National Horse & Burro Rangeland Management Coalition

Advocating for commonsense, ecologically-sound approaches to managing horses and burros to promote healthy wildlife and rangelands for future generations

National Cattlemen's Beef Association

1968 50 YEARS 2018 PUBLIC LANDS COUNCIL

Testimony of

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On behalf of

Public Lands Council
National Cattlemen's Beef Association
National Horse and Burro Rangeland Management Coalition

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Examining BLM's Wild Horse and Burro Program

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Chairman Lee, Ranking Member Wyden, and Members of the Committee:

Thank you for the opportunity to provide testimony today as this Committee examines long-term options for the management of expanding horse and burro populations on BLM rangelands throughout the West.

My name is Ethan Lane, and I am the Executive Director of the Public Lands Council, an organization dedicated solely to advocating for western ranchers operating in the federal grazing system. I also serve as the Senior Executive Director for Federal Lands at the National Cattlemen's Beef Association Center for Public Policy here in Washington, DC, where I oversee federal lands, wildlife, and endangered species policy.

Additionally, I am the current Chair of the National Horse & Burro Rangeland Management Coalition. The Coalition is composed of a wide range of sportsmen's, livestock, wildlife, and land conservation organizations and professional societies. Collectively, we represent more than ten million Americans and 6,000 local governments and focus on common sense, ecologically-sound approaches to managing horses and burros to promote healthy wildlife and rangelands for future generations.

This testimony is delivered on behalf of these three organizations, and to a certain extent, will address two very different positions. The first, which is encapsulated in the Executive Summary below, represents the collective views and perspectives of ranchers across the west, as well as the long-held positions of the numerous and diverse sportsmen's, wildlife, and conservation groups in our Coalition. The second is a compromise proposal, entitled The Path Forward for Management of BLM's Wild Horses & Burros.

That proposal - submitted with this testimony for the record – proves that stakeholders across the management spectrum, from ranchers to municipalities to national humane advocacy groups, agree that the current system has been crippled to the point of catastrophic failure. The management recommendations set forth are the product of extensive negotiation, debate, and compromise amongst groups with wildly disparate views on this issue. Both sides had to set aside some core beliefs in order to craft this particular set of options that can achieve the goal of reducing on-range populations in a substantial and effective manner. Such compromise between political opponents is a rarity in the modern political arena, and I would urge the Committee to look closely at what we have managed to accomplish through good faith collaboration.

Our hope is this hearing and collective testimonies will result in improved management of our nation's wild horses and burros, to the benefit of all wildlife, rangelands, and the multiple uses of those rangelands.

HISTORICAL AND LEGAL CONTEXT

A. Origin of wild, free-roaming, and feral horses and burros in North America

Many horse lineages evolved in North America but disappeared from the landscape nearly 12,000 years ago during the Pleistocene epoch—a geological period characterized by repeated cycles of glaciation; global cooling; and the presence of several distinctive large land mammals. During the late Pleistocene, several of North America's large mammals went extinct, including but not limited to American lions, American mastodons, mammoths, saber-toothed cats, ground sloths, western camels, and all forms of the American wild horse. Since native North American horses went extinct, the southwestern United States has transitioned over thousands of years from a cool climate with abundant precipitation to the much more arid and warm environment of today.

All free-roaming horses and burros currently present in North America are feral descendants of domesticated animals from Eurasia and Africa, respectively. As feral animals, these horses and burros have undergone many generations of selective breeding, or artificial selection. However, many people still perceive feral horses and burros as "natural" components of the environment, not understanding the damages they inflict on today's native systems.

B. Motivation and components of the Wild Free-Roaming Horses and Burros Act of 1971

In the 1950's several individuals and humane organizations grew concerned over the treatment of feral horses and burros in the American West, and fearing their eradication, urged Congress to provide federal protections. By 1971, Congress passed the Wild Free-Roaming Horses and Burros Act (WFRHBA), which declares "wild free-roaming horses and burros [as] living symbols of the historic and pioneer spirit of the West;" to be managed as "components of the public lands;" in a "manner that is designed to achieve and maintain a thriving natural ecological balance."

