait areas from a remote PC and can deploy portable pens with electronic gates around the bait area with the push of a button – corralling family

horse bands while minimizing, to the greatest extent possible, the harm and stress often associated with traditional gather techniques (i.e. helicopters). This type of procedure would be preferable to helicopter-driven gathers, especially in severe weather conditions where the use of aggressive gather techniques may compromise the health and well-being of the targeted animals, and allows for the agency to capture entire family bands, and thus avoid separating family members from one another.

***Add and Prioritize Objective 4: Increase AMLs on Existing HMAs; Expand Acreage of Existing HMAs; and/or Designate New HMAs***

Under the 1971 Act, the land available for the management of wild horses and burros is limited to the areas where these animals existed at the time it was passed. 16 U.S.C. § 1339. The original, designated herd areas (HA) consisted of 53.5 million acres compared to the existing HMA acreage of 34.3 million acres - a difference of 19.2 million acres; and the BLM owned acreage that is specifically managed for wild horses and burros has changed from 42.2 million acres to 29.0 million acres – a reduction of 13.2 million acres.

Under the 1971 Act, as amended, the BLM also has the authority to increase public lands available for wild horses and burros by:

- Increasing AMLs on existing HMAs;
- Expanding the acreage of existing HMAs; and/or
- Designating new HMAs.

16 U.S.C. §§ 1333, 1336. The BLM currently manages over 30,000 animals on 34 million acres of land, and if 19.2 million acres of land designated by law for wild horses and burros is available and capable of sustaining them, the BLM has an obligation to allow the recolonization of these lands by wild horses and burros if any of these lands are deemed suitable for them.

Furthermore, the General Accountability Office (GAO) stated in its October 2008 report that “it is important [for the BLM] to consider increasing AML or expanding HMAs...to accommodate non-reproducing herds. Increasing the number of reproducing animals on the range without corresponding solutions for fertility control or declining adoption demand, will, in the long run, only exacerbate the BLM’s problems with excess animals.”<sup>1</sup>

By identifying new lands, the agency could relocate reproducing and non-reproducing herds to areas where these animals were not found at the time of the 1971 Act. This would permit many of the horses currently in holding facilities, and those removed in future gathers on HMAs, to be released on available public lands and reduce off-the-range management costs. [We also discuss this option in the PRESERVES section of these comments as it relates to Objective 7 of that element.]

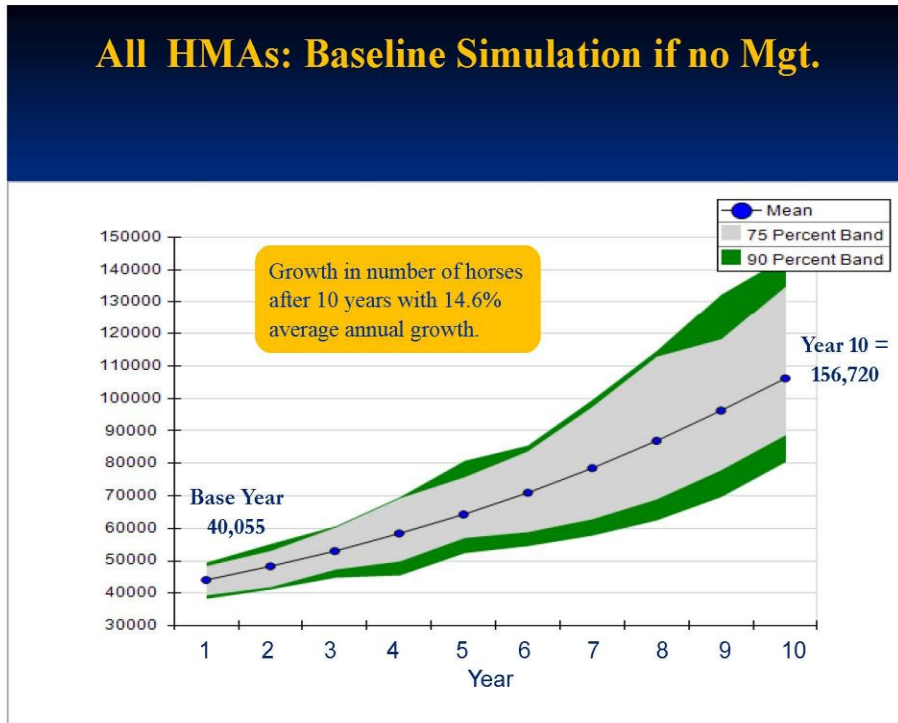
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<sup>1</sup> GAO, *Bureau of Land Management: Effective, Long-term Options Needed to Management Unadoptable Wild Horses*, GAO-09-110 (Washington D.C.: October 2008), p. 59.

