

**TO THE HOUSE COMMITTEE ON NATURAL RESOURCES  
SUBCOMMITTEE ON FEDERAL LANDS**

**Challenges and Potential Solutions for BLM's  
Wild Horse and Burro Program**

**JUNE 22, 2016**

**Presented By:  
Callie Hendrickson  
American Farm Bureau Federation  
Chair, Federal Lands Issue Advisory Committee**

**Executive Director  
White River & Douglas Creek Conservation Districts  
National Association of Conservation Districts**

Chairman McClintock, Ranking Member Tsongas and members of the Committee, thank you for the opportunity to testify today on the impacts of excess wild horse and burro populations and their impact on the nation's western rangelands.

My name is Callie Hendrickson. I'm a Colorado Farm Bureau member and I serve as chair of the American Farm Bureau Federation's (AFBF) Federal Lands Issue Advisory Committee. I also serve as the executive director of the White River and Douglas Creek Conservation Districts, located in Rio Blanco County, Colorado. Our conservation districts are home to the Piceance-East Douglas Herd Management Area and the West Douglas Herd Area with an estimated 650+ wild horses in the County before this year's foaling season. The maximum Appropriate Management Level (AML) is 235.

The National Association of Conservation Districts (NACD) represents America's 3,000 conservation districts and the 17,000 locally elected men and women who serve on their governing boards. Conservation districts are local units of government established under state law to carry out natural resource management programs at the local level. Districts work with millions of cooperating landowners and operators to help them manage and protect land and water resources on private and public lands in the United States.

AFBF is the nation's largest farm organization, representing producers of virtually every commodity, in every state of the nation as well as Puerto Rico. We represent nearly six million member families.

Both Farm Bureau and NACD are grassroots organizations. In both organizations, policies are drafted at the local level and vetted through the states and at the national level before becoming national policy.

I have personally been involved with and respected horses my entire life through ranching, 4-H, rodeo, professionally training cutting and reining horses, and now as a backyard horse owner. I served a three-year term on the Bureau of Land Management (BLM) Wild Horse and Burro Advisory Board from 2012 - 2014 representing the public interest where I focused on the Program's budget and rangeland health.

### **Rangeland Health and Excess Horse Impacts:**

Stewardship of the land is essential to all Americans, and conservation districts, farmers and ranchers are devoted to helping conserve landscapes across our nation. One of the country's most storied and iconic landscapes is that of the American West. The rangeland of the West has its share of unique natural resource challenges, not least of which is the burden it carries of an overpopulation of wild horses and burros. This overabundance is critically damaging the ecology of western rangelands with severe, long-term consequences for the native plant and animal life that call it home. NACD and AFBF recommend and support the use of common-sense, ecologically-sound rangeland management practices to ensure healthy wildlife and rangelands for future generations.

We are very concerned about range degradation caused by excess horses currently roaming western rangelands, the exponential population growth of wild horses and burros, the overall health of the horses and the impacts on native wildlife, along with reductions in federally permitted livestock grazing on public lands. We recognize the challenges that BLM faces with limited holding capacity and the expense associated in holding excess horses. However, BLM is responsible for the management and protection of public lands. While we appreciate the BLM's commitment to "managing for healthy horses on healthy range," there is a lot of talk and little action being demonstrated to meet these goals. **Excess horses are devastating rangelands across the western United States.**

The Wild and Free Roaming Horse and Burro Act (WFRHBA) states, "The Secretary shall 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." In Herd Management Areas (HMAs) across the West, the BLM is not meeting its goal of achieving land health standards as defined in the agency handbook. Horse overpopulation is negatively impacting land health standards and diminishing habitat quality, riparian plant communities and watershed function. While currently unwilling and unable to remove the excess horse and burros and bring their populations back to the AMLs, the BLM is attempting a misguided and shortsighted solution in reducing livestock Animal Unit Months (AUMs). This action has little to no positive effect on rangeland health and recovery as every four years the unregulated and non-native horse and burro population doubles, spreading out and exceeding the carrying capacity of more and more acres.

