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LONG-TERM MANAGEMENT OPTIONS FOR THE BUREAU OF LAND MANAGEMENT'S WILD HORSE AND BURRO PROGRAM

HEARING

BEFORE THE

SUBCOMMITTEE ON
PUBLIC LANDS, FORESTS, AND MINING

OF THE

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ENERGY AND NATURAL RESOURCES
UNITED STATES SENATE

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LONG-TERM MANAGEMENT OPTIONS FOR THE BUREAU OF LAND MANAGEMENT'S WILD HORSE AND BURRO PROGRAM

TUESDAY, JULY 16, 2019

U.S. SENATE,
SUBCOMMITTEE ON PUBLIC LANDS, FORESTS, AND MINING,
COMMITTEE ON ENERGY AND NATURAL RESOURCES,
Washington, DC.

The Subcommittee met, pursuant to notice, at 2:32 p.m. in Room SD–366, Dirksen Senate Office Building, Hon. Mike Lee, presiding.

OPENING STATEMENT OF HON. MIKE LEE, U.S. SENATOR FROM UTAH

Senator LEE [presiding]. The Subcommittee on Public Lands, Forests, and Mining will come to order. Today's Subcommittee hearing is an oversight hearing to examine the long-term management options for the Bureau of Land Management's Wild Horse and Burro Program.

Most observers will agree that the program is on a path that can only be described as unsustainable. Simply put, we have too many horses on our federal public lands, far more than was ever contemplated when the Wild Free-Roaming Horses and Burros Act was signed into law back in 1971.

According to BLM, the current on-range population consists of roughly 88,000 horses and burros, more than triple the established appropriate management level, or AML, which has been set at 27,000 animals. As a result, our public lands are suffering and, so too, are the horses themselves and the burros.

In arid environments like those found in Utah and in Nevada, where half of all wild horses are located, overpopulation quickly leads to overgrazing and the phrase "eats like a horse" is not just a metaphor anymore. At least it is not a metaphor that is not borne out by something. In fact, public lands that exceed AML generally have less vegetative cover from overgrazing and are more susceptible to invasive plants like cheat grass.

Consistent overgrazing and hoof compaction also expose the soil to the elements causing the land to become increasingly barren. This is a process that is sometimes referred to as desertification. And when forage is diminished and water sources dry up, many native species have trouble surviving, including elk, mule deer, pronghorn antelope and sage grouse.

The 1971 Act directs the BLM to remove excess animals from the range to "maintain a thriving natural, ecological balance in a multiple use relationship."

We are long past any semblance of multiple use management on the rangeland, however. As horse populations have grown out of control, the resources for livestock, along with the wildlife that attracts sportsmen and outdoor enthusiasts to the West, have become depleted.

Last year, the BLM conducted more horse gathers than ever before, rounding up ultimately about 11,000 animals. Half of those were categorized by the BLM as emergency removals, in some cases, animals that were emaciated, dehydrated or at some imminent risk of death.

These horses joined the nearly 50,000 others that are stored in off-range corrals or trucked to pasture somewhere in the Midwest, leased by the Bureau of Land Management.

But holding facilities alone are not a long-term solution. They place a huge burden on American taxpayers, especially considering that wild horse populations grow by about 20 percent every year. And the BLM estimates the cost of caring for these horses at about $50,000 per animal over its lifetime. This ballooning expense is why the budget for the BLM Wild Horse and Burro Program has quadrupled since 2002 and now it exceeds $85 million per year with costs steadily rising each year.

Unfortunately, restrictions enacted in annual appropriations laws actually prohibit the sale of horses for commercial processing. As a result, the BLM largely relies on animal adoption programs and on a restricted sale program to dispose of the excess animals.

As laudable as the adoption program is, it is never going to outpace on-range foaling rates under the current model. And for a variety of reasons, the deployment of existing fertility control drugs has not proven as effective as hoped. Some herds are too remote to be routinely gathered and treated and research into other fertility control options, including sterilization, is often the subject of litigation.

During today's hearing I look forward to hearing testimony about the current crisis we are facing on the rangeland. I also welcome the views of the representatives of cattlemen and of the animal welfare community whose organizations have been working hard to address it. I am confident that together we can find solutions to protect our lands and our ecosystem and to preserve the health of our wild horses.

It is now time to hear from our witnesses. We have five witnesses joining us today.

The first is Mr. Steve Tryon, the Deputy Assistant Director for Resources and Planning at the Bureau of Land Management. Second is Dr. Eric Thacker, a professor of Rangeland Science at Utah State University. Thank you for joining us. Next we have Ethan Lane, the Chairman of the National Horse and Burro Rangeland Management Coalition. We're also joined by Nancy Perry, the Vice President of Government Relations at the American Society for the Prevention of Cruelty to Animals (ASPCA). And finally, Dr. Goicoechea, the Chairman of the Eureka County Board of Commissioners in Nevada.

At the end of the witness testimonies members will be able to ask questions. Your full witness statements will be made part of the official record. Please keep your statements to five minutes so that we have time for questions. I look forward to hearing the testimony from each of you.

Mr. Tryon, we will start with you. Go ahead.

STATEMENT OF STEVE TRYON, DEPUTY ASSISTANT DIRECTOR FOR RESOURCES AND PLANNING, BUREAU OF LAND MANAGEMENT, U.S. DEPARTMENT OF THE INTERIOR

Mr. TRYON. Good afternoon, Chairman Lee and members of the Subcommittee. I'm Steve Tryon, the Deputy Assistant Director for Resources and Planning at the Bureau of Land Management.

Thank you for the opportunity to discuss the Bureau of Land Management's Wild Horse and Burro Program. The BLM manages wild horse and burro herds on approximately 27 million acres of public lands located in 10 western states under the authority of the Wild Free-Roaming Horses and Burros Act of 1971. The Act directs the BLM to manage these herds as populations of healthy animals in balance with other uses of the public lands, while maintaining the health and productive capacity of the range. This dual statutory mandate presents considerable management challenges for the BLM. The Bureau takes into account all natural resources and authorized uses of the public lands consistent with our multiple use and sustained yield mandate set out in the Federal Land Policy and Management Act and the Wild Horses and Burros Act.

The BLM has determined that the appropriate management level, or AML, for wild horses and burros on the range west-wide is approximately 27,000 animals. And as you noted, Mr. Chairman, the BLM now estimates that as of March of this year, more than 88,000 wild horses and burros are currently on BLM-managed public lands.

As herd populations exceed AML, forage and water resources become depleted threatening the overall health of the public rangelands and degrading ecosystems. With insufficient forage and water to support herds, the physical health of animals declines which leads to starvation, dehydration and eventually, death. Consequently, this limits forage and water for native wildlife species and permitting livestock grazing.

Since wild horses have virtually no natural predators and herds double in size approximately every four years, the BLM's primary tool to ensure that herd sizes are consistent with the rangeland's capacity to support them has been to gather excess wild horses and burros and remove them from the range. In addition to the animals on-range, as of May of this year the BLM manages almost 50,000 animals in off-range holding facilities. That figure is striking.

The original authors of the Wild Horses and Burros Act could never have contemplated that nearly 50 years after its enactment, we would be indefinitely caring for nearly twice as many animals as the law was intended to protect on the range.

After gathers occur, wild horses and burros removed from the range enter short-term holding facilities where they are prepped for adoption and sale as well as receiving veterinary care and this is all prior to being moved to long-term pastures. Unless these ani-

mals are able to be placed with responsible owners, the BLM will spend more than $1 billion total to care for and feed them during the remainder of their lives.

The BLM currently spends over 60 percent of the program's budget, nearly $50 million in 2018, to care for animals removed from the range. Given this significant financial commitment, our ability to remove additional animals from the range is constrained.

To overcome this challenge, the BLM is pursuing a comprehensive population growth suppression strategy and is taking actions to increase placement of horses and burros into good homes through training and financial incentives. Since 1971, the BLM has placed nearly 250,000 animals into private care. However, over the past ten years the number of excess animals gathered has outpaced adoptions.

We have recently initiated a new program this year called the Adoption Incentive Program that seeks to encourage new individuals and new organizations to adopt untrained wild horses and burros by paying a small incentive. Over 1,000 animals have been adopted and placed into good homes during the first few months of this program.

The BLM is encouraged by recent efforts of interested parties, including the groups that join me on the witness table today, to promote sustainable horse and burro populations on healthy rangelands. The BLM is committed to working with Congress and stakeholders to develop a sustainable Wild Horse and Burro Program.

Thank you again for the opportunity to present this testimony.

[The prepared statement of Mr. Tryon follows:]

Steve Tryon
Deputy Assistant Director for Resources and Planning
Bureau of Land Management
U.S. Department of the Interior
Senate Energy and Natural Resources
Subcommittee on Public Lands, Forests, and Mining
July 16, 2019

Chairman Lee, Ranking Member Wyden, and members of the subcommittee, thank you for the opportunity to discuss the management of wild horses and burros on our Nation's public lands. The Bureau of Land Management (BLM) manages the public lands for multiple-use and sustained yield, and the Wild Horse and Burro Program is part of that mandate. The program's goal is to ensure both the health of wild horses and burros and the health of the public lands on which they roam.

The BLM manages wild horse and burro herds in 177 Herd Management Areas (HMAs) on approximately 27 million acres of public lands located in 10 western states. The BLM's primary authority for managing these herds is the Wild Free-Roaming Horses and Burros Act of 1971 (WH&B Act). It directs the BLM to manage the herds as populations of healthy animals in balance with other uses of the public lands, while maintaining the health and productive capacity of the range. This dual statutory mandate – to protect wild horse populations while at the same time to protect the rangelands from deterioration – is a considerable challenge. Under the Federal Land Policy and Management Act of 1976, BLM's principal authorizing statute, the Bureau manages the public lands for multiple-use and sustained-yield across a variety of uses, including livestock grazing, conservation, mineral development, watershed protection, hunting, fishing, and other forms of public recreation.

Overview

As the first step toward achieving healthy herds, the WH&B Act required the BLM to determine the Appropriate Management Level (AML) – that is, the number of wild horses and burros that can graze on the land in balance with other resources and uses. The BLM takes into account all natural resources and authorized uses of the public lands, consistent with the WH&B Act and with the BLM's mandate under FLPMA. The BLM has determined that the total AML for wild horses and burros on the range west-wide is approximately 26,700 animals. The BLM estimates that as of March 1, 2019, more than 88,000 wild horses and burros are currently on BLM-managed public land. More than 80 percent of all HMAs are currently over AML.

As herd populations exceed AML, forage and water resources become depleted, threatening the overall health of the public rangelands and degrading ecosystems. With insufficient forage and water resources to support herds, the physical health of animals deteriorates, which leads to starvation, dehydration, and eventually death. This also limits forage and water for native wildlife species and permitted livestock grazing. Additional impacts include loss of soil productivity and stability, which increases erosion and alters plant communities from native to invasive species. The severity of these impacts is directly proportional to the degree of overpopulation within an HMA. To prevent herd overpopulation, the WH&B Act directs the BLM to reduce the number of animals on the range to a sustainable level.

The WH&B Act prohibits the BLM from relocating herds to areas where they did not exist prior to the Act's passage in 1971. Since wild horses have virtually no natural predators and herds approximately double in size every four years, the BLM's primary tool to ensure that herd sizes are consistent with the rangeland's capacity to support them has been to gather excess wild horses and burros and remove them from the range.

Wild Horse & Burro Populations

To provide context for the scale of the BLM's Wild Horse and Burro program, it is helpful to note the total number of horses and burros that are currently on the public lands as well as the number of animals that have been moved to off-range pastures and corrals. The BLM estimates that of approximately 88,000 animals currently on public rangelands, there are nearly 72,000 horses and over 16,000 burros. These animals exceed AML by over 61,000 animals. While the BLM manages wild horses and burros in 10 states, Nevada currently has more than half of the total population with over 47,000 animals on public lands, which far exceeds the AML of 12,811 for HMAs in the state.

In addition to the animals on-range, as of May 2019, the BLM manages almost 50,000 animals in off-range holding. After gathers occur, wild horses and burros removed from the range enter short-term holding facilities where they are prepped for adoption and sale as well as receive veterinary care prior to being moved to long-term pastures. As of May 2019, about 12,100 animals are being cared for in corrals and over 36,000 animals are being cared for in pastures. The BLM uses 26 corrals to hold and prepare wild horses and burros for adoption and sales, and 38 contracts for pastures for long-term holding.

The BLM also employs fertility control vaccines in female animals and the gelding of male animals, which have been permanently removed from range, for the purpose of suppressing population growth. Male animals are gelded and also segregated from females when removed from the range to prevent growth in off-range populations. Female animals are treated with fertility control treatments on-range, primarily by ground darting. In Fiscal Year (FY) 2018 the BLM treated over 700 female animals with fertility control treatments, including darting. However, darting methods typically only work in smaller HMAs where animals are more accessible and can be readily approached.

Program Costs

With more than 136,000 wild horses and burros in the BLM's care – both on-range and off-range – the agency is redoubling its efforts to manage program costs. The total lifetime cost of caring for an animal that is removed from the range is substantial, approaching $50,000 per animal. With almost 50,000 horses and burros already held off-range in corrals and pastures, this means that without new opportunities for placing these animals with responsible owners, the BLM will spend more than $1 billion to care for and feed these animals over the remainder of their lives.

BLM Efforts to Achieve Long-Term Solutions

The BLM is taking steps toward longer-term solutions by increasing removals to achieve AML; moving forward with a population growth-suppression strategy; and working to increase placement of horses and burros into good homes through training and incentives.

Removal Strategy

The BLM's focus remains on reducing overpopulation on the range to protect the health of the animals and the land on which they depend. At the same time, the BLM will continue to work with its partners and volunteers on the ground to implement fertility control in herds where it can be effective at slowing population growth. The BLM anticipates removing up to approximately 9,000 wild horses and burros from overpopulated herds on public rangelands in FY 2019 and early FY 2020 as part of our efforts to maintain healthy wild horses and burros on healthy public rangelands. In FY 2018, the BLM gathered and removed over 11,400 animals. As of March 2019, the BLM has removed 2,447 wild horses and burros. The BLM prioritizes gather needs in response to critical wildlife habitats, public health and safety risks, damage to private property, fire rehabilitation, severe limitations of water and forage availability, and/or court orders.

As part of the BLM's removal strategy, we are also working to reduce the cost of caring for the animals that have been removed from the range by increasing the number of horses and burros that are cared for on open pastures, which are more cost effective than corrals. Currently, off-range corrals cost on average more than $5 per day per animal while off-range pastures cost the agency on average about $2 per day per animal. The BLM is proposing to acquire more off-range pastures through contracts with private parties in order to reduce the number of animals in higher-cost corrals. The BLM is currently reviewing bids received from its most recent solicitation for off-range pastures.

Investment in Fertility Control Research

The BLM also is pursuing a comprehensive population growth-suppression strategy. Research is the first step. In 2013, the National Academy of Sciences confirmed that there are no highly effective, easily delivered, and affordable fertility-control methods for wild horses and burros. The BLM is committed to applying the best available fertility-control methods and vaccines to the maximum extent feasible and appropriate, and is open to new public-private partnerships that would expand the use of fertility control as a means to suppress population growth. The BLM currently utilizes "porcine zona pellucida" (PZP) as the primary fertility control vaccine for female animals; however, it is only effective for 12 months and requires a follow up booster shot within the first 15-30 days, which makes field application challenging. Furthermore, most wild horses and burros live in remote, hard-to-access areas that make repeated annual treatments extremely difficult and costly.

To address this issue, the BLM has teamed-up with top universities and the U.S. Geological Survey (USGS) on a five-year, $11 million research program to develop better management tools, longer lasting fertility-control vaccines, and effective, safe methods for permanent sterilization wild horses. The BLM's research program involves a total of 17 on-going research study projects at five universities – Texas A&M University, University of Wyoming, Purdue University, Colorado State University, and The Ohio State University -- as well as partner projects with Arizona Game and Fish, The Humane Society of the United States, and the USGS. The BLM is committed to moving beyond research and toward implementation of tools that provide productive results by incorporating them into our population control strategy.

In May 2019, the BLM released for public comment a draft environmental assessment to evaluate the safety and feasibility of spaying female wild horses by removal of their ovaries, and on any potential effects the procedure may have on mares and herd behavior after the mares are

returned to the range. The project would take place at the wild horse and burro off-range corral in Burns, Oregon, and the Warm Springs HMA on public rangelands in southeastern Oregon. The project is important as BLM moves forward with developing and deploying better, longer-lasting fertility control tools to slow the rapid increase in wild horse and burro populations on public lands. The BLM has released a Request for Information (RFI) related to spaying female wild horses. Through the RFI, the BLM seeks to gain a better understanding of the capacity of veterinarians to spay female wild horses and burros, and the methods, costs, and approaches the responders would propose to use, among other requested information.

Adoptions

The placement of gathered animals with qualified adopters has been an essential component of the BLM's overall herd population management strategy. Since 1971, more than 245,000 wild horses and burros have been placed into private care through the BLM's Adoption and Sales programs. Up until 2006, adoptions held steady above 5,000 annually; however, after that point, they began to dramatically decline. In 1996 to the early 2000s, for example, the BLM placed nearly 8,700 animals with private adopters; however, by 2006, this number had gone down to 5,100 (and down to 2,100 by 2014). Over the past 10 years, the number of excess animals gathered has far outpaced adoptions and sales.

The BLM is improving programs and partnerships to increase the number of animals placed with qualified adopters. Trained horses are more likely to be adopted than untrained horses when made available to the public. Toward that end, the BLM is working to boost the number of horses in training programs through partnerships with non-governmental organizations, such as the Mustang Heritage Foundation, which helped train and place more than 11,000 animals into private care since 2007. Wild horses and burros are available for adoption on the Internet and at more than 100 events held each year across the United States. The animals are also available at BLM's off-range corral facilities. The Mustang Heritage Foundation's popular "Extreme Mustang Makeovers" highlight the trainability and versatility of mustangs. Also, the Foundation places gentled Mustangs in good homes through the BLM's Trainer Incentive program, which allows for compensation of trainers whose work allows for the animals to be placed into good homes.

The BLM initiated a new program this year called the Adoption Incentive Program that seeks to encourage new individuals and organizations to adopt untrained wild horses and burros by paying a $1,000 incentive. This incentive is to be paid in two installments, the first $500 will be paid within 60 days of adoption of the animal and the second $500 installment will be paid when the animal is titled, approximately one year later. Over 1,000 animals have been adopted and placed into good homes during the first few months of this program.

Conclusion

Addressing the multiple challenges of managing wild horses and burros will require congressional, stakeholder, and agency leadership on a long-term, sustained basis. The BLM is encouraged by recent efforts of interested parties to promote sustainable horse and burro populations on healthy rangelands. The BLM is committed to working with Congress and stakeholders to develop a sustainable Wild Horse and Burro Program. We welcome the subcommittee's interest in the BLM's management of the program and we look forward to working with you to address these challenges.

Senator LEE. Thank you.
Dr. Thacker.

STATEMENT OF DR. ERIC THACKER, ASSOCIATE PROFESSOR, RANGELAND SCIENCE, UTAH STATE UNIVERSITY

Dr. THACKER. Thank you, Chairman Lee.

My name is Eric Thacker. I'm an Associate Professor at Utah State University in Rangeland Science.

We're here today because we are facing a dilemma in the West with exponential growth of wild horse and burro populations on fragile rangeland ecosystems.

When managing grazing rangeland, managers carefully control the number, how many animals, the time, how long the grazing occurs, the timing, the season of use and the intensity, how much forage will be removed of livestock to ensure the forage and water resources are not damaged.

Often controlling the number of animals is the easiest option. Different grazing management strategies can be implemented which vary the time, the timing, the intensity, the number of animals, to meet a variety of management outcomes.

Similarly, wildlife managers manage wildlife populations to ensure the sustainability, long-term sustainability, of habitat through using hunting to remove excess animals or hunting pressure to move animals around the landscape.

It's also been noted that their natural predators help regulate native wildlife populations which, in turn, helps to control population growth and protect habitat. Free-roaming wild horses and burros have no natural predators; therefore, they lack population regulatory mechanisms to limit population growth. If left unmanaged, wild horse and burro populations will grow rapidly until forage resources are diminished and individual horse fitness declines. As individual horse fitness declines, the consequences are lower pregnancy rates, lower foal survival, lower adult survival, thus limiting the population growth of the horses. However, the problem this creates is catastrophic.

Horses are quite resilient so by the time that these negative consequences are felt, the range has been severely degraded and maybe receive permanent damage. Therefore, managing wild horse populations is one of the most critical aspects of wild horse management to maintain a thriving ecological balance. The reality is that some herd management areas (HMAs) are already showing signs of degradation due to excess wild horses.

Research has concluded that too many horses will lead to a loss of vegetation which leads to more bare ground, soil loss, loss of forage. This also reduces the quality and quantity of wildlife habitat.

Excess wild horses and burros can also negatively impact water resources. Research has shown that the presence of wild horses reduce the diversity and species richness of native wildlife species found using bodies of water in Utah. If wild horse and burro populations continue to grow exponentially, rangeland and wildlife damage will increase exponentially as well.

Currently, the BLM has limited options to manage wild horse and burro populations. The BLM and the Forest Service conduct limited gathers in an attempt to round up horses and adopt them.

They have explored the use of contraceptives and have found some limited success; however, the current gather and adopt management is not working. Some suggest that allocating more land may be the answer. With the rapid growth of horses and burros though, that additional land would be used up fairly quickly.

We are in a triage situation. If we do nothing there could be 500,000 horses by 2030 at the given, at the current growth rates. The complexity of the wild horse and burro problem suggests that removal of excess horses coupled with population control strategies, contraception and sterilization and increased adoptions, to maintain adequate population levels may be the best approach.

We must rely on collaborative solutions that identify palatable management options from a diverse group of stakeholders that understand and recognize the reality of the wild horse and burro problem.

Thank you.

[The prepared statement of Dr. Thacker follows:]

THE REALITY of WILD HORSE and BURRO MANAGEMENT on WESTERN RANGELANDS

Dr. Eric Thacker, Utah State University, Logan Utah.

Good science provides valuable information by taking a systematic and objective look at issues facing humans and the world around us. One of the realities that we all must face is that western rangelands are limited in their ability to produce goods and services valued by society, such as: forage, water, open space, biodiversity, energy, and recreation. The most significant factor that shapes western rangeland is the low precipitation levels compounded by large precipitation variation from year to year. The results of limited precipitation and its highly variable nature create harsh growing conditions for plants and animals. Therefore, we must acknowledge that expectations and desires of goods and services provided by western rangelands must be tempered with the limitations of these system. Management of these lands reflect societal values. Today we are here to talk about wild horses because society demands that wild horses have a place on western rangelands. However, there is a debate about how we balance the management of limited rangeland resources for public goods and services. Today we are facing a dilemma in the west with the exponential growth of wild horse and burro populations on fragile rangeland ecosystems.

The 1971 Wild Free-Roaming Horse and Burro Act (WFRHB) provided protection for wild horses and Burros. The act directed the BLM and US Forest Service to manage horses in designated areas, referred to as herd management areas (HMA), with "minimal feasible level" of management while achieving and/or maintain a "thriving **natural** ecological balance" to ensure that rangeland was protected, wildlife habitat was protected, and the HMA ranges would be managed as "multiple use lands". Since 1971 wild horse numbers have risen dramatically, far outpacing the numbers of horses that land management agencies specified in their management plans. For example, as of March 2019, the population of wild horses and burros was 88,090, which 330% greater than the appropriate management level of 26,690 horses and burros set by the Bureau of Land Management. Research has shown that wild horse populations are growing between 15 – 20% annually, thus, creating the dilemma we face today of balancing the wild horse and burro populations against those of other wildlife populations and livestock within the context of the limited resources provided by the environment. Management of these populations will be required to meet the mandates of the act.

The reality of any large herbivore using a landscape is that there is a finite number of animals that can be supported on a landscape based upon forage, water, and space. This is often referred to as the carrying capacity, which is defined as, the number of animals that a piece of land can support on a long-term basis without causing damage to the ecosystem. However, due to the highly variable growing conditions that exist in areas occupied by wild horses, the carrying capacity can fluctuate dramatically on an annual basis.

Range scientists have developed principles to manage grazing in a sustainable manner. The four principles of grazing management are **1- number** (how many animals), **2- time** (how long will the grazing occur), **3- timing** (season of use) and **4- Intensity** (how much forage will be removed).

When managing livestock, rangeland managers will carefully control the number, time, timing, and intensity of livestock use to ensure that livestock does not damage forage and water resources. Often controlling the number of animals is the easiest option, it directly impacts the other three principles, and it is the simplest to implement. Different grazing management

strategies can be implemented to vary time, timing, or intensity to for different objectives. For example, range managers can alter the timing of grazing to give plants rest during critical growth stages, or managers may shorten the grazing season to provide a portion of the growing season for the forage to rest or recovery.
Similarly, wildlife managers manage wildlife populations to ensure the long-term stability of populations by ensuring sustainability of wildlife habitat. Wildlife managers manage populations with hunting seasons to remove excess animals, and hunting pressure can be used to move wildlife species such as elk and bison around the landscape or from areas where they may be causing problems. Additionally, native wildlife also have predators that can regulate populations, providing natural checks and balances that help control populations, which in turn protects the habitat.

Wild horses present a unique management challenge because they are free-roaming animals that have no natural predators, and therefore, they lack an ecological population regulatory mechanisms to limit populations. Therefore, if left unmanaged populations will grow rapidly until forage resources are limited and individual horse fitness declines, thus negatively affecting, pregnancy rates, foal survival, adult survival, and limiting population growth. However, this creates a catastrophic scenario because by the time horse - fitness declines enough to curb population growth, the forage and water resources of the rangelands have been lost or severely degraded. This will mean that all other uses of these rangelands will be limited or lost. This will negatively impact things like wildlife habitat, biodiversity, recreation, and forage production. It could also spell disaster for sensitive or threatened wildlife species such as the desert tortoise and greater sage-grouse. Managing free-roaming wild horses and burros is difficult because range managers cannot manage time, timing, or intensity of wild horse grazing. So land managers are only able to manage grazing by controlling numbers of horses and burros. Therefore, managing wild horse populations is one of the most critical aspects of wild horse management to maintain a "thriving natural ecological balance." The 1971 wild horse and burro act recognized the need to manage populations and provided tools to do so. Therefore, it is imperative that land managers have the ability to manage the numbers of wild horses to ensure sustainable management, but to accomplish this, the status quo will not work. There is a need for a shift in wild horse management paradigms.

The reality is that rangelands are already showing signs of degradation due to excess wild horses. There is a preponderance of evidence concluding that excess wild horses cause rangeland degradation. Research has concluded that too many horses will lead to reduced grass, forb, and brush cover, which leads to more bare-ground, soil loss, and loss of forage. This also reduces the quality and quantity of wildlife habitat, negatively impacting wildlife populations. Excess wild horses and burros also have negative impacts on water resources important for wildlife in arid regions. As daily temperatures increase, wild horses occupy water holes more frequently and displace native wildlife such as pronghorn, elk, and bighorn sheep. Research has shown that the presence of wild horses reduced the diversity and species richness of all native wildlife species found using water holes. Excess wild horses are currently causing ecological damage and displacing native wildlife. If populations continue to grow exponentially, rangeland and wildlife damage will increase exponentially as well.

Currently, the BLM has limited options to manage wild horse grazing in such a way to ensure sustainable management of rangelands. The BLM and US Forest Service conduct limited gathers and attempt to adopt horses and burros or send them to long-term, off-range holding facilities. They have explored the use of contraceptives and have had some limited success. However, the current management approach is not working. Wild horse and burro numbers continue to grow at a rapid pace, and the gather and adopt management model is not working. It is often suggested that allocating more land to wild horses would solve the problem; however, it would increase the scale and magnitude of the problem. Wild horses and burros have shown incredible resilience. With rapid population growth rates they would fill up any additional space provided, only offering temporary relief of the situation. Others have suggested that the BLM could use contraceptives more broadly; however, there is little research to support the suggestion that contraception alone can reduce current wild horse populations. Contraception can slow growth rates, but there are some real logistic concerns when you have horses inhabiting vast, remote, rugged areas that do not lend itself to easy access to the horses.

The reality of wild horse and burro management is that the BLM does not currently have the tools necessary to adequately manage wild horse and burros in a manner that will ensure a "thriving natural ecological balance." Actions must be taken to address the problem. We are in a triage situation if we do nothing we could have almost 500,000 horses by 2030years. The complexity of the wild horse problem suggests that the best path forward will be a combination of increased gathers to remove excess horses coupled with populations control strategies (contraception and sterilization) and increased adoptions to maintain populations at adequate levels. We must rely on collaborative solutions that have identified palatable management solutions across diverse groups of stakeholders that understand and recognize the reality of the wild horse and burro problem.

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Senator LEE. Thank you, Dr. Thacker.
Mr. Lane.

STATEMENT OF ETHAN L. LANE, CHAIRMAN, NATIONAL HORSE AND BURRO RANGELAND MANAGEMENT COALITION

Mr. LANE. Chairman Lee, members of the Committee, thank you for inviting me here today to testify.

My name is Ethan Lane. I'm the Executive Director of the Public Lands Council. I'm the Senior Executive Director for Federal Lands at the National Cattlemen's Beef Association where I oversee federal lands, ESA and wildlife policy. And currently, I'm the Chairman of the National Horse and Burro Rangeland Management Coalition.

The Horse and Burro Rangeland Management Coalition consists of a diverse national group of livestock, sportsmen's and wildlife groups that collectively speak for ten million Americans. Those Americans seek responsible management of wild horses and burros on Western rangelands and solutions to address exploding populations in those environments.

In modern agriculture we talk a lot about the urban-rural divide, specifically as it relates to average Americans becoming detached from the farm and unaware of where their food comes from or how it gets to the grocery store to their plate.

It occurred to me, however, that while preparing this testimony, perhaps the best example of that urban-rural divide is this wild horse and burro issue. Suburban voters by and large are detached from their food supply and rural America, in general, feel an emotional attachment to these animals and understandably so. I represent an industry that cares for animals professionally, and I can say every man and woman in that industry also cares for these animals. We hear stories constantly from our members that watch these animals starving on the Western rangelands and their reaction is every bit as intense, I can assure you, as any activist sitting behind me or that engages in this issue on a daily basis. But just like their lack of understanding of where their food comes from, often some of these voters also lack an understanding of what is required to manage a rapidly expanding, non-native species in an often resource-scarce environment.

Predictably, this emotional connection and lack of understanding has led to a Congressional response that, quite frankly, has been anything but helpful. The Wild Free-Roaming Horses and Burros Act of 1971 provided the BLM with both responsibilities and resources, tools and options by which to manage excess populations.

Fifteen years ago, as Chairman Lee mentioned, in response to those well-intentioned voters, Congress saw fit to undermine its own Congressional intent by introducing a rider to the Interior Appropriations bill that removes the most effective of BLM's management tools, unlimited sale and euthanasia, chief among them. That rider has remained in every spending bill since, always appearing in the base bill and never requiring members to take a tough vote that may alienate voters on either side of this issue.

The result of this approach has been nothing short of catastrophic. Thirty-one thousand seven hundred horses were on-range in 2005 when the rider first appeared. Six years later, that number

was 38,497. As the Chairman indicated earlier, that number today is 88,000 on-range and climbing at 20 percent a year with 50,000 in long-term holding. The trajectory of on-range population is not in dispute and current management will guarantee an on-range population, as Dr. Thacker indicated, of 500,000 by 2029. That predicament brings us to today.

It's clear that the ten million Americans I speak for today advocate for the full use of the Wild Horses and Burros Act as the most effective means of reducing overpopulation. It's equally clear to those Americans that that is an untenable political solution for this body. The courage simply does not exist, and I mean that with all the respect in the world. That is a tough vote for this body to take. Therefore, we are at a point where we have to find new solutions to this problem.

As such, we're here today asking Congress to do something to help us curb this problem. The time to act is now and the proposal that was submitted with my testimony, I believe with others as well, is one possible path back to sustainability. It relies on four key tenants—three, excuse me.

The first of which is gathering sufficient numbers to curb this population. We will see 18,000 new horses on-range this year. BLM's upward capacity to manage to gather horses in a single year is probably about in line with that, as we understand it. That means next year's 20,000 horses will outstrip their ability to stay up with current population.

We must also administer population growth suppressant to every horse that's gathered in one way or another. Last year they gathered 11,000 horses. They treated 700. That is not going to address this problem.

And finally, they must identify long-term holding solutions that are sustainable and effective and cost-effective enough to allow those horses to remain if we are not going to use those other methods long enough to curb this growth on-range and get the population back down to a sustainable level.

I thank the Committee and look forward to any questions they may have.

[The prepared statement of Mr. Lane follows:]

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

NCBA National Cattlemen's Beef Association

1968 50 YEARS 2018 PUBLIC LANDS COUNCIL

Testimony of

Ethan L. Lane

On behalf of

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

Before the

United States Senate
Committee on Energy and Natural Resources
Subcommittee on Public Lands, Forests, and Mining

At the hearing titled

Examining BLM's Wild Horse and Burro Program

July 16, 2019 | 2:30 p.m. EDT | 366 Dirksen Senate Office Building

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.

THE PATH FORWARD FOR MANAGEMENT OF BLM'S WILD HORSES & BURROS

ASPCA

American Farm Bureau Federation

Society for Range Management

Humane Society Legislative Fund

Public Lands Council

Return to Freedom Wild Horse Conservation

National Horse and Burro Rangeland Management Coalition

Eureka County, NV County Commission Office

Humane Society of the United States

National Cattlemen's Beef Association

Beaver County, UT County Commission Office

American Mustang Foundation

Utah Governor Office

The primary objective of this proposal is to develop an economically and environmentally viable, humane, non-lethal, and feasible long-term management plan for wild horses and burros in the American West. The current program is unsustainable and needs redirection.

We[1] propose the following solutions for the short and long-term health of our wild horses and burros along with our Western rangeland: (1) Relocate removed wild horses and burros to more cost-effective pasture facilities, (2) Contract with private parties to secure lower-cost leasing of land for long-term humane care of removed horses and burros, (3) Apply proven, safe and humane population growth suppression strategies to every herd that can be reached utilizing trained volunteers, Agency staff, and animal health professionals, as individual HMAs dictate to prevent repeated gathers and (4) Promote adoptions in order to reduce captive populations and costs.

If the BLM can work with private partners to achieve each of these goals, the agency will be back on a financially sustainable and more humane management track. All signatories support this plan and are committed to its implementation. If the BLM and Congress provide adequate direction, funding, and execution, this plan should result in measurable wild horse and burro population decline making progress towards the BLM's Appropriate Management Level (AML). Signatories agree to yearly meetings to review progress towards objectives. The BLM should also produce a report to Congress at years 3, 5, and 7 to ensure progress is being made towards thriving ecological balance on the range.

EXECUTIVE SUMMARY

Wild horses and burros are "living symbols of the historic and pioneer spirit of the west," and an integral part of American cultural heritage as stated in the Wild Free-Roaming Horses and Burros Act (WFRHBA). Management of these federally protected herds is no easy task, but one that many Americans support and that the Bureau of Land Management (BLM) has stated it is required by law to perform. The BLM's attempts to curb population growth, mainly through roundups and removals, have not sufficiently slowed the growth of wild horse and burro populations on the range. Concerns about the cost of the Wild Horse and Burro Program and impacts to rangeland health have prompted some to recommend the use of lethal population control methods. We collectively propose the following solution as a viable way to manage wild horses and burros through non-lethal methods.

All wildlife species on the Western ranges are managed by state wildlife agencies, and all livestock on Western ranges are managed by livestock owners. Wild horses and burros are unique in the ecosystem because they are not managed by either, through hunting or allotment management plans. Through managing the timing, intensity, and length of use for other species, managers keep the ranges healthy and sustainable. Like all other species, wild horses and burros need to be properly managed so that all species can thrive on healthy rangelands.

[1] The we referenced throughout document refers to collective signatories below.

We propose a solution that will eventually release the BLM from the costly cycle of roundups and holdings, while reducing the number of horses and burros on the range and making progress towards the agency determined appropriate management level (AML):

- Conduct targeted gathers and removals at densely populated Herd Management Areas (HMAs) to reduce herd size and make progress towards AML.
- Treat gathered horses and burros with population growth suppression tools prior to being returned to the range. Reversible methods must be administered to an appropriate percentage of mares (generally close to 90%) to control populations, with some flexibility depending on modeling of range and herd parameters.
- Relocate horses and burros in holding facilities, and those taken off the range, to large cost-effective, humane pasture facilities funded through public-private partnerships.
- Promote adoptions in order to help reduce captive populations and costs. The BLM is currently spending $2,250 ($3,250 with incentive) per adopted horse to promote adoptions that ultimately provide considerable cost savings to the agency. Investing in the adoption process for each horse will reduce or eliminate the estimated $46,000 per horse expenditure in off range holding over the course of their lifetime.

The four tiers of this approach – gathers and removals, alongside population growth suppression strategies, public- private partnerships, and adoptions – are all crucial to the ultimate success of the program. Failure to effectively implement any part of this program jeopardizes the success of a holistic and sustainable wild horse and burro program. If employed correctly, this plan will result in a sustainably managed population over the next two decades. We collectively support this humane, effective, and financially sustainable approach.

The signers of this agreement hold divergent views on some aspects of wild horse and burro management but nearly all stakeholders share common goals for rangelands: ecosystem health, the humane treatment of animals, and fiscal responsibility. With this plan, horses and burros will be managed humanely, the government's costs will decrease over time, and multiple use federal public lands will be managed to make progress towards AML goals. We have an opportunity, and an obligation, to solve this challenge collectively through a rational, judicious plan that embodies each of these shared goals. Now is the time to act. Failure to act now will result in continuing irreparable, long-term damage to our natural resources.

THE PROBLEM

The Bureau of Land Management (BLM) has not implemented an effective, financially sustainable framework to manage wild horses and burros, now some 40 years after the enactment of the Wild and Free-Roaming Horses and Burros Act. The agency has been limited in the range of tools it has had at its disposal. Because of logistics and controversy, the management of wild horses and burros on

public lands has proven unwieldy: currently, horses and burros reproduce quickly on the range and are affecting rangeland ecosystems, while most BLM short- and long-term holding facilities are over capacity. Until recently, when budget constraints prevented nearly all management of wild horses and burros on the range, the BLM controlled populations by rounding up specific herds every 2–4 years and removing large numbers of animals to attain AMLs. Absent on range fertility control, these removals resulted in a large population of horses and burros under the BLM's direct care. The BLM developed two types of holding facilities to maintain these horses and burros — contracted pastures that cost $1.82–$2.42 per horse per day, and short-term corral facilities (i.e. feedlots) that cost $4–$7 per horse per day. This excludes costs for round-ups. As of March 13th, 2019 the BLM maintains 36,906 wild horses and burros in large pasture facilities, and 14,029 horses and burros in corral facilities.

According to the National Academy of Sciences, removal of excess horses alone can actually facilitate a higher growth rate in wild herds due to decreased competition for forage. This means that the BLM's current management techniques are likely increasing population growth rates. Equine herds typically grow approximately 15%–20% per year, but studies have shown that growth rates are higher in herds where removals have been conducted.

Had the BLM coupled these removals with a sufficient on-range fertility control program, recruitment rates would be far lower. Between 2012 and 2018, the BLM treated fewer than 4,353 horses with fertility control, and released many gathered horses back onto the range without fertility control treatment.

As of March 13, 2019, the BLM estimates the population of wild horses and burros on federal lands at over 81,951— over three times greater than the agency's nationwide AML goal of 26,690.

Mismanagement has led to negative impacts to the long-term health of rangeland ecosystems, raising serious concerns with maintaining the status quo management practices for-private livestock grazing, wildlife vitality, and wild horses and burros. Controversy over the allocation of water and forage has polarized stakeholders, compromising our ability to find common ground solutions.

THE SOLUTION

While there is continuing debate about what constitutes sustainable wild horse and burro populations on the range, the BLM has stated it is required by law to maintain populations at currently established national AML. The result of recent modeling indicates that those levels can only be reached by a combination of large-scale removals, off-range relocation, and fertility control. Removals must be conducted under the following conditions: (1) Removals must focus on those areas of most immediate concern due to potential conflicts with native wildlife, rangeland degradation, and human-horse conflict; (2) population growth suppression strategies must be implemented as determined on an HMA by HMA basis; (3) wild horses and burros removed from

the range must be relocated into less expensive holding facilities, and where possible, public-private partnerships with landowners and non-profits must be implemented; (4) signatories will work with BLM and provide assistance to ensure that better marketing-increases adoptions and reduces captive populations and costs; and (5) a Rangeland Restoration Plan should be funded and implemented when HMAs achieve sufficient progress towards AML.

I. REMOVALS

Assuming an 18% population growth rate absent removals, rangeland populations will be approximately 90,000 to 95,000 by 2020. While removals to achieve AML are a financial burden, the BLM has determined that they should be conducted to alleviate existing concerns with the condition of BLM's rangelands. To get closer to the BLM's assigned nationwide AML, removal numbers need to be higher initially to allow fertility control to catch up with the population (in other words, to implement fertility control alone or alongside current *average* removal numbers would not achieve population balance and control because the number of foals born per year would still exceed the number of horses removed). Modeling shows that for the first three years, 15,000-20,000 horses would need to be removed per year. These numbers will then drop to 5,000-10,000 per year for the remainder of the proposal term as fertility control takes effect.

Some areas cause heightened concerns due to rangeland degradation, and direct political conflict with the BLM's multiple-use mandate. With that in mind, we suggest that the agency prioritize those areas for immediate attention.

The BLM could begin removals in 2020 focused on those areas, gradually shifting focus in subsequent years to removals in all HMAs where wild horse and burro populations exceed the AML. The combination of large-scale removals/relocations and the large-scale implementation of fertility control (as discussed below) would eliminate the necessity of future large-scale gathers for removal purposes. If necessary, smaller targeted gathers could be conducted to maintain population levels in strategic locations. Removed horses and burros would be relocated to pasture facilities or contracted sanctuaries (as discussed below). The necessity of repeated supplemental feed and water to these herds should be viewed as an indication that the range cannot support current populations in a given area, and the use of such tools should therefore be in conjunction with capture and removal of excess horses.

All removals must be conducted in strict compliance with the Comprehensive Animal Welfare Program (CAWP) as outlined by the BLM.

