



November 16, 2021

Tracy Stone-Manning
Director
U.S. Bureau of Land Management
1849 C Street, N.W.
Washington, DC 20240

Dear Director Stone-Manning,

This year marks 50 years since Congress unanimously passed the Wild Free-Roaming Horses and Burros Act (Public Law 92-195) to protect wild horses and burros on public lands. Among wild horse advocates and the public, the act remains as popular today as it did when it was signed into law by President Richard M. Nixon on December 15, 1971.¹ However, for much of the past decade, the Bureau of Land Management's (BLM) implementation of the act has been engrossed in controversy. Today, it is fair to say that wild horse management is one of the most contentious public lands issues facing BLM.

A key reason for the present controversy is the sense of crisis that has been created over range conditions within wild horse management areas (HMAs) and Herd Areas (HAs) throughout the western United States. Time and time again, it is claimed that wild horses are damaging vegetation within the HMAs because of overgrazing. This crisis has been exasperated, in the minds of some, by increasing drought conditions in portions of the West.

BLM's response to this perceived crisis has been to significantly increase, by up to 50%, removals of wild horses. Under the Biden administration, roundups have been prioritized. Indeed, thousands of horses have already been removed from HMAs and HAs in Colorado, Utah, and Nevada. BLM is currently moving forward with what may be the largest single roundup in the history of the program, the removal of 2000 or so wild horses in Wyoming.

¹ Polling conducted by the American Wild Horse Campaign in October 2019 found that (1) 74% oppose the removal of nearly two-thirds of the wild horses and burros living free on America's public lands today; (2) 78% oppose the holding of tens of thousands of more horses and burros in pens and pastures at taxpayer expense, which could increase pressure to slaughter these animals over the long run; and (3) 79% oppose the surgical sterilization of wild mares (female horses) via a procedure that removes their ovaries. See American Wild Horse Campaign, *Poll Shows Majority of Americans Oppose Mass Wild Horse Roundup Plan*, <https://americanwildhorsecampaign.org/media/poll-shows-majority-americans-oppose-mass-wild-horse-roundup-plan> (Oct. 29, 2019).

The problem with this strategy is that roundup decisions are being made based on speculative, unscientifically sound information pertaining to both wild horse populations and on-the-ground range conditions. As the National Academy of Sciences (NAS) reported in 2013, BLM's wild horse management program lacks regular, consistent use of scientifically rigorous methodologies to estimate population sizes, to model effects of management actions on the animals, or to assess the availability and use of forage on rangelands. Just recently, in objecting to removal of horses from Colorado's San Wash Basin, the governor of that state reflected the very same concerns, noting that many experts disagree with BLM's assessment of the population size and range conditions, and that more solid study into the herd is necessary. **Indeed, the problem with the management program, in a nutshell, is that management decisions are often based on field office-level observations that lack scientific analysis that can be readily understood and evaluated by other range management experts.**

Early this year, many advocacy organizations, including Friends of Animals, Western Watersheds Project, the Sierra Club, and Public Employees for Environmental Responsibility (PEER), called upon BLM to halt wild horse roundups so that the agency can implement science-based reforms to the program. These organizations cite, among other things, BLM's failure to use a systemic, verifiable range assessment tool, BLM's failure to reevaluate often decades-old Appropriate Management Levels (AMLs) for many wild horse HMAs, and BLM's failure to take a more rigorous look at the massive presence of cattle grazing within the HMAs as a significant cause of habitat degradation. Moreover, BLM, through the Wild Horse and Burro Advisory Committee, has allowed the program to become wrongfully politicized by giving greater priority to grazing interests within the HMAs and HAs.

