

STATEMENT BY DENIZ BOLBOL

I, Deniz Bolbol, hereby declare as follows:

1. I am the Advocacy Director for The Cloud Foundation (“TCF”), a national nonprofit dedicated the protection and preservation of wild horses and burros on our public lands. As a part of my duties I work to increase public understanding how our government manages wild horses and burros, provide information and documentation to help advocates be more effective, prepare regular e-newsletters to our supporters, create action alerts that inform the public and our supporters of government actions and how they can participate in the public comments process, provide support and direction to advocates who attend roundups, work with the Bureau of Land Management (BLM) and other government agencies that are involved in the management of wild horses and burros, submit FOIA requests to government agencies, including the BLM, to obtain information about how our government is managing wild horse and burro programs and other related programs. I also work with the media to provide information, interviews and documentation about the management of wild horses and burros. Being able to provide documentation is necessary for my efforts.
2. During my advocacy which spans more than 13 years, I and NGOs I worked with effectively used the gathering and public dissemination of information about the management of wild horses and burros by the BLM as a principal strategy for our advocacy for wild horse and burros. The Cloud Foundation’s ability to gather and publicly disseminate information about the BLM’s management of wild horse and burro populations is critical to TCF’s mission. TCF uses social media and its website to inform the public about BLM wild horse and burro management. TCF also regularly sends to its supporters e-newsletters which often contain “action alerts” providing our supporters with information about proposed BLM and other government actions relating to wild horses and burros and providing information and the opportunity for members of the public to participate in public comment opportunities. The Cloud Foundation issues its own press releases and is cited in the media as a leading source of knowledge regarding wild horse and burro management. The Cloud Foundation regularly participates in the administrative process by submitting comments and encouraging members of the public to submit comment to the BLM and other government agencies on actions that affect wild horses and/or burros. I regularly prepare public comments on behalf of The Cloud Foundation which are submitted to government agencies involved with the management of wild horses and/or burros.
3. TCF is engaged in various campaigns and programs to ensure the survival of wild and free-roaming horse and burro herds in the West through educational and media initiatives, litigation, lobbying, and other advocacy initiatives. TCF and its supporters and partners are dedicated to protecting and preserving the “wild” behaviors and natural social fabric of wild horse and burro herds. Our supporters enjoy viewing, studying, reading about, photographing, and filming wild horses and burros, including wild horse herds on the

public lands in Oregon. On behalf of its supporters, TCF also regularly submits comments on various BLM actions related to the management of wild horses and burros, such as decisions analyzing and authorizing removal of wild horses and burros from the range.

4. As a part of my advocacy, I have worked with and continue to work with government agencies, including the BLM and the State of Nevada Department of Agriculture, to implement solutions for on-the-range management of wild horses in their habitats with the goal of preventing captures and removals through humane, on-the-range management of wild herds.
5. Since 2009, I have gained extensive experience observing and documenting via video filming and photography wild horses on the range, BLM wild horse roundups, and captured horses at BLM-managed holding facilities. My video documentation has contributed to exposing the brutality of wild horse roundups and the subsequent suffering and deaths of mustangs after they are taken to holding facilities. My videos of roundups have been used by media, disseminated to the public through social media, used to educate members of Congress of BLM actions, and have on at least one occasion been used by the BLM itself. During my 13 years, I have found eyewitness accounts with video documentation of BLM roundups is the most effective public outreach strategy. Video documentation of roundups is the most effective tool to ensure transparency and accountability at roundups. When people see for themselves what wild horses and/or burros experience as a result of the BLM's management practices, they are more likely to get involved, provide their input and work to ensure Congress has the needed information to make necessary changes. Without video documentation, advocacy efforts are rendered ineffective.
6. Throughout my extensive time observing BLM roundups, BLM's traditional responses to criticisms of inhumane treatment are generally to provide skewed and self-serving accounts of its own activities. I have read accounts of members of the public complaining about inhumane treatment of wild horses at BLM roundups and when there was a lack of photographic or video documentation the BLM would deny the inhumane treatment. This is why independent observation is necessary to counter this trend and to ensure transparency of these highly controversial government activities.
7. Over the past 13 years, I have reviewed many documents prepared by BLM regarding the management of wild horses and burros on public lands. I have observed more than 16 roundups, cumulatively spanning many months of observation, involving tens of thousands of wild horses. These roundups have occurred in several western states, including Nevada, Oregon, and California. My experience includes videotaping and reviewing hundreds of hours of videotape of roundups and wild horse behaviors, as well as working extensively with the BLM in several states, to clarify actions, obtain more detailed information about the wild horse use of resources, horses' conditions, how horses are rounded up, and the logistics of gathers and effects on the animals.