**Question 3) Are you or your organization willing to become a partner with the BLM to assist with implementing some or all of these actions?**

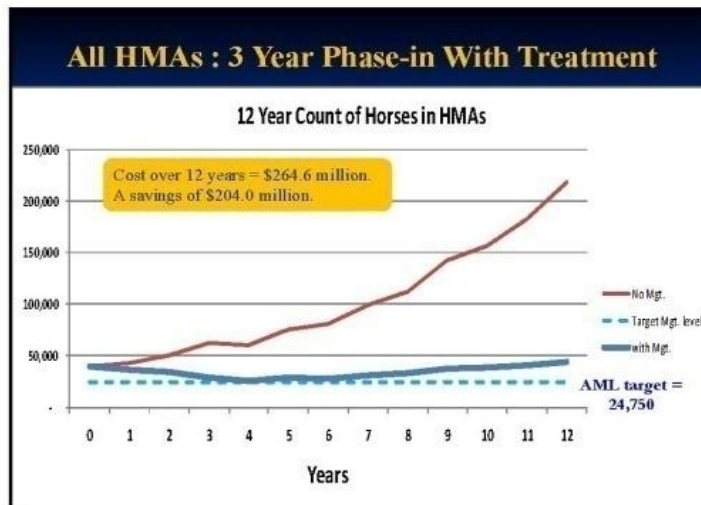
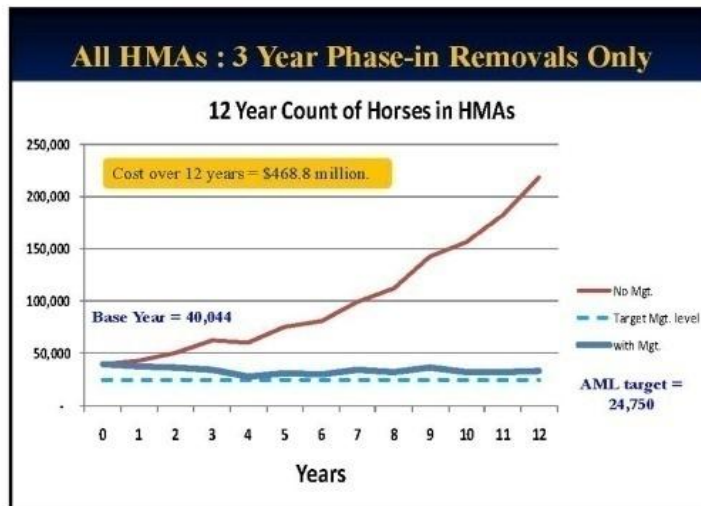
The HSUS supports some objectives and actions of this element of the strategy, and therefore, would be willing to partner with the BLM to assist with implementing the actions we support.

**Figure 1.All HMAs: Baseline Simulation if no Mgt.**





**Figure 2. All HMAs: 3 Year Phase-In Removals Only and; All HMAs: 3 Year Phase-In With Treatment**



**Table 1. Estimated Saving for All HMAs**

## Estimated Savings for All HMAs

Simulation of All HMAs	12 Year PV Cost* (\$millions)	12 Year dollar outlay (\$millions)
A. Removals every 3 yrs. (limited treatment at best)	346.8	468.6
B. 1 removal + multiple full treatments	208.5	264.6
Savings (B over A)	138.3 (39% savings)	204.0 (43% savings)

\*Present value at 4.3% (CBO)

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## **PRESERVES**

### **Question 1) How satisfied are you that this element will lead to a successful strategy?**

In general, The HSUS supports the stated Goal and some of the proposed Objectives in the PRESERVES section of the document (i.e. Objective 1: Manage every preserve in a manner that maintains non-reproducing wild horses and burros in pastures large enough to allow free-roaming behavior while providing the food, water, and shelter necessary to sustain them in good condition; Objective 2: Increase the stability of long-term holding contracts; Objective 4: Work with partners to establish preserve(s) on existing private land).

