



# Animal Welfare Institute

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**Testimony before the  
United States House of Representatives  
Subcommittee on National Parks, Forests and Public Lands  
Committee on Natural Resources**

**Hearing on H.R. 1018, the ROAM Act  
Tuesday, March 3, 2009**

Mr. Chairman and distinguished members of the Subcommittee on National Parks, Forests, and Public Lands, thank you for the opportunity to testify on behalf of H.R. 1018, the Restoring our American Mustangs (ROAM) Act. In a bit of historical trivia, fifty years ago this year, the Animal Welfare Institute first testified before Congress on behalf of wild horses and passage of the Wild Horse Annie Act. We appreciate the opportunity to share our knowledge and long legislative history on this important matter.

For nearly forty-years, the management of America's wild horses and burros on public lands has largely been the responsibility of the Bureau of Land Management (BLM). The BLM, which is part of the Department of the Interior, is responsible for overseeing more than 250 million acres of public lands primarily in the western United States. The agency has a full plate of management responsibilities which include regulating land use, domestic livestock grazing, oil and gas development, public recreation, and overseeing America's wild horses and burros. While we have our opinions about the BLM's competence in regard to many of its programs, H.R. 1018 and today's hearing is focused on a single issue – the protection and management of wild horses and burros.

The BLM's track record with this program has been beset by controversy since its inception.

In 1971, the United States Congress, in response to the passionate pleas of Wild Horse Annie and those supporting her cause, had the wisdom to pass the Wild Free-Roaming Horses and Burros Act to protect wild horses and burros who were "fast disappearing from the American scene."

Prior to 1971, wild horses and burros were being captured without restraint and sold for working stock, to become dog food, or for the dinner plate. Some were shot out on the range with their carcasses left to rot to reduce competition for grass that was needed to feed domestic livestock as America's livestock industry worked its way across the west. Wild horses and burros stood little chance against this dominant industry and its allies within all levels of government.

Despite these long odds, the Congress, including some members who continue to honorably work within these halls, recognized the importance of wild horses and burros to the history of America and particularly the west and to the psyche of the American people. Thus, in passing the Act in 1971, Congress declared that wild horses and burros are “living symbols of the historic and pioneer spirit of the West” and “that they contribute to the diversity of life forms within the Nation and enrich the lives of the American people ...”

Congressional intent and policy made clear at that time that “wild free-roaming horses and burros shall be protected from capture, branding, harassment, or death” and, to achieve this goal, these animals “are to be considered in the area where presently found, as an integral part of the natural system of public lands.” It was Congress that required the Secretary of the Interior 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” and that “management activities ... be at the minimal feasible level” necessary “to protect the natural ecological balance of all wildlife species which inhabit such lands, particularly endangered wildlife species.”

Today, after decades of mismanagement by the BLM, America’s wild horses and burro are again in need of a lifeline – a lifeline that Congress has provided before and now, sadly, must provide again.

The Animal Welfare Institute is here seeking that lifeline for wild horses and burros not just on behalf of the organization’s members and supporters, but for the millions of Americans who believe that wild horses and burros are of historic, cultural, aesthetic, ecological, and spiritual importance to them and to our country. From the little girls who dream of ponies and horses, to those who gained inspiration and hope from Seabiscuit and Secretariat, to those whose image of the American West would be incomplete without horses and cowboys, we are here for them to ensure that America’s wild horse and burros are protected today and into the future.

America’s wild horses and burros are in desperate need of help, now. AWI, therefore, supports H.R. 1018 as a foundation upon which to reform wild horse and burro management in this country to achieve the original intent of the 1971 Act to protect these living symbols of the historic and pioneer spirit of the American West as an integral component of the landscape.

This testimony is intended to identify the fundamental problems with the BLM’s management of wild horses and burros and to discuss how H.R.1018 will address some of these deficiencies. While we are very grateful to and thank those responsible for crafting this bill for their concern and compassion for America’s wild horses and burros and encourage members of this Committee and this entire body to support this legislation, we will also offer suggestions as to how the bill should be amended to further the objective of protecting these animals and improving their management.

Over the past thirty-eight years of BLM management, America’s wild horses and burros have gone from living symbols of an historic and pioneering spirit, to the slumdogs of

America; their range has been cut, their populations have been manipulated, and more now survive in confinement than on America's public lands.