8. In November 2015 I traveled to Oregon to observe the BLM roundup of wild horses in Beatys Butte HMA. As observers we are required to meet the BLM at early morning hours (4 a.m.) in order to get to roundup site which is often a long drive from lodging and the BLM meetup location. Helicopters go up at the crack of dawn, temperatures and wind conditions permitting. On November 7, 2015, the BLM brought observers to the trap site after 9 a.m. after we were told by the BLM the first large run which BLM estimated to be 80 wild horses were chased into the trap by the helicopter. By the time BLM brought observers to the trap site we were allowed to observe the second and last run of the day. Observation was estimated to be a half mile away from the trap. Due to the long-distance from the BLM-created public observation area, horses, contractors and BLM crew appeared hazy like a “Monet” painting.
9. In September 2011, I traveled to Oregon to observe the wild horse roundup in the Barren Valley Complex (which is comprised of three HMAs) which is and was managed by the BLM Vale District Malheur Field Office. The first two days of observation, I was more than a half-mile from trap, with visibility blocked by a hill. The second three days of observation, I was over three miles away from the trap and could not see anything. BLM employees had a vantage point on a hill near to the trap site that allowed safe and full observation of horses entering the trap, but BLM did not allow public observers to join them. Day 6 and for the following three days of that roundup, the BLM closed the operation to public observation, claiming that, although the trap site is located on public land, access to the site crosses private land. The landowner told me that he didn’t want her driving on the road that crosses his property because I might hit a cow, and that BLM was allowed to drive on the road because they are “professionals” and are much more skilled in driving so they wouldn’t hit any cows. This was one of the most frustrating experiences of documenting a roundup. The intentional obstructions created to prevent me from being able to observe and document this government action is exemplary of the reason why cameras are needed on the helicopters, trap sites and temporary holding. Thousands of dollars were spent in my travels to Oregon for this roundup and I was not able to have any meaningful observation of the roundup, due to BLM’s conduct. A complaint was filed official complaint with the Department of the Interior’s Bureau of Land Management (BLM) assistant director (Edwin Roberson) and the Wild Horse and Burro Division Chief (Joan Guilfoyle) regarding lack of transparency at this roundup based on my experiences. BLM regularly claims to operate the Wild Horse and Burro Program with transparency, but its actions fail to live up to that claim.
10. When I attended the BLM Calico Complex roundup from December 2009 to February 2010, I was allowed to stand in observation locations within 50 to 100 yards from the trap site. I, along with other members of the public, were allowed to move on the hillside (the trap was positioned between two small hills) in order to have good observation of the entire trap. The BLM allowed the then-owner of the Soldier Meadows property to stand with BLM and contractors next to the trap as horses were in the trap and brought in to the trap. There is a contractor who releases the “Judas” horse (a domestic horse used to guide wild horses into the trap at the end of the helicopter pursuit) at the mouth of the trap wings which are created with jute material hung on stakes in the ground. At temporary holding

all members of the public were allowed to look at the horses in the temporary holding pens – we were allowed to touch the pen panels, stand and watch the horses as long as we desired, etc. This type of public observation was restricted as members of the public began to release to the public photographic and video images that depicted inhumane treatment. The documentation of the inhumane treatment led to public, media and Congressional interest in the issue. As more of these images were captured, the BLM and contractors began to introduce and increase public observation restrictions. I believe these restrictions were a direct result of the increased scrutiny of the BLM activities due to the photographic and video documentation from roundups.

