

July 8, 2020

To: The Honorable Raul Grijalva  
United States House of Representatives  
1511 Longworth HOB  
Washington, DC 20515

From: Citizens concerned about our public lands:  
Todd Shuman, California  
Laura Cunningham, Nevada  
Mandy Dickinson, California  
Delia Malone, Colorado  
Janet Maxwell, Idaho  
Katie Fite, Director of Public Lands, Wildlands Defense  
Mr. Ara Marderosian, Sequoia ForestKeeper®

**RE: Pendley Plan Scapegoats Wild Horses on Public Lands While Ignoring the Real Culprits: Extractive Industries**

Dear Senator/Representative:

We register strong objection to the Bureau of Land Management (BLM) horse herd reduction plan that was proposed on May 8, 2020 by nominee-to-oversee-the-BLM William Perry Pendley.

Pendley claims that wild horses are the "biggest existential threat" to public lands, even though wild horses and burros live on less than a quarter of lands managed by BLM. Pendley has spent his career trying to privatize public lands, roll back environmental protections, and help extraction industries make more profit. This plan scapegoats the relatively uncommon wild horses while ignoring the devastating impacts of commercial livestock grazing, oil and gas drilling, groundwater pumping, agency vegetation clear-cutting, and mining on public lands.

This BLM horse reduction plan focuses massive effort on removing free-roaming horses from BLM lands and relocating them to private land pastures. This plan asks the public to pay more than \$100 million a year to shift some free-roaming horses from low-cost federal public land range to high-cost private land pasturage. Under this scheme, western livestock producers would likely be allowed to either maintain or even increase livestock production on already-damaged arid federal lands while livestock operations in the west – and in the eastern US – would get to lucratively profit by renting out pastures for gelded horse herds. (See Appendix A.)

We are also deeply disturbed about the fundamental premise that underlies this BLM wild horse elimination plan. The Trump Administration is targeting free-roaming horses as the scapegoat

for adverse ecological impacts that are actually caused by the over-abundant cattle and sheep grazing on federal public lands. Cattle numbers on BLM lands are ten times more than wild horses and burros. (See Appendix B.)

There is overwhelming evidence that livestock grazing is the major cause of habitat degradation, elimination of biodiverse native perennial grasslands, sagebrush-steppe, and riparian areas, destruction of carbon-storing biological soil crusts, declines in rare and threatened species, pollution of springs, streams, and rivers, and severe declines in native trout across federal lands where livestock grazing has been authorized by the federal government.

We note that only 8.9% of the 300.6 million acres of BLM land in the 10 western states has been designated as Herd Management Areas for free-roaming horse and burro populations. The BLM, however, typically authorizes the grazing of eight to ten cows for every free-roaming horse and burro on the remaining 91.1% of designated BLM HMAs.

BLM often blames wild horses for many impacts, these are relatively few in our observation compared to those caused by the much more common cattle and sheep on public lands. (We note that these adverse impacts include increased presence of cheatgrass and other invasive plants, more bare ground, and reduced sagebrush and grass cover available for sage-grouse, pygmy rabbits, and other native species. We also note that the ever-increasing pinyon-juniper forest clearcuts by BLM across the Great Basin are not related to wild horse management, but appear to be intended to promote increased livestock grazing on BLM lands.)

We recognize that the numbers of horses and burros on some western federal public lands may need to be reduced in the future in order to restore some local native ecosystems.

However, we strongly believe that livestock numbers should be reduced prior to reductions in horse numbers where the adverse cumulative impacts of large-hooved ungulate grazing and trampling on native species habitats have been credibly and scientifically documented in designated BLM Herd Management Areas.

We note for the record that BLM's decision to remove horses or burros from an HMA is based on populations exceeding Appropriate Management Levels (AMLs) for that HMA. A National Academy of Sciences' 2013 report, however, documented that recent AML determinations by BLM have not been consistent with the best available science and are not consistent with the way that AMLs were determined in the past by BLM.<sup>1</sup>

In any case, there is an urgent need for comprehensive integrated land health analyses that fairly assess the relative impacts of livestock (in relation to wild horses) and recognize the differences in how livestock (relative to horses) use the land. For example, horses are able to move long distances from water, and, depending on HMA characteristics may move seasonally, while cattle

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<sup>1</sup> See, <https://www.nap.edu/read/13511/chapter/1#xi>,

require more water infrastructure, supplementation, and will often concentrate around these areas.

