

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

AMERICAN WILD HORSE CAMPAIGN)
338 G Street # B)
Davis, CA 95616,)
)
SKYDOG RANCH & SANCTUARY)
23823 Malibu Road, Suite 50, Box 498)
Malibu, CA 90265,)
)
CLARE STAPLES)
23823 Malibu Road, Suite 50, Box 498)
Malibu, CA 90265,)
)
EVANESCENT MUSTANG RESCUE)
AND SANCTUARY, INC.)
8370 US Hwy 82,)
Sherman, TX 75090,)
)
CAROL WALKER)
16500 Dakota Ridge Rd.)
Longmont, CO 80503)
)
Plaintiffs,)
)
v.)
)
DEBRA HAALAND, Secretary)
U.S. Department of Interior)
1849 C Street N.W.)
Washington, D.C. 20240)
)
U.S. BUREAU OF LAND MANAGEMENT,)
760 Horizon Drive)
Grand Junction, CO 81506,)
)
Defendants.)

COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF

1. This case challenges the highly controversial Adoption Incentive Program (“AIP” or “the Program”) created by the Department of Interior’s (“DOI”) Bureau of Land Management (“BLM”), under which BLM provides payments of up to \$1,000 in federal funds to individuals for each wild horse or burro adopted through the Program, and which BLM created with no public notice, no opportunity for comment, and no environmental analysis—despite the fact that the program would foreseeably lead to wild horses and burros being profoundly mistreated and sold for slaughter in contravention of Congress’s intent in enacting the Wild Free-Roaming Horses and Burros Act (“WHA”) and subsequent appropriations of agency funding that specifically forbid any expenditure of federal funds for the slaughter of healthy wild horses or burros.

2. BLM has repeatedly been subject to intense scrutiny and widespread public criticism for allowing wild horses to be sold or adopted in ways that have led to these federally protected animals being treated inhumanely or even sold for slaughter or processing into commercial products. Such scrutiny has included at least one investigation by the Department of Interior’s Office of the Inspector General, a federal grand jury investigation, numerous critical articles in major newspapers, and letters from members of Congress expressing concern that such practices violate federal law and the congressional intent to protect these animals. Notably, Congress has repeatedly and explicitly forbidden federal agencies, including BLM, from using any appropriated federal funds for the destruction of wild horses or burros, or for the sale of a wild horse or burro that results in the animal’s destruction for processing into a commercial product.

3. Nevertheless, despite abundant, clear evidence that the public is extremely interested in ensuring that BLM’s programs do not result in the slaughter or inhumane treatment

of wild horses or burros, and that neither Congress nor the American public condone federal agencies causing wild horses or burros to be slaughtered or treated inhumanely, BLM provided no public notice or opportunity for public comment when it created the AIP by promulgating an “Instruction Memorandum” (“IM”) known as Instruction Memorandum 2019-025 (“IM 2019-025”). Likewise, despite the AIP having significant adverse impacts on wild horses, and despite BLM’s own explicit intention for the AIP to free up federal funds for expenditure on agency operations on public lands that also have environmental impacts, BLM created the AIP without first undertaking any analysis of the likely environmental impacts of the Program, as required under the National Environmental Policy Act (“NEPA”). Additionally, BLM failed to adequately analyze the economic impacts of the AIP, as well as how such economic impacts may cause further environmental impacts by altering BLM’s other wild horse and burro operations across western public lands.

4. Since BLM created the AIP, Plaintiffs—a collection of non-profit organizations and individuals devoted to the welfare of wild horses and burros—have been forced to expend scarce resources investigating the fates of animals adopted through BLM’s Program and attempting to prevent dire outcomes for these animals. Plaintiffs’ investigations have revealed that numerous wild horses and burros adopted through the AIP have been subjected to severely inhumane treatment and have been sold at auctions that cater to the horse and burro slaughter industry. Plaintiffs compiled the results of their investigations into an extensive report that they submitted to DOI and BLM in order to demonstrate to the agencies that the AIP has caused inhumane—and unlawful—outcomes for federally protected animals, including the fact that the animals ended up at auctions that sell horses and burros for slaughter. Likewise, Plaintiffs submitted a formal petition to DOI and BLM explaining that the creation of the AIP violated

federal law in numerous ways and explicitly requesting that the agencies withdraw the AIP, or at the very least impose a moratorium on the AIP so that the agencies could take the necessary steps to come into compliance with federal law. However, DOI and BLM have not provided any final response to Plaintiffs' petition.

5. The actions of DOI and BLM associated with the AIP violate federal law. For example, because the AIP meets the definition of a "rule" under the Administrative Procedure Act ("APA"), BLM was obligated to undertake notice-and-comment rulemaking before creating the AIP, yet BLM unlawfully failed to do so. Likewise, because the AIP has substantial adverse impacts on wild horses and burros—which BLM is statutorily tasked to protect—and because BLM designed the AIP to free up funds for other activities that will cause further environmental and economic impacts to the lands and resources under BLM's management, BLM was obligated to prepare a NEPA analysis regarding the AIP's impacts, yet BLM unlawfully failed to undertake this legally required process as well. Further, because in creating the AIP, BLM significantly deviated from its prior policies, which featured a more rigorous system for ensuring that wild horses and burros would not go be sold to those who may send the animals to slaughter, without any recognition or explanation for why it was doing so, BLM violated the APA's mandates for reasoned decision-making. Moreover, by paying individuals to adopt wild horses and burros who then re-sell the animals for slaughter, the AIP constitutes an unlawful evasion of Congress's prohibition on the expenditure of federal funds for the slaughter of wild horses or burros.

JURISDICTION AND VENUE

6. This Court has jurisdiction over this action pursuant to 28 U.S.C. § 1331.

7. Venue is proper in this Court pursuant to 28 U.S.C. § 1391 because defendant DOI, the parent agency ultimately responsible for the decisions at issue, is located in Washington, D.C., and because the decision at issue has nationwide implications that make judicial review in this forum appropriate.

8. Venue is particularly appropriate in this Court because the AIP was created in Washington, D.C., as demonstrated by the fact that IM 2019-025, the mechanism establishing the AIP, bears the following caption:

UNITED STATES DEPARTMENT OF INTERIOR
BUREAU OF LAND MANAGEMENT
WASHINGTON, D.C. 20240-0036

Likewise, IM 2019-025 was signed by Kristin Bail, BLM’s Assistant Director for Resources and Planning, who, upon information and belief, was located in Washington, D.C. at the time she signed the IM. Furthermore, IM 2019-025 states that “[t]his policy was coordinated with the Washington Office WHB Program Staff.”

9. Venue is also appropriate in this Court because the AIP is a nationwide program. Wild horses and burros that are rounded up and removed from public lands in numerous states may be subject to adoption through the AIP. Likewise, individuals receiving animals through the AIP—and receiving payments from BLM—may be located in many different states. Further, Plaintiffs’ investigations have documented the fact that wild horses and burros adopted through the AIP have subsequently been sold at slaughter auctions throughout the country, which are known to sell, or identify themselves as selling, horses and burros for slaughter, including in



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