

MANAGED^{TO} EXTINCTION?

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**A 40th Anniversary Legal Forum Assessing the
1971 Wild Free-Roaming Horses & Burros Act**

Hosted by NYU Environmental Law Journal,
NYU Environmental Studies Program and the NYU-SCPS M.A.
Program in Graphic Communications Management
and Technology

November 16, 2011
New York University School of Law



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November 16, 2011
New York University School of Law
Vanderbilt Hall
40 Washington Square South
New York, NY 10012

Forum Schedule:

5:45 p.m.	Doors open
6:00 - 6:30 p.m.	Audio-visual Introduction
6:30 - 6:40 p.m.	Opening and overview by moderator, Dr. Dale Jamieson, Professor of Law and Director of the NYU Environmental Studies Program
6:40 - 7:15 p.m.	Opening statements from panelists
7:15 - 8:00 p.m.	Moderated discussion
8:00 - 8:30 p.m.	Interactive Q. and A. with audience
8:30 - 9:30 p.m.	Reception and NYU bookstore sponsored book-signing event with Deanne Stillman, author, <i>Mustang, The Saga of the Wild Horse in the American West</i>



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Moderator:

Dale Jamieson, Professor of Law and Director of the
NYU Environmental Studies Program

Panelists:

Deniz Bolbol, Communications Director,
American Wild Horse Preservation Campaign

Ginger Kathrens, Volunteer Executive Director,
The Cloud Foundation

Dick Loper, Founder, Association of Rangeland
Consultants

Ross MacPhee, Curator, Division of Vertebrate
Zoology, American Museum of Natural History

Katherine Meyer, Partner, Meyer Glitzenstein &
Crystal

Nancy Perry, Senior Vice President, ASPCA
Government Relations

Deanne Stillman, author, *Mustang, The Saga of the
Wild Horse in the American West*

Scan the QR (quick response) barcodes in this program using your smartphone camera to go to websites for more information. Free QR reader and barcode scanners apps available in your smartphone 'apps' store.

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Moderator: Dale Jamieson
Professor of Law and Director of the NYU
Environmental Studies Program

Dale Jamieson is Director of Environmental Studies at NYU, where he is also Professor of Environmental Studies and Philosophy, and Affiliated Professor of Law. Formerly he was Henry R. Luce Professor in Human Dimensions of Global Change at Carleton College, and Professor of Philosophy at the University of Colorado, Boulder, where he was the only faculty member to have won both the Dean's award for research in the social sciences and the Chancellor's award for research in the humanities. He has held visiting appointments at the National Center for Atmospheric Research, Cornell, Princeton, Stanford, Oregon, Arizona State University, and Monash and the University of the Sunshine Coast in Australia. He is also past president of the International Society for Environmental Ethics.

Dr. Jamieson is the author of *Ethics and the Environment: An Introduction* (Cambridge, 2008), and *Morality's Progress: Essays on Humans, Other Animals, and the Rest of Nature* (Oxford, 2002). He is also the editor or co-editor of eight books, most

recently *Climate Ethics: Essential Readings*. He has published more than one hundred articles and book chapters. He is on the editorial boards of several journals including *Environmental Values*; *Environmental Ethics*; *Science, Technology, and Human Values*; *Science and Engineering Ethics*; *Journal of Applied Animal Welfare Science*; *The Journal of Agricultural and Environmental Ethics*; and the *Journal of Applied Philosophy*. His research has been funded by the National Science Foundation, the US Environmental Protection Agency, the National Endowment for the Humanities, and the Office of Global Programs in the National Atmospheric and Aeronautics Administration. He is currently a Principal Investigator on a National Science Foundation Project on "Assessing Assessments: A Historical and Philosophical Study of Scientific Assessments for Environmental Policy in the Late 20th Century", with Michael Oppenheimer (Princeton) and Naomi Oreskes (UCSD). He is also writing a book on the moral and political challenges of climate change, a topic on which he has worked for more than twenty-five years.



MANAGED^{TO} EXTINCTION?

Panelist: Deniz Bolbol
Communications Director, American Wild
Horse Preservation Campaign

The American Wild Horse Preservation Campaign (AWHPC), referred to as "The U.N. of wild horse advocacy" by Ed Sayres, President, ASPCA, is a national coalition of more than 45 public interest, environmental, humane and historical preservation organizations representing over 10 million supporters. Spearheaded by Return to Freedom in the summer of 2004, it was conceived as a campaign to allow its participants to present a united front for America's wild horses supported by a firm grassroots base.