WFRHBA legally designates feral horses and burros as "wild" on certain public lands managed by the Bureau of Land Management (BLM) and U.S. Forest Service (USFS). Despite the legal designation as "wild," typical tools of wildlife management are not permitted to be used to manage these animals. As a result of this unique categorization, wildlife managers are challenged with both preventing ecosystem deterioration and managing for a non-native species; all while responding to and balancing the concerns voiced by a variety of stakeholders—a feat that has proven difficult, if not impossible.

C. Other laws and policies impacting horse and burro management

In 1978, the Public Rangelands Improvement Act amended WFRHBA by directing BLM and USFS to determine appropriate management levels (AML) of horses and burros in herd management areas (HMA) consistent with the principles of "multiple use and sustained yield" as

established by the Federal Land Policy and Management Act of 1976. BLM and USFS establish AML through an interdisciplinary and site-specific environmental analysis and decision process that includes public involvement. Each AML expresses a population range within which wild horses and burros can be sustainably managed in balance with other uses. Wild horse and burro populations currently exceed the high-end of AML by over 250%, primarily because of the presence of conflicting directives from Congress and the failure of BLM to comply with WFRHBA.

In order to "maintain a thriving natural ecological balance," WFRHBA, as amended, allows and directs agencies to destroy or sell without limitation, excess wild horses and burros for which an adoption demand does not exist. However, Congress has taken steps to ensure that no horses or burros are euthanized or sold without limitation as directed under the WFRHBA by adding to the Interior Appropriations bill each year a conflicting rider that restricts the use of these management tools – essentially undermining their own congressional intent in the WFRHBA. Furthermore, BLM has failed to comply with these provisions out of fear of activist litigation as well as potential negative public reaction. While the BLM could absolutely do more to manage on-range populations, the congressionally imposed restriction on unlimited sale is a significant and primary contributor to today's massive overpopulation of horses and burros as it removes critical tools from the BLM management toolbox.

WILD HORSE & BURRO POPULATION STATUS, MANAGEMENT ACTIONS, AND TRENDS

The BLM provides estimates of on- and off-range wild horse and burro populations, management activities, and budget. These are the best estimates available for understanding the status and trends of wild horse and burro populations and management activities. Note: horses and burros exist on federal lands beyond BLM - including USFS, NPS, USFWS, and DOD – and on state, tribal, and private lands under a variety of legal designations, but this testimony focuses on BLM's wild horses and burros covered by federal law.

A. On-range population numbers and management actions

BLM estimates 88,090 wild horses and burros roam across 10 western states as of March 2019. This is an increase of 7.25% over March 2018 population estimates, statistically halving the trend of 15-20% annual on-range population growth experienced consistently in recent years although likely not impacting overall expansion of the herd. This population estimate exceeds the ecologically-based appropriate management level (AML) of 26,715 animals.

More than 61,000 excess animals are currently degrading public lands managed by BLM. On-range populations are doubling every 4 to 5 years under the current management regime.

BLM gathered and removed 11,472 animals during FY2018. Note: these removals are in addition to the on-range population growth; the on-range population would actually grow by >12,000 per year without any removals. The BLM substantially increased gathers in 2018, with the effects evident in the reduced on-range population growth rate.It should be noted, however,

that even this level of removals will not keep pace with on-range population growth. In order to keep pace with current actual population growth, at least 15-20,000 horses and burros would need to be removed this year simply to keep pace with growth rates.

Fertility control applications have also been limited and ineffective. The BLM applied fertility control to 702 individuals in FY2018. Sterilization is being researched but has not yet been implemented at scale – largely due to activist pressure, both through litigation and outright intimidation on land grant university campuses.

B. Off-range population numbers and management actions

As of May 2019, BLM had more than 48,375 animals in holding facilities. Each animal placed in holding facilities costs BLM approximately $50,000 over its lifetime.

