

# ATTACHMENT 1

## Affidavit of Dr. Lester Castro Friedlander DVM

I Dr. Lester Castro Friedlander, DVM., of Bradford County Pennsylvania do swear under penalty of perjury that the following statements are true to the best of my knowledge:

I am the president of Citizens Against Equine Slaughter (CAES) a national 501c3 non-profit based in Oregon.

The purpose of CAES is as follows:

### MISSION STATEMENT

- Stop the practice of equine slaughter and protect equines from cruel and harmful practices;
- Monitor the government's land use and resource management activities, as well as the impacts of agency decisions on equines;
- Inform and educate the public about the decisions and activities of government agencies affecting equines; Work with the government, the public, and all interested parties to promote sound policies and laws that protect equines.

*This is prominently displayed at our website at [citizensagainstequineslaughter.org](http://citizensagainstequineslaughter.org)*

I was a veterinarian for the New York State Racing and Wagering Board in the racehorse industry for 2.5 years as well as for the USDA for 10.5 years after that. And as such I am concerned about the Bureau of Land Management (BLM) diagnosis and euthanasia of horses as having pre-existing conditions that are both questionable and unlikely, as well as inadequately diagnosed in the absence of standard diagnostic tools.

BLM reports and documentation of injury and death after and during helicopter roundups shows extreme animal cruelty as well as is inconsistent. BLM does separate web pages for each gather. Each of these pages have links to click for the Daily Gather Reports. The daily gather reports include information on how many animals are gathered, shipped, injured, and/or dead. Some webpages have a second link or tab for veterinary reports significant to that gather, while yet other pages have no tab for veterinary reports. Even pages that report deaths often have a tab for these veterinary reports, but when you click on them no reports are available.

Another recent helicopter round up was done at Warm Springs Oregon with multiple deaths also lacking information. Concurrently, CAES submitted a FOIA request for the veterinary reports on these recent deaths. Because the FOIA process takes a good length of time we do not have those reports back so I can only give my professional opinion of extreme animal cruelty based on the information provided by BLM this far.

**BLM Helicopter Roundups: Extreme Animal Cruelty and Transparency Issues.**

### Consistency and Transparency

Example 1. & 2. Shows a tab to click for the Daily Gather Reports, as well as a Tab for Veterinary Reports. Even though there are deaths reported there are no veterinary reports provided.

#### Example 1

You must check in, in person, individually, with the BLM official at the meeting site (Burns District BLM Office, 28910 Hwy 20 W; see Field Observation Protocol for more specifics) to be considered. Observers will be led in a caravan to and from the gather site by BLM employees. **Personal, high clearance, 4-wheel drive vehicles are REQUIRED.** If you do not have adequate transportation to the observation area, you may attempt to carpool with other observers (at their discretion), but this option is not guaranteed. Access to and distance from the capture site location will be determined jointly by the Contractor and the BLM's Contracting Officer's Representative prior to gather operations. Safety of the horses, crew and public, is our top priority.

For more information and to find the progress of the gather and/or whether or not a viewing opportunity exists each day, first check our Social Media sites (Facebook or Twitter)—you do not need to have an account on these sites to view the content. You may also call Tara Thissell, Burns District BLM Public Affairs Specialist, at 541-573-4519 or email [tthissell@blm.gov](mailto:tthissell@blm.gov).

**Background:**

The Kiger and Riddle Mountain Herd Management Areas (HMAs) lay about 50 miles south of Burns, Oregon, and are bordered by Kiger Gorge on the west and East Steens Road on the east. The "Kiger" horses, as they are commonly known, have had an almost 100 percent adoption rate since 1986. The respective Appropriate Management Level (AML) herd sizes are 33 head for the Riddle HMA and 51 for the Kiger HMA. Due to the small herd size, popularity and adoptability, PZP contraceptives and returning/releasing geldings into the wild are not considered for these herds.

GATHER REPORTS	+
VETERINARY REPORTS	+

#### Example 2

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GATHER REPORTS	+
VETERINARY REPORTS	-
<i>There are no veterinarian reports to display at this time.</i>	

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Example 3 Shows the same District Office, but a different HMA wild horse gather, with a tab for Daily Gather Reports, but no tab for Veterinary Reports, even though at the time of this affidavit that ongoing gather is at a 3.8% death rate.

## Adoption

Many horses from the Warm Springs gather will be available for adoption beginning in early January 2019. Adoption horses have yet to be selected. The method of adoption (online event, in-person event, first come first serve, etc.) is still under consideration as well.

## Other

For more information and to find the progress of the gather and/or whether or not a viewing opportunity exists each day, first check our Social Media sites. Go to our [Facebook](#) or [Twitter](#) pages—you do not need to have an account on these sites to view the content. You may also call Tara Thissell, Burns District BLM Public Affairs Specialist, at 541-573-4519 or email [tthissell@blm.gov](mailto:tthissell@blm.gov).

The supporting planning documents for the Warm Springs HMA gather and Spay Feasibility and On-range Behavioral Outcomes Assessment are available on the [BLM's ePlanning web site](#).

DAILY GATHER REPORTS



Example 4 Shows, from a different district office, a tab to click for the Daily Gather Reports, Facility Reports (which outline the condition of the horse upon and immediately after arrival of the horses from the gather to the holding facility), and it shows the tab for Veterinary Reports, and in this example there are 4 of them with necropsy reports.

**Public Observation on the Winnemucca District:**

The BLM is committed to providing as much public access as possible, however, the Herd Management Area is rugged and remote and public safety is our first priority. Due to private land access issues, the observation days will be on Tuesdays and Thursdays. Please check the gather hotline for any updates or changes.

**Background:**

The excessive wild horse populations in the complex have contributed to Appropriate Management Levels (AML) above the high end of AML in the three HMAs. The three HMAs also contain prime Sage Grouse Habitat which is being negatively impacted by the over populations of wild horses.

**Additional Information as of December 1, 2016**

The BLM will also remove 200 additional horses from non-HMA land near Little Owyhee HMA and Snowstorm HMA to relieve pressure on forage and provide for public safety. Public viewing will be allowed near the trap location.

