



## **Public Lands Foundation Position Statement**

### **Wild Free-Roaming Horses and Burros Management**

#### **Executive Summary**

The Public Lands Foundation (PLF) believes that the wild horse and burro (WHB) program is unsustainable and has functioned with only minor variations from the status quo for more than a decade. The result has been uncontrolled increases in WHBs resulting in destruction of healthy lands, loss of wildlife, financial impact on small businesses and starvation and dehydration of horses.

The PLF's principal position is that un-adopted WHBs 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. In addition, legislation should be sought that could create a number of WHB Ranges that consolidate herds and eliminate inefficient and genetically inviable Herd Management Areas (HMAs). The PLF remains willing to work with agencies and other interests in efforts that may have wide acceptance to achieving solutions to the WHB management problem.

#### **Background**

##### **Numbers - Populations**

Nearly 50 years after passage of the Wild Free-Roaming Horses and Burros Act of 1971, 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 WHBs as part of the Western landscape with there being 81,951 animals excluding foal crops on the land in March 2018 [as compared with the High AML of 26,690], another 44,887 in holding facilities and 235,000 having been adopted. Budgets have increased from less than \$1 million to a high of \$80.5 million in FY2017, the majority of which is to operate facilities to care for animals for which there is no adoption demand. In 2016, the Bureau of Land Management (BLM) stated that the obligation to care for horses in holding facilities at that time was \$1 billion. There being no significant change in management, the number of excess horses and burros on the range will roughly double in the four years between 2018 and 2022. That will be the equivalent of adding 500 new ranching operations, each running 500 head of cattle on the public lands for six months of the year.

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

The AML operating mechanism was developed with a High and Low target. The purpose was to gather and remove excess animals to the Low target, and gather and remove animals as a herd grew toward High AML. In the current crisis, BLM has commonly identified only the High AML as the target rather than the Low AML as intended. There are consequences to this strategic choice. 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 envisioned by the

AML system. Even in HMAs where annual fertility control using PZP occurs, AML is quickly exceeded because of the High AML starting point and less than 100% effectiveness of PZP. (e.g. Pryor Mountains and Little Bookcliffs HMAs). The numbers for Low and High AML in HMAs were established on the premise that the system would be used as intended. The misuse by gathering to High AML results in being outside maximum established numbers within one year.

### Congressional Action

December 15, 1971 - Wild Free-Roaming Horses and Burros Act (WHBA) enacted; 16 U.S.C. Ch.30.

In 1976, the Act was modified by the Federal Land Policy and Management Act (FLPMA). The modification added a “new” section 9 to the Act. This section allowed for the use of helicopters and motor vehicles in rounding up and transporting captured animals.

In 1978, the Public Rangeland Improvement Act (PRIA) made extensive amendments to the Act. A new subsection 2 (f) “excess animals” was added. Excess animals meant animals that had been removed from an area by the Secretary pursuant to application of law or must be removed from an area to preserve and maintain a thriving ecological balance in the multi-use areas. Also, at this time PRIA allowed for the adoption of free-roaming wild horses and burros to private parties, but not more than four animals a year.

In 2005, Montana Sen. Conrad Burns, Chair of the Interior Appropriations Committee, added what is known as the “Burns Amendment.” The amendment authorizes the sale of excess animals over 10 years of age or animals that have unsuccessfully been offered for adoption at least three times.

In 2006 and in subsequent years, appropriation bills have included language prohibiting the use of funds for the sale for slaughter of free-roaming horses.

### Adoptions

Years ago when excess horse and burro numbers were smaller and adoption demand was higher, 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 rent pastures in the Midwest to warehouse 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. Adoptions cannot solve the over-population problem.

### Fertility Control

Fertility control efforts have largely failed to be effective. Exceptions are a limited number of herd management areas 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. There is no long-acting fertility control drug available although work continues to develop one. Darting is not practical for administration of PZP on extensive areas with large numbers of horses.

Fertility control using PZP has failed as a management tool for a variety of reasons. The BLM continues to find itself in an untenable situation of not having the budget to gather horses every year to be re-treated with PZP for it to be effective. Instead, it applies PZP periodically in limited numbers during gathers with little long-term benefit. The agency uses its gathering capability [approximately 4,000 animals] to respond to priority gathers and to crisis situations where animals are dehydrated and/or starving and where they pose a highway safety hazard. Fertility control as we know it and it is practiced cannot solve the over-population problem.