Another symptom of horse overpopulation is that excess horses move outside HMAs in search of feed, water and space not dominated by horses. They move to and impact areas and uses outside the HMAs where the law is clear they are not to be located. In many cases they trespass on

private lands and are known to attack and cause physical harm to domestic horses and wildlife. In other cases, wild studs are breeding domestic mares.

As you know, many areas of the western United States are experiencing multi-year drought conditions. BLM must make rangeland health its primary focus and take action to ensure rangeland management meets the thriving natural ecological balance as required by law. Without healthy rangelands, all species—including wild horses—in the ecosystem are at risk of population losses. Healthy rangelands cannot exist under the current regime of mismanagement of the wild horse and burro program.

Populations of wild horses and burros have been allowed to grow at a rate that in many places exceeds six times their AML. This situation has not only led to widespread degradation of western rangelands, but has also had devastating effects on the health of the animals themselves who often face dehydration, starvation and death.

Wild horse and burro populations on public lands must be properly managed to prevent deterioration of rangeland resources and to minimize expense to the tax-paying public. Horse and burro numbers are far exceeding BLM's Resource Management Plans (RMPs) within the HMAs, and large numbers of horses and burros are occupying private and federal lands outside of the HMAs. As opposed to native species like greater sage-grouse, deer, elk, and migratory birds, horse grazing habits place an undue strain on native vegetation by biting off vegetation at dirt level and pawing grass roots out of the ground when grass is short or under snow. Overpopulation on the HMAs combined with the intensive grazing habits of horses and burros are stressing our nation's rangelands beyond natural recovery.

### **Livestock Impacts:**

BLM's Fact Sheet on the Management of Livestock Grazing states:

*"In managing livestock grazing on public rangelands, the BLM's overall objective is to ensure the long-term health and productivity of these lands and to create multiple environmental benefits that result from healthy watersheds. The Bureau administers public lands ranching in accordance with the Taylor Grazing Act of 1934 and more recent laws, and in so doing provides livestock-based economic opportunities in rural communities while contributing to the West's, and America's, social fabric and identity. Together, public lands and the adjacent private ranches maintain open spaces in the fast-growing West, provide habitat for wildlife, offer a myriad of recreational opportunities for public land users, and help preserve the character of the rural West."*

Further, the BLM website acknowledges statutory requirements for the BLM to maintain grazing in HMAs while highlighting continued reductions in AUMs over several decades:

Q – How does authorized livestock use compare with WH&B use in Nevada over the past 30 years?

A – Authorized livestock use in Nevada has declined about 66% over the past three decades from about 2,198,371 animal unit months (AUMs) in 1971 to 963,417 AUMs in 2007. (An animal unit month is the amount of forage needed to feed a cow, one horse or five sheep for one month).

[http://www.blm.gov/nv/st/en/prog/wh\\_b/appropriate\\_management.html](http://www.blm.gov/nv/st/en/prog/wh_b/appropriate_management.html)

Q – Why doesn't BLM eliminate livestock use within HMAs?

A – Under the 1976 Federal Land Policy and Management Act (FLPMA), BLM is required to manage public lands under the principles of multiple use and sustained yield. Managing use by cattle and sheep, together with wildlife and WH&B, and a host of other uses is a key part of BLM's multiple-use management mission under FLPMA. Additional information about the Congress' intent is found in the Senate Conference Report (92-242) which accompanies the 1971 WFRHBA (Senate Bill 1116): **“The principal goal of this legislation is to provide for the protection of the animals from man and not the single use management of areas for the benefit of wild free-roaming horses and burros.** It is the intent of the committee that the wild free-roaming horses and burros be specifically incorporated as a component of the multiple-use plans governing the use of the public lands.” (Senate Report No. 92-242).