To follow up on these calls, Friends of Animals now submits the following rulemaking proposal. Specifically, we request that BLM immediately pause all roundups of wild horses within HMAs and convene an independent panel of scientists to promulgate revisions to agency rules and policies that would require the agency to:

1. Utilize a rigorous, science-based range assessment tool to estimate wild horse and burro population sizes, model effects of past and proposed management actions, and assess the current and reasonably foreseeable future availability and use of forage on HMAs and HAs;
2. Reevaluate the use of HAs to support wild horses;
3. Require a range-wide assessment and reconsideration of the AML every 3 years for each HMA and HA;
4. Prohibit wild horse management deemed at population control on any HMA or HA for which a range-wide assessment and reconsideration of the AML has not occurred for more than 3 years;

5. For any management action proposed for an HMA or HA that overlays authorized cattle or sheep grazing allotments, require impact of cattle/sheep to be included in the required range-wide assessment;
6. Where any management of wild horses is planned as a result of confirmed range deterioration, BLM will agree to an immediate reduction of cattle and sheep within the HMA or HA, followed by a phaseout of cattle and sheep grazing on the HMA or HA as grazing permits expire; and
7. Revision of the Wild Horse and Burro Advisory Committee to require more independent scientific input regarding management decisions and policy.

RULE MAKING PETITION

A. Interest of the Petitioner.

Friends of Animals is a non-profit, international animal advocacy organization, incorporated in the state of New York since 1957. Friends of Animals maintains offices in Darien, Connecticut; Centennial, Colorado; and Asheville, North Carolina. Friends of Animals works to cultivate a respectful view of nonhuman animals, free-living and domestic. Friends of Animals' goal is to free animals from cruelty and institutionalized exploitation around the world. We place wildlife and critical habitat protection at the core of our advocacy.

Friends of Animals is one of the leading organizations advocating for the right of wild horses to roam freely on public lands in the United States. Friends of Animals actively opposes the government's practice of rounding up wild horses and placing them in deficient facilities, limiting their population by keeping them in small herd areas, and utilizing artificial fertility control methods. Friends of Animals organizes activities and protests to oppose the removal of, and use of fertility controls on, wild horses in western states. Friends of Animals also actively seeks changes to wild horse policies through litigation, lobbying, and making or supporting proposals for statutory or regulatory changes to the program.

B. Statutory Background: The 1971 Wild Free-Roaming Horses and Burro Act.

In 1971, Congress passed the Wild Free-Roaming Horses and Burro Act (WHBA).² The WHBA requires BLM to "protect and manage wild free-roaming horses and burros as components of the public lands . . . in a manner that is designed to achieve and maintain a thriving natural ecological balance on the public lands."³ The WHBA also states that "wild free-roaming horses and burros are living symbols of the historic and pioneer spirit of the

² 16 U.S.C. § 1331 *et seq.*

³ 16 U.S.C. § 1333(a).

West; that they contribute to the diversity of life forms within the Nation and enrich the lives of the American people; and that these horses and burros are fast disappearing from the American scene.”⁴

Congress passed the WHBA with the intent that the management of wild horses be minimal to reduce costs and avoid “zoo-like developments.”⁵ BLM is only authorized to manage wild horses “in a manner that is designed to achieve and maintain a thriving natural ecological balance on the public lands.”⁶ BLM is directed to manage wild horses as self-sustaining populations of healthy animals in balance with other uses and the productive capacity of their habitat.⁷ The Secretary of Interior may authorize removals and destruction, but only if current data shows there is an overpopulation and removal is necessary.⁸ To determine the AML, the number of horses within an HMA, BLM must analyze a minimum of three to five years of data for grazing utilization, range ecological condition and trend, actual use, climate, population inventory, and animal distribution.⁹ To amend an AML, BLM must conduct an in-depth evaluation that considers, among other factors, environmental changes, the presence of newly listed Threatened, Endangered, or Sensitive Species, and population inventory.¹⁰ Further, wild horses who have been removed and remain in BLM holding facilities do not lose their status as wild horses under the WHBA, or the protections provided by such status.¹¹

Since 2009, Congress has expressly denied use of funds to destroy wild horses. In the 2018 appropriations legislation, due to public disapproval over the wanton killing and injury of wild horses, Congress denied BLM’s recent requests for broader management activities that would result in the destruction of excess wild horses and unrestricted sales.¹² Despite Congress’ consistent denial, BLM has once again asked Congress for greater authority to sell tens of thousands of wild horses to third parties who likely intend to resell the horses to slaughterhouses outside the United States.

