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Public Lands Council

October 25, 2010

The Honorable Ken Salazar
Secretary of Interior
1849 C Street NW
Washington, DC 20240

RE: Mrs. Madeleine Pickens' Proposed Horse Sanctuary Pilot Program

Dear Secretary Salazar:

As representatives of federal lands ranchers across the west, we at the Public Lands Council (PLC) are greatly concerned with the recent announcement by Mrs. Madeleine Pickens that, after her meetings with Director Abbey, Deputy Director Pool and the BLM Wild Horse and Burro team, the BLM had, in her words, “officially agreed to support going forward with the development of the wild horse Eco-sanctuary for [wild horses’] inholding”. While we understand that this statement is incorrect and that no such agreement has yet been made, we want to make clear our opposition to any future agreement that would include increasing any form of a herd management area (HMA) or appropriate management levels (AMLs). Specifically, we will oppose any proposal to convert livestock Animal Unit Months (AUMs) or grazing permits to HMAs or sanctuaries for wild horses. We have also expressed our position to Congress that current statute provides sufficient authority to effectively manage the wild horse and burro program.

While we fully recognize the need to address the problem of wild horse overpopulation on the range and the insupportable cost of keeping some 30,000 horses in holding pens, we don’t believe Mrs. Pickens’ pilot program is the solution. Below are just a few of our concerns:

- We oppose any proposal that would convert public lands livestock allotments (which encompass portions of the proposed sanctuary boundaries) to an HMA or wild horse sanctuary. Mrs. Pickens’ website emphasizes that “The Foundation would enter into a contract or cooperative agreement, as already stipulated in the [Wild Free-Roaming Horses and Burros Act] (hereafter referred to as “H&B Act”)”. While we are not opposed to individuals entering into private agreements with the federal government to establish areas on private property where excess wild horses and burros can be held, violating the Taylor Grazing Act of 1934 (TGA) by converting federal livestock allotments to wild horse sanctuaries would jeopardize our members’ grazing permits, presenting opportunities for anti-grazing interests to push for more conversion of livestock allotments to other single-uses.
- Rangeland health and the capacity for multiple-use on those ranges—including wildlife habitat—would also be jeopardized due to the year-round, complex nature of this sanctuary.
- Section 10 of the H&B Act states: “Nothing in this Act shall be construed to authorize the Secretary to relocate wild free-roaming horses or burros to areas of the public lands where they do not presently exist.” An amendment to exempt this provision, thereby expanding HMAs to untold new areas, would allow for the unfettered expansion of the wild horse population—to the detriment of multiple-use on public lands.
- The ranch purchased by Mrs. Pickens possesses three HMAs. One is fully encompassed by the boundary of the allotment; the other two straddle the boundary. Because statute discourages fencing of HMAs or portions of HMAs, we question how sanctuary horses will be prevented from grazing

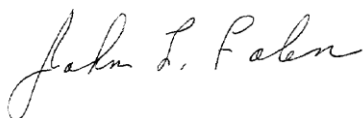
on adjacent ranchers' allotments. Also inevitable would be the comingling of sterile sanctuary horses and the adjacent HMAs horses, which is not authorized by the H&B Act.

- Who will own these horses? State water law requires beneficial use of private water rights on these ranges to maintain the water right. Without owning livestock, how will the BLM or Mrs. Pickens prove beneficial use?
- Mrs. Pickens has compared her plan to acquire access to federal land to the process by which cattlemen acquired their grazing permits. She claims, “[The cattlemen] got the BLM land attached to their ranches with sweetheart deals . . .” This statement can only be made in utter ignorance of the history of and statutory authority for grazing preference rights on public lands. In fact, Congress granted our members’ preference rights through the TGA under clear stipulations, including that they be in the livestock business and that they prove ownership or control of private base property and water rights. Preference to allotments was granted to the local livestock owners first because of their support for the local community. As codified in the Federal Lands Policy and Management Act, the ownership of this preference entitles its holder to a right of renewal of a term grazing permit every 10 years. These preference rights and permits remain tied to the base property so that, as the private property is passed down through the generations, so are the preference rights. Preference rights and permits can also be also taxed and serve as collateral for loans—in other words, are longstanding possessions of real value to our members. In the face of constant threats, from the rise of unnecessary regulation to environmental litigation, our members rely on the TGA and the Administrative Procedure Act to protect their grazing preferences.
- While we agree with Mrs. Pickens’ plan to maintain non-reproducing herds, as long as reproduction occurs unchecked in herds outside the sanctuary, horse starvation and decimation of our public rangelands will continue. Science and research are needed to find new, effective ways of decreasing the reproduction rate of the entire herd—an idea that has traction in Congress. Once the reproduction rate equals the adoption/sale rate, the need for private pasturing will, over time, become unnecessary.

Mrs. Pickens is right that wild horses and burros are part of our western heritage and have a place on our federal lands. But we must remember: these animals reproduce at a rate of 20% per year and have no natural predators. Converting livestock allotments to HMAs or increasing AMLs is not the solution and would in fact exacerbate the problem. Since enactment of the H&B Act in 1971, livestock grazing on BLM lands has been reduced by as much as 50%, while the horse population has risen 44%. The result has been damage to local stakeholders, rural economies, the natural resources, and ultimately the horses’ well-being. Creating sanctuaries will not solve the problem if the reproduction rate of the overall population is not reduced.

Local and county governments, state grazing associations, and national livestock groups should play a primary role in direction and planning, should a sanctuary indeed be developed. The people working “on the ground” are most knowledgeable of and adept at dealing with the challenges presented by wild horse overpopulation. These local stakeholders would be directly affected by a reduced tax base and a diminished resource. PLC looks forward to representing our members, the stewards of our public lands, in working with the Department of Interior, including the BLM, to implement sound management of the wild horse and burro program.

Sincerely,



John Falen
President
Public Lands Council