II. FERTILITY CONTROL

All future removals must be coordinated with ongoing, on-range fertility control programs to prevent subsequent population growth within the remaining equine population. Modeling shows the need for a large-scale fertility control program, which ensures that 90% of the horses and burros remaining on federal public lands are treated with fertility control to avoid need for future large-scale removals.

To achieve this goal, the BLM must regularly treat a significant portion of mares in each HMA. On HMAs where repeated gathers are a realistic option, the agency should treat (>90%)[2] of the remaining mares in every HMA. For HMAs using helicopter gathers, the agency must commit to coupling the removals with detailed gather plans that target a high percentage of the area's population. The agency must then treat all mares returned to the range with population growth suppression, and continue to treat mares in the HMA in successive years to ensure that a sufficient number of mares (>90%) remain treated.

In areas where baiting is possible, BLM staff must administer treatment through opportunistic darting. If that is not possible in all locations, gathers without removals in subsequent years must take place to ensure repeated treatments.

Trained and approved volunteers and university programs can be utilized to aid with darting programs, identification of individual horses and burros, behavioral observation, and data collection as the BLM needs.

Students and volunteer organizations can also be used to support water and habitat restoration on the range.

The BLM should pursue further research into on-range fertility control and incorporate results into long term management plans.

The BLM should be aggressive about adopting new population growth suppression tools as they become available.

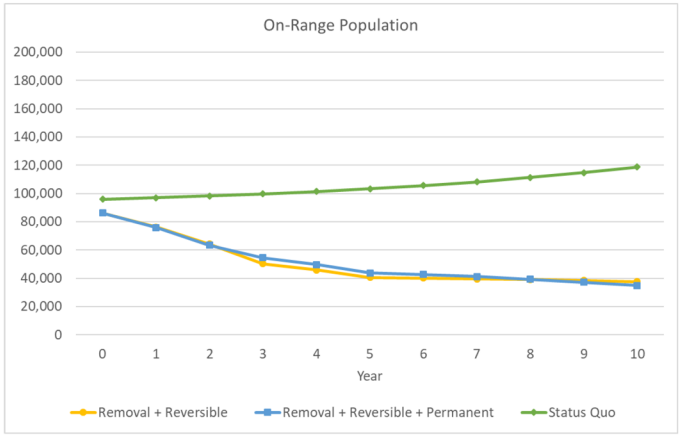
The BLM should be aggressive about adopting new technologies such as federally authorized drones and microchips as they become available and are proven to be safe and effective.

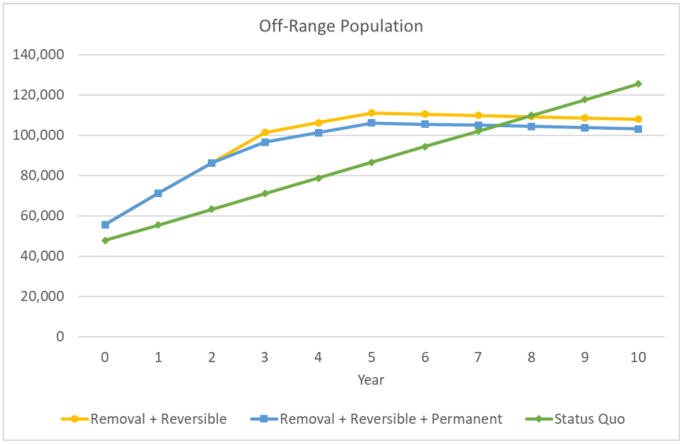
Fertility Control Population Projections:

The BLM has suggested a variety of on-range strategies to suppress wild horse and burro population growth. Below, we analyze three different management strategies and their effects on on-range and off-range population growth. Our preferred method is shown in yellow and labelled "Reversible + Removal", as it can be instituted by the BLM immediately. This curve depicts population growth over time when utilizing removals and yearly reversible population growth suppression tools. The blue line labelled "Removal + Reversible + Permanent" depicts population growth if removals, permanent sterilization, and yearly immunocontraceptives are employed. The Status Quo strategy, the green line, does not achieve adequate population reduction, and results in an increasing number of equids held off-

[2] Applicable to modeled immunocontraceptive vaccines.

range. Reversible + Removals and Removals + Reversible + Permanent both reduce the population to within 20% of AML over the 10-year period.





From this point, it will take approximately 10 years to get the population close to the BLM's current desired AML of 26,690 based solely on the use of ZonaStat-H or another yearly population growth suppression tool alongside removals.

Longer-lasting population growth suppression tools will lower costs and reduce the need for yearly treatment, and will speed population decline. As such, additional tools should be implemented as soon as they become feasible.

To further bolster the efficacy of this proposal, the agency could implement reasonable sex-ratio skewing, at a 70/30 skew, in herd management areas where ratios are not naturally skewed towards a larger male population.

III. RANGE RESTORATION

Some ranges are already damaged in ways that are harmful to wildlife, range plants, and the remaining wild horses and burros. Restoring ranges to a healthy state will require deliberate and scientific human intervention. Range treatments should immediately follow gathers and be done at a scale that is effective in creating adequate forage for wildlife, domestic animals, and wild horses and burros. Treatments should be planned in a way that allows the area to be rested until treatments are established enough to withstand grazing.

IV. LESS EXPENSIVE HOLDING OPTIONS

Every day, the BLM spends $1.82 per horse in long term holding pastures and an average of $4.99 per horse in corral facilities. A shortage of pasture facilities has forced the agency to use corral facilities for long term purposes —at more than twice the expense. The BLM currently holds 12,433 horses in corral facilities. The agency estimates that each of those horses costs approximately $46,000 over the course of their lifetime. We propose that the BLM relocate corralled horses and burros, along with any additional removed horses and burros, to more cost-effective private pastures. Private pastures will help reduce population levels in individual HMAs to enable proper management, reduce the agency's management costs, and provide humane and more natural living situations. It also ensures that lethal methods do not become the default public policy. We commit to partnering with BLM to encourage and facilitate the creation of these options.

While this proposal requires an additional upfront investment to achieve this shift in focus, it will result in significant long-term cost savings. We must identify adequately large pasture options that can accommodate not only the horses and burros currently housed in corral facilities but also additional wild horses and burros removed from the range. The overarching goal is to ensure that future gathers, after progress towards AML is made, will be conducted solely to administer a comprehensive, mandatory fertility-control program. The implementation of ongoing on-range fertility control will mean fewer horses and burros removed, which will ultimately enable a phase-out of holding facilities. As holding facilities are phased out, BLM funds will become available to pay for continued population growth suppression tools and range restoration.

Large-Scale Private Pasture or Sanctuary Facilities

We propose that the BLM issue a Request for Proposal (RFP) for organizations and entities throughout the United States that can provide more cost-effective humane, long-term, off-range pasture for the wild horses or burros coming off the range. The BLM would retain ownership of and be accountable for ensuring protection of the animals removed from the range, as well as enforcing consequences for non-compliance. Federally-protected status will be maintained.

The long-term, off-range pasture facilities should be located on private land, and should not be located in areas within or adjacent to Herd Management Areas, Herd Areas, or Horse Territories. These pastures should be located in geographic areas that are suited ecologically to sustain year-round grazing, whether by utilizing pasture rotation or hay production, by large numbers of horses and not have adverse ecological effects.

The BLM should pursue large scale off range pasture contracts with entities capable of housing a large number of horses under a single contract to save administrative costs associated with contracting, environmental compliance, and BLM oversight.

This strategy will save public funds by decreasing the average per-horse cost of off-range management and contracting, compared to the current cost-prohibitive corral facilities, and will allow the animals to live out their lives in natural pasture settings.

Non-profit 501 (c) 3 sanctuary organizations may also choose to enter into long-term off-range pasture agreements with the BLM. The agency would then maintain title of the animals to ensure their federally protected status.

Qualified non-profit, private landowners, or a combination of the two are an additional alternative, reducing the BLM's holding costs while providing removed horses a life-long safe refuge.

Private pasture and sanctuary facilities would be encouraged to provide programs to educate the public about the connection between managed wild horse and burro populations and rangeland health.

All facilities involved in the program will contractually agree they will not destroy healthy, unadopted, wild horses and burros or allow sales of wild horses and burros in a way that results in their destruction for processing into commercial products.

All facilities involved in the program will ensure that wild horses and burros do not return to the ranges. If horses and burros inadvertently escape from these facilities, the facilities will bear the cost and responsibility to gather and return the horses and burros within days.

V. ADOPTIONS

Over the course of the past 5 years, the BLM has only been able to adopt between 2,000-4,000

wild horses and burros a year. Recognizing that this number is insufficient to lower populations in holding facilities in any meaningful way, if this plan is adopted our organizations will work together to create an adoption program to supplement the BLM's current adoption program that will aid in increasing the adoption of horses relocated into the above mentioned private facilities. The Wild Horse and Burro Program plays a key role in reducing the number of animals on the range. However, adoption demand has declined in recent years.

Upon acceptance of our proposal, our organizations are committed to helping increase wild horse and burro adoptions in partnership with the BLM. We will develop and implement a program to encourage the public to adopt a wild horse or burro through the implementation of educational training/mentoring programs with adoptable horses and burros and a marketing plan, which will supplement the agency's current program.

We have determined that the largest possible target audience that is not fully tapped currently by the BLM are potential horse and burro owners on the East Coast. We will work to increase publicity across the country with a specific focus on the East Coast to aid in increasing adoption numbers.

Another under-utilized opportunity may be with other federal agencies. We will support humane imprinting, gentling and training horses and burros that can then be used by USFS, mounted law enforcement, and other government entities.

We will use our volunteer network and extensive outreach capabilities to promote adoptable horses and burros to potential adopters through the use of our social media and email channels.

APPROPRIATIONS REQUEST

The groups involved with this effort will be seeking appropriations language in support of this path forward.

Senator LEE. Thank you, Mr. Lane.
Ms. Perry.

STATEMENT OF NANCY PERRY, SENIOR VICE PRESIDENT, GOVERNMENT RELATIONS, AMERICAN SOCIETY FOR THE PREVENTION OF CRUELTY TO ANIMALS

Ms. PERRY. Good afternoon, Chairman Lee, Senator Cortez Masto and all the members of the Subcommittee. My name is Nancy Perry, and I'm Senior Vice President of Government Relations for the American Society for the Prevention of Cruelty to Animals. Thank you for inviting me today to testify on the fate of these precious herds.

Founded in 1866, the ASPCA was the first humane organization established in the Americas. We have always been committed to equine welfare. In our early years our focus was on improving medical care, and we actually invented the first equine operating table and ambulance. Nowadays, we work to improve the welfare of horses through rehoming and safety nets and legal protections.

Our efforts to protect wild horses were initially focused on documenting and pressing for changes in the field during roundups and in corrals. We were greatly distressed by problems we saw with roundups, but that work was simply not getting to the root of the problem due to BLM's emphasis on removals rather than on on-range management. In order to truly protect horses, we need this program to shift away from a reactive approach to a proactive one. A preventative strategy using existing fertility control methods would enable the BLM to phaseout the costly and harmful cycle of large-scale roundups and removals that has led to imbalance and an unsustainable situation.

Mr. Chairman, the status quo is broken. It is putting our horses and burros in jeopardy, and it's costly for taxpayers.

For decades, the scientific community has been urging the BLM to employ currently available and highly effective fertility control tools. Our work with the ecologists and economists reviewing population dynamics confirm that these tools already offer a real solution, one that will bring relief for horses and taxpayers alike. To our surprise, many who have long been opponents on this issue were willing to set aside their advocacy for lethal methods and endorse the proposal we have come up with.

We are pressing for a paradigm shift in management using four basic components. Widespread implementation of fertility control combined with simultaneous, short-term targeted removals supported by public-private partnerships that will create lower cost lifetime pastures for animals off the range, further augmented by strategies to increase safe adoptions. If done properly, starting in year four, the removal numbers can steadily decrease and by the end of year five, no more horses would go into long-term holding because the number of removals would come into equilibrium with the number of adoptions. By the end of year five, also, costs start falling. This can all be done without killing horses and burros to reduce population and without selling any horses or burros to slaughter.

For the humane community, that is essential because it is our responsibility, collectively, to manage these herds and it would not be

right to force them to pay the price of our failure with their lives. It would also spark the greatest crisis in public confidence in the BLM and a true political meltdown.

Our proposal also requires the agency and its contractors to be held accountable to its own comprehensive animal welfare program which covers gathers, transport and handling on and off the range.

The science supporting the use of fertility control is clear and it has been for some time. Starting in 1990, the GAO began urging the BLM to implement fertility control as less expensive than removals. BLM proclaimed fertility control effective in its 1992–95 report. Fish and Wildlife Service affirmed its efficacy in the 1998 final rule. BLM repeated its confidence in this tool in a 2003 report to Congress. A 2006 U.S. House of Representatives report strongly urged BLM to move forward with fertility control citing a U.S. Geological Survey study showing a $7.7 million savings. BLM's 2008 report to Congress confirms the effective use of fertility control and cites the National Park Service successes. A 2009 BLM instructional memorandum proclaims the tool effective and a cost saver. BLM's own EA in 2011 on the McCullough Peaks herd states the liquid PZP is 95 percent effective.

The tools exist now to make this program work, and we hope the BLM will take full advantage of this rare opportunity of a united community of disparate interests and lean into this effort with all of its might.

We stand ready to help and we hope that Congress will invest in this solution rather than the antiquated and expensive status quo. This strategy will enable our free roaming herds to live into the future in a sustainable way on the range where they belong.

Thank you for this opportunity to share our thoughts in this truly pivotal moment for our wild mustangs and burros.

Thank you.

[The prepared statement of Ms. Perry follows:]

TESTIMONY OF NANCY PERRY
Senior Vice President, Government Relations
American Society for the Prevention of Cruelty to Animals (ASPCA)
before the
Senate Energy and Natural Resources Subcommittee on Public Lands, Forests, and Mining

July 12, 2019

Good afternoon Chairman Lee, Ranking Member Wyden and other members of the subcommittee. My name is Nancy Perry and I am the Senior Vice President for Government Relations for the American Society for the Prevention of Cruelty to Animals (ASPCA), a national non-profit organization dedicated to the prevention of cruelty to animals throughout the United States. Thank you for inviting me here today to testify before the Senate Energy and Natural Resources Subcommittee on Public Lands, Forests, and Mining about the multi-tiered, non-lethal proposal we endorse for the management of wild horses and burros by the Bureau of Land Management (BLM).

Founded in 1866, the ASPCA is the first humane organization established in the Americas and serves as the nation's leading voice for animal welfare. For over 150 years, our organization has been committed to equine welfare. We have fought to protect horses from cruelty and strived to find homes and provide safeguards for horses. In our early days, we focused on improving medical care for horses by inventing the first operating table and ambulance for horses. We provided water for working horses who served as the primary form of transportation until the 1930s. Most recently, in 2018, the ASPCA established its Equine Welfare Department with a goal of good welfare for all equines, achieved through three primary areas of focus: Increasing support and opportunities for horses to safely transition to new homes; improving and increasing safety net support; and increasing legal protections for equines and support for law enforcement in effectively responding to equine cruelty.

Over the past decade, we have pursued federal policies to prevent domestic and wild horses from going to slaughter. The ASPCA opposes the slaughter of domestic or wild horses for a host of reasons – it is cruel, unsafe, and absolutely unnecessary to send any horse to slaughter for human consumption. Repeated polling demonstrates that at least 80% of the American public opposes the practice. We do not raise horses as food animals and we do not consume horsemeat. The legal presence of a horse slaughter industry encourages cruelty and neglect and creates welfare problems as owners are so concerned about horses ending up in the slaughter pipeline that they have been afraid to sell horses when they needed to. Several predatory schemes have led to horses being stolen or fraudulently obtained and then funneled into the slaughter pens, to the great distress of the owners that loved them. Wild horses, in particular, are a focal point for Americans, as a symbol of our Western heritage and the subject of special federal protections. Acting on these concerns, Congress has repeatedly passed floor and committee votes against horse slaughter, preventing the use of tax dollars to prop up this stigmatized and inhumane industry via appropriations since 2007. We also worked in the field, following roundups and documenting humane concerns and then campaigning for changes in roundup procedures, holding facility care, and other aspects of the U.S. Bureau of Land Management's (BLM) program managing wild horses and burros. Over the last year, we successfully pressed the BLM to restore protections for wild horses and burros following a policy change that would have opened a pipeline to send our iconic herds to slaughter in Mexico and Canada. These efforts are all important for individual horses and burros but we have been watching a slowly building storm that we fear will overshadow all other concerns.

At the very center of our name and central to our mission is the concept of "prevention" and we have been raising alarms with the BLM, the general public, and the wild horse advocacy community that there has been an appalling lack of preventative management throughout the history of the wild horse and burro program – and especially in the last two decades. We fear that the failure to utilize workable, humane, and safe fertility control on free-roaming herds could lead to their demise. Rather than working to prevent the growth of the rangeland population, the agency has concentrated its finances and energy on removing horses and storing them in pastures and pens. This utterly unsustainable approach is not sensible, nor is it humane or protective. At some point, the pens will be full, and the free-roaming populations will grow beyond their boundaries. We can argue about what the right number of horses is for the land they inhabit, we can debate about which user has the greatest claim to these public lands, and we can endlessly search for and wait on some new invention that will resolve this fundamental problem, but none of those strategies actually helps shift this program away from a reactive and fundamentally flawed approach to what is an eminently solvable dilemma. We believe that without instituting a new non-lethal, on-range management strategy for the herds, we will simply be exacerbating the problems to the point where the protections we have worked to retain will be eroded and it will be all but impossible to protect the herds from all-out lethal management in some form. It is our deep commitment to protecting wild horses from the fate of slaughter that leads us to endorse the proposal I am here to discuss today.

BLM's Wild Horse and Burro Program Today

Wild horses and burros are unique as one of a handful of species specifically protected under federal law, similar to protections established for bald and golden eagles. As icons of the American West and an integral part of our cultural heritage, wild horses and burros have rightly been protected under the Wild Free-Roaming Horses and Burros Act of 1971 and allocated areas of federal lands to freely roam in perpetuity. While these legal protections remain a critical component of a sustainable wild horse program, the BLM has struggled to effectively manage and implement the Act. As populations have grown, there has been increasing polarization regarding how to manage wild horses and burros. Many of the groups involved with the wild horse management issue — including animal welfare groups, landowners, conservationists and cattle ranchers—have disagreed on how best to balance the agency's mandate with their competing interests.

In the over 45 years since Congress charged the BLM with protecting our country's wild horses and burros, Americans have witnessed the agency's Wild Horse and Burro Program deteriorate into a continuous cycle of costly roundups and removals with little regard for the mandate specified in the Wild Free-Roaming Horses and Burros Act or on-range management of the herds. In fact, the BLM has removed almost 270,000 horses and burros since the inception of this program with little to show for their efforts.[1] The BLM currently dictates that the nationwide Appropriate Management Level (AML), the precise population number that the Agency hopes to maintain on the range, is 26,690 horses and burros. They now estimate, as of March 1, 2019, there were 88,090 horses and burros on Herd Management Areas (HMAs) in the West, with an estimated additional 48,375 as of May 2019, being

[1] Total removals between 1971-2017 was 258,102, and total removed in 2018 was 11,472, so the total at the beginning of 2019 is 269,574. https://www.blm.gov/sites/blm.gov/files/wildhorse_programdata_2018PLS_0.pdf

housed off-range in corrals and pasture facilities.[2] The off-range portion of the Wild Horse and Burro Program accounts for well over half of the Agency's programmatic budget, and that percentage continues to rise. In other words, on-range and off-range wild horse and burro populations are both increasing under the BLM's current management program.

Though the ASPCA does not agree that the 31.6 million acres allocated to wild horses and burros can only support 27,000 animals – 1,184 acres per animal – we do know that in order to have a sustainable management program for wild horses and burros as well as the other species that share the range, we must maintain populations at a consistent level over time. Wild horse and burro herds can grow at a rate ranging from 15%-20%, meaning that their populations can quadruple every decade. And though we are deeply troubled by the gradual reduction of habitat for wild horses and burros since the program was established – HMA's have been reduced by 41% since 1971 – we know that climate trends and urbanization are changing the Western landscape and that unchecked herd growth is not a win for anyone - especially the equines who call that land home.

A Change in Paradigm

Recognizing that the BLM's Wild Horse and Burro Program is in dire need of an overhaul, the ASPCA joined other humane and wild horse advocacy groups in spearheading dialogue with a diverse group of stakeholders to determine if there would be enough overlapping interest in helping the BLM find a new way of managing these herds. A critical requirement for these conversations was that all parties agree to set aside our differences and set aside lethal management methods, such as selling wild horses and burros for slaughter and killing healthy wild horses and burros for population reduction. To our surprise, many organizations and industry leaders saw the utility of a cooperative approach and were willing to come together to identify potential non-lethal, effective courses of action. As a result of more than three years of conversation, study, debate, and collaboration, we have endorsed a non-lethal, humane, and sustainable approach to on-range management that would implement a sweeping fertility control program on the range and eventually release the BLM, the horses and burros we seek to protect, and millions of tax dollars from a continuous cycle of round-ups, removals, and long-term holding. We appreciate BLM's recent acknowledgement of the need for reform in the Wild Horse and Burro Program and are encouraged by their recognition of the need for long-term strategies for on-range management. The approach we have put forward will, within a few years, provide significant relief for the range and enable stakeholders to come together around a single, non-lethal, solution.

The primary goal is to shift the long-held reliance on round ups and removals to on range management achieved via safe and humane fertility control, effectively ending the costly off-range program. Decades of research has demonstrated that on-range management with fertility control is not only possible, it is the fiscally responsible choice. Making a major course correction will take time, and temporary measures like targeted removals in highly impacted areas will be needed to enable fertility control tools to take effect.

It is important to note that the following proposal requires no additional authorizing measures to be implemented. If given the resources, the BLM could begin implementation of this plan immediately.

[2] Bureau of Land Management, Program Data. Accessed July 12, 2019. https://www.blm.gov/programs/wild-horse-and-burro/about-the-program/program-data

The ASPCA therefore urges the Senate Energy and Natural Resources Subcommittee on Public Lands, Forests, and Mining to encourage the Agency to move forward with this proposal and generate oversight mechanisms to see that it is implemented swiftly and effectively.

A. Commitment to Non-lethal Management

Gridlock and hyperpolarization of the wild horse issue has revolved largely around one major disagreement - whether wild horses and burros should be killed or sold to slaughter for human consumption as a shortcut population control mechanism. The American public, and the majority of Congress, have made it abundantly clear time and time again that lethal management is not an acceptable option. For decades, Congress has confirmed its opposition to the lethal management of our nation's wild horses and burros; it did so again most recently in the FY2019 Consolidated Appropriations Act, the current funding vehicle for the Department of Interior, and most recently in the U.S. House of Representatives passed FY2020 Interior Appropriations bill.

All stakeholders who have agreed to this proposal have agreed to remove lethal management from consideration. For the sustainability of the strategy we endorse, it is critical for the agency to commit to non-lethal management rather than pressing to relax legal restrictions on sale to slaughter or mass killing of healthy horses. Quite the contrary, key stakeholders, including the ASPCA, would pull support for the proposal if the agency does not commit to a program that protects these iconic animals from slaughter. We urge the Committee to abandon such controversial, inhumane, and ineffective suggestions and instead focus on methods of management that we can all agree will bring long-term, sustainable results, just as all stakeholders endorsing this proposal have done.

B. The Stakeholder Proposal

The ASPCA envisions a day when wild horses and burros can be humanely managed exclusively on the range. We, along with the other humane and animal welfare groups supporting the proposal, have devoted a great deal of time and energy to making that possible by studying the population dynamics of various management options, exploring the greatest challenges for on-range management implementation, and have used this knowledge to provide an outline of the essential steps we believe must be taken, as a whole, in order for on-range management to become the norm so that we can protect wild horses and burros into the future. BLM has a variety of options at its disposal to follow that guidance. Effective, humane management will require a scientifically supported and multifaceted approach able to withstand the ebb and flow of political tides. That is why the recent endorsement of several industry and local stakeholders has offered a real hope for a lasting approach that will better protect these herds through the period of implementation. It is critical the following strategies be implemented simultaneously:

- **Robust fertility control program:** Comprehensive large-scale application of proven safe and humane population growth control strategies to help stabilize wild horse and burro populations on the range and achieve a better balance in herd numbers where necessary.

- **Strategic gathering:** Targeted gathers of horses and burros in locations with threatened and endangered species or densely populated Herd Management Areas to protect forage, range health and water supplies and enable effective non-lethal fertility control efforts.

- **Relocating horses and burros:** Move horses and burros lingering in corral facilities, and those taken off the range, to large cost-effective, humane pasture facilities that provide a free-roaming environment for wild horses and burros as lifetime sanctuaries.

- **Increased adoptions:** Support and promote the adoption of wild horses and burros into good homes to improve the lives of horses and burros in holding pastures, reduce the total cost of the program, and redirect funds to long-term strategies for the care and sustainability of horse and burro populations. Provide marketing, transport, handling and training that will dramatically improve the adoptability of rehomed horses and burros.

The four synergistic tiers of this approach – comprehensive fertility treatment at the outset, gathers and removals, public-private partnerships, and adoptions – are crucial to the ultimate success of this plan. Failure to effectively implement any part of this program jeopardizes the success of a holistic and sustainable wild horse and burro program. If employed correctly, this plan will result in a balanced and sustainable population over the next decade, significant cost savings for the American taxpayer in the long term, and a success story for an iconic species. It will completely shift the focus of the program away from roundups and removals and finally institute an effective and comprehensive on-range management approach, completely eliminating the placement of horses and burros in long-term holding in five years' time, balancing annual removals - if needed - with annual adoption rates and enabling the phase out of long-term holding facilities.

a. Fertility Control

The Wild Free-Roaming Horses and Burros Act is clear that on-range management should be prioritized over roundup and removal as the primary method of wild horse and burro management. The only way to provide a safe future for wild horses and burros on the range is to implement an effective fertility control program. The stakeholder proposal we are jointly putting forward considers fertility control methods that are proven to be safe, humane, and effective.

Existing technologies, such as immunocontraceptive vaccines, fit squarely in this category. ZonaStat-H, a version of the Porcine Zona Pellucida (PZP) contraceptive vaccine that has been used for decades to manage horse and deer populations, is one example that is registered by EPA and commercially available. A 2013 National Academy of Sciences report noted the promising capabilities of this and other forms of chemical fertility control.[3] Yet in FY2018, the BLM administered a meager 702 fertility control treatments. Despite decades of urging from stakeholders and Congress, the BLM has failed to effectively implement any of the fertility control tools at its disposal. The ASPCA appreciates BLM's recent public acknowledgements that fertility control methods must be a significant part of wild horse population management, but for it to work it must be effectively and robustly implemented.

According to PZP expert Dr. Allen Rutberg[4], "[t]wo long-acting contraceptive vaccines are available now. Peer-reviewed scientific publications demonstrate that both PZP-22 and GonaCon can produce 5-7

[3] National Research Council. "Using Science to Improve the BLM Wild Horse and Burro Program: A Way Forward." 2013. Washington, DC: The National Academies Press. https://doi.org/10.17226/13511.
[4] Research Associate Professor, Department of Biomedical Sciences, Tufts-Cummings School of Veterinary Medicine and Director, Center for Animals and Public Policy

years of sharply reduced fertility in free-roaming wild horses with one initial treatment and a single booster two to three years later. We believe that efficacy of current forms of these vaccines has been adequately demonstrated, and they can and should be applied now on a large scale to manage BLM wild horse populations." Longer-lasting vaccines like GonaCon and PZP-22 are ready for implementation and will further lower costs and stress on the herds by reducing the frequency of treatment.[5] Other fertility control technologies and longer-acting vaccines are in various stages of research currently, and will only help to enhance the available methods the BLM has at its disposal. As newer technologies and advancements become available and are shown to be safe and humane, there could be additional cost-savings and benefits. Transparency and public process will be critical to enable scientific and public input, ensuring that these tools are safe, humane, and not used overzealously.

To test the efficacy and feasibility of this approach, the ASPCA consulted population ecologists, economists, wildlife biologists, fertility control experts, and rangeland specialists to investigate population dynamics of various management strategies and how a nationwide fertility control program would work. We believe that a balanced wild horse and burro program is achievable in 5-6 years under certain conditions, if we start immediately and incorporate the tenants outlined above. Balance means that no more animals would be entering off range holding than could be adopted out in a given year. To be effective, treatment must be administered to a large percentage of the target herd and this is no easy feat in vast areas where horses are accustomed to evading capture. Thankfully, some herds are approachable on foot and therefore can be vaccinated from the ground or through methods that lure them into pens using food or water. This is already very effectively and efficiently done by a small army of volunteers and some BLM staff and we applaud those who are on the ground providing proof that this method is viable for some herds. Unfortunately, we estimate that a very small number of the overall population fit into this category.

To treat the remaining herds, wild horses or burros must be in close proximity for application of fertility control. For larger herds on some land, the only way to accomplish this is by moving horses into holding pens. These roundups can be stressful for many individuals in the herds so care must be taken by those who operate helicopters or other equipment used to pressure horses into pens. The ASPCA believes that it is vital that humane standards be emphasized and holds the BLM and its contractors accountable to its own Comprehensive Animal Welfare Program, which provides standards to ensure the safety of the herds during these gathers, transport, and handling.[6]

Each HMA is unique, and we do not advocate for a one size fits all approach to management in all areas. However, without fertility control, wild horses and burros will eventually reproduce unchecked, continuing the cycle of repeated removals in the same HMAs that has occurred over the last 40 years. Protecting these herds means having a safe, reliable, and effective way to balance their populations. Allowing the BLM to wait any longer to move forward with a comprehensive fertility control program will make that goal harder to achieve, more expensive, and be a disservice to the many animals who will be harmed by further delay.

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[5] Rutberg, Allen et al. "Contraceptive efficacy of priming and boosting doses of controlled-release PZP in wild horses," 2017. Wildlife Research 44(2), 174-181. https://doi.org/10.1071/WR16123; Baker, Dan L et al. "Reimmunization increases contraceptive effectiveness of gonadotropin-releasing hormone vaccine (GonaCon-Equine) in free-ranging horses (Equus caballus): Limitations and side effects." 2018. PloS one 13(7), e0201570. doi:10.1371/journal.pone.0201570

[6] Bureau of Land Management, Comprehensive Animal Welfare Program for Wild Horse and Burro Gathers. IM 2015-151. Accessed July 12, 2019. https://www.blm.gov/policy/im-2015-151

b. Strategic, Targeted Removals

Due to the current population on the range, the BLM will be increasing its gathers of wild horses and burros. If the Agency continues to remove horses without treating the mares left on the range, growth rates will actually increase.[7] The NAS advised against the Bureau of Land Management's current policy of conducting roundups and removals without fertility control. Our proposal mandates fertility control application alongside gather-removals, which is specifically what the NAS identified as effective.

Even if the BLM's published population figures are imprecise, removals coupled with fertility control are still necessary in the short term. Population size is a key aspect of how field managers execute effective fertility control programs. BLM estimates that the population of horses and burros on the range is more than 88,000 and the entire population grows by 15-20% each year. It is necessary to treat 80-90% of the horses with some form of fertility control to achieve balance and manage population growth. Using BLM's figures, managers must be able to get close to approximately 70,400 animals to balance the current population, a number well beyond the agency's current physical capacity in a given year.

Dr. Allen Rutberg, one of the nation's leading experts agrees that fertility control cannot be effectively instituted without a short-term period of removals. Due to the current wild horse and burro population size on the range, it is most sensible for BLM's planned gathers and removals to target intensely affected herd areas. According to our modeling and under current conditions utilizing ZonaStat-H as the sole form of fertility control, this is required for the first 5-6 years of this proposal. Therefore, moving horses into low-cost lifelong pasture facilities will be necessary on the front end of the program as a stop gap measure in order to allow on-range techniques to work. As fertility control treatments take effect and population growth slows, the number of removals necessary will taper off and ultimately balance with the numbers of animals who can be safely rehomed or, potentially, removals will cease altogether.

c. Public-Private Partnerships for Cost Effective Pasture

While the ultimate goal of this proposal is to humanely phase out the long-term off-range holding of horses in exchange for real on-range non-lethal management, we are years from achieving that goal. To accommodate the horses and burros being removed from the range as well as those currently living in corral facilities, we propose that the BLM issue a Request for Proposal (RFP) for organizations and entities throughout the United States that can provide more cost-effective humane, long-term, off-range pasture for the wild horses or burros coming off the range. The BLM would retain ownership of and be accountable for ensuring protection of the animals removed from the range, as well as enforcing consequences for non-compliance, and the animals' federally-protected status will be maintained. Some groups stand at the ready to become stewards of off-range herds, and the animals in their care would remain titled with the BLM and continue to enjoy federal protections. We believe more may emerge, once they feel confident that they would not be connected to a lethal program. The need for off-range holding will decrease over time as fertility control takes effect, removals are reduced, and adoptions are increased. All facilities involved in the program will contractually agree they will not destroy healthy, unadopted, wild horses and burros or allow sales of wild horses and burros in a way that results in their destruction for processing into commercial products or any other reasons.

[7] National Research Council. "Using Science to Improve the BLM Wild Horse and Burro Program: A Way Forward." 2013. Washington, DC: The National Academies Press. https://doi.org/10.17226/13511.

d. Increasing Adoptions

Acknowledging that adoption cannot be the sole management strategy for this program, it is vital to inspire and promote more adoptions for those horses who can enjoy a good quality of life in a domestic setting. It will also reduce cost to the taxpayer and elevate the program in the eyes of the public. We know that more homes exist for these horses. In 2017, Edge Research identified 2.3 million adults who have both the resources and the desire to adopt a horse right now. In 2018, the BLM placed 4,609 horses and burros into safe, private care through sales and adoptions. This year they are on track to surpass that number having already placed 4,223 equines into homes. Many of the current Trainer Incentive Program (TIP) trainers can train and place even more horses if resources were made available to them. Further, there is encouraging evidence that the BLM's adoptions each year could increase significantly with our groups' support. As an example, the ASPCA's adoption program, Help a Horse Home, that challenges shelters and rescues across the country to increase their adoptions, this year engaged several groups that adopt BLM equines. These groups took advantage of our tools and support and increased their adoption capacity. Matchmaking horses with adopters is a key strategy that will help increase these numbers, and this is an area where humane organizations have a wealth of background and knowledge to share. TIP trainers are already proving the dramatic impact training can have for increasing adoptions, and with added support and promotions, those numbers can grow. In addition, programs exist where wild horse and burros support people with mental and physical challenges, our nation's veterans, and 4-H youth, and these programs can be vastly expanded. Increasing the number of horses going to good homes would be a move in a positive direction and will help shift funds to other important aspects of wild horse and burro care, including the on-range fertility control work that is key for long-term success.

Cost in the Long and Short Term

Any pathway forward for the BLM's Wild Horse and Burro Program is going to require an influx of funds – indeed, continuing the status quo is a particularly costly decision. Without an intervention, the percentage of BLM's budget devoted to off range populations will continue to rise, as would the population on the range. The proposal we support would require an upfront investment in the short term, but over the long term it would generate considerable cost savings for the federal government. For implementation of a management strategy like ours, our coalition has suggested a $50 million increase in funding to the Wild Horse and Burro Program in Fiscal Year 2020. Similar additional funding must be sustained over time and would likely need to increase in subsequent years. However, as more efficient and long-lasting fertility tools become more widely available, managers would need to have contact with herds less often and the cost of management per animal would decrease over time. Indeed, the proposal we have put forward would not only put the program back on a sustainable track for the population, but also for BLM's programmatic budget. In fact, by the tenth year of its implementation, our plan will cost less than the projected cost of BLM's status quo management methods in the same year. And the humane management plan has the added bonus that wild horse and burro populations on-range will remain at a constant level, rather than growing exponentially under the BLM's current methods. Costs from the point will decline and rebalance as the BLM shifts to a more sustainable approach.

Time and Agency Action

The Wild Horse and Burro Program is at a crossroads. This is a significant moment in history for our wild herds. As noted previously, we cannot expect any strategy to solve the wild horse and burro management challenge overnight. But each year that passes without implementation means an escalation in time and resources required to make this change. It is absolutely critical that the gears start turning now. If they do not, we will be further and further away from our goal with each passing year of uncertainty and inaction. This proposal represents a bipartisan, multi-stakeholder, widely supported approach to humanely and non-lethally managing wild horses and burros to protect them from the very real threat of lethal approaches. It is not the fault of these horses and burros that they are in the predicament they find themselves today and they should not be punished for being in this completely avoidable situation. For the first time ever, a group of stakeholders traditionally sitting on opposing sides of the wild horse and burro management issue have found enough common ground to move forward on a humane, non-lethal, sustainable, and effective proposal, creating a rare opportunity to break the gridlock and move towards a brighter future for America's iconic herds. The proposal that we have laid out, and the support for it garnered from all corners of those with a stake in this issue, demonstrates the ability of a non-lethal, sustainable, humane management plan to become the status quo.

Appendix

See *The Path Forward for Management of BLM's Wild Horses and Burros.*

THE PATH FORWARD FOR MANAGEMENT OF BLM'S WILD HORSES & BURROS

ASPCA

American Farm Bureau Federation

Society for Range Management

Humane Society Legislative Fund

Public Lands Council

Return to Freedom Wild Horse Conservation

National Horse and Burro Rangeland Management Coalition

Eureka County, NV County Commission Office

Humane Society of the United States

National Cattlemen's Beef Association

Beaver County, UT County Commission Office

American Mustang Foundation

Utah Governor Office

The primary objective of this proposal is to develop an economically and environmentally viable, humane, non-lethal, and feasible long-term management plan for wild horses and burros in the American West. The current program is unsustainable and needs redirection.

We[1] propose the following solutions for the short and long-term health of our wild horses and burros along with our Western rangeland: (1) Relocate removed wild horses and burros to more cost-effective pasture facilities, (2) Contract with private parties to secure lower-cost leasing of land for long-term humane care of removed horses and burros, (3) Apply proven, safe and humane population growth suppression strategies to every herd that can be reached utilizing trained volunteers, Agency staff, and animal health professionals, as individual HMAs dictate to prevent repeated gathers and (4) Promote adoptions in order to reduce captive populations and costs.

If the BLM can work with private partners to achieve each of these goals, the agency will be back on a financially sustainable and more humane management track. All signatories support this plan and are committed to its implementation. If the BLM and Congress provide adequate direction, funding, and execution, this plan should result in measurable wild horse and burro population decline making progress towards the BLM's Appropriate Management Level (AML). Signatories agree to yearly meetings to review progress towards objectives. The BLM should also produce a report to Congress at years 3, 5, and 7 to ensure progress is being made towards thriving ecological balance on the range.

EXECUTIVE SUMMARY

Wild horses and burros are "living symbols of the historic and pioneer spirit of the west," and an integral part of American cultural heritage as stated in the Wild Free-Roaming Horses and Burros Act (WFRHBA). Management of these federally protected herds is no easy task, but one that many Americans support and that the Bureau of Land Management (BLM) has stated it is required by law to perform. The BLM's attempts to curb population growth, mainly through roundups and removals, have not sufficiently slowed the growth of wild horse and burro populations on the range. Concerns about the cost of the Wild Horse and Burro Program and impacts to rangeland health have prompted some to recommend the use of lethal population control methods. We collectively propose the following solution as a viable way to manage wild horses and burros through non-lethal methods.

All wildlife species on the Western ranges are managed by state wildlife agencies, and all livestock on Western ranges are managed by livestock owners. Wild horses and burros are unique in the ecosystem because they are not managed by either, through hunting or allotment management plans. Through managing the timing, intensity, and length of use for other species, managers keep the ranges healthy and sustainable. Like all other species, wild horses and burros need to be properly managed so that all species can thrive on healthy rangelands.

[1] The we referenced throughout document refers to collective signatories below.

We propose a solution that will eventually release the BLM from the costly cycle of roundups and holdings, while reducing the number of horses and burros on the range and making progress towards the agency determined appropriate management level (AML):

- Conduct targeted gathers and removals at densely populated Herd Management Areas (HMAs) to reduce herd size and make progress towards AML.
- Treat gathered horses and burros with population growth suppression tools prior to being returned to the range. Reversible methods must be administered to an appropriate percentage of mares (generally close to 90%) to control populations, with some flexibility depending on modeling of range and herd parameters.
- Relocate horses and burros in holding facilities, and those taken off the range, to large cost-effective, humane pasture facilities funded through public-private partnerships.
- Promote adoptions in order to help reduce captive populations and costs. The BLM is currently spending $2,250 ($3,250 with incentive) per adopted horse to promote adoptions that ultimately provide considerable cost savings to the agency. Investing in the adoption process for each horse will reduce or eliminate the estimated $46,000 per horse expenditure in off range holding over the course of their lifetime.

The four tiers of this approach – gathers and removals, alongside population growth suppression strategies, public- private partnerships, and adoptions – are all crucial to the ultimate success of the program. Failure to effectively implement any part of this program jeopardizes the success of a holistic and sustainable wild horse and burro program. If employed correctly, this plan will result in a sustainably managed population over the next two decades. We collectively support this humane, effective, and financially sustainable approach.

The signers of this agreement hold divergent views on some aspects of wild horse and burro management but nearly all stakeholders share common goals for rangelands: ecosystem health, the humane treatment of animals, and fiscal responsibility. With this plan, horses and burros will be managed humanely, the government's costs will decrease over time, and multiple use federal public lands will be managed to make progress towards AML goals. We have an opportunity, and an obligation, to solve this challenge collectively through a rational, judicious plan that embodies each of these shared goals. Now is the time to act. Failure to act now will result in continuing irreparable, long-term damage to our natural resources.

THE PROBLEM

The Bureau of Land Management (BLM) has not implemented an effective, financially sustainable framework to manage wild horses and burros, now some 40 years after the enactment of the Wild and Free-Roaming Horses and Burros Act. The agency has been limited in the range of tools it has had at its disposal. Because of logistics and controversy, the management of wild horses and burros on

public lands has proven unwieldy: currently, horses and burros reproduce quickly on the range and are affecting rangeland ecosystems, while most BLM short- and long-term holding facilities are over capacity. Until recently, when budget constraints prevented nearly all management of wild horses and burros on the range, the BLM controlled populations by rounding up specific herds every 2–4 years and removing large numbers of animals to attain AMLs. Absent on range fertility control, these removals resulted in a large population of horses and burros under the BLM's direct care. The BLM developed two types of holding facilities to maintain these horses and burros — contracted pastures that cost $1.82–$2.42 per horse per day, and short-term corral facilities (i.e. feedlots) that cost $4–$7 per horse per day. This excludes costs for round-ups. As of March 13th, 2019 the BLM maintains 36,906 wild horses and burros in large pasture facilities, and 14,029 horses and burros in corral facilities.

