

Mountain States Legal Foundation v. Andrus

No. C79-275K (D. Wyo. April 21, 1981)

The court rules that the Bureau of Land Management (BLM) violated the Wild Free-Roaming Horses and Burros Act by failing to control the number of wild horses in BLM's Rock Springs District. A dramatic increase in the wild horse population in the district has placed excess demand on grazing lands which upsets the ecological balance in violation of the Act. Since BLM had not removed a significant number of horses from the area between 1972 and 1976, the court orders BLM to remove all excess horses.

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Cited as 12 ELR 20105 (D. Wyo. 1981)

Kerr, J.:

Order granting Motion for Partial Summary Judgment

The above-entitled matter coming on regularly for hearing before the Court upon plaintiffs' Motion for Partial Summary Judgment, plaintiffs appearing by and through their attorneys, William H. Mellor III, R. Norman Cramer and Calvin E. Ragsdale, and defendants appearing by and through their attorney, Jeffrey C. Fisher, and the Court having heard the arguments in support of and in opposition to said motion, and having carefully reviewed the pleadings and memoranda submitted by counsel, and being fully advised in the premises;

FINDS that this case arises under the Wild Free-Roaming Horses and Burros Act, 16 U.S.C. § 1331 et seq. (the Act). Jurisdiction is based on 28 U.S.C. § 1331.

16 U.S.C. § 1331(a) provides in pertinent part that "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. . . ." Furthermore, the section provides that the animals shall be managed in a manner which achieves and maintains a thriving ecological balance on the public lands.

In derogation of the above provisions, the wild horse population has dramatically increased and the excess demand on grazing lands has created severe problems for ranchers in the Rock Springs area and for the ecological balance of the range.

After the passage of the Act, the first Bureau of Land Management (BLM) inventory revealed 2,364 wild horses in the Rock Springs area in February, 1972, with 1,116 of these horses located on the lands of the Rock Springs Grazing Association (Association). As of March, 1979, 6,129 wild horses were in the Rock Springs District, with 3,413 of these on the lands of the Association.

The BLM has not removed a significant number of horses from the area from January 1, 1972, through September 1, 1976. Such inaction is clearly contrary to the Act and to Congressional mandate, and as such is unacceptable to this Court.

NOW, THEREFORE, IT IS ORDERED that the Motion for Partial Summary Judgment filed by and on behalf of plaintiffs be and the same is hereby granted; it is

FURTHER ORDERED that the Rock Springs District office of the Bureau of Land Management shall within one year from the date of this Order remove all wild horses from the checkerboard grazing lands in the Rock Springs District except that number which the Rock Springs Grazing Association voluntarily agrees to leave in said area; it is

FURTHER ORDERED that the Rock Springs District office of the Bureau of Land Management shall within two years of the date of this Order remove all excess horses from within the Rock Springs District; it is

FURTHER ORDERED that excess as defined in this Order and the Act means that the wild horse population exceeds the number deemed appropriate by a final environmental statement. In the absence of such a statement excess means that the number of horses exceeds the number present in the same area at the time the Act was passed; it is

FURTHER ORDERED that each party is to bear their own costs. Dated this 13th day of March, 1981.