

The Soap Box

Wild horses and BLM management issues: what to do with 30,000 symbols of the American West

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MENTION OF WILD HORSES conjures thoughts of mustangs fighting on wind-swept prairies and herds of horses trotting off into the sunset. Such nostalgia for the Old West persists in the minds of many throughout our country. Wild horses now occur on the barrier islands off the coast of Maryland and Virginia, Assateague Island National Seashore, Florida, as well as in several western states (Sturm 2008; Figure 1). All of these areas are having problems today with the animals' exponential population explosion. The economic downturn of the last few years is one of the main causes for many horse-owners to abandon their horses, which contributes to the problem. Recently, *Time Magazine* called this phenomenon an epidemic, stating that one of the major causes of the problem was shutting down the last 3 slaughter houses in 2007 after several court rulings came down against horse slaughter for human consumption (Dawson 2008).

The Wild Free-Roaming Horses and Burros Act (1971; hereafter, PL92-195) set the stage for managing feral horses and burros by the U.S. Bureau of Land Management (BLM). Essentially, this law authorized the BLM to manage these animals in the areas where they existed in 1971. It gave the BLM authorization to remove excess wild horses and burros from the range to sustain the health and productivity of public lands. According to BLM spokesperson T. Gorey, the BLM manages 37,000 free-ranging horses and burros in 181 herd-management units on BLM land located in 10 western states (Gorey 2009a). These 181 units cover approximately 32.6 million acres, an area larger than New York State (Gorey 2009a). Nevada has the largest percentage of feral horses.

The BLM determined that 26,000 animals is a reasonable carrying capacity for the present available range (Gorey 2009a). An additional 33,000 animals are being held in BLM corrals and long-term holding facilities.

It is estimated that it costs \$1,500 to hold a horse for a year. In the federal fiscal year (FY) 2007 (which ended September 30, 2007), approximately \$21.9 million of the BLM's \$39 million budget was spent on holding facilities for horses in agency pens (Gorey 2009b). In FY 2008, holding costs exceeded \$27 million, accounting for three-fourths the BLM's total budget for the wild horse and burro program. This level of funding is not sufficient to support necessary removals from the range while maintaining lifetime holding for older, unadopted animals. To continue its current practices of removal, holding, and restrictive sales, the BLM would need approximately \$85 million in 2012 (Gorey 2009b).

The BLM placed 3,706 animals in private care through adoption in FY 2008 (BLM 2009). The BLM's Adopt-A-Horse program offers animals for sale to the public for \$125 each. The horse-adoption program was doing quite well until recently, when higher fuel costs, higher costs for feed, and higher pasture lease fees caused the



Figure 1. Small group of wild horses on a ridge at Theodore Roosevelt National Park, Medora, North Dakota.

horse-adoption rate to diminish considerably. Even private horse rescue and horse orphan organizations are in a pinch. In some areas of the country, the cost of hay has risen nearly 300% (Montini 2008).

Since PL92-195 went into effect in 1971, the BLM has placed >217,367 horses and burros into private care through adoption (Gorey 2009b). After a horse is initially adopted, ownership is not transferred until a year passes, provided that the adopter is properly maintaining the animal.

The 8-member National Wild Horse and Burro Advisory Board (NWHB) met in November 2008 to consider solutions to the BLM's dilemma of managing an increasing population of feral horses and burros; it recommended 19 measures to alleviate the problem of rising wild-horse populations (Gorey 2008). The only dissenting vote came from board member Robin Lohnes, co-chair of Wild Horse Advocacy. Lohnes opposed Item Number 16, which suggested that horses not sold or adopted after 30 days be offered for sale without limitation or be humanely euthanized pursuant to current law (Gorey 2008).

Enter Madeleine Pickens

Madeleine Pickens (Figure 2), wife of the billionaire financier T. Boone Pickens, heard about the overpopulation of horses and BLM's difficulties managing them. She presented BLM's deputy director Henri Bisson an offer to purchase 1 million acres of land as a sanctuary for wild horses. The offer included all 30,000 of the horses in BLM facilities. Mrs. Pickens' proposal seemed to offer wild horses, the public, and the BLM a tremendous service. Prior to the next NWHB meeting, held in Reno, Nevada, on February 23, 2009, Mrs. Pickens was negotiating to buy large parcels of property and designing an educational center about free-ranging horses and an associated tourist attraction.

