

**RECOMMENDATIONS ON THE BUREAU OF LAND MANAGEMENT'S
STANDARD OPERATING PROCEDURES FOR WILD HORSE AND
BURRO GATHER OPERATIONS**

A Report to the Bureau of Land Management – Wild Horse & Burro Program

Submitted by

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EXECUTIVE SUMMARY

In January 2011, The Humane Society of the United States (The HSUS) initiated a preliminary review and assessment of the Bureau of Land Management's (BLM) standard operating procedures (SOP) for conducting gather operations. The primary goal of this report is to provide the BLM with recommendations for the BLM's existing gather SOPs that would minimize injuries and fatalities associated with future gather operations while maximizing gather transparency, humaneness and efficiency.

To improve transparency, we strongly recommend that the BLM implement the two following changes to its existing gather SOPs:

- 1) Require the installation and use of real-time cameras on contractor helicopters during helicopter drive trapping gather operations,
- 2) Require the installation and use of real-time cameras on traps, corrals, and temporary holding pens

The installation of real-time cameras on contractor helicopters, traps, corrals and holding facilities would not only provide BLM personnel with the ability to better observe and direct gather operations from a safe location, it would serve as a powerful tool for evaluating and improving existing gather SOPs and provide the public with the ability to observe and document gather activities remotely via live-streaming on the internet.

In addition to improving transparency, the BLM also needs to establish several basic minimum parameters when conducting gather operations. To that end, we strongly recommend that the BLM accept The HSUS' offer to assemble a panel of equine and animal handling experts to independently evaluate the BLM's current gather operations and provide recommendations to the agency for the development of performance based standards that define acceptable animal conditions before, during, and after capture operations and that include, but are not limited to, the identification of environmental conditions that require greater vigilance when capture operations are ongoing. Until these standards are defined and incorporated into the BLM's existing gather SOPs, we strongly suggest that, at the very least, the BLM refrain from conducting helicopter drive trapping gathers in temperatures above 90F and below 32F.

Finally, we strongly recommend that the BLM work in partnership with The HSUS to ensure that Capture, Treat and Release (CTR) programs are designed and conducted to inoculate the appropriate ratio of total mares in a herd (between 65-85%) at the most efficacious time of year (between November and February) in order to optimize, to the greatest extent possible, the benefits of using the fertility control agent Porcine Zona Pellucida (PZP) to manage wild horse and burro populations.

BACKGROUND

Every year, the BLM conducts wild horse and burro gathers (often referred to as “roundups”) to remove “excess” animals, apply fertility control, conduct approved research projects, relocate animals to other Herd Management Areas (HMA), introduce animals from other HMAs, adjust sex ratios, manage non-reproducing herds, treat sick or injured animals, conduct diagnostic testing, mark animals for identification, manage herd characteristics, and/or respond to life-threatening or emergency situations.

As with most wild animals, any effort to capture, handle, restrain, and transport wild horses and burros, no matter how carefully planned and executed, will inevitably cause a certain amount of stress and discomfort for the animals involved, and under some circumstances, cause injuries, illnesses and deaths. Nevertheless, this fact in no way reduces or minimizes the ethical obligation of those charged with managing wild horses to reduce, to the greatest extent possible, the physical and behavioral stress these wild animals endure during gathers operations.

In January 2011, BLM Director Bob Abbey stated that, according to two recent reports, BLM’s wild horse gathers are conducted in a humane manner^{1 2} and that BLM contractors are held to the same “high standards that apply to our own BLM professionals.”³ Mr. Abbey later stated that the agency would continue to look for ways to minimize the risk to animals and create a “new normal for doing business” with respect to how gathers are conducted.⁴

To that end, the purpose of this report is to provide the BLM with recommendations that the agency could incorporate into its existing SOPs to increase transparency, humaneness and efficiency that would further minimize the inherent physical and psychological trauma and stress associated with gather operations, and thus, reduce the number of gather-related injuries, illnesses and deaths at future gathers.