Wild horses and burros have lost over 19 million acres – an area nearly the size of West Virginia and Connecticut combined -- of statutorily protected habitat on which they existed in 1971. Entire herds have been eliminated while others are managed for such low numbers that they are genetically unviable and, in time, will perish. The concept of managing to achieve a thriving natural balance has been turned on its head with the BLM favoring imbalance with domestic livestock being consistently given preference over wild horses and burros. The BLM has set Appropriate Management Levels for its wild horse and burro populations but its unclear how these levels are set, what data are used to make such determinations, and whether there is consistency in how such decisions are made. The same concerns apply to the methodologies used to inventory or census wild horse and burro populations.

Tens of thousands of wild horses and burros have been removed from our public lands – some justifiably, but many not – with little regard to the animals' herd structure or social behaviors. While many have been adopted out to permanent and caring homes, far too many have been abused and/or sold for slaughter to become meat on a dinner plate in Paris or Brussels. Even now, with slaughterhouses in the United States shuttered, we fear wild horses are being exported to Canada and Mexico to face, particularly in Mexico, a horrendous death at the horse abattoirs operating in those countries. While we concede that in these difficult economic times adoption demand will inevitably be less, the BLM has mismanaged the entire adoption program, failing to engage in proper marketing or to sufficiently screen potential adopters and provide them with the guidance needed to understand and care for these unique animals.

As a result of the BLM's mismanagement of wild horses on the range, the number of wild horses in short and long-term holding facilities has increased substantially with over 30,000 horses currently confined. We concur that this is a problem particularly, but not solely, due to the cost of care – a bill that is footed by the American taxpayer -- but this is a problem created by the BLM. An effort was made in 2004 to "address" this concern in a most underhanded way through a controversial rider slipped into an Omnibus spending bill at midnight with no Congressional debate or public knowledge. The language, which gutted protections at the heart of the 1971 Act, provided the BLM with the authority to sell so-called unadoptable horses without limitation (i.e., for slaughter). This authority must now be rescinded, as would be achieved under H.R. 1018.

AWI agrees that a solution to this confinement crisis must be found, but it must be found through discussion and negotiation, not through threats or dire and unsubstantiated warnings as has been the strategy recently employed by the BLM. Indeed, instead of seeking partnerships with non-governmental organizations and other entities to address this concern or engaging wild horse advocates in dialogue to seek alternatives to responsibly and humanely reduce these numbers, the BLM has threatened a campaign of mass killing. This option is entirely unacceptable not only because these animals have done nothing to deserve this fate, but because the BLM created these facilities to provide care for captured horses and paid for this care with taxpayer dollars. To now convert

these facilities into killing fields and to waste the millions of tax dollars used to care for these animals to destroy them and then bury or incinerate thousands of their carcasses is indefensible.

While AWI has significant concerns about all aspects of the BLM's wild horse and burro management program, overlying everything is a fundamental lack of transparency and accountability within the program. Though the BLM now discloses through its website more information about wild horses and burros than it did in the past, the public remains largely in the dark regarding its programs while the BLM continues to implement its efforts with little accountability to Congress or to the public. The agency avoids the disclosure of records/data that could be used to challenge its management, it unnecessarily complicates efforts by the public to access its records, and it fails to provide the public with opportunities to participate in many of its decision-making processes critical to wild horse and burro management. When it does invite public scrutiny of its proposals, the outcome has nearly always been predetermined.

Though AWI believes the BLM's management of wild horses and burros is fraught with inadequacy, AWI does not subscribe to the option of no-management of these species. Though we understand the passion and commitment of those who prefer to allow nature to control wild horse and burro populations and while we, too, endorse such "natural regulation" in certain circumstances, such a "hands-off" approach is not appropriate for all of the wild horse and burro herds given existing limitations – geographic, political, and ecological -- to their range.

Fundamentally, this issue is about numbers – the number of wild horses and burros, domestic livestock, and wildlife on our public lands. Though the Act mandates achieving a thriving natural ecological balance only between wild horses/burros and wildlife, other laws, including the Multiple-Use Sustained Yield Act of 1960 and the Federal Land Policy and Management Act of 1976, require the BLM to manage its lands for multiple uses, including domestic livestock grazing, if and where such uses are appropriate. Thus, while achieving these legal mandates may at times necessitate the removal of wild horses and burros from public lands, such removals must be justified, based on sound scientific evidence, and must be at the minimum level necessary to achieve natural ecological balance.