[http://www.blm.gov/nv/st/en/prog/wh\\_b/appropriate\\_management.html](http://www.blm.gov/nv/st/en/prog/wh_b/appropriate_management.html)

The above statements from the BLM indicate they understand the laws and purpose around multiple use, and the goal of the Act. Yet, current management actions do not align with their statutory obligations. The BLM has a mandate (FLPMA) to manage public land for multiple uses—one of which is livestock grazing. The number of “sold” livestock grazing AUMs has decreased significantly (53 percent) over the past 60 years. Since the 1950s, annual AUMs have been reduced from 18 million to approximately 8.5 million AUMs in 2013. Currently ranchers often pay for unused AUMs out of fear of losing them. The ranchers AUMs are not used due to excess horses having already overgrazed the area.

During that same time period, excess horse numbers have increased significantly. BLM's ongoing efforts to reduce livestock AUMs while ignoring current science on impacts of wild horse and burro populations and statutory horse and burro management requirements has compromised ranchers' livelihoods and the economic wellbeing of our rural communities.

For example, ongoing drought conditions in Utah along with wild horse and burro populations well over the RMPs have prompted the BLM to issue “voluntary” requests for reductions in grazing AUMs. Like other western states, Utah ranchers have already witnessed draconian cuts to historical sheep and cattle grazing AUMs. Consider that there were 5.4 million livestock grazing AUMs in 1949 managed by BLM and the Forest Service, and in 2012 that number had been reduced to 2.02 million AUMs or more than 73 percent of Utah's total. Livestock permittees received letters from the BLM requesting a “voluntary” reduction of 50 percent for the 2014 grazing season. See Addendum D, A letter in a series of letters issued to Utah permittees in December 2013 and January 2014.

While these letters from BLM state, “we would appreciate and encourage you to evaluate your livestock operation and allotment, review your options and make adjustments to livestock numbers so as to keep your use within the wild horse HMAs and HA below 50% of permitted [livestock] AUMs,” in fact the permittees have no choice but to reduce AUMs by 50%.

Nevada, a state with the highest percentage of public lands under federal management in the U.S. (nearly 90 percent), has the largest population of wild horses and burros by far. BLM’s response to Representative Gosar’s inquiry dated May 11, 2016, states the wild horse and burro population in Nevada was 34,531—well above the maximum AML of 12,811. Like in Utah, the BLM has begun sending letters to Nevada permittees. See Addendum E.

It is unacceptable and outside of the legal framework of federal laws (Taylor Grazing and WFRHBA) to consider expansion of wild horse areas or substitution of increased horse numbers with decline of livestock grazing permits. For example, in the Bullhead allotment in Northern Nevada, which is adjacent to an HMA (Snowstorm Management Area) with an AML of 140 horses, there are over 500-600 horses found outside of the HMA and even more on the HMA. Due to the impact of the wild horse population on the natural resources on the allotment, 38 percent of the AUMs have been suspended. In an adjacent allotment the preference was reduced by 61 percent. These reductions were entirely, or nearly entirely, the result of the impact of the excess numbers of horses and their presence outside the HMAs.

These agency actions not only impact individual ranchers’ livelihoods, private property rights, and rural economies, but they also restrict BLM revenue and the agency’s ability to adapt management strategies to current western environmental conditions.

### **Environmental Impacts:**

The Interior Board of Land Appeals (IBLA) has defined “thriving ecological balance” as follows: “The goal of wild horse and burro management should be to maintain a thriving ecological balance between wild horse and burro populations, wildlife, livestock and vegetation, and to protect the range from the deterioration associated with overpopulation of wild horses and burros.” (109 IBLA 115; also reference *Dahl vs. Clark*, supra at 592).

[http://www.blm.gov/nv/st/en/prog/wh\\_b/appropriate\\_management.html](http://www.blm.gov/nv/st/en/prog/wh_b/appropriate_management.html)

It should be recognized that wild horse and burro populations occupy ranges with little or no resource management. While cattle and sheep operators are subject to strict management and resource obligations, overpopulations of wild horse and burros wreak havoc on the range. As a territorial species, horses are known to stay in a single area until all forage is exhausted and trample water holes to the point they no longer provide water. Unlike other species on the range, wild horse and burros run native species from both forage and water, thereby decreasing the native species chance of survival and forcing them to move from their historic habitat.