However, first and foremost, we strongly maintain that a strategically designed on-the-range management program, including the concerted use of fertility control, can be implemented in time to reduce the population growth rate, balance removals with current adoption demand, and therefore, minimize or eliminate any need for the proposed preserves [See comments under SUSTAINABLE HERDS section].

We also maintain that any established federally-owned or partner-owned preserve should be established in the Western states and used exclusively to phase out costly short-term and long-term holding facilities in an effort to reduce the costs of wild horse program over the next 10 years. To that end, we support the proposed public-private partnerships and strongly encourage the BLM to pursue plans presented to them by Madeleine Pickens and Return to Freedom/Soldier Meadows Ranch to provide sanctuaries for animals currently in long-term holding pastures.

We also recognize that in the process of implementing a successful program to reduce the herds' growth rates, emergency situations may arise that will compel BLM to remove horses from specific HMAs. To prepare for such a scenario, we strongly support Objective 7 (i.e. "create preserves on HAs and HMAs which currently have no animals on them."). By identifying and establishing AML for any HAs or HMAs that currently have no animals, in the event of an environmental emergency, the BLM would have a preferable alternative to removing and placing additional animals in long-term care facilities – they could return them to the range immediately by transporting them to an existing HA or HMA with adequate water and forage.

### **Question 2) What suggestions do you have to improve this element of the strategy?**

#### ***Define the term "Preserve"***

It is not apparent in the draft Goals, Objectives and Possible Actions in the PRESERVES section of the draft plan how the proposed preserves – whether on federal land, non-federal land, private land, or on existing Herd Areas (HAs) or HMAs – would differ in purpose, scope and funding commitments from the current long-term holding pastures. Is there a distinction between the word "preserve" and "long-term holding pasture" or is the BLM using these terms interchangeably? In the final plan, the BLM should make a distinction between these terms – if one exists – so the public and Congress have a clear understanding of what these term mean when the BLM refers to them in the document.

***How would the stated Objectives reduce costs and by how much in 10 years?***

Also, part of the stated goal of the PRESERVES element is to “reduce” off-the-range “costs of care within the next 10 years,” but the BLM has not demonstrated how the Objectives and Actions will achieve this goal and what the cost savings would amount to over 10 years. Additional rangelands could either potentially reduce the number of animals removed from the range every year and enable the agency to return animals currently in holding facilities, or those removed in gathers on HMAs, to the range which would presumably reduce the associated care costs, but it is not clear from the described Objectives if this is, in fact, the intent.

For example, Objective 6 would “create a program for management of wild horses and burros by private citizens who would be reimbursed for their care through the USDA Farm Service Agency (FSA)” which implies that the BLM would have to compensate these citizens for their participation in such a program. If one of the goals of the PRESERVES element is to reduce costs, the BLM needs to clearly identify and describe how the Objectives would achieve that goal.

***Would protections remain intact for animals placed on federal, non-federal and private preserves?***

Another concern is the BLM’s proposition to establish preserves on acquired non-federal land (Objective 3), private land (Objective 4) and other federal agency land (Objective 5) and whether or not these animals would be afforded the same protections under the Act that they have now on HMAs and in short and long-term holding facilities.

Action 4 under Objective 4 states: “Explore transfer of title to the partner.” What would be the intended purpose of this particular action?

***Justify the need to create preserves on existing HAs or HMAs***

As stated previously, we support Objective 7 (i.e. “create preserves on HAs and HMAs which currently have no animals on them”), but do not entirely understand the need to “create preserves” on existing HAs or HMAs. Since the BLM has not defined the term “preserve” as it relates to this element of the plan, some may argue that the original intent of the 1971 Act was for the established HAs and HMAs to serve as “preserves” for wild horses, and for that reason, some may question why the BLM needs to “create preserves” on existing “preserves” that have no animals on them at this time.