To avoid significant disruption to the wild herds, gather or removal decisions must consider wild horse/burro population and band structure and associated behavioral characteristics inherent to the species. For those individual horses and burros removed from the range, adoption to permanent and caring homes, placement in private sanctuaries, or transfer to adequate long-term holding facilities must be the only options.

Adoptive homes must be limited to those who understand the unique needs of wild horses/burros, who are willing to practice patience and exercise compassion while gentling and training the adopted horse or burro, and who, under penalty of imprisonment, will not sell their horse or burro for commercial gain or for slaughter. Sanctuaries and holding facilities must provide spacious pastures and forests, natural water sources, nutritious feed, and excellent veterinary care to their residents to provide

them a semblance of freedom within their fenced homes. As is now evident, adoption demand for wild horses in particular is not constant or predictable. Thus, it is imperative, particularly now with over 30,000 animals in short and long-term holding, that the BLM strive to sustain and maintain as many wild horses and burros on public lands as is possible within the parameters of the law.

No longer should wild horse or burro herds be “zeroed-out” or managed at such low numbers as to ensure the herds’ eventual extirpation. The BLM must restore the over 19 million acres of wild horse and burro habitat that has been snatched away from these animals since 1971 and initiate an effort to reintroduce wild horses and burros to those lands (or to an equal amount of land at other locations) while cognizant of wild horse/burro herd structure and behaviors. It must establish new herd areas or herd management areas on land deemed suitable for wild horses and burros while also reassessing, based on standardized criteria and valid data, existing wild horse and burro AMLs. No longer can wild horse and burro management be based on a goal of achieving an arbitrary minimal number of wild horses and burros on public land; rather, it must be based on expanding the number of herds, herd areas, herd management areas, and herd complexes while managing the animals to achieve a thriving natural ecological balance.

H.R. 1018, as introduced, will help achieve some of these changes. The remainder of this testimony will identify the strengths of this legislation, its likely benefit to wild horses and burros, and suggestions for improving this bill to further improve the protection and management of America’s wild horses and burros to ensure that future generations can enjoy and be inspired by these animals the way many Americans are today.

## **Section 2: Policy:**

AWI supports efforts to compel the BLM to seek out new areas suitable for wild horses and burros for the establishment of new herds presumably using animals removed from existing herd areas/herd management areas or by providing held animals with a second chance for freedom. The proposed amendment to Section 2 to strike “in the area where presently found, as” is necessary to achieve this overlying objective. The BLM cannot, however, be allowed to remove over 19 million acres of statutorily-protected wild horse and burro habitat, without consequence. It must be required to restore wild horses/burros to these lands or to an equal amount of alternative lands.

## **Section 3: Definitions:**

There are several terms and phrases in the original Act that are not defined. This has led to variable interpretations of the meaning of these terms and phrases. AWI does not have any objection to the proposed amendments to this Section as contained in the draft bill. AWI suggests that in addition to these amendments, the Committee considers amending the definition of “public lands,” and incorporating definitions of “thriving natural ecological balance,” “minimal feasible level,” “sanctuary,” and “adoption demand.”

The current definition of “public lands” is applicable only to lands administered by the BLM or U.S. Forest Service. AWI supports the expansion of this definition to ensure that

wild horses and burros do not lose the protections afforded to them under the Act when land designation is changed, through sale, exchange, or redesignation to another federal agency. In the past, for example, BLM lands occupied by wild horses and/or burros have been transferred to the National Park Service (NPS). In that case, though the horses/burros continued to occupy the same lands as they had historically, they lost the protections afforded by the Act when the NPS became the land management agency.

Maintaining a “thriving natural ecological balance” between wild horses/burros and wildlife is a cornerstone of the Act. Yet, this phrase is not defined. This has led to multiple interpretations of what this phrase means and, consequently, has affected management decisions. AWI suggests that the Committee consider including a definition of this phrase in the legislation. AWI proposes that the phrase “thriving natural ecological balance” be defined as “a condition that protects ecosystem health, the ecological processes that sustain ecosystem function and a diversity of life forms, and further ensures that wild horses and burros, livestock and/or wildlife species are given fair and equal consideration in the allocation of resources on those lands where said species are authorized and/or managed.”

