

September 3, 2010

The Honorable Ken Salazar  
Secretary of Interior  
1849 C Street NW  
Washington, DC 20240

**RE: BLM Draft Goals, Objectives, & Possible Management Actions – Wild Horse  
and Burro Program**

Dear Secretary Salazar:

As representatives of federal lands ranchers across the west, the Public Lands Council (PLC), National Cattlemen's Beef Association (NCBA), and the American Sheep Industry Association (ASI) thank you for the opportunity to provide the following comments on your recent proposal, "Draft Goals, Objectives and Possible Management Actions", for the Wild Horse & Burro Program.

PLC, NCBA, and ASI represent producers who graze livestock on our Nation's public lands. Ranchers have been the stewards of federal lands across the west for over a century, providing resource management, contributing to the ecological diversity on the range, reducing the risk of catastrophic wildfires, and building and maintaining rural economies. Ranchers, whose livelihoods are directly impacted by wild horse and burro management, deserve the opportunity to be an integral part of the decision-making process. Their firsthand experience makes them particularly qualified to submit comments and ideas on solutions to a program that is moving in the wrong direction.

The wild horse population is out of control, and without implementing solutions to reduce the reproduction rate, increase adoption or otherwise dispose of excess horses, the program will continue to be a burden on the BLM, ranchers, and natural resources on our federal lands. Over-population of horse and burro herds is continuing to cause serious problems, including overgrazing, environmental damage, and even starvation.

According to BLM figures, the appropriate management level (AML) of horses and burros on the range is about 28,000. Currently there are over 38,000. Additionally, there are nearly 30,000 in short- and long-term holding facilities consuming nearly two thirds of the program budget.

Since enactment of the Free-Roaming Wild Horse and Burro Act in 1971 (Act), grazing on federal lands has been reduced by as much as 50%, while the horse population has been on the rise. In fact, if the herd continues to increase at its current rate of 20% per year,

in four years, the population will be twice its current size, which, according to BLM, is already 25% above sustainable levels.

It is important to note, the wild horses and burro herds of today are descendants of animals introduced in North America by early European explorers; they are not native wild species. They include descendants of the horses and burros lost or abandoned by settlers, miners, the U.S. Cavalry and ranching enterprises. Genetic testing has revealed genetic links to more than 10 domestic breeds.

While wild horses and burros make up one part of the western landscape, the BLM's plan must provide practical solutions to keep the herds at sustainable, scientifically derived, AML to maintain a successful co-existence between wildlife, ranching and the other multiple uses.

### **Implications for Strategy Development**

#### **What do you think?**

##### ***Would you support increased use of fertility control and sex ratio adjustments to slow population growth?***

We fully support the increased use of fertility control and division by sexes on the range as a means to reduce the overall herd reproduction rate. There exists a pressing need to conduct more research in fertility control alternatives which will provide cost efficiencies and longer efficacy. The population growth must be brought into alignment with the adoption/sale demand of excess horses in order to bring the program and herd size to manageable levels.

##### ***Would you support male-only herds in some HMAs? If so, how should the areas be identified?***

We support the use of male-only herds as a means to reduce the reproduction rate of the overall herd. These herds should consist of sterile animals to preclude the possibility of impacting horses on adjacent private lands and minimize negative effects on local areas. The areas with male-only herds need not necessarily be identified in any other way than is currently used to identify mixed-sex HMAs.

##### ***Under what conditions would you support placement of animals in good homes overseas?***

The placement of horses and burros overseas should be expanded and executed in a manner similar to the placement of animals here in the United States. The adoption/sale process in the U.S. should be streamlined as part of the overall process of removing excess horses and burros from the public lands.

***What suggestions do you have to increase the number of excess animals placed in private care?***

The best and most efficient way to increase the number of excess animals being placed in private care is to streamline the adoption/sale process and to allow for title transfer to occur with no restrictions.