***Prioritize Objective 7: Create Preserves on HAs and HMAs which currently have no animals on them.***

Objective 7 should be given priority over Objectives 3 (“acquire preserves through non-federal land”), 4 (“work with partners to establish preserve(s) on existing private land”), 5 (“Create preserves on other federal agency lands”) and 6 (“Create a program for the management of wild horses and burros by private citizens...”) because it would **not** involve: creating a new program; acquiring new land; and/or developing a new partnership. It would be the most expeditious way to identify and use existing land to manage wild horses and burros, and as such, we feel strongly that this option should be explored and exhausted before the BLM considers efforts to establish preserves elsewhere.

**Question 3) Are you or your organization willing to become a partner with the BLM to assist with implementing some or all of these actions?**

The HSUS supports some objectives and actions of this element of the strategy, and therefore, would be willing to partner with the BLM to assist with implementing the actions we support.

**TREASURED HERDS**

**Question 1) How satisfied are you that this element will lead to a successful strategy?**

While the HSUS strongly supports promoting awareness and protection for America’s wild horses and burros, given the relatively limited resources available to BLM at this time, we are not satisfied that designating certain HMAs as treasured herds will contribute to the overall success of the proposed wild horse and burro management strategy, and strongly suggest that the BLM reconsider such a proposal.

After reviewing the various goals, objectives and actions listed in the document under this element, it is apparent that in order to be successful, the BLM would need to delegate a tremendous amount of time, effort and resources towards such an endeavor with little, if any, benefit or relief to the most stressed aspects of overall program in the immediate or distant future. Given the BLM’s highly publicized wild horse and burro management budget crisis, any available resources must be used to implement the Goals, Objectives and Actions for the SUSTAINABLE HERDS element.

We are also concerned that any effort to designate “treasured herds” will inevitably promote bias within the management system and eventually disenfranchise “undesigned” herds. The intent of the original Act was that all herds would be treasured – regardless of local community interest and/or the herds’ proximity to commercial areas.

We also believe that any effort to designate some herds, and not others, may generate an enormous amount of additional public debate – both in the wild horse protection community and the private sector – on which herds should be designated, public access, commercial interests, and host of other issues that will shift BLM’s focus, and potentially its resources, away from addressing and solving the most critical problems associated with the wild horse management program.

**Question 2) What suggestions do you have to improve this element of the strategy?**

The HSUS does not support this element of the strategy, and therefore, has no suggestions to offer for improvement.

**Question 3) Are you or your organization willing to become a partner with the BLM to assist with implementing some or all of these actions?**

The HSUS does not support this element of the strategy, and therefore, would not be willing to partner with the BLM to assist with implementing any of the actions.

## **PLACE EXCESS ANIMALS INTO PRIVATE CARE**

### **Question 1) How satisfied are you that this element will lead to a successful strategy?**

In general, we support the Goal (i.e. “place more animals into private care”), Objectives (i.e. “1. Expand the adoption/sale customer base; 2. Offer more trained animals; and 3. Implement an environmental education program to tell the story of America’s wild horses and burros) and the various Actions under this element.

However, for the record, the HSUS maintains that efforts to increase the number of animals placed in private care should focus on placing animals that are currently held in short and long-term holding facilities in an effort to decrease the agency’s financial burden of caring for these animals and skyrocketing costs associated with it. Increasing the annual adoption rate is no substitute for fixing the agency’s broken on-the-range management program and any gain made in this element must not be used to support the continuation of unsustainable gather-and-remove policies.

### **Question 2) What suggestions do you have to improve this element of the strategy?**

As stated previously, while we understand and appreciate the need to explore ways to increase the annual adoption rate, The HSUS opposes revising adoption requirements unless the BLM intends to enhance current requirements. The HSUS also unconditionally opposes the placement of animals overseas. It is difficult enough for the agency to track and monitor animals placed in private care in the U.S. (i.e. the aforementioned hideous April 2009 neglect case in Morrill County, Nebraska involving over 200+ mustangs) – let alone placing them overseas where the BLM would have little, if any, authority to intervene in the event that an animal ended up in a neglectful and/or abusive situation.

### **Question 3) Are you or your organization willing to become a partner with the BLM to assist with implementing some or all of these actions?**

The HSUS supports the goal, objectives and actions of this element of the strategy, has partnered with BLM to accomplish aspects of this element in the past (i.e. In 2009, The HSUS served on the Steering Committee and co-sponsored the inaugural National Wild Horse and Burro Adoption Day events held across the U.S., and therefore, would be willing to partner with the BLM to assist with implementing the actions we support.

