

DECLARATION OF GINGER KATHRENS

I, Ginger Kathrens, hereby declare as follows:

1. I am an Emmy award-winning producer, cinematographer, writer, editor, and public speaker. I have dedicated the past 28 years to the observation and documentation of wild horses in ten western states. I am also the founder and Board Chair of the Cloud Foundation, a nonprofit 501(c)(3) organization dedicated to the preservation and welfare of America's wild horses.
2. I have visited the Jackies Butte Herd Management Areas (HMAs) in Oregon in order to view and document wild horses. Due to the low number of wild horses on the range, we had difficulty finding them. I have visited numerous other HMAs in Oregon.
3. I have studied and documented wild horses since 1994 when I filmed and produced a two-part program for Marty Stouffer's *Wild America* series for PBS which included my filming of a roundup in Nevada. Subsequently, I wrote, edited, and produced over two dozen segments of the *Wild America* series for PBS, and have filmed for National Geographic, the Discovery Channel, Animal Planet, and the BBC. I went on to produce three award-winning films that chronicle the life of Cloud, a wild stallion. The films, *Cloud: Wild Stallion of the Rockies*; *Cloud's Legacy: The Wild Stallion Returns*; and *Cloud: Challenge of the Stallions* aired on PBS's *Nature* series. I have also authored three natural history books about Cloud, and dozens of articles about wild horses and burros. My documentation and analyses of wild horse behavior have been compared to Jane Goodall's work with chimpanzees. These works have been pivotal in stimulating public interest, and have significantly contributed to a national dialogue about the government's treatment of wild horses and burros.
4. I speak throughout the United States about the plight of wild horses on public lands. I am also a frequent speaker on the subject of wild horse management, and have shared my experience and views at a National Academy of Sciences meeting in California; the 2012 International Equine Conference in New York; the 2013 American Equine Summit in New York; Equine Affaires in Massachusetts, Ohio, and California; the Rocky Mountain Horse Expo in Colorado; the Horse Expo in California; the Midwest Horse Fair in Wisconsin; and Breyerfest in Kentucky, in addition to speaking at the Carnegie Museum of Natural History and the Denver Museum of Natural History, and several other colleges, universities, high schools and elementary schools throughout the United States. I use these speaking opportunities to educate families and particularly children, and to inspire compassion for wild horses and all animals, in the hope that the public will advocate for more humane treatment and management of wild horses by the Bureau of Land Management ("BLM"). I have also testified before Congress on wild horse issues, which I regard as an

opportunity to persuade policy makers to mandate more protective and humane management of wild horses.

5. I founded the Cloud Foundation out of my knowledge and fear for the fate of not only Cloud's herd, but other wild horse herds in the West. I currently serve as the Board Chair. The Foundation is dedicated to the preservation of wild horses and burros on our public lands. To these ends, The Cloud Foundation advocates for the humane treatment, preservation, and management of wild horses on and off the range. We regularly comment on the federal government's proposed management actions, and endeavor to provide information to federal agencies, including BLM, to help inform their management actions. We regularly publish information, updates and action alerts for our followers around the world on various social media. The Cloud Foundation's Facebook page alone has well over 400,000 followers.
6. In October 2015, Congressman Raul Grijalva, who was the ranking member of the Natural Resources Committee of the House of Representatives, nominated me to serve on the National Wild Horse and Burro Advisory Board. Congress created the Advisory Board in the Wild Free-Roaming Horses and Burros Act to consist of people with "special knowledge about the protection of horses and burros" who can provide advice "on any matter relating to wild free-roaming horses and burros and their management and protection." 16 U.S.C. § 1337. In nominating me to serve on the Advisory Board, Congressman Grijalva described how "[t]he federal government, acting through the BLM, has a responsibility to humanely manage wild horses and burros in a transparent and open manner." Congressman Grijalva nominated me because, as he put it, I am "always seeking to create humane, sustainable management policies with a dialogue-first approach to resolving conflicts." When nominating me for the Advisory Board Congressman Grijalva further explained that "[d]eveloping a strategy that limits roundups and decreases reliance on holding facilities, allowing herds to roam the range as they are intended, requires additional reforms and changes to current policy."
7. In March 2016, the Secretaries of the Interior and Agriculture appointed me to serve on the BLM's National Wild Horse and Burro Advisory Board. *See* Attachment. In its announcement of my appointment, the BLM noted my experience as a documentarian, and my long history of advocacy for the preservation and welfare of wild horses as the founder and Executive Director of the Cloud Foundation. In that same announcement, the BLM noted that the "Advisory Board advises the BLM . . . on the management and protection of wild free-roaming horses."
8. I considered my service on the Advisory Board to have been a very serious responsibility that required me to provide informed input on the BLM's policies and practices for managing wild horses. As the Humane Advocate on the BLM's Advisory Board, it was my duty to explain to the BLM and to the public that

many of its policies, including the current use of helicopters, is inhumane and not socially acceptable.

