



## **Public Lands Foundation Position Statement Wild Free-Roaming Horses and Burros Management**

### **Executive Summary**

The Wild Horse and Burro (WH&B) Program has been unable to meet the intent of the Wild Free-Roaming Horses and Burros Act of 1971 which is to manage healthy and sustainable populations of wild horses and burros in the areas where they existed at the time of passage of the Act. There are many reasons this has occurred, and it has resulted in overpopulation of animals on the range, degraded rangelands and loss of habitat, and populations of unadoptable, excess animals being held in facilities off-range. The costs of holding animals off-range continues to rise to the point that the overall program is deprived of the funds to effectively manage the overall program. The PLF's principal position is that unadopted WH&Bs in holding facilities should be sold without limitation, and Appropriate Management Levels (AML) should be achieved as soon as practical, followed by a management protocol that maintains herds at AML using fertility control methods. Recognizing that the Congress prohibits sale without limitation, the PLF supports, so long as full funding is provided, the Bureau of Land Management's (BLM) May 2020 report to Congress that outlined a non-lethal option to achieve a sustainable WH&B program.

### **Background**

#### **Numbers - Populations**

Nearly 50 years after passage of the 1971 Act, there continues to be an expensive and contentious struggle to adequately meet the requirements of the Act. The Act has served to assure the presence of WH&Bs as part of the western landscape with there being 109,250 animals excluding the 2021 foal crop on the land in March 2021 [as compared with the High AML of 26,690], another 52,832 in holding facilities and 250,000 having been adopted. Budgets have increased from less than \$1 million to a high of \$115.7 million in FY2021, the majority of which is to operate facilities to care for animals for which there is no adoption demand. In 2016, the BLM stated that the projected obligation to care for horses over their lifetime in holding facilities at that time would be \$1 billion. While there is no comparison of managed livestock use of land compared to uncontrolled WH&B use, the following gives a perspective to the numbers of excess WH&Bs on the range. It is as if 427 new ranching operations, each running 500 managed head of cattle on the public lands for six months of the year were added to the existing BLM permitted grazing permits.

#### **Numbers – Appropriate Management Level**

The AML operating mechanism was developed with High and Low targets as the population levels of WH&Bs that could be sustainably managed within each Herd Management Area (HMA). The purpose was to manage the animals to a level between the Low and High AML target, and to gather and remove excess animals for adoption as a herd reached or exceeded High AML. BLM has more

recently due to costs and logistics identified only the High AML as the target rather than the Low AML as originally intended. Because sustainable management is being started at the maximum population level, managers are forced to place substantially greater reliance on fertility control, all forms of neutering and more gathers than would be necessary if management were started at the lower level. Even in Herd Management Areas (HMAs) where annual fertility control using PZP occurs, AML is quickly exceeded because of the High AML starting point and the fact that PZP is less than 100% effective (e.g., Pryor Mountains and Little Bookcliffs HMAs). When BLM gathers only to the High AML in an HMA, the benefits of that effort are short-lived. The High AML in that HMA will be exceeded within one year's time resulting in a continuation of the very impacts that the gather was intended to alleviate.

### **Adoptions**

Years ago, when excess horse and burro numbers were smaller, the adoption program served as a workable management tool in concert with gathers of excess numbers. However, the adoption demand dropped significantly and numbers in excess of AML increased greatly, causing the government to contract for pastures in the Midwest as long-term holding facilities for these animals for the remainder of their natural life. Adoptions of excess horses and burros can only take care of a small fraction of the reproduction currently generated on the range. The BLM implemented an adoption incentive program in March 2019 and provides up to \$1,000 to adopt an untrained wild horse or burro. While this program has brought modest increases in demand, it cannot solve the over-population problem nor the cost of maintaining WH&Bs for their natural lives.

### **Fertility Control**

While fertility control efforts work at the individual animal level, they have largely failed to be effective at the population level. Exceptions are a limited number of HMAs where the combination of a relatively small area and small herd numbers have been dart treated with the fertility control drug PZP. The drug requires annual administration to be effective and is applied in these areas by trained volunteers. Application of a fertility control drug by darting requires that the person shooting the dart from a specialized air rifle be within 50 yards of the targeted animal; preferably much closer. Darting is not practical for administration of PZP on extensive areas with large numbers of horses. Large-scale application of PZP requires annual gathers in large numbers to be remotely effective.

The BLM found itself in an untenable situation of not having the budget or the capability to gather horses every year to be re-treated with PZP for it to be effective. Even if BLM did have the budget to gather and treat mares annually, it is truly unfeasible. BLM would need funding to contract for many more gather operators and would need to gather the entire population to ensure it had most of the treated mares, and each time the animals were gathered they would become more elusive and difficult to gather. Instead, it applies PZP periodically in limited numbers during gathers with little long-term benefit. Fertility control as we know it and it is practiced cannot solve the over-population problem. GonaCon, a long-acting fertility control drug, shows potential for preventing pregnancy for several years; however, it continues to be studied before it is used in great numbers. Fertility control using a drug is generally supported by WH&B Activist groups; however, the practicality and cost of delivery of the drug PZP, other than through darting is not addressed by these organizations.

