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1998

*RANGE ISSUES AND PROBLEMS WITH THE WILD HORSE AND BURRO ACT AND ITS IMPLEMENTATION*

FIELD HEARING

before the

SUBCOMMITTEE ON NATIONAL PARKS AND PUBLIC LANDS

of the

COMMITTEE ON RESOURCES  
HOUSE OF REPRESENTATIVES

ONE HUNDRED FIFTH CONGRESS

SECOND SESSION

JULY 13, 1998, RENO, NEVADA

Serial No. 105-105

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**GARY GRIFFITH**, *Professional Staff*

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Hearing held July 13, 1998

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## FIELD HEARING ON RANGE ISSUES AND PROBLEMS WITH THE WILD HORSE AND BURRO ACT AND ITS IMPLEMENTATION

MONDAY, JULY 13, 1998

House of Representatives, Subcommittee on National Parks & Public Lands, Committee on Resources,  
*Reno, Nevada.*

The Subcommittee met, pursuant to notice, at 9 a.m., in the Washoe County Commission Chambers,  
Building A, Reno, Nevada, Hon. James Hansen (chairman of the Subcommittee) presiding.

Members present: Representatives Hansen, Faleomavaega, Pombo, Chenoweth, Ensign and Gibbons.

### STATEMENT OF HON. JAMES HANSEN, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF UTAH

Mr. **HANSEN.** The Committee will come to order. The Subcommittee on National Parks & Public  
Lands convenes for a field hearing on range issues with wild horses and burros and implementation of  
the 1971 Wild Horse and Burro Act.

When the Spaniards first came to America, they brought horses. Conquistadors like Cortez and  
Coronado lost a few horses during their campaigns and these horses migrated north and formed the  
foundation stock of numerous herds of feral animals in the wilderness of North America.

These herds of feral horses became an important source of riding animals for the plains indians and  
later the American pioneers. The herds were, and continue to be, supplemented by escaped farm and  
ranch stock. However, the feral burros are mostly descendants of 19th and 20th century escaped or  
released pack animals.

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As a note of clarification, I think it is important to mention that these horses and burros are not truly  
wild animals in the sense that bighorn sheep, mountain lions and bears are wild animals. These are  
domesticated animals that have gone feral. They are only wild in the sense that the alley cat down the  
street is wild.

As more of the West was settled and better riding stock was imported, feral herds became less  
important. In fact, they were quickly becoming a liability to ranchers and farmers who needed the land  
for domestic stock. Thousands of these horses were slaughtered to remove competition with domestic  
stock, to obtain meat for animal feed or for other purposes. Fortunately, these horses had some pretty  
good PR people working for them, and the American people mobilized in the late 1960's pushing for  
some sort of protection for these animals.

In 1971, Congress, finding that wild free-roaming horses and burros were quote, "living symbols of  
the historic and pioneer spirit of the West," passed the Wild Horse and Burro Protection Act. The Act  
directed the Secretaries of Agriculture and Interior to protect these animals from destruction, to set  
aside range for them and to set up an adoption program for excess animals.

The intentions behind the Act were quite laudable. Unfortunately, things have not worked out quite  
as well as Congress anticipated. The range is becoming degraded, riparian areas are being destroyed,  
adoptions are lagging and cost millions of dollars a year to administer. The health of the animals on the  
range is deteriorating, disease is becoming a problem in many areas and the animals are competing  
with and driving out wildlife.

It costs \$18 million a year to administer the wild horse and burro program. Last year, 8,692 animals  
were adopted. This works out to over \$2,000 per animal, and yet, these horses sell for \$200 per animal.  
Two thousand to sell a \$200 horse. If any public land program could be called a subsidy, this would be

it.

But we are not here today to talk about adoptions, because there are even bigger problems on the range. Some of the problems stem from the way the Act is implemented, others stem from the Act itself.

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As our friend Pat Shea, Director of BLM, has noted, these animals are livestock, and we need to give the BLM the authority to start managing them as livestock. The BLM faces a lot of challenges as it tries to manage its feral animals on the public lands. We have given them laws and mandates to live by that are often contradictory, and generally they try to do the best they can to make sense of the whole mess. I hope we can figure out a way to make their job a little easier.

This hearing was scheduled in order to give environmentalists, Federal, state and local government officials and concerned citizens an opportunity to discuss some of the problems with implementation of the Wild Horse and Burro Act and to give people an opportunity to present ideas on how to improve management of wild horses and burros. I would like to welcome our witnesses and thank them for joining us today. I hope this can be a productive dialogue.

I will now turn to the gentleman from American Samoa, Mr. Faleomavaega, for any opening statement that he may have.

[The prepared statement of Mr. Hansen follows:]

STATEMENT OF HON. JAMES V. HANSEN, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF UTAH

The Committee will come to order. The Subcommittee on National Parks and Public Lands convenes for a field hearing on range issues with wild horses and burros and implementation of the 1971 Wild Horse and Burro Act.

When the Spaniards first came to the Americas they brought horses. Conquistadors like Cortez and Coronado lost a few horses during their campaigns and these horses migrated north and formed the foundation stock of numerous herds of feral animals in the wilderness of North America.

These herds of feral horses became an important source of riding animals for the Plains Indians and later the American Pioneers. The herds were and continue to be supplemented by escaped farm and ranch stock. However, the feral burros are mostly descendants of 19th and 20th century escaped or released pack animals.

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As a note of clarification, I think it is important to mention that these horses and burros are not truly wild animals in the sense that Bighorn Sheep, Mountain Lions and Bears are wild animals. These are domesticated animals that have gone feral. They are only "wild" in the sense that the alley cat down the street is "wild."

As more of the West was settled, and better riding stock was imported, feral herds became less important. In fact, they were quickly becoming a liability to ranchers and farmers who needed the land for domestic stock. Thousands of these horses were slaughtered to remove competition with domestic stock, to obtain meat for animal feed, or for other purposes.

Fortunately, these horses had some pretty good PR people working for them, and the American people mobilized in the late 1960's, pushing for some sort of protection for these animals.

In 1971 Congress, finding that wild free-roaming horses and burros were "living symbols of the historic and pioneer spirit of the West," passed the Wild Horses and Burros Protection Act. The Act directed the Secretaries of Agriculture and Interior to protect these animals from destruction, to set aside range for them, and to set up an adoption program for excess animals.

The intentions behind the Act were quite laudable. Unfortunately, things haven't worked out quite as

well as Congress anticipated. The range is becoming degraded, riparian areas are being destroyed, adoptions are lagging and cost millions of dollars a year to administer, the health of the animals on the range is deteriorating, disease is becoming a problem in many areas, and the animals are competing with and driving out wildlife.

It costs \$18 million a year to administer the wild horse and burro program. Last year 8,692 animals were adopted. That works out to over \$2,000 per animal. And yet these animals sell for about \$200. \$2,000 to sell a \$200 horse—If any public lands program could be called a subsidy, this would be it.

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But we are not here today to talk about adoptions, because there are even bigger problems on the range. Some of these problems stem from the way the Act is implemented, others may stem from the Act itself.

As our friend Mr. Pat Shea has noted, these animals are livestock, and we need to give the BLM the authority to start managing them as livestock. The BLM faces a lot of challenges as it tries to manage feral animals on the public lands. We have given them laws and mandates to live by that are often contradictory, and generally they try to do the best they can to make sense out of the whole mess. I hope we can figure out a few ways to make that job a little easier.

This hearing was scheduled in order to give environmentalists, Federal, state and local government officials, and concerned citizens an opportunity to discuss some of the problems with implementation of the Wild Horse and Burro Act and to give people an opportunity to present ideas on how to improve management of feral horses and burros. I would like to welcome our witnesses and thank them for joining us today. I hope this can be a productive dialogue.

I will now turn the time over to the Gentleman from American Samoa for any opening statement.

#### STATEMENT OF HON. ENI FALEOMAVAEGA, A DELEGATE IN CONGRESS FROM THE TERRITORY OF AMERICAN SAMOA

Mr. **FALEOMAVAEGA**. Thank you, Mr. Chairman, for calling this hearing this morning. I do want to also express my appreciation to the gentleman from Nevada, the host of our hearing this morning here in Reno. I want to also express my appreciation to all the witnesses who are scheduled for having their testimony before the Committee here this morning.

Mr. Chairman, I am pleased to be here today to participate in the Subcommittee's oversight hearing on wild horses and burros. To some, these animals are a beloved symbol of the west; to others, they are considered a nuisance. Either way, they are an important aspect of public lands management. Legislative policy on this important issue was established more than a quarter of a century ago with the passage of the Wild Free-Roaming Horse and Burro Act of 1971 that declares that wild free-roaming horses and burros are living symbols of the historic and pioneer spirit of the west, that they contribute to the diversity of life forms within the Nation and enrich the lives of the American people. Although the Act has been in existence for nearly 27 years, it has been only in the last 2 years that the wild horses and burro program has come under significant public scrutiny.

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Some months ago, an Associated Press report stated that despite the existence of current Federal law which is aimed at protecting these wild horses and burros, and with the implementation of a Federal adoption program for these wild animals, through individuals who qualified to adopt these animals, along with the pledges not to slaughter such animals, there are allegations that thousands of horses are being slaughtered and there are further allegations that BLM could not even account for some 32,000 adopted animals, and that even BLM employees may have been participants and may even have profited in the slaughter of thousands of wild horses.

Then there is also the question of title and ownership of these wild animals by their individual adopters. And if title is given to owners of these animals, can they transfer such ownership or title for purposes of selling the animal to a slaughter house company that makes dog and cat food items, which today is a multi-billion dollar industry.

Mr. Chairman, I am aware that a number of concerns have been raised about the BLM's management of wild horses and burros, particularly its adoption procedures. I also know that the BLM has undertaken a number of reforms in the programs in the past 18 months. I am here today to listen and learn how these reforms are working, as well as whether the overall program is achieving the intended purposes of the Wild Free-Roaming Horse and Burro Act.

I appreciate the presence of your witnesses again, and I look forward to their testimony. Thank you again, Mr. Chairman.

Mr. **HANSEN**. Thank the gentleman for his comments.

Our host is Mr. Jim Gibbons, our Congressman from this area. I turn to the representative from this area, Mr. Gibbons.

STATEMENT OF HON. JIM GIBBONS, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF UTAH

Mr. **GIBBONS**. Thank you very much, Mr. Chairman. And to you, as the Chairman of the Committee, and the Ranking Member, Mr. Faleomavaega of American Samoa, I want to welcome my colleagues and all of you here today to Reno for this hearing. And on behalf of the people of the state of Nevada, I want to say thank you for your concern about the wild horse and burro issue, and especially for conducting a hearing today, in which bringing Congress to Nevada brings our representation to the people, which I think is an important part. So I applaud you on your leadership of this issue and again welcome you here to Nevada.

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Mr. Chairman, as you have eloquently stated in your remarks, the wild horses in Nevada, as well as the rest of the United States, have roamed the ranges here since the late 1500's when Spanish conquistadors explored north into North America from Mexico. These animals are not native to the west, they are feral. The horses and burros were released either—or lost by the Spanish, which grew wild on the fenceless ranges here in the west, and today, nearly 500 years later, their legacy lives on. Nowhere is this more prevalent than here in Nevada, home to about 60 percent of the wild horses, 60 percent of the 43,000 that roam the public lands of the west.

Unfortunately many problems of the management of today's wild horses and burros have met with public scrutiny. The current over-population, both on and off range, threatens the wellbeing of the environment, strains the resources of the BLM to sustain excess animals that have been removed from the range.

Another concern is, the gene pool of these wild herds is degenerating as healthier, stronger animals, those more suitable for adoption are selected and removed from the range.

Now this Committee, I am sure, with the help of the public and the BLM can resolve many of these issues. That is why I have asked you to bring this hearing here today to Nevada so that we can hear more about this very important issue.

1971 public concern for the humane treatment of wild horses and burros persuaded Congress to pass the Free-Roaming Horse and Burro Act. This Act referred to the wild equines as living symbols of the historic and pioneer spirit of the west and declared them an integral part of the natural system of public lands. The Act granted authority to the Secretary of Interior to oversee and manage wild horses and burros. The herds are to be managed at a minimum level, allowing them to truly be free roaming and wild. However, strict language in the Act requires their numbers to be restrained to prevent damage to the range and other species.