According to the National Academy of Sciences, removal of excess horses alone can actually facilitate a higher growth rate in wild herds due to decreased competition for forage. This means that the BLM's current management techniques are likely increasing population growth rates. Equine herds typically grow approximately 15%–20% per year, but studies have shown that growth rates are higher in herds where removals have been conducted.

Had the BLM coupled these removals with a sufficient on-range fertility control program, recruitment rates would be far lower. Between 2012 and 2018, the BLM treated fewer than 4,353 horses with fertility control, and released many gathered horses back onto the range without fertility control treatment.

As of March 13, 2019, the BLM estimates the population of wild horses and burros on federal lands at over 81,951— over three times greater than the agency's nationwide AML goal of 26,690.

Mismanagement has led to negative impacts to the long-term health of rangeland ecosystems, raising serious concerns with maintaining the status quo management practices for-private livestock grazing, wildlife vitality, and wild horses and burros. Controversy over the allocation of water and forage has polarized stakeholders, compromising our ability to find common ground solutions.

THE SOLUTION

While there is continuing debate about what constitutes sustainable wild horse and burro populations on the range, the BLM has stated it is required by law to maintain populations at currently established national AML. The result of recent modeling indicates that those levels can only be reached by a combination of large-scale removals, off-range relocation, and fertility control. Removals must be conducted under the following conditions: (1) Removals must focus on those areas of most immediate concern due to potential conflicts with native wildlife, rangeland degradation, and human-horse conflict; (2) population growth suppression strategies must be implemented as determined on an HMA by HMA basis; (3) wild horses and burros removed from

the range must be relocated into less expensive holding facilities, and where possible, public-private partnerships with landowners and non-profits must be implemented; (4) signatories will work with BLM and provide assistance to ensure that better marketing-increases adoptions and reduces captive populations and costs; and (5) a Rangeland Restoration Plan should be funded and implemented when HMAs achieve sufficient progress towards AML.

I. REMOVALS

Assuming an 18% population growth rate absent removals, rangeland populations will be approximately 90,000 to 95,000 by 2020. While removals to achieve AML are a financial burden, the BLM has determined that they should be conducted to alleviate existing concerns with the condition of BLM's rangelands. To get closer to the BLM's assigned nationwide AML, removal numbers need to be higher initially to allow fertility control to catch up with the population (in other words, to implement fertility control alone or alongside current *average* removal numbers would not achieve population balance and control because the number of foals born per year would still exceed the number of horses removed). Modeling shows that for the first three years, 15,000-20,000 horses would need to be removed per year. These numbers will then drop to 5,000-10,000 per year for the remainder of the proposal term as fertility control takes effect.

Some areas cause heightened concerns due to rangeland degradation, and direct political conflict with the BLM's multiple-use mandate. With that in mind, we suggest that the agency prioritize those areas for immediate attention.

The BLM could begin removals in 2020 focused on those areas, gradually shifting focus in subsequent years to removals in all HMAs where wild horse and burro populations exceed the AML. The combination of large-scale removals/relocations and the large-scale implementation of fertility control (as discussed below) would eliminate the necessity of future large-scale gathers for removal purposes. If necessary, smaller targeted gathers could be conducted to maintain population levels in strategic locations. Removed horses and burros would be relocated to pasture facilities or contracted sanctuaries (as discussed below). The necessity of repeated supplemental feed and water to these herds should be viewed as an indication that the range cannot support current populations in a given area, and the use of such tools should therefore be in conjunction with capture and removal of excess horses.

All removals must be conducted in strict compliance with the Comprehensive Animal Welfare Program (CAWP) as outlined by the BLM.

II. FERTILITY CONTROL

All future removals must be coordinated with ongoing, on-range fertility control programs to prevent subsequent population growth within the remaining equine population. Modeling shows the need for a large-scale fertility control program, which ensures that 90% of the horses and burros remaining on federal public lands are treated with fertility control to avoid need for future large-scale removals.

To achieve this goal, the BLM must regularly treat a significant portion of mares in each HMA. On HMAs where repeated gathers are a realistic option, the agency should treat (>90%)[2] of the remaining mares in every HMA. For HMAs using helicopter gathers, the agency must commit to coupling the removals with detailed gather plans that target a high percentage of the area's population. The agency must then treat all mares returned to the range with population growth suppression, and continue to treat mares in the HMA in successive years to ensure that a sufficient number of mares (>90%) remain treated.

In areas where baiting is possible, BLM staff must administer treatment through opportunistic darting. If that is not possible in all locations, gathers without removals in subsequent years must take place to ensure repeated treatments.

Trained and approved volunteers and university programs can be utilized to aid with darting programs, identification of individual horses and burros, behavioral observation, and data collection as the BLM needs.

Students and volunteer organizations can also be used to support water and habitat restoration on the range.

The BLM should pursue further research into on-range fertility control and incorporate results into long term management plans.

The BLM should be aggressive about adopting new population growth suppression tools as they become available.

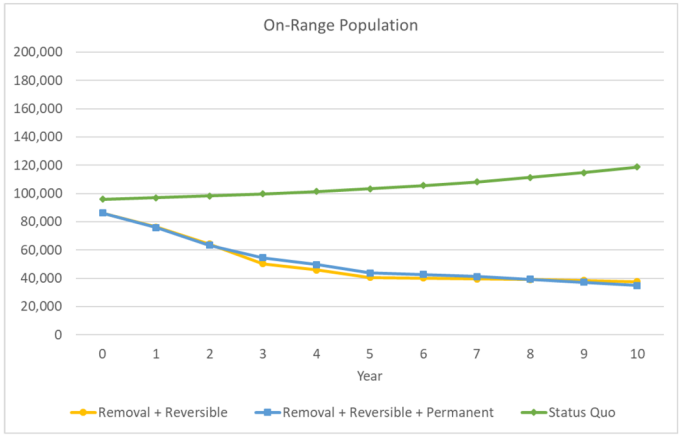
The BLM should be aggressive about adopting new technologies such as federally authorized drones and microchips as they become available and are proven to be safe and effective.

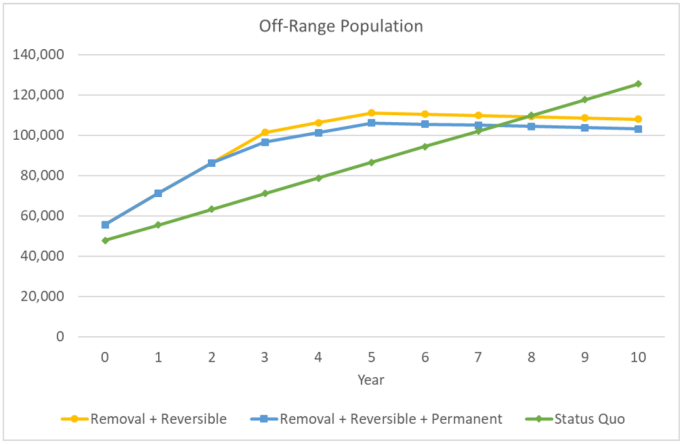
Fertility Control Population Projections:

The BLM has suggested a variety of on-range strategies to suppress wild horse and burro population growth. Below, we analyze three different management strategies and their effects on on-range and off-range population growth. Our preferred method is shown in yellow and labelled "Reversible + Removal", as it can be instituted by the BLM immediately. This curve depicts population growth over time when utilizing removals and yearly reversible population growth suppression tools. The blue line labelled "Removal + Reversible + Permanent" depicts population growth if removals, permanent sterilization, and yearly immunocontraceptives are employed. The Status Quo strategy, the green line, does not achieve adequate population reduction, and results in an increasing number of equids held off-

[2] Applicable to modeled immunocontraceptive vaccines.

range. Reversible + Removals and Removals + Reversible + Permanent both reduce the population to within 20% of AML over the 10-year period.





From this point, it will take approximately 10 years to get the population close to the BLM's current desired AML of 26,690 based solely on the use of ZonaStat-H or another yearly population growth suppression tool alongside removals.

Longer-lasting population growth suppression tools will lower costs and reduce the need for yearly treatment, and will speed population decline. As such, additional tools should be implemented as soon as they become feasible.

To further bolster the efficacy of this proposal, the agency could implement reasonable sex-ratio skewing, at a 70/30 skew, in herd management areas where ratios are not naturally skewed towards a larger male population.

III. RANGE RESTORATION

Some ranges are already damaged in ways that are harmful to wildlife, range plants, and the remaining wild horses and burros. Restoring ranges to a healthy state will require deliberate and scientific human intervention. Range treatments should immediately follow gathers and be done at a scale that is effective in creating adequate forage for wildlife, domestic animals, and wild horses and burros. Treatments should be planned in a way that allows the area to be rested until treatments are established enough to withstand grazing.

IV. LESS EXPENSIVE HOLDING OPTIONS

Every day, the BLM spends $1.82 per horse in long term holding pastures and an average of $4.99 per horse in corral facilities. A shortage of pasture facilities has forced the agency to use corral facilities for long term purposes —at more than twice the expense. The BLM currently holds 12,433 horses in corral facilities. The agency estimates that each of those horses costs approximately $46,000 over the course of their lifetime. We propose that the BLM relocate corralled horses and burros, along with any additional removed horses and burros, to more cost-effective private pastures. Private pastures will help reduce population levels in individual HMAs to enable proper management, reduce the agency's management costs, and provide humane and more natural living situations. It also ensures that lethal methods do not become the default public policy. We commit to partnering with BLM to encourage and facilitate the creation of these options.

While this proposal requires an additional upfront investment to achieve this shift in focus, it will result in significant long-term cost savings. We must identify adequately large pasture options that can accommodate not only the horses and burros currently housed in corral facilities but also additional wild horses and burros removed from the range. The overarching goal is to ensure that future gathers, after progress towards AML is made, will be conducted solely to administer a comprehensive, mandatory fertility-control program. The implementation of ongoing on-range fertility control will mean fewer horses and burros removed, which will ultimately enable a phase-out of holding facilities. As holding facilities are phased out, BLM funds will become available to pay for continued population growth suppression tools and range restoration.

Large-Scale Private Pasture or Sanctuary Facilities

We propose that the BLM issue a Request for Proposal (RFP) for organizations and entities throughout the United States that can provide more cost-effective humane, long-term, off-range pasture for the wild horses or burros coming off the range. The BLM would retain ownership of and be accountable for ensuring protection of the animals removed from the range, as well as enforcing consequences for non-compliance. Federally-protected status will be maintained.

The long-term, off-range pasture facilities should be located on private land, and should not be located in areas within or adjacent to Herd Management Areas, Herd Areas, or Horse Territories. These pastures should be located in geographic areas that are suited ecologically to sustain year-round grazing, whether by utilizing pasture rotation or hay production, by large numbers of horses and not have adverse ecological effects.

The BLM should pursue large scale off range pasture contracts with entities capable of housing a large number of horses under a single contract to save administrative costs associated with contracting, environmental compliance, and BLM oversight.

This strategy will save public funds by decreasing the average per-horse cost of off-range management and contracting, compared to the current cost-prohibitive corral facilities, and will allow the animals to live out their lives in natural pasture settings.

Non-profit 501 (c) 3 sanctuary organizations may also choose to enter into long-term off-range pasture agreements with the BLM. The agency would then maintain title of the animals to ensure their federally protected status.

Qualified non-profit, private landowners, or a combination of the two are an additional alternative, reducing the BLM's holding costs while providing removed horses a life-long safe refuge.

Private pasture and sanctuary facilities would be encouraged to provide programs to educate the public about the connection between managed wild horse and burro populations and rangeland health.

All facilities involved in the program will contractually agree they will not destroy healthy, unadopted, wild horses and burros or allow sales of wild horses and burros in a way that results in their destruction for processing into commercial products.

All facilities involved in the program will ensure that wild horses and burros do not return to the ranges. If horses and burros inadvertently escape from these facilities, the facilities will bear the cost and responsibility to gather and return the horses and burros within days.

V. ADOPTIONS

Over the course of the past 5 years, the BLM has only been able to adopt between 2,000-4,000

wild horses and burros a year. Recognizing that this number is insufficient to lower populations in holding facilities in any meaningful way, if this plan is adopted our organizations will work together to create an adoption program to supplement the BLM's current adoption program that will aid in increasing the adoption of horses relocated into the above mentioned private facilities. The Wild Horse and Burro Program plays a key role in reducing the number of animals on the range. However, adoption demand has declined in recent years.

Upon acceptance of our proposal, our organizations are committed to helping increase wild horse and burro adoptions in partnership with the BLM. We will develop and implement a program to encourage the public to adopt a wild horse or burro through the implementation of educational training/mentoring programs with adoptable horses and burros and a marketing plan, which will supplement the agency's current program.

We have determined that the largest possible target audience that is not fully tapped currently by the BLM are potential horse and burro owners on the East Coast. We will work to increase publicity across the country with a specific focus on the East Coast to aid in increasing adoption numbers.

Another under-utilized opportunity may be with other federal agencies. We will support humane imprinting, gentling and training horses and burros that can then be used by USFS, mounted law enforcement, and other government entities.

We will use our volunteer network and extensive outreach capabilities to promote adoptable horses and burros to potential adopters through the use of our social media and email channels.

APPROPRIATIONS REQUEST

The groups involved with this effort will be seeking appropriations language in support of this path forward.

Senator LEE. Thank you.
Dr. Goicoechea.

STATEMENT OF HON. JULIAN J. (J.J.) GOICOECHEA, CHAIRMAN, EUREKA COUNTY (NEVADA) BOARD OF COMMISSIONERS

Dr. GOICOECHEA. Thank you, Chairman Lee, members of the Committee.

My name is Dr. J.J. Goicoechea. I'm a fourth-generation cattle rancher from Eureka, Nevada. I'm also a licensed veterinarian and the current County Commission Chairman of the Board. I'm in my second term as a County Commissioner.

I was in private practice for 17 years before being named a Nevada State Veterinarian in February 2016. My comments today are going to reflect my views and those of Eureka County.

The issues surrounding the management of wild horses and burros in the West are not new. We've had these conversations. Since the passage of the Wild and Free-Roaming Horses and Burros Act of 1971, there's been a lot of concern regarding how the animals and the natural resources they rely on are being managed. Eureka County understands and recognizes these concerns, and we express our support for recent recommendations to better manage wild horses.

The BLM and Congress have lacked the fortitude to accept and work toward implementation of difficult but necessary recommendations. While Eureka County has policies supporting the use of all tools authorized under the Wild and Free-Roaming Horses and Burros Act of 1971 as amended, that includes the sale and humane euthanasia of excess horses that are unadoptable. We have compromised and we have agreed to the non-lethal management approaches set forth in a recent proposal entitled, "The Path Forward for the Management of BLM's Wild Horses and Burros."

We've all heard the numbers from March 2019—88,000 horses on the range in the West. Let me say that Nevada has right at 47,500 horses, 47,500, that's nearly double what AML is in all of the West. We are ground zero. Nevada's horse population has reached a level that must be addressed now to avoid exponential growth in the coming years and that eventual starvation, as Dr. Thacker alluded to.

An example of some of the challenges we have in Nevada are Nevada's Triple B HMA. It is over 1.2 million acres in size and the current population this spring was 1,500 horses. Keep in mind there was a gather conducted there last summer to keep horses from starving to death and there is another gather currently occurring as we speak in that same area. The Pancake HMA, 850,000 acres. Those two alone are over two million acres and they are adjacent to each other. The Pancake HMA had an emergency gather done in August 2018 due to horses, again, dying and resource damage. And this spring, that HMA was 508 percent of AML. That's after a gather being done last year.

The Fish Creek HMA, right outside Eureka, is a prime example of an HMA that doesn't even fit the definition of a natural balance. This HMA has never been at AML since it was established. From 1994 to 2002 with the exception of one year, there was no livestock

grazing at all in that HMA. And yet, utilization levels were moderate to severe in the Antelope Valley portion of that allotment. It is at 358 percent of AML today.

I mentioned Fish Creek for this reason. In 1997 there was an EA to use PZP in the Fish Creek HMA to bring that population within AML in 19 years. It's 22 years later. We are at 358 percent. We must not continue to do the same thing like we have in the past. The hit and miss application of fertility control is not working.

In our larger HMAs we need a different approach and this may include the use of permanent surgical sterilization or other long-acting methods such as IUDs, intrauterine devices, currently being tested in domestic horses. The use of surgical sterilization will require additional handling of animals and require a longer stay in holding corrals but this is, again, cheaper than repeated roundups and re-administration of a product or, God forbid, lack of funding and the products are not administered.

Advances in surgical techniques and approved methods of analgesia continue to allow for more rapid recoveries and less post-operative complications on horses undergoing surgical procedures.

I applaud the BLM for conducting studies to prove the safety and efficacy of surgical techniques. I would never condone unsafe or inappropriate techniques or drugs be used, but as a scientific professional, I would also not be so foolish as to not adopt more efficient tools, ones provided safe and effective.

I tell you these things today not as a lobbyist or a government employer or an activist. Plain and simple, I'm a ranch kid that found his way to vet school, and I spent the rest of my life applying what I learned to care for animals. I'm tired of seeing horses die, I'm tired of seeing horses suffer, and I'm tired of watching the rangelands I love and work so hard to protect be degraded. I'm tired of the status quo as is Ms. Perry. We can no longer turn a blind eye. We need Congress' action now.

I thank you.

[The prepared statement of Dr. Goicoechea follows:]

EUREKA COUNTY BOARD OF COMMISSIONERS
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Testimony of

Julian J. (J.J.) Goicoechea, DVM

On behalf of

Eureka County, Nevada

Before the

United States Senate
Committee on Energy and Natural Resources
Subcommittee on Public Lands, Forests, and Mining

At the hearing titled

Examining BLM's Wild Horse and Burro Program

July 16, 2019 | 2:30 p.m. EDT | 366 Dirksen Senate Office Building

Chairman Lee, Ranking Member Wyden, and members of the Committee, my name is J.J. Goicoechea, I am a fourth-generation cattle producer and a licensed veterinarian from Eureka, Nevada. I am serving in my second term on the Eureka County Board of County Commissions and midway through my seventh year serving as Chairman of that board. I was in private veterinary practice for 17 years before being named the Nevada State Veterinarian in February of 2016. It is my pleasure to testify before your Committee to discuss the impact that wild horses have on rangelands in the west and how lack of management is affecting not only rangeland health, but animal health and welfare. While I am the current Nevada State Veterinarian, my comments today are made on behalf of Eureka County Nevada. My testimony is based on my years in private practice (including extensive work with wild horses and the BLM), my background as a steward of public lands, and as an elected county official in Nevada.

The issues surrounding the management of wild horses across the west are not new. Since the passage of the Wild and Free Roaming Horse and Burro Act (WFRHBA) in 1971, there has been concern from all sides of the issue regarding how the animals and the natural resources they rely on being managed. Over the last 48 years, the program has seen some significant changes, both good and bad. I am not here today to cast blame, but rather to offer insight and advice on a program teetering on the brink of collapse and to voice support for a proposal moving the program forward. The very animals and resources that the BLM is charged with management of are being negatively impacted and in some cases irreversible damage to our western rangelands are resulting from mismanagement. I must impress upon you that the time to act is now. We cannot wait another two or three years to start on a path of correcting the wrongs of the last nearly 50 years.

The agency has shifted from the multiple use principals contained in the WFRHBA and the later Federal Land Management and Policy Act. Rangelands are being managed exclusively for the over population of horses in some cases. Public lands that have had limited to no livestock grazing for over a decade are being degraded by continuous overuse by wild horses in many areas of Nevada and across the west. Native wildlife species are seeing their sensitive habitats impacted and often destroyed. Outdoor recreationists are watching favorite camping and hiking areas become degraded and overgrown with invasive plant species due to continued overgrazing by unchecked populations of wild horses and burros. I believe in managed healthy horse herds on managed healthy lands that function in natural ecological balance.

Eureka County has been a strong voice advocating for proper management of wild horses for decades. A prime example of this is the Diamond Complex in central Nevada. This complex was created in the 1990's through the collaborative efforts of the BLM, Eureka County, permittees, wildlife specialists, and the general public. It was spurred on in part due to a massive die of horses in the winter of 1992-93 due to starvation. Voluntary reductions in grazing were made by ranchers to allow for the managed grazing of horses. Appropriate Management Level (AML) was agreed upon and the promise to gather the complex as needed to keep it within AML was made. The Diamond Complex has struggled to even reach AML after gather operations due to its rugged terrain and proximity to other large and overpopulated HMA's. It was last gathered in 2013 and as of March 1 of this year has over 1000 horses in it. That is 8 times above AML and the complex is not on the gather schedule for this year and no fertility control work is being done. Once vigorous populations of Greater Sage Grouse found though out the area now within the complex are struggling for survival in many locations and completely gone in others. Post fire restoration efforts that once were used as models of success are now landscapes of annual invasive grasses and weeds.

The Diamond Complex is just one of dozens of HMA's in trouble. All wild horse herds in Eureka County continue to grow larger with no active population management. Over-population and subsequent over-utilization by wild horses continues to (1) degrade ranges BLM and permittees have invested substantial time and money in; (2) diminish habitat and forage for sage grouse and other upland birds, mule deer and livestock; (3) impair watersheds which provide water, clean air, and natural amenities to our citizens; and (4) increase

public safety issues with more horses moving near populated areas and crossing major roads. The result is a substantial long-term economic impact to tourism, recreation, sporting, and livestock industries in Eureka County and severe detrimental impacts to rangeland health, our citizens' health and welfare, and our long-term socioeconomic stability.

Based on BLM's most recent numbers from March of this year, the Herd Management Areas (HMA's) within or affecting Eureka County, on average, are at least 449% of their established high-end Appropriate Management Level. Many HMAs are over 500% of high-end AML. One HMA is over 1850% of high-end AML. Hundreds of horses are located outside of HMAs. It is imperative that something be done now to conserve and restore the health of these rangelands negatively affected by overpopulated horses.

The Eureka County Board of Commissioners recognizes and expresses its support for recent recommendations to better manage wild horses. The Bureau of Land Management (BLM) and Congress have lacked the fortitude to accept and work towards implementation of difficult but necessary recommendations. While Eureka County has policy supporting the use of all tools authorized under the Wild and Free Roaming Horses and Burros Act of 1971, as amended, and sell or humanely euthanize excess horses that are unadoptable, we have compromised and agreed to the non-lethal management approaches set forth in the recent proposal entitled The Path Forward for Management of BLM's Wild Horses & Burros.

While this last winter was an above average winter across the majority of Nevada, the past several years had predominately been years of drought. Once again, there were numerous cases of wild horses dying due to dehydration and starvation. While some groups may publicly state that this is nature taking its course, I challenge anyone to idly stand by and watch horses collapse and die from dehydration. Starvation and dehydration are inexcusable and inappropriate methods of population control. Those of us who truly make a living caring for animals, whether our own livestock or client animals, have a moral obligation to manage populations in balance with natural resources to prevent damage to the resources and above all to provide for the overall health of the animals.

The horse is what I call a rubberband species. It can withstand tremendous amounts of stress and long periods of less than adequate feed and water when compared to other species. Species such as Sage Grouse, mule deer, and other upland game migrate away from areas or die due to lack of necessary feed, water and cover while thin horses struggle and often survive at the expense of others in periods of sustained drought. Once conditions on the range are bad enough that horses succumb to starvation and dehydration, they are quite often the last ones remaining in that area. When conditions improve, the horse is the first to bounce back and take advantage of growing feed and flowing water.

Based on March 2019 numbers, the nationwide population of wild horses and burros was over 88,000 and Nevada has 47,468. Nevada alone has nearly double the number of horses and burros that should be on ALL western rangelands and is home to some of the largest HMAs in the nation. The tools needed to manage wild horses and burros in Nevada and many other locations in the west are not simple and currently used methods and tools are not enough. Even with an aggressive gather program in 2018, the nationwide population still grew over 7% and if the status quo is maintained, there will be nearly 400,000 horses and burros on the range in 9 more years. Our nation's wild horse population has reached a level that must be addressed now to avoid exponential growth in the coming years and eventual starvation.

Nevada's Triple B HMA is massive in size. It contains over 1.2 million acres of BLM managed public lands, not counting the private land holdings within its borders. This one HMA is larger than the state of Rhode Island, and its current population of wild horses is over 1500. Its low Appropriate Management Level is set at 250. How can we knowingly have horses dying, knowingly have natural resource damage occurring because of a population 6 times larger than is appropriate? To the BLM's credit the Triple B was last gathered in May of

2018 and a gather is currently being conducted there, in large part due to public safety concerns and increased collisions between horses and motor vehicles. The Pancake HMA is nearly 850,00 acres in size and it had an emergency gather done in August of 2018 due to horses dying and resource damage. This HMA as of March 2019 is 508% of AML. This is after being gather last summer. Both of these HMAs are adjacent to Eureka County and the continued overpopulation of these have real and often devastating effects on Eureka County residents.

In addition to emergency gathers, the BLM does provide resources to aid in watering and feeding horses when the situation is brought to their attention. This often leads to an entirely new set of problems and impacts. Take for example the Fish Creek HMA in Eureka County, Nevada. This HMA historically, year after year, requires the use of contractors to haul water to horses who would otherwise die of dehydration. Often times, fire crews are used to shuttle water in fire trucks to storage tanks and water troughs in addition to contractors doing the same. This HMA was gathered as recently as 2015 and today stands at 358% above AML with a proposed gather for later this year. The Fish Creek HMA is a prime example of one that does not even fit the definition of "natural balance". This HMA has never been at AML since it was established. From 1994 to 2002, with the exception of 1999, there was no livestock grazing on the associated Fish Creek Ranch Allotment and yet the utilization use levels were moderate to severe in the Antelope Valley portion of the allotment/HMA.

Simply gathering and removing excess horses has not worked in the above examples. The use of fertility control must be used in conjunction with gathers in order to have any chance at reaching and maintaining AML. The use of fertility control alone is not acceptable either. With over 60,000 excess horses on the range, even if reproduction rates were to drastically drop today, there would continue to be habitat degradation for decades due to the current numbers of horses.

Related to the concept of fertility control alone, I think it must be noted that the Fish Creek HMA had an Environmental Assessment done for Porcine Zona Pellucida (PZP), an injectable fertility control compound, starting in 1997. At that time, it was promised that the use of PZP would bring the population of horses in the Fish Creek HMA down to AML in 19 years. We are now 22 years later, 358% over AML, and some would again like to promote the use of fertility control drugs like PZP as the sole tool to bring the number of horses in the Fish Creek HMA down to AML.

The fact that so many HMA's are immediately over AML after a gather is a testament to the need to do things differently. For years now, contractors for the BLM have voiced their concern over the catch and release of so many horses. The process of rounding up horses and releasing them back into HMAs, sometimes after fertility drugs have been administered and other times just because the number of horses determined to be rounded up was met, has trained horses to hide in Pinion Juniper woodlands or to escape outside the boundaries of HMA's. Many of the HMA boundaries are not fenced and in some cases are merely dirt roads or boundaries on a map with the U.S. Forest Service for example. When a gather operation is conducted and there are still more horses than AML on the range, why do we turn additional horses back out? We have been told that it is because of money, it is because of holding space, it is because the decision didn't authorize the removal of any more horses, etc. Over the last 45 years, the agency has trained horse herds to be difficult to manage through its actions. This must stop in order to have any chance of curbing the reproductive growth of our nation's wild horse herds. In order to be successful, an approach must be taken to capture as close to one hundred percent (100%) of all the animals in an HMA and apply desired treatments to that HMA before moving on and hopscotching across the west applying bandages to problem areas and ignoring other areas. This must include coordination with other agencies such as the United States Forest Service, State governments, and private property owners. Carefully planned operations across multiple jurisdictions are needed to be effective.

In addition to better planned and more efficient gathers, what are some other potential solutions to the problems at hand? First off, we must give the agency tasked with management of the horses and burros, additional safe and effective tools. Some of these may be favored by some and completely opposed by others. The point is, not all tools and techniques will work in all places. PZP for example, is a tool that has its place. Will PZP work in HMA's like the Triple B or Pancake? Honestly, no. It is most effective in smaller areas and smaller populations where repeat administration is feasible. Areas for example that have limited water and water that can be easily controlled are most likely to be successful using PZP once populations are at AML. It will be critical with PZP that continued funding is available for ongoing administration of boosters.

As with all inoculations, there are various reasons for success and failure. The immune status of the animal (the body condition of the mare plays a role in this), was the product handled correctly from manufacturing through administration. I can tell you for sure that many "vaccine" failures are the result of poor product handling and less than optimal conditions at administration. Sometimes vaccines just don't work. In ideal situations, we can't achieve 100% efficacy of vaccinations. In the Nevada dessert I doubt we are maintaining ideal situations a majority of the time. So what if we don't get the mare inoculated correctly? What happens if we don't find her to booster her or even make an attempt to booster her?

It is a scientific fact that a mare or any animal for that matter, that doesn't reproduce for a year or two and increased their body condition, will have a higher rate of a successful reproduction than a mare that raised a foal the year before. The path forward must provide fiscal support necessary to continue the administration of reproductive drugs if needed. Without this, huge increases in populations will occur within years depending on the number of successful inoculations a mare had received prior to not being treated.

In HMA's and other areas that must be gathered by means such as helicopter, it is critical that the funding and space be made available to remove all excess captured horses and to treat all horses to be released with more permanent sterilization techniques. I am certain that the time will come when pharmaceutical companies will have developed and adequately tested drugs that will have permanent or at the very least long term reproductive effects with a single dose. The flexibility to allow for the use of these products has they become available must be granted. With the horse herds doubling in size every four years, we don't have months and years to wait while we do an Impact Statement or Assessment in order to use new techniques. The importance of allowing proven and safe products and procedures to be immediately put to use cannot be underestimated.

In large and rugged HMA's such as Nevada's Triple B, Fish Creek, Little Humboldt and Little Owyhee for example, a different approach will need to be taken to manage populations at AML. This approach may include the use of gathers to remove older horses and the use of permanent surgical sterilizations, (spay and neuter) on younger horses or perhaps the use of Intra-Uterine Devices (IUD's) currently being tested in domestic horses. Why remove the older horses and not the younger adoptable horses as the BLM has been doing? The answer is actually very simple. The horse market is already flooded with adoptable horses. By removing the older horses, you are placing horses in long term holding facilities that have a shorter life span and would therefore reduce the overall cost per horse in long term holding.

In addition, the younger and healthier population is safer for the use of spay and neuter techniques. As a veterinarian I understand any surgical technique comes with a risk. In order to minimize the risks, it is wise to select patients that are inherently less likely to experience side effects.

The use of surgical sterilization will require additional handling of the animals and will require a longer stay in holding corrals to reduce the risk of injury to the surgery site and allow for administration of antibiotics if needed. While this may not be appealing to some, I argue that a few more days in a holding corral to ensure reproduction is curbed is better than being trapped and darted every couple of years in the hopes that funding doesn't end and that the drugs can be administered as needed. We must also consider the cost be the most

economical with our resources. The cost to gather each horse is fair more than the cost to house it for a few additional days. If we must conduct additional gathers in order to provide additional treatments, we haven't really gained much at all.

Advances in surgical techniques and improved methods of analgesia continue allow for more rapid recoveries and less postoperative complications in horses undergoing surgical procedures. I applaud the BLM for conducting studies to prove the safety and efficacy of surgical techniques. I would never condone unsafe or inappropriate techniques or drugs to be used, but as a scientific professional, I would also not be so foolish as to not adopt more effective tools once proven safe and effective.

Regardless of whether current or new products are administered to on-range populations or surgical or IUD's are used, the need to place excess horses in holding facilities away from sensitive rangelands will be mandatory. Increased funding will be needed to accommodate the housing of many more horses for a decade plus going forward. Some will argue that this is unnecessary and removing other multiple uses from our public lands will allow room for growing horse herds. Forget the knee jerk reaction that we will remove all livestock and limit other multiple uses in order to hold more horses on the range. That is not a viable solution in the least. We already have horses dying; we are already degrading our rangelands and natural resources because of to many horses. If we are to remove other multiple uses to make room for more horses, keep in mind this will include impacts to wildlife, sensitive plant species, and rural economies, not just domestic livestock. Within just a few years, tens of millions of acres of rangelands will be negatively impacted, hundreds if not thousands more dead horses will litter the landscape. Is this the legacy we want to leave for our children and grandchildren?

In closing let me say, I sat through meetings for months attempting to find common ground with others who also support the proposal on a path forward. It was a diverse group to say the least. Many of us around the table held opposing views on many issues we each held close to our hearts. I am proud that we were able to set aside our differences and continue to work on a meaningful solution to the very real problems of overpopulation and resource damage. The conversations often were not easy, but we stayed with it and eventually developed a product that if allowed to work will build a successful program, for the good of everyone and everything involved. This is what compromise looks like and I believe in its potential.

I would like to say that I have been blessed with a lifestyle that allows me to live among livestock, wild horses, wildlife, and all the west's natural beauty. I have been able to offer assistance to the BLM when needed for gathers, adoptions, or just brainstorming meetings. The frequency of assisting with cases of starvation and death are increasing however. The die off in the Diamonds in the early 1990's, the drought deaths of recent years, and the increasing calls of debilitated horses leave impressions on me that I will never forget. Words and still image photography can't begin to describe what it was like to watch a starving foal attempt to nurse its dead mother. Likewise, watching wild horses collapse and die of dehydration is gut wrenching to say the least. Worse yet is being called upon to euthanize debilitated animals that are only in that condition because of continued mismanagement. It is something that I doubt any of you will ever see or do and I am thankful that you won't have to. I do not tell you these things as a lobbyist, a government employee, or an activist. I am a ranch kid that was lucky enough to find his way to veterinary school and spend my life applying what I learned to care for animals. I am tired of seeing horses die. I am tired of watching the rangelands I love and work so hard to protect be degraded. I am tired of the status quo. How much longer can we collectively turn a blind eye?

I appreciate the opportunity to be here today and I am happy to take any questions the committee members may have when appropriate. Thank you.

Senator LEE. Thank you very much.

Thanks to all of you for your statements. We will now open up the process for questions. We will have alternating time slots between Republicans and Democrats.

I want to start by asking a couple of questions jointly of Dr. Thacker and Mr. Tryon. Feel free to jump in at either time, either of you can respond to this.

As far as I have been able to tell, the last time a hearing was conducted here on this issue was 2002. Can either of you tell me roughly how large the wild horse and burro population was on federal lands in 2002?

Mr. TRYON. I don't have that statistic immediately at my—but it looks like Dr. Thacker may.

Senator LEE. Okay.

Dr. THACKER. I'm trying.

Senator LEE. That's fantastic. It is not essential if you don't have it. My understanding is that it has increased substantially since then——

Mr. TRYON. Yes, sir.

Senator LEE. ——so let me know if you come across that.

Under current management practices, if nothing changes, how many horses do you think there will be two years from now or five years from now or ten years from now? What does the rate of increase look like?

Mr. TRYON. So I'll take an initial answer at that, sir.

We expect the recruitment rate for the 88,000 horses that have been mentioned to be roughly 16,000 animals that will, over winter—that's how many will be born and will survive through the winter—which could increase to as many as 20,000 the following year if there are no other interventions, if we do not scale up contraceptive use or scale up removals of animals. And I believe you quoted a figure of as many as 500,000 animals if the program goes on in its current glide path.

Senator LEE. And what time period would that occur or be at the——

Dr. THACKER. So by 2029, 2030, if nothing, no more horses are removed, given the apparent growth rate, we'll be at about 500,000 horses, give or take.

Senator LEE. Can you explain to us why wild horse populations grow at such exponential rates?

Dr. THACKER. As I mentioned in my testimony, part of the problem is they are a non-native species and there are no natural predators. So like with other wildlife species, you have predators that help control those populations or we actually manage those as humans. Wild horses don't have any natural predators. So basically, by the time that a foal reaches a year old, the chance of it living to 15 plus years is quite high. So there's no other natural, large ungulates or herbivores that live in our Western landscapes that experience that kind of growth or survival.

Senator LEE. Right.

In the case of cattle, they are typically being managed by someone who owns them. In the case of something else, they might have a natural predator.

Dr. THACKER. Right, well, cattle are not allowed to grow exponentially because they're managed on public lands, specifically, they're managed very tightly by the BLM and Forest Service, again, prescripting time, timing, intensity and the numbers. And so those animals are usually managed quite tightly.

Senator LEE. Mr. Tryon, is there any scenario in which fertility control alone brings an overpopulated herd to AML?

Mr. TRYON. I think there is a scenario. It's going to require a significant investment.

So fertility control from the BLM's perspective is all-of-the-above. We will use GonaCon and PZP in two formulations. PZP has been mentioned by a couple of the witnesses already.

We certainly would be interested in looking at the effectiveness of IUDs as a research project, and BLM is very much open to the idea of spay and neuter or sterilization, particularly for the mares where it's going to be more effective.

This is not a technique that the $80 million budget that we're operating at can get us to an appropriate management level without the additional gather and removals that are going to have to accompany it.

Senator LEE. Why not go in that direction toward the sterilization then if that would be effective?

Mr. TRYON. We are intending to do so, Mr. Chairman. In fact, we've been pursuing a study in Burns, Oregon, for a couple of years now which we intend to go forward with in the fall that looks at behavioral characteristics of mares that have been spayed once they've been reintroduced to the field which is one of the questions that the public has about sterilization.

And certainly, we would be open to using spay and neuter techniques in gathers throughout the West. It is something that we need to gather additional data on, but we're very much open to it.

Senator LEE. Are there herds in which overpopulation has led to starvation?

Mr. TRYON. Yes, and I believe Dr. Thacker has said as much.

But BLM last summer, so in 2018, had to intervene in roughly half of the gathers of 11,000 animals that you mentioned, roughly half of those were in some amount of distress because the Interior West was going through a substantial drought in 2018.

And so, rather than haul water to water sources over months and sometimes into years, our direction was instead to gather the animals, get them down to AML and make sure that the water that was present there was sufficient for the appropriate management level.

Senator LEE. Okay.

Senator Cortez Masto.

Senator CORTEZ MASTO. Thank you. I appreciate all of you being here, thank you so much.

Coming from Nevada, this is an issue that we need to do something about. Time is of the essence. No more can we delay. So I appreciate the hearing today.

Ms. Perry, let me start with you.

I recently had the opportunity to meet with advocates in Northern Nevada to learn about their work darting wild horses with PZP

and it was in the Fish Springs area, right, at the Pine Nut Herd Management Area.

I know the compromise plan refers to using a variety of fertility control methods. We heard from the BLM just now that they think that is a possibility.

But I also know that you have also identified that each management area or each herd management area is different, right, not one-size-fits-all.

So can you talk a little bit about not only the efficacy of the PZP but other methods that have shown promise to controlling the population?

Ms. PERRY. Absolutely, thank you so much, Senator.

There really is quite a history around PZP and the new generation of PZP–22 which is named after the number of months it typically lasts for and that's just a median. So it actually can last for somewhere between two and five years if there's a booster involved. So it's quite efficacious.

The stacks of research on that have really impressed us and we really believe that if implemented robustly, it would be adequate to bring us the kind of results we want, we all collectively want, to see.

But unfortunately, the spending has not happened around that. For the last several years the agency has devoted less than one percent of its overall budget to situations like Fish Springs and Cedar Mountain and some of the other HMAs where there have been concerted efforts to implement immunocontraception.

There are other techniques, GonaCon. There's a SpayVac vaccine, essentially, that still needs more field testing, but is showing incredible results. There really is a lot of research going on right now that reaches into reversible techniques, some more permanent techniques. It's all, it's really quite impressive the amount of energy that's going into looking into this.

But right now, we feel that the tools actually already exist. And one of the concerns we have is if we're constantly striving and reaching for some new tool when we have something effective in our hands, it feels like a very inefficient program for us to not employ the tools that we already have. Those were created using taxpayer funds.

Senator CORTEZ MASTO. Right.

Ms. PERRY. And we're not really utilizing the tools that are in our hands right now.

Senator CORTEZ MASTO. So, thank you.

And I guess, let me ask, Mr. Tryon, because you have mentioned it as well. And I heard Ms. Perry just say this, that less than one percent of your budget goes to fertility control. Why?

Mr. TRYON. So, let's use last year as an example, Senator.

In 2018, as has been mentioned, we gathered and removed about 11,000 animals. That was roughly 5,000 animals less than the recruitment rate. So as we were managing the program it did not make a lot of management sense to simply turn those animals back on to the range when the places we were taking them from were two, three or four times above the appropriate management level to start.

So it has generally been the BLM's approach to say, as we get closer to the AML level, that's when extensive use of fertility control would make more sense because as we gather and remove animals from the range, they're segregated by gender so they have no possibility after the foal that the mare may be carrying is born, they have no possibility of producing more horses and burros, but that's——

Senator CORTEZ MASTO. But at the rate you are going you are never going to get to that AML level. So it just doesn't make sense to me. Why wouldn't you change your tactics if you know what you are doing is, quite frankly, swimming upstream? You are just never going to reach that AML level based on what you are doing and hearing.

What I have just heard now is by 2020 we are going to have 100,000 horses out there. Why wouldn't we change tactics and look at fertility control and spending more money there or asking us here in Congress to appropriate more money, if that is what there is a long-term plan to address this?

Mr. TRYON. Well, and I'm glad you mentioned that, Senator.

Of course, we spend a lot of time meeting with some of these coalition representatives and going over the details of their report. Generally, the BLM is supportive of additional fertility control and it is something that within the constraints of our appropriation, we would like to use additional fertility control and we would like to continue to increase the amount of removals.

Senator CORTEZ MASTO. So let me ask, and I am running short on time, but Dr. Goicoechea, it is great to see you, somebody I have talked to on a regular basis and many of our ranchers and stakeholders in Nevada.

Based on your experience and knowing that Nevada has most of the wild horses on our land, your thoughts on whether and how BLM should be doing more when it comes to control through fertilization, excuse me, through fertility control methods and your thoughts, particularly, as a veterinarian.

Dr. GOICOECHEA. Thank you, Senator.

And Ms. Perry is correct, PZP–22 does show great promise in those areas where it can be re-administered.

The reason I talked about the acreage in these HMAs is to paint a picture for you guys of just exactly how large that is. It must be re-administered. I encourage you to please reach out to contractors who contract gather for the BLM and they will tell you the same, we're having difficulty recapturing horses. The more times you put a horse in the corral and release that horse, the more difficult they get to capture. We have a lot of pinyon-juniper woodlands. We have some high elevation peaks. We can't get those same horses back. If we miss her, the next time she will have a viable foal and she is in much better health.