The issue of providing space to wild horses on federal public lands has only recently become controversial as the desire to use public lands for commercial activities has grown. It is clear from BLM’s recent policy decisions that BLM prioritizes commercial activities, such as livestock grazing, oil, gas, and mining, over protecting wild horses.

⁴ 16 U.S.C. § 1331.

⁵ 92nd Congress, Senate Report 92-242, June 25, 1971.

⁶ 16 U.S.C. § 1333(a).

⁷ 43 C.F.R. § 4700.0-6(a).

⁸ 16 U.S.C. § 1333(b)(1).

⁹ Bureau of Land Management, *Wild Horses and Burros Management Handbook*, H-4700, § 4.2.2.1 (hereinafter, “BLM’s Handbook”).

¹⁰ BLM’s Handbook at § 4.2.2.2.

¹¹ 16 U.S.C. § 1333(d).

¹² 2018 Consolidated Appropriations Act, Pub. L. No. 115-141, 132 Stat. 348 (2018).

C. BLM's Current Management of Wild Horses Fails to Apply Sound Science.

BLM has often claimed that the agency “is committed to finding solutions to achieve long-term sustainable populations on the range in a humane manner.”¹³ However, on-the-ground operations in recent years have been directed exclusively at population control. BLM has aggressively rounded up thousands of wild horses since 2015. These roundups are almost always based upon unjustified estimates of the number of horses within a HMA or HA, or assumptions lacking scientific analysis regarding the condition of the range within the HMA. They include virtually no consideration of the number of cattle or sheep with the HMA or HA and their impact on range conditions. Nearly every wild horse advocacy organization, and a growing number of environmental advocates as well, believe BLM's current management will eventually result in long-term negative impacts to, if not the permanent elimination in certain areas of, the “living symbols of the historic and pioneer spirit of the West” that Congress sought to protect in 1971 by enacting the WHBA.¹⁴

BLM's aggressive removal of wild horses continues despite well-documented, and frankly, undisputed criticism of its program for almost a decade now. Indeed, based upon perceived scientific flaws in the program, the NAS issued a report in 2013 scrutinizing the agency's use of science to administer its Wild Horse and Burro Program. In that report, the NAS found that BLM has no evidence of excess wild horses and burros, primarily because BLM has failed to use scientifically sound methods to estimate the population sizes. The report made two chief criticisms of the Wild Horse and Burro Program: unsubstantiated population estimates in herd management areas (HMA), and management decisions that are not based on science.

According to the 2013 NAS Report, the Wild Horse and Burro Program has not used scientifically rigorous methods to estimate the population sizes of horses and burros, to model the effects of management actions on the animals, or to assess the availability and use of forage on rangelands.¹⁵ The NAS Report explained that it is not clear or transparent how BLM inputs data into the population modeling, and that “most gather plans and EAs simply copy and pasted data and gave no explanation or interpretation of the results, which cannot be adequately interpreted without knowledge of the input parameter selected by the user.”¹⁶ Lastly, the NAS Report stated that “science-based methods exist for improving population estimates, predicting the effects of management practices in order to maintain genetically diverse, healthy populations, and estimating the productivity of rangelands.”¹⁷

¹³ Bureau of Land Management, *Report to Congress: Management Options for a Sustainable Wild Horse and Burro Program* (2018) at 1, (hereinafter, “BLM's Report to Congress” or “Report”).

¹⁴ 16 U.S.C. § 1331.

¹⁵ National Research Council of the National Academies of Science, *Using Science to Improve the BLM Wild Horse and Burro Program, A Way Forward*, (2013), at 5, 54.

¹⁶ *Id.* at 9.

¹⁷ *Id.* at 12.

In short, BLM continues to operate a massive program of wild horse roundups despite the fact it knows the AMLs are outdated, and that ecologists have confirmed that present AMLs do not accurately reflect the number of wild horses and burros that will create a thriving ecological balance.

D. BLM's Wild Horse Program Ignores Cattle and Sheep Grazing as a Significant Cause of Habitat Degradation Within Many HMAs and HAs.