Herd Management Area Plans (HMAPs) should be completed by BLM before conducting horse and burro gathers. But BLM has completed only seven HMAPs, even though 177 designated BLM HMAs currently exist.

BLM has the authority under 43 CFR § 4710.5 to close areas to cattle/sheep grazing where ranges are damaged, in order to better manage wild horses and burros. We encourage Congress to direct BLM to use such authority more aggressively.

We also strongly endorse the restoration of robust native predator populations within designated BLM Herd Management Areas.

Natural mortality rates of wild horses and burros should also be better studied by independent researchers. In our observations severe winter storm die-offs and prolonged droughts can reduce wild horse herds independent of any human management, and reduce herd numbers as nature intended. Yet BLM does not take this into account. Meanwhile, cattle and sheep herds receive the full benefit of tax-payer subsidized care on public lands with artificial watering facilities, ranchers moving and protecting cows during blizzards, vitamin and mineral supplements placed out on cattle ranges, seeding of Eurasian forage plants such as crested wheatgrass and truck transport of cattle and sheep herds to the optimum range locations and times. And ranchers receive compensation for some livestock deaths from the public coffers.

Horse herd population control measures, where warranted, should preferably be implemented on free-roaming herd areas using humane, non-surgical means, which should be scientifically explored and transparently reported.

Options for using contraceptive fertility control treatments such as Porcine Zona Pellucida (PZP) programs for wild horse mares in their home ranges to reduce the size of certain populations should be better funded and studied.

Non-invasive and humane passive gathers using corrals with food lures, and subsequent cooperative agreements with nonprofit rescue organizations that seek to adopt animals out could be considered and studied as well. We do wish to note, however, that these bait and lure capture techniques used by BLM have frequently generated adverse impacts on horses and burros, and warrant further study.<sup>2</sup> Full transparency of bait corrals and loading into haul vehicles with public observation should always be allowed. And other horses would still be put up for adoption/sale, and BLM currently lacks controls preventing adopted wild horses being sold for slaughter.

In any case, we do not support the Pendley alternative: violent and harmful removal of wild horse herds using helicopter roundups, and untracked, non-transparent sales that often result in slaughter or shipment for international meat markets.

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<sup>2</sup> <https://www.opb.org/news/article/live-trapping-often-results-in-death-for-wild-hors/>

In our view, it is clear that Acting BLM Director Pendley is trying to support the commercial livestock industry at all costs in its quest to remove any competition and secure all the grass for cattle and sheep. We oppose this diversionary tactic of scapegoating wild horses while deliberately allowing public lands cattle and sheep ranchers to continue to rampantly overgraze public lands.

Thank you for hearing our concerns about this proposed plan.

Signed,

A handwritten signature in blue ink, appearing to read 'Laura Cunningham', with a stylized flourish at the end.

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## **Appendix A:**

This BLM Horse Reduction Plan will foreseeably lead to increases in livestock numbers/stocking rates on BLM HMAs through the use of a variety of approaches after horse populations have been reduced and/or removed from BLM HMAs. See Summary below for evidence that is consistent with this claim.

### *Rock Springs DEIS*

BLM concedes in its Rock Springs Wild Horse Draft Environmental Impact Statement (DEIS) (Wyoming), for example, that livestock Animal Unit Months (AUMs) may be increased following horse removals.

### *Devils Garden*

Devils Garden Area, Modoc National Forest, where multiple gathers have occurred over the last few years:

<https://americanwildhorsecampaign.org/media/usfs-hands-management-ca-wild-horses-over-local-cattle-interests>

And the livestock being allowed back on 2 allotments in the Devils Garden area:

<https://americanwildhorsecampaign.org/media/timely-devils-garden-wild-horse-update>

### *Over-Allocation*

Many allotments are over-allocated. Ranchers can't realistically graze all of their allocated AUMs because of land conditions. Or the permits have large numbers of "suspended" AUMs.

BLM regulations require that ranchers report Actual Use.

Actual use is the number of cows/sheep actually grazed, which is often far lower than permitted AUMs.

