

_____, 2024

Dear _____,

"We need the tonic of wildness...." is what President Nixon quoted when he signed the Wild and Free Roaming Horses & Burros Act of 1971. Yet the wildness of the American west and the beauty of wild horses are being removed as you read this.

On November 27, 2023, the Bureau of Land Management (BLM) set bait traps to round up the wild and internationally beloved wild horses of the McCullough Peaks Herd Management Area (HMA) outside of Cody, Wyoming. **The Wild and Free-Roaming Horses & Burros Act of 1971 states that wild horses are to be considered first for rangeland use before grazers can be allowed.** If land is not sufficient for all livestock grazing, then BLM must restrict grazing livestock numbers or eliminate them until the rangeland has recovered and can support them on the HMA. Yet, while BLM removes McCullough Peaks wild horses this winter, hundreds of cattle graze nearby.

Genetic Viability Concerns

BLM intends to remove at least 35 wild horses from this herd by March, all under the age of 5. The last roundup in 2013 removed 20 young wild horses and has resulted in an aging, older herd. As of last Fall, 52 of the 173 herd members were over the age of 15, and 22 of those over the age of 20. Eleven horses were lost last winter and we have lost 9 already this winter reducing the population to under 170. By removing another 35 young horses under the age of 5, this herd may very well collapse in the next several years and cease to exist, but at the very least will not be genetically viable. This is the BLM's plan.

Herd size, at minimum, must be preserved at 150 breeding adult horses to secure genetic sustainability. This is a scientific fact stated by premiere horse geneticist and professor emeritus at the Texas A & M School of Veterinary Medicine, Dr. Gus Cothran whose work is extensively quoted and affirmed in the BLM'S Wild Horse and Burro Handbook starting on Chapter 5, page 143.

Successful PZP/Darting Program

For almost a decade this program has kept the growth of the McCullough Peaks herd to 2% which is well below the rate of other Herd Management Areas (HMA) that don't administer PZP. COVID disrupted this darting schedule resulting in an 8% foal increase over 2 years, and the herd recently counted at 173.

When a consistent schedule of darting mares with the anti-fertility drug PZP is responsibly and consistently implemented, as it is done in McCullough Peaks by BLM employee and wildlife biologist, Abel Guevara, this herd is consistently kept at a lower-than-average growth rate.

Please refer to the attached letter, pages 8 & 9, where two members of Congress expressed concern to BLM Director Tracy Stone-Manning about the drastic step back by BLM to use a humane fertility control schedule.



Crucial Steps Are Still Being Skipped by the Bureau of Land Management

After the initial scoping period where the public is able to comment for 30 days on the proposals in the document, the next step is for an Environmental Assessment (EA) to be created. It is posted for a 30-day public comment period. Once that is finished, discussions occur about comments and a strategy going forward is determined: to have a roundup or not. But when the roundup schedule was made public on April 18, 2023, the McCullough Peaks herd was already added on the FY24 roundup schedule. During the public comment period in July 2023, 6,016 comments were submitted to the BLM website, **the most ever received for a wild horse or burro herd comment period with an overwhelming majority wanted to keep the herd intact.**

In the final Environmental Assessment, BLM provided **no data** indicating the McCullough Peaks rangeland is deteriorating with the current population of wild horses. There was no analysis done and this information is required before any wild horses are to be removed. BLM ignored requests for such information and proceeded with the roundup anyway.

The Resource Management Plan (RMP) and 40-year-old management plan (HMAP) for this herd are outdated and inadequate to support a gather Environmental Assessment.

BLM included a 10-year plan in their final decision. This is a violation of NEPA, the National Environmental Policy Act. By doing this, BLM will not give the public any additional opportunities to make their voices heard for 10 years and can remove McCullough Peaks horses whenever they want to and to whatever population number they want to, at any given time.

BLM needs to update/craft a Herd Management Area Plan for McCullough Peaks (as do all herd areas)

Per www.blm.gov site, the McCullough Peaks HMA encompasses approximately 120,344 acres. That amount of land could comfortably support a minimum of 250 horses. BLM set the Appropriate Management Levels (AML) for this herd at just 70-140, but because **AMLs are not based in science but set arbitrarily**, a reasonable and cost-saving solution would be to abandon the idea of a roundup in favor of or raising the AML to 150-250 horses. With 250 wild horses on over 120,000 acres, that equals 480 acres per horse which is more than sufficient. And doing so would allow these wild horses to live out their lives on the very land that was secured first and foremost for them in the Wild and Free-Roaming Horses and Burros Act of 1971.