## **COMMUNICATIONS**

### **Question 1) How satisfied are you that this element will lead to a successful strategy?**

The HSUS strongly supports the Goals, Objectives and Actions for this element and commend the BLM for the progress it has made towards this endeavor in the recent past. For example, as you well know, the HSUS and other animal protection organizations vehemently opposed the gathers that the BLM has conducted thus far this year, and though we will continue to advocate against these operations until the BLM has a long-term, strategic plan in place, we appreciated the BLM’s efforts to keep the public at

large informed by preparing and posting timely, accurate gather reports. The BLM also responded in a timely and thoughtful manner when The HSUS frequently communicated concerns related to gather operations as well as post-gather treatment and care provisions for animals in holding facilities.

**Question 2) What suggestions do you have to improve this element of the strategy?**

The HSUS supports this element of the strategy, but has no suggestions to offer for improvement at this time.

**Question 3) Are you or your organization willing to become a partner with the BLM to assist with implementing some or all of these actions?**

The HSUS supports the goals, objectives and actions of this element of the strategy and would be willing to partner with the BLM to assist with implementation of these actions.

## **ANIMAL WELFARE**

**Question 1) How satisfied are you that this element will lead to a successful strategy?**

The HSUS strongly supports the Goals, Objectives and Actions for this element, especially Objective 1 [“Develop and implement a Comprehensive Animal Welfare Program (CAWP)], Action 2 (“Hire full time Animal Welfare Coordinator” to coordinate all components of the CAWP, and “Conduct the CAWP with complete transparency”). However, there are critical Objectives and Actions that must be incorporated into this element in order for the overall strategy to be successful.

**Question 2) What suggestions do you have to improve this element of the strategy?**

***Develop and Implement Humane Observer Program***

In order to achieve the BLM’s stated goals for this element – “ensure the well-being of wild horses and burros at gathers and in facilities” and conduct the proposed “CAWP with complete transparency” – the BLM must include the development and implementation of a humane observer program into the final strategy development document.

As the BLM is abundantly aware, the most legitimate and compelling concern that The HSUS and other wild horse advocates have regarding the BLM’s current management program is the need to minimize, to the greatest extent possible, the stress, trauma, injuries and deaths associated with the process of gathering horses from the range, transporting them to holding facilities, preparing them for adoption and transferring them to long-term holding pastures.

Some of the issues associated with these operations are unavoidable and are the undeniable consequences of capturing and restraining wild animals. Inherent risk is one of the major reasons why The HSUS and other wild horse protection groups have urged the BLM to restrict such gathers to emergency situations only. That is also why we maintain that passive gather techniques should always

be given priority over other methods (such as helicopters) that are intrinsically more stressful to the targeted animals. [See Question 2 under SUSTAINABLE HERDS].

Despite the best standard operating procedures, policies, training and continuing education programs (such as the one proposed in Objective 3 – “Provide a continuing education program on animal care and handling for employees and contractors.”), gathers are tense, unpredictable operations, and unfortunately, The HSUS and other wild horse protection advocates have witnessed and documented numerous incidents where BLM employees and/or contractors appear pre-occupied and oblivious to the needs of the animals involved, and as such, are inattentive, unresponsive and/or insensitive to the animals’ welfare.

For this reason, The HSUS proposes that the BLM work with us and other wild horse advocacy groups to develop a humane observer pilot program that would:

- Require that a designated humane observer be present at every gather operation conducted by the BLM and its contractors
- Authorize the designated Humane Observer to intervene and correct inappropriate gather operation policies and procedures

For example, if a humane observer witnesses an animal in a holding corral that has clearly been severely injured during a gather operation, that individual would have the authority to order that the injured animal receive immediate veterinary care and/or be euthanized immediately to expedite treatment and/or minimize and alleviate the animal’s suffering.

Humane observers would also have the authority to correct actions by BLM personnel and/or contractors that may increase the stress level of the animals involved which could potentially increase the risks of an animal panicking and injuring themselves, other animals, BLM personnel, contractors and public observers. Wild horses are capricious animals and even a subtle sound or movement may cause them to panic and attempt to flee which could lead to devastating consequences for the animals and those around them. The humane observer would minimize this risk by intervening and correcting inappropriate behavior before it triggers a detrimental response from the animals.