We must find something that works better for areas of Nevada. Nevada is a unique beast, as you well know, and this will not, the use of PZP every three years, I'm sorry, it won't work in our large HMAs. We must have something more long-term.

Senator CORTEZ MASTO. Thank you. I appreciate that.

I notice my time is up. Thank you.

Senator LEE. We are going to turn to Senator Barrasso next. He will have five minutes of questioning. Then we will be recessing because they have called votes on the Floor, and then we will reconvene after we return from votes.

Senator Barrasso.

Senator BARRASSO. Well, thank you, Mr. Chair.

First, I want to congratulate and tell you how much I appreciate you and the Committee taking up the animal welfare and environmental crisis that is the current state of the Bureau of Land Management's Wild Horse and Burro Program.

I am going to, if it is okay with you, just submit my statement for the record and go right to questions.

Senator LEE. Without objection.

[Senator Barrasso's statement follows:]

U.S. Senate Committee on Energy and Natural Resources
Subcommittee on Public Lands, Forests and Mining
July 16, 2019 Hearing: ***Long-Term Management Options for the Bureau of Land Management's Wild Horse and Burro Program***

Statement for the Record from Senator John Barrasso

Chairman Lee, I appreciate the opportunity to discuss the animal welfare and environmental crisis that is the current state of the administration of the Bureau of Land Management's Wild Horse and Burro Management Program.

The passage of the Wild and Free-Roaming Horses and Burros Act in 1971 created a distinct category for the animals that now roam at least 10 Western states. These horses became a symbol of the American West – a reminder of the rugged cowboys and open plains that had become icons of the land of opportunity. The law was enacted to ensure these horses that had become entrenched in Western history would persist.

The 1971 law created a problem. The law set this category of horses and burros apart from nearly every other animal in this country. Under the law, they are not pets, they are not wildlife, and they are not livestock.

Further, they exist largely outside of the food chain. In most areas, the horses and burros no longer have natural predators nor are they to manage invasive or overgrown vegetation.

Quite the opposite. The BLM's organic act, the Federal Land Policy and Management Act, requires the BLM to manage federal lands under their care for "multiple uses". The Wild and Free-Roaming Horses and Burros Act requires the BLM to manage herds in a way that both achieves and "maintain[s] a thriving natural ecological balance" in a way that "protect[s] the natural ecological balance of all wildlife species which inhabit such lands".

The current reality is far from the intent of the law. Herd Management Areas, or HMAs, are managed now for horses at the expense of all other uses: grazing, recreation, habitat for species of conservation concern, watershed management, and rangeland health. Overstocked HMAs experience resource degradation at an astonishing rate. Some argue this damage may soon become effectively irreversible.

Mr. Chairman, I know you have seen this in your home state. Senator Cortez-Masto and Dr. Goicoechea unfortunately experience some of the most severe impacts in Nevada. Wyoming is no stranger to the impacts, as most HMAs exist in habitat critical to mule deer, sage grouse, and many other important species.

When horses exceed the Appropriate Management Level for an area, they cause significant damage to soils, riparian areas, and native vegetation. When resources in the HMAs are depleted, herds can spread outside the bounds of the HMA causing damage to adjacent State and private lands. Ultimately, the horses suffer without adequate water and forage.

No one wants to see these horses starve or succumb to dehydration. In Wyoming, these horses have been part of our rich history for more than 100 years. We want to see healthy horses, healthy rangelands, and

healthy wildlife. To get there, we must find a solution that returns HMAs nationwide to their Appropriate Management Level.

I appreciate the diverse group that came together to agree on a set of principles for a healthier future for horses and their rangeland neighbors, and I look forward to hearing from them today.

Thank you, Mr. Chairman.

Senator BARRASSO. Mr. Tryon, although this issue is often litigated in the court of public opinion, the wild horse and burro problem is no stranger to the court of law. One particular case in Wyoming was brought by the Rock Springs Grazing Association to require the BLM to gather horses that had left the herd management area and encroached on association land. Are you familiar with this? I am sure you are familiar with a 2013 consent decree, which came as a result of the case.

If implemented, would the approach suggested by the coalition's proposal change anything about the way the BLM carries out that consent decree?

Mr. TRYON. Senator, thank you for the question.

I'm generally familiar with the Rock Springs consent decree, and BLM has full intent to continue to comply with it.

I would say, generally, to be in alignment with the coalition proposal means greater use of fertility control. In the case of Rock Springs, it would be no different. That could be one of the areas that we target through a pilot. It's a little unusual because of the checkerboard private ownership, but generally, BLM would like to use additional fertility control and also to increase its pace of gather and removals both, including in Rock Springs.

Senator BARRASSO. A couple of quick questions to compare the proposal to the BLM's current approach.

The proposal suggests the agency should prioritize removals based on heightened concerns due to rangeland degradation and the direct political conflict with the BLM's multiple use mandate. Is that different than how the agency prioritizes gathers now?

Mr. TRYON. I wouldn't say it is. Our priorities generally involve health and safety of the animals, health and safety of humans and target species such as sage grouse and rangeland degradation.

Senator BARRASSO. The proposal also suggests that range restoration treatment should be done immediately following gathers. So, based on the significant degradation in some of these areas, would treatments be effective if horses were still present or would horses need to be removed in terms to allow for recovery?

Mr. TRYON. It's a little difficult to give a blanket statement about that. I would say in the event of a fire, we absolutely will get all of the horses off of there to ensure the revegetation takes and that could be as long as a couple of years.

Senator BARRASSO. Ms. Perry, I appreciate the ASPCA now recognizing the need to gather horses on drastically overstocked Herd Management Areas. Gathers seem to attract litigation as soon as they are announced. Some of the suits have been brought even by your own organization.

So as I welcome the engagement and the support for this proposal from the ASPCA, The Humane Society and others, I know that any action the BLM takes is likely to be met with litigation. Will the ASPCA stand with the BLM and other supporters of this proposal when groups tend to sue to prevent necessary management?

Ms. PERRY. Thank you, Senator.

I am unaware of any litigation that we have engaged in as a group, but what you say is true that this program in general has drawn a great deal of ire and concern and skepticism from many,

many different categories of animal welfare and rights groups. And we expect that that will continue to be the case.

Our role is not to continue to engage in pointing fingers, because we think that has delayed solutions that are needed for these animals that we're working so hard to protect. We believe that if this particular proposal or something very similar to it were implemented, we would be able to be supportive if it's implemented faithfully because we believe in it and we believe it will yield positive results.

There will still be litigation, there will still be detractors and we appreciate and understand that there's a certain amount of passion out there and we never eliminate that.

But the ASPCA certainly will stand for moving forward with a proposal that we believe is non-lethal and protective and long-term and will bring lasting change.

Part of the problem has been that we have to worry about every political wind shift and what may or may not happen for these horses. We need a sustained approach so that these horses receive the kind of protection they need over the long haul and they exist into the future.

Senator BARRASSO. Mr. Lane, I can imagine chairing this diverse Coalition is challenging at times. Understandably, some of the provisions in the proposal are a bit vague. So, just a couple quick questions.

The proposal suggests the BLM should more aggressively seek lower cost, off-range, holding facilities as an alternative to BLM corrals. There are not many facilities like that that exist now. Where do you think these facilities are going to emerge and, if they exist, why haven't they come forward already?

Mr. LANE. You know, I think that's a fair question. And part of the conversation that took shape, I think, during this process was an analysis of where you put these horses once you remove them from rangelands. And one of the concerns that we had coming into that process is that we don't remove them and place them into facilities that are adjacent to problematic areas, partially because of litigation that you referred to earlier. There's not an issue we deal with in the West in land management that doesn't come down to litigation, unfortunately, at some point. So what we tried to prioritize in the proposal was locating those horses into areas where there are resources to support them.

Obviously, one of the things we'd be concerned with would be putting them into areas that are already resource deprived, where you're starting to impact the hay market, where you're starting to impact other ranchers that are in the area.

So that RFP process needs to be robust enough that producers, whether it be ranchers or others with sizable land areas and forage production, able to support those horses that want to be in that business, can be attracted to that program as an option either to hedge in the rest of their operation or simply because they have the resources and the will to do it.

Senator BARRASSO. The final question for you is one of the biggest struggles for this issue is that all sides have been tried in the court of public opinion—biology, ecology, law. How does the Coalition work to educate the public so that they engage in a way that

is actually helpful to the horses, helpful to the BLM, helpful to the effort?

Mr. LANE. So, and I want to just make a quick distinction. I'm representing a coalition and then we have this proposal group and, just to distinguish between the two, I think in the proposal group we do have a lot of disparate opinions as Nancy alluded to earlier and it is really the responsibility of various members of this proposal group to speak to their own constituencies. I mean, what I say as a lobbyist for the cattle industry and as the Chairman of this Coalition carries no weight with members of Nancy's universe and vice versa.

So, you know, I think our responsibility is to craft something that's realistic and saleable to you here in Congress and to the BLM and then to go communicate that to our memberships. I mean, all of us sitting at this table that engaged in this did so with policy books sitting in front of us and guidance from our members, and we then need to go back and communicate what we've done and do it in a way that helps them to understand the political reality and what's possible and achievable in this environment.

Senator BARRASSO. Thank you, Mr. Chairman, for your continued leadership on this.

Senator LEE. Thank you, Senator Barrasso.

We stand adjourned. We will reconvene shortly after the votes occur on the Floor.

[RECESS]

Senator LEE. We will now reconvene.

Senator McSally.

Senator MCSALLY. Thank you, Mr. Chairman.

Thanks to all of you for your testimony on this really important topic.

Most of the hearing so far has been focused on wild horses, but I want to remind everybody that in Arizona we have a burro problem as well, more burros than in any other state. There are approximately 6,900 burros, mainly in Mohave County and in Yuma County, with a maximum carrying capacity, determined by BLM, of just 1,600.

The extreme population has crowded out native wildlife. It has been damaging fragile ecosystems, impacting ranching operations and they wander into populated areas causing a lot of safety issues.

In 2015, the Arizona Department of Transportation responded to a record number of calls about burros wandering on the highways with 44 animals being killed across the state. And in 2018, 21 burros were killed by car collisions just in Bullhead City alone.

I did a 15 county tour in my first 90 days in office, and when I went out to Mohave County, this was a top issue that local community brought to my attention.

So far, thank God, drivers have only experienced minor injuries in these collisions but they could also lead to human fatalities as well if left unaddressed.

So I want to talk a little bit about the burro population.

Mr. Tryon, I understand BLM is looking at expanding the use of fertility drugs with the burros, the wild burros, with the plan that the Agency expects to release in August. Is there a cost difference

between administering the contraceptives to burros versus horses and can you explain why that may be the case?

Mr. TRYON. Senator McSally, thanks for the opportunity to talk about burros and maybe make a small plug for the BLM's operations in your home state.

As far as fertility control is concerned, there is not a substantial cost difference because the majority of the cost of administering contraceptives is actually running a gather itself. Now, my qualifier on that is burros in Arizona are largely gathered through what we call bait-trap methods which is really putting out water which is attractive to burros and the operation can take several weeks, but it is both low cost and highly effective.

And so, a small shout out to our BLM operations there. We adopt 300, 400, 500 animals a year out of Arizona and they go to various states, including Utah and Wyoming and other places, because they're quite adoptable and people find them attractive.

Generally speaking, what we've been talking about with fertility control is BLM is welcome to using more of it, including with burro populations and that would mean that burros are not just gathered and removed, put up for adoption. Some would be gathered and reintroduced.

Senator MCSALLY. Okay, great.

Just to be clear—you are saying there is no real cost difference between burro and horse fertility projects but, I mean, there is. It is easier to gather up the burros, right?

Mr. TRYON. Right. Right.

Senator MCSALLY. And for low cost?

Mr. TRYON. So the gather itself would be cheaper if you're talking about bait trap.

Senator MCSALLY. Okay.

Mr. TRYON. And so, that would be a cost difference.

Senator MCSALLY. Okay, but that is all part of the pot, right?

Mr. TRYON. It's inherent to the way the gather is run. And we do bait trap operations in Nevada and other states as well.

Senator MCSALLY. Okay, thanks.

So, as you guys, as BLM is preparing a report on this issue, I think, again, it is due in August, could you place an appropriate emphasis on the unique and separate operations and needs related to the burro management than the horse management so we are not just lumping them all in together? Can I get that commitment from you?

Mr. TRYON. I will commit to doing that.

Senator MCSALLY. Okay, thank you, I appreciate it.

Are there other experts on the panel here today who want to share their perspectives on best practices related to burro management? I am open to hearing your ideas.

Ms. PERRY. Thank you so much, Senator.

I just wanted to echo what Mr. Tryon said that we find, whether domestic or wild, burros are one of those species that enjoys incredible popularity and there are sanctuaries and rescues that can move thousands of them out to good homes. So we're pretty impressed with that. And we think there's an opportunity for expansion of that work that would really address what you're raising.

Senator MCSALLY. Great, thanks.

I know there is a pilot project, I mean, HSUS——

Ms. PERRY. Yes.

Senator MCSALLY. ——that you are not representing but also——

Ms. PERRY. Yes, the Platero Project.

Senator MCSALLY. ——industry, that is happening there, and that includes private donations as well to support the operation.

Ms. PERRY. Yes. Yes.

Senator MCSALLY. Is there hope in expanding that element of this because funding, obviously, is an issue that has been brought up many times today?

Ms. PERRY. There is. There are many humane groups who are part of this larger proposal that we support. And the Humane Society of the U.S., Humane Society Legislative Fund, Return to Freedom, are all part of that, and HSUS has been actively working on the ground with the Platero Project and in Oatman, Arizona, there are several locations where that has been on the ground. I believe there is interest in expansion, and it is a public-private opportunity.

Senator MCSALLY. Great, I appreciate it. Thanks to everybody.

Anybody else have anything to add related to burros?

[No response.]

Alright, thank you, Mr. Chairman. I appreciate the opportunity to talk about this important issue.

Senator LEE. Thank you, Senator McSally.

Dr. Thacker, an estimated 30 percent of the land covered by the BLM Herd Management Areas contain sage grouse habitat. That amounts to about seven million acres. As you know, state governments are investing a lot of money and a lot of other resources to manage the rangeland for sage grouse and to deconflict its presence with other land users. How do the excess populations of horses and burros impact sage grouse and other wildlife species, other ungulate species, like elk, deer and antelope?

Dr. THACKER. So, like I mentioned in my testimony, that there's, kind of, two functions or two pathways that lead to conflict with wildlife primarily as excess horses are removed, too much vegetation from the landscape, you lose vegetation which is often forage for those wildlife species. And so, they may go without food and/or cover. In the case of sage grouse, they need sage brush cover, grass cover, et cetera, to hide their nest, to hide themselves. So that's one possible conflict. The second is space, which I think we ignore oftentimes.

And there's some work that's been done in Utah, specifically out on Dugway Proving Ground by Brigham Young University, where they looked at water and they found that there was a very strong correlation with horse presence and the lack of use by native wildlife, everything from birds to larger animals like pronghorn, for example. So they can compete both for forage, space and then also, just the overall quality of the habitat or the quality of vegetation.

Senator LEE. Do you know about how much sage grouse habitat might have been affected or degraded by the horse overpopulation?

Dr. THACKER. So in that part of the state we don't have an active sage grouse population. You've really got to look to the states of Wyoming and Nevada. They're, kind of, ground zero for overlap

with sage grouse and wild horse herd management areas. Utah has a little bit of overlap, but not near as much as the other two states.

Senator LEE. Once it has been degraded, how long does it take for habitats like these to recover?

Dr. THACKER. That's a tough question. We're still grappling with that.

It can take decades for that to recover. A lot of it depends on how the precipitation falls in a given year. But it's safe to say that it's extensive, it's expensive and it may well take several decades if we can recover some of that. Some of that habitat occurs in fragile enough ecosystems that once it's lost, we may struggle to get it back.

Senator LEE. Yes.

And back to the water sources. When you have horses near this, what are the kinds of impacts it has on other species and their behavior around the water?

Dr. THACKER. So you're referring to the horses' behavior?

Senator LEE. Yes, yes.

Dr. THACKER. So, there's again some work by Dr. Steve Peterson which suggests that they have documented aggressive displays toward things like pronghorn to keep them off the water, bighorn sheep and elk, those have all been documented. So horses are certain to make their presence known.

I think one of the most critical things that happens is they show a correlation between temperatures. Temperatures increase, daily temperatures increase and the horses spend more and more time on that water during the hottest part of the day which is the time of day that a lot of the wildlife are in need of that water. And so, often the wildlife are left to wait until the horses vacate the area before they're able to access that water. So it causes additional stress, physiological stress, to the wildlife species that are being excluded.

Senator LEE. Mr. Tryon, what impact does that have on the water itself?

Mr. TRYON. Well, it can significantly draw down the water, Mr. Chairman.

So BLM is familiar, certainly anecdotally, with the fact that horses are drawn to water. They overcompete other resources, they are more mobile than most of the game species that Dr. Thacker was talking about and that they can essentially make a barrier between the water and themselves. I'm familiar with some of the literature on this and generally we're finding that horses, in particular, outcompete the other animals for water sources.

Senator LEE. Mr. Goicoechea, how many of the herds are located on land where the only water sources available are on private land?

Dr. GOICOECHEA. Thank you, Mr. Chairman.

So in Nevada there are very few where the water sources are only located on private lands. Part of that reason is most of those areas—when the Act was put in those horses were claimed by those ranchers.

A lot of areas do have artificial water sources and by that, I mean, well, that permittees own. So those are a private property

right or pipelines that pipe water off of private property onto adjacent BLM land.

Senator LEE. In that kind of circumstance what actions can private citizens take with regard to protecting their private property where they are surrounded by horses that may be looking for water if they have a source of water on their land?

Dr. GOICOECHEA. Sure, so again, Mr. Chairman, J.J. Goicoechea here for the record.

Fence out—Nevada is a fence out state. That does become a problem when horses are thirsty enough and resources are depleted enough. We are continuing to see more and more public land interactions or, excuse me, private land interactions with horses. That includes maybe domestic horses that you have on the inside fighting with those horses.

When it comes to what can you actually do? A lot of times that ends up in court. The BLM has asked can you please provide horses with water that you have coming off of your private property? Some permittees will. Some won't. But that is a private property right in the State of Nevada, and it is guarded quite closely, as you can imagine, in that dry state.

Senator LEE. Horse health, as you know, has become a controversial topic because it can vary significantly from one herd to another and even between seasons. With your background as a large mammal veterinarian, can you give a brief overview of, sort of, the industry standards by which horse health is measured?

Dr. GOICOECHEA. Sure, absolutely.

So, as you said, it's become a hot button issue.

This year Mother Nature gave us a break. We had a record winter so we have a lot of forage. The horses don't look bad right now in Nevada. There's a lot of them.

I will tell you in recent years, they looked terrific. I personally have been called upon, I don't know how many times, to investigate horses that were in severe shape, poor body condition. A lot of those did succumb to their nutritional status. Down in Southern Nevada, in particular, I think a lot of people saw the news and the video that came out of down there. Let me just say, Mr. Chairman, that if that was a private individual that had those horses, I do believe there probably would have been charges brought forward. And that is something that is very difficult for a lot of us to watch. I do not care for my animals that way, my clients do not care for their animals that way, and I beg us to find a way to allow the BLM to not have to care for theirs or ours in that way.

Senator LEE. I take it from your answer then that you believe that the size of these herds in some instances has reached a level that makes it negatively affect the well-being of the herds.

Dr. GOICOECHEA. Absolutely. Your older horses and your younger horses tend to be the first ones that suffer.

Dr. Thacker talks about how these horses get aggressive on water. When there's not very much water, your older—your stronger, bigger horses are going to get that drink first. Your foals, your weanlings, your yearlings, and then your older mares are going to have it last. And if there is not water, they're going to continue to deteriorate in health. And that is what we see happening.

Senator LEE. So how would you advise us then to discuss what metrics or language or concepts should we be incorporating into our conversations in Congress about horse health? What should we be thinking and talking about that we are not discussing?

Dr. GOICOECHEA. Appropriate management level.

Those levels are set for a reason. That is what the natural resource can sustain for those horses. That's why those numbers were established. They're not arbitrary. They're not random. That is the number of horses that can be sustained on that land and we have got to come back to that.

When I give examples of HMAs three, four, five, 1,200 percent over AML, we are having a negative impact on the health of those horses. If we get them down to AML, we'll have healthy horses on healthy lands. And then we can start applying fertility control and everything else we've talked about.

Senator LEE. Have wild horses and burros in your state had an impact on public safety?

Dr. GOICOECHEA. Absolutely. In fact, the gather I alluded to earlier with the Triple B, for example, that is occurring right now is, in large part, a public safety gather. We are seeing increased collisions with motor vehicles and wild horses and, in addition, we're seeing a lot of wildlife being pushed away from some riparian areas down into farming ground and ranching ground. And we're so—inadvertently, they are being struck by vehicles as well because the horses are kind of occupying our riparian areas in the foothills.

Senator LEE. Do I understand correctly that in some areas we are talking about a level of 1,000 percent above AML?

Dr. GOICOECHEA. Yes, sir.

Senator LEE. What kinds of conflicts does this cause with management and other ways?

Dr. GOICOECHEA. In most of the areas where horses are that over AML, the conflicts are predominantly with wildlife, those that are remaining at this point, sportsmen and recreationist, the public land grazers are often gone at the point that these horses get to that high of AML. They can no longer maintain their ranching operation.

Senator LEE. Okay. Thank you.

Mr. Hoeven.

Senator HOEVEN. Thanks, Mr. Chairman.

How do you pronounce your last name? I know I should be able to pick that up real quick, but can you help me with it?

Dr. GOICOECHEA. Very carefully, Goicoechea.

Senator HOEVEN. Goicoechea?

Dr. GOICOECHEA. Yes, sir.

Senator HOEVEN. So how do you get to that AML number that is recommended? What would be your recommendations? How do you get there and maintain that number?

Dr. GOICOECHEA. So the proposal that most of us sitting at this table have come forward with will get us there. It will take five, six years to get those numbers down there, but it is robust, targeted grazing to remove animals down to closer, to appropriate management level now.

It is the use of fertility control, whatever that might be. In some areas, it's going to be PZP, in some it's going to be GonaCon, in some it might be IUDs, spay, as those techniques become available.

We've got to find a place to put horses for the next decade, decade and a half, off-range. If we remove older horses and we put them off-range, we need some more off-range holding to hold those horses through their life.

And we have to increase adoptions. We can increase those adoptions or put more into good homes once we get AML down. If we're adopting out 4,000 or 5,000 horses a year, we can manage, partly, what we're bringing off the range.

But until we get those large gathers done, that might be 15—20,000 a year for a couple of years, we're not going to get there with the other tools without doing gathers.

Senator HOEVEN. If you can train them, as far as adopting out horses, the training is such, nowadays, you know, there was a time when everybody knew how to work with horses. That is no longer the case. So much now with the horses is the training. To get them adopted, you almost have to get them trained to broaden who is going to be willing to take those horses. People don't know how to train them.

Dr. GOICOECHEA. So, you're exactly right, Senator. And there are programs in place now where more of that training is happening. In Nevada, for example, our correctional department does take a lot of horses in from the BLM and those that are incarcerated do train those horses, and then those horses are sold. And they bring good money. They do.

Senator HOEVEN. Absolutely.

Dr. GOICOECHEA. And I know that lawmakers in the state continue to say if you will bring us more horses, we will build more capacity in and we will work with you to place more of these horses into good homes.

Senator HOEVEN. Well, you hit the nail on the head. I mean, that is a big part of the value. You get a horse that is well-trained and, like you said, that brings a lot more money, obviously.

Which leads me to think that we should give some thought to how we get more trained. What should we do to help accomplish that because I am convinced that is the key?

Ms. PERRY. Senator, that's such a good question and a good point that you're raising.

If I could answer, I think the Mustang Heritage Foundation, which works hand in glove with the Bureau of Land Management, has a great deal of capacity to do more. They can take more horses. They can do more training. They have an incredibly unique storefront approach where they bring horses to local communities where those horses will be desirable after they've received that training.

So there's a tool available to us. And this proposal contemplates that and really increases and augments opportunities for training and safe re-homing of those horses.

Senator HOEVEN. Do you need legislation to put your proposal into effect or could that be done?

Ms. PERRY. No, we do not. The BLM has the authority it needs to move forward with this proposal.

Senator HOEVEN. Well, there you go, Deputy Director.

[Laughter.]

Mr. TRYON. Senator, if I could elaborate?

Senator HOEVEN. Sounds like they have given you a turnkey solution.

Mr. TRYON. You bet.

Senator HOEVEN. Seriously though, talk about the challenges to putting something like that in place, number one. Number two, actually my number one concern is have you been out there talking to the grazers? Are you working with the grazers and are you making sure that you are working with them to make sure that the multiple use is fulfilled as part of managing the wild horse herds? And then two, talk about implementing their proposal.

Mr. TRYON. So, absolutely.

Range management and livestock grazing is a huge part of BLM's history. We quite frequently meet with individual cattlemen and also the associations, and often the conversation turns to wild horse and burro management.

And, of course, I am aware of instances in BLM's management where we have voluntary resting of livestock grazing that's taking place at the request of the permittee. That's not widespread, but there are instances of that.

I did though, I wanted to go back to your questions about training because we have had, for years now, very active programs with the number of prisons and that's in California and Nevada, and Hutchison, Kansas, and Colorado, Florence, Arizona, all of these places. We get a lot of benefit because labor is cheap from the inmates. The inmates get a lot of benefit out of it in terms of the human-animal interactions, and we get some very adoptable animals out of that program.

But this year, Senator, first time ever, we have implemented a financial incentive for untrained horses and it has shown a lot of promise. We're now paying $1,000 to adopters in two installments—two $500 installments. And it is looking very positive for increasing not just the trained animals that we're adopting but also the untrained ones.

Senator HOEVEN. Is there pushback from the horse industry or is that something they recognize working with you makes sense?

Mr. TRYON. Not at all. We haven't had that.

I also second Ms. Perry's comments about the Mustang Heritage Foundation. It's been an excellent working relationship. They're based out of Georgetown, Texas. They do a lot of great work together with the BLM, and they adopt a lot of our animals for us.

Senator HOEVEN. I have seen the prison thing. I think that is just phenomenal.

And I really like the idea of this incentive for the trainers. I think you create value there. I mean, I think there is a way to generate revenue from the standpoint you have a horse now that is valuable if it is well-trained.

Mr. TRYON. We think we're creating markets. It's still a little bit new to declare victory.

Senator HOEVEN. Right.

Mr. TRYON. But it's been positive so far.

Senator HOEVEN. Well, it greatly expands the possible pool of adopters, because they can take a horse that is trained where they

can't do much with one that is not trained. So I think it is a great idea.

The last question I have is, so you are implementing—maybe we are just too focused on training. The overall proposal, he mentioned a number of things. Overall, are you able to implement that proposal or are there some things that would hold you back?

Mr. TRYON. We absolutely have the legal authority to do it, and we have been active in the training area for years now.

Senator HOEVEN. But beyond the training. He had about four or five steps included, fertility control, a number of things. Are you able, the holistic plan they put forward, is that something you are doing or are there issues to doing that?

Mr. TRYON. So, generally speaking, the coalition proposal, that several of the folks that are represented here, we have the authority to do it. It's a level of intensity question.

So can we increase the use of fertility control and also increase gather and removal? That's, sort of, the sweet spot. And with the $80 million appropriation that we're operating under currently, we would have to scale back some of the other gathers in order to have the intensity of operations that would be necessary to have that widespread fertility control. So yes, we can do it. It's a matter of scale.

Senator HOEVEN. Which is a resource issue or——

Mr. TRYON. Yes, sir.

Senator HOEVEN. ——other issue? Is it other or is it just a resource issue?

Mr. TRYON. It's a resource issue.

Senator HOEVEN. So you are not getting pushback?

I mean, obviously, in terms of horse management, I know there are a lot of different people, a lot of different ideas on how it ought to be done. And without going into all of that, the main issue, it is a resource issue, not a pushback issue.

Mr. TRYON. Right.

And in terms of the basic premise of everybody gathered here that additional fertility control and returning those animals to the range, we are not getting pushback on that.

Senator HOEVEN. Okay.

Then from the cattlemen's standpoint, just your sense of how this is going and priorities and what the BLM needs to be doing.

Mr. LANE. Well, what I think Mr. Tryon is just, sort of, not able to probably answer as robustly as maybe some of us on the panel, this is a financial issue. The program is constrained at its current budget. They're spending $50 million of their $80-some odd million on the off-range holding of those 50,000 horses that have been gathered. That leaves them very few resources to do more gathers, administer fertility control and really aggressively triage that population.

I think things like, you know, trained horse programs are fantastic tools when you have a sustainable population, but I think this proposal contemplates the idea that we really have two different items that we're looking at. We're triaging a critically overpopulated range.

Senator HOEVEN. Right.

Mr. LANE. And then one of those long-term, sustainable solutions and that big hit of funding that's needed now, and there's no other way to describe it, to really give them the resources and, quite frankly, not to speak for them but, I mean, I would imagine to plan year over year, out a few years in order to really get some long-range planning about how you tackle this and get down to AML, I think, is critically needed from an outside perspective as a stakeholder. They need those resources and they need the time to really attack it without worrying where their funding is coming from next year.

Senator HOEVEN. But that is why I asked if it is just a resource issue, and I would think the Chairman might be interested in this too, are there other obstacles?

You talked about fertility control and some of these things that you need to—some of the things you probably are going to need to do to get ahead of that population that you have, get it down to the manageable level so you can then implement a sustainable program that includes all of these features. Is there pushback beyond just the funding or is it just the funding?

Mr. LANE. There's always going to be pushback, I think, on the flanks. And I won't speak for Nancy or the humane advocate community. I know there's folks on there, on their flank that are concerned with a lot of these options. Certainly, in my end of the world, you know, there are folks that look at a proposal like this and say, gosh, it doesn't go far enough. I think that's the nature of a compromise, particularly one in an issue that is as loaded a topic as this one is. Litigation haunts this issue like it does every issue in the West, and there's no way around that reality.

But I think what we can do as stakeholders that are invested in this is try to make some recommendations, try to work with Congress, try to work with the agencies to find a path that's reasonable and rational to those middle-ground users that have to live and work in these environments every day.

Senator HOEVEN. I agree. And I think building the coalition and coming up with a holistic plan really does make sense, and I thank you for doing that, as well as your efforts, Director, to implement it.

Thank you, Mr. Chairman.

Senator LEE. Thank you, Senator Hoeven.

Mr. Tryon, what is the annual demand for adoption of wild horses?

Mr. TRYON. So in 2018, we adopted roughly 4,600 animals. But we're going to increase that number, if not substantially——

Senator LEE. What was that? What was that number you said?

Mr. TRYON. 4,600.

I want to say 10 or 15 years ago we exceeded 10,000 in a year. And so, adoption demand has gone down, but I'm cautiously optimistic that the adoption incentive, the financial payment that I mentioned a moment ago, is causing that number to rise again.

Senator LEE. Is that the two installment payments of $500 each?

Mr. TRYON. Yes, sir.

Senator LEE. And you do that because it is expensive to care for a horse and you are trying to offset the difficulty of that? That is the idea?

Mr. TRYON. So, we spend roughly $2,000 a year to care for and feed a horse. If we spend $1,000, well, we've already made money for the taxpayers in the first year.

Senator LEE. Right.

Mr. TRYON. Project that out over 25 years that we hold an animal in holding. It's a substantial savings.

Senator LEE. Right.

The cost of the program was about $20 million per year, 20 years ago. And then 10 years ago, it popped up to about $40 million. We are now into the, what, $80+ million a year range?

How much could this program cost the taxpayers in another five or ten years if we don't change something about our management practices or about the way it is going?

Mr. TRYON. I think you could look at, sort of, a range of costs and it depends upon your optimism about contraceptives and how effective they could be and holding costs and whether we can continue to make progress with competition on driving down costs which we are still doing. And a lot of that depends on things like the price of beef and the willingness of ranchers to enter into the horse market in an up beef market. So a lot of that is hard to forecast.

But I will tell you, Congress, at the enacted level, has appropriated $80 million for this program. We are using money from our Fish and Wildlife Conservation program, from our Range Management program, from Fire where it's appropriate, to rest in areas so we can reseed it. And we're essentially running a $95 million or $96 million program on the $80 million that Congress appropriated.

Senator LEE. You are having to cannibalize those funds from other areas within the Department of the Interior, within the Bureau of Land Management?

Mr. TRYON. I'm happy to say that the program leaders of those feel that it is an appropriate use of money to get the horses off of the rangelands where they're overpopulated or to get them out of sage grouse breeding areas.

Senator LEE. Sure, no, I understand that.

But the point is those programs are then deprived of something that they would otherwise be able to spend on something else.

Mr. TRYON. That's fair.

Senator LEE. How has litigation affected BLM's ability, effectively, to manage the wild horse population?

Mr. TRYON. Mr. Chairman, it's no surprise to you, but this is a highly litigated subject. I want to say like at one point last year we were subject to more than 20 active cases of litigation. I think that number is closer to 10 now. There would be entire programs of the BLM that had no litigation presently. And so, I would say it is a substantial effect. Generally, the target involves our gather operations and how we run them and what we intend to do with the herd as we manage it over time.

Senator LEE. Would you be willing to submit to the Committee a list of the proposed actions over the last ten years that have been litigated?

Mr. TRYON. Absolutely, we can provide that.

Senator LEE. Thank you.

The 1971 Act gives the BLM the authority to sell excess animals for commercial production. But over the years that authority has been blocked by a series of annual appropriations riders enacted through Fiscal Year 2005 and then between 2005 and 2009 there was a brief period in which those appropriations riders didn't apply and where BLM had the authority to sell animals for slaughter without limitation. The agency did not do so during that period. Is that right?

Mr. TRYON. I would qualify that a little bit, Mr. Chairman. I would say the agency did sell, but we placed modest limitations in terms of the buyers having to attest that they would not resell, that they had no intention to enter the resale market. So we sold quite a number of animals during those years but it was with a bill of sale that had a clause in it.

Senator LEE. Right, for no commercial production.

Mr. TRYON. Yes, sir.

Senator LEE. And why was that? Was that required by law?

Mr. TRYON. It was not explicitly required by the law.

Senator LEE. Is it implicitly required by the law?

Mr. TRYON. Well, I was not in the position that I'm in today. My understanding of the intent of the managers at the time was that the public outcry was pretty strongly opposed to sale for commercial purposes and that we needed to do something to bar that from happening.

Senator LEE. Mr. Lane and Ms. Perry, while we may not agree universally on every aspect of your proposed solution, I applaud you for working to try to solve this problem and to do so in a way that is humane and that recognizes the suffering that is taking place, and so I applaud you for your efforts.

How many years does your plan span and can you tell me anything about that or how many holding facilities are contemplated or what it would do to the foaling rates?

We will start with you, Ms. Perry.

Ms. PERRY. Okay, the proposal is modeled out over a ten-year time period. And as I mentioned already, between years five and six we reached that equilibrium where horses that are removed are funneled into the adoption program and not, no longer ever need to go into long-term holding. So there's a savings that is realized at that point.

But you're asking about the capacity of holding facilities in general and that's one of the interesting aspects of this proposal. We believe that by having an entirely non-lethal approach, we can attract a lot of public support to this program. There's a lot of anxiety out there about what the agency will or won't do, given the historic patterns.

And so, by moving forward with a more unified approach and a humane, explicitly non-lethal approach, we may be able to gain the support of some private entities that would like to be involved in helping. And they would essentially apply for, through an RFP process, becoming those facilities.

You're asking how many, and that's a very difficult question to answer because it would depend on how much each of those could hold.

But we are aware of at least one organization that's looking into this, has secured property and is interested in acquiring as many as 50,000 horses. And we believe there would be others. It would, obviously, have to go through an RFP process so we have yet to know exactly what will materialize but we are optimistic.

Senator LEE. It would take you about ten years to get to AML under this plan, is that right?

Ms. PERRY. Well, actually, we don't really get to AML. We get to a better balance. We get somewhere near AML with this ten-year proposal because we didn't want to focus specifically on AML, we wanted to get to a better sense of balance on the range. So the ten years would get us to around 33,000. So very close.

Senator LEE. And then, what kind of management activity would be needed to take us from ten years into perpetuity?

Ms. PERRY. Ongoing management, just as we've advocated for over the years and that would involve the use of immunocontraceptives and then we assume technology over that time period will have advanced to the point where these vaccines are very long-lasting, some permanent vaccines are even being looked into. So the same exact technology that we know is efficacious now for several years, could potentially become permanent or could be very long-lasting.

So there are all kinds of technologies being developed that would probably be in play at that point, but it would require maintenance. We are not contemplating, you know, the cessation of management of wild horses. This will be an ongoing program.

Senator LEE. Mr. Goicoechea, how common is the use of sterilization among domestic horses?

Dr. GOICOECHEA. Sterilization among domestic horses is very common. I mean, most of our males are, in fact, gelded. In the mares it's less common, but it is a common practice in some areas and there's a lot of old cowboys who have told me that the best gelding they ever rode was a spayed mare. So it is common practice.

Senator LEE. Is it considered safe from a veterinary medicine standpoint?

Dr. GOICOECHEA. Mr. Chairman, any surgical procedure comes with risks and there are inherent risks with any of them. Yes, it is safe and it is safe in domestics. Restraint becomes an issue, obviously. It is easier to handle and restrain and sedate a domestic mare than it is a wild mare. Now, there are those that are doing it and they are very efficient and effective at it.

Senator LEE. Okay, but medically speaking, assuming you can control that factor——

Dr. GOICOECHEA. Yes, sir.

Senator LEE. ——the sedation, and once you can get the horse restrained and sedated, medically there should be no difference between performing that procedure on a wild mare versus a domestic mare?

Dr. GOICOECHEA. The procedure itself, that is correct. There is no difference. Mares are mares.

Senator LEE. So, why not rely more on that?

Dr. GOICOECHEA. There is a post-operative effect, I think, and then there's also an emotional effect that comes into that. The

BLM has not proven the efficacy and the safety of that yet through a study. They need to. And I applaud them for continuing to work on that and to try and get that done. But they are being hamstrung right now because that study has not been completed and NEPA has not been completed on that.

Senator LEE. Ms. Perry, what are some of the concerns of your organization about these sterilizations for wild horse control?

Ms. PERRY. Thank you for asking.

We certainly think any tool that would be employed under this proposal must be safe, effective and humane and we do not believe that has been shown yet with these sterilization techniques.

And when we're speaking of mares—a gelding is an entirely different story—but for mares, comparing, you know, cats and dogs to wild horses, as has been done in some cases, is not really appropriate especially, you heard Mr. Goicoechea's explanation on that.

But in reality, one of the other concerns that rises——

Senator LEE. But what about comparing wild horses to domestic horses? Is that——

Ms. PERRY. Yes, yes, even there, obviously these animals are much more difficult to contain through the healing process, not used to being handled. Many of them will have a foal by their side if they're a fertile mare and that's obviously the population you would be looking at, more complicating, there's a very short window in which they're not impregnated. So we would probably be talking about pregnant mares. And I think we get into some very serious and sticky humane concerns.

Senator LEE. Let's talk about those. What do you mean?

Ms. PERRY. So they would probably already be pregnant at the point a procedure was undertaken.

Senator LEE. Right.

Ms. PERRY. Now it's not impossible that you would find mares that are not pregnant for this procedure, but that's a short window. And so, I think there is a great deal of concern about what the implications of that would be for the unborn foal. There could be a risk of infection and even abortion that would occur and that's, obviously, not the kind of program that we contemplate for these animals, especially——

Senator LEE. So is that one of the concerns is that it could result in an abortion——

Ms. PERRY. A loss, yes.

Senator LEE. ——of an unborn horse?

Ms. PERRY. Yes.

There's also a huge scalability issue here. We don't have many veterinarians who are trained in this nor many willing or interested in becoming involved in that program as far as we can tell. And talking about the numbers of procedures that would have to be done for it to have any effect at all, it just doesn't seem like a particularly pragmatic thing to chase, especially, again, considering what a lightning rod this will be for controversy.

That doesn't mean that it could be——

Senator LEE. And most of that controversy, again, relates to the unborn horse?

Ms. PERRY. The risk to the mare herself. There's certainly infection rates that have to be worried about. There's a recovery period.

There are concerns about, in particular, the colpotomy approach which is—all of these methods tend to be invasive and can cause bleeding and can cause infection and can cause death. These are concerns that a lot of advocates have.

And again, especially when you juxtapose that, Senator, with the volumes of material that show the efficacy and safeness of the vaccinations that are available and how they are more long-lasting now so we don't even really need to be looking in this direction.

Senator LEE. Although, it sounds from what I am hearing today like there is some debate over that, some debate over how long-lasting these other methods are?

Ms. PERRY. I'm not aware of any credible debate about that, to be honest.

I mean, the BLM itself has been proclaiming efficacy of this vaccine over the years. I provided, you know, a number of studies and reports from government agencies—the BLM, U.S. Geological Survey, National Academy of Sciences—stating that this is safe, humane, effective, and the PZP–22 is meant to run for at least a two-year period and can be as effective out five years with a booster.

So this is, and I know that that is already the current generation of the drug. So we are not talking about a brand-new technology. It is currently available. It is scalable to the portions that we need. So we feel strongly that these tools are available.

I understand there's debate here among some of us on the panel about that, but I would welcome a deeper exploration of the science that is already available on that because I believe we're on solid ground. And what I would hate to see is for us to chase something that isn't practical, that is highly controversial and that will cause great delay because one of the things we're working against is recruitment every year, new population growth.

And so, what we need to do is get on the ground with the tools we have now rather than wait for something to become tested and effective, if that makes sense.

Senator LEE. Yes. Okay.

I want to thank the witnesses for coming to testify today. This has been helpful. It has been informative.

I want to submit to the record two letters I have received—one from the Utah Farm Bureau Federation and one from the Beaver County Commission in Utah.

Both of those will be introduced into the record without objection.

