

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

WILD HORSE FIRE BRIGADE)	Case No. 22-3006
404 South Main Street)	
Yreka, CA 96097)	
)	
Plaintiff,)	COMPLAINT FOR DECLARATORY
)	AND INJUNCTIVE RELIEF
v.)	
)	
THE UNITED STATES BUREAU OF)	
LAND MANAGEMENT, an agency of)	
the United States)	
1849 C Street, N.W.)	
Washington DC 20240)	

INTRODUCTION

1. Plaintiff Wild Horse Fire Brigade (WHFB) files this action on its own behalf and on behalf of its adversely affected members against the Bureau of Land Management (BLM) over the ongoing capture and removal of wild horses from private property within and adjacent to the Pokegama Herd Management Area (HMA), located near Klamath Falls, Oregon. Through this roundup, BLM intends to permanently remove over 200 wild horses from an estimated population of 230 in the HMA.

2. Before initiating this roundup, BLM failed to: (1) conduct an excess determination as required by the Free Roaming Wild Horse and Burro Act (WHBA); (2) conduct a review of the decision under the National Environmental Policy Act (NEPA); and (3) provide the public reasonable notice and an opportunity to comment, as required by the Administrative Procedure Act (APA), BLM guidance applicable to decisions to remove wild horses from the range, and/or NEPA. BLM and the courts have repeatedly concluded

that the agency is required to conduct an excess determination, to provide the public with draft environmental documentation for review, and to provide the public with thirty days to comment on the proposal before issuing a final decision on a wild horse roundup. In addition, BLM must issue a Final Decision thirty-one to seventy-six days before the proposed roundup.

3. Here, BLM did none of these things. Instead, after receiving a complaint from a local landowner that horses had strayed from the HMA onto private property, BLM chose to bypass the required process and initiate a removal of the horses. While BLM is authorized to remove wild horses under its jurisdiction from private property, they must be returned to the HMA. That authority does not provide BLM an alternative to the required process for deciding to **permanently remove wild horses as excess from an HMA**. This is made clear by BLM's own regulations, which distinguish between responding to a complaint of a landowner to remove "nuisance" horses, and the decision by the agency to remove "excess" horses from private land in and around a herd management area. *See* 43 C.F.R. §§ 4720.1-.2.

4. BLM's failure to fulfill its legal obligations in this instance also raise a second concern. In addition to the Pokegama wild horse herd that is managed by BLM, there are wild horses that reside on adjacent private lands in California that BLM has no legal authority over. It is known that Mr. William E. Simpson, II (a member of the WHFB), lives just over the border in open-range Siskiyou County, California and personally owns a horse herd that occasionally grazes into Jackson County, Oregon, due to downed and missing fencing along the California-Oregon state-line. In this case, BLM's failure to prepare an excess determination, NEPA analysis, or allow for public participate means that the actual ownership of the horses being roundup has not been determined. BLM, of course, has no legal authority to remove horses owned by a private party from private lands.

5. For these reasons, as further alleged below, Plaintiff seeks a declaration from the Court that BLM has violated the WHBA and/or NEPA. Plaintiff further requests that the Court enjoin the removal of wild horses from in and around the HMA.

PARTIES

5. Plaintiff, Wild Horse Fire Brigade, is a non-profit organization dedicated to the protection and restoration of native wild horses as keystone herbivores into designated wilderness areas rich with forage and water where they benefit flora and fauna as they reduce and maintain grass and brush wildfire fuels, beyond conflicts with livestock and other public land uses. Wild Horse Fire Brigade also seeks to save native species American wild horses by rewilding them from government holding facilities, and/or relocating them away from areas of contention with livestock production, and humanely placing them as family units into carefully selected designated wilderness areas that are economically and ecologically appropriate.

6. WHFB and its members have a significant interest in wild horses on federal public lands generally, and at the Pokegama HMA specifically. The founder, William E. Simpson II has accumulated over 15,000 hours of close observational study of the local wild horses. He has personally hiked in and through the Pokegama area and viewed horses in the HMA. His documented research includes photos and memos recording the wild horse family band structure and how their grazing pattern in the local environment is natural fire abatement. The wild horses' grazing helped CALFIRE to suppress the Oregon Gulch Fire in 2014, and deadly 38,000 acre Klamathon Fire of 2018, that was threatening to destroy the entirety of the area and the adjacent national treasure, the Cascade-Siskiyou National Monument.