As AWHPC Communications Director, **Deniz Bolbol** has extensive field experience observing and video documenting Bureau of Land Management (BLM) wild horse roundups on public rangelands. Since the December 2009 – February 2010 Calico roundup in northwestern Nevada, video taken by Ms. Bolbol has contributed to exposing the physical, often brutal reality of wild horse roundups and the subsequent treatment of the mustangs after they are removed from the wild and taken to federal holding facilities.

Thanks to her first-hand experiences documenting wild horse management, Ms. Bolbol is often called upon to speak at state and federal government hearings, including numerous Wild Horse and Burro Advisory Board meetings and the recent AB329 hearing in the Nevada State Senate.

Prior to her tenure at AWHPC and following a 15-year career in corporate public relations, Ms. Bolbol worked on other animal protection and first amendment issues. For more information on AWHPC and Ms. Bolbol's work, please visit www.WildHorsePreservation.org.



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Panelist: Ginger Kathrens
Volunteer Executive Director, The Cloud
Foundation

Ginger Kathrens is an Emmy Award-winning filmmaker and an award-winning author. She has filmed around the world for the Discovery Channel, Animal Planet, National Geographic, the BBC, and PBS. She has documented the wild horse, Cloud, ever since he tottered out of the forest with his mother over sixteen years ago and has documented his journey ever since. She produced the revealing journey with Cloud and the rest of the Pryor Mountain wild horses of Montana through her three acclaimed PBS: NATURE documentaries: ***Cloud: Wild Stallion of the Rockies, Cloud's Legacy: The Wild Stallion Returns, and Cloud: Challenge of the Stallions***. She has written three companion books about Cloud and dozens of magazine articles about wild horses.

Her revealing journey with wild horses represents the only continuing documentation of a wild animal from birth and has been compared to Jane Goodall's experiences with Chimpanzees. Ginger is the founder and Volunteer Executive Director of The Cloud

Foundation, a 501(c)3 non-profit dedicated to the preservation of wild horses on our public lands with special attention on isolated, historically significant and genetically unique herds like Cloud's.

Ginger was born and raised in Bowling Green, Ohio, and is an honor graduate of Bowling Green State University and holds a Masters Degree from Florida State University. She lives on her ranch in southern Colorado with her Spanish mustangs Flint and Sky as well as her Pryor mustangs Trace and Sax.



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Panelist: Dick Loper Founder, Association of Rangeland Consultants

Dick Loper, a Wyoming resident, has over 40 years experience in rangeland management, public land planning and management policy analysis. He has both B.S. and M.S. Degrees in Range Science and extensive experience working with and for government agencies, non-government organizations, elected officials, private businesses and individuals representing the entire spectrum of public, private, and political perspectives. He has also served as an expert witness for clients on western rangeland planning, management and legal issues.

A Founder of the Association of Rangeland Consultants, he has managed or coordinated cooperative monitoring programs, plan development, technical and economic feasibility studies, riparian management, stewardship and sensitive species, water, wildlife and wild horses related issues. Raised on a small farm/ranch in Kansas, Loper served in the U.S. Navy and has also worked at Shell Oil Company, the Bureau of Land Management (BLM), Baker, Oregon and Natural Resource Management

Corporation (NRM). He is presently Owner and Principal Rangeland Consulting Specialist for Prairie Winds Consulting Company (PWCS).

His clients have included the Old-West Regional Commission, the Flathead Indian Reservation, Bureau of Indian Affairs, Assistant Secretary for Land and Water in the Department of Interior, the National Cattleman's Association, the National Public Lands Council, every Wyoming Governor and Congressional Delegation since 1979, the Rock Springs Grazing Association, various State Government agencies, local County Commissions, the Wyoming State Grazing Board, and individual family ranches that are dependent of federal grazing lands to maintain an economically viable business.



MANAGED^{TO} EXTINCTION?

Panelist: Ross MacPhee
Curator, Division of Vertebrate Zoology,
Department of Mammalogy

Ross MacPhee is the former chairman of the Department of Mammalogy at the American Museum of Natural History, where he has been Curator of Vertebrate Zoology since 1988. Dr MacPhee has worked in both polar regions as well as throughout the insular tropics, collecting fossil mammals ranging in age from Cretaceous to Recent. Known for his paleomammalogical research on island extinctions, his recent work has focused on how extinctions occur, particularly those in which humans are thought to have been implicated during the past 100,000 years. In Antarctica, he is part of a team searching for remains of mammals and other vertebrates from the period just before the extinction of dinosaurs, 65 million years ago.