[Letters submitted for the record follow:]

UTAH FARM BUREAU FEDERATION
9865 South State Street • Sandy, Utah 84070-3205 • Phone: (801) 233-3040 • utahfarmbureau.org
"Inspire all Utah families to connect, succeed and grow through the miracle of agriculture"

To: The Public Lands Subcommittee of the Senate Energy and Natural Resource Committee

Subcommittee Chairman, Senator Mike Lee

Subcommittee Ranking Member, Senator Ron Wyden

From: Utah Farm Bureau Federation, President Ron Gibson

Re: Wild Horses and Burros

Date: July 13, 2019

To whom it may concern:

Wild horse and burro herds on public lands are growing exponentially with populations doubling every four to five years. Range impacts from so many horses and burros have been devastating to wildlife, livestock, recreationists and other users of federal lands.

Economic impacts from overpopulations of wild horses and burros will increase exponentially unless immediate action is taken to remove excess horses and burros from the range, to create more holding facilities to care for the animals, and to manage the growth rate of the herds.

Utah Farm Bureau supports managing wild horses and burros in compliance with agency resource management plans and maintaining a balance on the range for multiple uses. Resource management plans recognize limited carrying capacities on rangelands for livestock, wildlife and horses. Too many horses and burros on public lands has caused permanent range damage and severely hinders range restoration projects.

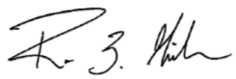
Excess horses and burros need to be gathered from public lands immediately. Utah Farm Bureau supports the use of helicopters and bait and trap methods for gathering horses and burros.

Short-term holding capacities need to be increased to accommodate horses upon removal from public lands. Additional long-term holding facilities are needed to humanely care for unadopted horses and burros.

Sterilization and fertility control methods are essential tools in managing population growth rates. Utah Farm Bureau supports the use of accepted animal husbandry practices to spay and neuter horses and burros.

Utah Farm Bureau recognizes the need for additional management to create a sustainable wild horse and burro program on public lands, but the immediate crisis demands the gather of excess wild horses and burros, more holding facilities, and fertility control methods to manage the growth of the herds.

Sincerely,



Ron Gibson, President

BEAVER COUNTY COMMISSION

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Michael F. Dalton
Chairman

Mark S. Whitney
Member

Tammy T. Pearson
Member

July 16, 2019

Dear Senator Murkowski, Senator Lee, Members of Committee:

The Beaver County Commission would like to submit official comment for the Record for the Senate Wild Horse and Burro Hearing.

We have been intricately involved in the efforts to increase public and political awareness of the over-population of equids. We applaud the other agencies, organizations, and individuals who have joined in this movement. Such efforts are crucial to give Congress the support and knowledge to address management issues and begin the long process of reversing the negative impacts of equid overpopulation on western ecosystems.

Bringing to light the facts of the equid population growth is vital to understanding how the mismanagement of the equids has and will continue to lead to a crisis in those states and counties where they exist.

Since receiving Federal protection in 1971, nationwide wild horse and burro populations have soared to nearly 88,090 animals, which is more than three times the number that can sustainably exist alongside wildlife and other multiple uses on public lands. Wild horse and burro populations grow quickly, doubling in size every four years and tripling in six years if not properly managed.

The population of 88,090 animals reported by BLM and protected under Federal law does not include the additional horses and burros on Forest Service Herd Territories, feral horses on Tribal lands, or feral horses outside of HMA's or HA's. The total number of horses on the range has been estimated to be over 250,000 animals.

The exponential growth of all the wild equids on the range will quickly become an ecological disaster if we do not act NOW!

Legislative action can and needs to be taken to increase funding and improve the flexible management options.

The current level of gathers, population control contraceptives, adoptions, and mortality rates have proven insufficient to control the rate of free roaming equid reproduction, much less reduce current populations to Appropriate Management Levels (AML).

Management options such as the use of short-term (PZP), medium term (Gona Con), long-term (Spay) contraception, gathers, adoptions, and any other tools must all be part of a multi-pronged solution. Only when the BLM has adequate funding as well as the authority to use all forms of contraception, combined with gather and removal, will the BLM be able to control overpopulation, rangeland degradation, poor equid health, and excessive cost burdens to the taxpayer.

These actions are vital to protect America's public lands and maintain a sustainable population of wild horses and burros.

Without action by Congress to increase funding and reduce barriers to effective management, this crisis will exponentially worsen due to reproduction rates and the inability of western rangelands to support surging wild horse and burro populations.

It is the historic multi-use management of Federal land within Beaver County that has led to a healthy ecosystem, abundant recreation opportunities, and economic vitality for our citizens. The current unsustainable management practices and funding mechanisms that have led to the overpopulation of the wild horses and burros have negatively altered the delicate multi-use balancing act that must take place. If this trend continues, not only will all of the other multi-use activities be devastated, but the health and sustainability of the wild horse and burro populations will be compromised, as well as the western rangelands that they depend on.

We love where we live, and we would love all Americans to enjoy the many uses of the federal land within our borders. We advise Congress to act now to preserve and restore the proper and balanced management of our federal land by implementing the financial and management proposals we have outlined.

Sincerely,

Michael F. Dalton,
Commission Chairman

Tammy T. Pearson
Commissioner

Mark S. Whitney
Commissioner

Senator LEE. We will keep the record open for a period of two weeks after this concludes, allowing members to submit additional questions, should they have any.

This has been very informative, indeed. There are issues of compassion, and I respect the perspective each of you has brought to the table on this.

There are, unfortunately, no easy solutions on this and even though some of us in the room may disagree with the other about what is most compassionate, I think all in the room do have compassion as the issue that they are focused on.

I also appreciate, Ms. Perry, the attention you drew to the interest in the unborn horse. Life is significant. The fact that it has not yet been born, doesn't make it insignificant. That is something we should take into account.

Thank you very much for being here. We stand adjourned.

[Whereupon, at 4:31 p.m. the hearing was adjourned.]

APPENDIX MATERIAL SUBMITTED

Questions for the Record
U.S. Senate Committee on Energy and Natural Resources
Subcommittee on Public Lands, Forests and Mining
Long-Term Management Options for BLM's Wild Horse & Burro Program
July 16, 2019

Question from Subcommittee Chairman Mike Lee

Question: Please submit for the record a list of all the proposed actions over the last 10 years relating to the BLM Wild Horse and Burro Program that have been litigated as well as the percentage of proposed actions that are currently under litigation?

Response: Over the last 10 years, 38 management actions relating to the BLM's management of wild horses and burros have been challenged in Federal courts. Several of these management actions have been challenged by multiple plaintiffs filing separate complaints. This litigation has included claims relating to gather and removal activities, not achieving appropriate management levels (AMLs), and the use of population growth suppressions tools, such as fertility control vaccines and sterilization procedures. Currently seven cases are being actively litigated in Federal District Courts in Nevada, Oregon, and Utah. See attachment 1 for a complete list of the litigation from the past 10 years.

Questions from Senator John Barrasso

Question: Do you agree with the Proposal's conclusion that BLM could reach nationwide AML (or be within 20% of nationwide AML) in 10 years utilizing the full authorities afforded to the agency? If no, what would it take to reach AML in that timeframe?

Response: A number of factors make it difficult to predict the results of any actions after a decade. Pursuant to Congressional direction accompanying the FY19 Interior appropriation, the BLM is updating a report provided to Congress in FY18 that identifies various approaches that could achieve AML within a 10-year timeframe.

BLM Wild Horse and Burro Litigation Summary (2010 - 2019)

State	Project Name (EA=Environmental Assessment)	HMA Name (HMA=Herd Management Area)	Proposed Action(s)	Year of Litigation (* = active litigaition)	Court or Interior Board of Land Appeals
NV	Calico Complex Gather EA	Warm Springs Canyon, Black Rock East, Black Rock West, Granite Range, and Calico Mountains HMAs	Gather and removal of excess wild horses, apply PZP-22 Fertility Control to released mares	2010	District
NV	Silver King Gather EA	Silver King	Remove excess wild horses, apply PZP-22 Fertility Control to released mares	2010	District
NV	Triple B Complex and Antelope Complex Gather EA	Antelope, Anteolope Valley, Triple B, Maverick-Medicine, Spruce-Pequop, and Goshute HMAs	Remove excess wild horses, apply PZP-22 fertility control to released mares, and manage population at a 60/40 sex ratio in favor of males - 2 separate cases	2011	District
NV	Pancake Complex Gather EA	Pancake HMA, Sand Springs West HMA, Jakes Wash HA, and Monte Cristo WHT	Removal excess wild horses, apply PZP-22 fertility control to released mares, adjust sex ratio 60/40 in favor of males, and manage a portion of the population as a non-reproducing herd of gelding	2011	District
NV	Garfield Flat HMA and Marietta Burro Range Gather EA	Garfield Flat HMA and Marietta Burro Range	Removal of excess wild horses and burros, apply fertility control to released mares, and 60/40 sex ratio in favor of males	2012	IBLA
NV	Jackson Mountain HMA Gather EA	Jackson Mountain HMA	Removal of excess wild horses	2012	District
NV	Owhyee Complex	Little Owhyee, Owhyee, Snowstorms Mountains, Little Humbolt, and Rock Creek HMA	Removal of excess wild horses, apply PZP-22 fertility control to released mares, and 60/40 adjust sex ratio in favor of males	2013	District
NV	Federal Court Complaint - Management of wild horses and burros within the State of Nevada	All NV HMAs and HAs	Plaintiffs allege that BLM has failed to meet mandatory requirements under the WFRHBA to manage for multiple use, thriving natural ecological balance, and sell without limitations and destroy excess unadoptable horses. Plaintiffs allege that the failure to manage the wild horses population within the State of Nevada is adversely impacting private property rights, water rights, and that BLM is requiring livestock owners to remove their livestock instead of managing the horse population	2013	District

NV	Humboldt HA Gather EA	Humboldt HA	Achieve and maintain a populaiton of zero wild horses within the Humboldt HA consistent with the LUP and management objectives for these public lands	2014	IBLA
NV	Fish Creek HMA Gather EA	Fish Creek HMA	Remove excess wild horses, apply PZP-22 fertility control to relased mares	2015	IBLA
NV	Pine Nut Mountains Gather EA	Pine Nut Mountains	Remove excess wild horses, apply PZP-22 fertilty control to released mares	2015	District/IBLA
NV	Rocky Hills Herd Management Area Ferility Control EA	Rocky Hills HMA	Rocky Hills Herd Management Area Ferility Control Darting	2016	IBLA
NV	Triple B Complex and Antelope Complex Gather EA	Antelope, Anteolope Valley, Triple B, Maverick-Medicine, Spruce-Pequop, and Goshute HMAs	Remove excess wild horses, apply PZP-22 and/or GonaCon Fertility Control Vaccine, manage a portion of the population as non-reproducing (geldings), and adjust sex ratio 60/40 in favor of males	2018*	District
NV	Pershing County	Lava Beds, Seven Troughs, Shawave Mountain, Nightingale Mountains, North Stillwater, Tobin Range, Selenite Range, and Kamma Mountains	Remove excess wild horses, apply fertility control vaccine	2018*	IBLA
NV	Caliente HA Complex Gather EA	Applewhite, Bluenose Peak, Clover Creek, Clover Mtns, Delamar Mtns, Highland Peak, Little Mountain, Meadow Valley Mtns, and Miller Flat HAs.	Remove all wild horses from the Caliente Complex. The Caliente Complex is made up of 9 HAs which were dropped from HMA status through the 2008 Ely Recod Decision and Approved RMP due to unsuitable habitat for long term management of wild horses	2018*	District
NV	Eagle Complex Gather EA, Pine Nut Mountains Gather EA	Eagle HMA, Pine Nut Mountains	Removal excess wild horses, apply PZP-22 and/or GonaCon fertility Control Vaccine, and adjust sex ratio 60/40 in favor of males	2018*	District
UT	Long term Onaqui Mountain HMA fertility control program	Onaqui Mountain HMA	Long term Onaqui Mountain (UT) HMA fertility control program	2015	IBLA
UT	Sulphur HMA Gather EA	Sulphur HMA	Gather and remove excess wild horses from the Sulphur (UT) HMA over a 6-10 year period, and implement population growth supression.	2017*	District
UT	Cedar Mountain HMA Gather EA	Cedar Mountain HMA.	Removal of excess wild horses and treatment of mares with PZP-22 fertility control vaccine within the Cedar Mountain (UT) HMA.	2017	District
UT	Long term Onaqui Mountain HMA fertility control program	Onaqui Mountain HMA	Removal of excess wild horse from the Onaqui (UT) HMA, and continuation of population growth suppression program over a 10 year period.	2018*	District/IBLA
UT	Muddy Creek HMA Gather EA	Muddy Creek HMA	Removal of excess wild horse from the Muddy Creek (UT) HMA, and implementation of a population growth suppression program over a 10 year period.	2018*	District/IBLA
MT	Pryor Mountain Wild Horse Range Gather EA	Pryor Mountain Wild Horse Range	Gather of excess wild horses in the Pryor Mountain Wild Horse Ra	2012	IBLA

MT	Pryor Mountain Wild Horse Range Gather EA	Pryor Mountain Wild Horse Range	Gather of excess wild horses in the Pryor Mountain Wild Horse Ra	2015	District/IBLA
MT	Pryor Mountain Wild Horse Range Fertility Control EA	Pryor Mountain Wild Horse Range	Fertility Control Treatments in Pryor Mountain Wild Horse Range	2015	District/IBLA
MT	Pryor Mountain Wild Horse Range Gather and Fertility Control EA	Pryor Mountain Wild Horse Range	Gather and Fertility Control Treatments in Pryor Mountain Wild Horse Range	2018	District
ID	Challis HMA Helicopter Gather EA and Decision	Challis HMA	Challis HMA Helicopter Gather Decision	2012	District
ID	Jarbidge RMP Amendment - Mgmt of Saylor Creek HMA as Non-Reproducing Herd	Saylor Creek HMA	Jarbidge RMP Amendment	2015	District
ID	Challis HMA Bait/Water Trap Gather Decision	Challis HMA	Gather of excess wild horses	2018	District
WY	Federal Court Complaint	Adobe Town, Salt Wells Creek, Great Divide Basin, White Mountain HMAs	Rock Springs Grazing Association (RSGA) filed suit to enforce the 1982 Consent Decree to remove all wild horses on private lands in the checkerboard.	2010	District
WY	Federal Court Complaint	Adobe Town, Salt Wells Creek, Great Divide Basin, White Mountain HMAs	BLM entered into the Consent Decree and in November issued a proposed action to gather Adobe Town and Salt Wells HMAs after which the RSGA filed claim that BLM violated the consent decree because BLM failed to remove all horses from private land.	2013	District
WY	Great Divide Basin, Adobe Town, and Salt Wells HMA's Gather CX	Great Divide Basin, Adobe Town, and Salt Wells HMA	BLM issued a gather CX for Great Divide Basin, Adobe Town, and Salt Wells HMA's for removal of wildhorses on private lands. The American Wildhorse campain et al. challenged the use of the CX and claimed that it violated NEPA, FLPMA, and the Wild Horse Act by removing horses below AML.	2014	District
WY	Great Divide Basin, Adobe Town, and Salt Wells HMA's Gather CX	Great Divide Basin, Adobe Town, and Salt Wells HMA	District Court remanded the CX based on the NEPA but upheld the decision. BLM prepared an EA for the remand in January 2016.	2015	District
WY	Great Divide Basin, Adobe Town, and Salt Wells HMA's Gather EA	Great Divide Basin, Adobe Town, and Salt Wells HMA	BLM issued an EA for removal of horses in the Great Divide Basin, Adobe Town, and Salt Wells HMA's; then received a 10th circuit court ruling saying BLM violated FLPMA in the 2014 removal, so the 2016 decision was withdrawn. No gather was conducted.	2016	District
WY	Great Divide Basin, Adobe Town, and Salt Wells HMA's Gather EA	Great Divide Basin, Adobe Town, and Salt Wells HMA	BLM issued an EA for removal of horses to AML	2017	District
WY	Great Divide Basin, Adobe Town, and Salt Wells HMA's Gather EA	Great Divide Basin, Adobe Town, and Salt Wells HMA	District court remanded and vacated the 2017 decision; that remand is still pending.	2019	District
WY	Red Desert Herd Management Area Complex Gather EA	Lost Creek, Stewart Creek, Green Mountain, Antelope Hills, and Crooks Mountain HMAs	Ddecision to gather wild horses from the Red Desert Herd Management Area Complex, treat mares with fertility control, and remove excess wild horses to achieve appropriate management levels. A judge issued a decision March of 2017 that remanded BLM's decision based on a failure to adequately analyze the gather's impact on unique Iberian genotypes and their associated phenotypes. Corrections were made and the area was partially gathered August of 2018.	2016	District

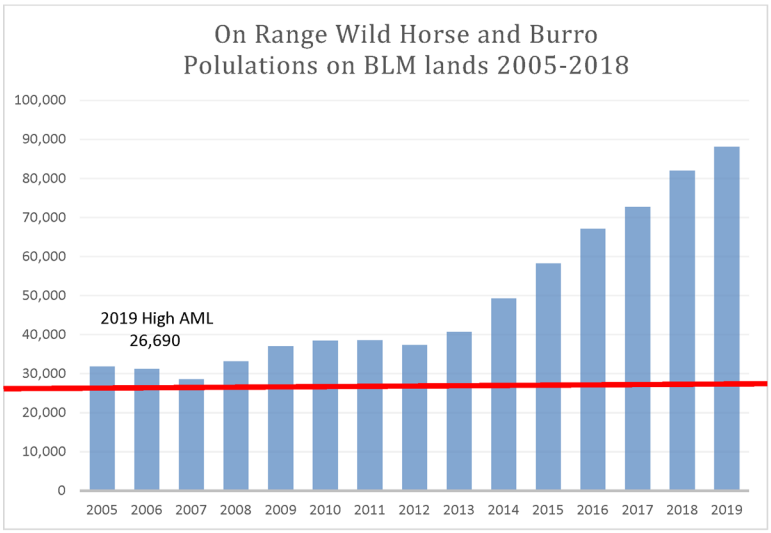
CA	Twin Peaks HMA Gather EA	Twin Peaks HMA	Gather of excess wild horses and burros	2010	District
CA	WHB Adoption Appeal - repossession of adopted animal		Heather Bromm, Adoption compliance	2018*	IBLA
OR	Federal Court Complaint	Murderers Creek HMA and WHB Territory	BLM/USFS failure to comply with RMPs/FMPs by not removing excess animals on Murderers Creek Territory	2010	District
OR	Stinkingwater HMA Gather EA	Stinkingwater HMA	Gather and removal of excess animals from Stinkingwater HMA	2010	IBLA
OR	Kiger and Riddle Mountain HMAs Gather EA	Kiger and Riddle Mountain HMAs	Gather and removal of excess animals from Kiger and Riddle Mountain HMAs	2011	District
OR	WHB Adoption Appeal		Decision to not approve future adoptions to appellant based on past violations of Private Maintenance and Care Agreement	2013	IBLA
OR	Kiger and Riddle Mountain HMAs Gather EA	Kiger and Riddle Mountain HMAs	Gather and removal of excess animals from Kiger and Riddle Mountain HMAs	2015	IBLA
OR	Kiger and Riddle Mountain HMAs Gather EA	Kiger and Riddle Mountain HMAs	Gather and removal of excess animals from Kiger and Riddle Mountain HMAs	2016	District
OR	Three Fingers HMA Gather EA	Three Fingers HMA	Gather and removal of excess animals that strayed outside of Three Fingers HMA	2016	District
OR	Three Fingers HMA Gather EA	Three Fingers HMA	Emergency gather and removal of excess animals in response to wild fire on Three Fingers HMA	2016	District
OR	OR Mare Spay Research Project EA	Warm Springs HMA	Conduct pen trial research of 3 methods of surgical sterilization of wild horse mares within BLM corrals - 3 separate cases	2016	District/IBLA
OR	OR Mare Spay Research Project EA	Warm Springs HMA	Spay mares and conduct on-range behavioral research on Warm Springs HMA - 3 separate cases	2018	District
OR	OR Mare Spay Research Project EA	Warm Springs HMA	Gather and removal of excess animals, spay mares and conduct on-range behavioral research on Warm Springs HMA - 3 separate cases	2018	IBLA
OR	OR Mare Spay Research Project EA	Warm Springs HMA	Remove excess animals and apply PZP fertility control to return mares on Warm Springs HMA	2019*	District/IBLA
CO	West Douglas HA	West Douglas HA Gather EA	NEPA adequacy associated with gather impacts	2010	District
CO	West Douglas HA	West Douglas HA Gather EA	Petition for stay of wild horse gather.	2012	District
CO	West Douglas HA	West Douglas HA Gather EA	Challenged BLM's decision approving the mass removal of wild horses from the WDHA in violation of BLM's mandate to protect wild horses and manage them as a component of public lands under the Wild Horse Act.	2015	District
CO	West Douglas HA	West Douglas HA Gather EA	BLM violated NEPA and 2 that BLM failed to take a hard look at the impacts of the gather decision, particularly the impacts of stress as a result of helicopter gather and captivity.	2016	District

U.S. Senate Committee on Energy and Natural Resources
Subcommittee on Public Lands, Forests and Mining
July 16, 2019 Hearing: ***Long-Term Management Options for BLM's Wild Horse and Burro Program***
Question for the Record Submitted to Dr. Eric Thacker

Question from Subcommittee Chairman Mike Lee

Question: The last time the Senate held a hearing on this issue was in 2004. How large was the horse population on federal lands at that time compared to now?

The wild horse and burro population has grown from 31,760 animals in 2005 (year following the last senate hearing) to 88,090 animals in 2019. It should be noted that the increase in population occurred during a time when the BLM was still conducting some gathers in an attempt to control populations.



U.S. Senate Committee on Energy and Natural Resources
Subcommittee on Public Lands, Forests and Mining
July 16, 2019 Hearing: ***Long-Term Management Options for BLM's Wild Horse and Burro Program***
Questions for the Record Submitted to Ms. Nancy Perry

Questions from Senator John Barrasso

Questions: In your written testimony, you mentioned ASPCA's adoption program, "Help a Horse Home". When individuals adopt horses through your program, does ASPCA place restrictions as a condition of adoption on future actions the new owners may take with horses, like future sale, breeding, sterilization, branding, humane treatment, or other actions afforded to an owner? If so, how does ASPCA enforce these conditions after the animal has been adopted?

The ASPCA Help a Horse Home Adoption Challenge is a 2 month contest for shelters and rescues across the country with a goal to increase adoptions nationally. Each participating organization has their own adoption policies, some more restrictive than others. The vast majority of the groups have conditions in their contract restricting sale to slaughter, and many have a right of first refusal in their contracts. The ASPCA requires participating groups to meet a set of guidelines that includes gelding of stallions prior to adoption, follow up post adoption and an open door for returns for the lifetime of the equine. We provide tools for assessment and matching to help assure a good bond between horse and owner and strong relationship between the adoption agency and the adopter. We strongly recommend microchipping of all equines, and thanks to a partnership with United Horse Coalition, all participating groups received microchips for their adoption programs.

U.S. Senate Committee on Energy and Natural Resources
Subcommittee on Public Lands, Forests and Mining
July 16, 2019 Hearing: ***Long-Term Management Options for BLM's Wild Horse and Burro Program***
Question for the Record Submitted to the Honorable J.J. Goicoechea

Question from Subcommittee Chairman Mike Lee

Question: Please describe the potential negative health risks that can occur for a horse, wild or domestic, under a surgical sterilization procedure.

If a procedure is being conducted under general anesthesia, (inhalation or injectable) there is an increased risk of side effects during recovery. These can include injury to a limb or head during recovery because of unsteadiness while trying to stand, or colic (abdominal pain) from a gastrointestinal disorder that may arise due to drugs used during anesthesia. These negative side effects are mitigated using preoperative drugs, protected recovery areas and the use of skilled staff throughout induction, anesthesia and recovery. In rare cases, an injury or colic may be severe enough to warrant euthanasia.

Standing surgical procedures, those not done under general anesthesia as above, pose less risks to the horse. Any pain or discomfort the horse may feel is managed with injectable analgesic drugs and sedation (often heavy) is used to limit mobility and provide additional analgesia. The recovery time, time from completion of procedure until ambulating and returning to feed and water, is significantly less with standing procedures and recovery times tend to be quite short.

As for the surgical sterilization procedure itself, there is always a risk, with any animal, when a body cavity is opened, and an organ or portion of an organ is removed. In the case of stallions, most of the procedures are done under a fast-acting injectable general anesthetic protocol. Prophylactic antibiotics are administered to mitigate the risk of post-operative infection at the surgery site and great care is taken to ensure large vasculature associated with the testes are properly crushed or ligated to prevent blood loss or exsanguination. Older stallions are at more risk of complications from castration due to an increased chance of herniating bowels through an inguinal ring after castration. Greater consideration of the need to castrate older stallions should be used and if castration is determined, more attention to ligatures and overall surgical procedure should be used.

When spaying a mare, these procedures are done standing in most cases. They can be done using a laparoscopic device in flank incisions or through alternative approaches via the vaginal vault (colpotomy for example). Laparoscopic ovariectomies are visualized with digital camera equipment but are not generally suited for use in field settings. The spaying of mares by colpotomy has been done in the field with great success.

When spaying a mare, the largest risk is always bleeding from the ovarian pedicle after the ovary has been cut away or the pedicle crushed during a colpotomy. (It should be noted that the physical mechanism behind a colpotomy is very similar to that used during castration of a stallion. Blood vessels are crushed to prevent bleeding in both cases.) This negative side effect that can result in exsanguination in rare cases, just as it can in other domestic animal species. Post-operative infection is a risk and just as in stallions, is mitigated through the use of antibiotics at the time of the surgical procedure.

As for the risk of aborting a mare due to a spay procedure, that is easily managed. A simple palpation of the uterine body or scan via ultrasound will determine if the mare is pregnant or not. Nonpregnant mares

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(open) can be spayed immediately following palpation or scanning. If the mare is pregnant and there is not a medical reason to spay her immediately, the procedure may be postponed until the foal is born. Spaying is not abortion. In mares, spaying is the removal of the ovaries only. It does not include removing any fetal tissue nor the uterine body or horns.

Post-operative monitoring of all patients that have undergone surgical sterilization should be done for a few days and any signs of infection will warrant the use of additional antibiotics in those cases. Advances in techniques and the use of more effective analgesic drugs continue to improve the recovery time in sterilized horses. The potential negative health impacts are greatly reduced when sterilization is performed by skilled and practiced veterinarians regardless of the method used and location the procedure is conducted in.

Testimony of the American Mustang Foundation

Subcommittee on Public Lands, Forests, and Mining Hearing to Examine BLM's Wild Horse and Burro Program

July 16, 2019

Chairman Lee,

Please accept for the official record the testimony of the American Mustang Foundation (AMF). We applaud the Subcommittee's attention to this important matter that is so impacting our federal range lands, our ranching community, wildlife, and most importantly, our wild horse populations. AMF believes there are humane strategies to tackle this decade's long issue but it will require Congress to instruct the Bureau of Land Management (BLM) to undertake a specific strategy that will guide their wild horse management practices for the next 20 years.

The Wild Free-Roaming Horses and Burros Act of 1971 (P.L. 192-95) declared that horses and burros living on the open range were living symbols of the American West and deserving of federal protection. As a result, the Bureau of Land Management was given the responsibility to manage wild horse and burros to reflect the historic population at the time of the passage of the 1971 Act and to protect these American symbols from harassment, capture, branding, and death. Wild horses and burros are the only species that the BLM is specifically chartered to manage.

In addition to protecting wild horses, the BLM must manage herd populations to balance the needs of wild horses as well as the other species that rely on the western rangeland ecosystem. Since the passage of the Act, wild horse populations have increased from their historic level of roughly 25,000 to the most recent estimate of 89,000 on the range. AMF believes that actual numbers exceed 100,000 horses today and this number does not include the vast herds currently located on Indian Reservations across the west. With wild horse populations doubling every four years and the BLM able to adopt less than 3,000 horses per year, these population numbers will continue to exponentially grow, as will the cost to rangeland health, wildlife, and their habitat.

In addition to having severe overpopulation on the range, the BLM has approximately 48,000 horses in short- and long-term holding facilities off the range, at a lifetime cost of roughly

$50,000 per horse. This is unsustainable. High holding costs and tight budgets have left the BLM unable to adequately invest in strategies to control populations on the range.

AMF has been an active participant in a stakeholder driven effort to craft a broadly supported strategy that will bring wild horse populations back to Appropriate Management Levels (AML) and will allow the BLM to effectively control these populations in the future. This humane approach is not only logistically viable, it is also politically viable. AMF fully understands that Congress has for decades prohibited euthanasia of wild horses and we do not see that changing in the future. Americans love our wild horses and Congressional policy must reflect public sentiment if we are to make progress in controlling populations on the range. The task is daunting but we fully support our stakeholder strategy known as "THE PATH FORWARD FOR MANAGEMENT OF BLM'S WILD HORSES & BURROS" which is signed and supported by the following diverse groups:

American Society for the Prevention of Cruelty to Animals - ASPCA

American Farm Bureau Federation

Society for Range Management

Humane Society Legislative Fund

Public Lands Council

Return to Freedom Wild Horse Conservation

National Horse and Burro Rangeland Management Coalition

Eureka County, NV County Commission Office

Humane Society of the United States

National Cattlemen's Beef Association

Beaver County, UT County Commission Office

American Mustang Foundation

Utah Governor Office

For the first time since the passage of the 1971 Act, wild horse advocates, animal welfare advocates, local and state elected officials, ranchers, range conservation groups, and wild horse caregivers agree on an effective strategy to resolve the wild horse population crises on our public lands in the West. It will not be easy and Congress must have a long term view of this issue and dedicate the resources, oversight, and patience necessary to implement this strategy. The strategy calls for the following basic steps:

- Conduct targeted gathers and removals at densely populated Herd Management Areas (HMAs) to reduce herd size and make progress towards AML.
- Treat gathered horses and burros with population growth suppression tools prior to being returned to the range. Reversible methods must be administered to an appropriate percentage of mares (generally close to 90%) to control populations, with some flexibility depending on modeling of range and herd parameters.
- Relocate horses and burros in holding facilities, and those taken off the range, to large cost-effective, humane pasture facilities funded through public-private partnerships.
- Promote adoptions in order to help reduce captive populations and costs. The BLM is currently spending $2,250 ($3,250 with incentive) per adopted horse to promote adoptions that ultimately provide considerable cost savings to the agency. Investing in the adoption process for each horse will reduce or eliminate the estimated $46,000 per horse expenditure in off range holding over the course of their lifetime.

AMF fully supports this strategy and we look forward to working with the Committee and the BLM to implement these policies. If fully implemented, this strategy will bring horse herds within AML in 10 years. However, the job does not stop there. The BLM must continue to effectively manage these herds in the future. We believe the BLM has full authority to carry out this strategy today but they need the resources and the Congressional mandate to proceed. Through the appropriations process, the BLM has been instructed to provide a plan to control horse populations on the range. They have failed to do so to date but we understand a plan may be forthcoming. It is clear that detailed Congressional mandates are required to put the agency on a viable path toward successful management of wild horses.

The Department of Interior has proposed roundups, sterilization and returning horses to the range. AMF does not support this strategy. The range cannot withstand another 10-20 years of high populations of horses on the range waiting for the returned horses to spend the rest of their lives degrading the range, impacting private and state lands and impacting wildlife. Moreover, the sterilization of mares is an extremely expensive proposal that is very likely to attract great public opposition. Surgery, post-surgery care, horse deaths due to complications, and other factors will likely result in another failed BLM attempt to manage wild horse populations. Horses must be removed in large numbers in the near term. Spending thousands of dollars per horse to round-up, transport, sterilize, and then return to the range is simply not a plausible solution and fails to address concerns with range degradation, trespass horses, wildlife habitat degradation, and overpopulated HMAs that leads to horses suffering.

We understand that there are a variety of strategies the BLM needs to use to tackle the enormous challenges associated with the wild horse program. AMF stands ready to help with this enormous problem and we look forward to working with the BLM to help implement strategies that will protect our wild horses by allowing them to live out their lives off of the public range. The American Mustang Foundation believes this can be achieved through innovative partnerships using the flexibility BLM already has under the law.

We would be pleased to provide any further information the Committee would request and we are dedicated to helping resolve this issue. Thank you for the opportunity to present our thoughts on this important issue.

Allen D. Freemyer, Director

American Mustang Foundation

American Wild Horse Campaign

THE FEDERAL WILD HORSE AND BURRO PROGRAM: Mismanagement and A Path Forward

Testimony and documents submitted for the record by Suzanne Roy, Executive Director of the American Wild Horse Campaign for the Subcommittee on Public Lands, Forests, and Mining Hearing to Examine BLM's Wild Horse and Burro Program, July 16, 2019.

The American Wild Horse Preservation Campaign agrees that a significant problem exists with the Bureau of Land Management (BLM) Wild Horse and Burro Program. However, we believe that the subcommittee is focused on the wrong problem. The problem is not wild horse overpopulation; the problem is BLM mismanagement as affirmed by numerous government and scientific reports, most recently the National Academy of Sciences (NAS) in its 2013 report, "Using Science to Improve the BLM Wild Horse and Burro Program: A Way Forward."

The National Academy of Sciences study, which was commissioned by the BLM itself, demonstrates that BLM's management practices waste taxpayer money, are facilitating high rates of population growth and ignore scientifically proven solutions to reduce herd growth, including the use of the PZP fertility control which has reduced some herds to *zero* population growth.

These are America's wild horses and burros – protected by a law unanimously passed by Congress – and they live on public lands that belong to all Americans.

The will of the American people should prevail, especially when it comes to public lands. Americans have demonstrated time and time again that they overwhelmingly strongly support protecting wild horses and burros on our federal lands. While the administration's position to not pursue slaughter of these American treasures as a herd management tool is laudable, their proposed solution, surgical sterilization in the wild, is not the answer. Enclosed you will find two documents developed by wild horse advocates and stakeholders that provide the only workable roadmap to achieve the goals of both BLM and the organizations like ours that devote 100 percent of our efforts to protecting wild horses, wherever they are found.

The first enclosed document is a letter to the House and Senate Appropriations Committees signed by nearly 60 advocacy groups representing over a million Americans expressing strong disagreement with the so-called compromise plan outlined in the House Interior and Environment Appropriations report. The second document we submit for the record is a comprehensive eleven-point blueprint for addressing the deficiencies in BLM's treatment of wild horses. The statement is broadly accepted among the wild horse community and is the only plan that offers an achievable solution and path forward from our current policy impasse.

I hope this committee will give the concerns and solutions submitted for the hearing record your closest consideration.

Sincerely,

Suzanne Roy
Executive Director, AWHC
(919) 697-9389
sroy@americanwildhorsecampaign.org

May 21, 2019

Dear Members of the U.S. House and Senate Appropriations Committees:

We are writing to oppose the request by the National Cattlemen's Beef Association (NCBA), the Public Lands Council, the ASPCA, and The Humane Society of the U.S. for Fiscal Year 2020 appropriations legislation to require the roundup, removal and holding of 15,000-20,000 iconic wild horses and burros in a single year from western public lands. This would be among the highest ever roundup and removal rate in a quarter century. We urge you to reject this request because the proposal:

- Is opposed by so many key stakeholders on wild horse and burro protection efforts and violates the Unified Statement of Principles endorsed by over 100 organizations, and the spirit of the 1971 Wild Free Roaming Horses and Burros Act itself.

- Spends millions on outdated, ineffective, and massive roundups and removals without setting specific goals for numbers of horses contracepted. While this plan calls for an annual round up of up to 20,000 horses, it provides no comparable figures for the most significant part of the plan: to address the current unsustainable wild horse management problems.

- Does not even require the use of the PZP fertility control vaccine. Broad requirements for "population growth suppression" allows the BLM to expand roundups and removals that the public generally opposes. It also does not forbid surgical sterilization, a procedure which threatens the health and lives of wild horses and which the National Academy of Sciences recommended against.

- Makes eventual slaughter more likely by perhaps doubling the number of wild horses and burros in holding facilities without a guarantee for their long term safety. The fate of these horses is dependent on annual appropriations cycle legislation. Some lawmakers and interest groups have already used the current number of horses in holding as a reason to allow slaughter and this will embolden these pro-slaughter voices.

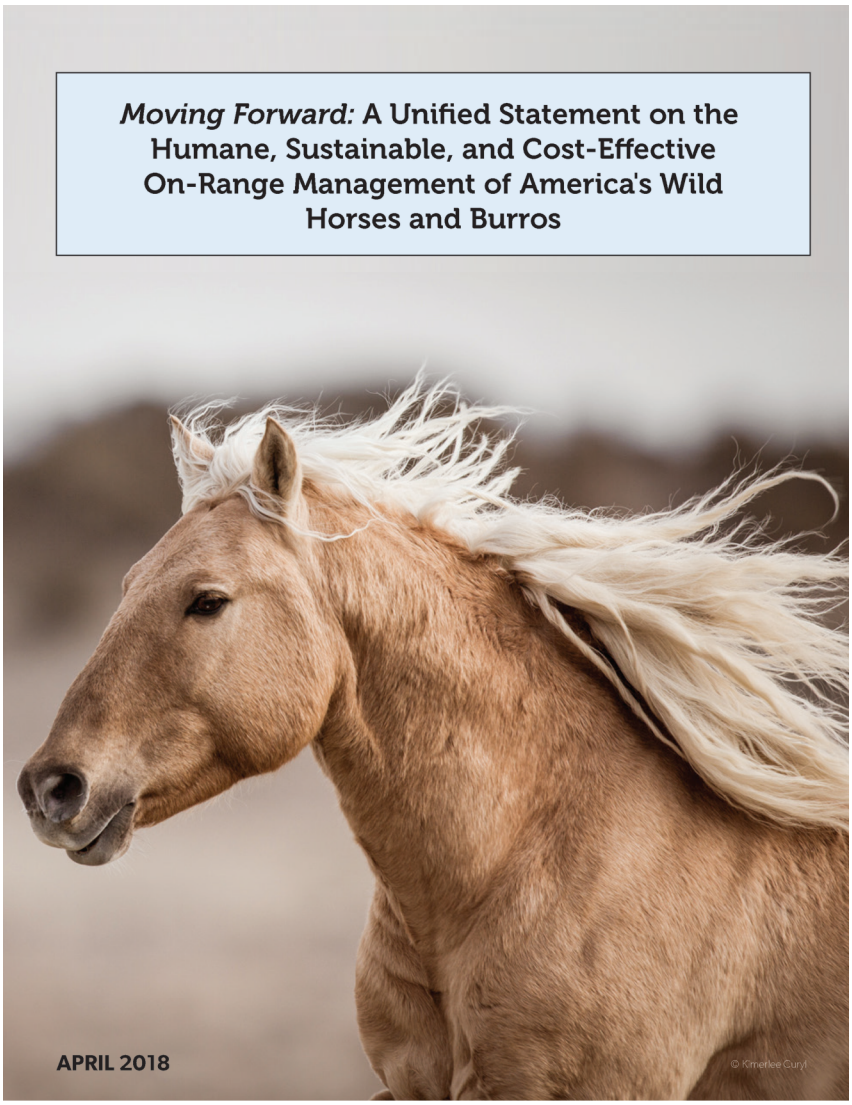
- Fails to address the underlying problems that fuel the wild horse controversy, impedes progress, and closes the door on creative solutions (such as grazing buyouts/rancher compensation, consolidation of habitats, and community-based fertility control initiatives) while mandating the BLM's mass removal approach, which the NAS warned, is *"likely to keep the population at a size that maximizes population growth rate, which in turn maximizes the number of animals that must be removed through holding facilities*."

Please vocally oppose and reject this misguided proposal that harms the interests of America's iconic wild horses and burros and the 80 percent of Americans who want these animals protected and humanely managed on our Western public lands. Please instead support the appropriations request of Reps. Raul Grijalva (D-AZ) and Dina Titus (D-NV) that requires the BLM to spend a minimum of five percent of its budget to implement humane fertility control programs. This will begin to lower population growth rates while allowing for creative, humane solutions to be presented, and will protect our free-roaming wild horses and burros as Congress intended when it unanimously passed the law to protect these cherished animals nearly five decades ago.

Thank you for your consideration.

American Wild Horse Campaign
Animal Wellness Action
The Cloud Foundation
Horses for Life Foundation
Equine Collaborative International, Inc.
Safe Food Safe Horses
Virginia Wild Horse Rescue
Center for a Humane Economy
Hanaeleh
Animal Wellness Foundation
Freedom Reigns
Salt River Wild Horse Management Group
Montgomery Creek Ranch
Wild Equid League of Colorado
In Defense of Animals
Ever After Mustang Rescue
Skydog Sanctuary
Wind Dancer Foundation
American Horse Rescue Network
Hearts of Horse Haven
Jicarilla Mustang Heritage Alliance
Vista Caballo
Wild Horse Tourist
Central Oregon Wild Horse Coalition
Caroline Christy Photography
Pity Not Cruelty Foundation
Coloradans Against Horse Slaughter
Lockwood Animal Rescue Center
Maine State Society for the Protection of Animals
Fly North Adventures
Kimerlee Curyl Fine Art
Lara Joy Brynildssen Photography
Lynne Pomeranz Photography
Wild Horse Photography Collective
PJ Kasas Photography
TheSoulofaHorse.com
Placitas Wild
Spirit of the Wild Horse
JT's Wildlife Photography
Virginia Range Wildlife Protection Association

My Dream Photography by Nancy Florence
Country Excursions
Kickin' Back Ranch
Least Resistance Training Concepts
Wild Horses Carry Me Away Tours
Wild Horse Preservation League
Mobilization for Animals
Wild Burro Rescue and Preservation Project
Hidden Valley Wild Horse Protection Fund
Cat Kindsfather Photography
Wildhorsesrockmyworld Photography
Laurie Ford Wildlife Photography
A.C. Kandler Photography
Equine Welfare Alliance
Southern Sun Farm Sanctuary
Habitat for Horses
Animal Law Coalition


Moving Forward: A Unified Statement on the Humane, Sustainable, and Cost-Effective On-Range Management of America's Wild Horses and Burros
APRIL 2018

Preamble

In 1971, the Wild Free-Roaming Horses and Burros Act (Wild Horse Act), unanimously passed by Congress, declared wild free-roaming horses and burros "living symbols of the historic and pioneer spirit of the West" that "contribute to the diversity of life forms" and "enrich the lives of the American people."[1] The Wild Horse Act protects wild free-roaming horses and burros "from capture, branding, harassment, or death."[1] Yet, the Bureau of Land Management (BLM) has subverted its legal mandate to protect America's wild horses and burros through decades of mismanagement, misinformation, aggressive treatment, and wasteful spending.