In an interview with the author, Mrs. Pickens described her passion to save these horses for the benefit of children and families (M. Pickens, personal communication 2009). She envisioned a “nonprofit eco-destination with RVs, teepees, and environmental education programs supplementing the main event—the experience of seeing horses in the wild,” she said. “It's all about horses. We have to be careful who adopts these horses so they don't get dumped a few years down the road, when an adoptee

gets tired of their horse” (M. Pickens, personal communication 2009). Mrs. Pickens' website (<http://www.madeleinepickens.com>) contains updates on her project.

Nevada, with approximately 50% of the wild-horse population in the United States, would be the most likely site of the visitor center. Mrs. Pickens hired a former BLM manager, Lee Otteni, to represent her in negotiating for the 1 million acres. She hopes to obtain both fee title land, as well as leased acreage, most likely from the BLM. She suggested that either her foundation would own the horses or that they would be retained as “federal horses” (M. Pickens, personal communication 2009). Who holds title to the horses is just one of the issues discussed with BLM.

Recently, it appears that Mrs. Pickens has changed her original plans to move 30,000 BLM horses to her proposed 1 million-acre ranch. Mrs. Pickens now is requesting a stipend of \$500 per horse per year for the life of each horse or for a period of 25 years (Gorey 2009c). This



Figure 2. Madeleine Pickens with one of her horses at the T. Boone Pickens Ranch, Robertson County, Texas. (Photo: © Russell A. Graves, used with permission.)

amounts to \$15 million dollars annually. Currently, the BLM is under long-term holding contracts with private landowners in the Midwest at a cost of \$475 per horse (Gorey 2009c). Mrs. Pickens' original offer to hold horses at no cost to the federal government has now become something resembling a long-term holding facility contract, yet brings with it a set of legal and management problems (T. Gorey, personal communication 2009).

BLM spokesperson T. Gorey (2009c) stated that the BLM is "extremely grateful for Mrs. Pickens involvement." He said, however, that a number of issues that are not acceptable to the BLM due to its mandate imposed by the Congress in approving the original act of 1971 (T. Gorey, personal communication March 2009). On February 2009, the BLM sent Mrs. Pickens a letter rejecting her proposed Nevada wild-horse sanctuary. Among the reasons the BLM gave were that (1) Congressional appropriations for management of the horses is on an annual basis; the BLM is not authorized to provide lifetime payments; (2) PL92-195 restricts the horses to their original location when the law was passed in 1971, and not on both private and public lands in Nevada, as per Mrs. Pickens' proposal (Gorey 2009c).

On February 12, 2009, U.S. Reps. Nick J. Rahall II and Raul M. Grijalva introduced H.R.1018, titled Restore Our American Mustangs (ROAM) Act. On March 3, 2009, the U.S. House of Representatives subcommittee of the National Parks, Forests and Public Lands Committee on Natural Resources held hearings on the bill. The subcommittee received testimony from Ed Robertson, Assistant Director, Renewable Resources and Planning—Bureau of Land Management, U.S. Department of the Interior; Madeleine Pickens; D. J. Schubert, wildlife biologist for the Animal Welfare Institute; and Wayne Pacelle, CEO and president of the Humane Society of the United States.

Unfortunately, this bill has a number of flaws that will further hamstring the BLM's efforts to fulfill its obligations under the current law. E. Robertson, who is member of the subcommittee considering H.R. 1018, Restore Our American Mustangs, was critical of the bill. He stated in a

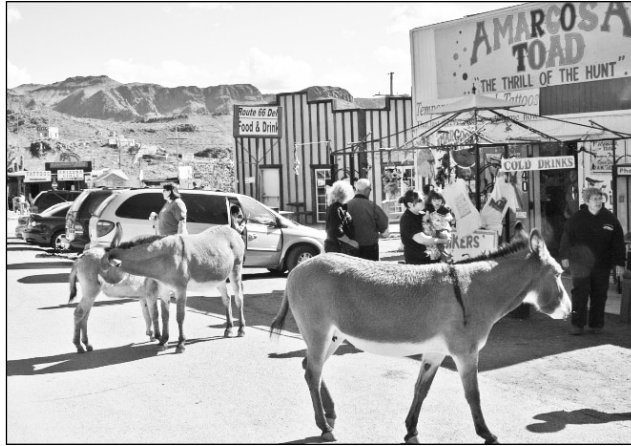


Figure 3. A small band of free-roaming burros routinely wanders into Oatman, Arizona, seeking handouts from tourists who feed them carrots in this old mining town.