Once horses are removed, efforts may be made to substantially increase livestock AUMs. Wild horses use lands differently than livestock and typically can range much greater distances from water and may use marginal land areas. Thus, efforts to increase livestock numbers following wild horse removal may place even greater stress on areas of public land most readily grazed by livestock.

### *Temporary Non-renewable Use*

Without increasing AUMs on the permit, BLM could readily increase cow/sheep grazing use on an annual basis by issuing Temporary Non-renewable Use (TNR) under the existing regulations, if horses were reduced or removed.

We note that the BLM has used, and is using, repeated annual issuance of TNR as a basis for justifying permanent increases in stocking. See Jarbidge BLM RMP and 2020 Jarbidge BLM Devil Creek Decisions.

<https://eplanning.blm.gov/eplanning-ws/epl/s/l/prdr/null/project/59342>

### *Targeted Grazing*

Temporary Non-renewable Use under the existing regulations is a way that BLM could do “Targeted Grazing” too.

The Draft NV BLM targeted grazing EA proposes 127,005 acres of targeted grazing on HMAs.

Under targeted grazing proposals a permittee can bring in outside livestock. And the permittee can have another rancher do the targeted grazing. Ranchers will be able to profit from this by selling targeted grazing on their allotment

Also, note that this link from the BLM proposed Programmatic EIS documents that Targeted Grazing could be applied anywhere across the 38 million acres being assessed by the BLM <https://www.virtualpublicmeeting.com/frrr-peis> , [https://static1.squarespace.com/static/5e7017cd25888b62f0dfbd4f/t/5eb1c0a060572f414ea2fbc3/1588707497800/Public+Meeting+Presentation\\_20200415\\_final\\_508.pdf](https://static1.squarespace.com/static/5e7017cd25888b62f0dfbd4f/t/5eb1c0a060572f414ea2fbc3/1588707497800/Public+Meeting+Presentation_20200415_final_508.pdf)

The screenshot shows a Safari browser window displaying a table titled "Alternative Comparison". The table compares three alternatives (B, C, and D) across various treatment methods. Alternative B is marked as "Preferred". The table is as follows:

	Alternative		
	B (Preferred)	C	D
<b>Potential Treatment Area (Acres)</b>	38.5 Million	26.8 Million	5.6 Million
<b>Treatment Methods</b>			
<b>Prescribed Fire</b>	Yes	No	Yes
<b>Manual</b>	Yes	Yes	Yes
<b>Mechanical</b>	Yes	Yes	Yes
<b>Chemical</b>	Yes	No	Yes
<b>Targeted Grazing</b>	Yes	No	Yes
<b>Sagebrush Removal</b>	Yes	No	Yes
<b>Juniper Removal</b>	Yes	Yes (Only phase I and II)	Yes
<b>Using Nonnative Plant Materials</b>	Yes	No	Yes

### *Increased Cow Weights and Cow-Calf Pairs*

The increasing size of cows is an indirect way that livestock production on federal public lands is maintained or increased where horses have been removed. The use of cow-calf pairs in which the calves are likely eating grass and shrubs along with the the mother cows (while BLM assumes the calves have not been weaned) is another way in which livestock production on federal public lands can be maintained or increased after horses have been removed. Since cattle weights have been increasing over time, this heightens conflicts with wild horses for forage, as AMLs for horses were often set based on lower cattle weights.

The proposed Pendley Grazing Regulations revision includes outcome-based grazing (which would weaken already inadequate controls and limits on livestock grazing use), targeted grazing, and other measures aimed at bolstering the primacy of livestock grazing on public lands. In fact, a BLM web page associated with the Grazing Regulations Revision featured a scheme for targeted grazing within the Oregon Beaty Butte horse-associated HMA.