9. The Malheur Field Office proposes to use helicopters to roundup wild horses in Three Fingers and Jackies Butte HMAs over a 10-year period. I have deep concerns over the lack of meaningful observation at helicopter roundups. Frequently observation consists only of distant horses running from distant helicopters which makes it difficult to actually see the treatment of the animals by BLM.
10. The public is unable to observe the majority of the helicopter roundup because the helicopter often flies miles away, out of sight. Public observation only begins at the end of the helicopter drive into the trap site, where hills or other obstacles often obstruct viewing of this portion of the government round up activities as well. This is not meaningful observation of these government actions.
11. For example, I attended the Fifteen Mile HMA roundup in central Wyoming in 2020. The public observation did not allow for any view of the horses nearing the trap – going into the wings of the trap or the trap and pens itself. The public was confined to an area behind a mountain which completely obstructed our view of the trap, trap wings, and trap pens. This prohibited members of the public from meaningful observation of these taxpayer-funded activities (i.e., entire helicopter drive, horses enter the wings of the trap, enter the capture corral or being sorted and penned near the trap, temporary holding, etc.).
12. Based on my long experience as an observer and documentarian of wild horses and as an advocate for their humane treatment by BLM, I am aware that it is possible for observers to be situated far closer to trap sites and the areas where roundups are taking place without compromising the safety of the observers or BLM officials or contractors, and without causing any complication for the effective conduct of the roundup. Additionally, it is my belief as an experienced documentarian that commercially available cameras can be mounted on helicopters and at trap sites to provide for public observation without the need for observers to be physically present.
13. My long experience as a documentarian has convinced me that documentary evidence is essential to effective public education and advocacy for wild horse welfare. In our public comments to the BLM on the Three Fingers and Jackies Butte EA, we explained the importance of public observation at roundups and the need for cameras in order to provide meaningful observation.
14. In our public comments we specifically explained the importance of meaningful public observation, be it in person or remotely. This is consistent with BLM's own purported goals of acting in a transparent, accountable, and socially acceptable manner. Our proposal to install cameras at roundups would further facilitate the BLM goal of promoting humane outcomes for wild horses and

burros. For example, cameras would allow observers to identify concerns at an early stage of the roundup, thus better allowing BLM to rectify such issues promptly.

15. Public observation is the best way for the agency to assess the social acceptability of any given roundup and to assure the public that the horses are being treated in a humane manner. This can be achieved with the placement of cameras at strategic points throughout the roundup. As a wild horse documentarian, with many years of experience filming wild horses, I can say with complete confidence that the public observation of the roundups provided under current BLM policy and practice is completely inadequate and lacks transparency.
16. My extensive experience as a documentarian and advocate for wild horse protection and welfare have convinced me that BLM's current wild horse management practices are inhumane. The majority of the concerned public agree. The best way to ensure buy-in from the public is to make all activities transparent. Then the public will have the information it needs to assess whether the roundup was conducted in a humane manner. This approach, which I have employed for decades, is what I believe Congressman Grijalva meant when, in nominating me for the Advisory Board position, said that I "always seek to create humane, sustainable management policies with a dialogue-first approach to resolving conflicts." My long-held and firm belief is that this "dialogue-first approach" only works when the public can receive a candid, truthful, and thorough account of what the BLM is actually doing.
17. The BLM's limitations on public observation and documentation in its roundup activities make it impossible to provide the public with a candid, truthful, and thorough accounting of what is entailed in these activities and what wild horses and burros endured in the process. Severely limiting public access creates distrust. Transparency builds trust.
18. For similar reasons, the BLM's limitations on public observation and documentation are significant obstacles to The Cloud Foundation's advocacy work to protect and ensure the welfare of wild horses and burros. Without the ability to observe and document roundups, The Cloud Foundation will be deprived of the ability to educate the public and advocate for the wild horses. We will be unable to provide accurate and thorough reports on the condition and treatment of wild horses and burros which is a chief strategy for public education and advocacy.
19. The public's inability to meaningfully witness and document government activities at roundups affects the ability of The Cloud Foundation irreparably impedes our ability to inform a wider public about the ramifications of these government actions. The inability to witness wild horse management will also

make it difficult for us to obtain the information we need to comment on the advisability of actions going forward.

20. Without a meaningful way to observe and record roundups, the Cloud Foundation and I will be unable to obtain pertinent information we need to fully advocate on behalf of wild horses and burros. We will be unable to determine whether additional measures are necessary to ensure that roundups are as humane as possible, including whether helicopter drive trapping should be eliminated. In short, the inability to meaningfully observe roundups deprives me and The Cloud Foundation of vital information that is essential to conduct our advocacy efforts.