The Act specifies that wild horse and burro management is to be at the “minimum feasible level” to protect the natural ecological balance of all wildlife species. This phrase, however, is not defined in the statute. As a consequence, it has been subject to multiple interpretations and has resulted in management actions, particularly in regard to decisions pertaining to wild horse/burro gathers, that cannot constitute a “minimum feasible level.” AWI suggests that the Committee consider including a definition of this phrase in the legislation. AWI proposes that the phrase “minimum feasible level” be defined as “a limitation on the use of human-induced management actions to the greatest extent possible in keeping with the other mandates provided for in the Act in order to preserve the wild and free-roaming nature of horses and burros.”

The bill proposes to mandate that the Secretary of the Interior, among other duties, “designate and maintain specific ranges on public lands as sanctuaries for the protection and preservation of wild free-roaming horses and burros, where ... desirable.” See Section 3(a)(2) (which should be corrected to be Section 4(a)(2); see also, Section 3(c)(8)(which should be Section 4(c)(8) “establish sanctuaries or exclusive use areas...”). AWI strongly supports the creation of public land “sanctuaries” for wild horses/burros (areas of public land that are devoted exclusively to the protection and management of wild horses and burros and where other uses, if permitted at all, are so insignificant in scope that they are inconsequential to the well-being of wild horses and burros).

It notes, however, that while “range” is defined in the Act, “sanctuary” is not. A “range” is defined “as the amount of land necessary to sustain an existing herd or herds of wild free-roaming horses and burros ... which is devoted principally but not necessarily exclusively to their welfare in keeping with the multiple-use management concept for public lands.” A “range,” therefore is not a true “sanctuary” for wild horses/burros as the term is traditionally defined and understood. Moreover, since there are privately-operated wild horse/burro sanctuaries and given the BLM’s description of captive

facilities that it operates/leases for long-term holding of wild horses/burros as sanctuaries, the use of the term “sanctuary” may be confusing without further clarification.

Hence, AWI supports the proposal to amend the definition of “range” to remove “which does not exceed their known territorial limits,” but also encourages the Committee to consider an additional amendment to the term to clarify that a “range” is to serve as a “sanctuary” for wild horses/burros or to include an independent definition of “sanctuary” in the legislation.

The Act specifies that the Secretary is authorized to remove excess wild horses and burros for private maintenance and care “for which he determines an adoption demand exists by qualified individuals ....” This language implies that the Secretary must assess the “adoption demand” to determine the number of excess wild horses/burros that can be removed from public lands. Historically, no such assessment has been made as wild horse/burro removals have consistently exceeded adoption demand. AWI, therefore, encourages the Committee to consider amending the legislation to include a definition for “adoption demand” to clarify the prerequisites for the removal of excess wild horses/burros.

#### **Section 4: Inventory and Determinations:**

AWI strongly supports the proposed language to require the BLM to maintain inventories of wild free-roaming horses and burros on public lands, to update those inventories, and to make the inventory data available to the public via the BLM wild horse and burro website. Recognizing the costs inherent to conducting comprehensive wild horse/burro herd inventories, AWI believes that requiring annual updates to said inventories, although ideal, may be cost prohibitive. AWI suggests that, in place of a requirement to update such inventories annually, the BLM be required to update its inventories every three years, but also that an inventory be conducted no more than 60 days prior to any proposed gather. Similarly, AWI strongly supports the proposed language that would require the BLM to “adopt and employ the best scientific, peer-reviewed methods to accurately estimate wild free-roaming horse and burro populations on public lands.” It is imperative, however, that the BLM subject its assessment of population inventory methods to public scrutiny through a public notice and comment procedure so that the public can participate in this decision-making process. The Committee is encouraged to consider amending the legislation to require the BLM to involve the public in its decision-making process in establishing a standardized herd inventory methodology.