For more information on the Wild Horse and Burro Program, call 1-866-468-7826 or email [wildhorse@blm.gov](mailto:wildhorse@blm.gov).

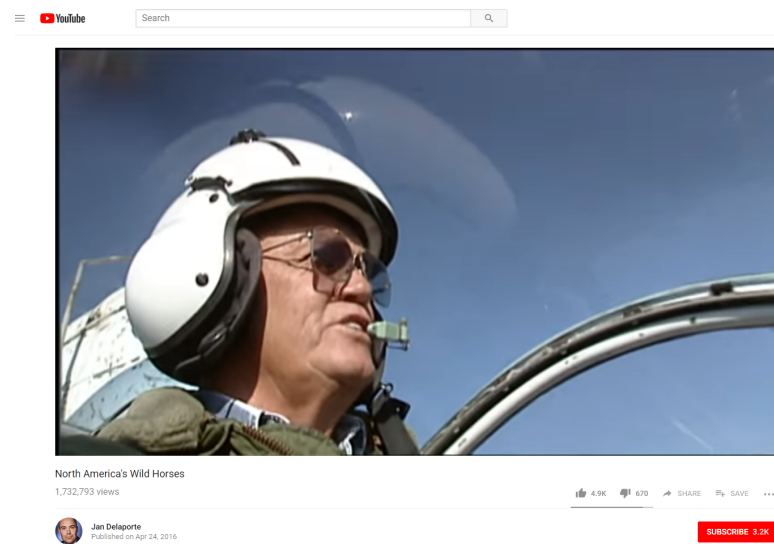
GATHER REPORTS	+
FACILITY REPORTS	+
VETERINARY REPORTS	-
<a href="#">Necropsy/Veterinary Examination Report 11-6-2016</a>	
<a href="#">Necropsy/Veterinary Examination Report 11-8-2016</a>	
<a href="#">Necropsy/Veterinary Examination Report 11-21-2016</a>	

In these 4 examples I believe it is important to note that one district office does not provide veterinary reports at all, while another provides all reports, including facility reports. So our concerns about the transparency surrounding the deaths is further supported by this inconsistent reporting.

### **Extreme Animal Cruelty**

There are a very large proportion of what BLM calls “pre-existing conditions” mentioned in these gather reports as determined AFTER the round ups. I question many of these determinations based on the lack of medical testing to determine the injury, or the age of the injury. Without those tests BLM cannot make a determination that an injury, such as bone fracture was pre-existing, unless that horse was documented as lame before the helicopter gather began, in which case stampeding it with a helicopter over long distances and varied terrains for extended periods would be extreme, painful, animal torture and cruelty and which would only make a condition worse.

In a video “North America’s Wild Horses”<sup>4</sup> BLM contractors, who perform this and many gathers, Cattoor Livestock Roundup Company used a helicopter pilot named Jim Hicks who talks about some of the difficulties he encountered during a gather such as maneuvering to get horses to come out of the trees, and the statement that concerns me most because it is still an issue 12 years after this documentary came out, is the helicopter getting very close to the horses and as this documentary said “Jim has had to get close to the ground, pushing the stallions with the helicopter skids...” The narrator explains that Hicks feels stallions are the most difficult to drive into the traps and said “They are not as easily frightened by the helicopter (as mares or foals).



Pushing the animals with the skids, if taken literally is not allowed per law, and in this Muddy Creek gather the pilot flew so low that the pilot is seen less than 100 feet from a human, a clear FAA violation



<sup>4</sup> North America’s Wild Horses  
A Jan Delaporte co production with Swedish national broadcaster SVT 2002,  
<https://www.youtube.com/watch?v=G7lpkPITe78>



North America's Wild Horses  
1,732,793 views

4.9K 670 SHARE SAVE ...

Jan Delaporte  
Published on Apr 24, 2016

SUBSCRIBE 3.2K



North America's Wild Horses  
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Other conditions listed as pre-existing or chronic are simply medically impossible, some of those conditions include vaginal/rectal prolapse, colic and cervical injury resulting in loss of hind limb control. These are emergency situations where a horse would not survive for days, let alone months to be labelled a pre-existing condition. One must ask what BLM deems the length of time a horse must have had an illness or condition for it to be considered chronic/pre-existing. And if they can prove they were pre-existing again why were they inhumanely stampeded long distance over 5 - 10 minutes, with a helicopter?

I go into some of these in greater detail below. In my professional opinion, BLM is causing many of these injuries during the stampede, trapping, and transporting and again, if not, they should not be included in a stampede round up by helicopter over differing terrain and long distances. In the 2002 documentary BLM Wild Horse & Burro Specialist Bob Brown acknowledged that the gather put stallions together that have long been competing with each other. He stated: "Some of these stallions, they absolutely hate each other and uhm, I've seen them where they fight coming into the wings at the end of the trap, fighting going onto the trailer. They fight in the trailer and when we turn them into the stallion pen and they fight there until they ship. They fight on the truck when we ship them to Palomino Valley." Dr. Lennart Curt Østblom, DVM comments he's seen that behavior too and says they are mean. Bob Brown then says "They are. They can kill a mare, they can kill a foal really easily."



This supports my claims that BLM is knowingly breaking the animal cruelty laws both state and federally. Animal fighting and promoting it are so serious that the FBI tracks these types of individuals.