Reduced public input is fast becoming the norm on public lands, as evidenced in the following links:

Link to BLM Pendley Revision eplanning site:

<https://eplanning.blm.gov/eplanning-ui/project/1500093/510>



The Beaty Butte project inside the HMA is referenced here as the Lakeview targeted grazing project:

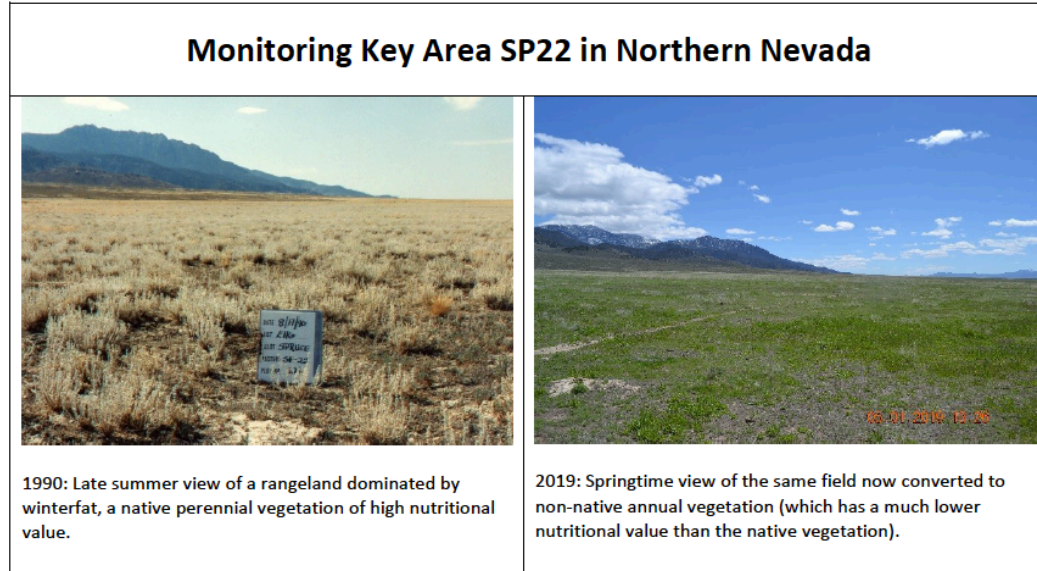
[https://eplanning.blm.gov/public\\_projects/nepa/1500093/20017417/250023367/BLM\\_Grazing\\_Compiled\\_Handouts\\_508\\_v.2.pdf](https://eplanning.blm.gov/public_projects/nepa/1500093/20017417/250023367/BLM_Grazing_Compiled_Handouts_508_v.2.pdf)

The Beaty Butte Link is NOT opening up for us now -- ever since BLM revised its eplanning website:

<https://eplanning.blm.gov/eplanning-ws/epl/s/l/prdr/null/project/1500485>

## Appendix B:

As an example of how horses may be blamed for severe overgrazing when cattle may actually be the culprit, the U. S. Department of Interior Bureau of Land Management Report to Congress: An Analysis of Achieving a Sustainable Wild Horse and Burro Program shows photo pairs decades apart showing severe range damage. This particular photo pair (page 24) is within the Spruce Allotment with cattle grazing overlapping wild horse.







^Photo of the Spruce Allotment, Nevada, in 2016 after a Utah juniper treatment using mastication to remove native trees on a sagebrush landscape which also severely damaged this range. Cattle were observed, but no wild horses. Cheatgrass infestations were also noted on this disturbed ground. Photo: Laura Cunningham.

Background information on the Spruce Allotment, Nevada:

## BLM RANGELAND HEALTH STANDARDS EVALUATION DATA (2012)

### [PEER's reconciliation of BLM's data - A Picture of Recorded Livestock Grazing Impacts on Land Health on Western Public Lands](https://mangomap.com/pdl/maps/24736/BLM%20RANGELAND%20HEALTH%20STANDARDS%20EVALUATION%20DATA%20(2012)?p%20review=true#zoom=7&lat=44.028371&lng=-117.872314&layergroups=pdl%3Afd2d4cda-6549-11e4-a90b-22000b2517a0,pdl%3A35872578-655a-11e4-a789-22000b2517a0,pdl%3A881e3858-596b-11e4-a105-22000b2517a0&isNewLayer=false&hostPermalinkEnable=false&bck=bingmap&permalink=true)