As stated on page 1, the 1971 Act states that wild horses are to be considered first for rangeland use before grazers can be allowed. If land is not sufficient for all livestock grazing then BLM **must restrict grazing livestock numbers or eliminate them** until the rangeland has recovered and can support them on the HMA.

Livestock grazing allotments within the McCullough Peaks herd area allow for over 2,900 cattle to be present at a cost of just \$1.35/month for a cow/calf pair, a program that is highly subsidized by the American taxpayer. This absurdly low rate was just renewed for 2024.

Livestock are currently present in the McCullough Peaks herd area while this roundup is taking place.



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



According to the signage posted at the entrance of the McCullough Peaks HMA, the first guideline to any who are visiting is to not attempt to feed or touch the horses and to not engage in activity that interrupts their natural behavior.

Since the traps were set in November 2023, the BLM has interrupted the horses natural behavior by placing alfalfa hay in and around the traps and along trails leading to the traps, feeding them a food source that is not part of their normal foraging diet in the wild. The horses will come and go in this open pen, but once they're comfortable, believing the area and food is safe, the gate will be shut on them via a remote trigger from the Cody Field Office over 25 miles away. **BLM has also locked gates in the herd area not allowing the horses to use their normal winter feeding areas** and reducing their area available to less than half of what it is normally, including blocking access to additional water sources used in the winter months.

The BLM has not provided any justification for why it is not possible to conduct the current bait trap operation in the fall, as dictated by Land Use Plans and requirements for humane treatment.

While we strongly oppose this bait and trap gather entirely, BLM is clearly not acknowledging the timing and vulnerability of foals during this season. Record Number 4151 of the Cody RMP states “seasonal restrictions from February 1st to July 31st to prevent foal abandonment or jeopardy of wild horse health and welfare, as appropriate, to surface-disturbing and disruptive activities in the McCullough Peaks HMA.

4151	BR:11.1	Apply seasonal restrictions from February 1 to July 31 to prevent foal abandonment or jeopardy of wild horse health and welfare, as appropriate, to surface-disturbing and disruptive activities in the McCullough Peaks HMA.
------	---------	---

The Gather So Far

On Monday, January 22, 2024, ten wild horses were trapped. Six of the older horses were let go, but 4 young foals were forced away from their mothers and kept in the trap. 13 month old filly Kat Billou, 4 month old filly Skydancer, 5 month colt Bandero, and his 2 year old brother Brumby. Less than 48 hours later, the filly Kat Billou would be found dead while in a BLM holding pen.

The 3 remaining foals were loaded onto a livestock truck and driven 278 miles south to the Rock Springs holding facility. How much did the taxpayers pay to transport three very young horses 278 miles from Cody, WY to the BLM holding facility in Rock Springs, WY? And then again with just 4 young horses on February 23rd?

On February 22nd, a 6 month old filly was separated from her mother along with 4 more young horses when 14 wild horses entered the baited trap. The 6 month old filly, Thora, is known and loved by wild horse fans around the world. But the Cody BLM staff stated they wanted to target her for removal. Tourists traveled from other countries to see Thora and her look-alike sire, Thor (pictured below). BLM could have kept Thora on the range both for her unique coloring and popularity, but they chose to remove her just so they could auction her off to the highest bidder in June provided she survives the holding corral conditions.

On the Gather Report for Thursday, February 22, 2024, BLM lists Thora as a mare instead of a foal. At just 6 months old, she is clearly a foal, but BLM doesn't want the number of foals removed to be higher than the number of adult mares and stallions. This is falsified information by the BLM and a clear effort to not be transparent during roundup operations, an ongoing problem for years with the BLM.

Once captured, family bands are broken up as they are separated from each other, which creates extreme duress in wild horses who are deeply bonded and reliant on each other. It's not uncommon for wild horses to try jumping over fencing, often suffering broken legs and necks, in an attempt to reunite with their herd. In this case, the BLM contracted veterinarian acknowledged that young filly Kat Billou suffered a traumatic head injury while likely trying to escape the holding pen. The BLM's decision to separate very young horses from their mothers while they are still nursing, and then leave them unattended overnight, demonstrates a callous disregard for the well-being of these innocent animals. This treatment of wild horses by the BLM is unconscionable, unacceptable, and a violation of Comprehensive Animal Welfare Program (CAWP) guidelines..