Over the past several years, voluntary and locally-led conservation practices undertaken by stakeholder collaboration has resulted in the enhancement of both the health of the rangeland and recovery of the native species like the greater sage-grouse. These victories will be short lived

however as private land managers can only do so much. On their own initiative livestock owners are transporting water onto public lands as a best management practice to ensure proper distribution of livestock. Wild horses often utilize these additional water sources.

### **Current Management Options and Available Tools:**

The current management scheme is ineffective and unsustainable. At present, more than twice the number of horses are on the range than it can sustain, with little fertility control being implemented. Limited numbers (3,500) of horses are gathered and removed from the range annually, often removed via emergency gathers, while this year's population will increase by approximately 13,400. The BLM adoption program currently adopts out approximately 2,500 horses and burros annually.

There is a great deal of talk and research being done regarding fertility control to reduce the number of horses on the range. Fertility control will be a great tool to maintain numbers of horses **after AML is reached**. However, fertility control alone will not help move BLM to achieve "significant progress toward achieving the Land Health Standards for upland vegetation, riparian plant communities, watershed function and habitat quality for animal populations, as well as other site-specific or landscape-level objectives, including those necessary to protect and manage Threatened, Endangered, and Sensitive Species" As required in BLM Horse and Burro Handbook.

We support long-term fertility control of wild horses and burros, including sterilization of females and males using humane and conventional practices, in an effort to reduce the wild horse and burro population to numbers within the AML as scientifically determined by federal agencies.

Fertility control alone will not reduce numbers in a timeframe that will protect the health of the range where numbers are double, triple, and or quadruple that of the AML. Fertility control should be used in tandem with wild horse and burro removals. Once AML is reached, we strongly support all forms of fertility control to prevent the numbers from increasing, which would again require removals.

The BLM needs to follow its RMPs in regard to appropriate management levels and remove excess horses and burros on designated HMAs on an annual basis, utilizing the least costly, humane methods and programs. Wild horses and burros found on private and federal lands outside of the HMAs should be removed immediately as to prevent any detrimental impact to rangeland health. Excess horses and burros that are not immediately adopted should be sold without restriction to the highest bidder to avoid extreme costs of caring for them.

## **Conclusion**

We appreciate the Committee's willingness to listen to the concerns of our members. It is clear that the BLM lacks the authority and wherewithal to make the necessary management decisions needed to address the current crisis facing western rangelands and effective management of the Wild Horse and Burro Program. The need for congressional intervention cannot be overstated. Farmers, ranchers, conservation districts and other rangeland stakeholders thank you for your attention to this important natural resource concern. We look forward to continuing to work with you and the House Natural Resources Committee in identifying immediate solutions to this crisis to provide long-term sustainability of our nation's western rangelands.

## ADDENDUM

### A. Current BLM Wild Horse and Burro Statistics:

- 40,000 more horses on the range in the 10 western states than the rangeland can sustain
- Another 47,000 horses/burros in holding facilities
- 87,000 excess horses/burros in total
- Populations increase an average of 20% per year (13,400 in 2016)
- BLM is removing only 3,500 excess horses per year from the range except for emergency purposes (horse dying of thirst, horse being hit on highways, etc., or by court order)
- 77.2 million taxpayer dollars on BLM WH&B Program - \$49.4+ million (66%) just in holding costs



**Starving mare and foal  
gathered in Nevada 2016  
No livestock in area**

### B. DEFINITIONS:

**AML: Appropriate Management Level** - the ‘optimum’ number of wild horses (or burros) which results in a thriving natural ecological balance and avoids a deterioration of the range. (109 IBLA 119; also reference Dahl vs. Clark, supra at 592)

**HMA: Herd Management Area** - places where horses were found at the time the Act was passed (1971) and have adequate food, water, cover, and space to manage for healthy wild horse and burro populations over the long term.

**AUM: Animal Unit per Month** - An AUM is the amount of forage needed to sustain one cow and her calf, one horse, or five sheep or goats for a month.