Our review and assessment of the BLM’s current SOPs for gathering horses and burros is based on information from the following sources:

- Section MS-4720⁵ (“REMOVAL”) in the BLM’s Manual⁶
- Callaghan Complex Wild Horse Gather Environmental Assessment NV062-EA08-134 For the Bald Mountain, Rocky Hills and Callaghan Herd Management Areas - Appendix A: Wild Horse Gather Plan and Standard Operating Procedures – September 2008⁷
- Eye-witness observations from HSUS staff members and consultants

¹<http://www.doioig.gov/images/stories/reports/pdf/BLM%20Wild%20Horse%20and%20Burro%20Program%20Public.pdf>

²http://www.blm.gov/ut/st/en/info/newsroom/2010/december/blm_releases_report.html

³<http://www.blm.gov/wo/st/en/info/newsroom/extras/summitstatement.html>

⁴http://www.blm.gov/wo/st/en/info/newsroom/2011/february/NR_2_11_2011.html

⁵http://www.blm.gov/pgdata/etc/medialib/blm/wo/Information_Resources_Management/policy/blm_manual.Par.27968.File.dat/MS-4720.pdf

⁶http://www.blm.gov/wo/st/en/info/regulations/Instruction_Memos_and_Bulletins/blm_manual.html

⁷http://www.blm.gov/pgdata/etc/medialib/blm/nv/field_offices/battle_mountain_field/blm_information/nepa/callaghan_complex.Par.91990.File.dat/2008CallaghanEA.pdf

TRANSPARENCY

For the purposes of this report, the term “transparency” refers not only to the need to provide the public with the ability to observe and monitor all aspects of BLM’s wild horse and burro gather operations – from helicopter to trap and from trap to holding facilities – but also the need to provide agency personnel with the ability to effectively monitor and, when need be, correct BLM contractor gather methods and procedures to prevent avoidable gather-related injuries, illnesses and deaths.

The lack of transparency during BLM wild horse and burro gather operations is a recurring complaint that the public communicates to The HSUS and one that a staff member experienced and witnessed first hand at the Antelope Valley Complex gather this past winter.

In February 2011, Stephanie Boyles, the wildlife scientist in The HSUS’ Wildlife & Habitat Protection Department and co-author of this report, informed BLM personnel in both Washington D.C. and in Elko County, Nevada that she would be attending the Antelope Valley Complex gather from February 1 through February 4. On Tuesday, February 1, gather operations were canceled due to high winds, but on February 2, Ms. Boyles and two other public observers were escorted by designated BLM personnel to an observation area in Spring Valley.

According to Ms. Boyles, the observation area was almost a quarter mile north of the trap site. Since the helicopter was driving horses into the trap from the south, the hill immediately south of the trap site completely obstructed views of the gather operation from the designated observation point. Ms. Boyles also reported that observers were not permitted to approach the trap to determine if any of the animals who entered the trap were injured during the gather operation.

On February 3 and 4, gather operations were conducted in Antelope Valley – an area northeast of where horses were gathered the previous day. Ms. Boyles reported that the view from the designated observation area provided public observers with a broader range of vision so they could observe the helicopter pilot’s actions from about a half mile from the trap site, but observers were still at least a quarter mile from the trap site and unable to approach the trap to assess the condition and observe contractors load the horses into the transport trailer.

In summary, Ms. Boyles could see horses enter the trap, but was unable to assess, among other important issues:

- 1) relative distances horses were driven by the helicopter to the trap site;
- 2) the pilot’s skill in herding the animals towards the trap site;
- 3) whether or not the animals were permitted to travel at their own pace or “pushed”;
- 4) if bands remained intact throughout the run;
- 5) if mares were separated from foals; and
- 6) if young, sick, injured and/or elderly horses were abandoned; and if animals were injured during the gather operation.

