

Judge rejects Nevadans' bid to dispose of excess mustangs

By Scott Sonner, AP

A federal judge on Thursday threw out a lawsuit filed by a coalition of rural Nevada counties that wanted to force the government to sell or otherwise dispose of tens of thousands of mustangs in U.S. holding facilities.

U.S. District Judge Miranda Du in Reno ruled in favor of wild horse advocates who said the effort backed by the Nevada Farm Bureau Federation was organized by ranchers who want a bigger share of forage for their livestock. They said it would have forced the sale of federally protected mustangs for slaughter.

Du said in a nine-page opinion dismissing the lawsuit that it was an unsubstantiated, broad attack on the Bureau of Land Management's overall wild horse policy effective in 10 western states. She said the suit lacks specifics needed to order BLM to round up more horses and get rid of the ones the agency says it already has gathered in compliance with the Wild Free-Roaming Horses and Burros Act.

The Nevada Association of Counties filed the suit against the U.S. Interior Department in December 2013 and asked for an injunction to force BLM to immediately roundup excess horses on public lands, determine statewide population levels every two months, "sell or dispose of" excess animals in government holding, and "stop interfering with Nevadans' water rights," Du wrote.

"Plaintiffs essentially ask the court to compel compliance with the act and refashion the federal defendants' management of wild horses and burros in Nevada," she said. She cited a 1990 U.S. Supreme Court ruling in a Utah case that she said established they "cannot seek wholesale improvement of this

program by court decree.”

BLM also had asked the judge to dismiss the case. Du said that motion was moot now that she’s granted the dismissal sought by the American Wild Horse Preservation Campaign, Reno-based author Terri Farley and wild-horse photographer Mark Terrell of Dayton, Nevada.

“The frivolous bid by cattlemen to roundup and slaughter America’s iconic wild horses to clear the public lands for commercial livestock grazing has now been soundly rejected by the federal court,” said Suzanne Roy, director of the American Wild Horse Preservation Campaign.

The case had made the BLM and horse advocates rare allies in a larger, ongoing legal battle over the mustang roundups that the horse advocates argue are illegal and should be stopped. Nevada Bighorns Unlimited had sided with the Farm Bureau and the rural counties.

Lawyers for the BLM said in their motion to dismiss the case in January that they agreed with the ranchers’ contention that current herds are overpopulated and threaten the ecological integrity of the range, much of it suffering from multiple years of drought. But they said the agency is hamstrung by budget cuts, and a congressional ban on the sale of excess horses for slaughter has pushed their holding facilities to the brink of capacity.

BLM estimated that as of March 3 there were 40,815 horses roaming BLM lands from Colorado to California – nearly twice as many as the agency maintains the range can sustain. More than 47,000 mustangs that have been gathered in recent years remain in holding facilities – an estimated 31,250 in long-term pastures and 16,203 horses in short-term corals, according to the BLM’s website.