

**Subject: DOI/BLM Wild Horse and Burro Program Investigation,
Independent Census and Gather Moratorium**

1 **Executive Issue:**

- The Department of the Interior and the Bureau of Land Management (BLM) has failed to adhere to multiple laws, regulations, and policies governing public land management. This has contributed to the improper management of the Wild Horse and Burro Program as well as the intent of the very Act they are charged with administering, to the extent that irreparable harm may have occurred to a valuable national treasure.
- Before any decisions can be made or any actions taken about the management of the Program, concerns of populations both on and off the range regarding these national treasures must be addressed. This is substantiated by several Government Accountability Office (GAO) Reports spanning several years and reaffirmed again in 2008. The BLM has concurred with these reports. In addition, their own population statistics reflect numerous inconsistencies, both on and off the range, creating a need for an independent census.
- The BLM's administration of the Program has been implemented without sincere oversight or reasonable accountability and this has led to a basic emergency within the Program. With essentially the same number of horses now in government holding pens as on the range, the taxpayers are being burdened by these costs. With the possibility that the gathered numbers may or may not exceed legal authority and to prevent excess horses from entering the holding pens unnecessarily, gathers should be ceased until a full independent census is conducted.

2. **Background:**

- Overlying everything is a fundamental lack of transparency within the Program, despite an Executive Order mandating government do so. The BLM continues to implement its efforts with little accountability to Congress or to the public. The agency avoids the disclosure of records/data that could be used to challenge its management, it unnecessarily complicates efforts by the public to access its records, and it fails to provide the public with opportunities for meaningful participation in many of its decision-making processes critical to wild horse and burro management and multiple use plans. When it does invite public scrutiny of its proposals, the outcome has nearly always been predetermined.
- BLM seldom, if ever, provides significant and viable alternatives to proposed actions on multiple use issues. They set a course and drive the plans for removing horses and burros by refusing to offer alternatives which would allow them to remain on the range. Through segregation of land use proposals, they have also severed the relationship of meaningful participation, which has left the public bereft of significant input or impact.
- Throughout the years they have received numerous recommendations for improvements in the Program that they have agreed to implement. However, historically they have failed to follow through and have shown a propensity for noncompliance due to a lack of enforcement regarding key issues in the administration of the Act.

- One of the key issues is the determination of the Appropriate Management Levels (AML). Since the inception of the Act, the BLM has consistently failed to develop a true standardized method, which is the very heart of the excessive population determinations. Strategic plans have systematically eroded both habitat and AMLs while the standards they have adopted have been structured with inherent gross inequalities. Wild horse and burro herds continue to be “zeroed-out” or managed at such low numbers as to ensure the herds’ eventual extirpation.
- The Bureau acknowledges they are unsure of the number of wild horses and burros on public lands and that they can only estimate these numbers. Additionally, historical independent censuses have reported population inventories varied from the Bureau’s estimates by a large margin. Inaccurate population reports also call into question the Bureau’s ability to collect and monitor rangeland data for the proper maintenance of the thriving natural ecological balance and the administration of multiple-use.
- The costs of the aggressive removals to achieve these AMLs and the long-term holding of those gathered have continued to escalate and have now reached the point where they cover the majority of the agency’s budget. These costs may not be appropriate, if the Bureau is not using appropriate methods of determining rangeland capacity and Appropriate Management Levels. As a result, it is appropriate that there be a full investigation into the administration of the free-roaming horses and burros Program.

3 . Comments and Recommendations:

- Recommend that Congress direct the Bureau of Land Management to cease and desist with all proposed gathers/roundups, except those of a true emergency verified by an independent source, until a complete and impartial census is done on the population of Wild and Free-Roaming Horses and Burros both on and off the range. And when gathers resume, that humane observers be given total access to all aspects of the removal operations.
- Recommend a trusted organization, such as the National Academy of Science, conduct an independent inventory of wild horses and burros both on and off the range as well as verify mortality and birth rates.
- Recommend that Congress direct the Bureau of Land Management supply an answer to the question about the loss of acreage from the Program and the dispensation of the horses and/or burros which occupied that land.
- In compliance with recommendations by the GAO, the Bureau has been in the process of developing a manual for standardized methods for AML determinations for the last several months. Recommend that Congress request a report on the progress of the manual and recommend that the public be involved in the development process.
- Recommend that the Congress direct the Bureau undergo a financial audit of the Program to determine if there is any malfeasance or misappropriation of funds, which includes any waste, fraud or abuse that may have contributed to the current crisis.
- Recommend investigation of trial adoption programs to see if they comply with the 1990 GAO Report on barring fee waiver programs.
- Recommend the Congress direct the Bureau to comply with the Executive Order regarding government transparency through the timely release to the public of documents and information relative to all aspects of the Wild Horse and Burro Program.