***Would you support revising adoption requirements (such as lower fence heights, reduced shelter requirements, or reduced or waived title waiting period)?***

All actions that would increase and make more efficient the adoption/sale process should be considered. One way to make the process more efficient is to allow those entities that have adopted/bought horses and burros from the department in the past to adopt/buy additional animals with no additional paperwork/effort. The adoption and sale of excess horses and burros should come with full title and no restrictions.

## **7 Key areas as defined by the Draft Management Plan**

### **1. SUSTAINABLE HERDS**

***(BLM Goal: Manage H&B populations on public lands so that healthy rangelands and animals are maintained in a thriving natural ecological balance with other multiple uses.)***

***Objective 1: Implement fertility/population control to balance annual herd growth rates with the adoption demand.***

***Actions: PZP, sex ratio adjustment; Stud castration/vasectomy; Spay mares; Research use of chemical sterilization; Establish non-reproducing herds***

We support herd management at AML, based on sound peer-reviewed science, by using the actions the plan refers to under Objective 1. We question the current reliance on a marginally effective PZP vaccine that is supplied by the Humane Society of the United States (HSUS) and encourage the department to fund research for more efficacious alternatives. An increased use of fertility control and funding into more promising alternatives is crucial to bringing the wild horse and burro population under control.

Division of herds by sexes holds promise and should be used as another tool to reduce the overall reproduction rate of the herd. Non-reproducing herds should be placed on HMAs on which gathering excess horses and burros tends to be more difficult and/or expensive.

We prefer the strategy of complete removal for HMA's that are currently difficult and/or expensive to manage in order to maintain the health of the land and continued viability of existing valid multiple uses authorized by Congress.

The reproduction rate – herd wide – must be brought into alignment with the adoption/sale rate in order to manage the population at scientifically accepted AMLs.

**Objective 2:** *Make additional forage available for H&B use.*

**Actions:** *Trade agreements with livestock operators to replace livestock use areas with H&B use; Voluntary relinquishment of livestock grazing permits; Third party purchase of grazing permits for use by H&B*

We do not agree with Objective 2; making additional forage available will only expand the current problem. More specifically we cannot support the replacement of livestock with horses and burros and will not support the conversion of livestock permits to single-use horse and burro permits, a scenario that is outside current statute and the authority of the department. We are adamantly opposed to the purchase of grazing permits for the use of horses and burros; our public lands are managed best when kept in a multiple-use regime.

While we support the right to voluntarily relinquish livestock grazing permits, the permits must be kept in use for livestock grazing by other interested ranchers. All voluntarily relinquished permits must be returned to grazing livestock through the most streamlined regulatory process possible – as is currently required by law.

**Objective 3:** *Improve gather efficiency and expand the use of various gather techniques.*

**Actions:** *Passive capture techniques (i.e., water or bait trapping); Increase the number and type of local and national gather contracts: stewardship contracts, assistance agreements, volunteer agreements, other; Develop in-house gather capabilities.*

We continue to support the gather of all excess horses and burros where HMAs contain more than the scientifically established AML. We will support techniques which will increase efficiencies, both cost and time, in gathering excess horses and burros. Often, under current conditions where overpopulation exists, time is of the essence when removing excess animals. We encourage the department to execute cost/benefit analyses prior to developing in-house gather capabilities, as the private sector tends to provide more cost efficient solutions than the government and is likely better equipped for this specific situation.

While stewardship contracts, assistance agreements and volunteer agreements may have potential to improve the situation, we have yet to hear how these alternatives could provide more efficiencies than current gather practices.

Scientific studies and empirical evidence demonstrate that gathering horses and burros through the use of helicopters is the most efficient option, both in terms of time and safety for gatherers. We encourage the continued use of helicopters when gathering horses and burros.

