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Abandoned horses looming large, may cost counties

By Harold Blattie, MACo Executive Director

Trigger, the Jones family's horse for more than 25 years, is getting too old to ride and has earned his well-deserved retirement. Trigger is a "bomb-proof" horse and the family's children all learned to ride on the back of this trusted family friend.

He is a patient horse, letting small children crawl around and between his legs with never a hint of harming anyone or spooking. Trigger has hauled elk and gathered cattle. He could anticipate what a cow was going to do and know where to move to block the herd-quitter, most of the time before the cow even took the first step out of place.

Trigger is just a great horse but the family is having a tough time making ends meet since Dad was laid off. With hay costing around $200 per ton, there isn't enough money to pay for gas for the pickup, heat the house, purchase food for the family and buy hay, so the heart-breaking choice is made to sell him.

Hoping to find a good home where Trigger can live out his days, an ad is placed in the local paper but there are no responses. The hay in the barn is fast disappearing and there is no money to buy more. Dad knows Trigger needs to be put down but cannot even think of using his .22-caliber rifle, so he checked with the local vet about having Trigger humanly euthanized. The vet says it will cost $125, plus $150 for hauling him the local landfill and burial – an amount the family just cannot scrape together.

About the only choice left is to take Trigger to the auction. He's hauled to the local auction barn to be sold. Hoping a kind soul will buy Trigger and take him home, but knowing he is probably headed to slaughter in another country, tearful goodbyes are made.

The family goes into the auction barn and does not have to wait long until Trigger comes into the ring. The family is shocked when the auctioneer tries to start the bid at $100. No bids. The auctioneer tries $75, then $50, then $25, and, finally, $10, but no takers. Down comes the gavel with the auctioneer announcing "No Sale." After paying the auction barn fees for the non-sale of nearly $50, Trigger is hauled home.

That night, Dad again loads Trigger into the trailer. This time it's for a trip deep into the heart of the area's most remote stretches. The tailgate is opened and Trigger is given a pat on the back and a parting "good luck." Dad heads home, having abandoned Trigger to fend for himself in a strange place.

OK, Harold, that's a sad story (I have no visions of any literary awards!), but what does it have to do with county government, you ask? Read on...

The number of horses being abandoned by their owners is rapidly increasing since horse slaughter for human consumption was halted in the U.S. This situation is not exclusive to Montana or to the West but is happening nationwide.

As the cost of hay has increased, coupled with people trying to make ends meet, they are often faced with the choice of feeding their horses or their families. There is virtually no market for cull horses in the U.S. When they are taken to auctions, many do not sell because the cost of transporting them out of the U.S. for slaughter is often more than the value of the horse.

Many horses are dropped off at auction facilities by their owners who then vanish. Others abandon horses on public lands. The Bureau of Land Management (BLM) estimates there are more 33,000 wild horses on BLM range in 11 Western states. That's more than 6,000 over the target of 27,000. BLM conducts roundups to gather excess horses and attempts to adopt them. Many of these horses are not adoptable because of age and condition. The BLM has placed these horses in holding facilities and has more than 30,000 in its charge.

Caring for so many animals is crippling the agency's budget. Last year, about $22 million of the entire horse program's $39-million budget was spent on holding horses in agency pens. Next year, the costs are projected

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to grow to $26 million with an overall budget that is being trimmed to $37 million. Continuing current practices would require a budget of $58 million next year, escalating to $77 million in 2012, according to BLM estimates (*Montana Standard,* July 1, 2008).

There has been a concerted push in Congress to ban horse slaughter in the U.S. and most recently an attempt to outlaw transporting horses to slaughter facilities outside the country. U.S. Rep. John Conyers (D-Mich.) sought to jail or fine anyone possessing, selling, transporting or purchasing horses for slaughter. The U.S. House Judiciary Committee rejected the bill.