Beloved stallion Thor

Source: (<https://www.blm.gov/programs/wild-horse-and-burro/herd-management/gathers-and-removal/syoming/2023-2024-mccullough>)

Additional CAWP Guidelines Ignored

The Bureau of Land Management’s CAWP guidelines state: ‘Mares/Jennies and their dependent foals must not be separated unless for safe transport.'

Given that February 1st has passed, and a young foal has already died a premature and unnecessary death in a bait trap, it is clear that the BLM **must immediately suspend the current operation** to conform with the governing Cody RMP and EA. The BLM has not provided any justification for why it is not possible to conduct the current bait trap operation next fall, as dictated by Land Use Plans and requirements for humane treatment. This would also give time for the herd population to adjust itself after additional Winter deaths.

While not abiding by their own guidelines, BLM has created the cruel result of a dead foal and is in complete contradiction of 43 CFR 4700.0-2, as well as the text and spirit of the Wild and Free-Roaming Wild Horses and Burros Act of 1971 (16 USC ch. 30 § 1331 et seq.)

September 2015

4000 BIOLOGICAL RESOURCES (BR) – Wild Horses		
Record #	Goal/Obj.	Decisions
4154	BR:11.1	Avoid wild horse gathers 6-weeks before or 6-weeks after peak foaling season. To the extent possible, conduct wild horse gathers in the fall, after peak foaling has occurred and when temperatures are lower to reduce stress on the animals.
4155	BR:11.2	Evaluate and remove, on a case-by-basis, interior fences in the McCullough Peaks HMA to provide for wild horse movement and improved retention of genetic viability.

Cody Approved RMP

Every year, roundups and the subsequent care and feeding of these once wild, thriving, and self-sustaining horses wastes millions of taxpayer dollars. For example, using fiscal year 2023 data (<https://www.blm.gov/programs/wild-horse-and-burro/about-the-program/program-data>) we can see:

- **\$147,888,000** was total expenditures by BLM in FY 2023 for the Wild Horse & Burro Program
- **\$4,965,000** was spent on gathers and removals of wild horses and burros on public land, most of that paid to just 4 ranching contractors to perform the roundups via helicopter
- **\$8,396,000** was spent by BLM on adoptions of wild horses
- **\$108,512,000** was spent on long-term holding facilities for captured wild horses; these facilities are usually ranches who have won contracts to house wild horses
- The lifetime cost to care and feed for a single wild horse or burro put in a holding facility is **\$48,000** and this money is often paid to ranching contractors who see wild horses as major source income, at the expense of taxpayers.

Yet, BLM could save the American taxpayer millions of dollars every year by using the funds for creating and abiding by Herd Management Area Plans (HMAP) to keep wild horses and burros on the range, proper range conservation, fixing fencing, installing waterholes for rain runoff, and removing invasive plants such as cheat grass, which is widely spread by livestock grazing (cattle and sheep), highly flammable, and contributes to the fast-moving wildfires across the West, and to hire additional staff with a knowledge of horse behavior and science to support the BLM horse specialists in those offices. (source: www.westernwatersheds.org/wp-content/uploads/2024/02/Cheatgrass-Literature-Review-final.pdf)

In contrast, the lifetime cost to keep a wild horse or burro on the range and humanely manage it with native PZP birth control is only **\$1,000**. But BLM does not want to utilize darting programs as a means to save taxpayer dollars, they would rather pay millions of taxpayer dollars to ranchers to perform wild horse & burro roundups and to house wild horses in off-range pastures. In fact, the Wild Horse Manager at the Rock Springs, WY BLM Field Office told a wild horse advocacy organization in July of 2023, Save Our Wild Horses, that he would never use a PZP darting program on any herds in the area including the Salt Wells Creek, White Mountain, Adobe Mountain, and Divide Basin HMAs. With that statement, BLM is being untruthful to Congress when they state they will use funding for wild horse birth control.

In the attached letter, Representative Titus and Representative Cohen also express concern over the BLM's FY24 Gather Schedule and number of horses BLM intends to remove: 20,942.