Statement of Principles

As advocates and concerned citizens, we, the undersigned, are dedicated to protecting and preserving viable, self-sustaining free-roaming wild horse and burro populations on our nation's public lands as required by the Wild Horse Act.

Together, we offer this Unified Statement to guide a management program that is humane for wild horses and burros as well as sustainable and cost-effective for American taxpayers. These principles are consistent with the findings from the National Academy of Sciences' (NAS) 2013 report, "Using Science to Improve the BLM Wild Horse and Burro Program: A Way Forward"[2] and peer-reviewed research in the fields of veterinary medicine, wild equid behavior, biology, ecology, and others.

We invite all individuals, nonprofit organizations, and government officials and agencies, including the BLM and United States Forest Service (USFS), that have an interest in protecting and preserving our nation's wild horses and burros to commit to these principles and the resulting recommendations when developing or advocating for a management policy.

1. **The killing, destruction, and sale for slaughter of wild horses and burros must remain prohibited.**

The American public's overwhelming support for protecting the West's wild horses and burros led to Congress' unanimous passage of the Wild Horse Act nearly five decades ago. Public support for protecting wild horses and burros remains high with 80 percent of Americans opposing the mass killing or slaughter of these iconic animals.[3] Given this public support and the availability of humane alternatives for wild horse and burro management, Congress should reject the BLM's Fiscal Year 2018 budget request for permission to kill wild horses and burros or sell them for slaughter. If granted, this could result in an unprecedented mass slaughter of more than 90,000 wild horses in holding facilities and on the range. In rejecting this lethal option, Congress should maintain protections against killing and slaughter and direct the BLM to implement a humane, politically-viable, and scientifically-based management program.

2. **Wild horses and burros must be managed in genetically viable, free-roaming herds.**

The BLM's Appropriate Management Level (AML) of 26,710 is an extinction-level population limit that threatens the viability of America's wild horse and burro herds.[4] In 1971, Congress determined that, at the existing population of 25,000, wild horses and burros were "fast disappearing from the American scene" and urgently in need of protection.[1] The BLM's current goal of rounding up and removing over 50,000 wild horses and burros to reach its exceedingly low AML would leave many wild equine populations at levels that would seriously compromise their survival. Moreover, the 2013 NAS report identified approximately 20 percent of BLM Herd Management Areas (HMA) that are "at critical risk" in terms of genetic diversity.[2] Equally important, the NAS warned that the genetic diversity of small, fragmented wild burro populations was already weakened and that "removing burros permanently from the range could jeopardize the genetic health of the total population."[2]

3. **The natural behaviors and complex social organization of wild horses and burros must be preserved when managing their populations.**

While controlling the growth rate of wild herds is necessary, the BLM must use fertility control methods that will have minimal impacts on the natural behaviors and social organization of wild horses and burros. To date, with its 30-year history of being safe and cost-effective, the Porcine Zona Pellucida (PZP) vaccine for mares meets this requirement because it does not impact reproductive hormones that drive natural behaviors.[5]

The BLM's plan to geld stallions and spay mares is unscientific and incompatible with its legal mandate to protect and retain the free-roaming behaviors of wild horses. As the 2013 NAS report stated, gelding will "result in a loss of testosterone and consequent reduction in or complete loss of male-type behaviors necessary for the maintenance of social organization, band integrity, and expression of a natural behavior repertoire."[2] The effect of spaying wild mares via ovariectomy would be similar, and because of the possibilities of prolonged bleeding and infection, the NAS concluded that it is "inadvisable for field applications."[2]

4. **Wild horses and burros are an essential part of America's cultural and historic heritage.**

Americans affirm that wild horses and burros embody all that has made, and continues to make, this country great – freedom, independence, endurance, strength, perseverance – and that they must be preserved, as Congress intended, as "living symbols of the historic and pioneering spirit of the West" for generations to come[1] Indeed, 80 percent of Americans – including 86 percent of Trump voters and 77 percent of Clinton voters – oppose killing and slaughter of wild horses and burros and support protecting and managing them humanely.[3]

5. **Wild horses are native wildlife.**

The Wild Horse Act declares wild horses to be free-roaming and an "integral part of the natural system of public lands."[1] Wild horses are, in fact, a native, reintroduced North American wildlife species. Both paleontological evidence and mitochondrial DNA analysis support the fact that wild horses are native to this continent, where the species evolved. It is believed that the modern horse died out in North America 7,000-12,000 years ago.[6] However, at various times in their evolutionary history, horses migrated over the Bering Land Bridge. Horses were eventually reintroduced to North America by Spanish conquistadors in the early 1500s. According to paleontologists, the fact that horses were reintroduced to North America from domesticated stock does not impact their status as a native reintroduced species.

NOTE: While the fact that the horse is a native North American wildlife species is important to understanding their role in the ecosystem, legally it is not relevant. Wild free-roaming horses and burros enjoy special status under a federal law that designates them as "living symbols of the historic and pioneer spirit of the West."[1]

6. **Federal public lands that were designated as habitat for wild horses and burros by Congress in 1971 must, to the extent possible, be returned to them.**

When Congress enacted the Wild Horse Act in 1971, wild horses and burros occupied 53.8 million acres of land; of those, 42.4 million acres were administered by the BLM. Today, they are restricted to 31.6 million acres of land, of which 26.9 million acres are managed by the BLM. This is a total habitat loss of 41 percent.[7] In most of these "zeroed out" habitat areas, commercial livestock grazing continues. The intent of Congress in passing the Wild Horse Act was to protect wild horses and burros as natural components of the lands on which they were found in 1971. Therefore, where feasible, wild horses and burros should be repatriated to habitat that has been eliminated for use by these species over the last 47 years.

7. **Range health must be assessed holistically; wild horses and burros must not be scapegoated.**

Over 80 percent of BLM land grazed by livestock is not occupied by wild horses and burros.[8] On the small amount of BLM land where wild horses and burros are allowed to co-exist with livestock, the BLM allocates the majority of available forage – over 70 percent – to livestock.[9]

Despite being vastly outnumbered by livestock, wild horses and burros are routinely blamed for damaging forage, soil, and water resources on public lands. In fact, not only do forage allocations greatly favor private livestock on public lands, but there is also no empirical research or credible monitoring data that differentiate the impacts of wild horses from those of livestock. In 2017, a report from the U.S. Government Accountability Office confirmed the need for studies to evaluate these different impacts.[10] And, in 2015, Public Employees for Environmental Responsibility addressed the scapegoating of wild horses and burros, writing that the BLM's sage grouse policy is "…skewed toward minimizing impacts from domestic livestock and magnifying those from wild horses and burros."[11]

8. **The management of wild horses and burros on public rangelands must be guided by the best current science and data.**

The BLM's management of wild horses and burros is seriously flawed in that its decisions are guided by special interest politics rather than solid science. Management practices lack sound methodology and utilize outdated and questionable data. For example, the 2013 NAS report found that the BLM's process for determining AMLs and allocating forage for wild herds lacked a "science-based" rationale.[2] In 2017, the U.S. District Court in Idaho ruled that the BLM must consider the

results of the NAS report in the development and analysis of management policy.[12] The NAS report laid out a viable roadmap for reform of the BLM program; [2] Congress must not allow the agency to discard the findings of the nation's premier scientific body.

9. **The management of wild horses and burros on public rangelands must consider input from the American public.**

Americans value the West's wild horses and burros. According to numerous national polls, most oppose the removal of wild herds from rangelands and support the use of fertility control.[3] In 1982, a National Research Council report on the BLM's Wild Horse and Burro Program acknowledged Americans' interest in our wild herds and encouraged the agency to "be responsive to public attitudes and preferences."[13] Almost three decades later, the 2013 NAS report again reiterated the importance of addressing prevailing public preference and specifically recommended that the BLM improve ways to "engage with the public in ways that allow the public to influence agency decisions."[2]

To date, the BLM has failed to meaningfully consider public opinion in the development of management policy. In most cases, the agency has predetermined the outcome of its decision-making processes and does not give proper attention to the large volume of public comments that it does receive. Instead, the BLM skews policies toward the grazing, mining, and oil and gas industries. It largely shuts out the voices of the outdoor recreation community and ordinary citizens interested in viewing wild horses and burros on our public lands, thereby ignoring that they are an eco-tourism resource for rural communities located near wild equine herds.

10. **There can be no "thriving natural ecological balance" on the range in the absence of predators.**

The Wild Horse Act directs the BLM and the USFS to "manage wild free-roaming horses and burros in a manner that is designed to achieve and maintain a thriving natural ecological balance on the public lands."[1] Yet, every year, millions of predators – including mountain lions, a documented predator of wild horses and burros – are killed through state issuance of hunting tags and a federal predator control program, which lethally removes wildlife at the request of livestock operators. There can be no thriving natural ecological balance without predators, and protecting predators must be part of an overall plan for achieving a "thriving natural ecological balance" in wild horse and burro habitat areas.

Recommendations

A humane, sustainable, and fiscally responsible wild horse and burro management plan is urgently needed. As the 2013 NAS report emphasized, the BLM's current practice of roundups and removals not only is wasteful but also "facilitates high population growth rates" of wild horse and burros who remain on the range.[2] Additionally, killing or slaughter is not a solution because it still requires costly, traumatic roundups and is overwhelmingly opposed by Americans.[3] Moreover, the slaughter of America's horses and entry of unregulated horse meat into the food pipeline poses a public health threat.

Therefore, we, the undersigned organizations and individuals, endorse the following recommendations for humane management of our nation's wild horses and burros.

1. Develop a ten-year plan to reduce and stabilize wild horse populations in targeted Herd HMAs with native PZP or long-acting PZP-22 administered by remote darting or Catch-Treat-Release using bait/water trapping. This requires reallocating funds in the BLM budget and developing more public-private partnerships to implement a comprehensive fertility control program. However, the savings could be immense. For example, a respected economist found that, using PZP in just one HMA, the BLM could save $8 million and achieve population goals in 12 years.[14]

2. Re-establish the historic ranges of wild horses and burros as determined after the first census in 1974. Where feasible, zeroed-out HMAs and Herd Areas (HA) should be restored for use by wild horses and burros. The BLM should repatriate captive geldings, mares vaccinated with PZP, and jennies from expensive short-term holding facilities to "zeroed out" habitat areas as a mechanism for significantly reducing holding costs and improving the quality of life for wild equines currently living in feedlot conditions.

3. Revise Resource Management Plans to raise AMLs based on an equitable (at least 50-50) allocation of resources between livestock and wild horses on the small fraction of public lands designated as wild horse and burro habitat.

4. Create a process to determine management approaches for individual HMAs, HMA complexes, HAs, and Wild Horse Territories (on USFS lands) or at a regional level; maximize public/private partnership opportunities; and engage all stakeholders. This would involve, for example, consideration of terrain and water resources, number of wild horses

and/or burros, availability of local groups to partner with, and ways to encourage involvement or "buy in" from all stakeholders, including livestock grazing permittees.

5. Adjust livestock grazing levels within HMAs to accommodate the current wild horse and burro population, pursuant to 43 CFR 4710.5, which authorizes the BLM to reduce or eliminate livestock grazing. Permittees could be offered direct public and/or private financial compensation or tax credits in exchange for grazing permit retirement, non-use, or reduced use in wild equid habitats.

6. Continue research on multi-year, remotely deliverable, safe and reversible fertility control vaccines and other management methods that are humane and minimize impacts to natural behaviors.

7. Prohibit the use of sterilization and other population growth suppression methods that substantively alter wild horse and burro natural behaviors and/or endanger their health and well-being.

8. Develop apprenticeship programs with local community colleges and institutions to develop pathways into federal positions within the BLM and USFS for qualified and interested candidates. These positions may involve oversight of volunteers assisting with inventories of horse populations, fertility control programs, and other range and animal stewardship programs.

9. Create more opportunities to engage all stakeholders in addressing management issues by, for example, expanding the BLM Wild Horse and Burro Advisory Board to include a broader range of perspectives; developing formal and informal programs for individuals and groups to meet with BLM and USFS staff to collaborate on solutions; and utilizing citizen-science monitoring efforts to develop an accurate database of horses and burros on the range. Advances to keep wild equines on the range have occurred whenever the BLM and USFS have seriously engaged with equine advocates and the public.

10. Protect predators (e.g. mountain lions and wolves) in and around all HMAs, HAs, and Wild Horse Territories.

11. If removals occur, the BLM should remove only horses and burros for which there is more adoption demand (1-5 years old) from the range, with the number of animals removed not exceeding the agency's ability to place them in adoptive homes. Training programs for captured wild equines should be expanded to help increase adoptions, and follow-up monitoring of adopters should be mandatory before title transfer. Additionally, bait/water trapping is the preferred method of capture for wild horses and the only acceptable method for wild burros.

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Supporters of Moving Forward: A Unified Statement on the Humane, Sustainable, and Cost-Effective On-Range Management of America's Wild Horses and Burros

April 2018

3H Humans, Horses & Herds
A.C. Kandler Photography
American Horse Rescue Network
American Wild Horse Campaign
Animal Law Coalition
Animal Welfare Institute
Arrowhead Photography
Black Hills Wild Horse Sanctuary
Blixx Horses
Cachuma Ranch Company
CANA Foundation
Caroline Christie Photography
Cat Kindsfather Photography
Central Oregon Wild Horse Coalition
Chilly Pepper Miracle Mustang
Chris Lombard Horsemanship
The Cloud Foundation
Coloradans Against Horse Slaughter
Corolla Wild Horse Fund
Crawford Farms
Darcy Grizzle Photography
Dream Catcher Wild Horse and Burro Sanctuary
Vickery Eckhoff - The Daily Pitchfork
Epona's Path, Inc.
Equine Voices Rescue and Sanctuary
Equine Welfare Alliance
Ever After Mustang Rescue
Terri Farley - Nevada Writers Hall of Fame
Fly North Adventures
Freedom Reigns Equine Sanctuary
Friends of a Legacy (FOAL)
Front Range Equine Rescue
Great Escape Mustang Sanctuary
Habitat for Horses
Horses Happily Ever After
Heber Wild Horses Freedom Preservation Alliance
Hidden Valley Wild Horse Protection Fund
High Noon Horse Farm
Horses for Life Foundation
In Defense of Animals
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Jamie Baldanza Photography
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Labyrinth Dressage
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Let 'em Run Foundation
Linda Ghent Photography
Lockwood Animal Rescue Center
Longhopes Donkey Shelter
Love Wild Horses
Lynne Pomeranz Photography
Maine State Society for the Protection of Animals

Maryland Horse Council

Meadowlands Racing and Entertainment

Mobilization for Animals

Montgomery Creek Ranch

Mustang Ambassadors Program

Natural Horse Magazine

Natural Horse Talk

Natural Horse University

Old MacDonald Barnyard Animal Rescue

Pam Nickoles Photography

Pine Nut Wild Horse Advocates

Pity Not Cruelty Foundation

P.J. Kaszas Photography

Pryor Mountain Wild Mustang Center

Red Canyon Wild Mustang Tour

Respect 4 Horses

Return to Freedom Wild Horse Conservation

Robin Kelly, DVM - AWHC/Scientific Advisory Board

SAFE Food SAFE Horses Coalition

Salt River Wild Horse Management Group

Sand Wash Basin Advocate Team

Serengeti Foundation

Skydog Sanctuary

The Soul of the Horse

Southern Sun Farm Sanctuary

Special Horses

Spirit Heart Ranch

Spirit Horse Equine Rescue and Education Center

Spirit of the Wild Horse

Standardbred Retirement Foundation

Steadfast Steeds

Sun Pony Ranch

Texas Humane Legislative Network

The Winners

Tioga Downs Racing Casino and Entertainment

Vernon Down Racing Casino and Hotel

Virginia Range Wildlife Protection Association

Virginia Wild Horse Rescue

Vista Caballo

Warm Springs Horse Network

Washington Horse Defense Coalition

Wild Burro Rescue and Preservation Project

Wild Equid League of Colorado

Wild Heart Sanctuary

Wild Horse Connection

Wild Horse Photography Collective

Wild Horse Preservation League

Wild Horse Protection Act

Wild Horse Rescue Center

Wild Horse Tourism

Wild Horses of America Foundation

Wild Horses of Nevada Photography

Wildhorsesrockmyworld Photography

WindDancer Foundation

Written Testimony of Laura Bonar
Chief Program & Policy Officer of Animal Protection New Mexico

United States Senate Committee on Energy and Natural Resources
Subcommittee on Public Lands, Forests, and Mining

Hearing: Examining BLM's Wild Horse and Burro Program

Chairman Lee, Ranking Member Wyden, and other members of the subcommittee, my name is Laura Bonar. On behalf of Animal Protection of New Mexico (APNM), I am writing to ask you to support a more humane, sustainable, and affordable approach to population management practices as provided in *The Path Forward for Management of BLM's Wild Horses & Burros* (henceforth, the Proposal).

APNM was founded in 1979 by concerned citizens who desired to increase awareness about animal abuse in New Mexico. As we celebrate our 40th anniversary, we are proud that APNM has improved the quality of life for countless animals through ensuring the passage of animal protection laws and providing financial and provisional aid to pet owners in need. For example, our Equine Protection Fund (EPF), initiated in 2010, has saved over 1100 horses, donkeys, and mules from slaughter by providing emergency feed, sterilization, and veterinary assistance to horse owners in financial distress, law enforcement agencies, and rescues and shelters.

In addition to improving conditions for domesticated horses, the long-term goals of our EPF include increasing sanctuary capacity and adoption rates throughout New Mexico, while addressing the challenge of sustainably managing the herds that thrive on the State's estimated 13.5 million acres of public land. We firmly believe that, under the humane management protocol set forth in the Proposal, the BLM can achieve balanced wild horse and burro populations.

The Proposal advocates increasing appropriations for non-lethal fertility control methods, which, although proven safe and effective, have been sparingly applied under current management practices. The Proposal also envisions a significant increase in adoption promotion and a reduction in the number of captive equines. These approaches echo the long-term goals of our Equine Protection Fund.

Animal Protection of New Mexico, Inc. APNM.org info@apnm.org
ALBUQUERQUE: PO Box 11395, Albuquerque, NM 87192 SANTA FE: 1111 Paseo de Peralta, Santa Fe, NM 87501
505-265-2322 505-265-2488 (fax)

Wild horses are a cherished symbol of New Mexico's culture, and citizens of the State have repeatedly expressed their revulsion towards the inhumane treatment and slaughter of these beloved animals. Guaranteeing the safe removal of wild horses into humane sanctuaries when necessary, stressing the importance of humane fertility control methods, and increasing successful adoptions for wild horses are paramount in ensuring the future of our wild herds. I strongly urge the members of this subcommittee to support the Proposal.

Sincerely,

Laura Bonar
Chief Program & Policy Officer
Animal Protection New Mexico

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Animal Welfare Institute
900 Pennsylvania Avenue, SE, Washington, DC 20003

Testimony to the Senate Energy and Natural Resources Subcommittee on Public Lands
Hearing to Examine the BLM's Wild Horse and Burro Program
By Joanna Grossman, PhD

July 30, 2019

The Honorable Mike Lee and Ron Wyden
Chair and Ranking Member
Energy and Natural Resources Committee
Public Lands, Forests, and Mining Subcommittee
304 Dirksen Senate Building
Washington, DC 20510

Dear Chairman Lee and Ranking Member Wyden,

Thank you for the opportunity to submit outside written testimony in response to the recent Energy and Natural Resources Public Lands Subcommittee hearing on the Bureau of Land Management's Wild Horse and Burro Program. I am submitting this testimony on behalf of the Animal Welfare Institute. AWI is a national nonprofit organization founded and in 1951 and dedicated to reducing the suffering inflicted on animals by people. Throughout AWI's history, the organization has sought to ensure the humane management of our nation's wild horses and burros. AWI's involvement with wild free-roaming horses dates back almost to the organization's inception. In 1959, AWI's legislative division was instrumental in the passage of the Wild Horse Annie Act, which prohibited the poisoning of wild horse and burro waterholes, as well as the use of motorized vehicles to round the horses up for sale to slaughterhouses. In 1971, AWI's founder, Christine Stevens, testified in support of the Wild and Free-Roaming Horses and Burros Act. In October 2012, AWI presented a 377-page report entitled "Overview of the Management of Wild Horses and Burros" to the National Academy of Sciences Committee to Review the Management of Wild Horses and Burros.

As the subject of surgically sterilizing wild mares came up at several points during the ENR hearing on July 16th, I would like to take this opportunity to address some of the concerns and considerations that were raised – particularly given the desire of all stakeholders to find viable and humane solutions for managing our nation's iconic wild horses. I am enclosing copies of both the recent House and Senate sign-on letters to Secretary Bernhardt on this matter (dated June 21, 2019 and July 17, 2019, respectively) as the information contained in each document will be relevant to the decision-making of ENR Committee members. The lawmakers outline the serious legal, ethical, and practical concerns with the BLM's proposal to surgically sterilize wild horses using the "ovariectomy via colpotomy" procedure. We appreciated Senator Lee noting the disconcerting nature of conducting and testing the surgery on pregnant mares given the risks involved; the 2018 proposal sought to quantify the incidence of aborted foals, in addition to assessing the rates of mortality and morbidity associated with performing ovariecotmies on wild horses.

The proposal released in May of 2019 (DOI-BLM-ORWA-B 050-2019-0013-EA) marks the BLM's fourth attempt – after three failed past attempts – to proceed with mass surgical sterilization experiments. The lack of independent veterinary oversight coupled with the serious welfare risks to the wild horses that would be operated on are of particular concern to AWI.

In the enclosed congressional letters, lawmakers underscore their concerns with the BLM's decision to push forward despite significant public opposition, the National Academy of Sciences' objections to utilizing this procedure on wild horses, and the fact that two major academic institutions terminated partnerships with the BLM to oversee the experiments. As the House letter states:

> The BLM is charged with protecting wild horses under the landmark 1971 Wild and Free-Roaming Horses and Burros Act. From a welfare perspective, the "spay" experiment raises serious concerns. Ovariectomy via colpotomy (where a rod and chain is inserted blindly in order to sever the ovaries) carries risks of infection, trauma, hemorrhage, evisceration, and even death. Indeed, part of the stated experimental goal is to quantify morbidity and mortality… It seems that the agency understands the risky nature of the procedure, but is nevertheless aiming to quantify precisely how dangerous it is using federally-protected animals… The risk of infection or other complications is exacerbated by the fact that, by the agency's own admission, the surgeries will be conducted in an operating space that "may not be entirely sterile."

AWI fully supports humane management tools to curb population growth – such as PZP fertility control – but the planned surgical sterilization experiments that the BLM is preparing to undertake potentially as early as August of 2019 do not meet that standard. The "ovariectomy via colpotomy" method to be used on mares is widely viewed as outdated and carries significant risks to the animals. Put simply, it is astounding that the agency would aggressively pursue an option that the National Academy of Sciences explicitly regards as inadvisable due to risks of infection and prolonged bleeding.

We hope Committee members will urge the BLM to abandon the ovariectomy experiments and pursue scientifically supported fertility control projects instead – namely the use of immunocontraceptive vaccines. Indeed, as recently as May of 2019 – a mere two and a half weeks prior to the latest ovariectomy Environmental Assessment being issued – the BLM had reaffirmed that it would implement an immunocontraceptive vaccine program to manage the Warm Springs HMA horses in question. The decision to backtrack on this far more prudent strategy – particularly in view of the scientific consensus that such vaccines offer a safe and appropriate management tool – is perplexing to say the least.

When Colorado State University withdrew from its partnership with the BLM in overseeing these experiments – like Oregon State University before it – that should have been a clear signal

to the BLM to abandon this approach and weigh other options that would be humane and publicly acceptable. Instead, the BLM is proposing to move forward with surgeries that the BLM itself admits may not be conducted in sterile conditions and with no welfare observations on the animals that are being ovariectomized. To date, the BLM has received thousands upon thousands of comments in opposition to the ovariectomy experiments. And of course, as Committee members are likely aware, a federal court blocked the BLM from proceeding with the 2018 experiments due to a number of concerns – e.g., lack of meaningful independent oversight and observations, failure to consider the social acceptability of pursuing such research.

Thank you again for the opportunity to submit outside testimony. We greatly appreciate your committee's careful consideration of how best to manage our nation's wild horses.

Sincerely,

Joanna Grossman, PhD
Equine Program Manager
Animal Welfare Institute
www.awionline.org
202-446-2143

Enclosures: Congressional sign-on letters

EARL BLUMENAUER
THIRD DISTRICT, OREGON

COMMITTEE ON WAYS AND MEANS

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1111 LONGWORTH BUILDING
WASHINGTON, DC 20515
(202) 225-4811

DISTRICT OFFICE:
911 NE 11TH AVE
SUITE 200
PORTLAND, OR 97232
(503) 231-2300

website: blumenauer.house.gov

Congress of the United States
House of Representatives
Washington, DC 20515

June 21, 2019

The Honorable David Bernhardt
Secretary
U.S. Department of the Interior
1849 C Street, NW
Washington, D.C. 20240

Dear Secretary Bernhardt:

We write today to express our concern with the Bureau of Land Management's (BLM) proposed surgical sterilization experiment to be conducted on wild horses in the Warm Springs Herd Management Area in Oregon (DOI-BLM-ORWA-B 050-2019-0013-EA (Spay Feasibility and On-Range Outcomes Environmental Assessment)).

While we understand the BLM's need to manage populations of wild horses, we are concerned about the rationale behind the decision to employ the "ovariectomy via colpotomy" method as a means of mass sterilization and are seeking clarification as to whether the agency has taken into account some of the unusual circumstances and disconcerting factors surrounding this project. In light of the November 2018 federal court ruling against the BLM, effectively blocking the agency from conducting the prior iteration of these experiments due to concerns over potential First Amendment public observation rights violations and because certain changes to the experimental protocol appeared arbitrary and capricious[1], we would urge the BLM to abandon plans to pursue these experiments.

In its comprehensive 2013 report outlining strategies for improving wild horse management in the United States, the National Academy of Sciences (NAS) explicitly warned against employing ovariectomy via colpotomy on wild horses, noting that the "possibility that ovariectomy may be followed by prolonged bleeding or peritoneal infection makes it inadvisable for field application."[2] In 2015, a NAS panel charged with considering various research proposals recommended against funding an ovariectomy via colpotomy project, noting that the procedure did not warrant further research, while also indicating that complication rates may be higher than expected.

It is our understanding the current proposal is substantially similar to, and indeed attempts to revive portions of, the discarded 2016 (DOI-BLM-OR-B000-2015-0055-EA) and 2018 (DOI-

BLM-ORWA-B050-2018-0016-EA) proposals on which the BLM sought to partner first with Oregon State University (OSU) and then with Colorado State University (CSU) in conducting and overseeing surgical sterilization experiments on wild horses.

In 2016, OSU withdrew from this project, leading the BLM to find a new academic institution – Colorado State University – to partner with for the 2018 proposal. CSU's experts were slated to monitor the procedure and provide follow-up welfare assessments of the horses that underwent the surgery. However, on August 8, 2018, CSU terminated its partnership with the BLM in conducting the ovariectomy research study such that the university would no longer be involved in any capacity. On August 22, 2018, the BLM announced it would move forward with the project regardless, dropping plans to partner with an academic institution to help oversee and carry out the experiment and issuing a revised Environmental Assessment without the CSU components. On November 13, 2018, a U.S. District Court granted a preliminary injunction halting the project for the aforementioned reasons, and later that month the Interior Board of Land Appeals formally vacated the Decision Record authorizing the experiments. Indeed, in a positive turn of events, the BLM announced in February of 2019 that it planned to return some of the rounded-up horses to the range and administer scientifically-proven immunocontraceptive vaccines to stabilize population growth.

We ask that you shed light on the BLM's reversal and new decision to push forward with the ovariectomy project – after three failed attempts to undertake the surgical sterilization experiments – as well as the decision to forgo working closely with an academic institution for the purposes of conducting this type of research study. At what stage did the BLM decide that identifying an academic partner that would provide expertise in equine veterinary medicine and welfare was no longer necessary to the project?

It is especially perplexing that in the new 2019 EA, as well as in the 2018 revised EA, the BLM continues to rely on CSU's Institutional Animal Care and Use Committee (IACUC) approval as a justification for continuing the project, despite CSU's withdrawal. The IACUC's approval was premised on CSU's participation and ability to provide oversight; the proposed experiment fundamentally changed at the point where CSU removed itself (and its team of veterinary and behavioral experts) from the project – most notably, through the absence of the welfare observations, which formed a crux of the proposal published on June 29, 2018, but are no longer a component of the project the BLM is attempting to yet again undertake.

The BLM received thousands of comments in opposition to the experiment. However, the current and previous proposals do not appear to incorporate any substantive revisions based on public input. Again, we would ask that the agency refrain from implementing this controversial mass surgical sterilization project given the agency's statutory mandate to uphold the welfare of these animals and the serious constitutional concerns that have been raised.

The BLM is charged with protecting wild horses under the landmark 1971 Wild and Free-Roaming Horses and Burros Act.[3] From a welfare perspective, the "spay" experiment raises serious concerns. Ovariectomy via colpotomy (where a rod and chain is inserted blindly in order to sever the ovaries) carries risks of infection, trauma, hemorrhage, evisceration, and even death. Indeed, part of the stated experimental goal is to quantify morbidity and mortality (the 2018 EA

also considered factors such as the incidence of aborted foals resulting from ovariectomizing pregnant mares). It seems that the agency understands the risky nature of the procedure but is nevertheless aiming to quantify precisely how dangerous it is using federally-protected animals. This is especially disconcerting given the BLM's pronouncement that no post-operative antibiotics will be administered and that no veterinary interventions will be undertaken for any recovering horses returned to the range. The risk of infection or other complications is exacerbated by the fact that, by the agency's own admission, the surgeries will be conducted in an operating space that "may not be entirely sterile".[4]

At an absolute minimum, independent veterinary and welfare oversight (not unlike what we presume the BLM was hoping to achieve through partnerships with CSU and, before that, OSU) is necessary if a project of this type is to move forward in any respect. From a broader perspective, we would urge the BLM to drop this controversial plan and instead actively pursue humane and scientifically-supported fertility control projects (e.g., the Porcine Zona Pullucida vaccine) that enjoy broad support among key stakeholders and the public at large and that pose fewer harms to the welfare of federally protected wild horses.

Thank you for your consideration.

Sincerely,

Earl Blumenauer
Member of Congress

Ro Khanna
Member of Congress

Andy Levin
Member of Congress

Ann McLane Kuster
Member of Congress

[1] *Ginger Kathrens, et al. v. Ryan Zinke, et al.*, Case No. 18-cv-1691.

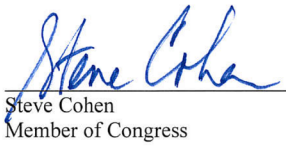
[2] National Research Council. 2013. *Using Science to Improve the BLM Wild Horse and Burro Program: A Way Forward.* Washington, DC: The National Academies Press.https://doi.org/10.17226/13511.

[3] The Wild Free-Roaming Horses and Burros Act of 1971 (Public Law 92-195). *See*"Section 1333. Powers and duties of the Secretary": "The Secretary is authorized and directed to protect and manage wild free-roaming horses and burros as components of the public lands …"

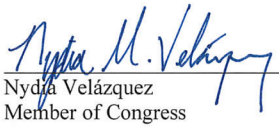
[4] DOI-BLM-ORWA-B050-2019-0013-EA, "Spay Feasibility and On-Range Outcomes", Page 30.

Brian K. Fitzpatrick
Member of Congress

Lucille Roybal-Allard
Member of Congress

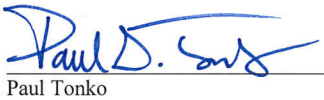


Steve Cohen
Member of Congress

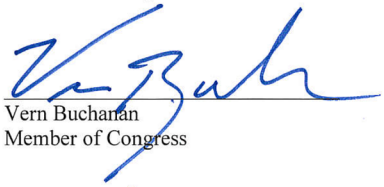


Nydia Velázquez
Member of Congress

Jan Schakowsky
Member of Congress



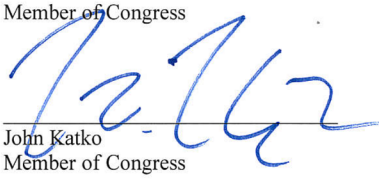
Paul Tonko
Member of Congress



Vern Buchanan
Member of Congress

Kathleen M. Rice
Member of Congress

Bonnie Watson Coleman
Member of Congress

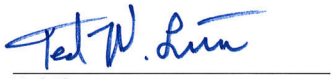


John Katko
Member of Congress

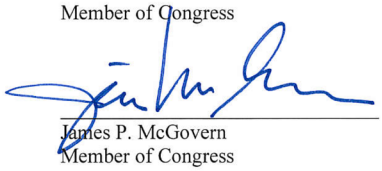
Dina Titus
Member of Congress

Barbara Lee
Member of Congress

John Yarmuth
Member of Congress



Ted Lieu
Member of Congress



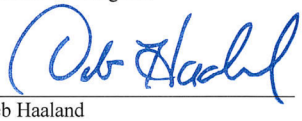
James P. McGovern
Member of Congress

Mark DeSaulnier
Member of Congress

J. Luis Correa
Member of Congress

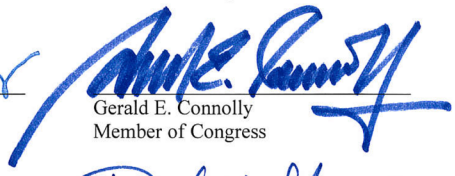
Katie Porter
Member of Congress

Donald S. Beyer
Member of Congress



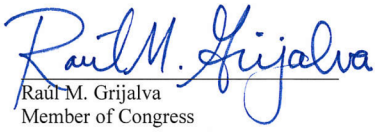
Deb Haaland
Member of Congress

Julia Brownley
Member of Congress

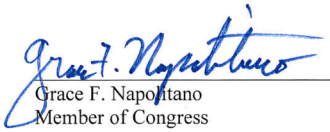


Gerald E. Connolly
Member of Congress

Joe Neguse
Member of Congress



Raúl M. Grijalva
Member of Congress



Grace F. Napolitano
Member of Congress

Matt Gaetz
Member of Congress

United States Senate
WASHINGTON, DC 20510

July 17, 2019

The Honorable David Bernhardt
Secretary, U.S. Department of the Interior
1849 C Street, N.W.
Washington, D.C. 20240

Dear Secretary Bernhardt:

We are writing to express our concern with the Bureau of Land Management's current proposal to test a controversial surgical sterilization method known as "ovariectomy via colpotomy" on federally protected horses in the Warm Springs Herd Management Area (DOI-BLM-ORWA-B 050-2019-0013-EA).

The proposal, which was released earlier this summer, marks the agency's fourth attempt to proceed with these surgical sterilization experiments, despite two major academic institutions withdrawing their support from previous iterations of the project, significant public opposition to implementing this plan, and a federal court ruling enjoining the BLM from conducting the experiments.[1]

The specific surgical procedure in question involves the manual insertion of a metal rod to blindly locate and sever the ovaries of wild mares. The surgeries – with as many as 25 being performed per day – would be performed at a holding facility and corral, which by the BLM's own admission may not provide aseptic operating conditions (thus further exacerbating the potential for complications to arise). Horses would remain conscious during the procedure and would receive minimal post-operative care.

In the National Academy of Sciences' "Using Science to Improve the BLM Wild Horse and Burro Program" – the comprehensive report on management strategies commissioned by the BLM – experts directly advised against employing the "ovariectomy via colpotomy" method. As the NAS noted, "the possibility that ovariectomy may be followed by prolonged bleeding or Peritoneal infection makes it inadvisable for field application." Indeed, numerous equine veterinarians have criticized the procedure given the risks of pain to the horses subjected to these ovariectomies, the need for lengthy and careful post-operative monitoring, the possibility of severing other organs due to the blind nature of the insertion, and the subsequent risks of infection, trauma, or death.

To this last point, the BLM's stated experimental goal is to quantify the rate of mortality and morbidity from conducting these surgeries on wild horses – an apparent recognition of the significant welfare risks to these federally protected animals. The 2018 iteration of the

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[1] *Ginger Kathrens, et al. v. Ryan Zinke, et al.*, Case No. 18-cv-1691.

experiments – which a federal court blocked from proceeding – also sought to quantify the incidence of aborted foals after performing ovariectomies on pregnant mares.

From a broader perspective, the rather troubling and usual history of the ovariectomy experiments raises serious questions about the validity and merit of pursuing this project. Both Oregon State University and Colorado State University terminated partnerships with the BLM in helping to conduct and oversee the experiments, thereby removing any outside and independent veterinary oversight. A federal court ruled against the BLM in the 2018 proposal in part because of the lack of meaningful independent observation. Once OSU and CSU dropped out, rather than seek another research institution with experts in equine behavior and veterinary care, the BLM unilaterally decided to proceed alone, essentially asking the public to take the agency's word for it that it would provide an unbiased assessment of the outcome.

The BLM has received thousands of comments opposing the surgical sterilization experiments – many of which have called for the agency to implement fertility control options that enjoy broad support. As recently as February of 2019, the BLM announced that it would implement an immunocontraceptive vaccine program to manage the Warm Springs HMA horses – an encouraging development given the scientific consensus that such vaccines are safe, appropriate, and practical. We would ask the BLM to explain its decision to backtrack on this decision to implement a far more widely supported and humane fertility control strategy.

Wild horses are of course protected under the landmark Wild and Free-Roaming Horses and Burros Act and the BLM must take seriously its charge to protect these icons from "harassment or death." That the agency would attempt to expend taxpayer dollars pushing through a highly controversial project that could result in injuries and infections to, or even the death of, horses under its authority may ultimately contravene its mandate under the law.

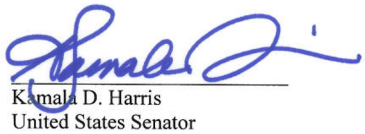
We urge the BLM to drop this controversial plan and instead actively pursue humane and scientifically-supported fertility control projects, such as the Porcine Zona Pellucida vaccine, that enjoy broad support and pose significantly less risk of harm to the welfare of federally protected wild horses. At a minimum, independent veterinary and welfare oversight is necessary if this project is to move forward.

Thank you for your prompt attention to this matter and we look forward to your response.

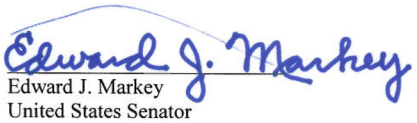
Sincerely,

Cory A. Booker
United States Senator

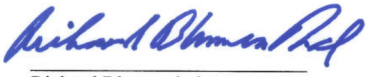
Tom Udall
United States Senator



Kamala D. Harris
United States Senator

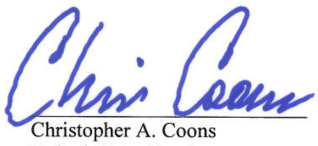


Edward J. Markey
United States Senator

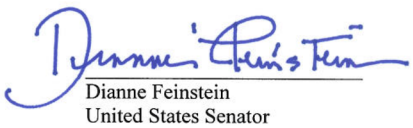


Richard Blumenthal
United States Senator

Robert Menendez
United States Senator



Christopher A. Coons
United States Senator



Dianne Feinstein
United States Senator

AFFIDAVIT

I Dr. Lester Friedlander DVM BA of Bradford County Pennsylvania do swear under penalty of perjury that the following statements are true to the best of my knowledge:

I am the president of Citizens Against Equine Slaughter (CAES) a national 501c3 non-profit based in Oregon.

The purpose of CAES is as follows:

MISSION STATEMENT

Stop the practice of equine slaughter and protect equines from cruel and harmful practices; Monitor the government's land use and resource management activities, as well as the impacts of agency decisions on equines;
Inform and educate the public about the decisions and activities of government agencies affecting equines; Work with the government, the public, and all interested parties to promote sound policies and laws that protect equines.
This is prominently displayed at our website at citizensagainstequineslaughter.org

Without a contraceptive biologic such as the imuno-contraceptive native PZP, wild mares can be pregnant year-round. They are polyestrous and usually become pregnant between Spring and Fall. However, they can become pregnant late into fall and winter and they carry their foals for eleven months. Hence, they can easily be in any stage of pregnancy at any time of year.

Prior to a Helicopter round up:

- There is no separation of *pregnant* wild mares and this is not even practical.
- There is no separation of *newly born foals* and this is not practical.
- There is no separation of *sick old or sick young foals* and this is not practical.
- There is no separation of *injured wild horses* and this is not practical.
- There is no method to ensure the very young can keep up or not wear their new hooves.
- Helicopters have generally been used for quick round ups in remote areas as was the Muddy Creek round-up.
- There are deaths caused by roundup en masse generally reported by the BLM as at 1% however in the GAO report below it is clear that is not a full reporting of deaths due to helicopter roundups. See Attachment II. There were 362 deaths due to, or related to, helicopter roundups between 2005 and 2007 of those reported.
- At the Muddy Creek Round up, both the Price Field office staff and the contractors left immediately after the round up and did not search for affected stragglers, injured, or dead as reported in the affidavit by CAES member Laurie McKline.
- At the Muddy Creek Round as with the other BLM roundups upon information and belief, there were reportedly no cameras reported as utilized to the public and no cameras utilizing GPS as reported to the public on the helicopter/s.
- The public is discouraged or not allowed to be out on the HMA during the round ups and are guarded by law enforcement agents.

These points are simple fact. There is no significant, or across the board categorization and sorting of wild horses prior to a helicopter round up. Wild Mares can and do give birth year-round.

Given the above first 7 points alone, Helicopter roundups are by definition, and in practice, inhumane, harassing and extreme animal cruelty as they generally utilize stampede under terror of wild horses and their families over rough terrain for miles. They can and do cause deaths during and after round ups. Many of these deaths are not documented or discovered, and many are.

There are no cameras, no transparency, and no post roundup discovery over or near the route taken to look for injured or dead horses or their young and aborted.

Only the Secretary of the Interior can authorize a round up by helicopter as clearly, this is a very dangerous situation for the wild horses. However, there is no legal right to condone extreme animal cruelty, harassment and death as wild horses are not livestock and Congress has not allowed treatment as livestock or even less.

Given the availability of feasible and scientifically recommended alternatives per the NAS Report (contraception) which can be utilized proactively, there is little excuse for the unfeasible and highly probable unbridled harassment and death against the intent of the 1971 Act and the will of the people.

There is a preponderance of evidence of use of motorized vehicles and closed gates, water removals, spikes, cover-ups etc. which tend to show that the remaining wild horses at the Price HMA at Muddy Creek are in imminent danger of death by imposed lack of water and by irresponsible and illegal management actions, as shown in our membership's affidavits.