In regard to the proposed language to require the BLM to “employ scientifically sound methods to develop a policy for setting consistent, appropriate management levels,” AWI, again, strongly supports this mandate. It also supports public involvement in “finalizing appropriate management level standards,” the publication and distribution of said standards to each BLM field office, and the training requirement contained in the legislation. The Committee is encouraged, however, to amend Section 3(c)(3) (which should be Section 4(c)(3)) to require the BLM to expand public participation in the development of policy for setting consistent AML to include all stages of policy development and not only when the standards are being finalized. This change, if made,

would allow the public to be involved throughout the process thereby benefiting their own interests and the interests of the BLM. Similarly, AWI encourages the Committee to amend Section 3(c)(5) (which should be Section 4(c)(5)) to incorporate an oversight mandate to ensure that BLM field offices are correctly employing the new AML standards. This could be accomplished through performance evaluations and/or field office audits.

AWI strongly supports the proposed language in Section 3(c)(7) (which should be Section 4(c)(7)) to require the Secretary of the Interior to “identify new, appropriate rangelands for wild free-roaming horses and burros” and to use land acquisitions, exchanges, conservation easements, voluntary grazing buyouts (preferably permanent), and other means to achieve this mandate. For reasons previously articulated herein, AWI encourages the Committee to amend this paragraph or to incorporate a new paragraph to require the Secretary to restore wild and free-roaming horses and burros to the more than 19 million acres of land that the animals occupied in 1971 or to an equal amount of suitable habitat to achieve, at a minimum, a no-net loss of wild horse/burro occupied land since 1971. This proposed amendment would be in addition to the mandate contained in Section 3(c)(7) (which should be Section 4(c)(7)) to identify new, appropriate rangelands for wild horses and burros.

AWI supports the use of non-lethal fertility control to reduce or stop the growth rate of wild horse and burro populations so long as the AML is set based on valid and substantive scientific data, wild horse/burro population estimates are accurate, the fertility control method selected is safe and efficacious, that genetic and behavioral implications of fertility control are objectively evaluated, and that these factors are all disclosed and evaluated in a substantive environmental impact document subject to public scrutiny and prepared pursuant to the National Environmental Policy Act. These should be the minimum criteria that the BLM must comply with prior to implementing the provision to “enhanced surgical or immunocontraception sterilization or other safe methods of fertility control” as allowed under Section 3(c)(9) (which should be Section 4(c)(9)). AWI would note, however, its concern regarding the invasiveness of any surgical sterilization procedure performed on wild horses/burros particularly on mares or jennies. If these procedures are employed, they must only be employed by licensed equine veterinarians and, whether used in the field or when the horses/burros are in holding facilities, treated horses/burros must be provided appropriate post-surgical care.

In addition to considering safe and efficacious fertility control as an option for wild horse/burro management, the BLM must also allow and promote natural factors to influence wild horse/burro population dynamics. Such natural factors would include predators, such as mountain lions. To facilitate the role of predators as a potential mechanism to dampen down wild horse/burro herd productivity, the BLM should work in cooperation with the relevant state wildlife agencies to promote mountain lion presence and responsible management in those areas where wild horse/burro and mountain lion populations overlap. AWI encourages the Committee to consider amending the legislation to incorporate such language to provide the BLM specific and explicit direction to which it must comply. Providing for such natural control of wild horse/burro populations is entirely consistent with the concepts of “minimum feasible level” and



“thriving natural ecological balance” and the definitions of those terms as proposed herein.

Though AWI supports the continuation and improvement of the BLM’s wild horse and burro adoption program, including the proposals contained in Section 3(f)(1-5)(which should be Section 4(f)(1-5)), it believes that either the BLM should retain title to all adopted wild horses and burros throughout their lives or it must make clear to adopters that the transfer of title does not remove protections afforded the animals under the Act. AWI strongly believes that the original intent of the Act was that any wild horses and/or burros removed from the public lands and placed into permanent care would retain the full protections of the Act throughout their lives. The incorporation of such language into this legislation through an amendment to Section 3(e)(which should be Section 4(e)) would reduce the likelihood of any inappropriate or illegal use of adopted wild horses/burros and would ease enforcement of the law should such illegal use be confirmed.

Furthermore, AWI encourages the Committee to consider amending the bill to include language directing the BLM to establish reporting requirements for those adopting wild horses and/or burros so that any transfer or donation of the adopted animal is reported, to mandate that the recipient sign a similar attestation as that completed by the original adopter, and to require notification be provided to the BLM upon the death of the adopted wild horse or burro.

