

September 24, 2004

Contact: Maxine Shane, Nevada (775) 861-6586

### **BLM Strategy to Manage Horses Upheld in Federal Court**

United States District Judge Richard J. Leon of the District of Columbia recently dismissed with prejudice a lawsuit challenging the Bureau of Land Management's (BLM's) strategy to manage wild horses.

In a September 7, 2004, decision, the Court agreed with the BLM that the claims presented by two nonprofit organizations and four individuals were "nonjusticible" and dismissed the case for "lack of subject matter jurisdiction."

In fiscal year 2000, the BLM determined that wild horse and burro populations in 159 of 192 herd management areas (HMAs) were overpopulated and that some animals needed to be removed to prevent damage to the rangelands and threats to watershed health. The BLM set forth a strategy which calls for gathers and removals, increased numbers of adoptions and creation of more facilities to hold excess wild horses or burros removed from the HMAs.

In discussing the case, Judge Leon said the strategy merely set forth criteria for implementing gathers and removals, lays out a removal schedule and identifies funding necessary to implement the schedule. He said this type of decision does not directly affect the plaintiffs because each state office creates its own population models and decides how many horses need to be removed from each herd in order to manage horses and conduct gathers. He also noted that all seven of the gathers and removals which the plaintiffs sought to stop were already "implemented before, or shortly after, plaintiffs instituted this action."

Parties to the lawsuit filed in September 2001 include The Fund for Animals, the Animal Legal Defense Fund and four individuals. They

claimed the BLM actions ran afoul of the National Environmental Policy Act <http://www.blm.gov/wo/st/en/prog/planning/news.html>, the Wild Free-Roaming Horse and Burro Act and the Administrative Procedure Act. The BLM currently manages approximately 37,000 wild horses and burros in 201 HMAs located in ten western states. When BLM's strategy to achieve healthy rangelands and viable herds is fully achieved, it will result in appropriate management levels of wild horses and burros in those HMAs. The BLM, an agency of the U.S. Department of the Interior <http://www.doi.gov>, manages more land—261 million surface acres—than any other Federal agency. Most of this public land is located in 12 Western States, including Alaska. The Bureau, with a budget of about \$1.9 billion, also administers 700 million acres of sub-surface mineral estate throughout the nation. The BLM's multiple-use mission is to sustain the health and productivity of the public lands for the use and enjoyment of present and future generations. The Bureau accomplishes this by managing such activities as outdoor recreation, livestock grazing, mineral development, and energy production, and by conserving natural, historical, cultural, and other resources on the public lands.