More importantly, it was clear to Ms. Boyles that BLM personnel were unable to effectively assess these issues because they were also unable to observe the helicopter pilot’s actions and/or

react to the impacts on the animals involved. In the BLM's gather SOPs, it states that "the pilot and the BLM staffer monitor the condition of the horses to ensure their safety, checking for signs of exhaustion, injuries, etc."⁸, but a BLM staffer cannot monitor what he/she cannot see. The conspicuous absence of adequate BLM oversight in this area leaves the BLM and its contractors open to enormous public scrutiny which hinders the agency's ability to develop and maintain public trust regarding the efficiency and humaneness of its gather operation protocols.

To provide BLM personnel with the ability to effectively monitor and direct gather operations, evaluate and improve upon existing gather policies and procedures, and afford the public with safe viewing opportunities while ensuring and maintaining human safety and animal welfare standards, we strongly recommend that the BLM implement the two following changes to its existing protocols to improve transparency at gather operations:

- 1) Require the installation and use of real-time cameras on contractor helicopters during gather operations
- 2) Require the installation and use of real-time cameras on traps, corrals, and temporary holding pens

The idea of using remote video cameras to audit animal handling procedures and promote public transparency is nothing new. Temple Grandin, world renown author on animal behavior and professor of animal science at Colorado State University who was recently the subject of an award-winning HBO film, has been developing audit systems designed to evaluate and improve animal handling practices for years. Today, she is urging farmers to conduct audits using online, remotely viewed cameras "to prevent bad from becoming normal" and to provide thousands of people with the ability to see for themselves how animals live and die that they would be unable to otherwise for logistical reasons.⁹

To that end, the installation of real time cameras on contractor helicopters, traps, corrals and holding facilities would not only provide BLM personnel with the ability to better observe and effectively direct and evaluate gather operations from a safe location, it would also improve transparency by providing the public and the press with the ability to observe and document gather activities remotely via live-streaming on the internet.

HUMANENESS

The HSUS strongly maintains that improvements in transparency could lead to the establishment of more humane gather procedures and protocols simply because the use of online, remote video cameras would provide the BLM with a new and powerful tool for monitoring, evaluating and improving animal handling procedures. However, after reviewing the BLM's current standard operating procedures, it is also evident that in addition to increasing transparency, at the very

⁸ Callaghan Complex Wild Horse Gather Environmental Assessment NV062-EA08-134 for the Bald Mountain, Rocky Hills and Callaghan Herd Management Areas. Page 58.

⁹ <http://www.stalbertgazette.com/article/20110115/SAG0801/301159968/-1/SAG/ag-industry-needs-to-open-up-says-expert>

least, the BLM needs to establish several basic minimum parameters that must be adhered to when conducting gather operations.

To illustrate some issues that we believe should be specifically addressed in BLM's SOPs, we reference Appendix A: Wild Horse Gather Plan and Standard Operating Procedures on pages 57-71 of the Callaghan Complex Wild Horse Gather Plan and SOPs from September, 2008¹⁰.

For example, on page 64 under Section A: *Capture Methods used in the Performance of Gather Operations*, the protocol reads:

2. The rate of movement and distance the animals travel shall not exceed limitations set by the COR/PI [Contracting Officer's Representative/Project Inspector] who will consider terrain, physical barriers, weather, condition of the animals and other factors. Under normal circumstances, this travel should not exceed 10 miles and may be much less dependent on existing conditions (i.e. ground conditions, animal health, extreme temperature (high and low)).

This protocol states that the “rate of movement and distance the animals travel shall not exceed limitations set by the COR/PI”, but does not describe any accredited standards used by the COR or PI to establish these limitations. The lack of information leads us to assume that, for all intents and purposes, these decisions are currently made based on a COR and/or PI's personal opinions rather than on science-based standards. While we understand and appreciate the fact that, due to the wide range of variables involved, some decisions with respect to gather operations need to be made on a case-by-case basis, we also maintain that an established set of performance based standards to assess animal conditions before, during and after capture – that is both consistent and unambiguous – must be in place.