7. WHFB founder, chairperson and member, William E. Simpson II, owns property in California adjacent to the private lands in Oregon where BLM is conducting this

roundup. Mr. Simpson lives just over the border in open-range Siskiyou County, California and personally owns a horse herd that occasionally grazes into Jackson County, Oregon due to downed and missing fencing along the California-Oregon state-line. Mr. Simpson's horses are rewilded native horses and can easily be mistaken for horses from the Pokegama HMA.

8. Here, WHFB and its members were deprived of an opportunity to comment before BLM began to roundup horses from the HMA. WHFB would have done so if given an opportunity. Specifically, WHFB would have commented on the importance of keeping these horses in the HMA and in adjacent properties to protect the health of the animals as well as the local ecosystem. In addition, WHFB would also have participated in the decisionmaking process to protect Mr. Simpson's horses that may stray onto private lands where BLM is conducting this roundup

9. Defendant Bureau of Land Management is an agency located within the Department of the Interior. The mission of BLM is "[t]o sustain the health, diversity, and productivity of America's public lands for the use and enjoyment of present and future generations." The agency administers over 245 million surface acres of public lands, most of which is located in twelve Western states, including Oregon. The HMA is located on BLM-administered public land, and the agency is responsible for ensuring that federally-administered actions within HMA comply with the requirements of all federal laws, including the WHBA and NEPA.

JURISDICTION AND VENUE

10. This Court has subject matter jurisdiction pursuant to 28 U.S.C. § 1331 (federal question). This action presents a case and controversy arising under NEPA, a federal statute. This Court also has jurisdiction pursuant to 28 U.S.C. § 1346, as the United States is a defendant. The relief sought is authorized by 28 U.S.C. § 2201 (declaratory judgment) and 28 U.S.C. § 2202 (injunctive relief).

11. Venue properly lies in this Court pursuant to 28 U.S.C. § 1391(e), as the Defendant is an agency of the United States headquartered in this District.

STATUTORY BACKGROUND

A. The Administrative Procedure Act.

12. The Administrative Procedure Act governs internal procedures of administrative agencies, including how they interact with the public. The APA is codified at 5 U.S.C. §§ 551-559, and defines an “agency” broadly to mean “each authority of the Government of the United States,” unless expressly excluded by the Act.

13. BLM is not expressly excluded from the APA.

14. “Agency action” is defined by the APA as “the whole or part of an agency rule, order, license, sanction, relief, or the equivalent or denial thereof, or failure to act.” 5 U.S.C. § 551(13). A “rule” is defined as “the whole or part of an agency statement of general or particular applicability and future effect designed to implement, interpret, or prescribe law or policy.” *Id.* § 551(4).

15. Before making a rule, an agency must publish notice of proposed rulemaking in the Federal Register, unless persons subject thereto are named and either personally served or otherwise have actual notice thereof in accordance with law. 5 U.S.C. § 553(b).

16. The notice must include: “(1) a statement of the time, place, and nature of public rule making proceedings; (2) reference to the legal authority under which the rule is proposed; and (3) either the terms or substance of the proposed rule or a description of the subjects and issues involved.” *Id.* § 553(b)(1)-(3).

17. After notice, the agency must give interested persons an opportunity to participate in the rulemaking through submission of written data, views, or arguments. 5 U.S.C. § 553(c). The agency must publish notice of a substantive rule at least thirty days before its effective date, unless it is a “(1) a substantive rule which grants or recognizes an

exemption or relieves a restriction; (2) interpretative rules and statements of policy; or (3) as otherwise provided by the agency for good cause found and published with the rule.” *Id.* U.S.C. § 553(d).

B. The National Environmental Policy Act.

18. NEPA is our nation’s basic charter for environmental protection.

19. Congress enacted NEPA for two central purposes. First, Congress sought to ensure that all federal agencies examine the environmental impacts of their actions before acting. Second, Congress sought to provide the public with a statutory means to be informed about, and to comment on, the environmental impacts of proposed agency action. NEPA requires federal agencies to analyze the environmental impact of a particular federal action before proceeding with that action. *See* 42 U.S.C. § 4332(2)(C).

20. Accordingly, before a federal agency can act in a way that significantly affects the quality of the human environment, NEPA requires the acting agency to prepare a detailed environmental impact statement (EIS) that discusses, among other things: “(i) the environmental impact of the proposed action, (ii) any adverse environmental effects which cannot be avoided should the proposal be implemented, [and] (iii) alternatives to the proposed action.” 42 U.S.C. § 4332(2)(C).