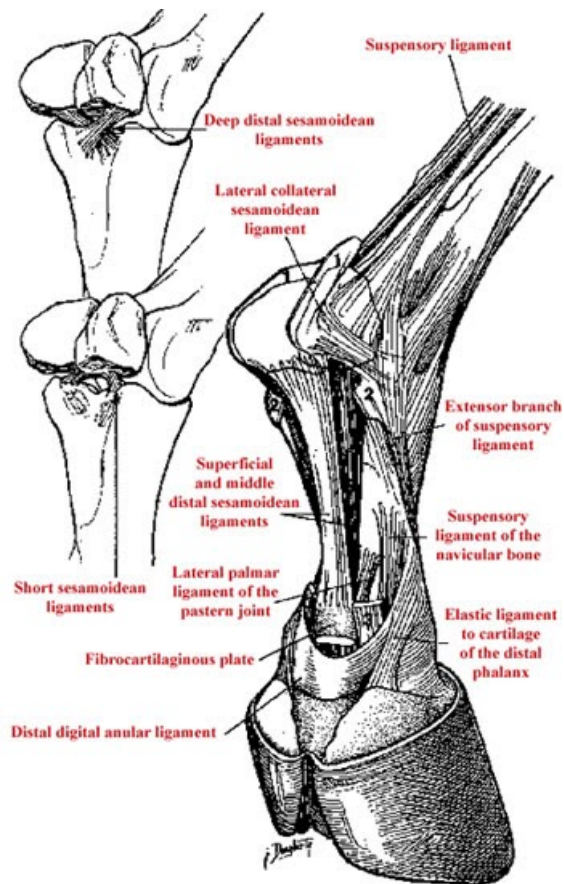


**Pre-existing Conditions Listed on BLM Daily Gather Reports Resulting in Euthanasia of Wild Equines That Are Medically and Scientifically Questionable**

**I. BILATERAL RUPTURED SES(A)MOIDS Listed on the Warm Springs Wild Horse Gather, Daily Report dated 10/16/201**

The first incidence is one I have only seen BLM use one time and that is “bilateral ruptured ses(a)moids”.

Sesamoid ruptures/fractures are an injury common in the race industry. The distal sesamoidean ligaments, suspensory ligament and sesamoid bones make up the suspensory apparatus and hold the fetlock in correct position. Injury of any of these leads to a failure of support of the fetlock joint (one of the common catastrophic injuries in the racehorse).



It is an injury caused by exposing the animal to high speeds that are unnatural to the ligamentary and skeletal load an equine is able to handle without such damage to the suspensory system.

The New York Sun explained that because *“thoroughbreds are bred for flashy speed and to look good in the sales ring ... the animal itself has become more fragile”* This statement is in stark contrast to the well known hardiness and physical strength and stamina of a wild mustangs.

According to a study done on 269 deceased Thoroughbred racehorses (Ref. 1) results showed that sesamoid bone fractures occur more often in horses that were sexually intact males, spent more time in active training and racing, completed more events, train and race longer and have higher exercise intensities.

From BLM Warm Springs Daily Gather Report (below) you can see that this was a mare, which in a wild horse also makes it less likely for natural activity of the magnitude typical for these fractures to have occurred, unless they occurred during the stampede by helicopter.

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***“10/16/18: A 7 year old sorrel mare (BCS 3) captured 10/15/18 was humanely euthanized in accordance with IM 2015-070 due to pre-existing bilateral ruptured***

***sesamoids in her hind legs, which caused severe lameness.” -BLM Warm Springs Wild Horse Gather, Daily Reports***

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The other note on this statement of BLM is that this was a mare with a Henneke Body Condition Score (BCS) of 3 which is below average, meaning the horse was below average weight. On the occasion that a horse that is not a racehorse suffers ligament or bone issues of the sesamoid structures it is likely to be a horse that is overweight, thus putting additional weight on the suspensory system and exacerbating the injury itself. If the horse was thin due to the injury itself and BLM claims they could visually diagnosis sesamoid rupture of the ligament then the horse would have showed lameness and it was intentional cruelty and extreme animal abuse to stampede her with a helicopter.

These injuries can be tricky to spot. Even with severe injury, the signs can be confusing. Bruising, infections and injuries to tendons can produce similar heat and swelling. A veterinarian cannot diagnosis this with a visual observation. It involves a hands-on exam, flexion tests and local nerve blocks. An ultrasound or MRI scan can help pin down the location and reveal the extent of damage to the ligament, and X-rays will show if bone is involved.

The sesamoid bones are maintained in position by the branches of the suspensory ligament proximally and by a number of sesamoidean ligaments distally. Because of the great stress placed on the fetlock during fast exercise, the abaxial portion of the proximal sesamoid bones is susceptible to stress-related injury. Sesamoiditis is a clinically distinctive condition; however, it is poorly characterized pathologically.

The clinical signs are similar to, but less severe than, those resulting from sesamoid fracture. Depending on the extent of the damage, there are varying degrees of lameness and swelling. Pain and heat are evident on palpation and flexion of the fetlock joint. Radiographic evidence of sesamoiditis involves periarticular osteophytes, enthesophytes, focal osteolysis, and enlarged vascular channels (or linear defects in the abaxial margin of the proximal sesamoid bones). Grading scales for sesamoiditis exist and particularly note the vascular channels on radiographs. Severity of sesamoiditis on radiographs has been linked to a decrease in racing performance in one study. In another study, when radiographic signs of significant sesamoiditis were present, horses had a 5 times greater risk of developing clinical signs of suspensory ligament branch injury with onset of training.

Sesamoid fractures occur (Fig 9) in the area of attachment of the suspensory ligament. Horses will present with lameness and synovial effusion. There is commonly thickening over the branch of the suspensory that attaches to the sesamoid fracture. The diagnosis is confirmed by radiography.

