

# *Triple B Wild Horse Gather Team's Review*

## *Introduction*

The Triple B gather in Nevada removed 1,269 wild horses between July 2 and August 30, 2011. The objective of the gather was to bring the wild horse population to an appropriate and sustainable management level, consistent with BLM's mandate to maintain healthy public lands and to manage the public lands for multiple use. During this gather, BLM Nevada also made significant efforts to make the gather accessible to the public, providing a high level of transparency so that all aspects of the gather could be observed by members of the public.

Public observers of the Triple B gather captured images and video of some of the wild horse gather operations. Included in the video footage were alleged instances of inhumane or improper treatment of wild horses, which led to the issuance of a temporary restraining order that prohibited helicopters from bumping or coming into excessively close proximity to wild horses during gather operations.

As part of the BLM's commitment to continually improve its programs, the BLM assembled a team to review the Triple B gather to determine whether any practices constituted inhumane treatment and to provide recommendations for improving wild horse management on public lands. Team members included team lead Ken Collum, BLM Eagle Lake Field Manager; Gus Warr, BLM Utah Lead Wild Horse and Burro Specialist; Steven Hall, BLM Colorado Communications Director; and Dr. Owen Henderson, APHIS Veterinarian. The team conducted their review Sept. 26 to Oct. 12, 2011, interviewing BLM staff, external animal welfare experts, and individuals from the gather contractor – Sun J Livestock. The BLM also reviewed declarations filed in U.S. District Court by public observers who documented alleged abuse at the gather. These observers were not interviewed due to ongoing litigation. In addition, the BLM reviewed 11 videos taken by public observers critical of the BLM's Triple B gather, as well as the more extensive collection of BLM videos, photos, and reports.

The available digital documentation, accounts of BLM staff, and statements from public observers indicated that for the most part hundreds of wild horses were handled appropriately and humanely by BLM contractor Sun J, operating under the management of an incident command structure staffed by BLM Nevada employees. However, a small number of videos indicated incidents that did not rise to the level of inhumane treatment, but which the team did determine amounted to poor practices that should be improved. A synopsis of the team's findings and recommendations are below, followed by a more detailed discussion.

## *Synopsis*

The obvious challenge of a review like this is the lack of consensus on what constitutes inhumane treatment. For wild horse advocates, gathering wild horses is inhumane under any conditions, while those in the livestock industry and Sun J may well view handling

techniques in a very different light. The team opted to rely on animal welfare experts to help determine what was humane, inhumane, inappropriate or appropriate handling of wild horses.

Among animal welfare experts, concerns were cited after reviewing certain segments of the videos of the gather taken by wild horse advocates. However, *no single incident offered a consensus among animal welfare experts that horses were treated inhumanely*. BLM staff interviewed by the team, like the animal welfare experts, also did not completely agree. Some BLM staff who witnessed loading incidents at the trap site reported that Sun J was “aggressive” or “rough,” and commented on Sun J’s need for more experience handling horses at the trap site. Other BLM staff stated that Sun J’s handling of wild horses was appropriate within existing BLM guidelines and standards.

The full context of specific situations may be lacking, making it difficult to evaluate the videotaped incidents. Nevertheless, after reviewing specific video clips from the gather the review team concluded that there were incidents where horses were not handled appropriately, and animal welfare experts cited several examples where handling techniques were inappropriate.

These incidents seemed in part due to a combination of poorly designed loading set up at the trap site, as well as unprofessional conduct by handlers at the trap site. Horses were observed being struck in the face, and often confused due to aggressive loading procedures and excessive pressure by multiple handlers. Several videos reveal that a few horses were repeatedly shocked with an electrical animal prod, sometimes in the face, and in one case, the use of this electrical prod led to a horse becoming stuck in a panel at the loading site. Some videos reveal horses being struck in more than one instance with the trailer gate to induce loading, and in one instance a horse appears to have been kicked in the head by a Sun J employee. In one video it appears that a horse was dragged into a trailer by a rope around its neck.

While these incidents did not rise to the level of inhumane treatment for the animal welfare experts involved in the review, they do provide examples for BLM to improve wild horse handling techniques, awareness and knowledge for BLM contractors, BLM staff and public observers to ensure that similar handling techniques or incidents do not occur at BLM wild horse gathers or BLM facilities.

The BLM Contract Technical Representatives (COTR) were on site when all of these activities occurred, but did not directly observe some of the incidents recorded by public observers. Overall, the BLM COTR noted that the Sun J contractor ground crew at times seemed impatient, lacking experience, and in need of more supervision to effectively and efficiently handle wild horses at the trap site. The COTR’s reluctance to address incidents may stem from a lack of clarity on what constitutes effective wild horse handling techniques combined with a tendency within the BLM to defer to the contractor.