Animal rights activists propose to solve this problem by having taxpayers build and maintain horse shelters. With an estimated price tag of $2,000 annually to care for each horse, the cost of caring for some 150,000 horses abandoned or sold at auction gets into the $300-million range (*Environment and Climate News,* January 2009).

By now I am sure you are still wondering what this has to do with county government. Here goes.....

The Montana Legislature passed Chapter 140 of the Session Laws of 1925, the "Roundup of Abandoned Horses Act." It is still valid law and has only been minimally amended since enactment and is codified in Title 81, Chapter 4, Part 5. Section 81-4-502, MCA, declares abandoned horses on the open range to be a public nuisance.

Section 81-4-503, MCA, REQUIRES a Board of County Commissioners, upon the receipt of a petition, to authorize the roundup of abandoned horses in any district in the county.

The county is allowed to charge the petitioners for the estimated cost of the roundup, then reimburse the petitioners when the horses that are gathered are sold. This was obviously written with a presumption that the horses could be sold to recover the estimated costs. The statute does not provide for charging the petitioners for the care or disposal of the horses.

So what is a county going to do with them? Sell them? Maybe, maybe not. Start your own adoption program? That's not working real well for the BLM nowadays. Euthanize them? I can see the animal rights activist lining up to prevent the use of a firearm, leaving counties the alternative of humane euthanization performed by a veterinarian. At $250 - $300 each, that could get expensive fast (*Section 81-4-506 authorizes the commission to sell the horses and if they cannot be sold to then destroy or otherwise dispose of them).*

Should owners appear and claim any horse gathered in a roundup, the county is allowed to charge them a $5 roundup fee *(I have an amendment to the Obsolete Statutes bill ready that would increase the amount to $100).*

These statutes are applicable to open range. Many areas of the state are included in herd districts where the controlling statutes are completely different. The Montana Department of Livestock has statutory responsibilities related to estrayed animals, meaning those that wander onto another person's property in contrast to those animals that are clearly abandoned. Title 81, Chapter 4, Part 6, provides for estrayed animals and requires an estrayed animal must be held by the stock inspector (DOL) for a period of not less than 30 days or more than 60 days. State Sen. John Esp (R-Big Timber) is sponsoring Senate Bill 104, which would reduce the period to not more than 30 days (http://data.opi.mt.gov/bills/2009/billhtml/SB0104.htm).

And just to further complicate the issue, 7-32-2121(4), MCA, places the duty upon the county sheriff to "perform the duties of a humane officer within the county with reference to the protection of animals." Abandoned animals will generally need to be protected, thus the sheriff now becomes involved.

The bottom line is federal land managers, state agencies and counties all have a role in addressing this growing problem – each is different but interrelated. To compound the problem, the interrelationship between federal policy and Montana law is far from clear. The problem of horse abandonment is far from epidemic but the fact it is a growing problem cannot be ignored.

Below are several links to recent news articles from both Montana and out-of-state publications about abandoned horses. I would also encourage you to conduct a Google search for "abandoned horse" and if you have a strong stomach, do a search for "horse slaughter." Warning – you will find links to very graphic video clips.

- http://www.mtstandard.com/articles/2008/07/01/nationworld_top/20080701_nationworld_top.txt
- http://www.mtstandard.com/articles/2008/11/17/state/hjjbiiicjjgbfd.txt
- http://www.mtstandard.com/articles/2008/12/21/breaking/hjjbihhiidheje.txt
- http://www.mtstandard.com/articles/2008/12/22/ap-state-mt/d957dvig2.txt
- http://www.time.com/time/nation/article/0,8599,1809950,00.html
- http://equisearch.com/horses_care/health/rescue/abandoned_horses_050608/
- http://www.suntimes.com/news/metro/1330571,CST-NWS-horses14.article
- http://www.usatoday.com/news/nation/2008-12-16-horses_N.htm
- http://www.tucsoncitizen.com/daily/local/75038.php