The BLM adopted 3,158 animals in FY2018 and sold an additional 1,451 animals. 1,479 animals were trained in 2018, down from 1,754 in the previous year. Adoptions and restricted sales have not kept pace with the growth of the on-range population and cannot be expected to do so in the future – resulting in the need for increased holding capacity.

C. Outlook

BLM's increased gathers last year appear to have helped slow on-range population growth, but populations continue to grow unsustainably. Additionally, their failure to administer fertility control and/or sterilization treatments to a large percentage of horses and burros that remain on-range indicates that the population growth rate remains uninterrupted. Additionally, off-range holding facilities are either at capacity or cost prohibitive, which limit's BLM's ability to gather additional excess horses and burros. Given that reality, assuming 18% growth in the herd each year, and barring massive die-offs, the following population numbers are likely:

- Year 2020 = 112,000 animals on-range
- Year 2024 = 198,000 animals on-range
- Year 2028 = 366,000 animals on-range

When wild horse and burro populations exceed ecologically-sustainable levels, they can have negative impacts on many of the multiple-uses of public rangelands.

IMPACTS OF EXCESS HORSE & BURRO POPULATIONS

A. Horse & Burro Well-being

Horse and burro populations can negatively affect their own health and well-being when they exceed ecologically-sustainable levels. Excessive populations deplete scarce food and water resources on the arid rangelands, leading to starvation and dehydration of the horses and burros.

BLM gathered and removed over 9,000 horses and burros during 24 emergency gathers from 2006- 2015 due to dire animal health situations resulting from poor rangeland conditions. If we wish to maintain healthy herds on our public rangelands, we need to ensure those herds are sustainably managed at appropriate levels.

B. Native Wildlife

Elk, mule deer, pronghorn, sage-grouse, bighorn sheep, lizards, and a suite of other native wildlife rely on our public rangelands to survive. The well-being of wildlife, including threatened and endangered species, are put at risk by growing populations of horses and burros.

Horses and burros compete with native wildlife for food and water. As horse and burro populations continue to grow, they consume more and more of these scarce resources, leaving less for our native wildlife.

Horses and burros often express dominant behavior towards native wildlife, particularly around water sources. Horses have been documented pushing native ungulates off of water sources and restricting access to the resource, and some native wildlife have shown avoidance of an area when horses are present.

Sage-grouse habitats overlap with 30% of BLM horse and burro management areas. Horses and burros overgrazing forage, trampling vegetation, spreading invasive species, and causing soil compaction, all weaken efforts to keep this bird off of the Endangered Species list.

C. Rangeland Ecosystem

Areas inhabited by horses and burros tend to have fewer plant species, less vegetative cover, and an increased susceptibility to invasive plant species – which can have ecosystem-wide implications.

Overpopulation leads to overgrazing of rangelands, where the consumption of vegetation reduces plant species and vegetation cover. The removal of vegetation also makes rangelands vulnerable to invasive species, with cheatgrass in particular spreading throughout the West.

Soil compacted by excessive horse and burro hoof traffic limits water infiltration, increases runoff and erosion, inhibits root and plant growth, and restricts nutrient cycling by soil microbes.

Consistent overgrazing and soil compaction expose the soil to the elements, causing it to dry out. This process is known as desertification and it causes already dry land to become increasingly arid. Bodies of water on the range dry up, and native species dependent on the former rangeland can no longer survive in the desert landscape.

D. Western Heritage

Western rangelands are utilized by ranchers, farmers, hunters, campers, birdwatchers, hikers, and other recreationists. The detrimental ecological impacts of horse and burro overpopulation have resulted in a depletion of resources for cattle and sheep as well as for native wildlife that draw outdoor enthusiasts to the area.

Over 90% of public lands are located in Western states. Many communities are dependent on access to and use of these lands for their livelihoods. Because they depend on this resource, these communities are invested in maintaining and improving the health of the rangelands. By paying grazing fees, utilizing targeted grazing to control invasive species and reduce fire fuel loads, and other actions, they help support healthy watersheds, carbon sequestration, recreational opportunities, and wildlife habitats.