Video footage provided by some public observers allegedly shows a helicopter bumping a horse. Sun J stated that the helicopter did not strike any horses during the gather, and

BLM COTR did not observe a horse being struck. The horse shown in the video also did not appear to have been injured by the incident that was recorded. However, whether or not the helicopter pilot used the helicopter to bump a horse during gather operations is incidental as the consensus – after viewing some of the videos – was that the helicopter operated too close to the horses at least twice involving two different horses. Helicopters should not ever make contact with wild horses. Animal welfare experts agreed that the helicopter operations likely did not injure the horses involved.

BLM Nevada operations and staff have improved significantly from past gathers, according to the BLM staff interviewed by the review team. However, the Incident Command System structure, while implemented, was not implemented fully. The ICS is used in wildland fire to effectively coordinate operations through a clear chain of command and delegation of specific responsibilities in accordance with the needs of the incident. Communication between staff on the ground and others in the BLM often occurred outside of the ICS structure. Nevada wild horse and burro staff remain resistant to the full implementation of the ICS system, with challenges between the COTR and the IC team.

Also, it appears that at times the COTRs did not intervene when apparent inappropriate handling of wild horses occurred, or the contractor was resistant to COTR recommendations on their handling practices. This may be due primarily to the lack of operational training and of clear guidance and policy within the BLM, or often conflicting or contradictory direction between the BLM national wild horse and burro program staff and the BLM's line officers, field staff and ICS teams. These issues can be addressed by clear direction from the national wild horse and burro program combined with changes to the BLM wild horse and burro gather contract and contract process.

The review team recommends that the BLM issue a guidance document addressing the handling of wild horses and that the guidance document be conveyed to everyone involved in future gathers. This will ensure that contractors, their staff, BLM personnel and the public will be aware of appropriate handling techniques and procedures for all future wild horse and burro gathers.

## *Findings*

The review team generally found that Triple B gather operations were done in accordance with current BLM policy. The BLM continues to make improvements in the handling of horses at gathers and in informing the public about wild horse management. Internal reporting and communication have also improved.

External animal welfare experts, as well as BLM employees, split on whether or not horses had been treated inhumanely in video documentation provided by public observers. Animal welfare experts agreed that the facilities for loading horses at the trap site were inadequate and added to stress on the horses being handled.

The review team and outside animal welfare experts did, however, note specific instances of inappropriate, aggressive handling and operational procedures in some of the videos that were reviewed, such as the following incidents:

- Helicopter operating too close to single horses
- Helicopter pursuing small groups or single horses too long
- Excessive and inappropriate use of electric prod, based on the opinions of the animal welfare experts' review of the videos
- Excessive use of wild rags as whips, especially around the head
- Kicking, slamming of gates, pinning in gates, twisting of tails during horse loading processes.

Video of the August 6, 2011 loading of wild horses into a trailer did raise concerns about inappropriate handling techniques. Due to an improper setup, a horse electrically prodded at the wrong time while facing the wrong direction wedged its head through a panel that allowed a view of a possible escape route. Of three external animal welfare experts consulted, one determined that horses were handled inhumanely based on the video. Two experts felt that the handling of wild horses was humane in that instance. All three animal welfare experts agreed that the facilities were inadequate and added to stress on horses and potential danger for the wranglers and the horses. Their assessments paralleled opinions among BLM staff about whether handling and facilities were appropriate.

An August 5, 2011 video shows what appears to be a horse being dragged into a horse trailer. Animal welfare experts said that a horse should never be dragged by its head under any circumstances.

The review team concluded that most of the incidents reviewed did not constitute inhumane treatment of wild horses. However, specific incidents of aggressive and/or impatient handling of wild horses did occur, specifically:

1. The helicopter pilot operated too close to single horses, and in one instance seemed to touch a wild horse with the helicopter's skid. The horse did not appear to be injured in this incident and Sun J stated the helicopter did not actually bump the horse.
2. Electrical animal prods were used sparingly overall during the Triple B gather, but in two videoed instances electrical prods were used aggressively, with electrical prods being applied repeatedly in a manner that likely confused horses and made efficient handling more difficult. Electrical prods were used on the heads of some horses when other means could have been explored. Animal welfare experts did not agree on when or under what conditions electrical prods should be used, and one animal welfare expert commented that electrical prods should never be used around the head. Electrical animal prods were used rarely during the gather and primarily during a period when horses at a particular trap site were reluctant to load or move.