11. Roundups involve using helicopters to chase horses into metal panel “traps” where they are sorted by age and sex, and then separating foals from mares if they are deemed to be four to five months of age. During these roundups, I have observed horses die from breaking their necks or legs as a result of panicking to get away from the helicopters and humans, foals separated from their mothers, and horses incur other severe injuries. I have also seen the effects on wild horses of capture – they react by avoiding human proximity or contact, their eyes get wide in fear, and sometimes they strike against enclosures or other horses in frantic efforts to flee. Additionally, I have spent significant time observing wild horses at BLM managed holding facilities including Palomino Valley Adoption Center (Nevada), Indian Lakes Road (Nevada), Delta Corrals (Utah), and Litchfield Corrals (California).
12. My videos of prior management of wild horse populations by BLM, which were circulated to the public, led BLM to review and revise certain practices to make them more humane. For example, my documentation of roundups was publicly disseminated showing BLM personnel or contractors engaged in such inhumane activities as hitting, kicking, and beating wild horses that had been removed from the public lands. I have seen and videotaped BLM contractors deliberately slamming gates and doors on wild horses, and using electric prods on wild horses just after being trapped. After these videos were made public, meaningful observation opportunities became rarer. It is my belief based on my experience documenting BLM’s activities that BLM has restricted meaningful public observation precisely to avoid transparency and accountability regarding its management of wild horses and burros.
13. Based on the lack of meaningful observation at roundups, I decided it is not useful to attend roundups knowing I may spend thousands of dollars to go to a roundup which is in a remote area and never have any meaningful observation. I believe this is precisely BLM’s intent, to dissuade the public from attending roundups by obstructing the public’s ability to have meaningful observation. When videos of inhumane treatment of wild horses or burros was made public in the past, political pressure was increased on the agency to make needed changes. Now with the lack of meaningful observation, the agency is able to claim their actions are “humane” without allowing the public to see what is happening. The National Academy of Sciences, in reports commissioned by the BLM, repeatedly stated the need for transparency and working with advocacy. However, increased transparency has not occurred.

14. The Cloud Foundation and other advocacy organizations serve as important public observers of BLM's wild horse and burro population management, safeguarding wild horses and burros as well as the public's interest in their welfare, and promoting responsible government behavior.
15. The BLM posts instructions and qualifications regarding observation at roundups. The following is a typical example of the qualifications for public observation. The text below is taken from the BLM webpage for the "2021 Barren Valley Complex Emergency Wild Horse Gather."¹ The BLM includes many qualifications that could at any time and for no reason justify the BLM to not provide public observation. People who travel long distances are not able to confirm in advance that they will be allowed to observe the roundup.

Public Observation

*Members of the public are welcome to view the gather operations, provided that doing so does not jeopardize the safety of the animals, staff and observers, or disrupt gather operations...Observers must contact Public Affairs Specialist Larisa Bogardus at lbogardus@blm.gov or 541-523-1407 no later than 12 p.m. MST to request viewing the following day. **Viewing is not guaranteed and is limited to no more than 12 people per day.** Observation will be offered to those on the viewing list in order, based on the date in which interest was expressed in attending the gather.*

Observers will be informed of the designated meeting location the night before. It will likely be in or near Burns Junction, Ore., two hours southwest of Boise, ID, but could be farther afield, depending on the location of gather operations.

Participation may be limited and/or some days of the gather may not provide a viewing opportunity due to variable circumstances such as moving the trap location (not gathering), no safe area to view activity or disguise vehicles, rainy or windy conditions (not gathering), poor vehicle access, etc.