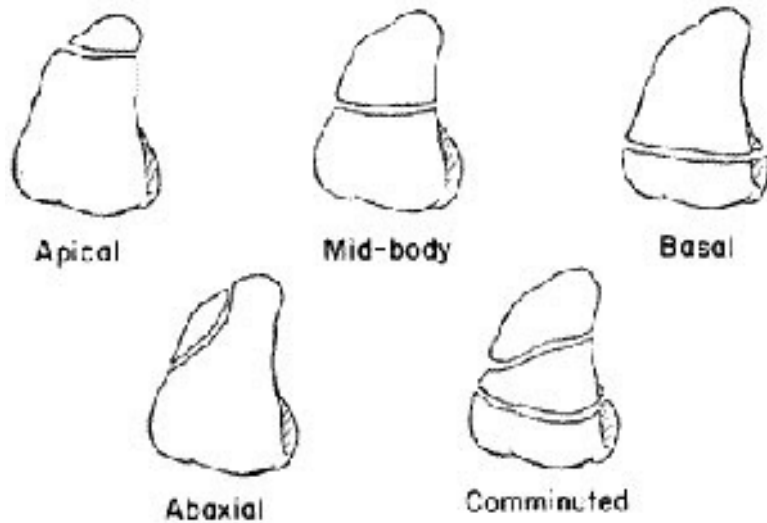


Diagram showing configuration of sesamoid bone fractures

During early training of racehorses skeletal changes are seen. Previous studies (Reference 2) found a decrease in the mineral content of the third metacarpal bone during the first months after a young horse enters race training. As the intensity of training increased, in activity and speed required of the animals studied there were marked increases in bone mineral content as well as increased calcium, phosphorus and osteocalcin levels in the blood. *“To explore the skeletal adaptations involved in early race training, bone density and morphometry were tracked in 15 Thoroughbred yearlings as they began training at a facility... During training, dorsopalmar radiographs of the third metacarpal bone were taken on a monthly basis and an aluminum step wedge was exposed simultaneously as a reference standard. Plasma concentrations of calcium, phosphorus, and osteocalcin were also measured monthly.”*

These injuries would be highly unlikely to occur in wild horses unless the horse has been repeatedly stampeded at high speeds, and as shown above the diagnosis cannot be made by simply observing the horse. The diagnosis must be made with a minimum of radiographs. Other methods of diagnosis are more accurate because a sesamoid fracture is often difficult to see on a radiograph..Standing MRI scans can be used to detect a sesamoid fracture soon after it occurs.

Fractures of the proximal sesamoid bones involve the apex, body or basilar portions of the bone. A radiograph in addition to showing the location of the fracture (which determines the treatment to be employed), provides additional information of value to the clinician. The extent of fragmentation and separation is an indication of the severity of soft tissue injury which may have a significant influence on prognosis. In addition to the presence or absence of new bone the appearance of the margins of the fracture is of value in estimating the interval which has elapsed since the fracture occurred. Which would determine whether the injury was in fact pre-existing or a fracturing caused by the recently completed helicopter stampede.

Radiographs taken soon after the trauma illustrate sharp edges of the fracture line with bone of uniform density on either side. In contrast a fracture 14 days old appears wider and its margins less easily identified (Figs 2a and b).



*Fig 2a. LM view of the left fore fetlock joint of a 10-year-old Thoroughbred gelding with a history of sudden onset lameness while show-jumping two days previously, showing a fracture of the medial proximal sesamoid bone. The edges of the fracture line are sharply outlined and the bone on either side is of uniform density*



*Fig 2b. APLMO view of the right fore fetlock joint of an 11-year-old Thoroughbred gelding injured in a cross country event six weeks previously, showing fracture of the proximal sesamoid bone. The edges of the fracture appear very irregular in outline and the bone on either side is of variable radiographic density. Early periosteal new bone is visible on the abaxial border because of tearing of the attachment of the suspensory ligament*

It has not been the standard procedure of BLM to have radiographs done, and never to my knowledge a standing MRI, on a horse exhibiting any level of lameness, therefore, I question the statement made on the BLM daily gather (death) report of a bilateral rupture of the sesamoids. And it is my opinion that absent the minimal diagnostic radiographs there is no possible authenticity to a claim that determines this as a pre-existing injury, if in fact there is a bilateral ruptured sesamoid injury. Therefore again, if this was pre-existing, this horse should not have been in a helicopter round up.

## **II. ANGULAR LIMB DEFORMITIES (ALD)**

From one gather alone, the Warm Springs Herd Management Area (HMA) in Oregon, on one day alone (Friday, October 5, 2018) the BLM listed 11 horses as euthanized due to ALD. (Per Daily Gather Report)

*The following animals were humanely euthanized in accordance with IM 2015-070 due to angular limb deformities (ALD) in one or multiple limbs and feet. Because these angular limb deformities appear to have a genetic component and because the severity*

*of these deformities were causing severe lameness, these animals were not suited to return to the range or placement in off-range holding or adoption. These conditions were indicated by club feet, severely overgrown hoof walls, collapsed heels, limb deformity, arthritic joints, toes pointed out at the fetlock, and lameness:*

*A 3 year old pinto mare (BCS 3): Bi-lateral ALD*

*A 3 year old appaloosa mare (BCS 3): Severe club foot, left front*

*A 5 year old appaloosa stud (BCS 5): Bi-lateral ALD*

*A 7 year old bay stud (BCS 4): Bi-lateral ALD*

*A 2 year old bay stud (BCS 3): Bi-lateral ALD*

*A 5 year old appaloosa stud (BCS 5): Bi-lateral ALD*

*A 3 year old sorrel mare (BCS 3): Left front ALD and severe knee arthritis*

*A 7 year old bay mare (BCS 5): Severe club foot, right front*

*A 2 year old palomino mare (BCS 3): Bi-lateral ALD*

*A 3 year old dun stud (BCS 3.5): Left front ALD*

*An 11 year old pinto stud (BCS 4): Bi-lateral ALD*

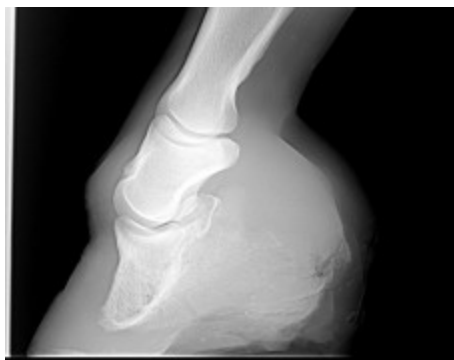
BLM states ALD is indicative of “genetics” There needs to be a complete genetic analysis done, and every horse chosen for removal should be chosen because of the genetics they would not want to continue in the herd. If this level of congenital anomaly is being seen then one must question the overall genetic health of the herd. Are they inbreeding, is this why there is this extremely high incidence of what BLM considers a “genetic component”?

ALD is common in foals for domestic horses, however there are no studies on the survivability or pain levels of an adult with ALD because it is corrected when the foal is young and abled to be molded. I question the statement that a horse with clubfoot, overgrown hoof walls, and many other foot issues, is not a good candidate for an adoption program (per BLM above statement). These are all conditions that can be, and regularly are, treated in domestic horses often with the aid of a good farrier.