Congressional hearing before the subcommittee on National Parks, Forests and Public Lands on March 3, 2009, that it:

- Effectively eliminates the criteria from the 1971 Act for removal of wild horse and burro populations, but offers no clear replacement;
- Would ban the use of helicopters for "gathers;"
- Would restrict humane destruction to only those animals that are determined "terminally ill" (Under the 1971 Act it includes animals that were old, lame, or sick), which is inconsistent with the standard commonly used in equine veterinary medicine;
- Would change the boundaries of designated areas of horse and burro management that were drawn in the 1971 and replace it with the area where horses and burros currently exist;
- Would open to horse management all public lands (with the known facts that these populations can double in about every 4 years, this creates an exponential burst of costs related to managing these herds in all public lands);
- Would remove BLM's authority to sell animals (specifically it would remove the BLM authority to sell up to 4 animals to an individual, cutting off any ability to work with horse rescue groups willing to adopt large numbers of animals); and
- Would repeal portions of PL92-195 with

the transfer of title to a horse after it is no longer considered “wild,” without the present provisions, an adopter would never own their horse or burro, as the BLM would be required to own the animals in perpetuity (Robertson 2009).

So, it is now back to the drawing board for more proposals, more answers to more questions; more negotiations with Congress and the various House and Senate committees; and, of course, more time to complete all these discussions, meetings, and hearings. Then, on to a raft of public hearings, etc. Let us not become lethargic and allow that to happen. Mrs. Pickens has begun a letter-writing campaign to force the BLM to accept her proposal. Folks need to understand that the facts and the law will prevail. One basic fact is that no matter how big a ranch is, it will need to be fenced. Even if these horses are on a million-acre sanctuary, they are not free-roaming. Wasn't that the basic parameter for PL92-195?

For now, the free-roaming populations of 30,000 horses and burros continue to blossom. Lines have been drawn in the desert sand, so to speak. On one side we have the enviro-horse folks with a high-profile personality who are championing the cause of rescuing horses that should be euthanized (in compliance with PL92-195). These well-meaning folks and their predecessors were the same ones who back in 1970 approved many of the provisions that went into PL92-195. Now they want to back out of their original commitment.

On the other hand, the BLM, which is just doing the job it is legislated to do, cannot change the rules; it cannot bend the laws without Congressional approval. Mrs. Pickens is pressuring top officials to let her have her way. She made a reasonable offer then came to the table with an almost completely out-of-line proposal that would hurt more people than it would help. Sure, it might help the horses (which has been her real stated purpose), but it would impact the ranching community, agricultural leases, taxpayers, and the recreating public. As of today, there is no cost-benefit study of Mrs. Pickens' proposal. Let us consider all the players in this issue and suggest workable solutions with negotiations on both side, accept what cannot be changed, and work toward a common goal.

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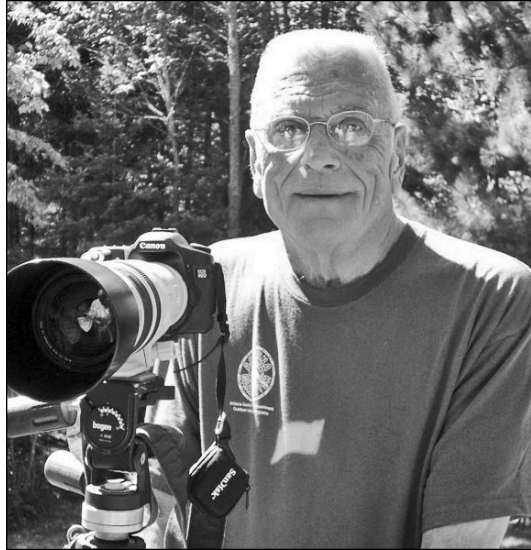
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