Western Justice

In early April 2021, a coalition of 70 animal and environmental extremist groups sent a letter to Secretary of the Interior, Deb Haaland, requesting that she illegally eliminate livestock grazing on all wild horse herd management areas (HMAs). The Bureau of Land Management (BLM) falls under the purview of the Department of the Interior, and is responsible for the management of livestock grazing as well as the vast majority of the wild horse population in the west. There are 177 HMAs total that encompass around 27 million acres in 10 western states.

The move by these groups is largely a publicity and fundraising stunt, since the right to graze livestock on federally managed lands was firmly established when the west was being settled, and has since been reinforced by other acts signed into federal law.

Over the years, the various groups against grazing federally managed lands have blatantly ignored, or been ignorant of, the laws that facilitated the settling and development of western lands. These laws are:

Homestead Act of 1862

This act was signed into law by President Abraham Lincoln. It offered 160 acres to those who would build a home and farm for five years. Settlers also had the option to buy the land after six months for the price of $1.25 per acre. This resulted in 80 million acres of western land being settled and claimed by 1900. If the settlers couldn't make it for five years, the land reverted to the government to be offered again.

Desert Land Act of 1877

While the 160 acres available through the Homestead Act was sufficient for a functional operation in states with ample rainfall to grow good grazing forage, like Kansas and Nebraska, it soon became apparent that it was not enough land for settlers of arid western states. Thus, the Desert Land Act offered 640 acres. The Desert Land Act of 1877 amended the Homestead Act and specifically encouraged the settlement and cultivation of arid and semi-arid lands in states like Wyoming and Nevada.

Stock-Raising Homestead Act of 1916

Later, the Stock-Raising Homestead Act of 1916 would also offer settlers 640 acres of western land that was deemed of no value except for livestock grazing and the growing of forage. Following the split estate concept, the government retained the mineral rights on those lands. In the most arid parts of the high desert, 640 acres is not enough for a viable operation, and thus, ranchers also grazed unclaimed land near their base properties.

Mining Act of 1866

Even though it is titled the Mining Act, it solidified ranchers' water rights and land usage. The Act stated that "rights to the use of water for mining, agricultural, manufacturing, or other purposes… shall be maintained and protected." The law also protects the right to convey water to where it can be put to beneficial use, such as through ditches and canals, as well as a surrounding fifty-foot right of way and

forage right. Further, the law states that "homesteads allowed, shall be subject to any vested and accrued water-rights, or rights to ditches and reservoirs used in connection with such water rights."

Taylor Grazing Act

In the early 1900's, the lack of formal organization and regulation of grazing resulted in less than ideal resource management and range wars. Thus, the Taylor Grazing Act of 1934 was passed to bring order to ranching unclaimed land in the west. Grazing districts were created and the land within them could no longer be claimed under the Homestead Act. Parcels to be grazed, known as allotments, were formally attached to the private base properties of ranches. Grazing rights are taxable, transferrable assets that comprise a substantial part of the value of many western ranches.

Multiple Use Yield Sustained Act (MUYSA) and Federal Land Policy and Management Act (FLPMA)

The Multiple Use Yield Sustained Act (MUYSA) of 1960 and the Federal Land Policy and Management Act (FLPMA) of 1976 specifically reinforce the multiple use mandate for federally managed lands, ensuring that all Americans have a place, whether it be recreational or commercial. As well as countless recreational opportunities, BLM lands carry thousands of leases for gas, oil, coal, renewable energy, minerals, and helium.

Ranchers who utilize grazing on federally managed lands not only have the legal right, but also provide great benefit to rural economies and the rangeland ecosystem with properly managed grazing. Please read more from our friends at Protect The Harvest. https://protecttheharvest.com/news/ranching-in-the-west-setting-the-record-straight/

Laws pertaining to the management and protection of wild horses and burros didn't come about until 1971. The Wild Free-Roaming Horses and Burros Act of 1971 (WH&B Act) not only ordered the protection of these animals, but it specifically mandated:

- Appropriate management levels (AML) for wild horse populations. Total AML for all HMAs was determined to be approximately 26,700 animals.
- The BLM is prohibited from relocating herds to areas where they weren't found when the Act was first passed.
- Excess animals must be removed from HMAs in order to preserve and maintain a "thriving ecological balance" and multiple-use relationship in the area.

Tragically, the current situation with wild horses and burros is a far cry from what the original act intended. It is dramatically detrimental to rangeland health, and to the horses themselves.

- The on-range AML has been grossly exceeded for years. Most recent estimates state that there are now over 95,000 wild horses and burros on the range. There are well over 50,000 animals in off-range, long-term holding facilities, because horses can easily live 25 to 30 years. Most of the budget for wild horses and burros funds the feed and care of those in long term holding, leaving little for management of on range horses.
- With such drastic and unnecessary excess, the animals have of course exhausted resources in existing HMAs and thus expanded beyond their known territorial limits as formally established by the WH&B Act.
- Even though there are well over 50,000 animals in off-range long-term holding facilities, relatively few excess horses are actually removed from the range. This is entirely due to the

litigious actions of the very same groups that are now demanding the removal of properly managed livestock. These wild horse “advocacy” groups sue the BLM to prevent the gathers that are essential to maintaining rangeland health and the wellbeing of the horses themselves, as well as following the multiple use mandate.

It is a sick and ironic reality that what is now a dire rangeland and animal welfare crisis is completely due to the actions of animal and environmental extremists. They have made their proverbial bed but don’t want to lay in it, and instead want to sacrifice a large sector of the western livestock industry on the altar of their ignorance.

WESTERN JUSTICE