AWI strongly supports the bill’s language requiring the BLM to track and make available to the public information on the “number of wild free-roaming horses and burros injured during gathering or holding.” See Section 3(j)(1-3)(which should be Section 4(j)(1-3)). This requirement, however, should be expanded to include additional data relevant to wild horse/burro gather and holding operations. In addition to reporting the number of horse/burros injured during gathers or while in holding, the BLM must be required to report the type of injury, the expected cause of the injury (if known), the disposition of the injured wild horse/burro (euthanasia/treatment), the number of wild horses/burros killed during such operation, the cause of death (stress, capture myopathy, euthanasia due to deformity, injury, or age), and the name of the contractor/party responsible for the gather operation or holding facility management.

Furthermore, AWI encourages the Committee to amend Section 3(j)(2)(which should be Section 4(j)(2)) to require the BLM to disclose to the public through the relevant BLM website specific information about its wild horse/burro gather and holding operations (as articulated above). The existing language provides the BLM with the discretion to determine what information “could be provided to the public to help inform the public about the treatment of wild free-roaming horse and burros.” Allowing such discretion will likely limit the amount of information that the BLM elects to disclose to the public. AWI recommends that the Committee require the BLM to disclose to the public through its wild horse and burro website any information pertaining to the well-being of wild horses/burros subject to gathers/holding that would otherwise be available through the Freedom of Information Act.

**Section 7: Joint Advisory Board:**

AWI continues to support the concept of a Wild Horse and Burro Advisory Board though it is concerned that those who have served on the Advisory Board have not always adequately or fully protected the interests of those whom they have been selected to represent. As a consequence, the guidance provided by the Advisory Board to the BLM has not been as beneficial as possible. The composition of the Advisory Board must more accurately reflect the interests of the various stakeholder groups involved in the management of wild horses/burros and engage in more open and critical discussions of the strengths and weaknesses of the wild horse/burro management program. Moreover, historically, the interests of wild horses/burros have been underrepresented on the Advisory Board and/or other stakeholder groups who may not concur with the Act's wild horse/burro protection mandate have been overly represented on the Advisory Board.

The composition of the Advisory Board as currently proposed in the bill (Section 7(2)) will likely not favor the interests of wild horses and burros since the BLM can selectively choose representatives from the environmental community and scientists whose opinions about wild horse/burro management may be consistent with the historical management mindset of the BLM. This will result in those representing humane interests to continue to be in the minority. AWI, therefore, encourages the Committee to consider amending this paragraph to increase the likelihood of achieving balanced representation on the Advisory Board. This could be achieved by, for example, by amending the paragraph to add, "... Governments and shall include" the following language: "balanced and qualified representation from the wild horse and burro advocacy community, the humane community and not more than two other stakeholder groups including, but not limited to, the livestock industry, the scientific/veterinary community to ensure full protection and responsible management of wild horses and burros on the range and their humane care once removed."

In addition, in order to permit "new blood" to be continually added to the Advisory Board, AWI recommends that Section 7(3) be amended to shorten the term of Advisory Board members to no more than three years while retaining the language allowing Advisory Board members to serve no more than two consecutive terms.

**Section 11: Reports:**

AWI strongly supports the language in this section of the bill requiring the BLM to submit annual reports containing a variety of information relevant to its management of wild horses/burros including budgetary data. While the specific reporting requirements articulated in Section 11(b)(1)(A-L) represent a variety of important issues, AWI encourages the Committee to amend this section of the bill to require that the BLM report its information at different levels of specificity including nationally, state-by-state, and, within each state, by Herd Area, Herd Management Area, and herd complexes.

AWI also recommends that the Committee expand on the information that the BLM is required to report annually to include: wild horse/burro holding facility data; adoption statistics; forage allocation decisions for wild horses/burros, domestic livestock, and

wildlife by HA, HMA, and for each herd complex; the Animal Unit Months set for domestic livestock for each grazing allotment wholly or partly within each wild horse/burro HA, HMA, and herd complex; and the actual versus authorized AUM use statistics for each grazing allotment. In the event that the BLM is mandated or directed to restore wild horses/burros to lands that were originally designated for their use when the Act was passed in 1971 and/or if the BLM establishes, pursuant to the requirements of this bill, new wild horse/burro herds, this Committee should also require that the BLM annually report on the number of acres of land on which wild horses/burros have been restored or introduced. The amendment of the legislation to include these reporting requirements would benefit the BLM, the public, and the Congress by including all relevant information into a single annual report.