Performance Equine Veterinary Services stated the importance an exam for a proper diagnosis. *“There are genetic reasons for the development of this condition of the digit joints (clubfeet) (photo below). Other factors involved are diet and exercise. Clubfoot also can be associated to pain in other region of the limb therefore is very important a complete lameness exam in order to discard a lesion elsewhere in the limb. Clinical signs of a clubfoot are a prominent bulge at the coronary band, increase in length of the heel relative to the toe, and failure of the heel to touch the ground after trimming. As the hoof growths it develops a boxy shape and a dish shape at the level of the toe.”*



*“Equine club foot is defined as a hoof angle greater than 60 degrees. What we see externally as the equine clubbed foot is actually caused by a flexural deformity of the distal interphalangeal joint (coffin joint). Causes include nutritional issues, heredity, position in the uterus or injury. The condition is most often encountered in young animals and can be either congenital (they are born with it) or acquired. Often one front foot is worse than the other. Cases can be very mild or quite severe. A foal with coffin joint flexural deformity that is left untreated or treated unsuccessfully often suffers from lameness, chronic hoof abscesses, and laminitis. In the very young foal medical treatment may include oxytetracycline to relax the tendons on the back of the leg, splinting, and corrective trimming with toe extensions. When these medical therapies do not work or in severe cases surgical therapy involves cutting the accessory ligament (inferior check ligament) of the deep digital flexor tendon to allow manual manipulation of the joint and hoof capsule as well as allow the soft tissue structures to lengthen and assume a more normal orientation. Horses with more mild cases may be managed throughout their life with attentive trimming and shoeing.” - Weitz Equine Veterinary Services*



Weitz Equine Veterinary Services © 2018

BLM has not done the proper tests to determine the cause of these ALD type issues to know if

they are genetic or congenital. They are merely guessing. A guess is not good enough when they are the agency tasked with the health of the not only the individual horse, but also the herd as a whole, self-sustaining and thriving unit. If there are genetic problems at this level of occurrence then BLM needs to be addressing that issue, and not planning to go willy nilly into removing them to satisfy AMLs that have been proven to be arbitrary. (national Academy of Sciences, A Way Forward)

These 11 deaths and 2 additional listed as ALD, 2 additional listed as clubfoot (not ALD), 1 bilateral stifle injury (knee), and 3 additional limb fractures (from one gather) prove not only that the herd health is insignificant to BLM, but it also proves that there is NO mechanism in place to observe the herd for these lameness issues before the gather happens and as such these horses that are so lame that BLM claims the need to euthanize them, are brutally and cruelly chased at stampede speeds with a helicopter. Then after that torture they are simply shot. This is not management, it is government sanctioned, illegal and sadistic torture of animals.

### **III. CERVICAL/SPINAL INJURY**

Is there any clinical examination of spinal cord function to make this determination? I do not believe it would be possible with wild horses as most of the tests (listed below) routinely done to diagnose spinal injury are done with hands on testing

- General Examination of the Neck, Trunk, and Limbs
- Slap Test
- Cervicofacial Reflex
- Cutaneous Trunci Reflex ("Panniculus")
- Back Reflexes
- Tests for Limb Strength - hopping test, tail-pull test,

Wild and excited, anxious horses cannot be accurately examined, and even weak horses may test as normal if not relaxed, this is a problem for domestic horse diagnostics which would make it even more difficult to accurately perform testing of wild animals.

Additional to these initial hands on tests there of course are radiographs and myelography that would show these injuries, but as I mentioned above those are not tests used to determine issues of lameness, injury etc of wild horses. Absent these tests BLM is again guessing at the diagnosis, and therefore could be euthanizing a horse that could be treated with steroids or anti-inflammatory medications that would correct the what is an appearance of paralysis or lack of control caused by a cervical injury..

Again I must reiterate my feelings of how utterly irresponsible, illegal and inhumane it is to have chased one such horse with "loss of control of rear legs" with a helicopter. This loss of control of the limbs again would be something that is easily observed. The horse should have been noted before gather operations began, and should not have been cruelly chased down with a helicopter. If pre-gather observation does not happen then this is normal behavior of the BLM, and it is willful, and knowingly committing extreme animal abuse and cruelty. Obviously the BLM



has the capability for observation of horses pre-gather because the same gather on the same day, BLM posts daily:

10/4/18: A 5 year roan stud (BCS 4) was humanely euthanized in accordance with IM 2015-070 due to a pre-existing cervical spinal injury that had resulted in severe lameness and lack of control of rear legs.

10/4/18: A 4 year old black stud was humanely euthanized in accordance with IM 2015-070 in the field due to a pre-existing cervical spinal injury that had resulted in severe lameness and lack of control of all legs. This stud had been observed the previous 2 days showing complete loss of body control.

One horse, the first listed was apparently gathered after being chased with loss of control of rear limbs, while the other was euthanized in the field. However, BLM doesn't necessarily say that the field doesn't mean at the trap site, but because "at the trap site" is terminology they use elsewhere in these gather/death reports I feel it is fair to infer that this second horse was euthanized before being gathered into the trap site.

#### **IV. VAGINAL/RECTAL PROLAPSE**

Vaginal or rectal prolapse is a dire emergency situation. It can not be called a pre-existing condition.

Uterine or rectal prolapse is not common in equines, however if happens within days, if not immediately after foaling. This diagnosis is a huge red flag that either this mare delivered her foal, or aborted it while being chased by helicopter. Recent gather's have been video recorded of a mare being chased as she was delivering a fetus, it is unknown if she aborted or delivered a full term fetus, or if that fetus was ever located. Was this foal located? If, as BLM claims it was a tear from foaling then where is the foal that cannot be more than days old, if not just hours old when this report was made. Again...helicopter gathered are not safe and result in incidents like this where a mare that either aborted, or needed immediate medical attention if she was to care for her foal was simply ignored. A rectal or uterine (vaginal) prolapse is visible, it is an organ hanging out of the mare, and no helicopter pilot should EVER be chasing an animal such as this.