Recently, Dr. MacPhee has been working with geneticists and molecular biologists to develop the new tool of "ancient DNA" as a means for studying the population structure and ultimate collapse of Pleistocene mammals. Dr. MacPhee has also collected fossils of horses in arctic Siberia and established that horses persisted there--as far north

as 75 degrees in an area that is now exclusively tundra--until about 2,000 years ago.

In 2008, he curated the AMNH's exhibition *The Horse*, which concentrates on examining human-horse interactions over the course of the past 30,000 years. The theme of the show is that horses, for many centuries mankind's most important "animated machines", made civilization as we know it possible. In 2010 he curated *The Race to the End of the Earth*, on the Scott-Amundsen competition to be the first to stand at the South Pole. He has been involved in several television documentaries on mammoths and their world, including *Raising the Mammoth* (Discovery Channel U.S.A.) and *What Killed the Megabeasts?* (Channel 4 U.K.). Dr. MacPhee received his Ph.D. in physical anthropology from the University of Alberta in 1977 and was previously Associate Professor of anatomy at Duke University Medical Center. In addition to having published more than 150 papers in scientific journals, he has edited two major scholarly collections, *Extinctions in Near Time: Causes, Contexts, and Consequences* (1999) and *Primates and Their Relatives in Phylogenetic Perspective* (1993)



MANAGED^{TO} EXTINCTION?

Panelist: Katherine Meyer
Partner, Meyer Glitzenstein & Crystal

Katherine Meyer is a partner with Meyer Glitzenstein & Crystal in Washington, D.C. – “the most effective public-interest law firm in Washington, D.C.” according to *The Washingtonian* Magazine. She specializes in administrative, environmental, wildlife, animal, public health, and open government law, and represents many national and grass roots environmental, animal welfare, consumer protection, and public health organizations.

Ms. Meyer recently represented a coalition of wild horse advocacy groups in *American Wild Horse Preservation Campaign v Salazar*, Civ. No. 11-01352 (D.D.C. 2011) – a successful challenge to the Bureau of Land Management’s controversial decision to return gelded horses to public lands to maintain “appropriate management levels” for wild horses. She is currently representing the AWHPC, the International Society for the Protection of Wild Horses and Burros, and the Cloud Foundation in a case brought by a grazing association to force the BLM to remove wild horses from both the private and public lands in Wyoming, *Rock Springs Grazing Assoc. v. Salazar*, Civ. No. 2:11-CV-00263 (D.Wy 2011).



MANAGED^{TO} EXTINCTION?

Panelist: Nancy V. Perry
Senior Vice President, ASPCA
Government Relations

Nancy Perry is currently senior vice president of ASPCA Government Relations, where she oversees the ASPCA's legislative efforts and public policy at the local, state and federal government levels. Under Nancy's leadership, the ASPCA Government Relations team works closely with lawmakers and citizen advocates to secure the strongest possible protections for animals through the passage of humane legislation and regulations. She is currently establishing a Washington, D.C., office for the ASPCA and hiring several new staff positions.

Prior to joining the ASPCA, Nancy served as vice president of Government Affairs for the Humane Society of the United States (HSUS) where she oversaw HSUS's state and federal legislative efforts, including ballot measure campaigns and nationwide grassroots activities. During her 16-year tenure at the HSUS, Nancy led successful efforts to secure federal legislation preventing the distribution of notorious animal crush videos, prohibiting the practice of shark finning, requiring truthful labeling of fur garments, banning the import of puppies from foreign puppy

mills, prohibiting the interstate commerce of birds for fighting, requiring disaster planning for pets, banning tigers and other big cats as pets, securing greater protections for pet food safety, and defunding government-supported horse slaughter.

Nancy has testified before U.S. House and Senate committees and worked directly with legislators on pending federal and state legislation on puppy mills, horse protection, and other high priority bills. Nancy has also been a key architect and leader on more than 20 successful state ballot measures to protect animals since 1995.

Nancy graduated from Wellesley College with a B.A. in Political Science and Philosophy. She received her M.A. in Communications from California State University, Northridge and a J.D. with an Environmental Law Certificate from Northwestern School of Law, Lewis & Clark College, where she co-founded Lewis & Clark's Student Animal Legal Defense Fund. Nancy is an advisory board member of the Animal Law Review, teaches animal law at both George Washington University and Lewis & Clark Law Schools, and has published several articles on animal law.