For years, BLM has created a narrative that wild horses are damaging the areas in which they reside. This has caused BLM to consistently round up these horses and remove them from their HMAs. BLM removes these horses, citing overpopulation and environmental damage, without considering whether livestock reduction in that area would help restore land damage and environmental issues. In their strategy of ignoring livestock grazing impacts, BLM continuously uses wild horses as its scapegoat for environmental damage created by cattle and sheep on these HMAs. These damages have occurred by pandering to the livestock industry and through poor rangeland management.

According to BLM, there are approximately 79,568 wild horses residing in HMAs.¹⁸ In those HMAs, there are roughly 669 grazing allotments partially or entirely in those boundaries, which house over 4 million livestock.¹⁹ BLM has set meager AMLs for these wild horses. An analysis of data from BLM's Rangeland Administration Database show that permits in September 2012 authorized livestock to consume 1,626,450 animal unit months (AUMs) of forage within HMAs. In comparison, wild horses and burros across all HMAs consumed 25,083 AUMs that month.²⁰ A review of BLM's estimated wild horse and burro populations and authorized livestock on those lands in 2012 found that the total distribution of animals included 1.8% wild horses, 0.4% wild burros, and 97.8% cattle and sheep.²¹ BLM holds wild horses at low populations through aggressive roundups. BLM has stated that when horses are removed, their areas may be allocated to wildlife, cattle, and sheep.

Cattle in particular are the source of many environmental impacts, one of the most important of these being climate change. According to the Food and Agricultural Organization executive summary, 18% of all global greenhouse gas emissions are caused by the livestock industry.²² It is estimated that cattle represent 62% of these greenhouse gas emissions.²³ They produce large amounts of methane, which is 28 times more potent

¹⁸ Bureau of Land Management, *Herd Area and Management Area Statistics*, https://www.blm.gov/sites/blm.gov/files/wildhorse_2020_HAHMA_Stats_508.pdf (Mar. 1, 2020)

¹⁹ Mara Hurwitt, *Freedom Versus Forage: Balancing Wild Horses and Livestock Grazing on the Public Lands*, 53 Idaho L. Rev. 425, 446 (2017).

²⁰ *Id.*

²¹ *Id.*

²² Dominic Moran and Eileen Wall, *Livestock production and greenhouse gases: Defining the problem and specifying solutions*, 1 Animal Frontiers 19 (2011).

²³ Food and Agriculture Organization of the United Nations, *Global Livestock Environmental Assessment Model (GLEAM)*, <https://www.fao.org/gleam/results/en/> (last accessed Nov. 15, 2021).

than carbon dioxide. This mainly comes from their digestive process, enteric fermentation, releasing methane and nitrous oxide emissions as their manure decomposes.²⁴ When cattle graze on these public lands, their manure causes microbial and nutrient pollution that runs off into bodies of water. This degrades water quality, which directly threatens ecological health. Poor water quality can interfere with nutrient uptake in plants, resulting in plants' slower growth or gradual death in that area. Overgrazing by cattle, in combination with poor water quality, can have a domino effect on ecosystem issues, which include soil erosion, desertification, flooding, and increased greenhouse gases in the atmosphere.

On top of this, cattle graze at densities that are destructive to native vegetation, and loss of these native plants can encourage the spread of invasive species. Livestock grazing has been a primary factor in altering ecosystems. From 2013 to 2015, 40 million acres (one-third of the land assessed) did not meet BLM's Standards for Rangeland Health.²⁵ Over 70% of that failure was the result of livestock grazing. Range management science recommends limiting livestock foraging areas to a maximum of 25% of the forage production of the year as appropriate. However, BLM consistently authorizes livestock use of 50% or more forage each year, destroying rangeland health.²⁶ That does not count the cases of livestock trespasses that happens each year.