## **2. PRESERVES**

***(BLM Goal: Provide for sustainable long-term care of H&B in a free-roaming environment working collaboratively with our existing partners; develop new partnerships; and create educational and research opportunities and public access, while reducing costs of care within the next 10 years through an incentive-based approach that will provide local economic development opportunities.)***

***Objective 1: Manage every preserve in a manner that maintains non-reproducing H&B in pastures large enough to allow free-roaming behavior while providing the food, water, and shelter necessary to sustain them in good condition.***

***Actions:***

*Utilize animal welfare and care requirements in existing long-term pasture contracts to assure the health and well being of the animals located in preserves; Minimize the handling of H&B by humans; Utilize standard protocols and criteria for long-term pasture contracts to provide regular, on-the-ground monitoring of the H&B in preserves in order to ascertain their well being and safety.*

*Manage preserves with individuals who are knowledgeable and experienced about the behavior and nutritional requirements of equines and the management of land for the sustained production of grass and other desirable forage plants.*

We support the placement of horses and burros on “preserves” given two stipulations: that these are created on areas already occupied by wild horses and burros; and that these preserves, managed within current statutory authority, contain non-reproducing herds. Creating preserves with non-reproducing herds will not solve the problem without reducing the reproduction rate for the overall population. Once the reproduction rate of the horse and burro population is reduced to equal the adoption/sale rate, the need for private pasturing will decrease over time and ultimately not be needed. In the meantime, all horses and burros in long- and short-term holding facilities must continue to be non-reproducing herds.

***Objective 2: Increase the stability of long-term holding contracts.***

***Action: Extend the contract period from a maximum of 5 years to 10 years to ensure greater pasture availability, and continue to solicit (contract) for long-term grassland pastures for a minimum of 200 and a maximum of 5,000 wild horses.***

While we do not oppose individuals entering into private contracts with the federal government to hold excess wild horses and burros, we continue to believe that bringing the reproduction rate of the herd on public lands into alignment with adoption/sale rates will eliminate the need to spend financial resources on long-term holding facilities.

***Objective 3: Acquire preserves through acquisition of non-federal land.***

***Actions:***

*Acquire non-federal land (“fee-title” or full ownership) preserves through purchase, exchange, or donation. Consider less-than-fee title acquisition, if necessary.*

*Develop a communications and outreach strategy to identify potential properties.*

We are adamantly opposed to and cannot support the acquisition of non-federal land for the purpose of creating preserves. The solution to properly managing the wild horse and burro program does not lie in the acquisition of more land by the federal government.

**Objective 4:** *Work with partners to establish preserve(s) on existing private land.*

**Actions:** *Extend assistance agreements with Tribes or non-profit organizations, from a maximum of 5 years to 10 years; Seek partnerships with existing animal sanctuaries/preserves; Open a dialogue with potential partners; Explore transfer of animal title to the partner.*

As stated above, we are not opposed to individuals or associations entering into private agreements with the federal government to establish areas where excess wild horses and burros can be held (refer to Objective 2, above).

**Objective 5:** *Create preserves on other federal agency lands.*

**Actions:** *Include non-BLM federal lands; Develop an Interagency Agreement for preserve creation and joint management of the land and animals; Consider modeling the partnership after the USDA's and the Interior Service First program.*

We encourage the department to explore alternative federal lands managed by other agencies where existing statutory authority allows placement of horses and burros—with the stipulations that a) herds be managed as non-reproducing and b) livestock producers and/or local stakeholders in the area experience no negative impact. Generally, transferring the management of wild horses and burros into care by other agencies will not solve the overall problem facing the wild horse and burro program.

**Objective 6:** *Create a program for management of H&B by private citizens who would be reimbursed for their care through the FSA.*

**Actions:** *Use existing (or create new) private land conservation programs to provide incentives to farmers and ranchers who care for a min. of 200, max of 5,000 H&B on their private lands.*

It is difficult to see how creation of another conservation program will help solve the current overpopulation issues facing the wild horse and burro program. This objective does not appear to be significantly different from current long-term contracting for excess horses and burros—which is ultimately not the answer to reducing the herd.

