DECLARATION OF TONI HUTCHESON MOORE

I make this declaration with knowledge it will be presented with the Plaintiffs' Memorandum in Support of a Motion for Summary Judgment in this case. I am also submitting this affidavit on behalf of Colorado Wild Horse and Burro Coalition who brings this lawsuit to protect our members interest in the wild horses located in the West Douglas Herd Area.

1. I am over the age of 18 years and competent in all respects to make this declaration.

2. I moved to Grand Junction, Colorado in November, 1975 and have lived in the area for over 30 years. I began observing wild horses in northwestern Colorado in 1976. I began observing those located within the White River Field Office, especially the wild horses located in the West Douglas Creek Herd Area in June, 1989.

3. Since that time, I have hiked, driven vehicles with 4wheel drive capability, and ridden horseback in these areas observing wild horses in and around northwest Colorado, including those within their habitat of the West Douglas Creek Area.

4. The sole purpose of my trips was to specifically observe, photograph and enjoy watching wild horses within their natural habitat. Early observations allowed me to observe and follow several specific bands as they migrated throughout the area, changes in social hierarchy (band stallion changes, birth of foals and mares changing bands). Shortly after beginning my observations I came to understand and appreciate the actions taken by the many citizens, congressional delegations and our president to declare wild
horses our national heritage species along with the passage of the Wild Free Roaming Horses and Burros Act of 1971.

5. On October 31, 1991, my husband and I, accompanied by our 4½ month old daughter attended a helicopter hearing in Meeker, Colorado. This hearing was the precursor to the proposed roundup to completely remove all wild horses in the West Douglas Herd Area. Early snow and high winds canceled the planned total removal that year. Following that meeting I requested to be placed on BLM’s mailing list in order to be kept informed of actions and management decisions affecting wild horses in the White River Field Office.

6. Since that time, I have researched all available documentation surrounding the passage of the Wild Horse and Burro Act, along with other applicable federal laws and regulations. I regularly attended public meetings, responded verbally and in writing to the issues presented as pertinent to the management of wild horses, with a very special interest in the West Douglas Creek Herd. In 1993, I joined the newly formed Colorado Wild Horse and Burro Coalition. In 1995, I was appointed to the Colorado Northwest Resource Advisory Council to represent wild horse interests. In 1998, I became the Administrator for the Wild Horse and Burro Freedom Alliance, a coalition of humane and wild horse advocacy groups with approximately 9 million members. In February, 2008 I was selected to a subcommittee/working group for the Colorado Northwest Advisory Council, to assist the RAC with decisions surrounding an amendment to the Resource Management Plan with regard to development in the White River Field Office.

7. I have requested, reviewed, and submitted FOIA requests for any documentation which describes how BLM arrived at the decision to not manage wild horses in the West Douglas Creek Herd Area since 1992. I have found through my studies, there was limited public involvement in the decision to not manage wild horses in the West Douglas Creek Herd Area. The decision to not manage was decided prior to completion of public comment during the MFP process, and when responding to direct questions as to when the appropriate venue to review this decision, I have received answers ranging from the Resource Management Plan, an Environmental Assessment Removal Plan, to it will never be ripe to question the decision. The lack of consistency of information throughout agency documents has made evaluating and tracking the process of this decision extremely convoluted. Review of an email from Jim Cagnney (Vol 1 – Page 26) refers to acreage evaluated but not selected in the 1975 planning effort for both West Douglas Creek and North Picance Herd Areas, but neglects to state who was involved in the process of selecting the habitat, keeping in mind the MFP process was not completed until several years later. Based on this information, there appears to be a significant absence of comments by the public on this obviously internal decision.