E. Taxpayer Dollars

American taxpayers pay for the costs of the BLM's Wild Horse and Burro Program. This program's budget continues to be consumed by the off-range holding facilities, causing BLM to remove fewer and fewer horses and burros from the rangelands. The horses and burros removed from rangelands and placed in holding facilities currently cost taxpayers about $50 million annually. For an animal that remains in one of these facilities for its entire life, the cost can reach $50,000 per animal.

BLM spent more than $100 million on the horse and burro program in Fiscal Year 2018. This money was used to remove a small number of horses from the rangelands ($1.8 million), adopt out approximately 2,000 horses ($6.3 million), and care for horses and burros in long- and short-term holding facilities ($49.4 million). Costs continue to increase every year, and horse and burro populations continue to grow.

Continuing to leave excess horses and burros on rangelands only exacerbates the costs. The larger the rangeland populations become, the greater the damage they cause to the ecosystem. As rangelands deteriorate, the costs associated with restoring habitat for wildlife and other rangeland uses increases. This can lead to increased costs and time spent implementing state wildlife plans as well as federal measures such as Endangered Species Act listings.

AVAILABLE MANAGEMENT ACTIONS IDENTIFIED BY THE COALITION FOR CONGRESS' CONSIDERATION

There are two spheres of management consideration for wild horses and burros: A) management of on-range populations, and B) management of off-range populations. Each sphere has its own objectives and challenges that need to be addressed. Neither is currently in a sustainable status.

BLM's current management model for wild horses and burros can be summarized as 1) set horse and burro population management objectives (AML) based on multiple use rangelands

and ecological thresholds, 2) identify excess horses and burros that exceed those population objectives, 3) remove excess horses and burros, 4) adopt out horses and burros.

Unfortunately, this model has proven to be an ineffective management approach. On-range wild horse and burro populations continue to grow at exponential rates of 15–20% annually, essentially unaffected by the limited management actions being implemented by BLM. Off-range populations remain at high levels as adoption demand steadily declines and cannot keep pace with the increasing number of excess horses and burros. Costs of the program have reached untenable levels.

Improved management actions are needed throughout all aspects of this program. The one action we should not consider is maintaining the status quo of leaving excess horses and burros on the rangelands. Doing so places our public lands – and all animals and multiple-use activities that rely on those rangelands – at risk.

All management actions listed below are permitted and/or directed by the Wild Free-Roaming Horses and Burros Act of 1971, as amended. Effective management – i.e. management that achieves and sustains wild horse and burro population objectives at ecologically-sustainable levels – will likely require a combination of these methods.

A. On-Range Population Management

The population management goal for on-range wild horses and burros has been set based on evaluations of rangeland health and the other uses of public lands – this is referred to as the Appropriate Management Level (AML). We need to remain focused on achieving and maintaining that goal in our on-range management activities in order to produce healthy rangelands that sustain healthy wild horse and burro herds. On-range management activities should be able to 1) reduce the current population, and 2) maintain the population at ecologically-sustainable levels.

Methods for improving management of on-range wild horse and burro populations could include:

1) Increase Gathers & Removals – BLM employees and contractors gather horses and burros from the rangelands via a variety of methods (e.g. helicopter roundups, water bait traps, etc.) that follow established humane protocols and procedures. This is the primary method of reducing populations of on-range horses and burros.

Benefits: Gather and removal of excess horses and burros is the most effective form of reducing the current population on the range. In a May 2016 letter to members of Congress, BLM indicated that the only method of achieving AML within 3, 5, or 10 years is by removing large numbers of animals from the range.

Challenges: Gathers can be costly and difficult to administer in certain areas due to the rugged terrain and size of some herd management areas.

Legal considerations: Currently permitted by law; some court orders direct or restrict the removal of horses and burros from certain areas.

