



## EDITORIAL | **Midwest Ranchers Find Gold In Nevada's Wild Horses**

*by Valerie James-Patton*

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### **Midwest Ranchers Find Gold In Nevada's Wild Horses**

A two sentence article appearing in the Nevada Ely Times, November 3, 2010, only stated that "Chairman of the Governor's Wildlife Commission, Scott Raine of Eureka, has designated a new Nevada Board of Wildlife Commissioners' Feral Horse Committee "consisting of" what Raine calls "five of the foremost experts on the issue of feral horses in the State of Nevada." The Chairman is Mike Stremmer and members Commissioner Hank Vogler, Wayne Hage, George Parman and Floyd Rathbun."

The title of the article was "Wildlife Commission subcommittee to oversee wild horse issues", which begs the question: which horses and what issues? More importantly, what is the purpose of this committee and what is the goal regarding feral horses?

With no information available on this committee on the internet, a quick search on the committee "experts" revealed rather startling information, although nothing that appeared to qualify these men as experts on wild or feral horses.

Besides being ranchers and one being a former mustanger, a couple of these new committee members had recently published their thoughts on wild horses.

George Parman, a former mustanger and cattle rancher, who was appointed to the committee by Scott Raine, advised in a January 1, 2010 letter posted on Raine's blog:

*"what we need to do, is to let the ranchers and the mustangers take care of the problem, just as they did in the old days, back when, along in the Fall a handful of cowboys would take their saddle horses - throw a bunch of grub and their bedrolls in the back of a pickup - and off they'd go to do a little mustanging. It was a perfect system. The most qualified and experienced people were engaged. The horses were automatically kept at reasonable numbers. It cost the taxpayer nothing. The best of the horses were put on the market for people to use and enjoy. The remainders of the older and less undesirable animals were euthanized via a facility that made good use of the end product."*

An article by the chairman of the new Feral Horse Committee dated August 16, 2010 reads: *"there is no beneficial use of water for the Federal government's mustangs, wild horses, or feral horses depending on how you define them. Furthermore, neither the Nevada Department of Wildlife nor the US Fish and Wildlife claim that these animals are wildlife and under their jurisdiction. Given that there is no beneficial use for wild horses to use the waters of the State of Nevada, that the waters within most of the Nevada rangelands grazed by domestic animals are owned by the rancher, and that the Federal government has no law that supersedes the State of Nevada's water law (in accordance with the Tenth Amendment); then why not stand on our rights? Water rights!*

*Now all that we need to do is to stand on our rights. We are not welfare ranchers. We own the most valuable asset in the world, water. We as ranchers have the right to decide how and when our water is to be used, not the Federal government, and not the general public. I personally*

*believe that the ranchers, farmers, and the wildlife have the laws on our side not the wild horse advocates."*

Fearing that Mr. Stremler's intent was to allow wild or feral horses to die of thirst, Mr. Stremler was contacted and answered questions by telephone.

He stated the new committee's name was an error and should be named the Wild Horse Committee since their issue was regarding wild horses under the Bureau of Land Management's (BLM) jurisdiction. He admitted that they are not actually experts on wild horses, but rather, they are experts on protecting the rancher's land and water rights on both public and private lands. Their complaint is the BLM does not keep the wild horses at the Appropriate Management Levels or AML. Stremler says when there are too many horses, the BLM forces the ranchers to remove the cattle without properly compensating them for the rancher's water rights and they feel they are unfairly providing the wild horses and burros with water that belongs to them.

The ranchers understand wildlife must have access to the water regardless of their water rights. But Mr. Stremler explains that ranchers do not believe wild horses meet the definition of wildlife under Nevada state law and are therefore not entitled to the ranchers' water free of charge.

But wild horses and burros are protected under a federal law, the Wild Free-Roaming Horses and Burros Act, (WFRHBA) 16 U.S. C. Sections 1331 et seq. This law was passed in 1971 specifically to protect wild horses and burros. When states tried to challenge the WFRHBA in *Kleppe vs. New Mexico*, the Supreme Court upheld Congress's authority to pass legislation to protect wildlife species across state lines. Therefore, regardless of whether state law recognizes wild horses and burros as wildlife, the issue has been preempted by federal law. According to the Wild and Free-Roaming Horses and Burro Act of 1971, [16 USCS §§ 1331 et seq.]--wild horses are defined as: *(b) "wild free-roaming horses and burros" means all unbranded and unclaimed horses and burros on public lands of the United States; and, (a) All wild free-roaming horses and burros are hereby declared to be under the jurisdiction of the Secretary for the purpose of management and protection in accordance with the provisions of this Act. The Secretary shall-- "(1) protect and manage wild free-roaming horses and burros as components of the public lands"*.