8. BLM also states the 1974 aerial census indicated only 9 horses in the area west of Colorado Hwy 139, and only an additional 12 animals from public observation (1974 West Douglas Wild Horse Census including Public Observations Map). Yet the AMP for the Twin Buttes Ranch states “Currently there are approximately 200 wild horses on the Twin Buttes Allotment” (Page 8, Section B of the 1983 Twin Buttes Allotment Management Plan).
The reproductive rate starting at 21 animals to approximately 200 animals in less than six years would be possible for rabbits, not horses. Therefore, it is impossible to rectify the numbers given by BLM for the purpose of identifying horse habitat and biotic needs as a part of the analysis during that period and even more difficult to assess AUMs available for livestock, wild horses and other wildlife in the Twin Buttes Allotment Management Plan. Curiously, the boundary assigned to the West Douglas Creek Herd correlates to the majority of the allotment boundary for the Twin Buttes Allotment, unfortunately as stated in the allotment management plan the majority of the allotment is unfenced and cattle did stray out of the allotment boundary, yet the wild horses were expected to honor administratively assigned boundaries. Fencing along Highway 139 by the State of Colorado to control livestock was not completed until 1995. The Twin Buttes Allotment Boundary does extend east of Colorado Hwy 139 south of Bull Draw as shown on the 1974 West Douglas Wild Horse Census Including Public Observations Map. This map also indicates the herd area boundary extends eastward as well (Vol 2 – Page 661). While we do not argue this eastward inclusion, this is the first time we have seen this on any BLM submitted map delineating this distinction. These types of inconsistencies have been evidenced during the past 16 years of document review.

9.  Personal observation of the 1996 West Douglas Creek roundup where a helicopter roping directly resulted in the death of a young mare leads me to grave concerns over the welfare of these animals during roundups. The helicopter pilot ran the young mare over a ledge (directly in front of the trap site where I was sitting with BLM, contractor employees and other members of the public) while she was being chased by two mounted horsemen who roped her head and rear leg, thereby forcibly throwing the mare to the ground. She was then stretched which promptly fractured her rear leg. The mare was then dragged into a trailer (not on a tarp or piece of wood) which was pulled close to her then hauled to the holding pens, some thirty minute drive from the trap. This mare was forced to stand in a pen with other horses from this roundup until her examination some time the next day (some 24 hours later). The contract veterinarian, who was not required to be on site, euthanized the mare upon examination.

10. During this same roundup, I adopted a young filly who was approximately 4 months old who had apparent injuries to her front legs. This filly was placed in leg braces for approximately one week by my husband, Donald E. Moore, DVM, for supportive therapy. She was further evaluated by Dr. Jack Muller, an equine veterinarian who was practicing at rack tracks in Colorado and Arizona at the time. Dr. Muller advised the young filly’s condition was one he had seen on young racehorses who were ran too far, too fast, at too young of an age. Dr. Muller and Dr. Moore further advised the only humane recourse was to euthanize the filly, which was done. Based upon my observations for this roundup, along with BLM’s refusal to allow onsite monitoring of all radio transmissions between the helicopter pilot, ground crews and BLM employees, as well as trap site operations for subsequent removals, I have real concerns the push to remove the West Douglas horses will result in even more injuries and deaths than previously recorded.

11. Attempts to observe subsequent roundups to monitor the welfare of the horses have been futile. BLM has not been forthcoming to provide the dates or trap locations. When
contacting the field office I have been directed to leave a message in voice mail for the wild horse specialist who is out in the field.

12. Further removals will have a significant impact on me and my family to observe wild horses in the White River Field Office. Ever increasing energy development in the Piceance-East Douglas Herd Area (HMA) leaves little opportunity for solitude and the ability to observe wild horses in their natural surroundings. The West Douglas Herd Area is not being impacted as severely with energy development as Piceance-East Douglas and the access the wild horses have to the Wilderness Study Area in West Douglas Creek will ensure the general public a place to observe wild horses in a natural setting. Since I began to take my children to this area in 1989, I have seen all five of them take extreme interests in the history, ecology, and wildlife of western Colorado. Their attitudes are reflected in the service learning projects they have participated in at school, their efforts to share these experiences with others and their choices in careers. My first grandchild is a little over one month old. If BLM continues to remove wild horses from West Douglas Creek, she, along with countless other children and adults will be deprived forever the ability to see wild horses in the surroundings they have occupied since the 1660s in the West Douglas Herd Area.

I declare under penalty of perjury that the foregoing is true and correct. Executed on June 18, 2008.

Toni Hutcheson Moore