2) Increase use of Fertility Control Vaccines/Contraception – the primary fertility control vaccine is known as PZP, porcine zona pellucida, which is an immunocontraception that prevents sperm attachment to the egg. This produces temporary infertility in the mare. This drug is administered by either hand-injection or remotely via darting. New options for more effective, longer-lasting fertility control are emerging and either undergoing testing or evaluation by BLM staff. It is critical that BLM be permitted to embrace these improved methods for controlling herd expansion.

Benefits: When applied in a robust manner, fertility control drugs can effectively reduce population growth rates in some controlled situations. Lower reproductive rates can mean reduced need to gather and remove horses and burros in the future and reduce the strained capacity in BLM holding facilities.

Challenges: The National Academy of Sciences determined in their most recent report that no highly effective, easily delivered, and inexpensive fertility-control methods are currently available.

PZP is only effective at reducing pregnancies for one year, with some limited evidence of longer-term effectiveness. Methods of delivery (e.g. hand-injection or darting) require the gather of animals and/or the ability to get in relatively close proximity to administer the drug – both of which are logistically and fiscally challenging in most western rangelands.

Fertility control does not reduce the current on-range population; it only slows the growth (but does not stop the growth) of the population.

Legal considerations: Currently permitted by law

3) Apply Permanent Sterilization – sterilization would render an individual reproductively inviable for the remainder of its life. This can be accomplished via surgical methods, primarily focused on the mare.

Benefits: Permanent sterilization would help reduce the growth rate of on-range populations. This method improves on fertility control vaccines because of the reduced need to gather horses and burros to apply the drug. Animals would be gathered and handled once and would not need to be gathered again.

Challenges: No sterilization method is currently being implemented for wild horses and burros. BLM is initiating research on a variety of sterilization methods to determine their efficacy and humaneness in applying these methods to wild horses and burros on the range.

Sterilization does not reduce the current on-range population; it only slows the growth (but does not stop the growth) of the population. Cost of performing the procedure on a large population is also a factor.

Legal considerations: Currently permitted by law

4) Create non-reproducing herds – BLM could establish herds of all sterilized male or all sterilized females. These herds would be non-reproducing herds and would therefore remain stable in size. (**NOTE: THIS METHOD IS A POINT OF CONTENTION WITH HUMANE GROUPS AND IS NOT ENDORSED IN THE COMPROMISE PROPOSAL**)

Benefits: Non-reproducing herds would not require regular gathering or fertility control application to prevent growth.

Challenges: BLM would need to manage the logistics; if external animals were introduced to the non-reproducing herd, breeding could be initiated.

Legal considerations: Currently permitted by law; some court challenges are pending

B. Off-Range Population Management

Off-Range management needs to relieve BLM of either 1) the obligation and responsibility of caring for animals indefinitely, or 2) the budget constraints such obligations produce. By relieving the BLM of the off-range pressure, more focus and resources can be provided to on-range management options, controlling populations, and protecting our public lands.

Methods for improving management of off-range wild horse and burro populations could include:

1) Increase adoptions/transfers via incentives and authorities – This method involves the transfer of animals to private individuals and/or government agencies. The intent is those receiving the animals are committed to providing a healthy environment for the animal. Transferred animals typically retain their protected status under the law. Incentives could be produced to encourage adoptions.

Benefits: Animals placed in adoptive facilities would no longer be under the direct care of BLM. Each animal transferred would reduce the obligation of the federal government to care for the animals.

Challenges: The number of animals adopted each year has been on decline for nearly two decades. Even if adoption were to reach historic levels, the on-range growth rate would still outpace public demand.

Legal considerations: Adoptions are currently permitted by law; authority to transfer horses to other agencies has been proposed and is being considered via the appropriations process.

2) Authorize euthanasia of unadoptable animals – excess animals that meet certain criteria currently defined by law (e.g. beyond a certain age; deemed unadoptable) would be euthanized using humane methods. Euthanized horses and burros could be disposed of on-site. (**NOTE: THIS METHOD IS A POINT OF CONTENTION WITH HUMANE GROUPS AND IS NOT ENDORSED IN THE COMPROMISE PROPOSAL**)

Benefits: Euthanizing unadoptable animals would relieve BLM of the burden of caring for these animals in holding facilities throughout the remainder of their lives, freeing up holding space and funds for managing on-range populations.

