

Committee on Resources

Subcommittee on National Parks and Public Lands

Witness Statement

STATEMENT OF DEAN RHOADS
STATE SENATOR
NORTHERN NEVADA SENATORIAL DISTRICT
BEFORE THE
SUBCOMMITTEE ON NATIONAL PARKS AND PUBLIC LANDS
HOUSE OF REPRESENTATIVES
ON H.R. 2874
OCTOBER 28, 1999

I AM DEAN RHOADS, THE STATE SENATOR FROM THE NORTHERN NEVADA SENATORIAL DISTRICT TO THE NEVADA LEGISLATURE. I ALSO AM CHAIRMAN OF THE NEVADA LEGISLATURE'S COMMITTEE ON PUBLIC LANDS. MY OCCUPATION IS RANCHING IN NORTHERN NEVADA. FOR THE PAST 30 YEARS, I HAVE BEEN ACTIVE IN PUBLIC LAND ISSUES, AND ALTHOUGH NOT MATERIALLY AFFECTED BY WILD HORSE HERDS ON MY OPERATION, I HAVE BEEN INVOLVED WITH THE ISSUE THROUGH VARIOUS ORGANIZATIONS, SINCE THE PASSAGE OF THE WILD HORSE AND BURRO ACT.

WE, IN NEVADA, HAVE A GREATER INTEREST IN THE MANAGEMENT OF WILD HORSES AND BURROS THAN ANY OTHER STATE IN THE WEST. NEVADA HAS ALWAYS HAD THE HIGHEST NUMBERS OF WILD HORSES AND BURROS SINCE THE PASSAGE OF THE ACT IN 1972. IN 1998, THE BLM REPORTED A TOTAL POPULATION OF WILD HORSES AND BURROS OF 44,495 WITH 22,463 IN NEVADA. DESIGNATED HORSE MANAGEMENT AREAS ENCOMPASS SOME 16 MILLION ACRES IN NEVADA, WHICH IS ROUGHLY ONE-THIRD OF THE AREA ADMINISTERED BY THE BLM. THE FORAGE CONSUMED BY WILD HORSES AND BURROS IS OVER 13 PERCENT OF THE FORAGE PRODUCTION ON PUBLIC LANDS.

CONSUMPTION COMPUTED AS FOLLOWS:

- 22,463 HORSES AND BURROS x 12 MONTHS = 269,556 USE MONTHS
- 269,556 USES MONTHS x 80% FOR SIZE DIFFERENTIAL OF ANIMALS = 215,645 AUM'S
- 215,645 AUM'S FOR HORSES AND BURROS + 1, 436,158 AUM'S LICENSED FOR SHEEP

AND CATTLE IN 1997 (1,651,803 AUM'S)

- $219,504 \text{ HORSE AND BURRO AUM'S DIVIDED BY } 215,645 + 1,436,158 \text{ SHEEP AND CATTLE AUM'S} = 13.3\%$

TO DATE, THE MANAGEMENT OF WILD HORSES AND BURROS UNDER EXISTING LEGISLATION HAS BEEN INEFFECTIVE. THIS IS EVIDENCED BY THE FACT THAT THE BLM ESTIMATED IN 1996 THAT THE APPROPRIATE MANAGEMENT LEVEL OF HORSES AND BURROS WAS 26,912 AND IN THAT YEAR THE ESTIMATED POPULATION WAS IN EXCESS OF 42,000. THIS INDICATED OVERGRAZING OF MANAGEMENT AREAS BY ALMOST 50 PERCENT. IN MY RANCH AND RANGE OPERATION, THIS COULD NOT BE TOLERATED YEAR AFTER YEAR TO PROPERLY MANAGE NOT ONLY BY PRIVATE LANDS BUT ALSO THE PUBLIC LANDS WHICH I GRAZE. SINCE 1972, THIS OVERGRAZING OF HORSE MANAGEMENT AREAS HAS OCCURRED WITH THE DAMAGE TO THE RESOURCE BEING IMMEASURABLE AND THE TIME FOR RECOVERY BEING UNKNOWN.