[https://mangomap.com/pdl/maps/24736/BLM%20RANGELAND%20HEALTH%20STANDARDS%20EVALUATION%20DATA%20\(2012\)?p%20review=true#zoom=7&lat=44.028371&lng=-117.872314&layergroups=pdl%3Afd2d4cda-6549-11e4-a90b-22000b2517a0,pdl%3A35872578-655a-11e4-a789-22000b2517a0,pdl%3A881e3858-596b-11e4-a105-22000b2517a0&isNewLayer=false&hostPermalinkEnable=false&bck=bingmap&permalink=true](https://mangomap.com/pdl/maps/24736/BLM%20RANGELAND%20HEALTH%20STANDARDS%20EVALUATION%20DATA%20(2012)?p%20review=true#zoom=7&lat=44.028371&lng=-117.872314&layergroups=pdl%3Afd2d4cda-6549-11e4-a90b-22000b2517a0,pdl%3A35872578-655a-11e4-a789-22000b2517a0,pdl%3A881e3858-596b-11e4-a105-22000b2517a0&isNewLayer=false&hostPermalinkEnable=false&bck=bingmap&permalink=true)

## Allotment ID (State & Number):

**NV04346**

- Allotment Number:

**04346**

- Allotment Name:

**Spruce**

- Alternate Name:

**SPRUCE**

- Administrative State:

**NV**

- Administrative Unit Code:

**NVE03000**

- Field Office:

**ELKO FO**

- Land Health Comments - 2008 dataset:

**Standard 1 Upland Sites: Some Progress. Livestock grazing was determined to be a casual factor in failure to meet this objective. Standard 2 Riparian and Wetland Sites: Some Progress. Livestock grazing was determined to be a casual factor in failure to**

- Land Health Comments - 2013 dataset:

**Standard 1 - Uplands: Some progress. Lvst one causal factor. Standard 2 - Riparian: Some progress. Lvst a causal factor. Standard 3 - Habitat: Some progress. Lvst a causal factor.**

- Land Health Status:

**NOT MET - LIVESTOCK**

- Sum of Permitted AUMs:

**10,965**

- Level III Ecoregion:

**Central Basin and Range**

- Level II Ecoregion:

**COLD DESERTS**

- Level I Ecoregion:

**NORTH AMERICAN DESERTS**

- Total Allotment Acres:

**546,858**

Pictures on page 24 of the Trump/Pendley Horse Reduction Report to Congress (May 8, 2020) are from Pasture C-3, Spruce Allotment, BLM, Elko DO, Wells FO

As far as Bruce Thompson (BLM Range Con in charge of area, Elko DO, Wells FO) knows , it has been grazed by commercial livestock every winter, 11/1 to 03/31

**United States Department of the Interior  
Bureau of Land Management  
AUTHORIZATION USE BY ALLOTMENT REPOR**

The sum of the AUMs from the Authorization Schedule Information may not equal the Active AUMs for each authorization or allotment due to rounding in the AUM calculation.

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**NV04346 SPRUCE**

**Administrative State** NV NEVADA  
**Administrative Office** LLNVE03000 WELLS FO  
**Allotment Number** NV04346  
**Allotment Name** SPRUCE  
**Grazing Allotment Y**  
**Allotment Decision** N/A  
**Plan Type** CMP IMPLEMENTED  
**Plan Date** 1/30/1998

**Authorization Information**

**Authorization Number**  
**Admin State**  
**Administrative Office**  
**Authorizing Office Effective Date**  
**Expiration Date**  
**Issue Date**

**Actual Active AUMS**  
**Actual Suspended AUMS**

Auth#	Act Act AUMs	Act Susp AUMs
2701085 NV LLNVE03000 WELLS FO 09/30/2010 09/29/2020 09/29/2010	57	0
2704016 NV LLNVE03000 WELLS FO 09/04/2014 09/29/2020 10/06/2014	10908	2458
<b>TOTAL</b>	<b>10,965</b>	<b>2,458</b>

**Authorization Schedule Information**

**Allotment Number**  
**Allotment Name**  
**Pasture Name**  
**Auth. No Livestock Number**  
**Livestock Kind**  
**Period Begin**  
**Period End**  
**Public Land %**

	Type Use AUMS
NV04346 SPRUCE 2701085 8 CATTLE 11/01 02/28 100 ACTIVE	32
NV04346 SPRUCE 2701085 8 CATTLE 03/01 05/31 100 ACTIVE	24
NV04346 SPRUCE 2704016 393 CATTLE 11/01 02/28 100 ACTIVE	1550
NV04346 SPRUCE 2704016 393 CATTLE 03/01 05/31 100 ACTIVE	1189
NV04346 SPRUCE 2704016 672 CATTLE 05/01 10/31 100 ACTIVE	4065
NV04346 SPRUCE 2704016 827 CATTLE 11/01 02/28 100 ACTIVE	3263
NV04346 SPRUCE 2704016 827 CATTLE 03/01 03/31 100 ACTIVE	843