Each year the BLM helicopters and riders round up excess horses and burros which are offered for adoption to the public and a nationwide adoption program. Unfortunately though the BLM is presently sheltering more than 6,000 unadopted wild horses and burros, these animals are costing the taxpayers about \$50,000 a week. Many have become unadoptable, and in many instances, due to old age and the present spread of disease, have precluded their successful adoption. Also, these unadoptable animals are being held contrary to the resolution set forth in the Act of 1971, and done so at a great expense to taxpayers as well as we mentioned previously. Unfortunately many of these animals are destined to live out their days as Federal welfare cases as facilities across the United States are filled beyond capacity. Without adoption or commercial demand the horses and burros are consigned to death in captivity. A situation which is ironic at best considering the attempt of the statue to preserve them.

The Free-Roaming Horse and Burro Act mandates unadopted animals to—and I quote—"be destroyed in the most humane and cost efficient manner possible." That same fate is designated for old, sick or lame animals. However, the BLM is not fulfilling this unpleasant but probably necessary responsibility. The BLM has resolved to reduce the total population to a little more than 27,000 equines; however, neither a time table nor the resources are adequate as proposed to accomplish this goal.

Mr. Chairman, I will submit for the remainder of the time this morning my written comments. I look forward to the witnesses, and I would also like to ask that for purposes of submission for the record that I be allowed to enter into the record a copy of the Nevada wild horse management plan for Federal lands, which has several recommendations within that, for the record for the Committee to review on this issue.

Again, I want to thank you for having this hearing hear today. I look forward to the testimony that we are about to receive from these panels of well known and educated individuals on this issue. Certainly it is time that Congress take a look at this very expensive case and have a look at the total cost of where we are going, how we are getting there and how the management of these animals is predicted and taking place for the future. Thank you, Mr. Chairman, again for having this hearing.

Mr. **HANSEN**. Thank you, Mr. Gibbons. Without objection, your entire testimony and the testimony on the BLM management plan will be included in the record.

[The prepared statement of Mr. Gibbons follows:]

STATEMENT OF HON. JIM GIBBONS, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF NEVADA

Mr. Chairman:

On behalf of the people of Nevada and all states concerned with wild horses and burros, I would like to thank you for conducting this hearing today in Reno.

As you may know, wild horses and burros have roamed the ranges of Nevada since the late 1500s when Spanish conquistadores explored north from Mexico.

The horses and burros left, or rather *lost*, by the Spanish grew wild on the fenceless range. Today, nearly 500 years later their legacy lives on.

Nowhere is this more prevalent than here in Nevada, home to over half of the 43,000 wild horses and burros that roam public lands in the west.

Unfortunately, many problems challenge the management of today's wild horses and burros.

The current overpopulation—both on and off the range—threatens the well-being of the environment and strains the resources of the BLM to sustain excess animals that have been removed from the range.

Another concern is that the gene pool of the wild herds is degenerating as healthier, stronger animals

—those more suitable for adoption—are selectively removed from the range.

I feel this Committee, with the help of the BLM, can resolve this situation. That is why I asked the Chairman to hold this hearing today.

In 1971, public concern for the humane treatment of the wild horses and burros persuaded Congress to pass the Free Roaming Horse and Burro Act.

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This Act referred to the wild equines as "living symbols of the historic and pioneer spirit of the West," and declared them "an integral part of the natural system of the public lands."

The Act granted authority to the Secretary of the Interior to oversee and manage wild horses and burros.

The herds are to be managed at a minimum level—allowing them to truly be free-roaming and wild. However, strict language in the Act requires their numbers to be restrained to prevent damage to the range and other species.

Each year the BLM helicopters and riders round up excess horses and burros, which are offered for adoption to the public in a nationwide adoption program.

Unfortunately, though, the BLM is presently sheltering more than 6,000 unadopted wild horses and burros. These animals, which are costing taxpayers \$50,000 dollars a week, have become unadoptable in many instances due to old age and the spread of disease.

These unadopted animals are being held contrary to the resolutions set forth in the Act of 1971—and done so at a great expense to taxpayers. Unfortunately, many of these animals are destined to live out their days as Federal welfare cases, as facilities across the U.S. are filled beyond capacity.

Without adoption or commercial demand, the horses and burros are consigned to death in captivity—a situation which is ironic at best.

The Free Roaming Horse and Burro Act mandates unadopted animals to "be destroyed in the most humane and cost efficient manner possible."

The same fate is designated for "old, sick, or lame animals." However, the BLM is not fulfilling this unpleasant, but necessary responsibility.

The BLM has resolved to reduce the total population to 28,000 equines, however, neither a timetable nor the resources have been proposed to accomplish this goal.

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Many times I have heard the BLM claim that they do not have the necessary tools to properly manage the wild horses and burros program. Therefore, I call on the BLM to recommend legislative solutions, after taking careful consideration of today's testimony, to ensure proper management of wild horses and burros.

It is important to remember that the success of feral horse management will depend upon accurate scientific information and collaborative participation by all groups potentially affected by horse management.

My desire is to develop a realistic management strategy so that a healthy band of wild horses and burros freely roam our public lands for generations to come. The future of our rangelands demand no less!

Again, Mr. Chairman I would like to thank you for allowing us to have this hearing today, and I look forward to the testimony from our distinguished panels.

Mr. **HANSEN**. Our other Nevada host is Congressman John Ensign. We will turn to Congressman Ensign for an opening statement.

STATEMENT OF HON. JOHN ENSIGN, A REPRESENTATIVE IN CONGRESS FROM THE

STATE OF NEVADA

Mr. **ENSIGN**. Thank you, Mr. Chairman. I will just make a few brief remarks and ask unanimous consent that my entire statement be made part of the record.

Mr. **HANSEN**. Without objection.

Mr. **ENSIGN**. As a veterinarian, this is an issue that I have followed over the years, and having dealt with a lot of different animal issues over the years, I find that—and one of the reasons I went into veterinary medicine was partly because—and mostly because the emotions that you have for animals. I think the reason that a lot of people are involved with animals is because of the emotional attachment that becomes part of that. But I also learned as a veterinarian working with various groups over the years that that emotional attachment sometimes can be more damaging to the animals that you are trying to help than pure science and objectivity would bring us in the end. So that is one of the things that I am interested in listening to today.

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I will not be able to stay for the whole hearing, but I will be interested in reading some of the testimony and some of the questions and answers later. How much of the policy is actually being directed based on pure emotionalism? How much of the policy is being directed on what is truly best for the environment, best for the animals in the long-run for the overall part of the population, and truly how are we getting to where we are going and the thought processes along those lines.

So, Mr. Chairman, I thank you and I welcome you here to our great state of Nevada. We always say as Nevadans that it is the greatest state in the country and now you are here to experience why we believe that, so welcome.

Mr. **HANSEN**. Well thank you, Mr. Ensign. We appreciate your comments.

The gentleman from California, Mr. Pombo.

[The prepared statement of Mr. Ensign follows:]

STATEMENT OF HON. JOHN ENSIGN, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF NEVADA

Good morning, it is a pleasure to be here today in Reno, discussing an issue that is important to the people of Nevada. I am grateful to Chairman Jim Hansen, and the Subcommittee on National Parks and Public Lands for scheduling this hearing. I would also like to extend my appreciation to all our witnesses that have gathered today and taken time out of their busy schedules to provide their perspectives and possible solutions to our wild horse management dilemma.

This hearing will provide an excellent opportunity to listen to the views of state and local officials, officials from the Bureau of Land Management, and concerned citizens. Participating in an open dialogue is the first step in finding solutions to the problems facing the BLM as they continue the ongoing management of wild horses.

In 1971, Congress declared that wild horses and burros were "living symbols of the historic and pioneer spirit of the West" and passed the Wild Free-Roaming Horse and Burro Act. The Act provided for the protection, management control, and control of wild horses and burros on the public lands, and directed the Department of Interior, specifically, to manage the wild horses and burros.

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It is unfortunate that the current situation isn't what Congress had anticipated. Both Federal protection and the absence of natural predators have contributed to the growing populations of these animals.

Currently, there are an estimated 43,000 wild horses and burros found in the West and more than half of them are found right here in Nevada. As we look closer at the situation, we find the range land is deteriorating, with many of the riparian areas destroyed, and other natural wildlife suffering from a

decreased availability of food and water.

There have also been many recent reports questioning the health and stability of many of the wild horses roaming our range. These factors obviously impact the Bureau's ability to manage and successfully adopt these horses.

It is my hope that through the medium of this hearing, we will be able to examine some possible solutions to this problem, for the benefit of the horses, and the benefit of the public. I am anxious to hear the points of view from our panelists. I am confident that we can examine possible alternatives that would provide for the adequate management of healthy wild horse herds, while still maintaining a healthy and diverse ecosystem.

Mr. **POMBO**. I have nothing, Mr. Chairman.

Mr. **HANSEN**. The gentlelady from Idaho, Mrs. Chenoweth.

Mrs. **CHENOWETH**. I have nothing, Mr. Chairman.

Mr. **HANSEN**. With that, we will turn to our first panel. Our first panel is Robert Abbey, Nevada State Director of BLM. If you gentlemen would like to come up. Mr. Dean Shroufe—Duane Shroufe, excuse me, Director of Arizona Game & Fish Department; Senator Dean Rhoads, Chairman of the Senate Natural Resources Committee of the Nevada Legislature and Mr. John Carpenter, Assemblyman in Nevada. If you folks could all come up, we appreciate you being here. As you probably are aware, we normally in this Committee limit the statements to 5 minutes. If you go over a tad, I can understand. We want to hear this testimony, this is very important for us. But if you can kind of keep it in that area, and keep in mind that all of your entire statements will be included in the record. So if you want to abbreviate those, at your wish, that would be fine.

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Mr. Abbey, we will start with you. Pull that mike up. How this light system works is just like a traffic light. You go at green, at yellow you start winding it up and at red, we will not give you a ticket. Depending on how good your testimony is, we might let you go on. I am just kidding, of course. You just go right ahead.

STATEMENT OF ROBERT V. ABBEY, NEVADA STATE DIRECTOR, BLM

Mr. **ABBEY**. Thank you. I am Bob Abbey, State Director for the BLM here in Nevada, and like our distinguished Congressmen from Nevada, I too would like to welcome you to Reno. This is a great state.

Mr. Chairman and members of the Subcommittee, I appreciate the opportunity to participate in this morning's hearing. Due to our time constraint, I will provide the Subcommittee with a quick overview of the Bureau of Land Management's wild horse and burro program, highlighting those actions that are presently being taken to address the many issues associated with this program. However, I do ask that my prepared statement—copies which have been made available to you—be entered into the record since it provides additional information which might be of interest to the members of this Subcommittee.

As already communicated, since the passage of the Wild and Free-Roaming Horse and Burro, Act wild horse herds have flourished and these animals are in no danger of extinction. In 1971, it was estimated that between 10,000 and 17,000 wild horses and burros roamed the west. Today there are approximately 43,000 wild horses and burros on the public land, including an estimated 22,000 in Nevada.

In this state, the BLM manages 99 herd management areas encompassing over 16 million acres of public land. We are establishing appropriate management levels—or AMLs, as we commonly refer to it—through our multiple use decision process, which involves interdisciplinary monitoring of resources and evaluations to determine if multiple use and rangeland standard objectives are being met.

At the end of fiscal year 1997, AMLs had been established on over half of Nevada's herd management areas and our goal is to have those numbers established on all herd management areas by fiscal year 2000. We have been removing excess animals at a rate allowed by funding and facility space, and we have successfully achieved AML in many areas.

In herd management areas where we have achieved and are maintaining AML and working cooperatively with the permittees to develop better livestock management practices, we have seen a steady improvement in rangeland conditions. We have therefore demonstrated that wild horses and burros can be managed within a thriving ecological balance with other rangeland uses.

