

International Society for the Protection of Mustangs & Burros



June 12, 2018

To: The Honorable Senator Tom Udall

Dear Senator Udall:

Spirit of the Ancients

Thank you for taking the time to read our letter as it will shed light on the true history and nature of America's wild horses and burros. Our organization holds *evidence through sixteen years of studies of our four wild herds* that the Bureau of Land Management's (BLM) own management has caused the increase in population and the warehousing of the animals. This has caused an unnecessary financial burden on the American taxpayer which paves the way for the eventual elimination of wild horses and burros from their rightful homes. The future of these magnificent animals now rests in your hands along with other Interior Appropriations Subcommittee members. We will attest to the following:

ISPMB was responsible along with our first president, Wild Horse Annie, for the successful passage of the Wild Free-Roaming Horses and Burros Act known as PL-92-195. We understand the law quite well and have been long standing proponents of the protection and rights of wild horses and burros.

PL 92-195 was written to be a very important environmental law protecting habitat and protecting wild horses and burros. *It has not been enforced* and wild horses and burros are left to arbitrary and capricious decisions of removal by the agency that was mandated by law to protect them. These decisions are unlawful.

Let us not forget that this law passed without one dissenting vote in 1971. It has been the BLM's desire to have sale authority for the animals since the Act passed. One way they have repeatedly tried to do so is by gathering, unlawfully in most cases, wild horses and warehousing them in feedlots or now pastures claiming that they are a burden on the American taxpayer.

In 1974, when inventories were completed on counts of wild horses and burros, there were approximately 50,000 animals. We know those counts were not accurate. Those were visual counts that can undercount the animals by 50%. Today with modern technology, counts are far more accurate.

Generally in the '80s there were at least 57,040 animals acknowledged by the BLM. BLM wanted to reduce them to an eventual 30,000 animals by the 80's advocating there were only 17,000 animals in 1971 which was not based on any count.

What we believe to be critical to any decision made in Washington regarding the future of wild horses and burros in our country is ISPMB's sixteen years of studies just completed in 2016. There are no studies that we know of anywhere that has studied intact herds that have not ever been disturbed in that amount of time. Our studies on four wild horse herds looked at population growth, herd dynamics, and behaviors.

Our studies show yearly growth rates on populations that are not disturbed actually average approximately 8%-9% when BLM states their populations double every four years and grows at rates of 20%-28%.

Therefore, our organization, who was responsible for the passage of the 1971 Act along with our president, Wild Horse Annie, respectfully ask you to not allow the permanent sterilization of wild horses and burros.

Already, approximately 75% of the Herd Management Areas have populations fewer than 150 effective breeding animals which is required to maintain healthy genetic diversity according to Dr. Gus Cothran of Texas A & M.

Nearly half of the HMA's have been zeroed out which means we have only half the numbers we had in 1971.

These wild animals must be saved and kept at appropriate and healthy numbers where they are right now. Studies by Dr. Cothran show that "wild horses are far more genetically diverse compared to any particular breed of domestic horses." Wild horses can never be replaced once permanently sterilized. This would be a travesty as noted because they are unique and so different from domestic animals.

Regarding the "unlawful removal" of wild horses and burros from public lands over these years, and placing them in holding areas, please note the following about the definition of excess and appropriate management levels. This is crucial to understanding the Act and requires the BLM do monitoring studies to determine who is damaging the habitat, otherwise they cannot prove "excess," which is the only reason to remove wild horses and burros.

The setting of arbitrary numbers is unlawful which is being done today.

Quoting the Interior Board of Land Appeals (IBLA) 16 U.S.C. 1333(b)(2) (1982)

"In examining this statute we also concluded that the statutory term 'appropriate management level' (AML) has a very specific meaning in regard to removing wild horses or burros from the public range. It is synonymous with restoring the range to a thriving natural ecological balance and protecting the range from deterioration. Thus, the number of "excess" animals the Secretary is authorized to remove is that which exceeds the AML, **which is the**

optimum number of wild horses and burros that results in a thriving natural ecological balance and avoids deterioration of the range.”

The IBLA further concludes, “An AML established purely for administrative reasons because it was the level of wild horse use at a particular point in time cannot be justified under the statute. Accordingly, we also held that ‘the Act does not authorize the removal of wild horses in order to achieve an AML which has been established for administrative reasons, rather than in terms of the optimum number which results in a thriving ecological balance and avoids a deterioration of the range.”

In simplistic terms, AML can only be based on who is causing damage to the habitat. This can only be ascertained through monitoring and inventorying the habitat. This is rarely done by the BLM so therefore, the health of the land has generally been in a static trend for over 100 years.

Knowing that the BLM is “land management” agency, the American people hold this agency accountable to protecting the habitat through monitoring and inventorying of the lands. Further they have been mandated by Congress to protect wild horses and burros in perpetuity.

Unless the BLM can prove that horses and burros are damaging their habitat which is shared by livestock grazing in the majority of HMA’s, they cannot legally remove the animals. In these areas, livestock far outnumber wild horses.

I encourage your subcommittee to demand that the BLM begin to monitor and assess the habitat with valid studies *determining what animal* is damaging the habitat. This has not been done in relation to the Act and thus our habitat is becoming more fragile and wild horses and burros are arbitrarily being removed in lieu of domestic livestock.

We appreciate this opportunity to respond. We would be willing to testify before your committee or Congress.

Sincerely,

A handwritten signature in black ink, appearing to read "Karen A. Sussman". The signature is fluid and cursive, with a long, sweeping underline that extends to the left.

Karen A. Sussman
President, ISPMB