21. The EIS is the cornerstone of NEPA. An EIS is required for all “major Federal actions significantly affecting the quality of the human environment.” 42 U.S.C. § 4332(2)(C). The requirement to prepare an EIS is broad and intended to compel agencies to take seriously the potential environmental consequences of a proposed action.

22. Agencies may prepare an Environmental Assessment (EA) to determine whether a proposed action requires preparation of an EIS or warrants a finding of no significant impact.

23. An EA must take a “hard look” at the potential consequences of its actions and provide enough evidence and analysis for determining whether to prepare an EIS.

Agencies must involve the public, to the extent practicable, in preparing this assessment. 40 C.F.R. § 1501.4(b).

24. If the agency decides the impacts are not significant, it must supply a convincing statement of reasons why, and make its finding of no significant impact available to the public. 40 C.F.R. § 1501.4(e).

25. A significant effect may exist even if the federal agency believes that on balance the effect will be beneficial. 40 C.F.R. §1508.27(b)(1).

26. Whether in an EA or EIS, an agency must adequately evaluate all potential environmental impacts of the proposed action. *See* 42 U.S.C. § 4332(2)(C). To meet this obligation, the federal agency must identify and disclose to the public all foreseeable impacts of the proposed action, including direct, indirect, and cumulative impacts. *See id.* § 4332(2); *see also* 40 C.F.R. §§ 1508.7-1508.8.

27. NEPA also requires agencies to “study, develop, and describe appropriate alternatives to recommended courses of action in any proposal which involves unresolved conflicts concerning alternative uses of available resources” 42 U.S.C. § 4332(E); *see also* 40 C.F.R. § 1507.2(d).

28. After preparing an EA or EIS, an agency may not simply rest on the original document. The agency must gather and evaluate new information that may alter the results of its original environmental analysis, and continue to take a hard look at the environmental effects of its future planned actions. *See Friends of the Clearwater v. Dombeck*, 222 F.3d 552, 557 (9th Cir. 2000).

29. To ensure public involvement, “[a]gencies shall . . . provide public notice of . . . the availability of environmental documents so as to inform those persons and agencies who may be interested or affected.” 40 C.F.R. 1506.6(a), (b) (public involvement). Agencies also must “[s]olicit appropriate information from the public.” 40 C.F.R. 1506.6(d).

30. NEPA requires an agency to prepare a supplemental NEPA analysis when “[t]he agency makes substantial changes in the proposed action that are relevant to environmental concerns; or . . . [t]here are significant new circumstances or information relevant to environmental concerns and bearing on the proposed actions or its impacts.” 40 C.F.R. § 1502.9(c)(1).

C. The Wild Free-Roaming Horses and Burros Act.

31. In 1971 Congress passed the Wild Free-Roaming Horses and Burros Act (WHBA), 16 U.S.C. §§ 1331 *et seq.*, and found that, “wild free-roaming horses and burros are living symbols of the historic and pioneer spirit of the West; that they contribute to the diversity of life forms within the Nation and enrich the lives of the American people; and that these horses and burros are fast disappearing from the American scene.” 16 U.S.C. § 1331. Upon finding this, Congress stated its policy was that “wild free-roaming horses and burros shall be protected from capture, branding, harassment, or death, and to accomplish this they are to be considered in the area where presently found as an integral part of the natural system of public lands.” 16 U.S.C. § 1331.

32. The WHBA requires BLM to “protect and manage wild free-roaming horses and burros as components of the public lands . . . in a manner that is designed to achieve and maintain a thriving, natural ecological balance on the public lands.” 16 U.S.C. § 1333(a). Additionally, the WHBA requires management of wild horses and burros to be at “the minimal feasible level.” *Id.*

33. To do so, for each HMA, BLM must: (1) maintain a current inventory of wild horses in the management area, (2) “determine [the] appropriate management level” of wild horses that the HMA can sustain, and (3) determine the method of achieving the designated appropriate management level (AML) and managing horses within it. 16 U.S.C. § 1333(b)(1); 43 C.F.R. §§ 4710.2, 4710.3-1. An AML, according to BLM’s Wild Horses and Burros Management Handbook, is “expressed as a population range within which [wild

horses] can be managed for the long term” in a given HMA without resulting in rangeland damage. BLM, Wild Horse and Burros Management Handbook H-4700-1 (2010) at 17.