In the case of *Kleppe vs. New Mexico*, 1976, the Supreme Court ruled that the federal government has the authority to regulate wildlife under the Property Clause, and *"where state laws conflict with the Wild Free-Roaming Horse & Burro Act, or with other legislation passed pursuant to the Property Clause, the law is clear: the state laws must recede..."*

Despite the ranchers state owned water rights, the horses and burros remain federally protected as *"components of the public lands"* and are entitled to roam free in areas where they were as of the date of the WFRHBA, 1971.

Perhaps there is a compromise here that would work for the wild horses and burros and the ranchers. Why not identify herd management areas or herd areas where a compromise could be reached with ranchers for water and other resources or property for the wild horses and burros? The boundaries of herd management areas could be adjusted, fences removed, and water and resources otherwise made accessible so wild horses and burros could be preserved in their natural habitat which was the intent of the WFRHBA. Thus, ranchers would be compensated for their water and other property rights.

Fertility control would need to be addressed. The BLM's current aggressive fertility control methods are aimed toward the extinction of the wild horses. New drugs the BLM has been using such as SpayVac and Gonacon is believed to have the ability to cause permanent sterilization in mares. The BLM's effort to create non-reproducing herds by administering long lasting or permanent sterilization drugs to mares, capturing stallions and returning gelded males to the herds, adjusting herd ratios to favor males, and reducing herd numbers to below genetic viability and unsustainable numbers, is a violation of the WFRHBA, 43 CFR 4700.0-6 (a), which states:

*"Wild horses and burros shall be managed as self-sustaining populations of healthy animals in balance with other uses and the productive capacity of their habitat."*

Millions of taxpayer dollars would be saved if the BLM paid the ranchers for water rights rather than continued removals and holding wild horses and burros in holding facilities which, despite the mandate of the WFRHBA, is the BLM's current method for managing wild horses and burros.

While Nevada's ranchers are fighting to get rid of wild horses in Nevada, the BLM pays ranchers in the Midwest millions of dollars annually to keep wild horses from the west on their land. The horses have become a pot of gold to many ranchers in Oklahoma, South Dakota, and Kansas. John Hughes of Oklahoma has been receiving millions of dollars annually from the BLM since 1993 for keeping the wild horses on his ranch. This year alone, Hughes received well over \$3 million for his contract to keep the horses, while other ranchers such as the Reed Brothers Ranch profited this year with over \$2 million, as did the Drummond Ranch, Trentman Ranch, Cross Bell, and many others. This is a prime example of "one man's trash is another man's treasure", and the BLM is paying Midwest ranchers a fortune for the "gold" Nevada's ranchers are throwing away.

Although ranchers have historically been at odds with wild horses, times have changed. As development and urbanization continues to expand, putting increasing pressure on the ranching lifestyle, many ranchers may fail to realize that having wild horses around actually increases protection.

In areas where wild horses or burros were eliminated in the guise of protecting habitat, livestock operations can find themselves targeted next. The cultural and historic values of the ranching community are only strengthened by the inclusion of wild horses and/or burros, not diminished. Ranchers may want to reconsider how prejudices of the past might be weakening their position in modern times and recognize the age old strategy of "divide and conquer" might actually apply to them as well.

If Nevada's newly formed Feral Horse Committee took their blinders off and approached the wild horse issue with a new vision, they might realize that by demanding the BLM to comply with the 1971 Act by keeping the horses on their land instead of paying a fortune to the ranchers in the Midwest to keep them, Nevada's ranchers could receive some of that compensation for themselves. But are they capable of viewing the wild horses not as pests, but with a new concept as a pot of gold on the land?

Would it be too farfetched to wonder if Nevada's ranchers and wild horse advocates might actually come together to protect the rancher's rights as well as the wild horses and burros, against their common adversary: the BLM?

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*Equine Welfare Alliance is an umbrella organization representing over 125 organizations and hundreds of individuals across the United States and several countries worldwide.*