The BLM has focused its efforts on reaching AMLs by addressing population increases in herds through gathering excess animals, removing them from the rangelands and placing them with qualified adopters. Although the Act itself permits the humane destruction of animals, Congress has prohibited the destruction of excess healthy animals since 1988. The Adopt-A-Horse-and-Burro program is, therefore, the only tool the BLM currently possesses to manage the excess wild horses and burros removed from the range. So far in fiscal year 1998, we have gathered almost 4,000 animals in the western states and adopted almost 6,000, with most of these adoptions occurring in the east. We currently have 3,400 animals in our holding facilities.

The BLM has undertaken a number of initiatives geared to increase adoption demand and ensure the humane treatment of animals placed with qualified adopters. We have scheduled an additional 10 adoption events in the six western states that administer the wild horse and burro program to address adoption interests in these states.

Nevada historically does not have a large adoption demand, but at the three adoptions that we have sponsored in this state this year, we have adopted 65 animals. An additional 111 animals have been adopted directly from our holding facility in Palomino Valley this year.

The BLM has begun a pilot project using the Internet to increase public awareness of the adoption program and to accept adoption applications. So far, 15 of the 25 animals featured on the Internet have gone to new homes.

In conclusion, the BLM is making every effort to maximize adoptions while maintaining our emphasis on finding good homes for all adopted animals. We are moving ahead with research on fertility control through the use of contraception. We are looking forward to receiving additional recommendations from the National Wild Horse and Burro Advisory Board, which was reinstated this year to address public criticism and perceived deficiencies within the program. All recommendations from the advisory board will be acted upon in a timely manner to take full advantage of new ideas which might increase efficiencies within the program and improve the health of our public lands.

Mr. Chairman, the BLM-managed wild horse and burro program is one of the most scrutinized programs I have ever dealt with. Everyone has opinions on how best to manage this program, and you will hear several people offer their insights to you this morning. The one principle I believe we all agree on in dealing with the challenges associated with wild horses and burros on the public land is the need to maintain a consistent population level that the resources can support. I think we can best accomplish this by:

- (1) establishing appropriate management levels in all herd management areas based upon the best range science and monitoring information currently available.

- (2) controlling the reproduction rates of horses and burros on the range through contraception.

- (3) making available sufficient financial resources to gather and adopt the numbers necessary to keep a consistent population on the range.

And finally, humanely destroying those animals that are too old, sick or disabled to survive independently.

There may be other ideas from panel members which I would be interested in hearing, as I am sure you are, so I will conclude my statement at this time. I do however plan to stay for the entire hearing, so I will be available to respond to any questions that you might have now or later. Again, thank you for the opportunity to participate in today's hearing.

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Mr. **HANSEN**. Thank you, Mr. Abbey. Mr. Shroufe.

[The prepared statement of Mr. Abbey may be found at end of hearing.]

#### STATEMENT OF DUANE L. SHROUFE, DIRECTOR, ARIZONA GAME & FISH DEPARTMENT

Mr. **SHROUFE**. Mr. Chairman and members of the Subcommittee, my name is Duane Shroufe and I am Director of the Arizona Game and Fish Department.

On behalf of the Arizona Game and Fish Commission and Department, I appreciate the opportunity to be here today to provide comments on the Wild Free-Roaming Horses and Burros Act and its implementation in Arizona. I would respectfully ask that my written statement in its entirety be submitted and on the record.

Mr. **HANSEN**. Without objection.

Mr. **SHROUFE**. I look forward to presenting information regarding the Act and its implementation in Arizona and to discuss ideas on how to improve management of feral horses and burros in order to protect our public lands.

In Arizona, wild horse and burro management is primarily associated with burro management on public lands administered by the Bureau of Land Management. However, burro management issues on lands not administered by the BLM are of increasing importance in our state, due to the lack of management, increasing numbers of burros and resource damage by burros on these lands. These lands include National Wildlife Refuges, state parks and lands managed in accordance with the Fish and Wildlife Coordination Act. We have a special area, the Arizona Game and Fish Department's Alamo Lake wildlife area. This area is dedicated to the management of the fish and wildlife resources and to fish and wildlife related recreation. The Arizona Game and Fish Department realizes that the BLM faces numerous challenges in order to manage feral burros on public lands in the state of Arizona. From the Arizona Game and Fish Department's perspective, the most significant of these challenges include:

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- (1) eliminating or minimizing adverse impacts to the wildlife habitat. These habitats include native wetland and riparian habitat and sensitive wildlife species habitat;
- (2) completing burro population inventories, estimating population densities and maintaining existing appropriate management levels;
- (3) collecting data to determine the level of impacts to wildlife habitats associated with burro use and overpopulation;
- (4) dealing with burro overpopulation and expansion outside of established herd areas or herd management areas; and
- (5) obtaining funds and manpower to remove burros from areas where there is overpopulation, expansion beyond herd area boundaries, or resource damage.

From the early 1980's to present, we have focused our efforts on working cooperatively with the BLM and other agencies to collect data in order to document this resource damage. Also, the Arizona Game and Fish Department has collected data on burro habitat use, resource damage to wildlife

habitats and burro numbers and distribution during our ground and aerial wildlife survey efforts. Adverse impacts by burros on native riparian, wetland and upland habitats in Arizona have been documented in BLM land management planning documents, in U.S. Fish and Wildlife Service evaluations and by the Arizona Game and Fish Department's observations and studies.

Although some burro removal efforts have occurred in Arizona since the Act was passed, current burro numbers in many Arizona herd management areas are estimated by the BLM, the Arizona Game and Fish Department and other agencies to be much higher than the existing appropriate management levels. And many of these areas are not in a thriving natural ecological balance.

For example, the Black Mountain herd management area has an appropriate management level of 478 burros, but the population is estimated to be over 700 burros. The Big Sandy herd management area's estimated burro population is around 300 while the appropriate management level is set at 139. The Alamo herd management area has an estimated appropriate management level of 200 burros, but the population is estimated to be between 500 and 600 animals.

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In Arizona, BLM suspended most, if not all, significant burro removal efforts as a result of the 1989 IBLA decision regarding removal of excess free roaming horses in Nevada. Arizona BLM through land management planning efforts is proposing to manage burros in all Arizona herd areas. In other words, the BLM is planning to designate all herd areas as herd management areas in the state.

At the time the Act was passed or soon thereafter, some areas of distribution or herd areas, as they are called, were prescribed for zero burro numbers due to one or several manageability concerns, such as land status and threatened and endangered species issues. However, Arizona BLM is now proposing to manage burros in all herd areas for a thriving natural ecological balance even though the same manageability concerns exist today.

In Arizona, burros are expanding into areas where they have not been documented before and have clearly expanded outside the boundaries of the established herd areas and herd management areas. These problems are due to the lack of significant burro removals in Arizona. In the last few years, Arizona BLM has indicated to the Department and other agencies there are limited funds available for burro management, including removals in the state.

To improve management of feral burros and in order to protect our public lands in Arizona, burro management must be given a higher priority and funds must be available to manage burro populations in accordance with the Act.

We have several suggestions if I may just take the time to make those recommendations:

The Act itself may not be the problem. Rather, the problem appears to be the lack of compliance with the Act. This is likely due to different agency priorities, the lack of sufficient funding and opposition to responsible and proactive horse and burro management pursuant to the Act.

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We need to improve the information and education regarding burro numbers in Arizona and the associated damage to the resources.

We need to improve inter-agency planning and management efforts to address the burro issues in our state.

We need to evaluate all available methods for reducing horse and burro populations provided for in the Act.

We need to exclude horses or burros from sensitive wildlife habitats such as riparian zones through fencing projects.

And most importantly, increase funding for burro management in the state.

The department looks forward to working cooperatively with the BLM and other agencies to address this issue in Arizona. Thank you for the opportunity to appear before you today.

Mr. **HANSEN**. Thank you. Senator Rhoads.

[The prepared statement of Mr. Shroufe may be found at end of hearing.]

STATEMENT OF SENATOR DEAN RHOADS, CHAIRMAN OF THE SENATE NATURAL RESOURCES COMMITTEE, NEVADA LEGISLATURE

Senator **RHOADS**. Thank you, Mr. Chairman. I am Dean Rhoads from Tuscarora, Nevada. I am a rancher, I raise and sell both cattle and horses and I am also a Nevada State Senator. I wanted to thank all of you for coming to Nevada and coming and revisiting this issue that has been around for a long time.

It is quite interesting to note as I was flying down here today, I recall one of my first trips to Washington, DC, I was in Walter Baring's office, Mr. Hansen might recall. At that time there was 51 bill drafts in there on wild horses and he thought he had selected the one that was most reasonable, and I am sure if he was around today, he would be astounded as to what has happened.

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Also, about 25 years ago today—not today, but I was invited to my first Congressional hearing to testify up in Billings, Montana on the Wild Horse Act. And me and Velma Johnston, who was Wild Horse Annie and others testified. At that time, John Melcher, another veterinarian, was the Chairman, and I questioned the way the Act was being administered then and I really question the way it is being managed today.

This Act, 1972 was the first year it began, cost \$400,000. Last year, it cost \$18 million to manage the wild horses. So far, it has cost the taxpayers a quarter of a billion dollars over 27 years. The horse herd now, as you have heard many times, is 43,650. It costs \$369 to feed one of those horses out there. As a person who receives part of my income from horse sales, I cannot survive with a cost of \$369 per year.

Nevada, of course, has the largest share, 22,835, while the appropriate management level is 14,430. It is interesting to note that the appropriate management level, both nationally and in Nevada has never been met since the inception of the Act, in 27 years.

As a cattle rancher, I take great interest in the condition of the range. Fortunately, I do not have wild horses in my allotment. We have three stud bunches, probably 60 head of horses out on my range where my livestock run. I have toured various ranges where wild horses graze and it is a sad sight. The range condition is down to nothing, as bare as this table top in many places in the past few years.

Some major changes must be made to the Wild Horse Act of 1971. While as I understand it, the Wild Horse Act of 1971 gave the BLM the authority to destroy unadoptable excess animals, the Director of the BLM and the Chief of the United States Forest Service made a decision in 1982 not to use this authority. However, I just recalled Director Abbey stated the 1988 Congress also made that same change. I was not aware of that.

The Act should be amended that would give the BLM the authority to sell to the highest bidder the excess horses. We in our operation send to the sale horses that have been injured, crooked feet or just simply we cannot sell. We just sent a couple of loads, one load 2 weeks ago. Why can't the government be allowed to do the same thing?

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I think there are other proposals, some have been tried previously and not worked, but I think you should take a good look at them again:

The gatherings could be conducted annually by private parties or permittees under contract with the U.S. Government. I think we could save the government a lot of money.

Provide for more wild horse preserves like the one in Pryor Mountain in Montana in the west on a combination private and public lands with management of these preserves being by private parties under supervision of the government. The private sector can definitely do it cheaper.

Then you could remove all the other horses from the west on much of our grazing lands.

We manage all activities on our public lands by controlling numbers, except wild horses. Ranchers, through the Taylor Grazing Act and so forth, they tell us when, how many and under certain conditions that we have out there. Wildlife, if numbers get too big, the Department of Wildlife increases the tags. The present program of gathering horses and releasing the sick, lame, old and unadoptables is about the most poor management practices as we in the ranching business could adopt. If we in the ranching business adopted such practices, I am sure we would be broke in 3 years.

Another problem I have with the adoption program is it is in competition with the private sector that sells horses. It costs the Federal Government \$369 per year to keep a horse. Say they adopted that horse at 3 years old, that is \$1,107, and then add the gathering costs of \$1,100 per horse, you have over \$2,200 into that horse. Then the BLM sells it for \$125. The taxpayer picks up the tab for \$2,075 for each horse.

I recently was contacted by a large ranch in Elko County that wanted to buy two horses. We spent part of a day working out several horses to pick from and had them priced from \$1,200 to \$2,000, the going price, only to be informed days later that they had bought two head at the BLM sale for \$125 each. There were 5,937 horses that was put out for adoption in 1997 by the BLM for \$125. We cannot compete.

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Ladies and gentlemen, you have a difficult task and will have to make some tough and unpopular decisions. The most important decision you can make in my mind is to give the authority to the government agencies to sell the excess horses to the highest bidder. Give them sales authority and the major problem with management of the wild horses will be solved.

Good luck and I offer my assistance at any time.