34. Lastly, the WHBA requires BLM to make a determination that there are excess wild horses prior to gathering or removing any wild horses from the range. *See Colorado Wild Horse & Burro Coal., Inc. v. Salazar*, 639 F. Supp. 2d 87 (D.D.C. 2009). The WHBA defines the term “excess” as animals that “must be removed from an area in order to preserve and maintain a thriving ecological balance and multiple-use relationship in that area.” 16 U.S.C. § 1332(f).

D. BLM Guidance and Regulations on Wild Horses Removals and Management Actions.

35. BLM regulations at 43 C.F. R. §4720.1 provide additional authority for removal of excess animals from public lands. That regulations provides, among other things, that “[u]pon examination of current information and a determination by the authorized officer that an excess of wild horses or burros exists, the authorized officer shall remove the excess animals immediately in the following order: (a) old, sick, or lame animals shall be destroyed in accordance with subpart 4730 of this title; (b) additional excess animals for which an adoption demand by qualified individuals exists shall be humanely captured and made available for private maintenance in accordance with subpart 4750 of this title; and (c) remaining excess animals for which no adoption demand by qualified individuals exists shall be destroyed in accordance with subpart 4730 of this title.”

36. Removal of strayed **or** excess animals from private lands are addressed in 40 C.F.R. §§ 4720.2-1 and .2-2. These regulations provide for separate actions based on whether or not the removal is also accompanied by an excess determination.

37. Section 4720.2-1, entitled “Removal of strayed animals from private lands,” provides: “[u]pon written request from the private landowner to any representative of the Bureau

of Land Management, the authorized officer shall remove stray wild horses and burros from private lands as soon as practicable. The private landowner may also submit the written request to a Federal marshal, who shall notify the authorized officer. The request shall indicate the numbers of wild horses or burros, the date(s) the animals were on the land, legal description of the private land, and any special conditions that should be considered in the gathering plan.”

38. Section 4720.2-2, entitled “Removal of excess animals from private lands,” provides: “[i]f the authorized officer determines that proper management requires the removal of wild horses and burros from areas that include private lands, the authorized officer shall obtain the written consent of the private owner before entering such lands. Flying aircraft over lands does not constitute entry.”

39. Among other things, BLM’s Wild Horses and Burros Management Handbook H-4700-1 provides:

Prior to removing [wild horses and burros] from public lands, the authorized officer must make a determination, based on current information, that excess animals are present and their removal is necessary to restore a [thriving natural ecological balance] and multiple-use relationship. BLM’s authority to remove excess animals from public lands is found in 16 USC § 1333(b)(2) of the [WHBA] (as amended). This provision requires the BLM to immediately remove the animals upon determination that excess [wild horses and burros] exist, so as to achieve appropriate management levels, restore a thriving natural ecological balance, and protect the range from the deterioration associated with the overpopulation. In making the determination that excess [wild horses and burros] are present and require immediate removal, the authorized officer will analyze current information including grazing utilization and distribution, trend in range ecological condition, actual use, climate (weather) data, current population inventory, [wild horses and burros] located outside the HMA in areas not designated for their long-term maintenance and other factors which demonstrate removal is needed to restore or maintain the range. Justifying a removal based on nothing more than the established AML is not acceptable.

40. Regarding public involvement, BLM’s Wild Horses and Burros Management Handbook H-4700-1 provides:

The authorized officer will provide the public 30 days to review and comment on the NEPA document, typically an Environmental Assessment that documents and analyzes the environmental effects of the BLM's Proposed Action. The authorized officer shall make Gather Plan EAs and DNAs available to interested individuals, groups, and agencies for a 30-day review and comment period, except when an emergency situation exists. The NEPA document(s) identified in the [Determination of NEPA Adequacy] (e.g., the EA and Finding of No Significant Impact (FONSI)) will also be made available to the public for information. The authorized officer should consider substantive comments and summarize how they were addressed in the NEPA document or DNA for the Gather Plan. This summary should be presented in the NEPA document, the DNA, or the decision document.

41. Further, according to BLM's Range Management Manual 4720 policy, the authorized officer shall conduct an appropriate site-specific analysis of the potential environmental impacts that could result from implementation of a proposed roundup in accordance with NEPA.