MANAGED^{TO} EXTINCTION?

Panelist: Deanne Stillman

Author, *"Mustang: The Saga of the Wild Horse in the American West."*

Deanne Stillman is a widely published, acclaimed writer whose work is often set in the desert West. Her latest book is *"Mustang: The Saga of the Wild Horse in the American West"* (Houghton Mifflin), a Los Angeles Times "best book 08," winner of the California Book Award silver medal for nonfiction, and recipient of rave reviews in the Atlantic Monthly, Orion, the Economist, Cleveland Plain-Dealer, NPR, Texas Observer, Santa Fe New Mexican, Arizona Star, Missoulian, and many other places. The late Tony Hillerman called it "remarkable" and Michael Blake (*"Dances with Wolves"*) calls it "stunning." Ten years in the making, *"Mustang"* has been featured on C-SPAN Book TV and in Newsweek, and the chapter about Wild Horse Annie is currently in development for a film starring Wendie Malick.

Deanne's previous book was *"Twentynine Palms: A True Story of Murder, Marines, and the Mojave,"* a Los Angeles Times bestseller and "best book 01." It was also a ten-year endeavor. Hunter Thompson called it "A strange and brilliant story by an important

American writer" and it is included in various college literary nonfiction courses around the country. It was recently published in a new, updated edition (Angel City Press) with a preface by Charles Bowden and foreword by T. Jefferson Parker, and has been under option several times.

Deanne's new book, *"Desert Reckoning: A Town Sheriff, a Mojave Hermit, and the Biggest Manhunt in Modern California History"* will be published in spring, 2012, by Nation Books.

It's based on her Rolling Stone article, "Mojave Manhunt," which was a finalist for a PEN journalism award and published in Best American Crime Writing 06.

In addition, Deanne writes the "Letter from the West" column for www.truthdig.com She has also written for Slate, Salon, Tin House, the New York Times, LA Times, Orion, and elsewhere, and her work is widely anthologized. She writes for film and television, and her plays have won prizes in various theatre festivals. She is a core member of the UC Riverside- Palm Desert Low Residency M.F.A. Creative Writing faculty. For more information, see www.deannestillman.com



MANAGED^{TO} EXTINCTION?



Carol Walker

Carol's passion for photography started at an early age, with animals as her favorite subjects. She studied literature and photography as an undergraduate at Smith College, and continued her education in photography after graduating, studying portraiture and nature photography. She has travelled all over the world photographing wildlife for the past 30 years. In 2000, Carol started her business Living Images by **Carol Walker**, specializing in photographing horses. She markets her fine art prints from her website www.LivingImagesCJW.com as well as in several locations in Colorado. Carol kindly donated the use of the cover photo for this event program.

Eight years ago, Carol began photographing wild horses. As she spent time observing and photographing several herds in Wyoming, Colorado and Montana, she became aware of how precarious their situation on public lands had become. Since then, she has dedicated herself to educating people with her photographs and stories about the wild horses, becoming an ardent advocate to keep wild horses wild and free on our public lands. Her award-winning book *Wild Hoofbeats: America's Vanishing Wild Horses* was released winter of 2008 and is currently in its second printing. Carol's second award-winning book is *Horse Photography: The Dynamic Guide for Horse Lovers* and she is now at work on her third book, *Galloping to Freedom: Saving America's Wild Horses* which will be available in the summer of 2012. Her website www.WildHoofbeats.com is dedicated to education, news and resources for wild horses.

Cover photo: © Carol Walker, All rights reserved

About the photo: Wild horses or mustangs, Pryor Mountains, Montana, USA



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Preserving a Symbol of the American West: Bureau of Land Management

From the **BLM Wild Horse and Burro** webpage:
http://www.blm.gov/wo/st/en/prog/whbprogram/history_and_facts.html

The mid-20th century harvesting of wild horses for commercial purposes induced a Reno, Nevada, secretary – Velma Johnston – to begin a campaign that led to passage of a 1959 law to protect these iconic animals. While driving to work one day in 1950, Ms. Johnston noticed blood leaking from a livestock truck. She followed it and discovered that horses were being delivered to a slaughterhouse. Ms. Johnston responded with a massive letter-writing campaign by students to prevent other wild horses from meeting a similar end. The campaign became known as the “Pencil War” and Ms. Johnston was affectionately dubbed “Wild Horse Annie.”