Mr. **HANSEN**. Thank you, Senator.

Would you hand the mike down to Assemblyman Carpenter, who will be our next speaker. Mr. Carpenter.

[The prepared statement of Senator Rhoads may be found at end of hearing.]

#### STATEMENT OF ASSEMBLYMAN JOHN CARPENTER, NEVADA ASSEMBLYMAN

Mr. **CARPENTER**. Thank you. For the record, John Carpenter, Assemblyman, District 33, representing Elko County, and I want to thank the Committee for being here and listening to this testimony.

I think that after 27 years, maybe finally we are starting to turn the corner on what has been a very serious problem, especially in the state of Nevada. Last session of the legislature, we passed legislation that requires our Wild Horse and Burro Commission to come up with a Nevada plan, to put the Nevada brand on a plan for the management of wild horses.

I would just like to take a couple of seconds and say that I have had a lot of experience in wild horses. When I was growing up as a young fellow down in Ely, where my uncles had an allotment. We had two or three bands of wild horses on there, but we managed them, we kept the numbers down. Our neighbor, he had 1,000 wild horses and never did sell any of them. You can imagine what the range looked like. So at a young age, I learned that you have to manage the horses. We love the horses, we want them out there, but they need to be managed so that they do not destroy our range. I believe I was the first person that ever used a helicopter to gather wild horses. So I think that I have had experience through my lifetime to be, hopefully, a so-called expert on it.

I believe that the Wild Horse Act has been gutted through misdirected regulations, through judges who did not understand the west, did not understand the wild horses, we have practically rewritten the law. As Dean Rhoads said, I think that Congressman Baring would turn over in his grave if he knew what had happened to his Wild Horse Act. It was not too bad of an Act as originally written, but we have gotten completely away from it.

I think that we have to get the numbers established on these wild horse areas. The Bureau has established some of these numbers on some areas, but they do not have them all. And I heard Mr. Abbey say, you know, maybe in 2001 or 2002, I think we need to put a priority on this and get it done within a year. If we can get the numbers set, then we need to gather the horses down to that number. What is happening now, they go out and they gather the horses but because they say that anything over 9 years of age is unadoptable, they turn them back out. And so in some areas, there is darn near as many left after they gather as there was before. This does not make any sense. We need to gather them down to the appropriate management level. I do not think anybody has a problem if we would gather them down to that level.

And the horses that are left there should be from the same bands—horses have great family instincts. If you gather a bunch of horses into a corral and there is room enough, in just a little while, they will all be there within their family units. We need to leave these family units out on the range. It does not make any sense to bring all these horses in and to start picking them out and start to destroying these families. That is what is happening to our country now, we are destroying families, and we are doing the same thing with the wild horses. We need to leave the best families out there, the ones that are able to make the best living, the ones that look the best, we need to leave them.

And then after we have done that, after we get the horses down to a reasonable level, then we need to, I believe, start using some cooperative agreements. I believe that there are a lot of groups out there that if you had the horses in a certain area down to appropriate levels, there are a lot of groups out there that could keep the numbers down—wild horse groups, wildlife people, ranchers, horsemen's organizations, even some counties would be glad to help on this situation. I think this is the only way we are going to be able to cut these costs, and that is to get everybody involved. Like if you are supposed to have say 50 or 75 head out on a certain area, it does not take too much to go out there every year or so and take 10 or 15 percent of them. You do not have to do it with a helicopter all the time. You know, some guys still like to play cowboy and go out and rope one or two. Or you can water trap them. And it is not a big deal. But what happens when the Bureau lets them buildup to 600 or 700 or 800 head and there is only supposed to be 75 there, we know what is happening to the range. And then they go out and they gather and maybe they are going to gather them down to the 75 head, well they gather them all and then they turn 500 more out because they will not be adoptable, according to their standards. This is wrong.

And then those animals that are unadoptable and after they have been in the holding facilities for a certain length of time, we have to put these animals to sleep humanely. I believe that we are doing that with the other animal populations in this country. If we did not, we would be absolutely overrun with dogs and cats. We need to apply the same thing to the horses. And it is going to be a tough deal. There is nothing worse that I have had to do in my life than to destroy a horse, but sometimes you have got to do it if we are going to be able to get this program where it is manageable. After we get it down to where the numbers are where they should be, there are going to be plenty of people to adopt them, but we need to make those first critical, hard decisions.

Thank you people for being here. I do appreciate it. Thank you.

Mr. **HANSEN**. Thank you, Mr. Carpenter.

I will recognize members of the Committee for questions of this panel for 5 minutes each. The gentleman from American Samoa, Mr. Faleomavaega.

Mr. **FALEOMAVAEGA**. Thank you, Mr. Chairman. I have a couple of questions. Mr. Abbey first, I do not know if you will be able to help me, but you seemed to be the expert just for the state of Nevada but not for the whole regional area on BLM. But I will give it a shot and I will understand if you are not able to respond.

Hearing from our other witnesses, Mr. Abbey, I get the impression with an \$80 million program, we cannot even account for how many horses and burros we have out there. Is this just by some estimates or do we have an accurate accounting on this? Not just for the state of Nevada but for the whole region or the states that do participate.

Mr. **ABBEY**. The numbers of horses and burros that we have on public lands are estimates. In most states we have 3-year cycles where we go out and do census within the herd management areas to ascertain to the best of our ability how many horses or burros are currently living within the herd management areas. But in response to your question, they are estimates.

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Mr. **FALEOMAVAEGA**. Are there any—I think maybe one of the things that we ought to also explore is to find out exactly the origin, how this whole thing came about. It was not because it was the will of our policymakers, this came about because of the grassroot support from children all over the country. And for some reason and perhaps because of the allegations made about the slaughtering of these wild horses. And so Congress turned around in 1971 and we enacted this legislation to protect them. Some 27 years later now, have we basically protected the wild horse? I mean they are not ending up in slaughterhouses now, are they, Mr. Abbey?

Mr. **ABBEY**. Well, I certainly cannot sit here and say that there are not wild horses that may wind up in slaughterhouses, but in response again to your question, the wild horse is not in danger of being extinct. The populations have increased substantially since the estimates were devised in the early 1970's. We estimate that there are approximately 43,000 wild horses on the public lands, which is a substantial increase since the passage of the Act.

Mr. **FALEOMAVAEGA**. On the basis that we have enacted this law since 1971, what do you honestly believe that we ought to do statutorily and how to go about doing this, or do you think that under the implementation of the Act, you can still promulgate regulations to provide for this control, because that seems to be the problem we have here? We have got the enacting legislation since 1971, but by way of regulations, we seem to get fuzzy on this. And is it true that some 32,000 horses cannot be accounted for since we implemented this program?

Mr. **ABBEY**. I think to a large degree that figure is a result of the system that we had in place for tracking horses once they were adopted. That system has been greatly improved over the last 5 years and I can guarantee you we can pretty much track every horse that has been adopted through the Bureau of Land Management's adoption program certainly in the last 4 or 5 years.

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The Act itself, which was passed in 1971, is sufficient to address the many issues associated with the wild horse and burro program. And therefore, I am not going to recommend that there be revisions made to the 1971 Act.

Mr. **FALEOMAVAEGA**. I would like to ask Senator Rhoads to help me on this. You suggested selling excess horses to the highest bidder. What do you intend to do with these excess horses if it was put out in the private sector?

Senator **RHOADS**. Thank you. Well, I would think—when I send horses to the sale, I sell probably

90 percent of my horses on the ranch, on private treaty, but there is occasions that either the horses are not that—confirmation-wise—as well as they should be, they are lame or might have been born with crooked feet, I send them to the sales yard. And I usually do not go to the sales yard so I have no idea who buys them, but I assume that some of them are bought by people that take them home and break them. Others are probably bought that ends up in the slaughterhouse. But that is just the thing that we have been doing for centuries. And we do have a soft spot in our heart, the horses that we ride and retire and they do a good job, we just let them die on the ranch. But we do sell a number of horses. In fact, my neighbor this week, today, is coming down to buy some of my horses because they are shipping a whole semi load to the sale because they are old and crippled.

Mr. **FALEOMAVAEGA**. One more question, Mr. Chairman, to Mr. Abbey. What is the BLM policy about these lame and crippled horses? Are they to be put to sleep or are they then sent to the slaughterhouse?

Mr. **ABBEY**. No, we do not send any horses to the slaughter house. We have the draft, which I would be happy to share with the Subcommittee here, policy that was approved by the National Wild Horse and Burro Advisory Board this past week when they met, addressing humane destruction of wild horses and burros. If I could, I will read from this, it says, "Bureau of Land Management authorized officer may authorize the humane destruction of a wild horse or burro with any of the following conditions: Displays a hopeless prognosis for life; suffers from a chronic or incurable disease or serious congenital defect; requires continuous treatment for the relief of pain and suffering; is incapable of maintaining a body score greater than 1 in a normal rangeland environment." And it goes on. I would be happy to make this available to the Subcommittee if you would like. Again, it is a draft policy that was presented to the National Advisory Board last week. It was approved by the National Advisory Board and so I would expect that this would come out in final very shortly.

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Mr. **FALEOMAVAEGA**. Mr. Abbey, I would like for the record, Mr. Chairman, if the BLM would submit as much as possible how many horses exactly were sent to the slaughterhouse that was supposed to be under the auspices of the BLM's supervision. Thank you, Mr. Chairman.

Mr. **HANSEN**. Thank you. The gentleman from Nevada, Mr. Ensign.

Mr. **ENSIGN**. Thank you, Mr. Chairman. Just a couple of questions.

First of all, at least in an article, Pat Shea had said and Bob, you had talked about that the estimate on the horses, you were not really exactly sure and he said at least in this article that the estimate could be much higher, not just a little bit higher, but much higher. Do you have any feel for how high the number may be?

Mr. **ABBEY**. Well again, we are fairly comfortable or confident in the estimates that we have come up with for the herd management areas in Nevada. I will say this, that based upon our estimates we are projecting that the populations in Nevada are increasing approximately 24 percent per year. Now given that, it would not take but 3 or 4 years before that population would double in size. So it is very important that we maintain significant gathers to remove excess horses off the herd management areas. We have estimated that there are approximately 22,000 horses and burros on herd management areas in Nevada. We are also presently working with the Air Force through technology that they have, to try to see if there is additional information that they can share with us from some of the work that they are doing to validate the number of wild horses on our herd management areas. We should have some pretty good information from the Air Force within the next, I would say, 2 to 6 months.

Mr. **ENSIGN**. You said earlier that the 1971 Act is adequate. Given the current situation with the way it is being managed, you said that the population can double. Can you just comment on what is going to happen when the doubling does take effect if indeed the current situation stays the same, it doubles—what is going to happen to some of these riparian areas, what is going to happen—you know,

basically across the board ecologically, but also what is going to happen to the animals, especially if we run into some drought years like we had. I have never seen this state so green as it is this year, but this is an unusual year. What is going to happen in normal years?

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Mr. **ABBEY**. The moisture certainly makes us all look good in land management. The accurate response to your question is that there would be severe suffering on the part of the animals if there continues to be overpopulation of the horses. As a result, you would also see significant degradation of the natural resources including riparian areas. The horse, just like any other animal, is going to search for food and they will eat what is available to them at any place on the range. And therefore, unless there are continuing efforts to reduce the population of the horses and bring the numbers down to appropriate management levels, I think you would see some suffering on the part of the animals themselves and certainly degradation to the natural resources.

Mr. **ENSIGN**. I would like you to also comment, there has been brought up about, you know, I guess when Darwin wrote his theory of natural selection and survival of the fittest, what we seem to have here is an unnatural selection and survival of the unfittest, because the fittest are being adopted out and now we have the unfittest left on our public lands. Can you just comment on the BLM and what your experts are telling you what is happening to the gene pool?

Mr. **ABBEY**. We are trying to use our best judgment at these gather sites so that we can leave fit horses out on the range to continue a viable healthy population of horses within the ability of that resource to sustain that herd. We do have a policy in place that prevents us from removing excess horses that are 9 years or older to put into the adoption program. So horses that we are gathering out on the range that fall within that category, that are 9 years or older, we are leaving out on the range and we are taking the younger horses for the adoption program.