42. BLM has repeatedly indicated that the agency is bound by these internal guidance documents regarding environmental review and public involvement requirements are binding. As such, courts have found BLM is required to follow these policies before a roundup decision can be finalized. *Friends of Animals v. Haugrud*, 236 F. Supp. 3d 131, 135 (D.D.C. 2017).

FACTUAL BACKGROUND

43. Local residents of the Pokegama area recall seeing bands of wild horses in the area since the early 1900s. The herd currently ranged in color from bay to buckskin, sorrel, black and brown. In terms of size, horses average fourteen to fifteen hands and weigh 900 to 1,000 pounds.

44. The Pokegama herd is unique in being the only designated herd area in the Cascade Range. The HMA is approximately 80,855 acres, and located west of the city of Klamath Falls in an area defined by Highway 66 on the north, the Klamath River on the east

and south, and Jenny Creek is the west boundary. The HMA lies primarily in Oregon but does include portions in California, north of the Klamath River.

45. The AML established for the Pokegama herd is approximately 30-50 horses.

46. On August 28, 2020, BLM announced that it would begin a wild horse gather on private property within and adjacent to the Pokegama HMA. This action was announced after a request of a private landowner for the removal of horses from private property within and adjacent to the HMA.

47. The roundup was announced to begin on September 14, 2020.

48. The BLM would gather wild horses from private property only.

49. BLM would not gather horses from lands managed by the BLM within the HMA.

50. The BLM is conducting these gather operations utilizing temporary bait traps consisting of a series of corral panels stocked with water and hay.

51. No helicopters are used for these roundups.

52. The appropriate management level (AML) for the Pokegama HMA is 30 to 50 horses.

53. Based on a 2015 survey, the current estimate is that there may be as many as 230 horses within the area.

54. BLM acknowledges the HMA is forested, thus making it difficult to count and obtain an accurate population inventory.

55. Horses identified for removal are transported to the BLM's Wild Horse Corrals in Hines, Oregon.

56. At the Hines facility, they are checked by a veterinarian and readied for the BLM's wild horse and burro Adoption and Sale Program.

57. The removals from the range in and near Pokegama are permanent.

58. BLM reports that on September 18, 2020, a total of 5 horses were gathered and shipped to the Hines facility.

59. BLM did not conduct any additional roundups in 2020.

60. BLM reports that no horses were rounded up in 2021.

61. On September 8, 2022, it was reported in local media that BLM would recommence the roundup first announced on August 28, 2020.

62. BLM reports that on September 26, 2022, a total of two horses were gathered. These horses have not been shipped to the Hines facility.

63. BLM reports that on September 27, 2022, no horses were gathered.

64. BLM reports that on September 28, 2022, a total of one horse was gathered. This horse has not been shipped to the Hines facility.

65. BLM reports that on September 29, 2022, no horses were gathered. Three horses were shipped to the Hines facility on this date.

66. BLM reports that on September 30, October 1 and October 2, 2022 no horses were gathered.

67. At no time before or after August 28, 2022, did BLM prepare an excess determination for the Pokegama wild horses.

68. At no time before or after August 28, 2022, did BLM prepare an EA, EIS or make a Finding Of No Significant Impact for the proposed removal of Pokegama wild horses.

69. Before initiating removal of wild horses under the August 28, 2022 announcement, BLM did not seek public comment.

FIRST CAUSE OF ACTION

(VIOLATIONS OF WILD FREE-ROAMING HORSES AND BURROS ACT: FAILURE TO MAKE A PROPER EXCESS DETERMINATION)

70. Plaintiff incorporates all allegations contained in the preceding paragraphs.

71. On the above facts and legal obligations, BLM violated the WHBA by failing to make an appropriate determination that wild horses were excess prior to authorizing their permanent removal from the Pokegama HMA.

72. In choosing to commence the rounding up of horses after the August 28, 2020 announcement without complying with the WHBA, BLM's actions are arbitrary and capricious, an abuse of discretion, and not in accordance with law or required procedure, in violation of the APA, 5 U.S.C. § 706(2).

73. Absent injunctive and declaratory relief against BLM, Plaintiff will suffer irreparable harm, and requests the relief set forth below.