***Viewing is not guaranteed.** Notice on the days where no viewing opportunity exists will likely be given on short notice – perhaps the day before or the morning of the gather operation.*

Observers must attend a pre-viewing briefing with the gather Public Affairs Specialist at the designated meeting location prior to departure for the HMA. Observers arriving at the viewing area without first attending the briefing shall not participate in the observation day.

¹ <https://www.blm.gov/programs/wild-horse-and-burro/herd-management/gathers-and-removals/oregon/2021-barren-valley-complex-emergency-wild-horse-gather>

Viewing at the temporary holding facilities may be allowed if [emphasis] it is determined safe and undistruptive by the contractor, and at the discretion of the landowner if private property is used.

16. Cameras are needed on the government-employed roundup helicopters in order that the public is able to see the entire roundup. Cameras are also needed on the trap site pens in order that the public is able to view the condition and treatment of the horses as they enter and are in the trap site pens. Lastly, cameras are needed on the temporary holding pens which are used at most roundups. This is where wild horses or burros are immediately taken after they are captured. BLM will, on occasion, set up temporary holding on private lands which increases difficulties of public observation. The BLM has regularly either prohibited or limited public observation due to the private land owner's preference. By placing the trap or holding pens on private land, the BLM regularly cites the private land owner preference for either no public observation, severely limited public observation or only public observation on either one or a few days within a limited timeframe.
17. I, along with other members of the public, and The Cloud Foundation are interested to observe the condition of the horses in temporary holding; we look for any injuries, body conditions and have general concerns about the horses' wellbeing. Often BLM will claim wild horses removed from the wild are in poor body condition. Without having access to observe all the horses, members of the public cannot verify this information. Cameras would promote transparency and accountability and would not interfere with or impair BLM's ability to conduct its roundup operations.
18. At temporary holding, horses are sorted and loaded into trailers usually to be taken to a BLM short-term holding facility. During the sorting and loading processes that occur at temporary holding pens, I have witnessed contractors striking, punching and whipping horses.
19. The public's ability to see and understand BLM activities related to the management of wild horses and burros is severely restricted and in many cases it is non-existent. From placing observation miles away, to placing observation behind hills prohibiting meaningful observation, to placing trap sites or temporary holding on private property (or requiring travel over private property to get to the BLM trap/holding site) and prohibiting or greatly restricting public access based on the private land owner's preference – the BLM has sufficiently stifled public observation in an effort to reduce transparency and hide inhumane treatment. This BLM practice of not providing meaningful observation has successfully stifled the public's ability to see how our tax dollars are being used and document the inhumane treatment of wild horses and burros. This lack of ability to document the BLM treatment of these animals has in turn stifled the public's ability to provide documentation to Congress in order to fix the problem. In my opinion, this is the BLM's plan – to hide from the public and stop the documentation of the inhumane treatment in order to continue the status quo. In my opinion, this is wrong and it is un-American. If Americans don't have the ability to gather information about government activities, how can we change things. My free speech right to petition Congress is

neutralized because I cannot gather the necessary documentation to compel members of Congress to take action. The BLM has essentially shutdown my ability to gather meaningful documentation at roundups (including temporary holding).

20. In addition to observing and documenting roundups, The Cloud Foundation participates in the administrative process for agency actions affecting wild horses and burros, including by consistently submitting comments and creating alerts for supporters to submit comments on decisions related to the management of wild horses and burros. The Cloud Foundation regularly submits comments and participates in public meetings and public processes related to wild horse and/or burro roundups on public lands.
21. The Cloud Foundation regularly disseminates information, video footage, and photographs to the public documenting BLM's management of wild horses and burros as part of roundups and post-roundup processing and holding in order to use public awareness and pressure to ensure safer management and more humane treatment of these federally protected animals.
22. The Cloud Foundation has, through public comments on various wild horse/burro management Environmental Assessments, regularly urged the BLM to establish cameras on roundup trap sites, helicopters and holding pens.
23. In 2011, I was in contact with Dr. Temple Grandin. Mary Temple Grandin is an American scientist and animal behaviorist. She is a prominent proponent for the humane treatment of livestock for slaughter and the author of more than 60 scientific papers on animal behavior. (source: https://en.wikipedia.org/wiki/Temple_Grandin#Higher_education) Dr. Grandin and I had been in touch and she advised me that cameras were necessary to accurately understand how certain animal were being handled. An email from Dr. Grandin, dated August 25, 2011 (entirety of email attached as Addendum A to this statement), outlines her recommendation that cameras be used at roundups and temporary holding:

“To document how the horses are gathered and handled, the entire procedure should be recorded on video so that it can be evaluated by outside experts or viewed by the public. The best way to record the videos is for the helicopters to have GPS equipped cameras. Cameras should also be in the catch corrals AND TEMPORARY HOLDING PENS to video all the handling in the corrals.”

24. Based on my experience observing BLM wild horse roundups and BLM holding facilities, rounding up and keeping wild horses in captivity is extremely stressful to wild horses. Even horses that do not incur injuries or death during the capture may lose weight, become listless, and engage in aggressive behaviors when they are held in captivity, particularly in close quarters with other horses. Many captured wild horses in government holding facilities die and the cause of the death is described as “failure to thrive.” There are numerous other reasons wild horses die in captivity, such as colic, respiratory problems,

disease, spontaneous abortions, and traumatic injuries that result when terrified horses crash into bars and panels in the holding pens, chutes, and other processing areas.

25. By observing and documenting BLM wild horse and burro roundups and holding facilities, I have exposed BLM practices that are cruel and highly controversial. I work to obtain this documentation to expose how our tax dollars are being spent and how our federal government is treating our wild horses and burros. My ability to speak out about the BLM practices and cruelty is largely dependent on my ability to gather video and photographs of the wild horses and burros during the roundup and in holding facilities. The public has a right to know what the federal government is doing with our public lands, the wild horses, and how our tax dollars are being used. If horses are not being treated properly either at the roundup or in holding pens, the public has a right to see this. Without the ability to gather this information, the public might never know whether these horses are being treated humanely in a manner consistent with the Wild Horse Act. Additionally, wild horses live in tight families; when wild horses are rounded up these families are destroyed as stallions are separated from their mares and foals are taken from the mares if they are over the age of three or four months. The BLM does not keep any records which horses are rounded up together as the agency has no plans to reunite families. When the BLM releases horses they do not release horses back with their families. Understanding the importance of family to wild horses, it is very upsetting and distressing to realize that even horses who are released are released without their bonded kin.
26. The Cloud Foundation's ability to gather information to disseminate to the public and to utilize in our expression of free speech are significantly and irreversibly impaired due to the agency's practice of regularly poor observation opportunities at the roundups. The BLM regularly claims this is due to public safety and to ensure a successful operation. The Cloud Foundation, I and members of the public will suffer harm if cameras are not adequately used at future roundups to ensure we have the ability to adequately observe and document the wild horses and during and after they are removed from the public lands until they are shipped to short-term holding facilities.

ADDENDUM A to DENIZ BOLBOL STATEMENT



RE: Message from Temple Grandin

1 message

Miller, Cheryl <Cheryl.Miller@colostate.edu>
To: Deniz Bolbol <deniz@wildhorsepreservation.org>

Thu, Aug 25, 2011 at 8:53 AM

Dear Deniz - I approve of your edits. Go ahead and make the changes.

Temple

From: Deniz Bolbol [deniz@wildhorsepreservation.org]
Sent: Tuesday, August 16, 2011 11:34 PM
To: Miller, Cheryl
Subject: Message from Temple Grandin

Hello Cheryl - thank you for passing my message on to Temple.