Mr. **ENSIGN**. But what is going to happen long term to the gene pool?

Mr. **ABBEY**. Again, what we are trying to do is to ensure a viable healthy population of horses by leaving sufficient stock and quality of stock out on the range so that we do not end up with just a bunch of older horses out there that would basically create deficient——

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Mr. **ENSIGN**. The reason for my question was that is not the reports that I am hearing back. The reports that I am hearing back are that these animals are not the fittest, you know, that there are not enough of them and the gene pool is deteriorating dramatically.

Mr. **ABBEY**. Well, I do not think it is deteriorating dramatically, I think that is an overstatement. Again, I think that we are doing our best to make sure that there is a viable population of good stock of wild horses left on the range.

Mr. **ENSIGN**. Thank you, Mr. Chairman.

Mr. **HANSEN**. Mr. Pombo.

Mr. **POMBO**. No questions.

Mr. **HANSEN**. Mrs. Chenoweth.

Mrs. **CHENOWETH**. Mr. Chairman, I do have a couple of questions. I wanted to ask Mr. Abbey, you said, or I understand that most of the gathers are done by helicopter?

Mr. **ABBEY**. Yes, ma'am.

Mrs. **CHENOWETH**. Has the BLM really given much thought to having some sort of a private gathering because as I understand it, helicopter, the rotor really upsets the horses.

Mr. **ABBEY**. It certainly adds to their stress level.

Mrs. **CHENOWETH**. Have you thought about having some sort of a partnership with private ranchers on the gathers?

Mr. **ABBEY**. We are certainly interested in any proposal that we get from ranchers or anyone for that matter regarding reducing stress on the horses during a gather. I was certainly interested in Mr. Carpenter's statement and I certainly support what he stated, that there are opportunities for us to work very closely with counties, ranchers and many other entities within the state, not only this state but in every state, to gather horses and to do so in a more cost-effective manner. It is certainly something that we would be interested in working with our Resource Advisory Councils regarding those recommendations and we would entertain any proposal from anyone in this state that would be interested in working with us to help us gather excess animals.

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Mrs. **CHENOWETH**. I was interested in Mr. Shroufe's testimony about the increase and I saw in Mr. Rhoads' testimony, one of the enclosures, was a graph that showed down here the AMLs, but up here actual levels of wild horses and in some years it has tripled the AMLs and so with that in mind—and I assume this comes from the BLM.

Mr. **ABBEY**. If that is not our chart, we have one very similar to it.

Mrs. **CHENOWETH**. All right. We have an endangered species that is listed here, the tortoise, some tortoise that is listed down here in Nevada. How does the increase in the wild horses affect those endangered species? There are also some other endangered species that cattle and the AUMs have been managed according to the endangered species? How does an increase like this, sometimes tripling the level, affect the endangered species?

Mr. **ABBEY**. If there is a significant increase in the number of horses or livestock for that matter, within those desert tortoise habitats, there certainly is cause for concern. In the case of the desert tortoise, we have prioritized those areas, those habitats, and have achieved or at least established appropriate management levels within all of the desert tortoise habitat and we are—if we have not achieved AML in each of these desert tortoise habitats, we are rapidly working toward achieving AML within those with endangered species—so that we can protect the endangered species.

Mrs. **CHENOWETH**. Based on this graph, one would assume that if there are units that we have not achieve the AMLs, they would not be large in number, would they? Because this graph indicates right now a population of two to three times the amount of the carrying capacity.

Mr. **ABBEY**. We have achieved AML in many of the herd management areas to date.

Mrs. **CHENOWETH**. OK. And just one final question. In your determination with regards to how you manage certain units, the AMLs and how you make that determination, do you make a conscious decision to reduce the AUMs based on the AMLs?

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Mr. **ABBEY**. The multiple use decision process that we use to establish AML—we also use that process to establish the carrying capacity of that range to support livestock and also to provide estimates of what the range could support to the Division of Wildlife for their use in setting numbers for wildlife. The total number of Nevada animal months authorized presently is 1,566,266 and this includes cattle, horses and sheep. There has been, at least in 1998, there has been a reduction of approximately 22,500 AUMs based on the carrying capacity of the range, but not all the reductions are the result of establishing AML. Some of those reductions—in fact, there is a proposed reduction in the Elko District Office of the Bureau of Land Management as a result of a proposed land exchange. Allotment evaluations also result in increases in AUMs. For instance, the number of AUMs authorized in 1997 was an increase of 50,600 over the previous year. So we do fluctuate in the number of AUMs that are authorized.

Mrs. **CHENOWETH**. So when the herd rises two to three times above the AMLs, then you are still reducing AUMs based on the numbers in the herds, right?

Mr. **ABBEY**. Yes, ma'am, there could be a reduction in the number of AUMs on that particular allotment based on overgrazing by not only livestock but overgrazing by—or at least—I will not use the term overgrazing, but grazing over and above the proficiency of the range to support that grazing. And we would also hopefully go in and reduce the number of horses on that same allotment. That has not always been the case.

Mrs. **CHENOWETH**. I would hope you would too, sir. Thank you.

Mr. **HANSEN**. Mr. Gibbons.

Mr. **GIBBONS**. Thank you very much, Mr. Chairman. Mr. Abbey, does the BLM have a written policy on the selection gathers?

Mr. **ABBEY**. Yes, sir, we do and I could certainly make that available to you.

Mr. **GIBBONS**. Would you make it available this week to us?

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Mr. **ABBEY**. We sure can.

Mr. **GIBBONS**. Thank you. Mr. Abbey, you also heard Senator Rhoads talk about a private cooperative management with BLM oversight, which could effectively reduce the cost to the taxpayers for much of the management and gathering of these wild horses. What is your position on his proposal?

Mr. **ABBEY**. Well actually right now, Mr. Gibbons, we are looking at a proposal that has been brought to our attention from a ranch in Arizona to use those ranch lands for placing horses after being processed at the Palomino Valley corrals here in Nevada. We would ship those horses to this ranch in Arizona where they would be placed until the adoption cycle can pick up so that people can begin adopting those horses.

Mr. **GIBBONS**. Well, that is the adoption cycle and I understand that very well, but I was thinking more of the habitat management, range management with wild horses using private entities to ensure that there is proper management with just BLM oversight of that proposal is I believe what Senator Rhoads has indicated earlier, not the adoption process and the distribution that he talked about as well, but the management of the wild horse habitats and the management of the horses themselves being run by the private sector.

Mr. **ABBEY**. Given the significance of the issues that we are facing in this program, we would certainly entertain any proposal that Senator Rhoads or others would present to us regarding such partnerships. We would weigh those proposals based upon the provisions of the Act itself, what we are allowed to do either by the Act or by policy and then we would certainly weigh the cost benefit associated with the proposal to see if it makes sense.

Mr. **GIBBONS**. Mr. Abbey, you mentioned also and submitted a copy of a draft policy on wild horse management practices. Are you going to open that policy up for public comment as well?

Mr. **ABBEY**. Well, the—you are talking about the one that I just passed up there?

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Mr. **GIBBONS**. Yes, sir.

Mr. **ABBEY**. Quite honestly, Mr. Gibbons, I do not know what the intent is. It is out in draft, it was presented to the Advisory Board, the Advisory Board reviewed it and they made recommendations to the Director that it should be adopted. Given that, I am not aware of any plans to go out for public comment regarding that policy. I would say this, that the policy itself is consistent with the 1971 Act.

Mr. **GIBBONS**. I have also heard you talk earlier about your support for the status quo of the 1971 Act without any amendments or changes, even though we have seen in testimony either through you or the other gentlemen here that there are a number of problems both in the management, herd size, habitat management, expense of managing all these horses. I am perplexed why the administration either through the BLM or Department of Interior has not proposed changes up to this point that would

remediate those concerns and wonder exactly why you want to hold the line to the status quo rather than moving forward with sound innovative science and solutions to these problems that could be effected through legislation.

Mr. **ABBEY**. Well, not knowing what may be proposed through legislation, it is hard for me to address what might be. But I——

Mr. **GIBBONS**. Well this begs the question, why do you not propose the legislation.

Mr. **ABBEY**. I think that there are sufficient flexibilities within the 1971 Act that would allow us to address the many issues associated with wild horses and burros on public land. The actions that we take on the public lands have come about through an awful lot of public involvement and certainly public input regarding the policies that we are adhering to relative to management of public lands—excuse me, wild horses on the public lands.

So we believe that staying the course and given the sufficient funding to gather the number of excess horses—as Mr. Carpenter pointed out, once we achieve AML on public lands, I think that would be the biggest hurdle that we have facing us regarding this horse issue. And once we achieve AML—based on the estimate that I have been given for Nevada—all we would need to stay consistent with the AML is gather around 3,000 to 3,500 horses per year.

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Mr. **GIBBONS**. Mr. Chairman, let me say, as my time has expired here, that reaching a 27,000 AML over 27 years seems to be an elusive goal that has not yet been met by the Bureau even though a quarter of billion dollars has been spent in that effort. I am not sure how long, how far and how much we are going to have to go to reach that appropriate management level, but we certainly need to do something in order to achieve that goal. And thank you for the time.

Mr. **HANSEN**. Thank you.

Mr. Shroufe, you pointed out that you are Director of Fish and Wildlife in the state of Arizona. That means, as I understand it, that you have complete care, custody and control of all of the animals within the state, is that right?

Mr. **SHROUFE**. Mr. Chairman, that is correct, the wildlife animals.

Mr. **HANSEN**. Wildlife.

Mr. **SHROUFE**. Wildlife, that is correct.

Mr. **HANSEN**. Now these are wild and free-running burros that you have got down there and I assume some horses, but you do not have any control there?

Mr. **SHROUFE**. We do not have any control over those, those are all governed by the 1971 Act.

Mr. **HANSEN**. So what do you do as Director when they——

Mr. **SHROUFE**. Well, we depend on cooperatively working with the BLM and trying to ensure that those populations first are in line with the goals that we set and second that they are not harming the habitat.

Mr. **HANSEN**. In effect, if they somewhat ruin habitat for other types of wildlife, what do you do?

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Mr. **SHROUFE**. The only success we have had so far has to do with when we get a biological opinion on an endangered species, then the BLM is more apt to prioritize that and take some action against that. But when it comes to degradation of the habitat for mule deer or just other general wildlife species where there is not a Federal hammer hanging over their head, it seems like it is not a priority, and I say that probably in a lot of unfairness because they are strapped by funding. We just need more funding to help us out of this management hole that we are in. And I also testified that I guess I felt that the Act is not broken, we just need to administer the Act and we have not nearly administered the Act in Arizona to the degree that BLM has tried to administer it here in Nevada with wild horses, we have not

got to first base on that.

Mr. **HANSEN**. It has almost been sacrosanct through the years that the local state manages the wildlife within the state.

Mr. **SHROUFE**. That is correct.

Mr. **HANSEN**. Fish, game, the whole nine yards.

Mr. **SHROUFE**. That is correct.

Mr. **HANSEN**. And now here we have made an exception, just like BLM now has an exception that they are managing a monument, the first one in the history of the nation, it's called the Grand Staircase Escalante, which is a rather sore point with me, but I will not get into it.

Anyway, carrying that on, I think the comment of our two elected officials here is interesting. You know, Senator Rhoads points out that possibly the unadoptables should be put on the market and say all right—and at that point the market, whoever buys them, does whatever they want to do with them, just like they do with cattle or sheep or chickens or whatever. What would you think—if I asked the two legislators here, what would you think if the Congress gave to the state the right to manage wild horse and burros with very limited parameters, what would you think you would do?

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Senator **RHOADS**. I think that No. 1, we would ask for sales permission. You know, contrary to public opinion, there is a lot of wild horses out there today that are actually being ridden for saddle horses, and some of them are even showing some wild horses. So 100 percent of your wild horses that goes through the process of sales authority would not end up being slaughtered, I am sure. We would manage down the numbers. I have never talked to one rancher that wants to see 100 percent of the wild horses taken off of the map, it is the prettiest thing you can see, a bunch of wild horses or my stud bunch up there on the skyline with the sun setting and so forth. So we would manage them down to the appropriate level but we would have to have sales authority to do it, I am sure, and we would probably put up some vistas and interpretive centers and so forth. But we would like the numbers down to where it is manageable.

