

# Committee on Resources

## Subcommittee on National Parks & Public Lands

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### Testimony

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TESTIMONY OF  
JOHN BALLIETTE  
CONTRACTUAL NATURAL RESOURCE MANAGER  
EUREKA COUNTY, NV  
before the  
HOUSE COMMITTEE ON NATURAL RESOURCES  
SUBCOMMITTEE ON NATIONAL PARKS AND PUBLIC LANDS  
Monday, July 13, 1998

Chairman and Members of the Committee:

Thank you for the invitation to testify before your Committee on an issue that is very important to rural Nevada. My testimony will include a summary of my background and qualifications, an overview of some major problems we have encountered and some suggestions on how the wild horse and burro program can be improved.

My education in natural resource management includes a bachelors degree from the University of Nevada-Reno and a masters degree from New Mexico State University. I have worked on ranches and for both the Bureau of Land Management (BLM) and the US Forest Service. I also spent 10 years working for the University of Nevada-Reno as an agricultural extension agent. For the last three years, I have represented Eureka County Nevada as a contractual natural resource manager on a wide range of issues including wild horses.

Problems in the wild horse program do have an affect on rural communities. An increasing horse population, in combination with other factors, have resulted in significant reductions in livestock AUM's (Attachment 1). Recent AUM suspensions, that are partially attributable to increased horse numbers, represent a loss of about 20% of the permitted livestock use in Eureka County. Similarly, cattle numbers have fallen in Eureka County from 41,000 in 1982 to 15,000 in 1997 (Nevada Agricultural Statistics Bulletins, USDA National Agricultural Statistics Service). These losses are felt not only in the agricultural industry but also by local governments. The long term sustainable economic sector and tax base in Eureka County has traditionally been agriculture.

Several problems in the horse program in Nevada have a lot to do with accountability. In the winter of 1993-94, Railroad Pass in Central Nevada experienced a significant horse kill. A deep snow followed by a lengthy cold period resulted in starving horses. Similarly, there was a major die-off of horses on the Nellis Range several years ago after a prolonged drought. In both cases, I will argue that the magnitude of these disasters could have been lessened if horse numbers were at an appropriate level in relation to the range resource. Furthermore, if those horses were in private hands, the owners would likely have faced serious charges. I am not suggesting that serious charges should be brought against agency employees but I feel strongly that such instances should be thoroughly reviewed and individuals who are in some way responsible, should at a minimum, be assigned to activities for which they are better qualified.

Another area where accountability is lacking is in the Multiple Use Decision (MUD) process. A MUD is typically the document that sets appropriate management level (AML) for horses, stocking rates for livestock and a forage allocation for wildlife. Often a MUD will also prescribe changes in management for livestock such as season of use or implementation of a grazing system. Livestock producers are expected to comply immediately with a MUD and can face consequences such as trespass or livestock impoundment for non-compliance. Unfortunately when it comes to mustangs, we have witnessed a trend in which BLM apparently does not feel compelled to comply with their own decisions. Because, livestock producers can not use excuses for failing to comply with MUDs, we as citizens are held to higher level of accountability to BLM decisions than the agency itself.

The Fish Creek grazing allotment and the Fish Creek Herd Management Area (HMA) is an example of BLM failing to comply with their own decisions. In 1994, BLM reduced the number of livestock by 75% on the Fish Creek Allotment and an AML of 75 horses was established for that portion of Fish Creek HMA that lies within Fish Creek Allotment (62% of Fish Creek HMA lies within the Fish Creek grazing allotment). Despite two horse gathers over the past several years, a March 1998 census by BLM showed 263 horses were in the Fish Creek Allotment. This is much higher than the 75 head called for in the MUD. We have heard excuses from the BLM such as not enough time, money or manpower as well as a lack of space in adoption facilities as reasons for not reaching AML. These reasons are not acceptable and I believe the agency must reconsider it's priorities. I also believe removing perennial language from Interior Appropriations language that restricts the Secretary from selling surplus horse should also be considered.

The second problem area with the horse program is when BLM fails to comply with the criteria of a MUD, the result can be very detrimental to the resource base. In the Fish Creek Allotment, failure to bring horses to AML has resulted in continued heavy to severe grazing of white sage (a very palatable shrub). This over utilization is due solely to horses because no livestock have used the allotment for over three years. Similarly, horses in Railroad Pass consistently over utilized a revegetated area to such an extent that ranchers could not use the allotment. Also, at last count, there are over 400 head of horses above AML in the Grass Valley Allotment which contributes to overgrazing. Again, the over grazing in these three allotments can be directly attributed to BLM's failure to maintain horses at AML. I have lengthy documentation of over utilization by horses on both the Fish Creek and Railroad Pass Allotments and will duplicate this documentation for your sub-committee at your request. The point I am trying to make is that BLM has issued MUD's on numerous allotments that have resulted in livestock reductions, more intensive management, losses of personal income and a loss of tax base. These MUD's have also called for the reduction of horses yet BLM has not complied with this requirement. When BLM fails to bring horse numbers to AML, these impacts are compounded by the continued degradation of the resource base.

Excessive numbers are also challenging the viability of the present horse herds. BLM has a policy of only removing animals under nine years of age. As a result, herds that have been gathered several times consist of the very old and the very young. Along with increased age, many herds are dominated by studs, because older studs are not as adoptable as older mares. Biologically, a healthy population consists of evenly distributed age classes and severe events (drought, cold, hunger etc.) have a more severe impact on the youngest and oldest age classes. We may be setting the stage for disaster, given the present composition of horse herds.