The Top 5 Long-Term Holding Contractors paid by BLM with American taxpayer dollars include:

- **\$33,871,726** Drummond Land & Cattle Co.
- **\$25,068,980** 20 West LLC
- **\$22,983,343** Grand Eagle Summit LLC
- **\$22,175,928** Tadpole Cattle Co Inc.
- **\$18,221,663** Hughes Cattle Company

Total: **\$332,537,529** for long-term holding between 2004 - 2022 for 45 contractors (359 contracts)

Short-term holding contracts by warehousing wild horses and burros include:

- **\$49,343,024** Broken Arrow Horse & Cattle Company, Indian Lakes Holding Facility, Fallon, NV since 2005
- **\$17,482,062** Kerry M. Depain, Axtell Off-Range Corrals, Axtell, UT since 2012
- **\$16,410,175** J.R. Simplot, Simplot Livestock, Bruneau Off-Range Corrals, Bruneau, ID since 2015
- **\$3,770,200** G&R Livestock Inc, Sutherland Off-Range Corral, Sutherland, UT since 2020

(source: www.usaspending.gov)

The roundups of America's wild horses and burros are a very lucrative business for livestock and ranching companies. And the number one reason wild horses and burros are removed from our public lands is so millions of cattle and sheep can graze for just \$1.35/month for cow/calf pair or 5 sheep. You can't feed a pet hamster for \$1.35/month.

What you, Congress, can do now:

1. Put an immediate moratorium on this and all wild horse & burro roundups until you can hold an investigation into the Bureau of Land Management's failed Wild Horse and Burro Program, wasteful spending of American taxpayer's dollars, lack of transparency with the public and Congress, and violations of the Comprehensive Animal Welfare Protection program.
2. Stop the BLM before they zero out more herd areas across the West (see graphic on page 8) and make nearly all of the herds non-genetically viable (see page 9), including McCullough Peaks. This is the BLM's 10-year plan and we are 4 years into that plan already with the faulty Path Forward.
3. Step in and freeze funding to the BLM's Wild Horse and Burro Program (WHB) until BLM does proper on-range management which includes removing livestock before wild horses are rounded up inside of herd management areas. Freeze the budget for WHB programs which support roundups. Improve accountability through in-depth oversight of the WHB budget. Execute in-depth performance examination of budget. Identify failing and under-performing BLM practices for revision or elimination.

Our public lands could be filled with wildlife and wild horses if the BLM knew how to do proper range management. "Let's go photograph cows on our public lands today" said no one ever.

Thank you for taking the time to read this letter and please contact me for additional information and ways I can help to correct this failed BLM management policy.

Sincerely,



"To encounter a band of wild horses on a fenceless stretch of prairie is something priceless, of course."

~ Chad Hansen, Director of the Wyoming Mustang Institute, Casper, WY

The McCullough Peaks Foals Removed in January & February 2024



Kat Billou was born on December 26, 2022 to mare Keota and band stallion Ponca. The photograph to the left shows her with her family band including grandmother Totem. Kat Billou was trapped and removed from the McCullough Peaks herd area on Monday, January 22, 2024, and was found dead in a BLM holding pen on Wednesday, January 24th. She was just 13 months old.



Skydancer was born in late September 2023 to the mare Sage and band stallion Kingsman. At just 4 months old as her mother was pushed out through the gates, she was trapped in the BLM pen, loaded onto a stock trailer and shipped 278 miles south to the BLM Rock Springs holding facility. As a very young foal, Skydancer was still nursing from Sage every day until she was forcibly removed.



Bandero is the 5 month old colt born to the mare Bonnie, pictured left. As his mother was also pushed out through the gates, he too was trapped in the BLM pen, loaded onto a stock trailer and shipped 278 miles away. At just 5 months old, Bandero was still nursing from his mom Bonnie every day until he was forcibly removed from her.



Thora was just 6 months old when BLM trapped her and removed from the range without her mother. She was born to Takoda and Thor, pictured at right. Thora is Thor's only living foal on the range. People would travel around the world to see this beautiful wild family. But now BLM will auction Thora off to the highest bidder in an online auction in June. She should be returned to the range.



Brumby (buckskin colt in the photo below) was born in April 2022, also to the mare Bonnie. He is Bandero's older brother and is one of the 4 young horses removed in January 2024.



BLM provided photo to the right shows Brumby standing in front of little Skydancer and Bandero in the Rock Spring holding facility, 278 miles away from the range they were born on and where their wild families are.