Every year, the HSUS routinely fields hundreds of complaints from our supporters, constituents, and concerned citizens about the BLM's failure to suspend helicopter drive trapping gather operations in extreme weather conditions. This undoubtedly increases the risk for gather-related injuries, illnesses and deaths. According to several equine veterinarians and physiologists, any physical activity in extremely cold weather temperatures increases glycogen utilization and intense, prolonged exercise in *untrained* animals may cause hyperventilation that can increase the risk of airway damage and immune-suppression in susceptible individuals. Also, transport of animals in cold temperatures, with or without prior intense exercise, is a risk factor for pneumonia (i.e. shipping fever) and colic. Exercise in intense heat also increases muscle and liver glycogen utilization and may result in hyperthermia which can lead to dehydration, heat exhaustion, collapse, and increase risk of pneumonia and laminitis.

For instance, on February 2, Ms. Boyles noted that gather operations in the Antelope Valley Complex area were conducted in temperatures that ranged between -8F and -13F and that animals were transported from the trap site to temporary holding pens within an hour of entering the trap when many of the animals may have still been heavily lathered. Not only were

¹⁰ Callaghan Complex Wild Horse Gather Environmental Assessment NV062-EA08-134 for the Bald Mountain, Rocky Hills and Callaghan Herd Management Areas. Page 58.

temperatures extremely low for conducting gather operations, the animals should have been given time to cool out and rehydrate prior to being loaded onto a trailer.

Dr. Grant Miller is a veterinary practitioner in Sonoma County, California who, along with Dr. Carolyn Stull and Dr. Gregory Ferraro of the University of the California, Davis School of Veterinary Medicine's Center for Equine Health, recently published the *Minimum Standards of Horse Care in California* handbook.¹¹ According to Dr. Miller, even ambient temperatures into the high 50Fs can be life-threatening to a wet, lathered horse when combined with the wind-chill factor from transport, so temperatures below 0F would most certainly, at the very least, increase the risks of gather-related injuries, illnesses and deaths.

Therefore, we strongly recommend that the BLM accept The HSUS' offer to assemble a panel of equine and animal handling experts to evaluate the BLM's current gather operation protocols and work with the agency to develop an established set of performance based SOPs that define acceptable animal conditions before, during, and after capture operations and that include, but are not limited to, the identification of environmental conditions that require greater vigilance when capture operations are ongoing. Until these standards are defined and incorporated into the BLM's existing gather SOPs, we strongly suggest that, at the very least, the BLM refrain from conducting helicopter drive trapping gathers in temperatures above 90F and below 32F. We understand and appreciate the fact that under some circumstances, it may be acceptable to conduct gathers in temperatures above or below these temperature ranges, but until the performance based SOPs are established, it would be in the agency's and the animals' best interest to err on the side of caution.

EFFICIENCY

As we stated in our recent comments on the BLM's Proposed Strategy, The HSUS strongly supports efforts to increase the use of fertility control and improve gather efficiency as we believe these are the most critical improvements that the agency can make to its current on-the-range management program. High gather efficiency is essential in order to conduct successful fertility control programs, and thus, reduce population growth rates, the need and frequency of removals, and ultimately, long-term reductions in off-the-range management costs.

We also sincerely appreciate the BLM's stated interest in working closely with us "to implement and monitor this expanded effort" as increasing the number of mares treated with fertility control drugs annually alone will not address BLM's wild horse management challenges - the BLM must ensure that fertility control programs are designed and conducted to optimize success rather than guarantee failure.

For instance, we strongly support the BLM's efforts to conduct capture, treat and release (CTR) projects at several designated HMAs in FY 2011, but in order to effectively reduce the population growth rate of a wild horse herd, and hence, achieve population reduction over time, 65-85% of the total mare population should be treated with immunocontraception vaccine

¹¹ <http://www.vetmed.ucdavis.edu/ceh/docs/special/pubs-HorseCareStandards-bkm-sec.pdf>

Porcine Zona Pellucida (PZP) every three to four years.¹² However, at one CTR project that was conducted this past winter at the Augusta Mountains HMA near Winnemucca, NV, we were disappointed to learn that the BLM failed to gather and treat enough mares to produce the desired results. Of the 275 wild horses that the BLM intended to gather, the agency only gathered 184 (or approximately 62% of the total estimated population of 294) and only treated and released 58 mares. That is only 39% of the total estimated mare population on the range, and as stated previously, the BLM needs to treat at least 65% of the total mare population to maximize fertility control efficacy. We recognize that BLM is unable to gather all target animals every time, but the maximum benefit and efficacy of fertility control cannot be realized if the majority of mares in a population are not treated during the time period preceding foaling from November to February.