SECOND CAUSE OF ACTION

(NEPA: FAILURE TO PREPARE AN ENVIRONMENTAL ASSESSMENT, ENVIRONMENTAL IMPACT STATEMENT, OR FINDING OF NO SIGNIFICANT IMPACT)

74. Plaintiff incorporates all allegations contained in the preceding paragraphs.

75. The roundup of 100 wild horses from the CHMA is a major federal action subject to NEPA.

76. BLM's policy mandates that a decision that there are excess animals that require removal should include a NEPA document that analyzes current information on the following elements: grazing utilization and distribution; trend in range ecological condition; actual use; climate (weather) data; current population inventory; wild horses and burros located outside the HMA, or in herd areas (HAs) not designated for their long-term

maintenance; and other factors such as the results of land health assessments which demonstrate removal is needed to restore or maintain the range.

77. BLM did not include a NEPA document that analyzed the required information prior to commencing the roundup of horses after the August 28, 2020 announcement.

78. BLM's decision to commence the rounding up of horses without complying with NEPA is arbitrary, capricious, an abuse of discretion, and not in accordance with law or required procedure, and must be set aside under the APA, 5 U.S.C. § 706(2).

79. Absent injunctive and declaratory relief against BLM, Plaintiff will suffer irreparable harm, and requests the relief set forth below.

THIRD CAUSE OF ACTION

(APA: UNEXPLAINED DEPARTURE FROM AGENCY GUIDELINES REQUIRING REASONABLE NOTICE AND PUBLIC COMMENT)

80. Plaintiff incorporates all allegations contained in the preceding paragraphs.

81. BLM's policy mandates that it provide the public thirty days to review and comment on a NEPA document for a roundup plan unless an emergency situation exists.

82. BLM did not provide the public thirty days to review and comment on a NEPA document before commencing the roundup of horses on September 14, 2020 and on September 26, 2022.

83. BLM did not provide any explanation for departing from its policy.

84. BLM's policy mandates that a removal decision should be issued thirty-one to seventy-six days prior to the decision becoming effective.

85. BLM's did not issue a decision thirty-one to seventy-six days prior to the Decision becoming effective and horses being removed.

86. BLM's failure to follow its own policies, without explanation, is arbitrary, capricious, an abuse of discretion, and not in accordance with law or required procedure, and must be set aside under the APA, 5 U.S.C. § 706(2).

FOURTH CAUSE OF ACTION

(Administrative Procedure Act: Failure to Provide for Notice and Comment)

87. Plaintiff incorporates all allegations contained in the preceding paragraphs.

88. Under the WHBA, the Secretary of the Interior, through her delegate, the BLM, is obligated to make "determinations as to whether and where an overpopulation exists and whether action should be taken to remove excess animals; determine appropriate management levels of wild free-roaming horses and burros on these areas of the public lands; and determine whether appropriate management levels should be achieved by the removal or destruction of excess animals, or other options (such as sterilization, or natural controls on population levels)." 16 U.S.C. § 1333(b).

89. Given this express delegation, BLM was obliged to engage in formal notice and comment rulemaking as prescribed by law before BLM issued the determination regarding whether the Pokegama HMA contained "excess" wild horses or issued any decision to manage those animals. *See* 5 U.S.C. § 553.

90. In announcing on August 28, 2020, its intent to commence removal of wild horses from private lands in and near the HMA, BLM did so without any advance notice to the public, or opportunity for public comment. Accordingly, BLM's actions are arbitrary and capricious, and not in accordance with law or required procedure, in violation of the APA, 5 U.S.C. § 706(2).

91. Absent injunctive and declaratory relief against BLM, Plaintiff will suffer irreparable harm, and requests the relief set forth below.

REQUEST FOR RELIEF

Wild Horse Fire Brigade respectfully requests that this Court enter judgment providing the following relief:

- A. Declare that BLM's ongoing removal of wild horses from private property in and near the Pokegama HMA violated the Free Roaming Wild Horse and Burro Act and the Administrative Procedure Act;
- B. Declare that BLM's ongoing removal of wild horses from private property in and near the Pokegama HMA violated the National Environmental Policy Act and the Administrative Procedure Act;
- C. Enjoin BLM's ongoing removal of wild horses from private property in and near the Pokegama HMA at issue in this case unless and until the violations of federal law set forth herein have been corrected to the satisfaction of this Court;
- D. Award Plaintiff reasonable costs, litigation expenses, and attorneys' fees associated with this litigation pursuant to the Equal Access to Justice Act, 28 U.S.C. § 2412 *et seq.*, and/or all other applicable authorities; and/or
- E. Grant such further relief as the Court deems just and equitable.

Dated: October 5, 2022

Respectfully submitted,

s/ Michael Ray Harris

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