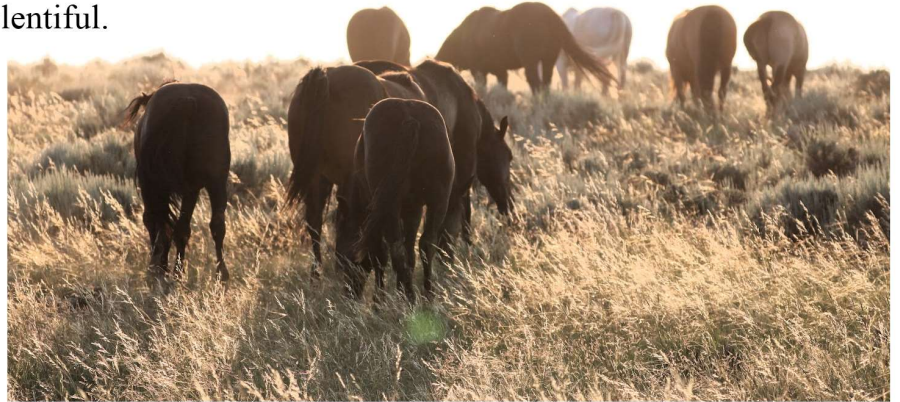


Why do we write to you about this one herd?

The BLM had no valid or good reason to include this herd on the FY24 'Gather' Schedule. The herd is barely above the arbitrary 'appropriate management level' (AML) and the absolute failure of the Cody BLM office to provide grazing utilization data, proving that there was range degradation done by the horses, the only reason per BLM's own written policy, that a removal of wild horses is to occur (outside of emergency situations). As stated, that being in excess of a set 'AML' is not reason enough for a removal of wild horses from their wild home at great expense to taxpayers.

BLM continues to fail to provide proof of range degradation by the horses in the McCullough Peaks as requests for the range monitoring data go unanswered.

The McCullough Peaks HMA was in great shape in 2023; water holes that were without water in prior years, were full in 2023. The grass was high and plentiful.



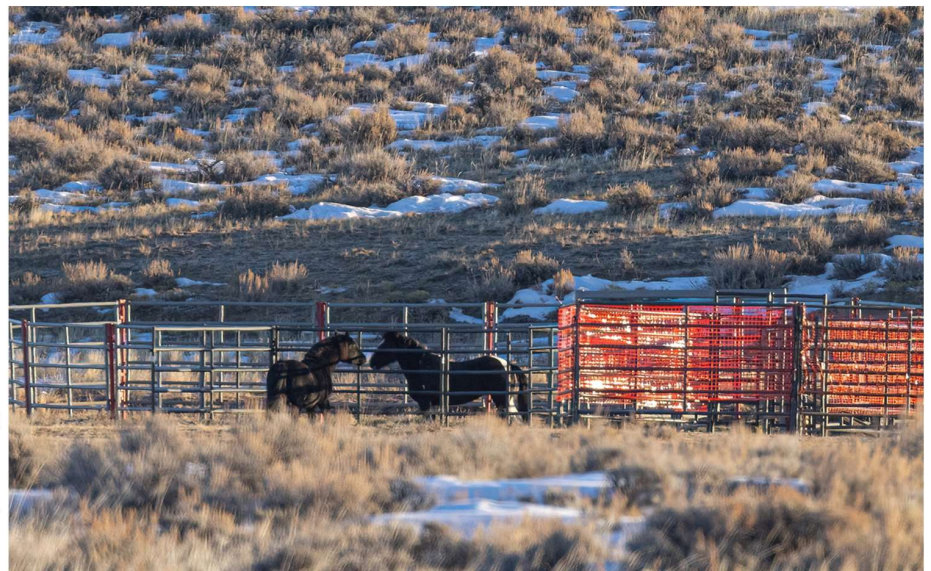
BLM has locked most of the gates inside the herd area, forcing the wild horses into a reduced area and not allowing them to use their normal winter-feeding grounds or water sources.

Signs block the public from accessing the herd area or view-ing the traps.



On Friday, January 26, BLM remotely closed the trap gate on one single horse. Per a local observer, a convoy of BLM and federal vehicles arrived and after 2 hours, the single horse was released.

As per CAWP { https://www.blm.gov/sites/default/files/docs/2020-12/PIM2021-002_attl.pdf } **Trap Site and Holding Facility:** 8. Padding must be installed on the overhead bars of all gates and chutes used in single file alleys. There is no padding on this trap.