Hello Temple

I apologize for my delayed response to your message below. Thank you for writing down your recommendations to make roundups more humane. I've been thinking how best to move forward with this and think that it would be helpful if we could expand some of the issues. I've jotted down some thoughts/comments in BLUE CAPS in the email below - please let me know if these edits are ok with you. Also, would you allow me to take these concepts and put them in a document that describes the objective of establishing evaluation criteria and put the recommendations in context? If you are agreeable to this, I would forward that to you for your editing, etc. If you have any text that you think would be applicable I would be very interested.

I recently attended, for 8 days, the Triple B roundup in northeastern Nevada. I got some video that shows the BLM contractor using electric prods on the horses. We have not released this video publicly yet - but you can view it here<<http://www.youtube.com/watch?v=MO4MPUwoeRg>>. We are working to make the video more viewable. What are your thoughts on the use of electric prods on wild horses? I would be interested in your thoughts on this video.

When I saw this cattle prod usage, I asked the BLM about it - the next day they acknowledged cattle prods were used "for the safety of the contractor and horses." That day the cattle prod was not brought out - instead the contractor used a handheld hotshot - I suppose they thought I either would not see it or would not know what it was.

I greatly appreciate your insight and thoughts.

Thank you for your time and concern,

Deniz

Deniz Bolbol
American Wild Horse Preservation Campaign
Tel: 650.248.4489

-----Original Message-----

From: Miller, Cheryl [mailto:Cheryl.Miller@ColoState.EDU]

Sent: Sunday, May 01, 2011 7:25 PM

To: deniz@wildhorsepreservation.org

Subject: Message from Temple Grandin

Dear Deniz:

This email is to summarize our conversation on better handling methods for wild horses.

1. During roundups, use more capture of horses by attracting them into corrals with food or water.

TO MINIMIZE STRESS TO HORSES, UTILIZE MORE BAIT AND WATER TRAPPING.

2. Use objective measurement of handling. The following variables should be measured. This will enable the BLM to determine if handling and roundup practices are becoming better or getting worse.

a. Percentage of horses that die during handling or have to be euthanized due to broken legs or other serious injuries.

b. Percentage of horses that are injured during handling. This score includes lacerations and broken bones. If blood is visible, it is scored as an injured horse.

c. Percentage of horses that run into fences or gates.

d. Percentage of horses that fall during handling. Any part of the body touches the ground.

e. Percentage of horses that stumble during handling. Score a stumble if the horse partially goes down but is able to return to a full upright position before the body touches the ground. A stumble is also scored if slipping interferes with normal walk, trot or canter gaits.

All variables are scored on a yes/no basis. Each horse is either pass or fail on each variable. For example, the horse either fell during handling or did not fall.

3. Paying contractors based on the number of horses that can be gathered or handled in a short period of time is a financial incentive to handle the horses in a rough or abusive manner. Contractors need to be paid on the basis of gathering and handling with a low level of death and injuries.

NOTE: CONTRACTORS GET PAID PER HEAD - BUT NOT FOR LENGTH OF TIME IT TAKES TO CAPTURE THE HORSES (i.e "in a short period of time). ALSO, ROUNDUPS CAN BE BRUTAL, YET NOT RESULT IN A HIGH NUMBER OF DEATHS. MAY I SUGGEST THE FOLLOWING EDIT?

Paying contractors based on the number of horses that ca be gathered

PROVIDES a financial incentive to handle the horses in a rough or abusive manner. Contractors need to be paid on the basis of HOW THAT CONTRACTOR SCORED FOR THE ROUNDUP BASED ON AN OBJECTIVE HANDLING EVALUATION (SEE #2 ABOVE).

4. To document how the horses are gathered and handled, the entire procedure should be recorded on video so that it can be evaluated by outside experts or viewed by the public. The best way to record the videos is for the helicopters to have GPS equipped cameras. Cameras should also be in the catch corrals AND TEMPORARY HOLDING PENS to video all the handling in the corrals.

Temple Grandin