**Objective 7:** *Create preserves on HAs or HMAs which currently have no animals on them.*

**Actions:** *Re-evaluate these areas and propose AMLs where possible; determine if they are best suited to reproducing or non-reproducing wild horses, or conversion to burros; monitor resource data for AML adjustments*

As discussed above, any placement of horses and burros on HMAs which currently have no animals must include a review of the resources to ensure the appropriateness of putting the animals on the land. We are opposed to the placement of horses and burros on HAs or HMAs which would negatively affect any livestock permittees in the proposed area and without approval of the local stakeholders.

### **3. TREASURED HERDS**

***(BLM Goal 1: Designate selected wild horses and burros as treasured herds through the BLM land use planning process.)***

***Objectives 1 - 4: Develop planning criteria through an open and transparent public process; update the BLM's Land Use Planning Handbook to address administrative designations of "treasured herds."***

It is unclear what the designation of certain herds as "treasured herds" will accomplish with respect to the current problem of overpopulation. We are opposed to creating special designations for wild horses and burros which could lead to litigation similar to what we currently have under the Endangered Species Act. All wild horses and burros should be managed at scientifically established AMLs on areas where the animals currently reside and on HMAs that have sufficient resources to accommodate horses and burros.

***(BLM Goal 2: Manage for healthy animals and healthy public lands.)***

***Objective 1: Collaborate with stakeholders to develop & implement management strategy, so as to showcase healthy animals and healthy public lands.***

Management of wild horses and burros should always be done with the health of the public lands in mind. This includes managing the population at scientifically accepted AMLs and under the multiple-use mandate required of the Department by Congress. The health of our public lands is integral to ensuring long-term viability of resources.

***Objective 2: Co-manage treasured herds with Tribes and/or other agencies or partners through long-term agreements.***

***Actions: The first designations would be entirely on public lands while BLM explores opportunities to develop agreements with Tribes or other agencies.***

We support the Tribes' right to enter into agreements with the federal government dealing with their tribal land. This is dependent upon the assumption that wild horses and burros would not negatively impact neighboring private or public lands or the local stakeholders in those areas.

#### **4. PLACE EXCESS ANIMALS INTO PRIVATE CARE**

***(BLM Goal: Place more animals into private care.)***

***Objective 1: Expand the adoption/sale customer base.***

***Actions:*** 1. Increase Internet-based placement. 2. Increase the use of incentives to help defray some of the costs of horse ownership. 3. Increase the use of wild horses in public service. 4. Target specific equine disciplines and offer trained animals and sponsorships to their members. 5. Establish privatized adoption facilities.

We fully support a streamlined adoption process for excess horses and burros – expanding the adoption and sale of animals. Excess horses and burros should be released through adoption and sale with full title and no restrictions on the new owner. Expanded use of excess animals for research by universities is one option we encourage the department to look into.

***Objective 2: Offer more trained animals.***

***Actions:*** 1. Expand partnerships to train animals. Include universities, prisons.

Offering trained animals for adoption is important to increase demand for excess horses and burros. We encourage any cost-effective ideas to partner with entities such as universities and prisons. Due to the effective end of horse slaughter in the U.S., there is no bottom in the market for excess horses and untrained animals are in even less demand.

#### **5. COMMUNICATIONS**

***(BLM Goal 1: Partner with stakeholders and others to protect and manage H&B and tell the story of America's wild horses and burros.)***

***Objective 1 - 3: Emphasize partnerships to protect and manage H&B.***

Communications is an important piece to educating the public and Congress about the wild horse and burro program. We encourage the Department to enlighten the public about responsibly managed horses and burros on the range that, when done at the AML, can be one part of the multiple-use regime on our public lands. Explaining that these animals reproduce at a rate of 20% per year and have no natural predators will be helpful in the long run. Showing the public that horses and burros have a place on our federal lands as one small part of an overall multiple-use system will help to dispel the misinformation coming from some radical horse advocacy groups.