BLM, however, chooses to attribute the bulk of range degradation to wild horses when livestock populations vastly outnumber wild horses. Damage by cattle and sheep to ecosystems is demonstrably detrimental, while wild horses consistently, and unfairly, get the blame. Environmental damage could be dealt with more appropriately by managing and removing cattle from these HMAs. As PEER recently reported, BLM has engaged in deliberate "obfuscation of livestock eco-impacts [as] a function of political pressure from the ranching industry."²⁷ BLM fails to represent the truth:

While [BLM] scapegoats wild horses for habitat degradation, its data reveal that most of the allotments within [HMAs] that fail its standards for rangeland health — approximately 11.5 million acres of the 21.5 million acres of allotments within HMAs assessed by BLM to date — identify livestock as a significant cause of that failure; Livestock are by far the most frequently identified cause of allotment failure to meet standards for quality of water, vegetation, and soils, as well as the ability to support wildlife nationwide, including for allotments within HMAs. More than 40 million acres, including 15 million acres of priority sage-grouse habitat of BLM lands across the west, fail to meet these standards due to overgrazing by livestock. . . . Of the almost 22 million acres of HMA area within

²⁴ *Id.*

²⁵ Mara Hurwitt, *Freedom Versus Forage: Balancing Wild Horses and Livestock Grazing on the Public Lands*, 53 Idaho L. Rev. 425, 446 (2017).

²⁶ Dee Galt, et al., *Grazing Capacity and Stocking Rate*, 22(6) Rangelands 7 (Dec. 1, 2000).

²⁷ Public Employees for Environmental Responsibility, *Interior Wild Horse Focus Ignores Cattle Impacts* (Sept. 20, 2021), <https://peer.org/interior-wild-horse-focus-ignores-cattle-impacts/>.

allotments that BLM has assessed, only a tiny fraction—just 1% or 311,000 acres—has been identified as failing standards due to wild horses alone, with no mention of livestock.²⁸

This failure is representative of BLM’s ongoing failure to fulfill its mandate to use reliable science—not political rationales—to make decisions about wild horses and their ranges. It is in direct conflict with the WHBA, which places a clear priority on maintaining healthy wild horse populations. Indeed, the Act does not mention cattle or sheep even a single time, let alone direct BLM to prioritize cattle or sheep grazing over the lives of wild horses and burros.

E. BLM Has Failed to Make Needed Revisions to Individual HMA AMLs.

AMLs are a population range that BLM sets for wild horses. The national AML for wild horses and burros is a total of 26,715 animals on 26.9 million acres of public lands within BLM’s jurisdiction across ten western states.²⁹ This equates to approximately one horse per 1,006 acres of public land. Imagine if BLM told a cattle rancher that it would only allow one cow per 1,000 acres. This would not stand. Indeed, a visit to any HMA demonstrates that thousands of cows can be seen across the HMA, but to find a wild horse practically requires a miracle. There is simply no reason why livestock and other conflicting uses are given priority over wild horses. BLM should be required to revise its management approach and adjust AMLs to, at the very least, equal the number of livestock allowed within HMAs.

According to BLM’s Handbook, AMLs should be set with a minimum of three to five years of data from an in-depth evaluation of intensive monitoring data or land health assessment.³⁰ Furthermore, any adjustments to AMLs require a NEPA analysis for each site,³¹ and BLM is required to formally re-evaluate land use plans at least every five years.³² However, the NAS Report found that “how AMLs are established, monitored, and adjusted is not transparent to stakeholders, supported by scientific information, or amenable to adaptation with new information and environmental and social change.”³³

Many AMLs were calculated over 30 years ago and are now outdated.³⁴ For example, in a recent environmental assessment that is proposing to remove 2,000 horses from Wyoming,

²⁸ *Id.*

²⁹ BLM’s Report to Congress at 1.

³⁰ BLM’s Handbook at § 4.2.2.1.

³¹ BLM’s Handbook at § 2.5.1.

³² Bureau of Land Management, *Land Use Planning Handbook*, H-1601, §1.

³³ NAS Report at 11.