Challenges: Euthanasia can be a controversial approach to management among the public.

Legal considerations: Authorized under the Wild Free-Roaming Horses and Burros Act of 1971, but restricted via Congressional appropriations language and BLM internal policy. BLM does currently euthanize gathered animals that are in extremely poor body condition.

3) Permit unrestricted sale of unadoptable animals - excess animals that meet certain criteria defined by law (e.g. beyond a certain age; deemed unadoptable) would be sold as directed by law. Sale would not be restricted to any particular buyer and would not require any contractual agreements. (**NOTE: THIS METHOD IS A POINT OF CONTENTION WITH HUMANE GROUPS AND IS NOT ENDORSED IN THE COMPROMISE PROPOSAL**)

Benefits: Unrestricted sale of unadoptable animals would relieve the BLM of the burden of caring for these animals in holding facilities for the remainder of their lives, freeing up holding space and funds for managing on-range populations. Revenue generated from the sale could be used to support other program activities.

Challenges: Unrestricted sale is viewed as synonymous with the slaughter of horses.

Legal considerations: Directed under the Wild Free-Roaming Horses and Burros Act of 1971, as amended, but restricted via Congressional appropriations language and BLM internal policy. BLM does currently sell a few hundred horses each year but have policies in place to limit the number of animals sold to an individual.

4) Increase budget for holding facilities, but not at the expense of on-range management – holding facilities currently use about 65% of BLM's wild horse and burro program budget. Increases in budget for holding facilities would need to ensure that on-range management could continue.

Benefits: Allows BLM to remove more horses and burros from the range, while simultaneously maintaining care for those excess animals in holding facilities.

Challenges: Budgets for federal agencies are tight and finding additional funds on the magnitude (i.e. several billion dollars over the next few decades) that are needed to care for all of the excess horses and burros will be difficult. BLM will continue to be responsible for caring for thousands of horses and burros over their lifetime.

Legal considerations: Would need to be addressed via annual federal appropriations process

CONCLUSIONS AND RECOMMENDATIONS

A. We must prioritize healthy rangelands

Health of the public's rangelands should be prioritized above all other considerations. Healthy rangelands are where native wildlife can thrive, livestock can graze to support local communities, free-ranging horses and burros can live successfully, and water quality can be sustained.

Healthy rangelands can rebound from moderate disturbance naturally and in a timely manner; habitat quality is sustained; and natural growth processes are enabled. Healthy rangelands are critical to the future of the Western way of life.

B. Wild horse and burro populations threaten healthy rangelands; populations continue to grow unchecked

Wild horse and burro populations already exceed ecologically-based population objectives, and their populations continue to grow at 15-20% per year absent active and robust management. Overpopulation of horses and burros threatens the health of public rangelands and negatively impacts several other uses of public rangelands.

C. BLM needs to improve management actions to ensure healthy rangelands for the future

BLM's current management paradigm does not work – it is not achieving the goal and cannot achieve the goal. Increasing gathers, removing excess, and administering fertility control to the vast majority of gathered animals is the only strategy that will achieve ecologically-sustainable population objectives within a reasonable amount of time without the availability of more effective tools like unlimited sale or euthanasia. Scientifically- proven fertility control and other population growth suppressants should be utilized more robustly once appropriate management levels have been achieved. Population growth suppressants cannot achieve appropriate management levels on their own.

D. Congress needs to address policy barriers, conflicts, and challenges to enable improved management by BLM

BLM needs to gather more horses and burros to achieve ecologically-sustainable population levels, support multiple uses of the range, and ensure rangeland health. They cannot gather more animals until either 1) budget increases enable them to care for more animals in holding facilities, or 2) they can be relieved of animals currently in holding facilities.

Congress can help BLM address this challenging situation by considering a suite of management tools, and then empowering BLM to implement the tools needed to achieve the goal.