Wild horses are flight animals but that means only that they spook easily, it means in fact that they are not comfortable with aircraft swooping down on them and terrorizing them for long periods over long distances over various terrains at speed essentially on a crowded and dangerous unimproved highway situation with young and old etc.

I myself have taken the class on darting wild horses (and other mammals) with native Porcine Zona Pelucida (PZP) (now registered as Zona Stat H, by the EPA), at the Science and Conservation Center in Billings Montana from the late Dr. Jay Kirkpatrick himself.

Wild horses are easily herded or lure trapped for darting one family at a time
and they can be darted without trapping up to 50 meters away. The usual excuse given for not utilizing native PZP is basically, how can we cover all the remote areas?

Importantly, wildlife is very often darted from helicopter for a variety of reasons. This is often done by a veterinarian or a biologist etc. This is done throughout the United States as well as across the continent of Africa for decades.

I have also been a trainer of Veterinarians at the USDA and am familiar with slaughtering issues. I am profoundly against horse slaughter for humane reasons as horse slaughter also cannot be accomplished humanely. I mention this because it is also illegal to slaughter a pregnant mare even in Mexico, hence, pregnant mares are rejected at the border for slaughter for human consumption.

Therefore, wild horses often pregnant are therefore not suitable or legal in either wild horse slaughter or for a helicopter round up. Both are extreme animal cruelty.

A helicopter can be more humanely and feasibly used for darting of immunocontraception which is brief, feasible, and the helicopter does not swoop down on the horses as seen here in Attachment I at Muddy Creek and all other helicopter roundups.

There are big differences between darting wild horses from a helicopter with contraception and then leaving them on the range to live out their lives, versus a helicopter stampede round-up and managing the HMA's as breeding grounds akin to Puppy Mills while torturing them and complaining about their birth rate, ignoring the will of the people, the law, and wasting the taxpayer's money.

COMPARISON

Darting from Helicopter vs Helicopter round up.

DARTING-

1. A mare will only be chased for seconds to minutes.

2. A family can stay together and be darted together for the most part.

3. The family does not have to leave their home and can live out their life in the wild on the range, and feasibly.

4. The helicopter does not need to swoop down to within 20 ft or less to harass and turn the horses, it can just follow them from above at their same speed and can dart from 50 meters away.

5. This distance will be less harassing, less traumatic and will not be causing/throwing the thick dust plumes full of debris at the wild horses as happened at the recent muddy creek round up. Video available by Laurie McKline. See screen shots attached.

6. It is highly unlikely that wild horses will develop a cough with this brief Protocol of darting by helicopter and he/she will subsequently remain on the range. Given GPS and cameras, darts can also be retrieved.

While it would seem that the coughing at the holding facility nine days after roundup might be due to the round itself, it is more likely that the coughing is due the wild horses being penned in a contaminated facility where bacteria and virus' likely abound due to a constant flow of horses both owned and wild.

Wild horses can and do suffer.

7. Darting will not cause a loss of genetics as wild horses can live out their lives on the range as intended, and no genetics will be removed. They will just take some years off from reproduction here and there as planned/needed.

I have been a race track vet and understand the injuries of stampede running of two-year old and older horses. Out on the range, there is no transparency currently with no cameras on the helicopter until they come into view at the very end of the miles long run. There is admittedly no documentation of all the injuries or horses and foals which did not make it the miles to the gather-site. There is no documentation of the foals born on the run and no one to welcome them into the world, remove their placenta, and provide critically needed sustenance, colostrum as well as protection and familial companionship. Of the pregnant mares who foal in the few days after the round up, their foals are likely to be born dead or die shortly after birth due to the extreme stress put on their mothers in this terrifying stampede.

Wild horses live in a harem structure or in bachelor bands. They are a herd animal and live in family bands with a very hierarchical structure. These wild horses know their families and depend on them for survival, companionship, grooming, etc. The stallions spend 24x7 working to keep other stallions and danger away from his harem.

This is what the Stallion lives for. A Stallion usually follows behind his family band and ensures that the very young keep up with the herd and don't get separated. The young learn from him as they do from the hierarchy of mares and the lead mare.

Much of this is documented in the USGS Ethology of Feral Horses: Quantifying Equid Behavior— A Research Ethogram for Free-Roaming Feral Horses by the USGS and Department of Interior. See attachment 1.

In reviewing the video/screenshots of the Muddy Creek gather recently, it is clear that these horses may have long term health issues now due to the dust and the miles traveled in the dryness and temperatures in the nineties during the round up. One horse that will definitely not recover from this round up was shot.

Per the BLM's own report, a stallion kicked a young horse and it had to be put down. Under the stress of the stampede roundup this is no surprise.

Horses don't usually run this far 5 miles plus switch backing, under such stress. This is completely unnatural and cruel.

See Attachment 2 Pictures with statements:

While wild horses can also be easily lured trapped peacefully as is done routinely at the Socorro Herd in New Mexico see BLM's youtube video and even in the remote and treeless areas of Nevada and Utah etc.

"helicopter darting would still be better than removals in terms of humaneness, , because the harassment is a matter of seconds to minutes, not like the misery of removals."

Helicopter darting would and does suffice in the remote and essentially treeless areas being used as an excuse for the BLM to continue treating the BLM HMA's like a Puppy Mill and then brutally ripping them from their homes, families, in an extremely cruel and unnatural procedure, the helicopter round up, pregnant, old, sick, injured, and young.

https://www.youtube.com/watch?v=WQtN_zxjs2k

Unfortunately, a wild horse once rounded up is at tremendous risk and likelihood of injury and death by slaughter, even while in the care of the BLM itself. Much less, once it is sold or adopted out. Once the property of an individual or corporation it becomes legally livestock and though not raised as a food animal on a farm or ranch, it may be subjected to slaughter for human consumption over the US borders. A true food safety issue due to horse dumping of slaughter rejects and other

Under Kleppe, a wild horse belongs to the people of the state where ever it walks and it is protected. However, in some states and many counties, it is illegal to harass a wild horse being considered an “animal”, wildlife, or feral and having animal cruelty laws which make it illegal to harass a wild horse even before it is rounded up as well as after. The US is a patchwork of animal cruelty laws which apply to the federally wild horses.

This patchwork of differing protections making it arbitrary and capricious to allow wild horses anywhere to be treated with the extreme animal cruelty of a helicopter round up, hence, the wild horses are protected from helicopter roundups.

ATTACHMENT I

https://pubs.usgs.gov/tm/02a09/pdf/TM2A9.pdf

This is akin to 9/11 The helicopter goes too close and runs our natural resource the wild horse too hard and too long in adverse conditions. This is unnatural and abusive. Thee wild horses belong to the people. The helicopter goes to close to our property per FAA and too close to the man holding the Judas horse. In other round ups foals have come in with their hooves dangerously worn.

Screenshots from this recent Muddy Creek HMA Round up from video by Laurie McKline

7


My Movie Roundup (1)

150

Last one not in order

Some redundant screen shots not included

Attachment II

Helicopter gather statistics and lack of reporting was reported in the GAO Report to the Chairman, Committee on Natural Resources, House of Representatives - BUREAU OF LAND MANAGEMENT - Effective Long-Term Options Needed to Manage Unadoptable Wild Horses https://www.gao.gov/new.items/d0977.pdf

Although BLM's controls are designed to enhance the safety of wild horses and burros during gather operations, some animals are accidentally killed in the course of gathers or are euthanized because of ill health or prior injury. Six of the 10 BLM state offices reported data about the number of animals that die as a result of their gather operations. Data collected from 6 of the 10 states from fiscal years 2005 through 2007 indicate that, of the 24,855 animals removed from these states during this period, about 1.2 percent were either euthanized or died accidentally (see table 13). Horses and burros sometimes die due to accidents during gather operations on the range or after they are brought to the holding pens. For example, wild horses will sometimes panic and break their necks against capture pens. Animals found with conditions that make it unlikely they will be able to live their life without significant pain, such as lameness or club feet, are euthanized.

Table 13: Number and Percentage of Wild Horses and Burros That Died During Gather Operations, (for 6 of 10 States) Fiscal Years 2005 through 2007

Fiscal year	Number removed	Number of accidental deaths	Percentage	Number euthanized	Percentage
2005	9,830	25	0.25%	46	0.47%
2006	8,081	64	0.79	79	0.98
2007	6,944	28	0.40	60	0.86
Total	**24,855**	**117**	**0.47%**	**185**	**0.74%**

Source: GAO analysis of BLM data.

Note: This chart is based on data reported by 6 of 10 states: California, Colorado, Idaho, Nevada, New Mexico, and Wyoming. The data provided could not be verified for its reliability. We requested this information from the other four states (Arizona, Montana, Oregon, and Utah), but the information was not provided.

Although BLM national and state officials told us that they sometimes record data about the animals accidentally killed or euthanized during gathers at the BLM state office level, BLM does not centrally compile or report these data to the public on a regular basis on a national level. A BLM official told us that although their main tracking database has the capability to record the number of animals that are killed or euthanized during gathers, they generally do not use the database to do so because it was originally intended to track adoptions. Moreover, BLM has not regularly reported to the public how many wild horses and burros are killed in the course of gathers, although BLM officials have cited the data during public hearings. Some advocates and members of the public believe that gathers are held in secret and highlight individual cases of apparent mistreatment as evidence that inhumane treatment is widespread.

Attachment III
National Academy of Science's recommendation in:
Using Science to Improve the BLM Wild Horse and Burro Program:
at Using Science to Improve the BLM Wild Horse and Burro Program: A Way Forward

Attachment IV
Abortion by Helicopter vs Normal Birth

WITHOUT HELICOPTERS IT'S A BEAUTIFUL WONDER

Muddy Creek Herd by Laurie McKline

WITH HELICOPTERS, IT IS UNADULTERATED Cruelty

WILDHORSEEDUCATION.CMAIL19.COM

Mare run as she gives birth by BLM helicopter!

At the Eagle roundup yesterday the Bureau of Land Management (BL…

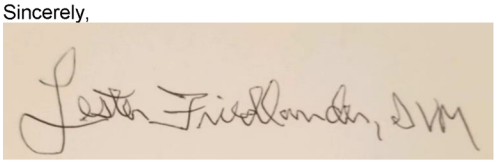
Warm Springs Round up 2018

155

156

157

Sincerely,



10/11/2018

From: greavesld@aol.com
To: fortherecord (Energy)
Subject: public comments Wild horse and burro issues July 16th meeting
Date: Monday, July 29, 2019 4:53:45 PM

Hello,
I am writing to express my outrage on the facts that all whose who were in attendance and speaking at the meeting have major conflict of interests. They all gain from the removal and destruction or our will horses who have now been proven to be a reintroduced native species. We want to have the many other options explored. The cattle outnumber horses over 30 to 1 and horses have been proven and are being used to regenerate the land all over the world.. PLEASE stop this greed and let other options be looked at.. The BLM has ignored the NAS reports and GOA direction to use PZP to get to this point to make this issue.. they have also denied many adoptions and even huge groups who have adopted over and over.. We the American people want the wild places to be healthy and sane

Linda Greaves
7122 Lackawanna dr
Springfield, VA 22150
301 343 9790

Heart of Phoenix Equine Rescue
West Virginia's Largest, Most Effective Equine Advocacy Organization
Huntington, WV / Canmer, KY / St. Albans, WV / Ironton, OH/ Tri-state area
Equinerescue@live.com · 304-962-7761 · www.wvhorserescue.org

WRITTEN TESTIMONY OF TINIA CREAMER
Founder and President of Heart of Phoenix Equine Rescue, West Virginia

United States Senate Committee on Energy and Natural Resources
Subcommittee on Public Lands, Forests, and Mining

Hearing: Examining BLM's Wild Horse and Burro Program

Chairman Lee, Ranking Member Wyden, and other members of the subcommittee, my name is Tinia Creamer and on behalf of Heart of Phoenix Equine Rescue, I am writing in support of the adoption and implementation of the humane, sustainable, and non-lethal management proposal for our nation's wild horses and burros, as outlined in *The Path Forward for Management of BLM's Wild Horses & Burros* (hereinafter "the Proposal").

Heart of Phoenix Rescue is the largest equine advocacy organization in West Virginia. Our mission is to save as many horses as possible by rehabilitating adoptable horses and finding them the right homes. We have saved over 400 horses from unfortunate situations and continue to work through most of Appalachia with a united group of volunteers and partners to improve the outlook for horses. Through assisting counties' animal control and law enforcement officers and educating the public, we have become leaders in the equine industry by creating lasting, positive change.

Heart of Phoenix Rescue also plays an integral role in working to find a solution for the thousands of abandoned horses on Appalachia's minefields. Because these mostly domesticated equines don't live on public lands, they are not managed by the Bureau of Land Management (BLM). Instead, many are previous trail, show, or companion horses deserted on former and active mine sites in Kentucky and West Virginia, forced to survive in areas which cannot sustain them. As we work diligently to find a humane way forward for the abandoned equines of Appalachia, we firmly believe that the only effective solution is a humane and multifaceted approach.

Our dedication to Appalachia's horses translates directly into our support for the Proposal. The Proposal, crafted by a diverse team of stakeholders, offers a multipronged and humane approach to wild horse and burro management. Continuation of the BLM's current management practices will not achieve sustainable on-range populations. To move forward in a humane and sensible way, we believe that Congress must endorse a fertility control focused paradigm.

Heart of Phoenix Equine Rescue
West Virginia's Largest, Most Effective Equine Advocacy Organization
Huntington, WV / Canmer, KY / St. Albans, WV / Ironton, OH/ Tri-state area
Equinerescue@live.com · 304-962-7761 · www.wvhorserescue.org

We must ensure that America's equines do not fall victim to mass killing or sale to slaughter. Implementation of the Proposal would effectively protect equines from these cruel fates and instead establish proven, safe, and humane population growth control strategies to help stabilize wild horse and burro populations on the range. Additionally, the Proposal would improve the lives of horses and burros in holding pastures through relocation to humane pasture facilities, combined with a vigorous program to place off-range animals in good homes.

The Proposal represents a pragmatic and humane approach to wild horse and burro management. We encourage adoption of the Proposal to ensure a sustainable future for our nation's wild herds.

Sincerely,

Tinia Creamer

Founder and President of Heart of Phoenix Equine Rescue
PO BOX 81 / Shoals, WV 25562
Equinerescue@live.com
304-962-7761

Senate Committee on Energy and Natural Resources
Subcommittee on Public Lands, Forests, and Mining

Testimony submitted by Keisha Sedlacek, Director of Regulatory Affairs and Gillian Lyons, Senior Regulatory Specialist at the Humane Society Legislative Fund, on behalf of Humane Society Legislative Fund and The Humane Society of the United States, on the Hearing to Examine BLM's Wild Horse and Burro Program held on July 16, 2019.

July 29, 2019

Thank you for the opportunity to submit testimony on the hearing held by the Senate Committee on Energy and Natural Resources Subcommittee on Public Lands, Forests and Mining on July 16, 2019, examining the Bureau of Land Management's (BLM's) Wild Horse and Burro Program. We are submitting this testimony on behalf of the Humane Society Legislative Fund (HSLF), Humane Society of the United States (HSUS), and our millions of supporters who care deeply about ensuring that BLM manages wild horses and burros in its care in a non-lethal, holistic and sustainable way.

The Pathway Forward for Management of BLM's Wild Horses and Burros

The HSLF and HSUS endorse a draft proposal, which is the basis for a funding request submitted to Senate and House appropriators, that provides a framework for BLM to implement a non-lethal, comprehensive management regime based on the use of currently available techniques. The four prongs of the proposal are:

1. Comprehensive large-scale application of proven, safe and humane fertility control strategies to help stabilize wild horse and burro populations on the range and to slow population growth.
2. Targeted gathers of horses and burros in densely populated areas that cannot sustain large numbers of animals, to protect horses and burros from forage and water shortages, lower populations, and facilitate non-lethal fertility control and population control efforts.
3. Relocate horses and burros in short-term holding facilities, and those taken off the range, to large cost-effective, humane pasture facilities that provide a free-roaming environment for wild horses and burros.
4. Promoting the adoption of wild horses and burros into good homes to improve the lives of currently warehoused horses and burros, reduce the total cost of the program, and redirect funds to long-term strategies for the care and sustainability of horse and burro populations.

It is necessary, in order to implement such a program, that the BLM Wild Horse and Burro Program budget be adequately funded, as funding shortages for the program have led, in part, to the agency's inability to adequately manage the program. [1] We support additional funding and believe it is necessary to implement the proposal outlined above.

[1] In order to pursue *any* long-term management strategy, the Agency must be given additional appropriations. For instance, the BLM, in its latest Report to Congress on "Management Options for a Sustainable Wild Horse and Burro Program" requested, depending on which management option was chosen, an additional $40-60 million in the first year for managing wild horses and burros in its care.

Fertility Control Vaccines Can Be Applied Effectively Across All HMAs

The Porcine Zona Pellucida immunocontraceptive vaccine has a long history of field testing and efficacy on wild horse populations. To reduce fertility in wild horse populations, 80-90% of mares needed to be treated. The protocol for Zonastat-H requires an initial primer dose, an initial booster two weeks later, and then annual boosters in subsequent years. PZP-22, however, can produce multiple years of reduced fertility with one initial primer treatment and a single booster two to three years later. The vaccine can be administered either through hand injection or with a dart gun. The horses are typically gathered using either bait and water trapping or helicopter gathers. In some areas the vaccine is administered through remote darting.

Today, BLM uses PZP to manage wild horse populations on several HMAs where the horses are habituated to humans and/or highly accessible, and therefore, can be approached, monitored and treated via remote opportunistic darting with fertility control vaccines. The BLM should continue this work, and should also work swiftly to identify other HMAs where ground darting programs can be used to stabilize and lower population growth rates.

The majority of wild horses managed by the BLM live in rugged, remote areas where the animals are wary of humans and/or difficult to access. That said, fertility control vaccines can still be used to control population growth rates in these areas when combined with gathers. While round ups are stressful and can be harmful to these wild horses, it is necessary to be able to reach these animals to be able to administer these fertility control vaccines. In order to reduce stress, and potential harm to wild horses, the BLM must ensure that all gathers are conducted in accordance with the Comprehensive Animal Welfare Program.

Some BLM personnel and stakeholder groups claim that previously captured and released mares will become wary of helicopters, and therefore, more difficult to capture for the purposes of administering fertility control vaccine boosters in the future and that as a result, fertility control vaccines cannot be used to manage populations. However, we believe these claims to be speculative because, as stated during the Senate Subcommittee hearing, the BLM rarely captures, treats and releases mares, and therefore, has shown no substantive data on difficulties associated with recapturing mares for the purposes of re-administering fertility control vaccine boosters. When mares have been captured and released, data shows that it is feasible to recapture the mares. For example, a field study was conducted in Cedar Mountains Herd Management Area in Utah, which is approximately 411,636 acres, 100,000 of which are designated as wilderness territory that is not accessible by vehicle. Even in these conditions, a second gather was conducted four years after an initial gather and 83% of the originally treated mares were re-captured and boosted.[2] There was a net population growth rate of 3.5%; a reduction of 85% from the baseline population growth levels. Cedar Mountain is a clear example that fertility control vaccines work and that they can be administered to wild horses living on large, rugged, remote HMAs.

[2] Rutberg, A., Grams, K., Turner, J.W., Hopkins, H. 2017. Contraceptive efficacy of priming and boosting does of controlled-release PZP in wild horses. Wildlife Research 44(2), 174-181, (27 April 2017). https://doi.org/10.1071/WR16123

As technologies improve and longer lasting and/or more easily to administer vaccines emerge, then the number of rounds ups decreases. For instance, in the last five years, research has shown that PZP-22 and the USDA vaccine GonaCon™ only require a single booster two to three years after the initial treatment.[3, 4] This means these animals do not need to be rounded up yearly to receive annual boosters. The BLM will have to capture, treat and release (CTR) a high proportion of the existing mare population, repeat the process in two to three years in order to administer the initial boosters, and if needed, repeat the process to re-administer boosters five to seven years later (depending on the vaccine used).

Burros and Fertility Control Vaccines: The Platero Project[5]

The HSLF and HSUS believe that fertility control vaccines are vitally important for the long-term management of burros. The Platero Project—a collaboration between the HSUS and the BLM—aims to assess the feasibility of using fertility control to help manage the burro population in the Black Mountain Herd Management Area in northwestern Arizona. The four-year pilot project, started in August of 2017, is financed by an HSUS donor and a supplementary grant from the BLM, and is named for the Spanish Nobel Laureate Juan Ramon Jimenez's beautiful book about a faithful and friendly burro named Platero.

The fertility control program focuses on female burros (called jennies) who are treated with ZonaStat-H (also known as Porcine Zona Pellucida or PZP), a fertility control vaccine that temporarily stalls reproduction. Males (called jacks) are set free after the teams take hair samples from their tails (to mark the males previously captured and test for genetic diversity).

During the first year of the Platero Project, the HSUS worked with BLM to capture 109 jennies, including eight or so jennies living around the historic mining town of Oatman, which have become so habituated to human presence and feeding that they no longer stay away from people. The Black Mountain Herd Management Area is a striking but forbidding landscape, home to very wild and highly alert burros (with the exception of the human-habituated jennies near Oatman). The model the HSUS hopes to establish here has great promise: If fertility control can be effectively administered to the animals here and the results are good, it's a model that should be replicable at other burro management areas.

The HSUS believes that only when BLM goes all in on fertility control will the nation have a viable, fiscally sound and effective strategy for humanely managing wild horses and burros. The idea of mass slaughter or euthanasia will never be acceptable to the American public, nor should

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[3] Rutberg, A., Grams, K., Turner, J.W., Hopkins, H. 2017. Contraceptive efficacy of priming and boosting does of controlled-release PZP in wild horses. Wildlife Research 44(2), 174-181, (27 April 2017). https://doi.org/10.1071/WR16123

[4] Baker DL, Powers JG, Ransom JI, McCann BE, Oehler MW, Bruemmer JE, et al. (2018) Reimmunization increases contraceptive effectiveness of gonadotropin-releasing hormone vaccine (GonaCon-Equine) in free-ranging horses (Equus caballus): Limitations and side effects. PLoS ONE 13(7): e0201570. https://doi.org/10.1371/journal.pone.0201570

[5] The views and conclusions contained in this section are those of the authors and should not be interpreted as representing the opinions or policies of the U.S. Government. Mention of trade names or commercial products does not constitute their endorsement by the U.S. Government.

it. Fertility control, in combination with selective gathers and more effective adoption programs, is the only viable path forward. The work being done through the Platero Project is the latest to show that these strategies will work on the ground to manage wild burro populations.[6]

Research into other fertility control methods

The BLM continues to pour financial resources into studying whether permanent, surgical sterilization of mares is a feasible management tool. HSLF and HSUS have been and continue to be concerned about the feasibility, humaneness, and legality of surgical sterilization of mares and the BLM's failure to use currently available, safe and humane tools. Attached, and incorporated by reference, are the comments HSUS and HSLF submitted to the BLM's Spay Feasibility and On-Range Outcomes Environmental Assessment.[7]

Conclusion

The Pathway Forward for Management of BLM's Wild Horses and Burros provides a framework that would allow BLM to shift its management program to a non-lethal, comprehensive management regime. We urge Congress to direct BLM to implement such a framework and to provide the necessary funding to do so. We look forward to working with this Subcommittee as it explores BLM's Wild Horse and Burro Program.

Sincerely,

Keisha Sedlacek
Director of Regulatory Affairs
Federal Affairs
Humane Society Legislative Fund
1255 23rd St. NW, Suite 455
Washington, DC 20037

Gillian Lyons
Senior Regulatory Specialist
Federal Affairs
Humane Society Legislative Fund
1255 23rd St. NW, Suite 455
Washington, DC 20037

[6] For more on The Platero Project, see https://www.humanesociety.org/resources/platero-project-model-helping-wild-burro and https://eplanning.blm.gov/epl-front-office/eplanning/planAndProjectSite.do?methodName=renderDefaultPlanOrProjectSite&projectId=63704&dctmId=0b0003e88093809a.

[7] BLM, Spay Feasibility and On-Range Outcomes Environmental Assessment (DOI-BLM-ORWA-B050-2019-0013-EA), available at https://eplanning.blm.gov/epl-front-office/eplanning/planAndProjectSite.do?methodName=dispatchToPatternPage&currentPageId=184356.

June 12, 2019

Lisa Grant
Mare Spay Research Project Lead
BLM Burns District Office
28910 Highway 20 West, Hines, Oregon 97738
blm_or_bu_spaystudy@blm.gov

RE: Comments on Spay Feasibility and On-Range Outcomes Environmental Assessment, DOI-BLM-ORWA-B050-2019-0013-EA

Dear Ms. Grant,

On behalf of The Humane Society of the United States (HSUS) and the Humane Society Legislative Fund (HSLF), we appreciate the opportunity to comment on the Bureau of Land Management (BLM) Burns District Office's Spay Feasibility and On-Range Outcomes Environmental Assessment (EA), dated May 13, 2019. HSUS and HSLF have serious concerns about the proposed action as detailed below.

Concern with the Proposed Action

While HSUS and HSLF support the BLM's intent to determine additional on-range solutions for the management of wild horses and burros, we are disappointed that the agency continues to waste taxpayer money by pursuing research into sterilization on wild horses and burros, when it could be using those funds to use the tools it currently has available, like fertility control vaccines, to manage wild horse and burro populations. Our organizations, and many others who have a vested interest in the welfare of America's wild horses and burros, have expressed and continue to express concern against this research.

As we stated in our past comments on the proposed research, the HSUS and HSLF believe that due to range conditions, the possibility of injury from post-surgical sterilization methods, and the availability of federally-approved, less invasive methods of fertility control, the agency should be focusing its efforts on the implementation of currently available fertility control tools that have been proven to be safe, effective and humane. However, since the time the BLM began investing significant effort into researching the ovariectomy via colpotomy procedure in 2015, the agency has failed to implement robust programs with currently available fertility control tools, having treated less than 2,500 horses on the range with contraceptive vaccines.

We firmly believe that the agency must abandon this proposed research, and instead focus its efforts on using currently available non-invasive fertility control tools which would allow them to begin large-scale implementation immediately. In addition, instead of focusing its efforts on studying controversial sterilization programs while continuing to remove horses from the range, the agency should devote any research funds on the development of effective, humane, longer-acting and cost beneficial fertility control methods.

The Procedure is Painful and Creates Unnecessary Risk for the Mares Involved

The procedure explained within the EA is the ovariectomy via colpotomy, which surgically removes both ovaries through an incision in the vaginal canal.

Ovariectomy is a major procedure that requires access to the abdominal cavity- and with that comes potential complications including hemorrhage, shock, post-operative colic, peritonitis, intra-abdominal adhesions, accidental trauma to intestine or other soft tissues, abscessation or hematoma formation at the surgery site, and seroma formation at or dehiscence of incisional closures.[1]

While the National Research Council (NRC) noted in its 2013 report that ovariectomy via colpotomy lowers chances of surgical complications or infection (as opposed to Laparotomy), the Council also noted that the procedure *is not without risk to the mares involved*[2] and that stall restriction for 2-7 days is recommended to reduce the chance of evisceration, as well as monitoring for 24-48 hours for signs of internal bleeding. In fact, the post-operative complication rate has been observed to be high for ovariectomy via colpotomy. Complications can include pain and discomfort; injuries to the cervix, bladder, bowels, hematomas, adhesions, chronic pain and evisceration.[3] It has been noted that the procedure is generally painful[4], that there is a high frequency of perioperative complications - some of which can be life-threatening[5], and complication rates can reach as high as 21%.[6]

Further, the BLM will be unable to follow some of the typical care requirements put into place to lower complication rates. For instance, to prevent eventration, mares are generally tied for several days after their ovariectomy to keep them from laying down while the vaginal wound closes. No one has studied what the risk of eventration or hemorrhage might be in mares that are not prevented from laying down or running around following the operation.[7] The NRC review of the original Oregon Proposals acknowledged that care requirements typically followed will not be feasible in wild mares, stating that domestic mares are typically cross-tied to keep them standing for 48 hours post-surgery to prevent evisceration through the incision, which would not be possible with free-ranging mares, and noted that it is likely that as a result, the fatality rate may be higher than what has been observed in domestic mares.[8]

These risks show that ovariectomy via colpotomy is a complicated and risky procedure to perform on wild mares which would place the mares at unnecessary risk. Further, the Review Committee itself acknowledged that ovariectomy via colpotomy is both risky and painful, and believed this research to be unnecessary.[9] As such, the HSUS and HSLF firmly believe that the possibility of post-surgical complications are simply too high, and it is incumbent that the BLM abandon this proposed research.

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[1] Santschi EM, Troedsson MHT: How to perform bilateral ovariectomy in the mare through two paramedian incisions. AAEP Proceedings 47 (2001): 420-422; Rodgerson DH, Belknap JK, Wilson DA: Laparoscopic ovariectomy using sequential electrocoagulation and sharp transection of the equine mesovarium. Vet Surg 30 (2001): 572-579.

[2] National Research Council of the National Academies of Sciences. 2013. "Using Science to Improve the BLM Wild Horse and Burro Program: A Way Forward." ("NAS Report") 98.

[3] *See* Dr. Kathleen Spillane, VMD, Dr. Raul Casas, VMD, Ovariectomy as a Method of Wild Horse Population, June 2013; Loesch, D.A., and D.H. Rodgerson. "Surgical Approaches to Ovariectomy in Mares." VetLearn.com. Compendium, vol. 25, no. 11, November 2003.

[4] *See* https://thehorse.com/14853/ovariectomy/

[5] *See* https://www.vetstream.com/treat/equis/technique/ovary-colpotomy

[6] Hooper RN, Taylor TS, Varner DD, et al: Effects of bilateral ovariectomy via colpotomy in mares: 23 cases (1984-1990). J Am Vet Med Assoc 203.7 (1993): 1043-1046.

[7] Dr. Kathleen Spillane, VMD, Dr. Raul Casas, VMD, Ovariectomy as a Method of Wild Horse Population, June 2013

[8] Mare Sterilization Research Environmental Assessment, DOI-BLM-O R -B 000-2015-0055-EA, January 5, 2016 ("2016 Oregon EA") 105.

[9] Id.

Ovariectomy via Colpotomy is Not a Viable Tool for Wild Horse and Burro Management

The HSUS has a very strong concern as to whether field surgical sterilization of mares can ever be safely conducted. As we have noted previously, all surgical procedures come with a risk of complication, and it is incredibly unlikely that the agency will ever be able to proceed with surgical sterilization management plans that do not come with unnecessary risk of injury or death to the mares or jennies involved, raising fundamental humane concerns about their use in the field settings. This is particularly true of the use of ovariectomy via colpotomy as a management tool due to two fundamental issues.

First, there simply is a lack of veterinarians who are trained on the ovariectomy via colpotomy procedure on domestic (let alone wild) mares. Not only will this lack of training make the procedure infeasible for implementation as a management tool for the agency, but it will also increase complication rates in wild mares if and when the agency does attempt to pursue this procedure as a management tool – compounding the already unnecessarily high mortality and morbidity rates. For instance, in the expert review panel the BLM put together in 2015, it was noted that there is a "learning curve"[10] to train veterinarians to pick up this procedure and the BLM adopting this procedure would mean that the agency would "need to find people who have gone through the steep learning curve,"[11] and that "when untrained people perform colpotomies there is in an increased risk that things will go wrong and sometimes things can go very wrong."[12] A case example of this can be seen in the review panel's discussion which noted that during training on donkeys, in one animal "they had trouble getting the left ovary out, after they finally succeeded, the donkey bled to death."[13] Our nation's iconic wild horses and burros should not be put at risk and potential death to allow for "training" on a procedure that is unnecessary because the BLM already has fertility control tools at its disposal that it has repeatedly failed to use to manage wild populations.

Further, while the 2015 expert panel noted "plenty of vets would be interested in learning this technique," this is belied by the fact that it appears that only one veterinarian in the country has experience performing this procedure on wild mares, two universities have pulled their support from this research in the past 5 years, and the BLM has been unable to secure additional support from the academic community. If the agency has been unable to maintain academic support or find trained veterinarians who are willing to support or perform the procedure, this research is entirely unnecessary as the tool will never be viable in field settings due to the lack of trained personnel available to implement it.

Second, the ovariectomy via colpotomy procedure can result in serious complications on the pregnancy of mares the procedure is performed on. The NRC acknowledged that if this procedure is performed on mares within the first 90 days of their pregnancy, the foal would be resorbed or aborted, and further stated that the effects of ovary removal on a pregnancy at 90-120 days is unpredictable.[14] Additionally, the BLM's 2015 expert panel noted in multiple places that performing this procedure on mares in late gestation may be challenging due to lack of access to the ovaries.[15] As many mares gathered from HMAs are pregnant when gathered, it makes little sense to pursue a tool that cannot be used on the majority of those mares because it will impact the life of the

[10] Assessment of Spay Techniques for Mares in Field Conditions, Panel at USGS Fort Collins Science Center, September 24, 2015 ("Assessment") 6.
[11] Id at 9.
[12] Id. at 10.
[13] Id. at 5.
[14] 2016 Oregon EA, pg 105.
[15] Assessment at 3.

foal in utero. This is simply inhumane, for both the mare and foal, as well as impractical from a management perspective.

As such, the HSUS and HSLF believe that due to lack of trained veterinarians and risk of the procedure on pregnant mares, the ovariectomy via colpotomy procedure will never be able to be conducted humanely on the range, nor will it be a practical or viable management tool. Thus, the BLM should abandon this research and commit to using safe, effective and currently available fertility control methods that do not require surgical intervention.

Invasive Surgical Research Should Not Be Performed without Independent Oversight

We remain concerned that the BLM is proceeding with this research without the backing of an Institutional Animal Care and Use Committee. Indeed, as evidenced by this EA, the BLM has no independent oversight by any external veterinary party, university or IACUC which raises concerns that there are no impartial parties to ensure that Animal Welfare Act standards will be met. The BLM must ensure that all surgical procedures, particularly of the nature of the ovariectomy via colpotomy, which has potentially high morbidity and mortality rates, are done with independent oversight. It is simply not enough to state that the agency will be following Colorado State University (CSU)'s IACUC's protocol[16] if no independent committee with the appropriate authority is in place to take action should those protocols be violated.

Indeed, the BLM recognized the need for an IACUC itself when it issued its request for partners and noted that research partners "must plan for and obtain oversight approval ACUP from a recognized IACUC."[17] While it seems clear that BLM has been unable to obtain another research partner (absent USGS, whose focus is the on-range behavioral outcomes and not the surgical feasibility) that does not mean that this research should proceed without any independent oversight, particularly in the form of an IACUC.

Further, it must be noted that the IACUC's protocol approval was premised, in part, on CSU's expertise (which included a professor of equine surgery and an animal welfare specialist) and oversight. Additionally, CSU was studying "Post Surgery Welfare Observations" which would attempt to quantify, using a pain scoring system, the pain and discomfort felt by mares after their surgery. The current EA states that that BLM is no longer planning to conduct this research which they deem as "not integral" to their research.[18] That said, these observations *were* part of the approved IACUC protocol, and it is disingenuous for the agency to state that they are relying on the IACUC protocols – when many key factors, including oversight by university experts and observations of post-surgical welfare, are no longer part of the proposed research.

The HSUS and HSLF firmly believe that all surgically invasive research conducted on animals *must* be performed under the oversight of an Animal Care and Use Committee to ensure all Animal Welfare Act standards are being met, and the BLM must act accordingly.

Legal Considerations with Environmental Assessment

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[16] Spay Feasibility and On-Range Outcomes Environmental Assessment, DOI-BLM-ORWA-B050-2019-0013-EA, May 13, 2019 ("2019 Oregon EA") 21.
[17] Id. at 150.
[18] It must also be noted that it remains highly concerning that the agency deems these observations of post-surgical welfare "not integral" to a study looking at the feasibility of using this procedure on a larger scale.

The National Environmental Policy Act ("NEPA"), 42 U.S.C. §§ 4321–4370f, requires that agencies "consider every significant aspect of the environmental impact of a proposed action" and "inform the public that it has indeed considered environmental concerns in its decision-making process." *Baltimore Gas & Elec. Co. v. Natural. Res. Def. Council, Inc.*, 462 U.S. 87, 97 (1983). Where a major federal action may "significantly affect" the environment, agencies must prepare an in-depth Environmental Impact Statement (EIS), which includes a detailed discussion of any cumulative impacts of the action and explore all reasonable alternative actions. *See* 42 U.S.C. § 4332; 40 C.F.R. §§ 1502.1, 1502.14, 1508.7. Whether an action "significantly" affects the environment requires considerations of both "context" and "intensity," including consideration of unique characteristics of the geographic area, unique or unknown risks, any controversial nature of the effects, and whether the action threatens a violation of federal, state, or local laws. *See* 40 C.F.R. § 1508.27.

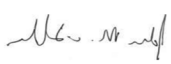
Should BLM move forward with this research based only on an EA, without conducting the more rigorous EIS, it would likely be in violation of NEPA. As detailed above, the plan has the potential to cause numerous harms to the mares involved –some harms are unknown and others are incredibly controversial. Many of these impacts may significantly affect the environment such that more rigorous NEPA documentation would be necessary. *See California ex rel. Lockyer v. U.S. Dep't of Agric.*, 575 F.3d 999, 1012 (9th Cir. 2009) (threshold for requiring an EIS "is relatively low: 'It is enough for the plaintiff to raise substantial questions whether a project may have a significant effect on the environment.'"). Moreover, as noted below, the plan also threatens a violation of another federal law – i.e., the Wild Free Roaming Horses and Burros Act – and thus for that reason as well calls for the preparation of an EIS.

The plan also is likely to violate the Wild Free Roaming Horses and Burros Act ("Wild Horses and Burros Act"), 16 U.S.C. §§ 1331–1340, which requires that BLM "protect and manage" wild horses and burros through management activities at the "minimal feasible level." 16 U.S.C. § 1333(a). BLM's own regulations additionally require that "[w]ild horses and burros shall be managed as self-sustaining populations of healthy animals," 43 C.F.R. § 4700.0-6(a), and that "[m]anagement activities affecting wild horses and burros shall be undertaken with the goal of maintaining free-roaming behavior." *Id.* at § 4700.0-6(c). As described above, the sterilization plan puts the health and integrity of the entire herd at risk. Indeed, given these widespread impacts, the sterilization plan is one of the most intrusive forms of population management that BLM could employ, especially when other forms of population management such as the administration of PZP – are just as effective through less intrusive means. By carrying out the sterilization plan despite its downfalls, BLM is likely acting in contravention of the clear language of the Wild Horses and Burros Act.

Conclusion

The HSUS and HSLF remain concerned about the humaneness, feasibility, and legality of this updated EA. As such, we firmly believe the BLM must abandon this research and focus their efforts on employing already available forms of fertility control.

Sincerely,



John Griffin
Senior Director, Urban Wildlife Programs
The Humane Society of the United States

Gillian Lyons
Senior Regulatory Specialist
The Humane Society Legislative Fund

From: Robin Kennedy
To: fortherecord (Energy)
Cc: Robin Kennedy
Subject: For subcommittee on public lands, forest, and mining July 16, 2019 hearing
Date: Monday, July 29, 2019 8:57:03 PM

Dear members,

How is it that livestock doesn't damage the land, but wild horses are the only ones that do? Even though there are many more cattle and sheep on public land compared to horses.

BLM has ignored all scientific and government reports and recommendations.
They have issued grazing permits so that cattle outnumber horses 50 to 1.

They have also taken away half the land that was given to our native wild horses. There should be a full and independent count of how many horses are left and the land that was taken from the horses should be restored.

Grazing fees should be raised to the national price that other people who raise cattle on private land pay. They should not be removing horses to be replaced by cattle and sheep.

Horses regenerate the land because they have a fast digestion system that allows seeds to pass through and reseed and fertilize the range as they move along.

Your committee should have invited a variety of individual horse advocates too, along with sanctuaries that save BLM horses from kill pens and the slaughter pipeline, so that you could hear both sides of the issue instead of just the pro cattle side.

We the people want our native wild horses on public lands, to live and die free and not end up in nasty kill pens and sent to slaughter for human consumption.

Thank you for your time,

Robin Kennedy
1820 E County Line Rd
Mineral Ridge, OH 44440

July 16, 2019

The Honorable Mike Lee, Chair
Subcommittee on Public Lands, Forests, and Mining
U.S. Senate Committee on Energy and Natural Resources
Washington, DC 20510

Dear Mr. Chairman:

As the Subcommittee conducts oversight over the Wild Horse & Burro Program of the Bureau of Land Management (BLM) and U.S. Forest Service (USFS), I would like to share my views on the role of fertility control as a population management tool.

I have been involved as a scientist and advocate for wild horses since the late 1980's, observing wild horse behavior, advocating for humane and effective programs for wild horse management, and contributing to field research on non-invasive, reversible fertility control as a wild horse population management tool. My research and that of my collaborators has focused principally but not exclusively on applications of the PZP (porcine zona pellucida) immunocontraceptive vaccine. As a staff member of The Humane Society of the United States (1991-2001) and then as an HSUS consultant and Tufts University faculty member (2001-present), I worked with the research team of the late Dr. Jay F. Kirkpatrick, Dr. John W. Turner, Jr., and Dr. Irwin K. L. M. Liu, and led an HSUS/Annenberg Foundation-funded study on the impacts of PZP-22 on wild horse populations at two BLM herd management areas (HMA's) and one U.S. Forest Service wild horse territory (2008-2015). I am the author or co-author of nine peer-reviewed papers concerning application of PZP to wild horses, and eight papers on application of PZP to other free-roaming species. Thus, my views on contraception as a wild horse management tool are informed by deep, long, and varied experience.

I strongly believe that the wild horse populations for which BLM and USFS hold management responsibility cannot be stabilized or reduced without large-scale application of safe, effective, and humane fertility control. If the failure of the last 45 years of removal-only management is not sufficiently persuasive, it should be clear from the 15-20+% annual growth rates shown by herds untreated with fertility control.

Thanks to BLM funding of PZP research and a parallel effort by the USDA/APHIS National Wildlife Research Center, two long-acting contraceptive vaccines are available now. Although the PZP vaccine has a much longer history of field testing on wild horses and burros and has been proven to be effective at multiple field sites, peer-reviewed scientific publications demonstrate that both PZP-22 and the USDA vaccine GonaCon™ can produce 5-7 years of sharply reduced fertility in free-roaming wild horses with one initial treatment and a single booster two to three years later. While efficacy and longevity of both vaccines can be improved, we believe that the efficacy of current forms

of these vaccines has been adequately demonstrated, and they can and should be applied now on a large scale to manage BLM wild horse populations.