Mr. **HANSEN**. Senator, I think the key words that you are bringing up is you said you would manage them to an appropriate level. In other words, you are telling us there would be a cost benefit in here, there would be a range benefit in here, there would be a benefit for the public to see these horses, type of thing. Rather than just say whatever it is we are going to pay it.

Senator **RHOADS**. Yes.

Mr. **HANSEN**. And by that, I would also assume that you would cull the herd if old and sick ones were there and that you would reduce it to the amount that you could manage on a certain range area and that they would probably have veterinarians look at them and take care of them and all that type of thing. Would that be a correct statement?

Senator **RHOADS**. Oh, very definitely. We would manage them just like we manage our cow herds today.

Mr. **HANSEN**. Mr. Carpenter, did you want to respond to that?

Mr. **CARPENTER**. I certainly basically agree with what Senator Rhoads has said. I just think that the state could do a much better job of managing the horses than the BLM has or the Forest Service, and I think cooperatively with all of the entities in Nevada working together that we could get a handle on this in a short period of time. We either have to have the right to sell the horses or we have to have the right to, like I said before, to put the unadoptables to sleep. But I think that we could do it and I think that we could probably do it with much less cost than the BLM is doing it. Another thing Senator Rhoads mentioned is interpretive centers or whatever, I think that is very important to have that. The way it is now, people that are interested in wild horses, they do not know where to go to view these animals. They are riding down the road and most of the time, you know, when they have got enough

job to keep the kids quiet and keep the car on the road, let along to look for some horses. But if they knew where to go and these horses were managed properly within these centers, I think it would be a great thing for the people that really appreciate those horses.

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Mr. **HANSEN**. How do you think the Senate and the General Assembly would respond?

Mr. **CARPENTER**. I believe that we would respond very favorably because like I said before, we had a bill adopted to come up with a Nevada plan and I think it passed unanimously, and I think it is a problem we have here in Nevada and I think that Nevadans are used to taking care of their own problems.

Mr. **HANSEN**. Mr. Abbey, it is kind of sacrosanct in this country if I read the Constitution right, the private property. What do you do if you get wild horses on private property that you folks, Federal Government, BLM, is responsible?

Mr. **ABBEY**. If the private landowner has such horses that have crossed from public lands onto private lands, all he has to do is give one of our closest offices a phone call and we will go gather that horse or the horses.

Mr. **HANSEN**. And if there are horses on his property, say he has a very large ranch, you will go out on that ranch with his permission and remove those horses, is that right?

Mr. **ABBEY**. That is our standard policy.

Mr. **HANSEN**. Have you ever done a cost/benefit analysis on what this wild horse thing costs us per horse?

Mr. **ABBEY**. I have not done one personally but I can tell you that it is not cost beneficial. There is quite a bit of subsidy associated with this program. We have never tried to hide that fact. Again, what we are doing is following the law and the policies that have been enacted by the Bureau of Land Management as a result of public input.

Mr. **HANSEN**. Cannot argue with that, I think you are right, but there is no cost benefit and there is a huge subsidy here.

Mr. **ABBEY**. There is a huge subsidy.

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Mr. **HANSEN**. Sometime Congress is going to have to come to grips with the Endangered Species Act, the Horse Act, things such as that. When you are going to put out \$200,000 per desert tortoise in an area, that gets awfully expensive. But anyway, that is just my own humble opinion, it does not matter here.

Thank you. We thank the panel for your very interesting comments and we will look forward to your written statement. One thing as I read your draft here that you just submitted, it does not say a thing about adoptables, which worries me a little bit. Was that brought up when you discussed it?

Mr. **ABBEY**. I was not at the meeting, but I can tell you that the older unadoptable horse is the biggest challenge that we have in this program—what do you do with those older unadoptable horses.

Mr. **HANSEN**. Thank you so much for your testimony, we appreciate it and we will excuse this panel and call our next panel.

Our next panel is Anthony Lesperance, Ph.D., Elko County Commissioner; Rey Flake, Lincoln County Commissioner and John Balliette, Eureka County Natural Resources Manager. Have I got that all right? I hope I did.

Commissioner, we will start with you, sir.

STATEMENT OF ANTHONY LESPERANCE, Ph.D., ELKO COUNTY COMMISSIONER

Mr. **LESPERANCE**. Thank you, Mr. Chairman, members. My name is Tony Lesperance, Commissioner, Elko County.

I would like to take a little different tack in this. This statement presents factual data obtained entirely from the BLM sources, be it the web page or FOIA requests.

Initially, Congressional funding for this program remained low, first exceeding one million dollars in 1975. Funding remained below \$6 million annually until 1985, when it jumped to over \$17 million and it has remained in the \$15 million to \$17 million range ever since. To date, Congress has spent \$246 million on this program. I guess one could logically ask has the expenditure of nearly one quarter of a billion dollars of taxpayers' money resolved the horse problem by achieving the stated BLM goal of obtaining the appropriate management level or what is known as the AML, which means a stable population of 27,000 animals.

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The first year of agency reported numbers was 1976 when the population was estimated at 60,100 head. That number remained nearly constant through 1984. A significant increase in the appropriation occurred in 1985, which resulted in a decrease in numbers. However, since 1987, the decrease has been minimal.

Data from the estimated year end horse and burro population is presented in what you have before you in table 2. In an attempt to understand the significance of data in table 2, four mathematical representations of the set of data were considered. The best overall fit of a mathematical expression of the data was obtained using logarithmic equation. What this indicates is that as the population approaches the AML, the more difficult it will become to obtain the AML. The 1976 determined level of horses and burros was 60,100 head. The stated AML was 27,000 head. The 1996 estimated year end population was 42,138 head. Thus, after 21 years, some 54 percent of the goal has been obtained. If these data were indicative of a straight line regression equation we could assume in about another 20 years of reduction at the present rate of budget allocation, the AML goal would be attained. However, the data indicate that this is not a straight line relationship, that in fact every year the goal becomes more difficult to attain. The above equation is telling us plain and simple the stated AML goal, given the present parameters will never be attained.

Between 1976 and 1996, some 164,581 animals have been removed for an average annual removal of 7,837 head. Initially, this level of gather seemed to bring the population down, but as the data in table 2 clearly indicates, its effect is becoming less and less with each passing year. Congress tripled appropriation for the program in 1984, going from \$5.8 million to \$17 million. During the following 3 year period, some 40,606 head were removed, yet the year end population decreased only 17,000 head. It is common knowledge that when numbers of any population are reduced, there is a tendency for that population to increase its reproductive rate. Sometimes the remaining population will simply be younger, more dynamic, resulting in a better rate of reproduction. Sometimes it is a built in function of the population being more in balance with its ecosystem. Regardless, it would be very predictable that the free roaming horse and burro population of the western states would significantly increase its reproduction rate after some 67 percent of the population was removed over a 3-year period, and apparently that is precisely what happened.

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If numbers are to come down to the AML, the projected numbers for removal will have to be increased if the goal is ever to be attained. Practically, can this be accomplished with the bureaucracy associated with a Federal organization such as the BLM? An examination of the budget for the program for the period of 1990 to 1994 suggests why this will be difficult to accomplish, which appears in your table 4. In 1990, some 20 percent of the budget for the program was spent on overhead, but by 1994, this had increased to 33 percent of the budget. It is predicable that the bureaucratic cost of operating the program will escalate to the point that annual gathers will decrease in numbers so that year end

populations will likely start increasing. It is obvious that the Wild Horse and Burro Act will never be able to accomplish the AML goal of 27,000 head without significantly increasing Congressional funding. Further, it is also obvious that maintenance of an AML will not be accomplished, if ever attained, without significant longstanding financial support.

The cost of removal of a single horse since the inception of the program is now nearly \$1,400 per head, which will only continue to escalate. At some point, the patience of the average American taxpayer must be considered. As a taxpayer as well as a county commissioner, I must strongly urge you to realistically consider alternative concepts such as privatizing the gather and simply using the BLM for licensing and overseeing. Provisions could really be made for a dual program of adoption and humane disposal to cover the cost of operation. The Congressional management of the wild horse and burro program is typical of the many resource problems faced in the west today. It represents an attempt by Congress to micro-manage a few million dollar problem that could be managed far more effectively at the local or state level.

A very effective argument can and has been made over the very ownership of these animals and that argument does not support Federal ownership. They are wildlife within the state and in Nevada, wildlife is the property of the state. Perhaps the real question for Congress to resolve is not the management or the cost of the management of these animals, but in fact to determine what truly constitutes a Federal feral horse or burro. Correctly resolving that issue will go a long way to removing the frustration this program has caused for Congress to date.

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Thank you.

Mr. **HANSEN**. Thank you, sir, appreciate it. Commissioner Flake.

[The prepared statement of Mr. Lesperance may be found at end of hearing.]

#### STATEMENT OF REY FLAKE, LINCOLN COUNTY COMMISSIONER

Mr. **FLAKE**. Thank you, Mr. Chairman. My name is Rey Flake, I am a Commissioner in Lincoln County and I thank you for the opportunity to address this Committee and I thank you for your interest in the public lands and for making this attempt to come to the west to have this hearing.

I am a fifth generation rancher—at least five generations that I know of, of my ancestors have made their living off the land. They have passed a great legacy on to me and a great legend that we have talked about. I know that there is no way to have a viable ranching operation without healthy lands. Lincoln County is 98.2 percent public lands. Public land management has a great impact on Lincoln County and our ability to provide services to the people that reside within our boundaries. I have at least two generations following behind me in the ranching business.

The other day, I went to a branding with my sons and we took a break. I noticed that there was seven boys there from 10 down to one and a half, that was involved in what we were doing. The realization came to me that among these young boys not only the future of the livestock industry but the future of healthy viable resource management was there. If we do not bring them up with a love for the land and teach them how to manage well, then our nation and our resources are going to be the great loser.

I have a great concern for the direction that is being taken on public lands, a little AUM cut here and there that amounts up to a lot over the aggregate, over the total period. It amounts to our ability to be economically independent. I am able to perform services in my operation because I have the economic ability to be there.

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Wild horses and burros, it is amazing to me that since the Wild Horse and Burro Act of 1971, all of the players that seem to know how to manage wild horses and burros were immediately set aside and

forgotten and a new team came in and tried to manage the horses and burros. We have not even identified how many the resource can handle—21 years and we do not even know what the appropriate AML is. The adoption program is slow and inefficient at best. It was reported to our Resource Advisory Council in March that over 6,000 head were in the adoption pipeline at a cost of nearly half a million dollars a month. Today, there are still over 4,000 in there with a great cost.

Correct science will show that there is a limit to what the resource can handle. The adoption program states that if we cannot adopt the horses, we turn them back on the range. We are letting the adoption run the whole program and not the resource. If I had a pasture that would run 40 cows and I put 80 cows in that pasture, I know that in a short time I am going to use up all the available feed. Then I will not be able to go back to the 40 cows, I will have to completely remove the cows until new feed is grown and so I can go back on there with an operation. We should understand that our whole horse program is in jeopardy if we cannot control them to manage and take care of the resource. We must check the direction of the whole wild horse and burro program. If you are trying to find a point with a compass, if you are two degrees off when you start, when you get out there 100 miles there is a wide gulf between where you were trying to go and where you end up. We must continually recorrect the course and redirect our area, and this has to be done through help from local people.

What are we trying to accomplish with the wild horse and burro program? Is this truly to be a legacy of the old west? I find it offensive that people think that my ancestors did not manage better than what is being managed in the wild horse and burro program, that we just turn them loose and let them run wild and do not take care of them. We have created a bureau that has accountability without—that has authority without accountability or responsibility, the fact is a whole department. Nowhere is that more apparent than in the wild horse and burro program.

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This program has to be a resource driven program and not an adoption driven program. The BLM needs to have sale authority if only on a one time basis to achieve appropriate management levels. It is estimated that in the Ely District there are presently about 2,000 head over AML and about 13,000 head over in the state. We must control the numbers. We have got to manage, we must have a quality program and not a quantity program. We should involve local government and local permittees. I believe we should allow the permittees in some areas to control the horse numbers under the direction of the BLM. This could be done on a trial basis with a few ranchers at a great savings to the taxpayers of this nation.