WE, IN NEVADA, HAVE CONTINUALLY LOOKED FOR AN ACCEPTABLE MANAGEMENT PROGRAM WHICH WOULD PROVIDE A MEANS TO FOLLOW THE INTENT OF CONGRESS TO PRESERVE THE WILD HORSE AND BURROS IN A HEALTHY ENVIRONMENT. ANY NUMBER OF PROPOSALS HAVE BEEN MADE OVER THE YEARS WHICH FAILED FOR ONE REASON OR THE OTHER. THE LATEST ATTEMPT WAS A BILL BEFORE THE ASSEMBLY IN THE LAST SESSION OF THE NEVADA LEGISLATURE TO ALLOW THE COUNTY COMMISSIONERS TO AUTHORIZE THE GATHERING OF WILD HORSES AND BURROS FROM UNFENCED PRIVATE LANDS. DUE TO THE HEAVY OPPOSITION BY THE WILD HORSE ADVOCATES, THAT BILL DID NOT GET PAST THE HEARING STAGE. WE ALSO HAD A JOINT RESOLUTION OF THE NEVADA SENATE AND ASSEMBLY TO THE MEMBERS OF CONGRESS TO ESTABLISH REGULATIONS AND PROCEDURES TO REACH APPROPRIATE MANAGEMENT LEVELS OF HORSES AND BURROS BY THE YEAR 2002, SO THE ANIMALS COULD EXIST IN A HEALTHY, ECOLOGICAL BALANCE ON PUBLIC LANDS. FOR THE REASONS STATED, WE GENERALLY SUPPORT PASSAGE OF H.R. 2874 AND I AM HERE TO TESTIFY AS TO THAT SUPPORT. GRANTED, THE APPROACH AS SET FORTH IN THE BILL MAY NOT BE THE SOLUTION TO THE PROBLEM, BUT IT IS AN ATTEMPT TO DISCOVER A PROPER MANAGEMENT APPROACH AT THE LOCAL OR STATE LEVEL.

WE SUPPORT THE DELEGATION OF POWERS AND DUTIES OF THE SECRETARY OF THE INTERIOR UNDER THE ACT OF THE STATES. AS IT IS UNDERSTOOD, THE DELEGATED POWERS AND DUTIES WOULD REQUIRE THE INDIVIDUAL STATES TO MANAGE THE HORSE AND BURROS UNDER ACTS OF CONGRESS AND REGULATIONS AS SET FORTH UNDER THOSE ACTS BY THE SECRETARY OF THE INTERIOR. THIS WOULD SERVE TO PROTECT THE ANIMALS FROM INDISCRIMINATE MANAGING WHICH WOULD ENDANGER THE PRESERVATION OF THE HERDS IN THE MANAGEMENT AREAS. PAST EXPERIENCE HAS PROVEN THAT LOCAL PROBLEMS ARE BEST HANDLED AT A LOCAL LEVEL BY PEOPLE FAMILIAR WITH THE LOCAL SITUATION. THIS BILL COULD POSSIBLY PROVIDE THIS EXPERTISE AND LEAD TO MANAGEMENT OF THE ANIMALS IN A THRIVING ECOLOGICAL CONDITION WHICH HAS NOT BEEN POSSIBLE TO DATE.

AS STATED, NEVADA HAS A MAJORITY OF THE WILD HORSE AND BURRO POPULATION IN THE WEST. ALTHOUGH I DO NOT HAVE THE ACTUAL AMOUNTS, I HAVE REPEATEDLY BEEN INFORMED BY BLM PERSONNEL THAT NEVADA HAS NOT RECEIVED THAT PORTION

OF THE ANNUAL APPROPRIATED FUNDS WHICH IS PROPORTIONAL TO THE WILD HORSE AND BURRO POPULATION IN NEVADA. IN MANY CASES, I HAVE BEEN INFORMED THAT IT IS NOT POSSIBLE FOR BLM PERSONNEL TO CARRY OUT MANAGEMENT PROJECTS WHICH SHOULD BE COMPLETED FOR THE HEALTH AND WELFARE OF THE ANIMALS DUE TO THE LACK OF FUNDS. FOR THAT REASON, I FULLY SUPPORT SEC. 12, PARAGRAPH (A) OF H.R. 2874, WHICH REQUIRES ALLOCATION TO EACH STATE AN AMOUNT OF THE ANNUAL APPROPRIATIONS WHICH IS PROPORTIONATE TO THE POPULATIONS OF THE WILD HORSES AND BURROS IN THE STATE.