3. Equipment at the trap site did not function correctly to facilitate loading wild horses in trailers. Specifically, snow fencing used to block view of potential escape routes on portable panels was missing at a critical location near the horse trailer loading area, leading to the majority of instances of inappropriate handling. Also, panels appeared to not be secured properly and/or were misaligned with the trailer leaving a gap between the trailer and panel.
4. In one instance, a wild horse was apparently kicked by a wrangler trying to free the horse, which had become stuck in a panel. This incident most likely resulted from improper corral set up and impatience in the handling of the horses.
5. In several instances, foals had their tails twisted during loading, adult horses were struck in the face by wild rags used as whips, and the appearance of confusion in the loading process led to frustration amid the wranglers and wild horses alike. Two or more wranglers worked the horses simultaneously causing additional confusion for the horses due to a lack of coordination.
6. Overall, from roping to sorting to loading, more efficient and professional horse handling would have benefited the Triple B contractors and wild horses on several occasions. Patiently waiting to allow a horse or group of horses to calm down must be an option considered by the handlers and the COTR.

### *Recommendations*

In interviewing the BLM participants in the gather, as well as public observers, it became apparent that overall the BLM contractor's handling of wild horses was generally humane and met natural resource and wild horse management objectives. During the reviewed incidents, which constituted only a small percentage of the overall gather operations, some instances of inappropriate handling and operational decisions were noted as detailed above.

At the Triple B gather, a lack of clarity or specificity in BLM policy made it unclear for the contractor and BLM staff to know what constitutes appropriate and humane handling of horses. Also, the dynamic between the Contracting Officer's Technical Representative (COTR) and the contractor may lead to blurred lines of responsibility and accountability that the BLM should clarify with BLM staff as well as contractors. Based on its review of all available videos, photographs and interviews with BLM staff, contractors and outside experts, the Triple B review team recommends the following actions:

1. BLM needs to review and update Standard Operating Procedures, contract provisions, procedures and guidelines for gather operations to ensure clarity of management expectations on what is appropriate and what is inappropriate.
2. BLM needs to provide continuous training to all gather participants, in order to manage and implement the ICS system and new process expectations outlined

above.

3. Guidelines for helicopter operations should be issued to prohibit helicopters from making contact with any wild horses or burros during a gather. Guidelines should also be developed for the capture of small groups and single horses, as to when, when not and how much time should be expended guiding them to the trap site. Exact guidelines for helicopter operations are problematic and exceptions will always come into play, given the challenge of wild horse gathers and the lack of clear guidelines for the use of helicopters in wild horse gathers or for operations involving other wildlife, where many of the same challenges apply.
4. BLM should develop training on appropriate wild horse handling and corral management at trap sites and holding pens to make the handling of wild horses more efficient and less stressful on the horses. This training should include BLM and contractor staff.
5. A system for tracking incidents, from the use of electrical prods to roping to injuries or reports of animal welfare concerns, should be developed to provide data on the BLM's handling of wild horses. The review team believes this will demonstrate that issues like the specific incidents at the Triple B gather are the exception, not the rule. A tracking system like this will further the BLM's effort to improve wild horse welfare during gathers.
6. The use of electric prods should only occur after the approval of the COTR unless an animal's health or immediate safety is in jeopardy. As a general principle, electric prods are not used routinely on wild horses or burros, except when animal or human safety is in jeopardy or as a last resort. The BLM should develop a policy that directs specific use of electric prods and identifies the types of circumstances when they should or should not be used. All uses of a hotshot should be documented as to the rationale and outcome.
7. Horses should be roped only after approval by the COTR. Any roping or tying of a horse should be followed up by an onsite veterinarian examination. A roping/tying protocol should be developed by the BLM for all gathers. All roping incidents should be documented as to the rationale and outcome.
8. Horses on the ground should never be dragged by their head or neck. The BLM should investigate and implement alternative methods of moving horses that are on the ground, including use of horse "rescue straps" or sliding boards to protect horses that must be moved while on the ground. All necessary incidences where a horse is dragged should be documented as to the rationale and outcome, including a veterinarian report.
9. Selected footage from this and other gathers should be used to train and to re-enforce appropriate handling techniques and proper trap, loading and holding facility for BLM and contractor staff. Wild horses should never be kicked, struck in the face, or be struck by trailer gates as a means of encouraging animals to load

into trailers.

10. Wet mares and foals should be paired up as quickly as possible, usually within 4 hours of capture. Water for foals should also be provided within 4 hours of capture or even sooner if young foals are being handled.
11. Prepare better video documentation of gathers to provide a more useful record, and make the best use of technology to improve transparency and provide a record to improve future gather operations. Importantly, *BLM* documentation should be indexed and archived. BLM staff should be equipped with cameras and/or binoculars comparable to what can be expected from media and public observers.

Attachments:

Triple B Wild Horse Gather Team Charter

<http://on.doi.gov/TripleBCharter>

**BLM Response to Wild Horse Gather Team's Eleven Recommendations**

<http://on.doi.gov/TripleBResponse>

News Release

<http://on.doi.gov/TripleBRelease>