We need to consider the idea of having one or two herds of horses in each state. These could include, as has been said, interpretive centers, a place where people could park their RVs and come to center their vacation around and learn about horses and be involved in horses and gain more enjoyment from their horses and then we would truly begin to develop a legacy of the west.

Ranching on public lands is also a legacy of the west. Let us consider the preservation of this legacy. I want my children and grandchildren to enjoy the same blessings that I have enjoyed from living close to the land. It is going to take us all working together to accomplish this. I hope that we can.

Thank you.

Mr. **HANSEN**. Thank you, Commissioner. Mr. Balliette.

The prepared statement of Mr. Flake may be found at end of hearing.]

STATEMENT OF JOHN BALLIETTE, EUREKA COUNTY NATURAL RESOURCES MANAGER

Mr. **BALLIETTE**. I brought some photographs. These are copies and if your Committee would like to have them for future reference, I would be happy to leave these with you. A photograph says a thousand words. Ray touched on it a little bit, I would like to talk about accountability also.

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In the winter of 1993–1994, we had an extensive snow followed by a lengthy cold period. This animal died standing up trying to punch his way through a snowdrift. This is an animal that died right alongside the Railroad Pass, the road that connects Jiggs, Nevada with Diamond Valley, this animal was very weak. Notice the damaged sagebrush up here, they had tramped it and eaten it. Sagebrush is not a nutritious nor palatable forage plant. This animal, weakened by starvation could not make it over a berm left by a snow plow, died right next to the road. Here is another one, a mare and her colt, this is the south facing aspect with the rocks there. The snow would melt a lot faster here than in the adjacent areas. The mare undoubtedly drawn down by starvation and then she had the added effect of nursing a colt. Well, the mare died first and you can see where the colt had tried to suckle the dead mare before he finally died.

In terms of accountability, if I owned those animals, my accountability would be I would probably have animal violations charged—filed against me, you know, and rightly so. I am not suggesting that we should start filing charges against BLM folks, but I really feel strongly that when we have these die offs like have occurred twice in the last 5 years, Railroad Pass, Long Valley, several other places in central Nevada, 2 years ago at the Nellis Air Force range. When these die offs happen, we should take a review of this and say hey, was there some information we could have collected that would have, you know, predicted that this was going to happen, could this have been avoided? Are people collecting all the information necessary to make management decisions? And if they find some folks that are not—that may be in some way responsible for this, perhaps their talents should be used elsewhere besides the horse program.

In my written testimony I talked about Fish Creek allotment and what happened there when BLM does not stand up to their end of the bargain for multiple use decision. This is winter fat, this is the plant I told you about in my testimony. Winter fat is this gray-green shrub here, and it is probably—I will defer to the nutritionists, but it is probably the most nutritious and palatable range plant that we have as far as a native plant in central Nevada. It is also highly desired by livestock, horses, wildlife. This photograph was taken in August and this is about the time the winter fat has the majority of its growth and it is also previous to use by horses. When we went back in in February, there is a close up and this is a general view, and you can see that there is virtually nothing left. This is solely due to horses. The horse appropriate management level is 75 head. When they flew this in January of this year, I believe the number was 230. There is still approximately 500 head of horses on the entire HMA.

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The accountability part that really bugs me about this is that the livestock industry, it has been pounded into them, you cannot treat Federal lands like this. If you do, you will be decisioned, your numbers will be reduced, your season of use will be changed. This is solely due to horses, there have not been livestock since the decision was issued in 1994. Basically, you know, the way I look at things is that we as citizens are being held to a higher level of accountability to agency decisions than the agency that issued the decision.

When you look at this, the problem is simple, it is too many horses. This is not rocket science here, you know. The solutions that we have presently are not working. We have an adoption program that seems to be the tail wagging the dog here, and it cannot handle the excess numbers that we are generating as far as horses. I heard mentioned recently—earlier—of fertility control. On this particular allotment when the Bureau did their analysis for a fertility program, they estimated it will take 9 to 13 years to reach AML with the implementation of fertility control. The problem is this degradation is continuing, it is continuing as we speak.

Just to give you an idea, these are utilization cages. A utilization cage is used supposedly to protect vegetation. You can see here where the horses have tramped down the cage and then the uneven level of vegetation. Well that is what lengths they went to get something to eat there. And it is still pretty bad.

The biologist in me, this is what scares me the most and this is a winter fat site that is now a collection of Eurasian annuals such as halogeton and clasping pepper weed and various mustards. We have converted a very productive site to a patch of weeds that are not very productive.

One of the solutions I hope you would consider is sale authority. I envision a different type of sale authority, limited sale authority where when we have vast—well, when we have population numbers that greatly exceed AML where we are doing damage to the range resource, that is an emergency and it requires emergency action and perhaps to go back in and sell some of the excess numbers right there once you reach AML, then sunshine sale authority.

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I see I am out of time.

[The prepared statement of Mr. Balliette may be found at end of hearing.]

Mr. **HANSEN**. Thank you. I recognize the Committee for 5 minutes each. Mr. Faleomavaega.

Mr. **FALEOMAVAEGA**. Thank you, Mr. Chairman.

As I listened intently to the testimonies that were given previously as well as our friends now before the panel, I think we are beginning to lose what really was the essence as to why this Act, how it all came about with Wild Horse Annie and the thousands of children across the country, because of the indiscriminate slaughtering of horses that ended up in the slaughterhouses and became a major aspect of the pet industry. And I think this is really the essence. You know when we talk about Gene Autry and Hopalong Cassidy and Roy Rogers, bless his heart, who just passed away, and John Wayne—we all romanticize the idea that horses are pets, they are not like cattle that we eat and consume. And so we come to this—now look at this situation, we could not have asked for a worse agency to manage horses because they are not experts in managing horses. And I am talking about the Bureau of Land Management, with all due respect. It just happens to be that horses were incidental to the public lands which is owned by the Federal Government, administered by the Bureau of Land Management, so they had to come up with some kind of a program. And now we end up with a \$247 million expenditure in the 27 year period that we have not even accomplished doing that which we were trying to do, to protect wild horses and burros and to continue the pioneer spirit that horses were a beast of burden, they were really a help to man. And I do not know if my colleagues are aware, I am sure they may be, and members of the public here, horse meat is found in the most expensive restaurants in France and New York and Paris. When we talk about consuming horse meat, you do not want to hear that in America. And I think this is really the bottom line. We talk about slaughtering horses and we put them to sleep, because we treat them almost like fellow human beings, or are they to be used for economic reasons. I am very curious what percentage of horse meat goes into the pet industry, the pet food industry—what it was 27 years ago and what it is now. So I think this is really the bottom line issue that I would like to pursue.

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And gentlemen, do not get me wrong, I really, really appreciate your testimony. Mr. Balliette, I think you hit it right on the nail. You have reaffirmed the fact that we just have done a very poor job in managing what millions of children, hundreds of thousands of children throughout America just did not like the idea of indiscriminate slaughtering of horses, as a sentimental value—and I for one look at horses almost as a fellow human being, and this is really the crux.

Now it has been suggested that we ought to give it to states to manage our wild horses. It just happens that these horses are not on state lands, these are on Federal lands. So I raise that question, Mr. Chairman. I do not have any questions of our witnesses, but I would like to add I want to thank you for your testimony.

Mr. **HANSEN**. Thank you. The gentleman from California, Mr. Pombo.

Mr. **POMBO**. Thank you, Mr. Chairman.

Mr. Flake, you are a cattleman and we looked at figures of as much as \$1,400 per head on management of these animals for every one that is removed. That seems way out of line to me in terms of management of livestock. Can you give the Committee an idea of what the annual cost is of an animal say on your ranch?

Mr. **FLAKE**. Our cost of operation is just a little over \$250 a head on the ranch.

Mr. **POMBO**. So you would consider this figure high?

Mr. **FLAKE**. Absolutely, unreal.

Mr. **POMBO**. And am I to understand that you run cattle on public lands?

Mr. **FLAKE**. Yes, sir.

Mr. **POMBO**. What would happen if you managed your allotment to the degree of these photos that we have seen?

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Mr. **FLAKE**. I would be out of business, both from regulation and also out of business because there is no way to handle a livestock operation without available forage, without available feed—it cannot be done.

Mr. **POMBO**. I would like you to explain the first part. You said you would be out of business because of regulation. What do you mean by that?

Mr. **FLAKE**. I mean that if I could not do any better job on the public lands than that, the Bureau would pull my permit and I would be gone.

Mr. **POMBO**. Because you overgrazed it?

Mr. **FLAKE**. Because I overgrazed and I overused the resource.

Mr. **POMBO**. So if you did manage that way and say BLM allowed you to continue to manage in that way, what would happen to your livestock herd?

Mr. **FLAKE**. It would be non-existent. They would die off. If I do not put some correct management to my herd, why I cannot stay in business, I cannot be economically feasible, I cannot finance myself there on the land any more.

Mr. **POMBO**. You say that the animals would die off, they would die off because of starvation?

Mr. **FLAKE**. Absolutely.

Mr. **POMBO**. Do you have any idea how long it would take an animal to get to the condition that—Mr. Balliette had pictures of animals that he claims starved to death. How long of a period of time are we talking about here that an animal does not have enough feed to get to that kind of condition?

Mr. **FLAKE**. To have them get to that kind of condition would take 3 or 4 months of absolutely no feed.

Mr. **POMBO**. Three or 4 months?

Mr. **FLAKE**. Well, it depends on the condition they were when they began to be stressed. If they were in fat condition, they could probably live off their back fat for 2 or 3 months before they went down. If they were thin and already stressed, then it is a matter of a couple of weeks before they are to that point.

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Mr. **POMBO**. Obviously the public has a concern about wild horses, that is why the Act was passed to begin with. Do you consider that humane, to manage in that way?

Mr. **FLAKE**. I certainly do not and that is why I feel affronted when they talk about leaving wild horses out there in uncontrolled numbers and degrading the range and suffering themselves as a legacy of the west. That is not the legacy that was passed on to me. My ancestors managed their land and they

managed their livestock and they would never allow anything like that to happen.

Mr. **POMBO**. One final question for you. What would you do if you did not have enough feed to feed the horses and cattle on your ranch?

Mr. **FLAKE**. I would sell them. I might, for a short time, step out and try to buy feed to hold on, but usually that is futile, you are better to sell and get out and send them to slaughter or to somewhere where they can be properly taken care of. You do not just stay there and beat out the resource because then it is not going to come back and then you are not going to ever get back in business. You have got to make some moves to take care of the resource that you are living on.

Mr. **POMBO**. Thank you.

Mr. **HANSEN**. Thank you. The gentlelady from Idaho, Mrs. Chenoweth.

Mrs. **CHENOWETH**. Mr. Chairman, I have no questions. I just wanted to compliment the members of this panel for the quality of their testimony and for the addendums that you added to your testimony. It is very, very helpful, and the photographs were startling. Thank you very much.

Mr. **HANSEN**. The gentleman from Nevada, Mr. Gibbons.

Mr. **GIBBONS**. Thank you very much, Mr. Chairman.

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I would like to start with Commissioner Lesperance if I may. Commissioner, we have heard testimony from the BLM, we have heard also testimony from you about the amount of money over the years that has been spent on herd gathers, herd management, the amount of money per year going from \$5 million to \$15 million or somewhere in that approximate figure. Is it your opinion that more money is the answer to this problem?

Mr. **LESPERANCE**. Well, it certainly is not my opinion that money is the problem. You folks can throw a lot of money at a problem, I have seen that on several other occasions, and you can sure throw a lot of money at this problem and you are going to have to throw a lot of money at this problem if you continue to operate under the same set of circumstances because \$15 or \$17 or \$18 million is losing ground. I would suggest you are probably going to have to about double that, but I again remind you to look very carefully at the data in the back of my—the last table, table 4 in my presentation because it shows you the very problem and that is the bureaucracy of the BLM. The overhead management of this program is escalating logarithmically and will continue to do so. That is just common knowledge of how the bureaucracy operates, the more money you put in, the bigger the overhead becomes and you are creating a monster. And let me assure you if you ever get these numbers down to 27,000 head and you are going to manage them at 27,000 head using the Federal bureaucracy to do it, you folks better be prepared to cough up a lot of money for a lot years because that is what it is going to take.

