

**ALLIANCE OF WILD HORSE ADVOCATES**  
**Response to J. Michael Harty Report**

A report has been recently been issued by J. Michael Harty under contract to the firm of Kearns and West that relates to BLM's wild horse and burro program and Secretary Salazar's proposed "initiative." Kearns and West was contracted by the U.S. Institute for Environmental Conflict Resolution, an independent agency. Mr. Harty interviewed various "stakeholders" and BLM personnel and he compiled a report.

From our observations Mr. Harty showed reasonable diligence in trying to prepare a complete and objective report within the parameters that he was given. However advocates have noticed a few errors in Mr. Harty's findings. Given that legislators and government officials tend to presume that such reports are factually correct, and given that this report was not provided to the stakeholders prior to publication so that errors could be identified and corrected, many mainstream advocates feel urgency that these errors be identified and rebutted as part of the Conflict Resolution process.

Accordingly, it is our intention to record these concerns and by doing so we are not attempting in any way to reflect poorly on the efforts of Mr. Harty.

**OMMISSIONS AND ELEMENTS OF THE REPORT**  
**NOT FACTUALLY OR NOT CONTEXTUALLY CORRECT**

**Page 12, "Working List of External Stakeholders"**

Absent from this list were tourism related enterprises for which wild horse related tourism has an economic impact. This error is significant considering that prior to the commencement of Mr. Harty's research and preparation of his report, the Nevada Commission on Tourism, the Wild Horse Preservation League and Horsepower had embarked on a horse related ecotourism campaign entitled, "*Wild Horse Adventure of Nevada*." Mr. Harty interviewed one of the principal parties in this campaign.. The activities of the Bureau of Land Management directly impact this campaign and the rural ecotourism enterprises that this campaign is designed to stimulate. It is most inopportune that this entire class of stakeholders was not specifically identified in Mr. Harty's report.

**Page 14, "Sale for slaughter"**

Mr. Harty has in some ways revised history with respect to his discussion on sale of horses under the management of BLM for slaughter. This is an issue that turns on a trick of the tongue.

Wild-Free Roaming Horses and Burros are protected from sale for slaughter by 16 USC 1331, et seq., however legally horses and burros sold through "Sale Authority" are no longer identified as wild free-roaming animals and are categorically excluded from protections under the Act. There are several documented cases of horses sold by BLM ending up at slaughterhouses and it is a matter of public record that as of today, Section 3(e) remains the overarching legal statute that states:

"(e) Sale of Excess Animals. -

"(1) **In General.** - Any excess animal or the remains of any excess animal shall be sold if -

"(A) the excess animal is more than ten years of age; or  
"(B) the excess animal has been offered unsuccessfully for adoption  
at least three times.

"(2) <B>**Method of Sale.**</B> - An excess animal that meets either of the  
criteria in paragraph (1) shall be made available for sale without  
limitation, including through auction to the highest bidder, at local  
sale yards or other convenient livestock selling facilities, until such  
time as-

"(A) all excess animals offered for sale are sold; or  
"(B) the appropriate management level, as determined by the  
Secretary, is attained in all areas occupied by wild free-roaming  
horses and burros.

"(3) <B>**Disposition of Funds.**</B> - Funds generated from the sale of excess  
animals under this subsection shall be -

"(A) credited as an offsetting collection to the Management of Lands  
and Resources appropriation for the Bureau of Land Management; and  
"(B) used for the costs relating to the adoption of wild free-roaming  
horses and burros, including the costs of marketing such adoption.

"(4) <B>**Effect of Sale.**</B> - Any excess animal sold under this provision  
shall no longer be considered to be a free-roaming horse or burro for  
purposes of this Act."

It may be the Secretary's current policy that BLM is not knowingly selling formerly protected horses for purposes of slaughter, however such policies are temporary, subject to change, and there are avenues for slaughter to occur that are too numerous to enumerate in this rebuttal.

### **Page 15, "Self-regulation theory"**

Mr. Harty incorrectly states, BLM's management philosophy of gathering excess horses has been criticized by some wild horse advocates who promote a "self-regulation" theory. For the record, there is no such thing as self-regulation or a self-regulation theory. We conclude that what Mr. Harty meant was "autoregulation," or the impact that resources and environmental conditions have on reproduction rates of animals contained in such environments. Furthermore the concern identified is not "gathering of excess horses" but rather "excess gathering of horses." The actual argument is that unnecessary gathering produces higher birth rates among animals left on the range and therefore BLM's single-minded approach is counterintuitive to the objectives of the agency. Mr. Harty's use of an incorrect term that he specifically attributes to advocate,s and the incorrect arrangement of words relating to gathering horses, creates both a false premise and false context.

## **Page 19, "Managing to extinction"**

This paragraph is ostensibly correct however it suggests a completely incorrect context. Mr. Harty describes BLM's overall program and suggests that in the broader context that advocates charge BLM as managing horses to extinction. The reader's conclusion, as with the "self-regulation" error, can conceivably be that advocates are advancing invalid and unrealistic positions. The correct context in which this argument should be viewed involves the repeated eradication of entire distinctive wild horse and burro populations in a number of locations. When one considers from a scientific basis that individual wild horse and burro populations are the combined product of genetics, the environment and natural selection, then it is reasonable to conclude that each isolated herd is a distinctive population. Once that population has been eradicated, for all practical purposes that distinctive gene pool is extinct. The only rational conclusion is that BLM has and is in fact managing certain herds to extinction.

Advocates further point out that suggestions made by BLM that advocates are involved with "mythmaking" are grossly overshadowed by the Bureau's misuse and/or fabrication of facts and figures used to defend its policies and actions. The recent revelations relating to conduct within the Minerals Management Service demonstrate how business is conducted within agencies under the Department of Interior. Advocates have cause to believe that such malfeasance will be found to be pandemic if fully investigated.

## **Page 25, "Science"**

Mr. Harty states, "There appears to be only limited public understanding of the current role that science, including research, plays in the Program." His inference in the context provided can lead readers to conclude that advocates have limited understanding relating to science as compared with BLM's level of knowledge. Since population recruitment among horse herds is the predominant thorny issue, and since BLM appears to either not be aware of or understand the advances in population control being developed at various universities, it could be argued that in many respects the public has a greater understanding of some relevant scientific issues than do decision makers at BLM.

## **Page 27, "Meeting behavior"**

Mr. Harty identifies "an increasingly disruptive and antagonistic tone" at Wild Horse and Burro Advisory Board meetings. This discussion is composed in a manner that clearly suggests that the public (advocates) are at fault. In a subsequent paragraph Mr. Harty does go on to place his statements into relevant context, however in these reports specific paragraphs tend to be extracted and used without proper context, and therefore the paragraph of concern has to be addressed.

In providing context, Mr. Harty made two critical points that need to be reinforced. Mr. Harty describes the limited opportunity for public comment and discusses past and present procedures. We agree with Mr. Harty's conclusions in this area. What is profoundly ominous is the suggestion, apparently made by BLM, that public expression be further restricted and controlled. This kind of attitude is illustrative of a fundamental cancer within elements of BLM whereby the public that the Bureau is supposed to serve is regarded as a nuisance to be dealt with. Advocates equate such "suggestions" with an imbedded agency culture based on the premise that BLM works for permittees and lessees rather than for the taxpaying citizens of this country. Public angst is a foreseeable result arising out of this culture.