Congress of the United States

Washington, DC 20510

January 24, 2024

Director Tracy Stone-Manning
Bureau of Land Management
1849 C Street NW
Washington, D.C. 20240

Dear Director Stone-Manning,

We write today to express our serious concerns about the Bureau of Land Management's (BLM's) FY24 Tentative Wild Horse and Burro Gather and Fertility Control Schedule which was published on December 8, 2023. This plan calls for a massive expansion of the number of wild horses and burros set to be rounded up throughout the West. It is inconsistent with Congressional directives regarding this program, and we implore BLM to reconsider the scope of these gather operations.

In the FY24 tentative schedule, BLM has outlined a plan to gather as many as 20,942 horses in thirty-two operations conducted in New Mexico, Nevada, Wyoming, California, Arizona, Utah, Oregon, and Colorado. This is a stark increase from the 6,876 animals scheduled for roundups in BLM's FY23 tentative plan, of which 5,924 were eventually gathered. Tripling the number of animals gathered in the coming months is antithetical to BLM's directive to "humanely capture" wild free-roaming horses and burros and set them up for adoption. This is exacerbated by the use of helicopters that regularly create frightening and deadly situations for horses and burros.

Though BLM has steadily increased fertility treatment during roundups, the FY24 tentative schedule signals a drastic step back in the use of humane, cost-effective alternatives that are readily available. The continued implementation of a robust and humane fertility control strategy of reversible immunocontraceptive vaccines is critical to maintaining healthy herd populations and minimizing the need for future human intervention. The FY24 tentative plan, however, calls for fewer horses to be treated than the FY23 schedule while increasing the number of wild horses and burros set to be gathered by 14,066. The decision to disregard safe alternatives by treating just 1,320 animals demonstrates a serious disconnect between Congressional direction and BLM's actions.

The reduced rate of horses treated for fertility control and released back to the range will constrain BLM's other operations, as the twenty thousand horses set for removal will inevitably inundate the already overcrowded holding facilities used by BLM. Currently, 61,915 horses and burros are held in off-range confinement awaiting adoption, draining government resources by consuming 69% of BLM's herd management budget. Moreover, the transportation of wild horses to these facilities brings unnecessary risk, as seen with the tragic semi-truck accident on October 30, 2023, which killed seven horses en route to holding corrals in Utah. With BLM overburdened by the current holding population, any further increase of wild horses placed in captivity will waste taxpayer dollars while putting animals at risk of off-range accidents and disease. These budgetary concerns should be promptly mitigated with a concerted effort to increase fertility treatments to reduce costly removals, as such alternatives make up just one percent of BLM's budget.

The ongoing East Pershing Complex gather operation in Northern Nevada, the first of the new year, has further demonstrated persisting faults in BLM's wild horse strategy. The roundup, which began on December 28, 2023, has led to the deaths of twenty horses in less than a month.

Three of these horses were euthanized for acute conditions directly caused by the roundup process, with fatal injuries sustained from being chased down by helicopters and cowboys. Even more troubling, several horses were put down due to blindness in a single eye, a non-life-threatening condition that calls into question BLM's euthanasia policy. With several more weeks left in the operation, the East Pershing Complex roundup casts a dark shadow on the twenty-four roundups that will follow in the coming months.

We strongly urge BLM to reconsider the wide-ranging reach of the FY24 Tentative Wild Horse and Burro Gather and Fertility Control Schedule and delay implementation until BLM provides a detailed and satisfactory explanation to Congress of the plan's justifications, rationale, and impact on horses and the program's budget. This response should demonstrate how BLM's pursuit of massive gathers and removals instead of Congressionally directed "robust" humane fertility control is consistent with Congressional intent and expectations. In addition, we ask that you provide details on BLM's plans to house the increased number of horses and burros gathered in FY24, how much additional funding the agency will need to pay to feed and care for these animals, and what steps you are taking to ensure their safety throughout the gather and holding operations.

We believe such a dramatic increase in roundups ultimately undermines BLM's commitment to protecting animal welfare, and will lead to the unnecessary deaths of wild horses throughout the West. We greatly appreciate your immediate attention to this matter, and we look forward to your timely response.

Sincerely,



Dina Titus
Member of Congress



Steve Cohen
Member of Congress