Also, as stated previously, even when gathers are conducted under the best possible circumstances, due to the inherent risks involved, animals will occasionally harm themselves and each other, and with a humane observer present, he/she will be able to provide the BLM and the public with an objective, unbiased account of what occurred in the event that an animal is injured or killed during a gather operation.

The humane observer’s purpose is not to eliminate all the risks involved in gather operations – passive gathers would reduce these risks significantly, but the only way to avoid these risks entirely is to cease conducting gathers altogether. However, having a humane observer present is a critical step towards regaining and building the public’s trust in BLM’s policies and procedures so that when and if mistakes are made, they are immediately made transparent to the public. More importantly, such a program would lead to some subtle, but important reforms that would be used to improve the proposed CAWP, and consequently, the welfare of the animals involved.



### *Miscellaneous suggestions*

Under Objective 1-Action 1, it states that the BLM will “use the structured approach successfully implemented by other industries to create a program to assess, monitor, and document the humane treatment of animals to the public on an ongoing basis,” but it does not identify any of the respective industries or successful programs on which the creation of such a program would be based. The final strategy development document should, at the very least, include a short-list of industries and their respective successful programs that the BLM will consider using as a model to create its own CAWP.

Also, we assume that it is not BLM’s intention to presume that any “treatment of animals” assessed, monitored or documented under proposed CAWP would necessarily, be “humane,” and as such, we suggest that Action 1 be revised to read as follows:

“Use the structured approach successfully implemented by other industries to create a program to assess, monitor, and document the BLM’s treatment of animals to be made available to the public on an ongoing basis.”

Under Objective 5 (“Solicit periodic, focused external reviews of animal care and handling at each level of the Wild Horse and Burro Program; gathers, short-term holding, long term pastures, adoption and compliance”), the BLM states that it intends to “solicit review from the American Association of Equine Practitioners for gathers and short-term holding facilities,” but does not mention soliciting review from any other equine agencies or organizations; it also does not describe how the agency will solicit external reviews on long term pastures, adoption and compliance.

We strongly recommend that the BLM solicit input from a wider spectrum of equine care specialists, and to that end, we strongly support Objective 6 – Action 2 (“investigate partnerships with other veterinarian organizations to provide additional support to the program”) and strongly recommend establishing a partnership with the Humane Society Veterinary Medical Association (HSVMA).

### **Question 3) Are you or your organization willing to become a partner with the BLM to assist with implementing some or all of these actions?**

The HSUS supports the goals, objectives and actions of this element of the strategy and would be willing to partner with the BLM to assist with implementation of these actions.

## **SCIENCE AND RESEARCH**

### **Question 1) How satisfied are you that this element will lead to a successful strategy?**

The HSUS strongly supports the Goals, Objectives and Actions for this element, and is satisfied that they will contribute to a successful overall strategy.

### **Question 2) What suggestions do you have to improve this element of the strategy?**

Thanks to the generosity of the Annenberg Foundation, The HSUS and the BLM are currently engaged in a large-scale partnership and are conducting field studies to determine the management-level options

for using PZP to control population growth rates in wild horse herds. This study holds great promise for significantly reducing and/or eliminating costly, stressful gathers in cases in which a particular herd is at, or above, biological carrying capacity and requires human intervention to reduce and stabilize the population in order to maintain a healthy, viable herd.

This work should immediately be expanded to as many herds as possible as an alternative to gathers and long term holding. With an efficacy rate of over 90%<sup>2</sup>, a comprehensive contraception program could dramatically reduce the financial burden on the agency and allow the BLM to once again focus its resources and efforts on range management programs.

**Question 3) Are you or your organization willing to become a partner with the BLM to assist with implementing some or all of these actions?**

The HSUS has and will continue to partner with the BLM to assist with the implementation of all of proposed actions for which our organization has demonstrated support for in the preceding comments.

Thank you for the opportunity to comment on Strategy Development Document. If you wish to discuss any of the information contained in these comments, we can be reached using the contact information listed below.

Respectfully,



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<sup>2</sup> Turner, J.W. et al. 2007. Immunocontraception in wild horses: one inoculation provides two years of infertility. J. Wildl. Mgmt. 71(2):662-667.