This is the post from BLM Warm Springs Daily Gather Reports on this mare:

*10/4/18: A 16 year old palomino mare (BCS 2.5) was humanely euthanized in accordance with IM 2015-070 due to a pre-existing vaginal/rectal tear from foaling, resulting in a chronic partial rectal prolapse with a poor prognosis for recovery.*

#### **V. SWAYBACK**

Again looking at the Warm Springs gather BLM posted this on the Daily Gather/Death Reports:

*“10/8/18: A 3 year old blue roan mare (BCS 4) was humanely euthanized in accordance with IM 2015-070 due to a severe sway back condition.”*

Swayback or lordosis is weakening of a horse's supporting ligaments along the spine. Causes of lordosis include genetics, pregnancy, age, conformation, excessive strain on the back and lack of exercise.

In this case where the horse is very young, and is not domestic, therefore not subject to excessive strain of being ridden, or not subject to a lack of exercise, the cause would likely be genetic.

According to E. Bailey, of the Department of Veterinary Science, MH Gluck Equine Research Center, University of Kentucky “congenital lordosis has been reported to be associated with incomplete development of the upper thoracic vertebrae in the area of T5-T10. This causes overextension of the vertebral joints in the area and leads to this conformational problem.”

Radiographs of the area could confirm the diagnosis and would help determine that this was in fact a genetic issue. Again what is going on with the genetic health of this herd is a big question with all of the listed conditions that are more commonly congenital than not.

I do not disagree that this condition is pre-existing, but I do disagree with the necessity of euthanasia due to the condition. While horses with lordosis are more prone to back pain, many domestic horses are able to be ridden, and some even compete. I have seen some horses being ridden into their 20s with significant lordosis and without pain.

## **VI. COLIC**

Colic is not a pre-existing medical condition it is an urgent, immediate, call the veterinarian condition, according to the Dick Vet Equine Practice Fact Sheet: Colic, the instructions listed if you believe your horse has colic are “Call your vet immediately - colic is a true veterinary emergency and time is of the essence.” And having been around horses for all these years I could not agree more with that statement.

Given the extreme urgency associated with colic in a horse, it stands to reason that the colic is a clinical sign of another issue that needed to be investigated. But it could not have been pre-existing because the horse would have been dead before it got to the holding facilities to be euthanized.

“Colic in horses is defined as abdominal pain, but it is a clinical sign rather than a diagnosis. ... The most common forms of colic are gastrointestinal in nature and are most often related to colonic disturbance. There are a variety of different causes of colic, some of which can prove fatal without surgical intervention.” - Horse colic - Wikipedia

The biggest cause of colic is is a sudden abundance of fresh grasses, or inappropriate types of hay, things a wild horse may not be accustomed to that cause a sudden change for the digestive system. I believe if colic was present it was due to human error at the holding facilities or in the trap site.

## **VII. BLINDNESS**

The Warm Springs gather reports only list one horse euthanized for being blind, which is low compared to other gathers. The horse listed in this instance was a 14 year old. The horse is also listed with a BCS of 3 which is within an acceptable range for a wild horse, who is 14 and has a disability. However, he was surviving and managing out there, and there is no need to kill him just for being blind. This happens very commonly. I do not believe that BLM should be selecting what horses survive as part of a management plan. Blindness is not painful, it is not contagious, and old horses who are blind but healthy possess much knowledge the herd depends on.

Selecting horses that are allowed to live out their lives on the range based on their ability or possible desirability (which is the case with the Kiger mustangs in 2 Herd Management Areas in Oregon) to collector/breeders is not management of wildlife. It is interfering with wildlife in an unnatural way.

Other Pre existing Conditions that are questionable but that I am not going to go into in such depth as I have above are 3 horses listed as having a pre-existing condition of a broken back, (different from those previously discussed as they are not listed as cervical which was discussed above), water deprivation or toxicity, emaciation, heavy parasite load, lip tumor, pneumonia, and several that do not even list the pre-existing condition.

The statistics on euthanasia of gathered horses in gather reports I analysed from 2015 to present show that most horses euthanized are a result of previous injuries which may have subsequently resulted in ALD and lameness, or ALD that is believed to be congenital resulting in lameness. Without proper use of diagnostic tools there is no way for BLM to determine if these were in fact pre-existing in many cases.

Inspection of the daily gather reports from BLM's wild horse gather pages daily reports (See Reference 52) which were still online, from 2015 to 2018 we found the following results:

<b><u>Condition</u></b>	<b><u>Number Euthanized</u></b>
ALD, Lameness or Old injury (included clubfoot)	92 (29)
Unlisted Pre-existing Condition	28
Blindness	25
Age Related (Tooth, Arthritis, Low BCS etc.) Body Condition Score (BCS)	19
Non Age Related low BCS	13

Illnesses (Colic, Pneumonia, lip tumor)	7
Water Deprivation or Toxicity	3

The Horses that BLM admitted were euthanized due to the gather from injuries (mostly broken necks) were 37. And 3 foals that were orphaned.

A horse so frantic that it runs into panels and breaks its neck is a terrified horse. This is unacceptable and it cannot be categorized as management, but rather planned, intentional murder.

Helicopter gathers have proven to have much higher death rates than BLM has stated to the public, many times in many places, for example Rob Sharpe, the Wild Horse and Burro Specialist for Burns District Office BLM in Oregon, stated that the death rate from helicopter gathers was less than 1%. As of October 26, 2018 (the gather has not yet been listed as completed) the gather of the Warm Springs herd, of which he is overseeing has a death toll of 3.8% or nearly 4 times what he told the public.

### **Summary**

In summary helicopter roundups are extreme animal cruelty, running wild horses in a stampede with previous injuries and also causing serious injuries during and after this unnatural ordeal.

These issues are specifically hidden by the BLM (Red Rock Utah Gathers) in an arbitrary and capricious manner. The BLM is only as transparent as they choose on a case by case basis.