It is important to note that while horses have been an integral part of western heritage and should have a place on our public lands, they are here for our enjoyment and should not be placed above other multiple-uses and the sound management of rangeland resources. This includes managing the herds at AML and within designated

areas so as not to negatively affect the local stakeholders, rural economies and the natural resources.

***(BLM Goal 2: Increase the Program's transparency; improve communications and visibility.)***

***Objective 1 - 2: Improve & keep current the Wild Horse and Burro Program's website.***

We support the use of a website to communicate the above mentioned ideas and to keep the public informed of what the Department is doing. Providing facts about why we have a wild horse and burro program and the need to manage herds using scientifically derived data with respect to the resources is important. The Department should rely more on groups like the Society for Range Management and land grant universities for obtaining facts about wild horse and burro management. Too often the loudest and most visible spokespeople are those outside the government with an agenda; often making up "facts" and forming propaganda to fit their goals.

## **6. ANIMAL WELFARE**

***(BLM Goal: Use a progressive approach to implement a Comprehensive Animal Welfare Program (CAWP). Develop and implement a CAWP to ensure the well-being of wild horses and burros at gathers and in facilities; ensure compliance with animal care requirements following adoption. The CAWP will bring together existing elements like adoption compliance, with a progression of new components, such as education for employees and contractors; an ongoing, internal animal welfare assessment program; and periodic external reviews of our animal care and handling. Coordinate all components of the CAWP through a new position, the National Animal Welfare Coordinator. Conduct the CAWP with complete transparency.)***

***Objective 1 -7: Develop and implement a Comprehensive Animal Welfare Program (CAWP).***

***Action: 1. Use the structured approach successfully implemented by other industries to create a program to assess, monitor, and document the BLM's humane treatment of animals to the public on an ongoing basis. 2. Hire a full time Animal Welfare Coordinator.***

Our members make a living off treating our livestock with the utmost care. We understand that our businesses are most successful when we have healthy animals. Unlike many radical advocacy groups, our members care for the wellbeing of animals every day to ensure a healthy product for the American people and the world.

Wild horses and burros should continue to be cared for in a humane manner; integral to their welfare is managing the herd populations at scientifically determined AMLs and removing old and injured animals. Any comprehensive program based on animal welfare should include industry leaders and veterinarians which have experience dealing

with large animals. One such expert that has contributed a great deal to our industry is the acclaimed Dr. Temple Grandin, a world renowned expert on animal husbandry and management.

We caution the department on creating a program which includes self avowed “animal welfare experts” with no practical knowledge of what is needed when caring for large animals.

## **7. SCIENCE & RESEARCH**

***(BLM Goal: Use the best science available to manage wild horses and burros.)***

***Objective 1:*** Apply the best available methods and techniques to estimate wild horse and burro population size and genetic diversity; reduce wild horse and burro population growth rates; assess habitat conditions; establish AML; and assess wild horse and burro health and welfare. Pursue research that will improve these methods and techniques.

***Actions:*** 1. Continue existing research and explore new research opportunities for: a. Fertility control and sterilization of both male and female wild horses and burros. b. Wild horse and burro population estimation techniques. 2. Continue monitoring and explore new research opportunities related to wild horses and burros: a. Health and welfare. b. Genetic diversity. c. Habitat conditions. 3. Given a reasonable expectation of safety, implement promising management techniques as soon as they are practically, economically, and legally feasible even though research may not be absolutely conclusive.

We agree that science and research is likely the most important piece to effectively managing the wild horse and burro program. Along with current, peer reviewed science, we support the expanded use of departmental resources to study fertility controls in order to expand the tools available for decreasing the reproduction rate of the herd. Establishing a scientific, peer reviewed AML for all HMAs where horses and burros currently reside, and managing at that level—as statute requires—is very important for local stakeholders and other multiple-users of our public lands. We agree that actions to reduce the excess horses and burros immediately is important, and that waiting for research to be “absolutely conclusive” will only serve to delay action by the Department.