³⁴ *See, e.g.*, Eagle Complex Wild Horse Gather Final Environmental Assessment, DOI-BLM-NV-L030-2018-0004-EA, August, 2018, at 3 (“The Appropriate Management Levels (AMLs) for the Mt. Elinore and Chokecherry HMAs set in the Pinyon MFP were established at the population levels that existed between 1971 and 1982. The AMLs within the Chokecherry and Mt. Elinore HMAs remain as set in the Pinyon MFP Wild Horse Amendment (1983).”).

the AML within the complex was calculated over 35 years ago.³⁵ The 2013 NAS Report found that BLM failed to use scientifically sound methods to estimate the population sizes, resulting in unsubstantiated population estimates in HMAs. The NAS Report also states that when population estimates were much higher than reported counts, there was no explanation for the differences.³⁶ Furthermore, “the frequency with which surveys were conducted to count horses in each HMA in the sample was highly variable.”³⁷ During years in which population counts were not done, the population was estimated by multiplying the previous year’s population estimate by some hypothetical and unsubstantiated growth.³⁸

Maintaining healthy populations of wild horses requires genetically diverse herds. BLM’s handbook states that a total population size of about 150 to 200 horses is recommended to maintain an acceptable level of genetic diversity.³⁹ With the way that BLM is managing wild horses, “unless there is gene flow between HMAs, inbreeding in individual HMAs is inevitable and will result in lower genetic diversity and individual fitness.”⁴⁰ In order to comply with the WHBA, rather than removing thousands of horses in order to maintain arbitrarily low AMLs, BLM should recalculate AMLs in order to allow additional wild horses.⁴¹ BLM rarely does so.

Closely related to BLM’s failure to reconsider AMLs is the failure to respond to calls to expand existing HMAs to include the surrounding Herd Areas (HAs). When an area is designated as an HA, populations of wild horses are zeroed out and, for the most part, wild horses are removed from those areas. Notably, however, HAs are geographic areas of public lands identified as habitat used by wild horses and burros in 1971. Therefore, that land has already been designated as public land that should allow wild horses. When the WHBA was passed in 1971, wild horses were protected on 53.8 million acres. According to BLM, much of this land is still designated as HAs, but wild horses are only allowed on 31.6 million acres, of which only 26.9 million acres are managed by BLM.⁴² BLM has essentially taken away 22.2 million acres of habitat that was originally designated for wild horses.

In response to expanding HMAs, BLM states that it would have to amend existing land use plans and complete the appropriate NEPA analysis on a case-by-case basis or on a national level. BLM also states that designating lands for wild horses outside of the 1971 HA boundaries would require changes to the WHBA. BLM fails to explain why amending existing land use plans and conducting appropriate NEPA analysis make this option non-

³⁵ *Id.*

³⁶ NAS Report at 45.

³⁷ NAS Report at 41.

³⁸ NAS Report at 38.

³⁹ BLM’s Handbook at § 4.4.6.3.

⁴⁰ NAS Report at 161.

⁴¹ Bureau of Land Management, *Removal of Excess Wild Horses and Burros Manual*, 4720, §2.21(B).

⁴² Bureau of Land Management, *Herd Area and Herd Management Area Statistics*, https://www.blm.gov/sites/blm.gov/files/wildhorse_programdata_2018hmastats.pdf.

viable. There is no reason why BLM cannot amend land use plans, as it has done in the past, to expand HMAs into areas currently designated as HAs.

BLM states that the cost of holding the wild horses and burros in off-range corrals remains the largest component of the program's budget, using 60% of its \$81 million budget.

However, none of BLM's management options would help defray any costs.

BLM's Report to Congress consists of costly and potentially harmful management options. Instead of rounding up wild horses to be euthanized, sterilized, or sold without limitation, BLM should expand existing HMAs to include surrounding HAs. BLM can change HA boundaries to include HMAs so long as BLM submits a Land Use Planning amendment, revision, or new Resource Management Plan.⁴³

F. Proposed Rule and Policy Language.

Friends of Animals seeks three primary changes to BLM's wild horse program. First, BLM needs to ensure that management decisions are based on the use of rigorous, uniform, and scientific methods to estimate population sizes, to model effects of management actions on the animals, and to assess the availability and use of forage on rangelands. It is simply inexcusable that dozens, if not hundreds, of individual roundup decisions are being made at the field office level without any agency-wide directive on how those decisions are to be made. As a result, it is often impossible for a third party to understand how decisions related to range conditions or horse populations were made, let alone if they were based upon methods that can be peer reviewed and tested.