<http://www.blm.gov/wo/st/en/prog/grazing.html>

## C. THE WILD FREE-ROAMING HORSE AND BURRO ACT

Wild horses and burros are to be managed according to the Wild and Free-Roaming Horse & Burro Act of 1971, which specifies where wild horses and burros can occupy public lands, and that they shall be managed in a manner that produces a thriving natural ecological balance. In addition, the Bureau of Land Management (BLM) and U.S. Forest Service (USFS) are required by law to manage and balance multiple uses of public lands, including wildlife, horses, and cattle grazing.

The Act authorizes Federal agencies to remove horses and/or burros exceeding the range's carrying capacity to restore a natural ecological balance and protect the range from deterioration associated with an overpopulation of wild horses and burros. The Appropriate Management Level (AML) as defined by the government is 26,715. The Act directs the agencies to destroy old, sick, or lame animals by the most humane means available, remove healthy animals for private adoption, and lastly if adoption demand is insufficient, the remaining healthy animals are to be destroyed. However, the BLM is currently prohibited from using this authority due to language included in the Interior Appropriations acts.

### PUBLIC LAW 92-195

#### §1333 (b)

(2) Where the Secretary determines on the basis of:

- (i) the current inventory of lands within his jurisdiction;
- (ii) information contained in any land use planning completed pursuant to section 1712 of title 43;
- (iii) information contained in court ordered environmental impact statements as defined in section 1902 of title 43; and
- (iv) ... on the basis of all information currently available to him, that an overpopulation exists on a given area of the public lands and that action is necessary to remove excess animals, he shall immediately remove excess animals from the range so as to achieve appropriate management levels. Such action shall be taken, in the following order and priority, until all excess animals have been removed so as to restore a thriving natural ecological balance to the range, and protect the range from the deterioration associated with overpopulation.

(A) The Secretary shall order old, sick, or lame animals to be destroyed in the most humane manner possible;

(B) The Secretary shall cause such number of additional excess wild free-roaming horses and burros to be humanely captured and removed for private maintenance and care for which he determines an adoption demand exists by qualified individuals, and for which he determines he can assure humane treatment and care (including proper transportation, feeding, and handling)...

(C) The Secretary shall cause additional excess wild free-roaming horses and burros for which an adoption demand by qualified individuals does not exist to be destroyed in the most humane and cost efficient manner possible.