United States Department of the Interior  
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AUTHORIZATION USE BY ALLOTMENT REPORT



NV04346 SPRUCE

Administrative State NV NEVADA  
Administrative Office LLNVE03000 WELLS FO  
Allotment Number NV04346  
Allotment Name SPRUCE  
Grazing Allotment Y  
Allotment Decision N/A  
Plan Type CMP IMPLEMENTED  
Plan Date 1/30/1998

Authorization Information

Authorization Number	Admin State	Administrative Office	Authorizing Office	Effective Date	Expiration Date	Issue Date	Actual Active AUMS	Actual Suspended AUMS
2701085	NV	LLNVE03000	WELLS FO	09/30/2010	09/29/2020	09/29/2010	57	0
2704016	NV	LLNVE03000	WELLS FO	09/04/2014	09/29/2020	10/06/2014	10908	2458
TOTAL							10,965	2,458

Authorization Schedule Information

Allotment Number	Allotment Name	Pasture Name	Auth. No	Livestock Number	Livestock Kind	Period Begin	Period End	Public Land %	Type Use	AUMS
NV04346	SPRUCE		2701085	8	CATTLE	11/01	02/28	100	ACTIVE	32
NV04346	SPRUCE		2701085	8	CATTLE	03/01	05/31	100	ACTIVE	24
NV04346	SPRUCE		2704016	393	CATTLE	11/01	02/28	100	ACTIVE	1550
NV04346	SPRUCE		2704016	672	CATTLE	03/01	05/31	100	ACTIVE	1189
NV04346	SPRUCE		2704016	827	CATTLE	05/01	10/31	100	ACTIVE	4065
NV04346	SPRUCE		2704016	827	CATTLE	11/01	02/28	100	ACTIVE	3263
NV04346	SPRUCE		2704016	827	CATTLE	03/01	03/31	100	ACTIVE	843

The sum of the AUMs from the Authorization Schedule Information may not equal the Active AUMs for each authorization or allotment due to rounding in the AUM calculation.  
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Environmental Assessment DOI-BLM-NV-E030-2017-0010-EA  
Antelope and Triple B Complexes Gather Plan  
Prepared by U.S. Department of the Interior  
Bureau of Land Management  
Elko District, Wells Field Office  
3900 E. Idaho St. Elko, NV 89801 (775) 753-0200

This Environmental Assessment (EA) has been prepared to disclose and analyze the environmental effects of the Proposed Action, which consists of a gathering and removing excess wild horses from the Antelope and Triple B Complexes (hereafter referred to as the Complexes). This EA will assist the Bureau of Land Management (BLM) Wells Field Office (WFO) and

Bristlecone Field Office (BFO) in project planning and ensuring compliance with the National Environmental Policy Act (NEPA), and in making a determination as to whether any significant effects could result from the analyzed actions. [page3, 8]

Antelope and Triple B Complexes Gather Plan EA page 51-52

### 3.2.4. Livestock Grazing

#### 3.2.4.1. Affected Environment

##### Antelope Complex

The Antelope Complex encompasses portions of several livestock grazing allotments: Antelope Valley, Badlands, Becky Creek, Becky Springs, Boone Springs, Chase Springs, Cherry Creek, Chin Creek, Currie, Deep Creek, East Big Springs, Ferber Flat, Goshute Mountain, Lead Hills, Leppy Hills, Lovell Peak, McDermid Creek, North Steptoe, North Steptoe Trail, Sampson Creek, Schellbourne, Spruce, Sugarloaf, Tippet, Tippet Pass, Utah/Nevada North, Utah/Nevada South, Valley Mountain, West Big Springs, White Horse, and West White Horse.

Allotment	Season of Use Kind of Livestock	% of Allotment in HMA	Permitted Use (AUM) <sup>1,5</sup>	Ten Year Average AUM Use	Percent Actual Use of Permit Use
Spruce	3/1-2/28 Cattle	67%	13,423	2,588	19%