***Objective 2:*** Review and evaluate current science applicable to wild horse and burro management.

***Actions:*** 1. Commission the National Academy of Science, National Research Council (NRC) to review the three earlier reports (1980, 1982, and 1991) and make recommendations on the best science for wild horse and burro management and for needed new research. 2. Review and update the cooperative research strategy between the BLM and the U.S. Geological Survey (USGS) regarding wild horse and burro research priorities. 3. Review historic recommendations of the National Wild Horses and Burros

*Advisory Board regarding research, determine whether these recommendations were implemented, are no longer relevant, or need to be pursued.*

The compilation, review and evaluation of current science applicable to wild horse and burro management are very important and should be undertaken without delay. The National Academy of Science study which is being commissioned at this time should include local stakeholder input and rely on range experts with horse and livestock management experience. Range managers with experience and expertise in resource management through managed grazing should contribute to any commissioned studies moving forward. Additionally, much deference and inclusion of recommendations should be given to the ideas from the Wild Horse and Burro Advisory Board.

***Objective 3:*** Utilize current rangeland health information to support decisions that affect the management of wild horse and burro herds and their habitat.

***Actions:*** 1. Use the best available science when conducting rangeland health assessments, evaluations, and habitat monitoring (utilization, trend, actual use, and climate data) in order to verify AML ranges and determine progress toward attainment of Land Health Standards and HMA-specific management objectives. 2. Incorporate adaptive management approaches to effectively manage wild horse and burro herds and their habitat. 3. Closely coordinate wild horse and burro habitat monitoring with other resource program's monitoring activities. 4. Determine the need for habitat improvements to assist with animal distribution and forage availability.

We fully support the evaluation and reliance on rangeland conditions in determining management of the wild horse and burro populations. To allow overpopulation (a population in excess of a scientifically derived AML) is to allow damaged resources. It is not healthy for the herds and negatively impacts local stakeholders and economies. Management decisions should be made based on the ability of the range to support the horse and burro herds, not on arbitrary and often uninformed opinions of those outside the Department.

### **Concluding Thoughts**

Since enactment of the Free-Roaming Wild Horse and Burro Act in 1971, livestock grazing on BLM lands has been reduced by as much as 50%, while the horse population has exploded well beyond what Congress envisioned. Contrary to what some radical advocacy groups have indicated, the livestock industry does not promote the removal of horses and burros in order to increase the number of livestock on the range. These claims are simply false. Rather, we support management at levels (AMLs) based on the range's capability of accommodating horses and burros, for the health of both the animals and the range.

Unfortunately the *de facto* banning of horse slaughter (due to an appropriations rider which defunds inspection of plants which processed horses) has removed the demand

for unwanted horses and subsequently made adoption of excess wild horses very difficult.

The most important piece to bringing the wild horse and burro program back into alignment with the intentions of Congress is to reduce the reproduction rate of the herd to equal the adoption/sale demand. There are many tools available to achieve this goal, and more are being developed. The Department should not take any options off the table. Increased fertility control and division by sex on the range, and streamlined adoption or sale (with no restrictions on title), are central in managing the program effectively.

PLC, NCBA, ASI, and other livestock organizations whose members are directly involved and knowledgeable of the ongoing challenges with wild horses and burros should play a primary role in determining management actions taken regarding the program. In this respect, our associations look forward to working with the Department of Interior, including the Bureau of Land Management, in implementing common-sense, effective management of the wild horse and burro program. We thank you for the opportunity to comment on this plan and for recognizing that something must be done to bring the program back to what was originally intended by Congress with its passage of the Wild and Free Roaming Horse and Burro Act of 1971.

Thank you,

American Sheep Industry Association  
National Cattlemen's Beef Association  
Public Lands Council