I SUPPORT THE PROVISION PERMITTING THE DELEGATION OF AUTHORITY TO MANAGE WILD HORSES AND BURROS TO THE INDIVIDUAL STATES UPON REQUEST OF THE GOVERNOR. IN NEVADA, DUE TO THE HUGE POPULATIONS, IT WOULD NOT BE POSSIBLE TO FUND THAT MANAGEMENT FROM EXISTING STATE FUNDS. AS I HAVE SERVED IN THE LEGISLATURE FOR A NUMBER OF YEARS, I AM AWARE OF ALL OF THE PRESSURES FOR FUNDING OF PROGRAMS MUCH THE SAME AS YOU EXPERIENCE IN CONGRESS. THEREFORE, WE DO SUPPORT ALLOCATING TO THE STATES THE PROPORTION OF THE ANNUAL BUDGET ALLOCATED TO EACH STATE UNDER SECTION.

I MIGHT SUGGEST FURTHER CLARIFICATION IN OF THE BILL IN SECTION 12 (A), CONCERNING THE FUNDS NEEDED TO ADMINISTER THE ADOPTION OF WILD HORSES AND BURROS. THE GATHERING OF EXCESS ANIMALS AND SORTING OF THOSE ANIMALS FOR THE RETENTION OR REMOVAL FROM PUBLIC LANDS SHOULD BE INCLUDED IN THE POWERS DELEGATED TO THE GOVERNORS. HOWEVER, ALL FURTHER COSTS INCURRED IN CONNECTION WITH THE ANIMALS TO BE REMOVED SHOULD START AT THE GATHERING POINT. THIS WOULD MEAN THAT ALL COSTS OF TRANSPORTING THOSE ANIMALS TO A HOLDING AREA, CARE OF THEM AT THE HOLDING AREA, AND TRANSPORTATION TO ANY AREA FOR ADOPTION WOULD BE RETAINED BY THE SECRETARY OF THE INTERIOR. THE GOVERNOR CAN PREDICT THE COST OF THE GATHERS AT ABOUT \$350 TO \$400 PER HEAD FOR SMALL NUMBERS OF 50 TO 100 ANIMALS AND \$125 TO \$130 PER HEAD FOR THE CAPTURE OF LARGER NUMBERS. THESE COSTS ARE BASED ON PAST COSTS INCURRED BY THE BLM. HOWEVER, TRANSPORTATION AND CARE OF THE CAPTURED ANIMALS CANNOT BE PREDICTED AS ACCURATELY DUE TO THE MANY UNKNOWNNS THAT OCCUR IN THIS PROCESS. THIS INCLUDES THE NEED FOR MEDICINES AND HEALTH CARE, THE DISTANCE TO A HOLDING AREA, THE VARIATIONS IN THE COST OF FEED AND THE LENGTH OF TIME THE ANIMALS ARE HELD. IN NEVADA, WE HAVE NO AVAILABLE SOURCE OF FUNDS FOR SUCH CONTINGENCIES.

THE MANAGEMENT OF THE HORSES AND BURROS BY THE STATE WOULD REQUIRE CLOSE COORDINATION WITH THE BLM AS TO REMOVAL OF EXCESS NUMBERS. IT WOULD BE NECESSARY THAT THE BLM HAVE BOTH THE FUNDS AND LOCATION TO HOLD CAPTURED ANIMALS. IT IS RECOMMENDED THAT SOME PROVISION RECOGNIZING THIS PROBLEM BE INCLUDED IN THE BILL.

AS STATED, THIS LEGISLATION MAY BE THE CURE TO THE PROBLEM. HOWEVER, FROM 1972 THROUGH 1997, CONGRESS HAS APPROPRIATED IN EXCESS OF \$246 MILLION DOLLARS TO PROVIDE A PROPER MANAGEMENT FOR THE ANIMALS. TO DATE, THIS OBJECTIVE HAS NOT BEEN MET. IT IS TIME TO AMEND THE EXISTING STATUTE IN AN ATTEMPT TO ATTAIN THE OBJECTIVE OF PRESERVING WILD HORSES AND BURROS IN A HEALTHY

ENVIRONMENT. THIS MAY BE THE START.

I APPRECIATE THE OPPORTUNITY TO APPEAR BEFORE THIS COMMITTEE AND CONGRATULATE THE MEMBERS ON THEIR RECOGNITION OF THIS WILD HORSE AND BURRO MANAGEMENT ISSUE. I WISH YOU SUCCESS IN THIS ENDEAVOR.

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