The first solution that must be implemented is decisions regarding horses must be made on the basis of sound range management and the needs of other multiple uses. Presently, decisions regarding the horse program appear to be based on the adoption system. Because the adoption system can not handle the present

excess, especially the old and undesirable, the outlet for excess animals must be expanded.

The current tools for controlling horse populations are limited to the adoption program and fertility control. The adoption program was backed up with 5,000-6,000 head of horses earlier this year. Also at present, the national horse population exceeds AML by over 15,000 head (1996 BLM estimates, National Wild Horse and Burro Program). If Congress expanded funding to gather all excess horses, the existing adoption program would likely be inadequate.

Many of us view the fertility control program with skepticism, especially for HMA's that greatly exceed AML. Fertility control, to me, seems best suited for populations at or near AML. Using Fish Creek as an example once more, BLM recognized in their Environmental Assessment for fertility control (EA# NV-062-EA98-005) that "... it can be projected that AML can be achieved in 9 to 13 years with the implementation of fertility control." This strongly indicates that large reductions in a horse population will take a significant length of time using fertility control. I contend the length of time required to reduce population with fertility control may actually prove detrimental to the range resource base as I can document in the Fish Creek and Railroad Pass Allotments.

At any rate, the current tools for dealing with excess horses are inadequate. There are several ways to expand the outlet for excess horses. Perhaps the most controversial and effective is sale authority. However, sale authority must be debated.

Some real double standards exist when it comes to sale authority. Each year our country sells thousands of privately owned horses for slaughter. But the mere mention of sale authority of "wild" horses with the possibility of slaughter is offensive to some. Horses are the only large ungulate on federal lands that are not harvested for consumptive purposes. If harvesting one large ungulate is acceptable, why is harvesting horses unacceptable? Horses must be viewed as are other large ungulates on federal lands, a renewable resource that can be effectively managed by harvesting excess numbers.

Perhaps a more acceptable solution would be limited sale authority. The model I envision would allow sale authority for herd management areas that greatly exceed carrying capacity or AML. Rather than removing only young adoptable animals and leaving only old unadoptable animals, remaining herds should consist of evenly distributed age classes. By using sale authority, BLM could base management and actual horse numbers on the health and viability of the range resource and the health and viability of the horse herds rather than basing such decisions on the adoption program. Once AML is reached, sale authority would then be sunsetted and politically correct methods of population control such as adoption and fertility control may have a better success rate.

I also urge you to be cautious with euthanasia, especially for large reductions. Personally, I would view putting thousands of horses down as a terrible waste of a resource. I also believe the first time several hundred horses are euthanized in one spot, a political firestorm will follow.

Also as a solution, I would recommend that cooperative agreements with non-federal entities as an alternative to federally operated adoption programs. There are numerous groups that claim to have an interest in the well being of horses. Since the inception of the horse program, our government has spent over \$240 million for the benefit of a small number of horse advocates. Turning over the adoption program to horse advocacy groups would not only put the responsibility of the care of horses in the hands of the people who claim that interest, but, I also believe these folks could do a more efficient job. In my experience, working for the bureaucracies does not reward innovation. However, dealing with the present excess of

horses will require innovation not bureaucratic restraints. I believe horse advocacy groups have greatly benefited and it is now time for them to invest time and money to help solve a problem.

Finally, I would like to say a few words about the National Wild Horse and Burro Advisory Board. I know several folks on that Board and do not wish to discredit their efforts. However, giving this Board two years to make recommendations seems a little excessive. Especially when it will take BLM another year or more to take action based on the Board's recommendations. Simply put, the problem with the horse program is excess numbers and the solution to this problem is controlling population growth. I would recommend that your Committee seek legislation which would require the Board to submit findings to Congress no later than January 15, 1999. Language in the Interior Appropriations Conference Committee report might accomplish this.

In summary, wild horses are capable of damaging the range resource and this is occurring as I speak. Decisions issued by BLM are often not followed by BLM and as a result, damage to the rangelands has and will occur as a result of their non compliance. The present methods of adoption and fertility control are not capable of controlling excess horse numbers. New outlets for excess animals are needed and include limited sale authority and allowing private participation in operating the adoption program.

Thank you again for the opportunity to testify.

RESPECTUFLY SUBMITTED this 13<sup>th</sup> day of July, 1998

By:

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**Attachment 1 Summary of Grazing Preference for BLM Districts in Eureka County**

BLM District	AUM'S <sup>1</sup>	Initial <sup>2</sup>	Evaluation <sup>3</sup>	Transfer <sup>4</sup>	Permit	<u>Adjudicated Suspension</u>	Suspension Value(\$)
Battle Mountain	182,983	41,004	22,998	17,176	1,486,438		
<u>Elko</u>	132,941	31,324	1,480	5,296	250,712		
Totals	315,924	72,328	24,478	22,472	1,737,150		

<sup>1</sup>AUM's adjudicated in 1960's when N-6 Grazing District was formed

<sup>2</sup>Initial suspension based on a one time survey of base property and public land production

<sup>3</sup>Evaluation suspension based on recent allotment evaluations

<sup>4</sup>Transfer suspension applied when ranch or permit ownership is transferred

<sup>5</sup>Lost permit value uses only evaluation and transfer suspensions and assumes \$37/AUM

Sources:

Resource Concepts Inc. 1994. Analysis of the Bureau of Land Management Grazing Allocation Process in Nevada

USDI/BLM. 1988. Shoshone-Eureka Rangeland Program Summary

USDI/BLM. 1987. Elko Resource Management Plan Rangeland Program Summary

USDI/BLM.---. Individual Grazing Case Files. Elko and Shoshone-Eureka Resource Areas.

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