**Additional suggested amendments:**

Section 3(d) (which should be Section 4(d)): replace the word “maintaining” in the second line of this Section with the word “managing.” This change would make this language more consistent with the dynamic nature of an AML which changes over time in concert with a number of variables (i.e., precipitation, climatic events, wild fire).

Section 3(d)(2) (which should be Section 4(d)(2)): replace “not be used for purposes of slaughter for human consumption” with “not be used for any commercial purpose.” This amendment is necessary to ensure that those who adopt wild horses and/or burros execute an attestation affirming that they do not intend to use the animal for any commercial purpose. As presently written, those who adopt wild horses/burros, upon receiving title, could sell the wild horse/burro for slaughter for the manufacture of products for consumption by other animals or otherwise exploit the animals for commercial gain.

Section 3(d)(4) (which should be Section 4(d)(4)): insert “short-term” before “holding facilities.”

Section 3(f)(3)(which should be Section 4(f)(3)): In regard to the BLM adoption program, AWI strongly supports any language that requires the BLM to properly screen potential adopters and to prepare them for the unique needs and behaviors of a wild horse/burro. AWI suggests that the Committee consider amending Section 3(f)(3) by replacing “train” with “educate” to more accurately reflect what should be the objective of the BLM in regard to preparing potential adopters for adoption of a wild horse and/or burro.

Section 3(h)(which should be Section 4(h)): Amend this paragraph to explicitly require the BLM to return wild horses and burros who are “temporarily removed” from the range when those factors that threatened the health or safety of wild free-roaming horses or burros are removed, ameliorated, or otherwise mitigated. In the past, the BLM has removed wild horses/burros due to perceived emergency conditions never to return the animals (or a similar number and composition of animals) when the emergency conditions have passed or been mitigated. This proposed change is consistent with the concept of “temporarily” removing wild horses or burros. While all effort should be made to return the same animals who were temporarily removed from the range, if that is

not possible, the BLM must be required to restore the same number and similar composition (i.e., age and sex structure) to the range.

Section 3(i)(which should be Section 4(i): delete “or decreases the range of the wild horses and burros” from this section so that the amended language would read “... removes wild free-roaming horses or burros from the range, the Secretary shall provide a public notice ... .” This amendment is necessary to prevent the Secretary of the Interior from further decreasing the range of wild horses and burros.

Section 3(i)(which should be Section 4(i)): replace “30 days prior to planned removal” with “45 days prior to planned removal.” This amendment is necessary to ensure that a final decision to proceed with any wild horse or burro removal is published with sufficient notice to permit a meaningful appeal as permitted under the law. The appeal process allows appeals to be filed up to 30 days after a final decision is made. As a consequence, unless the public notice language is not changed to 45 days, an appeal, filed 30 days after the notification is published on the BLM website, may not receive meaningful consideration if the removal is initiated immediately after the expiration of the 30 day notice period. If the notice requirement were extended to 45 days, this would ensure that any legally submitted appeal could be given its due regard prior to the initiation of any removal action.

Section 10(b)(1)(J) (which should be Section 11(b)(1)(J)): replace this paragraph in its entirety with general language requiring the BLM to provide an itemized breakdown of the agencies’ budget for the protection and management of wild horses. This amendment would require the BLM to report all of its expenditures related to the implementation of its wild horse and burro protection and management program.

As reflected in this testimony and in the attention and controversy associated with the BLM’s management of wild horses and burros over the decades, there is little question that Congress must act again to save these culturally, historically, and spiritually important symbols of the American West and of the wildness associated with the western landscape. H.R. 1018 provides a solid foundation upon which to improve the management of these animals.

Though Wild Horse Annie is not with us anymore, her spirit and compassion lives on within the citizens of this country who treasure wild horses and burros and who are adamant about their protection and responsible, humane management. AWI again thanks the distinguished members of the Subcommittee on National Parks, Forests and Public Lands and the Committee on Natural Resources for considering this testimony and for working to protect wild free-roaming horses and burros.