Spaying mares via colpotomy has been demonstrated to be practical with horses on the Sheldon Wildlife Refuge in northwest Nevada. (These horses are not considered “wild and free-roaming” under the 1971 Act.) There, over 100 mares were spayed while suffering only a one per cent mortality rate. A spaying research proposal that also included tubal ligation and laser ablation of the oviduct was terminated following litigation. The May 2020 BLM Report to Congress indicated that “sterilizing some wild horses in herds where it is infeasible to use short-lasting fertility control treatments is supported by the American Association of Equine Practitioners and American Veterinary Medical Association – two of the largest equine veterinarian associations in the world.”

### **Litigation**

The WH&B program has been fraught with litigation. Lawsuits, predominately by horse and burro advocacy and animal rights organizations, are commonly filed opposing most gathers of horses intended to reduce excess populations on the range. As mentioned above, there has been litigation to stop some of the sterilization research proposals. There has also been litigation by livestock operators to require BLM to control the wild horse and burro populations as required by the Act.

### **Discussion**

There is no apparent, widely acceptable solution to the problems posed by the ever-increasing number of largely unmanaged herds of wild horses and burros. There is no broad public support or the political will for the sale of excess animals without limitation; that is, allow them to go to slaughter and be put to another use. Congress provided a significant increase (+\$13.1 million) in FY2021 consistent with the May 2020 report submitted to it by BLM. It remains to be seen whether the Congress will provide the +\$30 +/- million increases in each of four successive years with continued increases in budget for the 15-18 years the report indicates it will take to reach sustainable AML. Without these increases, the BLM would likely return to the previous cycle of reduced gathers and diminished application of fertility control due to funding shifting to the long-term holding of animals. Populations would continue to increase and in a matter of five years, would be twice what they are today.

WH&Bs are at the top of the food and survival chain. They out-compete wildlife for food and water while ranchers, on their own volition or at the behest of the BLM, continue to cut back livestock use due to diminishing forage. WH&Bs have demonstrated that they are relatively immune to predation and disease.

If AML is not reached soon, more acres of public land will permanently lose ecological value and be unable to be rehabilitated due to limited soil and precipitation factors. As uncontrolled foraging by WH&Bs continue, adjacent state and private land will also lose productivity and may only become functional again through the use of expensive rehabilitation techniques. While WH&B numbers and habitat loss continue to increase, wildlife of all sorts will be lost and ranches will necessarily go out of business. When this occurs, the private water and most productive private land owned by ranchers will, in many instances, be converted to country home sites further increasing the negative impacts on wildlife.

Ultimately, WH&B populations will crash as forage and water get in shorter supply. In poorer condition, it is reasonable to believe that disease may play a role in increased mortality. More and

more WH&Bs are being impacted each year due to limited forage and water. Water sources are inadequate in many areas for current populations. The reality of excess populations is that WH&Bs are and will, in increasing numbers, be living inhumanely.

### **PLF Position**

The Public Lands Foundation believes that the WH&B program has been unsustainable and has functioned with only minor variations in the status quo for more than a decade. The result has been uncontrolled increases in WH&Bs resulting in destruction of healthy lands, loss of wildlife, financial impact on small businesses and starvation and dehydration of horses.

1. Unadoptable WH&Bs in holding facilities should be sold without limitation.
2. Recognizing that the Congress prohibits sale without limitation, the PLF supports, so long as full funding is provided, the BLM's May 2020 report to Congress that outlined a non-lethal option to achieve a sustainable WH&B program.
3. BLM needs to begin using a full spectrum of fertility control options including effective (i.e. annual application) use of PZP, GonaCon or other long-term drugs, spaying mares, use of IUDs and neutering of stallions.
4. Research seeking perfection of a long-term fertility control drug should be supported, as should alternative methods of spaying mares. As stated in #3, management actions should not be delayed awaiting results of research. The BLM should let litigation play out and not agree to terminate research just to settle a lawsuit.
5. The target level for gathers should remain low AML, management should be between low and high AML. When an HMA reaches high AML that should trigger subsequent gathers. The goal for management of population growth is to bring reproduction rates down to where they more closely align with the number of animals to meet adoption demand and population loss thru natural mortality.

### References

- <https://www.blm.gov/programs/wild-horse-and-burro>
- DOI-BLM-ORWA-B050-2018-0016 [Spay Feasibility and On-Range Behavioral Outcomes Assessment and Warm Springs HMA Population Management Plan
- Report to Congress: An Analysis of Achieving a Sustainable Wild Horse and Burro Program, May 8, 2020

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