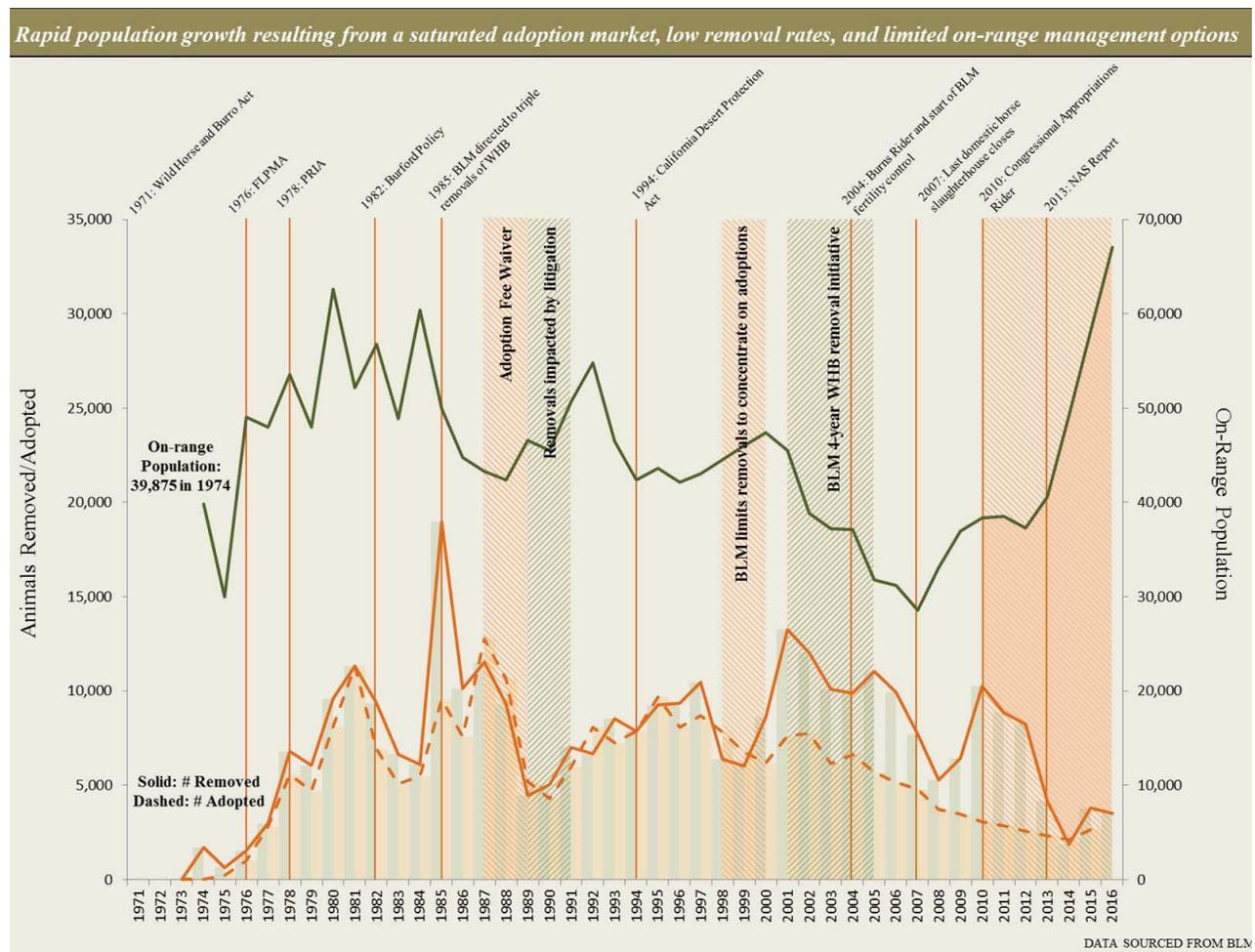
§1333 (e) Sale of excess animals;

- (1) In general. Any excess animal or the remains of an excess animal shall be sold if-
  - (A) the excess animals is more than 10 years old; or
  - (B) the excess animal has been offered unsuccessfully for adoption at least 3 times.

(2) Method of sale

An excess animal that meets either of the criteria in paragraph (1) shall be made available for sale without limitation, including through auction to the highest bidder, at local sale yards or other convenient livestock selling facilities, until such time as-

- (A) all excess animals offered for sale are sold: or
- (B) the appropriate management level, as determined by the Secretary is attained in all areas occupied by wild free-roaming horses and burros





United States Department of the Interior



BUREAU OF LAND MANAGEMENT  
Color Country District Office  
Cedar City Field Office  
176 East DL Sargent Drive  
Cedar City, UT 84721  
Telephone (435) 586-2401  
[www.blm.gov/ut/st/en/fo/cedar\\_city.html](http://www.blm.gov/ut/st/en/fo/cedar_city.html)

In Reply Refer To:  
UTC010  
4300490

December 11, 2013

Rawlin W. Platt  
Platt Livestock, LLC  
PO Box 164  
Newcastle, UT 84756

Dear Mr. Platt:

As you are aware all or a portion of your livestock grazing allotment occurs within one (1) of nine (9) wild horse herd management areas (HMA) or one (1) herd area (HA) that is managed out of the Cedar City Field Office (CCFO). The current estimated population of wild horses within these HMAs and HA are above the Appropriate Management Level (AML). It is anticipated that nationally the wild horse and burro program will not have the budget or space to give approval to remove any wild horses in fiscal year 2014. The wild horse and burro program is anticipated a budget cut, while costs of running the program continue to increase. There currently is no place to put horses removed from the range as wild horse and burro holding facilities are filled to capacity. Although this situation may change, the CCFO must plan for no wild horse gathers or removals in FY2014.

In order to manage the public land resources of healthy rangelands we would appreciate and encourage you to evaluate your livestock operation and allotment, review your options and make adjustments to livestock numbers so as to keep your use within the wild horse HMAs and HA **below 33% of permitted AUMs in the Corral Pasture in Bull Springs allotment.**

In accordance with CFR 43 subpart 4120.3-1(c) and 4120.3-2 the BLM is requiring "the permittee or lessee to maintain range improvements (fences) on public lands" before use of the pastures within HMAs.