There are some BLM HMA's where contraceptive vaccines can serve as the principal tool for stabilizing and ultimately reducing wild horse populations. These HMA's are inhabited by horses that are not routinely harassed and are at least somewhat habituated to people, such that they can be approached closely, followed individually, monitored, and darted with contraceptive vaccines. There are at least a half dozen HMA's currently being managed in this fashion, mostly through public-private partnerships, and more such locations could and should be identified. Where such intensive contraceptive management has been applied, it has sharply reduced the need for removals.

I do not, however, believe that system-wide wild horse population stabilization and reduction can be accomplished by contraception alone. No existing wild horse contraceptive is 100% effective. Nor can all mares be accessed for treatment, especially in HMA's where wild horses are spread over vast areas and actively avoid people. Adult death rates in wild horse herds are very low (~1-4% annually at our two BLM study sites at Sand Wash Basin, CO, and Cedar Mountains, UT) and will not completely offset reproduction even in herds being intensively treated with contraceptives. Even in these PZP-treated herds, modest removals were needed to keep the population stable.

At these two study sites, we demonstrated that PZP-22 – which uses timed-release pellets to simulate boosters -- was highly effective for at least one year, and that a single booster delivered 2-3 years later added at least three to four more years of contraception. These boosters could be delivered by dart, as they were at Sand Wash Basin, or by hand during a second gather conducted four years after the initial gather at Cedar Mountains, during which 83% of the originally treated mares were re-captured and boosted. Administering this PZP-22 vaccine to at least 70% of the mares in the Cedar Mountains herd in 2012, we observed in the following year a net population growth rate of 3.5%. This was a huge achievement –a reduction of 85% from baseline population growth levels – and similar efforts would go far to keep wild horse populations under control.

For many HMA's, intensive application of contraceptives will have to be matched with significant removals to stabilize or reduce wild horse population size. Nevertheless, Dr. Turner's modeling using the Cedar Mountains data and previous work by other researchers show a significant reduction in number of horses removed and therefor a sharp reduction in cost from removal-only approaches. Removals are expensive.

Although I provide field data to make the point, this is not a novel insight. In its strategic plans and policy documents, the BLM and its consultants and advisors have prescribed this pathway for decades.[1] Unfortunately, a tangible agency strategy for

[1] "By reducing population growth rates, effective fertility control should reduce the frequency of gathers, reduce impacts on the range, and reduce the total number of horses removed from the range and entering the adoption

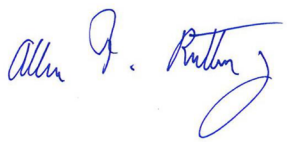
following this prescription has not yet been developed, even as taxpayer-funded research has yielded better and better contraceptive tools.

To fully carry out an effective wild horse management program, BLM needs that tangible agency strategy. It also needs detailed long-term management plans to implement the strategy, at the program level and at the level of individual HMA's; a system to ensure transparency and accountability; and the resources to support implementation. Effective management plans will need to be based on good population data from the field to specify numerical targets for horses to be removed and horses to be treated with contraceptives, to create realistic site-specific implementation plans, and to institute measures to routinely evaluate the success of management efforts. Resources will need to be provided to develop and implement these plans, and internal and external mechanisms put in place to ensure accountability at the local and national level.

In my experience and that of my colleagues, there has been an understandable but ultimately self-defeating tendency for the BLM to hope that the next new technical development – the next long-acting vaccine, the next new sterilization technique, the next big gather – will provide the agency with the answer to the wild horse management challenge. There is, however, no one-off solution to this problem. Wild horse management is, innately, a long-term challenge that requires long-term comprehensive solutions. As I see it, a long-term management plan with broad political support is the only way forward. For most HMA's, those plans will rely on gathers and trapping with intensive fertility control and partial removals.

I very much appreciate the subcommittee's efforts to grapple with this challenging issue and will be pleased to assist the subcommittee in any way I can.

Sincerely,



Allen T. Rutberg, Ph.D.
284 South Street
Holliston, MA 01746

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program." – Wild Horse and Burro Advisory Board Final Recommendations to the Secretary of Agriculture and the Secretary of Interior, December 31, 1999 (p.7).

FOR THE JULY 16, 2019, HEARING

Senate Subcommittee on Public Lands, Forests, and Mining Hearing to Examine BLM's Wild Horse and Burro Program

Honorable Senator Mike Lee – Chairman
Honorable Senator Ron Wyden – Ranking Member

RE: Urgent Request for Bill or Rider for Funding of Three Wild Horse Fire Brigade Experimental Pilot Studies

The counties and states of the western United States of America urgently require a viable solution to help prevent the abnormally-hot catastrophic wildfires that are occurring throughout the West. I believe the *Natural Wildfire Abatement and Forest Protection Plan (www.WHFB.us),* aka the Wild Horse Fire Brigade ('WHFB' - 'Plan' authored by William E. Simpson II) is that solution for naturally reducing and controlling the annual grass and brush that is the kindling and primary fuel for wildfires.

The Plan proposes to rewild excess American wild horses that are in BLM and USFS holding facilities and/or are being removed from the public lands away from areas of current or proposed livestock production, and into remote wilderness areas to help abate the prodigious fuels that have built up over time due to a massive depletion of herbivores (deer and elk). These areas have natural ecosystems *with predators* intact and no livestock grazing due to depredation potential and their rugged remoteness. Utilizing the wild horses will save millions to billions of dollars annually as follows:

(i) Reduce loss of human life and injuries, loss of capital assets, the damage to watersheds, losses of heritage forests and threatened and endangered species wildlife from abnormally hot catastrophic wildfire by a reduction of grass and brush fuels in areas appropriate for native species grazing but unsuited for livestock;
(ii) Reduce costs related to prescribed burning and mechanized fuel abatement;
(iii) Reduce costs for aerial fire attack in remote wilderness areas (up to $1 million/hour);
(iv) Reduce the emissions of greenhouse gases from excessive wildfire and prescribed burning;
(v) Reduce costs related to particulate pollution from wildfires and prescribed burning into atmosphere and subsequent additional health impacts added to those of catastrophic wildfire;
(vi) Reduce costs related to rounding up and storing American native wild horses and related litigation costs;
(vii) Reduce insured and uninsured losses due to catastrophic wildfire and loss/increased costs for homeowners wildfire insurance;
(viii) Immediately mitigate the massive depletion of megafauna (deer and elk) over the last five decades which has caused the excessive overgrowth of ground fuels by substituting another native species large-bodied herbivore (E. Caballus – American wild horse);
(ix) Reduce prion pathogens found on forage that's causing the spread of CWD (chronic wasting disease) and death in cervids (elk, deer, moose) by grazing wild horses; the wild horse is the only large mammal/herbivore left in the U.S. that is resistant to prion disease; and
(x) Recondition soils by adding valuable humus to forest soils and disperse non-digested seed

for re-germination by grazing wild horses.
(xi) Test the viability for eco-tourism related to wild horses.

Therefore, I urge your support in the implementation of three (3) large-scale Experimental Pilot Studies of the WHFB Plan, one in the BLM Cascade-Siskiyou National Monument in S. Oregon (86K+ acres, 300 wild horses to be deployed by the BLM); and, one in the USFS Six Rivers National Forest – Siskiyou Wilderness in NW California (957,000+ acres, 1,000 wild horses to be deployed); and, one in the Rogue River-Siskiyou National Forest - Kalmiopsis Wilderness (179,755 acres; 200 wild horses to be deployed), and we need your help in Congress to expedite making these studies happen.

I respectfully request that you author and promote a stand-alone Bill or, preferably for timeliness, a Rider to the current House DOI Appropriations Bill for Fiscal 2020 that directs the BLM to utilize a small portion of their 2020 Wild Horse and Burro Program funds for transporting 300 wild horses from their Burns, OR, corrals, to the Cascade-Siskiyou National Monument and designating funding for monitoring and assessments on the range for this 5-year Experimental Pilot Study.

We request the same legislative Bill or Rider be part of the House DOA Appropriations Bill for Fiscal 2020 that directs the U.S. Forest Service to utilize a small portion of their 2020 funds for transporting 1,000 Devil's Garden wild horses from Modoc County to Six Rivers National Forest - Siskiyou Wilderness and designating funding for monitoring and assessments on the range for this 5-year Experimental Pilot Study.

Funding language might also include that these three (3) Studies qualify for Categorical Exclusions from NEPA analyses because of the emergency nature of this mission to protect our forests, watersheds, other wildlife, infrastructure, human lives, etc. The BLM and USFS will spend a little to save a lot by implementing these Studies.

These Bills/Riders complement the new language in the House DOI Appropriations Bill, to wit:

"Rewilding. - The Committee recognizes the value of horse rewilding as one of many herd management strategies and encourages the Bureau to explore collaborations with suitable organizations and willing landowners to adopt, transport and locate horses to appropriate habitats at no cost to taxpayers."

For more detailed information, please see the attached 2-page legislative draft.

Thank you for your prompt attention to this request. Please don't hesitate to me (William E. Simpson II at 858-212-5762, gemmaster7@aol.com) if you have any questions.

Sincerely,

William E. Simpson – Naturalist / Rancher

State of Utah

GARY R. HERBERT
Governor

SPENCER J. COX
Lieutenant Governor

Department of Agriculture and Food

KERRY W. GIBSON
Commissioner

KELLY PEHRSON
Deputy Commissioner

R.J. SPENCER
Director, Division of Conservation

July 11, 2019

Kathleen Clarke, Director
Public Lands Policy Coordination
Office of the Governor
5110 State Office Building
Salt Lake City, UT 84118-1107

Subject- A Letter Concerning the July 16th Congressional Hearing on Free-Roaming Equids

Dear Ms. Clarke:

The Utah Department of Agriculture and Food (UDAF) is writing this letter in support of the efficient management of free-roaming equids throughout the western United States. UDAF commends Senator Mike Lee for holding a Congressional hearing on this vital but underdiscussed and underfunded issue. Increased public and political awareness over the current crisis in free-roaming equids management is vital to garner the political will within Congress to address management issues and begin the long process of reversing the negative impacts of equid overpopulation on western ecosystems. Through the Wild and Free-Roaming Horses and Burros Act of 1971 Congress directed the federal agencies to develop appropriate management levels (AML) that would maintain a sustainable population of animals, which are now being exceeded on most AML's throughout the west, resulting in the significant damage of wildlife habitat and rangelands. Increased funding and more flexible management are vital to protect America's public lands and maintain a sustainable healthy population of wild horses and burros.

Utah, alongside other western states, currently has a severe overpopulation of wild horses and burros that are damaging wildlife habitat,[1] harming ecological functions

[1] Beever, E. A. and Aldridge, C. L. 2011. Influences of Free-Roaming Equids on Sagebrush Ecosystems, with a Focus on Greater Sage Grouse. *Studies in Avian Biology 38*: 273-290. Available online: https://pdfs.semanticscholar.org/9fd4/6d45ed0f0ae732d142b26c24fae30ccf4360.pdf

on public lands,[2] impacting the economic benefits provided by public lands,[3] costing taxpayers millions of dollars annually,[4] and reducing the health of Utah's wild horse and burro herds due to malnutrition. Current estimates place Utah's population at 5,397 while the maximum AML is only 1,956 animals (275% of AML).[5] Since receiving Federal protection in 1971, nationwide wild horse and burro populations have soared to nearly 88,090 animals, which is more than three times the number that can sustainably exist alongside wildlife and other multiple uses on public lands. Wild horse and burro herds grow quickly, doubling in size four years and tripling in six years if not properly managed. This exponential growth is not sustainable.

The current level of gathers, population control contraceptives, adoptions, and mortality rates have proven insufficient to control the rate of free roaming equid reproduction, much less reduce current populations to AML.[6] Consequently, federal agencies need to explore the use of all forms of contraception and population growth suppression strategies. The use of short-term (PZP), medium term (GonaCon), long-term (Spay) contraception, gathers, adoptions, and any other tools must all be part of the solution. Only when the BLM has adequate funding as well as the authority to use all forms of contraception, combined with gather and removal, will the BLM be able to control overpopulation, rangeland degradation, poor equid health, and excessive cost burdens to the taxpayer. Without a wide range of contraceptive tools, the negative impacts caused by wild horse and burro overpopulation will increase exponentially in the next few decades.[7]

In Utah, where sixty-six percent of the state is made up of federal land, wild horse and burro overpopulation holds significant potential to damage a large portion of lands and rangeland. Furthermore, the negative impacts of wild horse and burro overpopulation extend beyond just federal lands. Overpopulated herds overgraze vegetation within their Herd Management Areas (HMA), which results in reduced forage availability[8] and causes the herds to leave HMAs, consuming forage on grazing permits as well as state and private land, costing surrounding rural counties an estimated $1,900 per head

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[2] Davies, K. W., Collins, G., Boyd, C. S. 2014. Effects of Feral Free-Roaming Horses on Semi-Arid Rangeland Ecosystems: An Example from the Sagebrush Steppe. *Ecosphere 5* (10): 1-14. Available online: http://onlinelibrary.wiley.com/doi/10.1890/ES14-00171.1/full

[3] Bastian, C. T., Van Tassell, L. W., Cotton, A. C., and Smith, M. A. 1999. Opportunity Costs Related to Feral Horses: A Wyoming Case Study. *Journal of Range Management 52*: 104-112. Available online: https://journals.uair.arizona.edu/index.php/jrm/article/viewFile/9394/9006

[4] Garrott, R. A. and Madan, K. O. 2013. A Critical Crossroad for BLM's Wild Horse Program. *Science 341*: 847-848. Available online: https://wec.ifas.ufl.edu/pdf/oli/Garrott%20and%20Oli%202013%20Science.pdf

[5] BLM. 2019. Program Data Wilde Horse and Burro On-Range Estimates. Available online: https://www.blm.gov/programs/wild-horse-and-burro/about-the-program/program-data

[6] Western Governors Association. Biosecurity and Invasive Species Initiative Launch. Available online: http://www.westgov.org/initiatives/forest-and-rangeland-initiative/webinars

[7] Western Governors Association. Biosecurity and Invasive Species Initiative Launch. Available online: http://www.westgov.org/initiatives/forest-and-rangeland-initiative/webinars

[8] Beever, E. A. and Brussard, P. F. 2000. Examining Ecological Consequences of Feral Horse Grazing Using Exclosures. *Western North American Naturalist 60* (3): 236-254. Available online: https://scholarsarchive.byu.edu/cgi/viewcontent.cgi?article=1146&context=wnan

annually.[9] On average, Utah's rural counties have a median household income of $52,391, which is $13,539 less than the statewide average.[10] Utah's rural counties, which are disproportionately affected by wild horse and burro overpopulation, are already struggling economically and cannot continue supporting the costs of poor federal management.

In 2018, Utah's legislature adopted a statewide resource management plan which outlines the state's priorities and policies concerning a wide range of natural resource issues. Wild horse and burro management was among the issues addressed and for the following state policies to be met, an increase in federal funding and more flexibility in management is needed.

- The state supports active management (including euthanasia of animals with a category class of one or two) of wild horse and burro populations to remove excessive populations from rangelands and/or in holding facilities (p. 150).
- Wild Horses and Burros should be managed for viable, healthy herds that will result in the thriving natural ecological balance (including standards and guidelines for rangeland health) and multiple-us, sustained yield as required by the WH&B Act as amended, existing land use plans, resource management plans, or environmental assents completed for HMA's (p. 155).
- Immediately remove wild horses from private lands when notified of their presence as defined throughout the WFRHB Act. Immediate removal should be conducted in such a manner so that the animals will not return to the private land or be placed within State boundaries as long as the BLM is out of compliance with the AML of associated HMA (p. 155).
- Immediate removal of wild horses and burros shall coincide with the same time frame granted allotment owners of wildlife that is in trespass 72 hours (p. 155).
- The State of Utah supports restoring AUMs to domestic livestock as wild horse populations are brought back to AML and rangeland conditions improve (p. 155).[11]

Overall, wild horse and burro overpopulation has severe negative impacts in Utah and throughout the west. The continued growth of herds threatens the ability of public lands to sustain multiple uses. Exploring all forms of population control for wild horse and burros is a vital step in enabling federal agencies to utilize all necessary tools to control population growth and reduce herds to AML. However, without action by Congress to increase funding and reduce barriers to effective management, this crisis will

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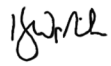
[9] Bastian, C. T., Van Tassell, L. W., Cotton, A. C., and Smith, M. A. 1999. Opportunity Costs Related to Feral Horses: A Wyoming Case Study. *Journal of Range Management 52*: 104-112. Available online: https://journals.uair.arizona.edu/index.php/jrm/article/viewFile/9394/9006

[10] Utah Department of Workforce Services. 2019. Income: Median Household Income. Available online: https://jobs.utah.gov/wi/data/library/wages/income.html

[11] State of Utah. 2018. Resource Management Plan. Available online: https://publiclands.utah.gov/current-projects/resource-management-plans/

exponentially worsen due to reproduction rates and the inability of western rangelands to support surging wild horse and burro populations.

Sincerely,



Kerry W. Gibson
Commissioner

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Telephone 801-538-7100 • Facsimile 801-538-7126 • http://ag.utah.gov

WILD HORSE Observers Association

Wild Horse Observers Association (WHOA)
A public 501 c3 non-profit corporation
PO Box 932
Placitas, NM 87043
(505) 867-5228, (505) 610-7644
http://whoanm.org

Re: Wild Horses the new Canary in the Coal Mine and malicious management.

Dear Cameron Chapter, All, Date: 7/19/18

You and yours are leading the nation, yes, "Water is Life" and "Water is Sacred"! Don't allow the U.S. government to lead you, to be scapegoated for horse slaughter. Wild Horses are the new "Canary in the Coal Mine" and are an indicator for viability of all wildlife and for people. Both people and wildlife are now drinking from ground water rather than only surface waters. If Wild Horses have no right to share ground waters in mud tanks on the Navajo Nation, they and most other land roaming wildlife will also die, from rabbits to road runners. Wild Horses are easily contracepted by helicopter.

FACT 1. Push for Horse Slaughter is Aided by planned Media stories about Horse Hunts and Slow Death by Malicious Management: It is well documented that The United States government, the New Mexico Government, and the Utah government are all pushing for horse slaughter and trying to have a Sovereign Nation take the blame. This is because each politician understands that 80% of the United States are strongly opposed to horse slaughter and they need a scapegoat. This is against the overwhelming will of ALL peoples on this continent, both First and Second. Documentation available upon request regarding scapegoating plans by US, Utah, and NM, since 2011.

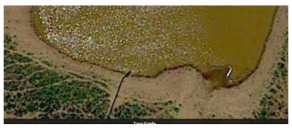
FACT 2. **Malicious Management**: It is understood that various federal "Permitees" have killed an untold number of wild horses by removing their cattle, stopping the water. . . This is a tried and true method of malicious wild horse management long practiced by Livestock "permitees" for many decades on federal lands. **See Attachment 1**

FACT 3. The recent media stories about the 191 horses who died in the mud tank near the town of GRAY Mountain, near Cameron, just off Black Mesa Pump Station Rd, died in a similar fashion as in FACT 2. Cattle removed, water off.

1. The mud tank involved has been filled with a *pipe* from a well for many years back at least, 1997.

Mud Tank 10/2012 showing water pipe **Mud Tank 6/11/2014**

Mud Tank 6/15/17



2. The cattle were removed from the area (except for one poor little calf that was left behind) in the Kill Pond.
3. The following NN documentation taken from Facebook shows that these horses died not by drought, but apparently by malicious management perhaps for political purpose. Names withheld but available.

Excerpts and pictures from NN representative's Facebook unless otherwise marked:

June 3

These are the documented stages of the carnage at gray mountain... Something has to give, public awareness, group organizations, army of water haulers, hay delivery, rescue groups. A state of emergency to trigger grants, volunteers... ect! The Navajo tribe isn't moving fast enough

June 17th

I've been trying like hell since Feb to bring attention to this horse issue, through . . . government reps. I kept my contacts. . . I kept my contacts only to friends, until I was told to make it public.

KILL POND – Usually Full year round, apparently drained in February of 2018

CALF Still ALIVE

May 31st 2018 excerpt. "Evolving for THREE MONTHS!" (But Tank not refilled though more deaths predicted.)

> Lets hope there is some movement... These are some pictures I took that's been evolving in the area for 3 months. I'm sure there will be more to come.

Kill Pond – Calf Dead

191 Horses and one Calf Dead

Fences were there all along and were not in repair, tank just needed water.

KILL POND Bulldozed - WHOA pic 5/18 => Water still not turned on, or to the two other area tanks.

4. There have always been droughts in this region. …. Per USGS

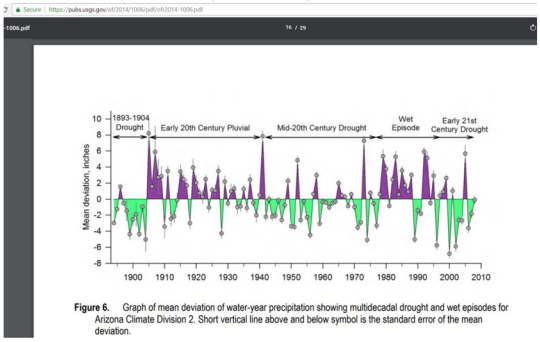


Figure 6. Graph of mean deviation of water-year precipitation showing multidecadal drought and wet episodes for Arizona Climate Division 2. Short vertical line above and below symbol is the standard error of the mean deviation.

5. The water piped to this mud tank then was stopped from filling the tank either by lack of repair (Windmill?) or intentionally. In any case, it was not due to drought.

6. The water to this mud tank may have actually been rapidly drained for the most part which seems the only plausible reason why the ground would be soft enough for the horses and calf to be stuck. It is also plausible that the remaining water became contaminated or poisoned.
7. Though there was a fence there all along, they were not in good repair and were open, the horses were not fenced out to keep them from getting stuck (or poisoned).
8. Once stuck, they were left to die a seemingly slow death.
9. There is a dwelling just 1000 feet away from and over-looking this mud tank.
10. Other water was not provided and this mud tank was bulldozed over.
11. This lack of the usual water was known from the start and documented through time.
12. It was stated that it was not allowed to be made public until there were almost 200 dead horses there.

FACT 5. Wild horses can be easily managed by darting Native PZP contraception from ground or air or can be kept in check naturally by predators, all of whom out run the wild horse. The USDA grants Millions of dollars to Sovereigns each year for drought, conservation, etc. and could be used for wild horse management by immune contraception as recommended by the National Academy of Sciences. Natural predators also successfully manage wild horse populations if they themselves are not trapped and hunted out: Mountain Lion, Bear, wolves. These predators and others actually out run the horse contrary to documented false testimony in the US House of Congress in the House Appropriations committee in 2016.

FACT 6. A Navajo woman in New Mexico was put in contact with WHOA via a NN Natural Resources Department representative. The woman asked that WHOA come and water some horses south of Farmington. There was discussion from the woman that the Navajo Nation was saying that the horses were diseased in some way and that folks should fence the wild horses them away from water. In the end, WHOA asked the Natural Resources representative to ask the woman to go ahead and water the horses, and she did.

FACT 7. The actual danger of wildlife disease right now is with Deer and Elk. It is Chronic Wasting disease, very much like Mad Cow as a prion. It is spread by urine and fecal matter in the grasses which they roam and graze. See USGS report here: https://www.nwhc.usgs.gov/disease_information/chronic_wasting_disease/

See the Center for Disease Control report here: https://www.cdc.gov/prions/cwd/index.html

The Mapping shows that this disease has spread to the Navajo Nation in Utah and does not spread in perfect straight lines. Hence straight lines only mean it has not been monitored.

Both have mapping of where this prion disease akin to Mad Cow has spread. It is not noticeable until right at the end.

FACT 8. Horse MARKET INTENTIONALLY FLOODED: The Livestock industry is acreage limited. There are 93 Million cattle in the U.S. competing with the 9 Million "domestic" horses. Due to this we believe that the Horse Industry has been all but ruined by BLM's needless market flooding. The horse has thus been stripped of value by LACK of responsible ON RANGE management by the BLM, utilizing predators or dartable PZP contraception from helicopter (done for decades in Africa).

The Horse industry, horse showing, horse camping/tourism, wild horse photography, training, tack, healing programs, feed etc. is a BIG industry that has been ALL BUT RUINED by Special Interest US Congress allowing the BLM, USDA Forest Service and BIA to flood the market with wild horses at kill buyer prices and less. Unbeknownst to the Quarter Horse Industry, this pro-slaughter tactic flooding wild horses at kill buyer prices has naturally hurt their business too.

FACT 9. It is well known that the surface waters of the Navajo Nation have been Damned Up into Lake Powel and Lake Mead to be sent to cities like Phoenix and Tucson. It is also known that the groundwaters of the Navajo Nation have been sucked by the HUGE STRAW of the Coal industry for conveyance of Coal Slurries to Nevada to a power plant there.

The NN Coconino ground waters, are also being pumped for Flagstaff. ALL THIS WATER REMOVAL, WHILE many Navajo themselves do not have water infrastructure bringing water to their own homes. Not to mention the contamination and loss of waters, due to Uranium mining and Fracking with more being planned. I refer you to Black Mesa Trust a Hopi non for profit working and documenting water issues on the Navajo Nation in Az. **See Attachment 2**.

FACT 10. There are not enough wild horses on the Navajo Nation to keep a slaughter plant open even given the "estimated number" based on the approximate 4000 horses actually counted. Moreover, it will not be legal for the U.S. Government to transfer wild horses to other federal and state agencies in any fashion which would include killing them as wild horses or sterilizing them as they are subject to the animal cruelty laws because they are not livestock and are a resource/property belonging to the people of the state and local governments. This and other legal issues including Food Safety have many legal ramifications which will hinder the transfer of BLM horses to Sovereign Nations for any purpose if that Nation has a history of horse slaughter of wild horses.

In Conclusion, WHOA invites you to manage wild horses by dartable contraception using USDA conservation monies and other grants WHOA would be happy to help with these grants. WHOA would like to help ensure that wild horses retain their VALUE intrinsically and monetarily through tourism. Tourism brings New Mexico $9 Billion per year and is a GROWTH industry (over 1000 new jobs/yr usually) not limited by acreage and water as is the Livestock industry. The Livestock industry only brings New Mexico less than $2 Billion/yr and is not a growth industry. WHOA would also be happy to help with International Equine Eco Tourism planning.

Sincerely,

The WHOA Board
Wild Horse Observers Association
A 501 c3 non-profit corp.
PO Box 932
Placitas, NM
505-610-7644

Attachment 1 NM BLM Rio Grande URA 1979 excerpt EXHIBIT G WHOA v Salazar

Malicious Wild Horse Management – 1. Remove Cattle, 2 Remove water.

summer rains. Opened gates, providing access to the river, are essential at this time.

Illegal roundups are still continuing, the latest being in June of 1977. At this time, two colts, one stud and possibly one mare was removed from the area. Through BLM efforts to locate the captured animals, only the stud was found and returned to the area.

As the present wild horse area is rather heavily fenced, serious problems could and reportedly have arisen as allottees leave the area with closed gates and no water. Reportedly, this happened in the late 60's and an undetermined number of horses died of thirst. From this report and other sources, it is fairly evident that most wild horses cannot or will not jump the average fence.

f. Population Condition

Attachment 2 NN Water Protector Non-Profits - Surface Waters – Ground Waters

"For local water activists, Navajo coal mine closure would be a long-awaited win"

PRI's The World
July 03, 2017 · 10:00 AM EDT
By Carolyn Beeler

With Marshall Johnson, Keetso, and Grandmother Lena Henley

EXCERPT BELOW

Peabody Energy has cut its water use by 70 percent over the last decade or so. But it still uses about a million gallons a day.

The company says 50 years of studies show their water usage hasn't damaged the aquifer. And federal scientists say their long-term monitoring of four springs on Black Mesa show no impact to surface water supplies either.

But Keetso doesn't think that data tells the whole story.

"The impacts that Peabody has had are visible," Keetso said.

IMG_4759.jpg

Lena Henley tends to her sheep in their pen.

Credit:

Carolyn Beeler

She says springs on Black Mesa have dried up, and that claims to the contrary ignore the knowledge of local elders who have seen the change — people like her grandmother, Lena Henley, 70, who remembers taking sheep out to desert washes on summer mornings when she was a little girl.

"Water was seeping out of the sand and the rocks, it was running like a river," Henley said. "It seems like we had a lot of water in those days."

Water Mining

News Media & Press

For Immediate Release

Black Mesa Trust Applauds Decision to Shutter Navajo Generating Station

(Kykotsmovi, Ariz.) Feb. 13, 2017 – "I am very happy and relieved that Black Mesa Trust's struggle to save sacred waters on Black Mesa will finally end in 2019," said Black Mesa Trust Executive Director Vernon Masayesva.

"Black Mesa Trust was founded in 1998 with the singular mission of saving drinking water stored deep under our sacred land. We will succeed, but the price for allowing industrial use of pristine drinking water has been unconscionably high," he continued.

- Over 45 billion gallons of water stored in ancient aquifers is gone forever. This would have been enough water to sustain a Hopi population of 10,000 people for over 300 years, but it was gone in just 47 years.
- Many springs are now dry and an unknown number of others are contaminated. Some of the springs were used to conduct ceremonies.
- An unknown number of Hopi ancestral villages, burial sites, sacred shrines and petroglyphs have been destroyed. These were footprints of our ancestors who settled on Black Mesa over 1,000 years ago.
- Hundreds of acres of cedar trees have been uprooted by bulldozers. Cedars are used for purification and medicine.
- The dynamiting of coal seams has released an unknown quantity of methane gas. Coal fires may have been ignited and if so they are still burning, creating cave-like tunnels within the mesa.
- The extraction of billions of waters stored in highly-pressurized aquifers has caused thousands of sinkholes in the landscape.
- Impacts on the health of Diné (Navajo people) living downwind from the mine area and their livestock, their main source of livelihood, have never been objectively investigated.
- Nor has the impact of groundwater pumping on Siipapu, place of Emergence from the Third World to the Fourth World, located near the convergence of Little Colorado River and the main Colorado River been examined.
- Over 165 impoundment ponds built by the mining company have blocked the rainwater and snowmelt that used to flow through washes to Siipa'pu.
- Moencopi Wash, which once provided water for fields and crops, is bone dry most of the year. The impoundments were authorized by U.S. Army Corp of Engineers without full investigation of the environmental or cultural impacts or the possible effects on Moencopi farmers and endangered species. An investigation must be conducted and must include the outright sale of water leased from Hopi Tribe and Navajo Nation to owners of Mohave Generating Station without the knowledge of the Hopi Tribe.

From: Patience O
To: fortherecord (Energy)
Subject: public comments Wild horse and burro issues July 16th meeting
Date: Monday, July 29, 2019 9:34:11 PM
Attachments: WHOA National Plan Final Final Final.pdf

Dear Sirs,

Here is WHOA's plan for the wild horses on public lands. See link below or attachment for main plan which redefines the problem as a conflict of interest and resolves it in a Win Win Win manner.

Additional options below for wild horse areas where the horses out number the cattle.

WHOA National Plan | Wild Horse Observers Association

WHOA National Plan | Wild Horse Observers Association

Additional options also move us forward with environmental damage remedies and on range management:
==========
1. Permittee puts grazing permit on hold consistent with the Taylor Grazing Act for 3 yrs at a time and receive payment for Methane avoidance, as well as for darting wild horses and burros and environmental work per WHOA Plan. Permittee retains grazing permit.

2. Non-native seeds that have come in with feeding of domestic livestock on the range have drastically altered habitats and edible forage production. These must be combated as these have drastically reduced the production of our public lands. Cheat grass, lipidium etc. For example, are not edible except in the spring. They spread and choke out other nutritious forage, then dry out. Therefore, this is as devastating as drought, even worse in a good rain year (and could not be resolved

even with the removal of All wild horses).

Note: Cheatgrass also leads to increased forest fires, causing billions of dollars in property damage so it clearly needs to be controlled.

3. Ranchers can optionally switch their permits to other domestic livestock species in certain areas. For example, goats or sheep can eat non-native plants that cattle don't utilize and possibly fight the "localized climate change" caused by the cattle and the non native plants. Some ranchers are considering this.

4.Wild Horse Observers Association (WHOA) believes another innovative option some environmentalists call for IF desired can be accommodated: Based on BOLD Methane reduction payment over time, Permittee has option to buy out, based on methane saving over 20 years.

5. In these areas where permitee removes all of their cattle or livestock, there is no local reason why predators cannot be a big part of the solution to keep wild horses and burros in check.

More Important Facts:

Newsflash on Predators!Unlike non-native cattle, wild horses evolved into the Modern Horse in North America between 1 to 4 million years ago and are now known to have remained in North America well into the last Ice age, less than 8,000 years ago. They evolved alongside the mountain lion and the grasses here did not change in the last 20,000 years or more!

Contrary to the unscientific statements saying that wild horses have no natural predators because they are "feral": Wild horse meat is as edible to mountain lions as beef from non-native cattle. Not only do mountain lions eat non-native domesticated bovine (cattle) that evolved Asia, but they regard wild horse (equine) young as meat.

News Flash on reseeding! Wild horses cannot "create" non-native seeds, such as cheat grass (which is actually inedible to cattle and horses except for spring, when mature seeds are not yet present). These non-native plants have been introduced by humans, likely through hay or protein blocks.

News Flash on Dought! Wild Horses also do not create drought. Climate change causes drought and hotter temperatures by increasing moisture in the air, which results in flooding in some areas, instead of snow; which is needed to feed rivers year round.

Newsflash on Chronic Wasting Disease! UNLIKE deer, elk, and possibly cattle, wild horses do not catch/spread chronic wasting disease (a prion), even though it is spread by contaminated foliage from urine and fecal and other matter.

Other Cost Issues:

The leading causes of death in the US are Heart Disease and Cancer per the CDC, costing the US $477 Billion/year. Much of this is attributed to the Meat and Dairy industries per the CDC.

Patience O'Dowd
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Sustainable Future for Public Lands Ranchers,
wild horses and burros management, wildlife eco-systems,
vs. Methane & Greenhouse Gasses

Problem Definition => Conflict of interest by design

We need an innovative solution for wild horse management that is feasible for the wild horses, burros, Public Lands Ranchers (Permittee s), the people, the horse industry and, importantly; reduces court actions from all sides by removing the root cause, which is a conflict of interest.

Due to the management procedures since 1971, in fact the wild horse is less than worth-less, monetarily speaking, to the Public Lands Rancher vs the American Public who view them as intrinsically valuable. In order to remove this resultant conflict of interest, the monetary value of each wild horse must rise to that of a cow/calf, for the Permittee.

The solution must also feasibly take into account climate change and the fact that both sides of the aisle recognize that creative remedies are needed now*1.

The Permittees must also be paid for improving carbon sequestration on the range and reflectivity/albedo*2 as appropriate, along with working issues of watershed, soil, planting trees, re-seeding, drilling wells, installing windmills for year-round water as needed, for both cattle and wildlife/wild horses.
To wit the Green New Deal from the Democrats and the Green Real Deal from the Republicans also according to the United Nations' Intergovernmental Panel on Climate Change 12-year ultimatum on climate change.

Summary Proposal – End Conflict of Interest - Design Feasible Root Cause Resolution

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The BLM has stated to Congress repeatedly that to warehouse a wild horse for its lifetime costs the nation approximately $50,000 each. However, just half of this could be better spent on public lands, paying ranchers for wild horse and burro management by immuno-contraceptive darting once per year, on the range, rather than paying $1000/horse for helicopter round up and $2000/year thereafter in holding. This would end the mounting numbers in long term holding and the $2000/yr. per horse.

Rather than the traditional expensive and dangerous round ups, transport, holding and feeding for 25 years, the Permittee will be paid for the three management items below:

1. **Equivalent Payment for Partial Resting of Permit:** Similar to farmers being paid to rest their lands, ranchers would count the horses (perform a census*3) and determine if the wild horse number is greater than the Appropriate Management Level (AML)*4. This is called the overage*5. If this overage is significant enough, environmentally speaking, to choose to put less cattle out, then the Permittee will instead be paid the same as

cow/calf for the number of horses over AML/overage. Or rather, the number of cattle removed would be equal to the number of wild horses over AML and the rancher will receive an equivalent payment for partial resting of the permit. Hence, the Permittee, the wild horses and the range are all protected and the conflict of interest is removed, when combined with item no. 2 below.

2. **Payment for PZP*6 Darting:** Permittees (or BLM contractors) must be paid equivalent to a cow/calf to manage each wild horse with PZP darting Fertility control darting will be provided to all females each year, on and off, in order to both preserve genetic health of the herd as needed to work towards a population where the herd is at AML and the birth rate is equal to the attrition rate. Hence flat line population growth without round ups. The rancher will provide digital pictorial documentation.

3. **Payment for Environmental Defense and Preservation:** Under the purview of the Bureau of Land Management (BLM) or United States Department of Agriculture Forest Service (USDA FS), the public lands rancher needs to also become our first line of defense on public lands to fight climate change as front-line range and environmental stewards. This will address reflectivity of the environment/albedo the amount of methane, watershed, forest fires and biodiversity.

This is also recognizing the public lands stewardship these Permittees already do (while the cattle are on the permit) however, often not year-round, by ensuring water for grazing animals, planting seeds, sometimes planting or removing trees and addressing watersheds as well as erosion.

Water supplies will also need to be ensured for the time the cattle are off the allotment, at a minimum by ensuring allotment gates are locked open so that wild horses can then roam to water. They may also work improvements to watershed, erosion etc.

https://www.history.com/news/cave-painters-didnt-dream-up-spotted-horses-study-shows

NOTE: Methane: The Environmental Protection Agency (EPA) states that enteric fermentation*7 and manure (largely from cattle) are the number one source of methane in the United States. Methane is 84 times more heat trapping than CO2 in the first two decades. However, when wild horses are over AML, IF the Permittees reduce cattle and are paid, this also results in Methane reduction.

NOTE: Remote Areas: The BLM and USDA FS state to Congress that they cannot get to the more remote areas in order to manage the wild horses and burros with contraception. However, the Permittees are already in/near these areas with the cattle they manage.

NOTE: Native Predators: Mountain Lions, Wolves, etc. are being killed by USDA Wildlife Services ($121 Million/yr.) due largely to their predation on non-native cattle/beef from Asia. Livestock owners are often paid for depredation. Hence, whether one agrees or disagrees as to the native status of the legally wild horse, or it's domestication, it is preposterous to say that a predator can differentiate or has a prejudice against eating horse meat because they can somehow sense they may be domesticated vs. wild. (Regardless, horses evolved entirely here in North America for over 55 Million years with the modern horse having appeared between 2 and 4 million years.)

NOTE: Puppy Mill Management (unchecked breeding)**:** Under the current management structure, the wild horse has lost its value through (unchecked breeding), due to the expensive wipe out of predators and virtually no contraceptives substituted in their absence.

To wit, the BLM states that it started with only 25,000 wild horses, however proudly claims it has homed 245,000 horses. Further removals of thousands of wild horses have significantly affected supply and demand for adoptions, which is clearly self-defeating for the BLM and detrimental to the horse industry, and many of these are at high risk of slaughter.

Occasional mares are PZP'd off range and released after an expensive and illegal helicopter round up, thereby completely defeating the feasible, legal, and humane purpose of (non-experimental) and dartable PZP - ON Range Management.

Puppy Mill Management thereby puts all sides at risk on many levels including legal, fiscal, humane: Reference: Citizens Against Equine Slaughter (CAES) Muddy Creek Utah Administrative Appeal No. IBLA-2018-0192 awaiting IBLA* Action. Wild Horse Observers Association IBLA-2017-0048 awaiting IBLA Action. CAES IBLA NO.s IBLA-2016-243 and IBLA-2019-0015 : Both Remanded back to BLM regarding blind "surgical" sterilization by ovariectomy which is also illegal, inhumane, and fiscally irresponsible, moreover requires routine round ups as usual.: CAES filed two administrative appeals to STOP *not* WATCH, this barbaric process and won. Additionally, regarding humane animal affairs no one with DSM-5; PID-5; antisocial personality disorder; personality disorders; psychopathy should play any decisional or hands on role.

NOTE: The National Park System (also under the Department of Interior as is the Bureau of Land Management (BLM) has been utilizing native PZP successfully on a 45,000-acre Assateague National Park, successfully. Time to TIER (Share Information) with/from the NPS.
https://www.nps.gov/parkhistory/online_books/science/26.pdf https://www.nap.edu/catalog/13511/using-science-to-improve-the-blm-wild-horse-and-burro-program

NOTE: This plan does not affect any of the current ways that political campaigns are funded.

https://www.smithsonianmag.com/history/journey-oldest-cave-paintings-world-180957685/

IN CLOSING
We understand that change is sometimes difficult. However, under this new structure, young and old public lands ranchers and Permittees can have hands-on education, based on each area's environmental and wild horse management needs.

This would help to guarantee their long-term ranching future by continually paying them equitably for providing some of the services they currently already do in part for free, in order to enhance their ranching incomes.

Asterisks Explained

*1 The United Nations' Intergovernmental Panel on Climate Change: 12 year ultimatum
*2 Albedo - "is the percentage of solar radiation reflected by an object. ... A pure black object would absorb all radiation and have an **albedo** of 0%. Bright Earth features such as clouds, fresh snow, and ice have **albedos** that range from 50% to 95""

https://www.smithsonianmag.com/smart-news/world-was-just-issued-12-year-ultimatum-climate-change-180970489/#wZsGokLjwHMmLEpF.99
*3 Census -Total Number of wild horses
*4 AML - Appropriate Management Level (AML), which is the number of wild horses and burros that can thrive in balance with other public land resources and uses
*5 Overage -Total census (including babies) minus AML.
*6 PZP define and explain why not the other alternatives
https://www3.epa.gov/pesticides/chem_search/ppls/086833-00001-20170706.pdf
https://www.nap.edu/catalog/13511/using-science-to-improve-the-blm-wild-horse-and-burro-program
*7 Enteric Fermentation: Ruminant Digestive process. Per EPA "Enteric fermentation is the largest anthropogenic source of CH4 emissions in the United States". . ."This increase in emissions from 1990 to 2017 generally follows the increasing trends in cattle populations." (This does not even include the Methane from associated manure)."

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