In a case where a particular herd is currently at, or near, the established Appropriate Management Level (AML) and the BLM's management goal is to stabilize the herd and achieve a zero population growth rate, the percentage of mares treated can be lower, but these decisions need to be made based on strategically designed gather and fertility control management plans for individual HMAs.

The HSUS is currently funding research designed to develop a PZP formulation with increased longevity which if successfully developed will provide the BLM with greater flexibility with respect to scheduling gathers without decreasing the long-term benefits of fertility control efforts. Until this research has been completed and this product is available for use, we strongly recommend that the BLM accept our offer to work with agency personnel to develop protocols that address these two critical issues and incorporate these procedures into the BLM's existing Procedures for Implementation of Fertility Control.¹³

It is the position of The HSUS that every gather the BLM conducts without the design and implementation of a successful population growth suppression objective as its number one priority is short sighted and counterproductive to Secretary Salazar's admonition in September, 2009 that the current management rubric is "unsustainable." We recommend that BLM increase the number of mares treated with fertility control and consider other population growth suppression methods, including but not limited to, sex ratio adjustments to favor males, if the necessary research is completed and demonstrates that these methods are humane, effective and will not produce unacceptable negative impacts on herd behavior and dynamics. We also support the introduction of geldings to the range in areas that were previously zeroed-out by the BLM and/or introduction into existing HMAs with self-sustaining (i.e. reproductive) wild horse populations. We also maintain that the establishment of non-reproducing herds on the range in areas that were previously zeroed-out may be conditionally acceptable if:

- 1) the animals are removed in legitimate emergency gathers and/or;
- 2) the only available alternative is placing these animals in perpetual, costly government short-term holding facilities and/or long-term holding pastures

¹² Kirkpatrick, J.F. and A. Turner. 2008. Achieving population goals in a long-lived species (*Equus caballus*) with contraception. *Wildlife Research* 35:513-519

¹³ Callaghan Complex Wild Horse Gather Environmental Assessment NV062-EA08-134 for the Bald Mountain, Rocky Hills and Callaghan Herd Management Areas. Page 87.

With double the funding in the past two years, the agency has largely continued to use its limited resources to remove more animals from the range than the agency can reasonably expect to adopt in a given year which ultimately places the welfare of the horses, the land and the entire wild horse and burro program in an even more precarious position.

CONCLUSION

The HSUS has, and will continue to, work in partnership with the BLM to study and implement effective, humane approaches to managing wild horses and burros on our public lands. The purpose of this report is to further contribute to that partnership by providing the agency with several preliminary recommendations on how to improve existing gather SOPs. This report is not intended to be a comprehensive review of BLM's current gather SOPs, but rather, to serve as a good faith effort to identify several specific yet critical areas that the agency can and should address that would immediately improve the transparency, humaneness and efficiency of wild horse and burro gather operations.

However, this report also acknowledges the need for the BLM to conduct a fair and unbiased evaluation of its gather SOPs to ensure that these policies are consistent with the most up-to-date science available on wild horse behavior and focus on the immediate and long-term needs of the animals involved in gather operations. That is why The HSUS also strongly recommends that the BLM engage in a thorough assessment of its current gather SOPs, and to that end, we hope the agency will accept our offer to assemble a panel of equine and animal handling experts to assist the agency by providing recommendations for performance based standards and policies that will provide greater assurance for the wellbeing of captured animals.

Respectfully,



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