**Your immediate attention to this matter will reduce any unforeseen impacts to your operation and ensure that steps are taken to prevent negative impacts to the public rangelands.**

We have enclosed two copies of your grazing application on which you must apply for grazing use. Please review the application and make any necessary change for the grazing periods shown (changes should include the number and kind of livestock, season of use and type of grazing use, i.e., active or nonuse).

EXHIBIT C

In accordance with Code of Federal Regulations 43 CFR 4130.1-1, it is your responsibility to make application to the authorized BLM officer prior to any grazing season.

Once the changes have been made, or if no change is needed, please fill out the last page, making sure you include all brands, ear marks, wattles, etc., and if you apply for nonuse, please state your reason for doing so. Then sign, date and return all pages of the "Case File Copy" to this office by **December 18, 2013**.

Thank you for your continued involvement in efficiently managing the public land resources. If you have any questions, please feel free to call me at (435) 865-3088.

Sincerely,

A handwritten signature in black ink that reads "Dan Fletcher". The signature is written in a cursive style with a large, prominent "D" and "F".

Dan Fletcher  
Assistant Field Manager



## United States Department of the Interior



### BUREAU OF LAND MANAGEMENT

Wells Field Office  
3900 East Idaho Street  
Elko, Nevada 89801  
[http://www.blm.gov/nv/st/en/fo/elko\\_field\\_office.html](http://www.blm.gov/nv/st/en/fo/elko_field_office.html)

In Reply Refer To:  
4130 (NVE0300)

APR 26 2016

Dear John Peavey:

You are receiving this letter because we want to begin a conversation about an issue that affects current and future grazing uses: how to adapt to current wild horse populations. We appreciate the stewardship of ranchers and grazing permittees and value your insight and ideas on this important issue.

Last grazing season, pre-turnout utilization measured at various key areas within the Boone Springs Allotment approached or exceeded the objectives established in the 2006 Final Grazing Management Decision and Record of Decision (ROD) for the Sheep Complex, Big Springs, and Owyhee Grazing Allotments. Utilization objectives established in the ROD were designed as part of a system to maintain rangeland health while facilitating multiple uses on public land. Professional observations of conditions proximal to these key areas indicate that rangeland health is being negatively impacted. The primary causal factor of these impacts is likely wild horse use, in combination with livestock grazing.

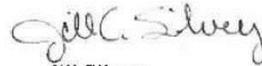
It is anticipated that utilization objectives will again be exceeded in portions of the Boone Springs Allotment prior to or soon after livestock turnout in the 2016 grazing season. Accordingly, to limit negative impacts on rangeland health, changes to normal livestock operations may be necessary. These changes will be dependent on pre-turnout utilization and on-the-ground conditions.

If wild horses are found to have had a significant impact pre-turnout, but utilization objectives are not exceeded, changes to livestock operations may need to include delaying turnout, adjusting livestock numbers, or partial non-use. If utilization objectives are exceeded previous to turnout, the Boone Springs Allotment may need to be partially or fully rested from livestock use for the 2016 grazing year. We encourage you to develop contingency plans to account for this possibility.

If you plan on turning out livestock into areas impacted by wild horses in the 2016 grazing season, please contact this office to schedule a tour of these areas to measure pre-turnout utilization and observe on-the-ground conditions. Any available management changes/options should be brought forward, so they can be reviewed in the field at that time. This tour **must be completed** prior to the submittal of any applications to graze these impacted areas.

We all have the same goal at heart: to use our public lands efficiently while keeping them productive for other uses and future generations – we appreciate your efforts to achieve this goal. If you have any questions about this letter, or would like to schedule a tour date, please contact your designated Rangeland Management Specialist, Bruce Thompson at (775) 753-0286.

Sincerely,

A handwritten signature in cursive script that reads "Jill Silvey".

Jill Silvey  
District Manager