Spaying mares via colpotomy has been demonstrated to be practical with wild horses on the Sheldon Wildlife Refuge in northwest Nevada. 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. Also, a more recent proposal that included post spaying animal behavior was terminated by the intended research university following protests. It is unclear how BLM views the role and timing of spaying in WHB management.

### Litigation

The wild horse and burro 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. It appears that the litigants are opposed to all reductions in numbers on the range while suggesting that livestock numbers should be reduced in favor of expanded horse and burro populations. Fertility control using a drug is generally supported by these organizations; however, the practicality and cost of delivery of the drug PZP other than through darting is not addressed by these groups.

### 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 to sell excess animals without limitation; that is, allow them to go to slaughter and be put to another use.

Nor, is there any basis to believe that Congress will increase appropriations necessary to gather excess animals (\$1,000/each), warehouse (\$2/day) them on pastures for the remainder of their natural life (25 years vs. 18 years on the range) and fund the cost of annually recapturing horses (\$3,000/treated mare) to administer the available fertility control drug PZP.

WHBs 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. Wild horses are relatively immune to predation and disease.

As WHB numbers continue to increase, mores acres of land will permanently lose ecological value and be unable to be rehabilitated due to limited soil and precipitation factors. Other land will also lose productivity and will only become functional again through the use of expensive rehabilitation techniques. While numbers 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 land owned

by ranchers, will in most instances, be converted to country home sites further increasing the negative impacts on wildlife.

Ultimately, WHB 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 WHBs 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 WHBs are and will, in increasing numbers, be living inhumanely.

The Act resulted in creation of 177 HMAs; an unintended consequence that makes for inefficiency of management as well as some small herds that may not be genetically viable. There is little under current law that can be done about this situation; however, changes that would provide for creating new horse Ranges while consolidating AML could aid management in the long term while providing the public viewing opportunities.

In 2018, the BLM prepared, at the request of Congress, a report that addresses the WHB situation and presents four options for reducing populations to AML and using fertility control and adoptions to maintain AML. One option proposes sale without limitation to achieve AML while the other three reach AML over varying time periods using significantly increased budgets in both the short and long term. At this time, there has been no formal discussion of the report.

### **Public Lands Foundation Position**

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

1. Un-adopted WHBs in holding facilities should be sold without limitation. BLM should coordinate with the domestic horse industry to address the effects that increased adoptions and sales will have on domestic horse markets.
2. There should be a significantly increased gather program designed to achieve AML as soon as practical, selling, without limitation, un-adopted WHBs that have been gathered.
3. Begin using a full spectrum of fertility control options including effective (i.e. annual application) use of PZP and spaying mares. Spaying and releasing of mares should be on the condition that there will be a monitoring protocol established to assure that spaying will be reevaluated if it appears that there are detrimental herd behavioral consequences.
4. Research seeking perfection of a long-term fertility control drug should be supported as should alternative methods of spaying mares. Management actions should not be delayed awaiting results of research.
5. Management gathers should target Low AML and populations be managed from that level so that reproduction will approximate adoption demand plus natural mortality and so that numbers will not exceed High AML.

6. Design a WHB program that reduces the number of HMAs by shifting AML from inefficient areas and those with genetic sustainability concerns to newly created WHB Ranges.

7. Ranges would be managed for WHBs and wildlife and be designed to enhance public opportunities to view WHBs. The PLF recognizes that creating WHB Ranges as envisioned here involves many complexities and would require legislation.

8. The PLF remains flexible in its willingness to work with federal agencies and other interests in an effort to try to achieve a solution that could have wide acceptance to the WHB problem. Most, if not all, of no-sale options require a massive infusion of dollars (ref. BLM 2018 Report to Congress) and a nearly \$2 billion obligation to keep existing and future held WHBs for the remainder of their natural lives. The PLF could support a high cost solution if required funding could be secured immediately.

### **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 March 2018 “Management Options for a Sustainable Wild Horse and Burro Program”

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