Moreover, Helicopter round-ups are fraudulent. The BLM is hiding the facts that:

1. Wild horses do not need to be rounded up first,
2. Wild horses do not need to be transported to holding for darting
3. Wild horses do not need to be branded for darting
4. Wild horses do not need to be transported back for release.

This is because with PZP (Zona stat H) as registered by the EPA as a non-experimental vaccine, no further data is required per the registration.

Therefore:

1. Wild horses can be darted without being branded, on the range, with no holding, no handling by helicopter (over 100 meters high), by lure trap, or on foot.
2. Hence, the BLM falsely inflates the cost of PZP darting by including the cost of round ups, transport, feeding, holding, branding, foot trimming etc However they are not transparent and instead they SAY that it is not practical because the contraceptive has to be darted yearly or every two years. Evenso, this is feasible y comparison. (See Attachment I)

BLM is choosing to hide that these horses could be feasibly darted on the range by helicopter, or by lure trap. This is again on a case by case basis in an arbitrary and capricious manner. Here at Muddy Creek, there is no valid cost analysis. showing that simple on range darting by

helicopter in this wide open HMA could keep the population below the higher AML while BLM's extreme bias against these sentient beings that is at issue as shown unnecessary they are unnecessary, they are fraudulent based on fraudulent cost analysis versus using PZP without round ups, handling, and holding, and can be darted on the range and since 2012 when the EPA registered Zona Stat H (PZP) for use on wild horses as a contraceptive versus

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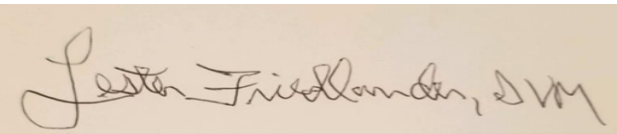
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- <https://www.blm.gov/programs/wild-horse-and-burro/herd-management/gathers-and-removals/nevada/2016-wood-hills-emergency-wild-horse-gather>
- <https://www.blm.gov/programs/wild-horse-and-burro/herd-management/gathers-and-removals/oregon/2015-beaty-butte-wild-horse-gather>
- <https://www.blm.gov/programs/wild-horse-and-burro/herd-management/gathers-and-removals/utah/2018-bible-springs-complex>
- <https://www.blm.gov/programs/wild-horse-and-burro/herd-management/gathers-and-removals/utah/2017-bible-springs-complex>
- <https://www.blm.gov/programs/wild-horse-and-burro/herd-management/gathers-and-removals/oregon/2016-three-fingers-emergency-wild-horse-gather>
- <https://www.blm.gov/programs/wild-horse-and-burro/herd-management/gathers-and-removals/oregon/2016-cold-springs-wild-horse-gather>
- <https://www.blm.gov/programs/wild-horse-and-burro/herd-management/gathers-and-removals/oregon/2018-cold-springs-wild-horse-gather>
- <https://www.blm.gov/programs/wild-horse-and-burro/herd-management/gathers-and-removals/oregon/2018-hog-creek-wild-horse-gather>
- <https://www.blm.gov/programs/wild-horse-and-burro/herd-management/gathers-and-removals/oregon/2015-kiger-riddle-wild-horse-gather>
- <https://www.blm.gov/programs/wild-horse-and-burro/herd-management/gathers-and-removals/oregon/2016-south-steens-wild-horse-gather>
- <https://www.blm.gov/programs/wild-horse-and-burro/herd-management/gathers-and-removals/oregon/2018-south-steens-wild-horse-gather>



Jester Friedlander, DVM

# Other Draft EA Specialist Reports Public Comments

## Terrestrial Wildlife Report

Providing an inventory of the water tanks from 2014 is not adequate and must be updated before a proper assessment can be done.

In table 1 you list only 918 acres of riparian area within the proposed territory which is inadequate information for statements made throughout the rest of this report which considers the entire forest where horses live currently. So on page 3 under issues and concerns you state “the loss of riparian vegetation can lead to.....” However the public only knows for certain that there are 918 acres of riparian area out of approximately 320,000 acres being considered to determine these issues and concerns. Therefore we only know to be fact that 918 acres of riparian area out of 320,000 or .003% “can lead” to the concerns listed. This would not be a level of any considerable concern. The Forest Service must provide the actual acreage of all riparian areas if they are considering this an issue and concern.

This would also apply to other documents in these proposed plans which talked about the damage to willows in riparian areas. Again this is not much of a concern considering the very small amount of riparian area you have listed to be there. That would really also only apply to 4.67% if you only considered the wild horse proposed territory boundaries. So not only do you have a concern for a very small portion of the total acreage, which could be protected with enclosures and development of other water sources, but you also do not give the public any indication of how you determine what animal species is doing or “Could” be doing damage to these areas.

That issue persists throughout this report. When discussing potential impacts to any wildlife species you do not provide any explanation of how you have or will determine the difference in impacts by elk, deer, wild horses or cattle which all in habit and affect these wildlife species in the same way.

As we have mentioned another time in this report you admit that temporal boundaries for determining direct and indirect effects would be 1 or 2 years for short-term, or 20 years for long term. Because you have already had 50 years, and horses have been removed at very large numbers from 1071 forward, you should already have this information.

Table 3 indicates that no species considered would have negative impacts resulting in a trend toward listing or decline in variability for the No-Action alternative. This indicates that the current population is not having an affect.

Environmental Consequences for Alternative 1 discussed on page 6 is partly repetitive information and discussed in our EA comments, However we point out that you state “No direct effects to raptors are likely under the no-action alternative” but then contradict that by stating “Raptors that nest in riparian areas may be impacted.” Again we point out the acreage of

riparian area is minimal therefore this is not of significant issue if there is an impact though we are not sure if you have determined they are or are not affected based on these contradictory statements.

We believe you cannot be certain because the effects you do talk about after this are more heavily contributed to larger populations of both livestock and elk. So any effect by wild horses cannot truly be determined, which is why this report uses conjecture throughout stating effects on various species “may” or “can” have a “potential” or “possible risk” of having some degree of change that constitutes an impact on various species. However...again your table indicates for no-action there is no effect on any species that would make any significant impact.