Second, it is time for BLM to stop ignoring the impact of cattle and sheep within HMAs and HAs. No wild horse management decision based upon range conditions should be made without a full assessment of the impact of cattle and sheep on range conditions within the HMA. Moreover, restrictions on cattle and sheep grazing within HMAs and HAs determined to have range deterioration must be mandatory, not on the voluntary basis currently employed by field offices.

Finally, management decisions should not be approved unless up-to-date range and population assessments have been made using standard, scientifically-sound methodology that has been peer reviewed, as described above. Indeed, BLM decision-making should be predicated on rigorous, scientific assessments, AML and HMA adjustments, and maintaining a priority for horses over cattle/sheep within HMAs. BLM needs to move away from a removal-first wild horse and burro policy.

To make these changes, Friends of Animals asks the agency to take two preliminary steps. First, to undertake a rulemaking to make the following revisions to existing agency regulations:

⁴³ 43 C.F.R § 4710.1; *see also* Bureau of Land Management, *Land Use Planning Handbook*, H-1601, § 1.

§ 4700.0-6 Policy.

(a) Wild horses and burros shall be managed as self-sustaining populations of healthy animals in balance with other uses and the productive capacity of their habitat.

(b) Wild horses and burros shall be considered comparably with other resource values in the formulation of land use plans.

(c) Management activities affecting wild horses and burros shall be undertaken with the goal of maintaining free-roaming behavior.

(d) In administering these regulations, the authorized officer shall utilize only BLM-approved scientific methods to estimate population sizes, to model effects of management actions on the animals, and to assess the availability and use of forage on rangelands.

(e) In administering these regulations, the authorized officer shall consult with Federal and State wildlife agencies and all other affected interests, to involve them in planning for, and management of, wild horses and burros on the public lands.

(f) Healthy excess wild horses and burros for which an adoption demand by qualified individuals exists shall be made available at adoption centers for private maintenance and care.

(g) Fees shall normally be required from qualified individuals adopting excess wild horses and burros to defray part of the costs of the adoption program.

§ 4710.4 Constraints on management.

(a) Management of wild horses and burros shall be undertaken: using an BLM-approved scientific method for assessing wild horse and burro population sizes, to model effects of past and proposed management actions, and to assess the current and reasonably foreseeable future availability and use of forage on HMAs.

(b) For each established HMA and HA, the authorized officer shall conduct a range-wide assessment and reconsideration of the AML every 3 years.

(c) Wild horse and burro management actions aimed toward population control are prohibited on any HMA or HA for which a range-wide assessment and reconsideration of the AML has not occurred for more than 3 years.

§ 4710.5 Closure to livestock grazing.

(a) If necessary to provide habitat for wild horses or burros, to implement herd management actions, or to protect wild horses or burros from disease, harassment, or injury, the authorized officer may close appropriate areas of the public lands to grazing use by all or a particular kind of livestock.

(b) All public lands inhabited by wild horses or burros shall be closed to grazing under permit or lease by domestic horses and burros.

(c) For any management action proposed for an HMA or HA that overlays authorized cattle or sheep grazing allotments, the authorized officer shall evaluate the impact of cattle/sheep in any range-wide assessment required by § 4710.4.

(d) Where any management of wild horses is planned as a result of confirmed range deterioration, BLM will require an immediate reduction of livestock within the HMA or HA. Absent a subsequent range-wide assessment, BLM will further require a phased-out closure of the HMA or HA to livestock grazing by allowing existing permits expire within the affected HMA or HA.

(d) Closure may be temporary or permanent. After appropriate public consultation, a Notice of Closure shall be issued to affected and interested parties.

CONCLUSION AND REQUEST FOR A MEETING

Thank you for your prompt consideration to these requests. Friends of Animals further requests a meeting with you and your staff to discuss this matter.

Sincerely,

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