Follow-up efforts resulted in the enactment of the Wild Free-Roaming Horses and Burros Act of 1971, the landmark law that directs Federal management of wild horses and burros on U.S. public lands.

The Act declares wild horses and burros to be “living symbols of the historic and pioneer spirit of the West.” Under the law, the BLM and U.S. Forest Service manage herds in their respective jurisdictions within areas where wild horses and burros were found roaming in 1971.

The Wild Free-Roaming Horses and Burros Act of 1971 (Public Law 92-195) was amended as follows: Sections 1332 and 1333 were modified by the Public Rangelands Improvement Act of 1978 (Public Law 95-514); Section 1338 was modified by the Federal Land Policy and Management Act of 1976 (Public Law 94-579); the Omnibus Parks and Public Lands Management Act of 1996 (Public Law 104-333) added Section 1338a.; and Section 1333 was again modified by the Fiscal Year 2005 Omnibus Appropriations Act (Public Law 108-447)





Forum Hosts:

NYU Environmental Law Journal

The **Environmental Law Journal (ELJ)** is one of eight student-run publications at New York University School of Law. Together with the other journals, the ELJ participates in the annual Writing Competition to select staff editors. ELJ has a rich tradition and a serious ongoing commitment to publishing student writing. Students who have completed their first year at the law school are eligible to participate in the Writing Competition, which is distributed immediately following the last final exam of the spring semester. The ELJ prepares for publication and distributes a legal periodical known as the New York University Environmental Law Journal. The Association is not organized for monetary profit.

<http://www1.law.nyu.edu/journals/envtlaw/index.html>

NYU Environmental Studies Program

The **Environmental Studies Program** aims to provide students with the breadth of understanding and the skills necessary for resolving environmental questions and creating a sustainable future on scales ranging from local to global. It does so through integrated, problem-oriented study and a broad range of courses across disciplines and schools.

<http://environment.as.nyu.edu/page/about>

NYU-SCPS M.A. Program in Graphic Communications Management and Technology

Today, across a spectrum of disciplines—from public relations to website development—there is a growing demand for innovative managers who possess both strong leadership skills and a command of graphic communications media. The **M.A. in Graphic Communications Management and Technology (GCMT)** serves as a crossroads where a worldwide network of graphic communications professionals from a variety of disciplines come together to bolster their management skills and understand the capabilities of emerging technologies. NYU-SCPS, working with an advisory board of respected industry leaders, has developed a curriculum for its master's program that accurately reflects the continuous changes taking place in the field of graphic communications.





**ENVIRONMENTAL
LAW JOURNAL**

Acknowledgements:

Special thanks to our moderator, Dr. Dale Jamieson and to our stellar group of panelists: Deniz Bolbol, Ginger Kathrens, Dick Loper, Ross MacPhee, Katherine Meyer, Nancy Perry and Deanne Stillman. Many panelists join us from out-of-state including Arizona, California, Colorado, DC and Wyoming; we are indebted to them for taking time out of their busy lives to come to New York to participate in this important anniversary event.

We're especially proud of the collaborative effort within the New York University (NYU) community. New York University, like New York City is a big, diverse place yet these schools, programs and organizations collectively supplied the volunteer effort to make this event possible: NYU School of Law, NYU Environmental Studies Program, NYU Environmental Law Journal (ELJ), NYU-SCPS, Graphic Communications Management & Technology (GCMT), NYU Gallatin School of Individualized Study. We extend our gratitude to the following people for lending their support, talent and expertise. Without them, this event would not have happened.

Bonnie Blake, Director and Ansley Dunn, Assistant Director, Graphic Communications Management & Technology M.A. Program at NYU

Syd Steinhardt, NYU-SCPS Public Relations

Martin Maloney, Chairman, Bradford & Maloney

Forum planners: Jan Liverance (GCMT), Daniel Lutz (ELJ) and Brian Korpics (ELJ)

Logo/graphic identity: Judy Tashji (GCMT)

Social media consultant: Eunic Ortiz (GCMT)

Program design: Kelly Averill (GCMT)

Keynote AV presentation: Theodor Rich, NYU Gallatin School of Individualized Study

Event filming: NYU Tisch Undergraduate School of Film & Television

Program printing: Michael Mulligan (GCMT), ABG Printing www.abgprint.com

NYU Bookstore: Book-signing, *Mustang*, *The Saga of the Wild Horse in the American West*

Reception: Vanda High Events www.vandahighevents.com, Wild Horse Winery www.wildhorsewinery.com