You included concern over elk and mule deer habitats being impacted by wild horse population size. This is an inadequate report for this issue in that you have not provided the census numbers for elk or mule deer living in the forest or in the proposed territory boundaries. Thus we do not know what grazing pressure has been put on the forage or water simply by the population size of any of the 3 grazing categories you discuss. (Wild horses, Livestock, Other large wildlife grazers). We also have proof of elk drinking from water tanks with horses during drought in 2018 when we were hauling water. We saw many, many more elk utilizing tanks than we did wild horses. So the population of each species is very important in determining whether horses would have any negative impact on the elk population or deer populations.

And again as you discuss migratory birds and how they are affected by grazing you do not include grazing by all species, or the percentage that each category of grazers is utilizing forage. It is completely unfair to make a determination that wild horses need to be reduced in population size, and not consider reduction of deer and elk populations or the number of livestock permitted. Using the horses as an excuse for all damage done, and primarily done by livestock is not acceptable. The Forest Service needs to redo these reports and the proposed TMP and EA after taking a hard look at all these various uses and components of the forest. You have not met your regulatory requirement to do so at this point.

You barely mention that the Apache-Sitgreaves National Forest was added to the area for Mexican Wolf Recovery and that the proposed territory falls into this area. You do not tell the public how they and other predators are affecting the natural attrition rate rather you quote what is typical as an average attrition rate in all areas of the west. We know the attrition rate to be higher for the Heber wild horses and this information should be known and provided.

Additionally this report mentions the revised Heber plan stating it is “currently being revised” However it was completed last year and even objected to by Western Watersheds Project, making this report outdated.

This makes us wonder if the mentioned Rim Country EIS has also been completed as it was expected to be completed in 2021, and how that decision affects the wild horse herd. This is particularly important information to provide given it affects 100% of the proposed territory. The Vegetation Management Report says that EIS is being done concurrently, but given that other

reports provided as Draft EA Specialist Reports are outdated and likely were done to shape documents published during the scoping period in 2020 we do not know which is current.

And you discuss community development which will negatively impact water supplies. This should prompt a reduction in livestock because protection of wild horse habitat is a priority over all other uses in a wild horse territory. The law states wild horses are to be given principle use. Not cattle, and not elk and deer for hunters, but horses. So this needs to be detailed in your territory management plan. How will community development impact all wildlife, where will the impact be, how is community development regulated so that it does not affect the federally protected wild horses. These are all issues that need to be discussed. Local community development does not trump federal laws to protect the habitat of federally protected wildlife species such as these horses. How and when has the Forest Service discussed this in the community development planning processes. Where is that documentation provided to the public?

### **Botany Biological Evaluation Report**

Again throughout this report there is no mention of how wild horse causal effects would be distinguished from those of cattle or other grazing or large wildlife species. This renders this report inadequate. Additionally there is again mention of an adaptive management plan which might be implemented if certain thresholds are met, such as 35% of 30% of specific areas, over 2 years etc. However this does not explain how much acreage within the proposed territory these areas are, or how much acreage of the total forest these areas are. We would like specific maps or coordinates that show us where these areas are, and details on how you have or will be monitoring these sites. How you will be determining which of the 3 major grazing categories (horses, livestock, or other large grazing wildlife) are utilizing what percent of affected plants in these areas. Once again you cannot just blame all damage or decline in forage on wild horses.

When discussing the cumulative effects of both alternatives again this assumes that horses would be the only species utilizing sensitive plant species or their habitat. Therefore you cannot say that if Alternative 2 is implemented there would be no cumulative effects because you have not yet determined that horses do or do not, or to what degree wild horses, versus livestock, or other large wildlife grazers would still be affecting these areas. The same is similar in discussing the no-action alternative, where you state there is a potential for cumulative effects. After 50 years of wild horses and other grazers in these areas, and allotment assessments this information should already be available, should be documented and should not be conjectural.

### **Vegetation Management Report**

First 2 references are 13 and 20 years old. Not the most current or best available science.

We do not yet know if the Rim Country EIS has been completed or is still being worked on. Given the last public comment period was in January of 2020 we assume this report was done at that time hence the statement it was being done concurrently. If finalized there should be more information with specific dates and locations of treatments including but not limited to prescribed burns and how that will have an effect on the wild horses and their habitat, not only in the proposed territory but also portions of the herd living outside the proposed territory. This report states that information was clipped to only include the proposed territory.

On page 13 this report states that 18,755 acres under the Wild Horse Territory Management Plan, which is contradictory to the acres listed everywhere else for the proposed territory, which is approx 19,700.

On page 15 this report acknowledges that some areas are highly departed from desired conditions due to grazing among other conditions. This would lead us to believe that yet again a reduction if not elimination of livestock grazing should be considered to bring the total utilization by livestock inline with efforts to restore these areas. Again, scapegoating wild horses for grazing impacts just does not cut it when there are so many livestock, and even more elk than there are horses. If you compare the effects of the total populations, and not the effects of individuals the conclusion that must be reached is that the problems causing these departures from desired conditions are negligible in regards to the wild horse population.

Without having been provided the EIS we do not know if this was a topic that was discussed. Nor would we have time to read through the extensive documents that are available for that project and which has helped to inform and shape that EIS. But once again this report discusses horses alone and cannot determine what the actual direct or indirect effects would be of either alternative.

However this report does that, and on page 18 states that the current population of wild horses is 420. This is the high end number given from a census in 2017. That was before the shooting of over 30 animals. We have no current census data for population size so this report is invalid, and lacks any real scientific or factual data to make a determination of direct or indirect effects.

### **Rangeland Vegetation Report**

You state that when the territory was established it overlaid already established grazing allotments. This is not relevant because the Wild Free-Roaming Horses and Burros Act mandates would change existing management on public lands where wild horses and burros were at that time.

Throughout these documents, and the history we have found of the statements made by permittees and actions of the Forest Service it is clear that the Act created resentment in having to change the use of the area and give principle use to the horses. This is further evidenced by drawing territory boundaries on an extremely small portion, 19,700 acres when horses used and still use approximately 320,000 acres of the forest. The area chosen to draw territory