Mr. **GIBBONS**. Dr. Lesperance, in your number of years that you have been either a professor at a university or a rancher or directly involved in business or in your role as a county commissioner, do you have any suggestions for this Committee on how to better improve the management and the cost effectiveness of that management for these herds of horses?

Mr. **LESPERANCE**. I think you have got to bite the bullet and you have got to go back to the local level. I think the only people that can manage this exist at the local level, and I believe strong county government can take a big step in this direction. I also believe the state can. And I view these as wildlife and I would also suggest you look very closely at the attachment to this under Exhibit A, and that is a legal opinion rendered by Zane Miles, Deputy District Attorney for Eureka County for a recent case which was just ruled in favor of the State of Nevada versus the United States in Douglas County. And that statement clearly indicates these are wildlife and they should be managed by the state and he goes through a number of very legitimate legal arguments in this—on this behalf. And I think we have to look at this very seriously and bring this back to the local level and I think we can do this.

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These animals were managed rather humanely for a long period of time by local people. I am a product of that, raised a product of that. These animals were not hurt. The healthiest animals from a horse standpoint I ever saw on the public lands of the west were those that were managed humanely before this Act occurred.

Mr. **GIBBONS**. Dr. Lesperance, one more question. I heard my colleague from American Samoa talk about the fact that these are wild animals on public Federal land out there in Nevada. Do we also manage other wild animals that range over public lands on a state level?

Mr. **LESPERANCE**. Do you mean you the Federal Government?

Mr. **GIBBONS**. No, the State of Nevada.

Mr. **LESPERANCE**. Oh, the State of Nevada owns the wildlife and manages the wildlife.

Mr. **GIBBONS**. On Federal lands.

Mr. **LESPERANCE**. Yes. And I might add that due to the recent court decision in Douglas County, we also own the water. And that may become a very critical issue in this argument as it unfolds.

Mr. **GIBBONS**. Thank you. Mr. Balliette, in the remaining time I have left, I think your point is that it is not total elimination of these horses that we are after, it is not cows versus horses, but rather it is proper and appropriate herd management levels, it is herd health and it is habitat health. Did that summarize your testimony?

Mr. **BALLIETTE**. Yes, it did.

Mr. **GIBBONS**. Do you have any suggestions for this Committee as far as achieving these goals?

Mr. **BALLIETTE**. One thing that—well, it goes back to the issues I brought up about accountability, when the Bureau fails to take an action to reduce horses to AML, their inaction is really an action and that inaction is causing environmental degradation and I believe that should be out for public review, either in addition to the record of decision or something along those lines. Let us put it past the citizens and see if they really agree with what is happening and their failure to reach appropriate management levels.

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Mr. **GIBBONS**. Thank you. Mr. Chairman, I see my time has expired, but I think from the testimony we have heard here today, it is clear that the Federal Government needs to be held to the same standards that it holds the American citizens and the American public to. I think that would be fair to say. Thank you, Mr. Chairman.

Mr. **HANSEN**. I thank the panel for their excellent testimony and we will excuse you and move to the last panel.

The last panel is Sheila Hughes Rodriguez, Counsel, Animal Protection Institute; David and C.J. Tattam, Field Directors, National Wild Horse Association; Demar Dahl, rancher; and Cathy Barcomb, Commission for the Preservation of Wild Horses. I think I got all those in. You all understand the rules, but we are pretty lenient this morning, so whatever works. We will start with Sheila Hughes Rodriguez. The floor is yours, as we say in our business.

STATEMENT OF SHEILA HUGHES RODRIGUEZ, COUNSEL, ANIMAL PROTECTION INSTITUTE

Ms. **RODRIGUEZ**. Thank you for inviting me to testify before the Subcommittee this morning. My name is Sheila Hughes Rodriguez, I represent the Animal Protection Institute. API is a non-profit animal advocacy organization with over 80,000 members nationwide. For more than 20 years, API has worked to preserve and protect wild and free-roaming horses and burros on their habitat.

This hearing focuses on range issues and problems with the Wild Horses and Burros Act. Indeed I believe there are several problems with the Act and how the BLM interprets and administers it. I will concentrate, however, on API's most critical concern.

The BLM's current policy on roundups is extinguishing populations of wild horses and burros

throughout the country. While I may criticize the BLM today, I am not here to deliver a jeremiad on animal rights. Yes, I believe animals are entitled to fundamental rights. But I also know that we inhabit a legal universe that is hardly sympathetic to animals, much less to the notion of animal rights. Yet, we have a long history in this country of using the law to protect wild horses and burros.

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In 1959, at the behest of the late Velma Johnston of Reno, Nevada, Congress passed the first law intended to protect wild horses and burros. I am told that Ms. Johnston adopted the name Wild Horse Annie after she overheard someone call her that at a Congressional hearing in Washington. Perhaps it was this sense of humor that helped Ms. Johnston through the following decades in her quest to protect these animals.

In the late 1960's, Wild Horse Annie's efforts led thousands of school children across the country to write to Members of Congress urging them to protect these animals. Nicknames notwithstanding, by the early 1970's, Wild Horse Annie had rallied the support of both humane associations and horse protection groups, culminating in the passage of the Wild Horse and Burros Act in 1971.

If we look at the legislative history of the Act, we see that Congress unequivocally intended these animals to be protected and preserved. Quoting from the Senate report, "The wild free-roaming horses and burros presently inhabiting the public lands of the United States are living symbols of the historic pioneer spirit of the west and as such are considered a national esthetic resource."

As I said earlier, I am not here to lament the state of animal rights. I am here to discuss the state of the law and what we might do to save these living symbols of our own rugged independence and pioneer heritage.

When Congress passed the Act, it declared ". . . wild free-roaming horses and burros shall be protected from capture, branding, harassment or death; and to accomplish this they are to be considered in the areas where presently found, as an integral part of the natural system of the public lands."

The regulations implementing the Act amplify this protection, "(a) Wild horses and burros shall be managed as self-sustaining populations of healthy animals in balance with other uses and the productive capacity of their habitat."

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Today, however, the BLM is failing to manage herd areas as self-sustaining populations of healthy animals. The BLM's 1995 report to Congress describes numerous herd areas with AMLs of zero and many areas with AMLs that will not sustain healthy populations.

In Nevada, the agency plans to extinguish 10 herd areas. A 1975 Nevada District Court case, discussed more fully in API's written statement, strongly suggests that the BLM is not authorized to extinguish wild horse populations. That case was American Horse Protection Association v. Frizzell.

The Federal Land Policy and Management Act of 1976, or FLPMA, provides that the Secretary of Interior "shall use and observe the principles of multiple use and sustained yield".

Under FLPMA's multiple use mandates, BLM cannot give livestock grazing any priority of use. One case vindicating this principle is National Wildlife Federation v. Bureau of Land Management, decided just last year.

In conclusion, the BLM is actively extinguishing wild horse and burro populations in violation of the Act. It remains to be seen whether in carrying out this policy, the BLM is complying with other applicable laws.

If the BLM would seriously weigh the effects of livestock grazing in its land use decisions, it would be free of the ongoing burden of endless wild horse roundups. With public lands producing so little of the feed consumed by beef cattle, is such a shift in policy so politically impossible?

For all of these reasons, API recommends the following:

1. Wild horse removals must not eliminate individual herd areas or lower the number of animals to a level that threatens the long-term survival of the herd.

2. The BLM must take into account the adoptability of the wild horses removed, as well as the impact of the removals on the remaining family and bachelor bands.

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3. The BLM must not schedule roundups during periods when gathering would place undue stress on foals and pregnant mares.

4. The BLM must consider decreases in wild horse populations as part of a comprehensive plan to improve range management and it must be accompanied by an equivalent reduction in the number of grazing livestock.

If I may continue, I just have one paragraph. If, as API believes, the Wild Horses and Burros Act protects these animals from extinction, API is willing to work with BLM to achieve this goal. If the Act does not protect these animals, then Congress must amend it or propose new laws that will save these living symbols of the historic and pioneer spirit of the west.

Thank you.

Mr. **HANSEN**. Thank you. Mr. Tattam.

[The prepared statement of Ms. Rodriguez may be found at end of hearing.]

#### STATEMENT OF DAVID C.J. TATTAM, FIELD DIRECTOR, NATIONAL WILD HORSE ASSOCIATION

Mr. **TATTAM**. I would like to take this opportunity to thank you all for coming here today and exploring this issue. My name is David Tattam, I am the Field Director of the National Wild Horse Association. I have 27 years experience in the horse industry. For the last 14 years, I have served as a volunteer to the National Wild Horse Association, working with the BLM, National Park Service and the U.S. Forest Service. In that time, I have had on-the-ground experience in over 40 herd management areas in four states. It has been interesting as well as very enlightening.

There seems to be an enormous difference between the public's perception and the reality of how horses are handled by the BLM, the number of animals that are on the range, what horses need to thrive and the eventual outcome if horses and burros are not managed.

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The National Wild Horse Association is headquartered in Las Vegas, Nevada, it was founded in 1971 by people concerned with the survival of wild horses and burros in the west. Our association is made up entirely of volunteers with no paid positions. Over the last 27 years, we have worked with the National Park Service, the U.S. Forest Service, the BLM to improve the range and secure a future for wild horses and burros. We have worked on range projects, gathers and adoptions. Over the last 7 years, we have hand raised over 500 foals for the BLM. We have also assisted in putting on training clinics, conducting pre- and post-adoption compliance checks, helped to monitor and care for animals involved in neglect or abuse cases and provided medical care for injured animals brought in from the range.

Most currently, we have had members assisting at the gather near Vernal, Utah of suspected EIA horses. We were there to observe and assist in the gather and to implement a care and feeding program for infected foals.

In the last 7 years, our association has logged over 70,000 volunteer hours. This is one reason why the Las Vegas District has had few problems with the adoption program and why the number of wild horses and burros in southern Nevada is closer to AML now than at any time since 1971.

However, across the nation, the adoption program is falling short with a devastating effect on the resources of the west. In many parts of the country, there is a large demand for wild horses and burros, yet there seems to be a breakdown in the system. Adoptions are a lot of work and in many cases the people responsible do not seem to be putting forward the effort to inform and qualify potential adopters. Some suggestions would be a greater accountability to BLM personnel, better marketing and a greater use of volunteers in the adoption program. For example, develop regional adoption teams consisting of BLM personnel and volunteers to facilitate more successful adoptions, post-adoption compliance checks, et cetera.

Another problem with the program is that many older, unadoptable horses are being gathered repeatedly with the government paying out again and again only to be re-released because there is no outlet for them. Because of the government's inability to dispose of these animals, they are allowed to remain in often overgrazed HMAs. This is a true threat to the wild horses and burros of the west.

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There must be a way of dealing with large numbers of unadoptable horses that are currently being allowed to overgraze the ranges in many of our HMAs. In many areas, by allowing these horses to remain on the range today, we are destroying the chance of a future for the wild horses and burros. One suggestion would be to give BLM a limited sale authority to dispose of unadoptable animals. This window would be a limited time, for example three to 5 years, and give the BLM time to go through all HMAs and obtain appropriate AML, according to range conditions, with room for herd enlargement once range conditions are improved. This would turn future management into a planned maintenance rather than the current management by crisis which we are so often forced to deal with when starvation from overgrazing and drought have their effects, as we see here in Nevada.

The management system must be changed from a demand system in which horses are gathered only to the availability of space in the adoption program, to a resource driven program in which decisions are based on what is good for the resource.

Implementation of the Wild Horse and Burro Act is virtually impossible without either sale or euthanasia authority or massive funding for the sanctuary program. To reach any reasonable management goal without one or all of the above, ensures adverse impacts to the range.

It often appears BLM in Washington has little confidence in its people in the field. This affects the wild horses and burros in many ways. One recent example is the last two gathers on the Nevada Wild Horse Range. In January 1997, a gather was stopped due to the number of old and sick animals which were being euthanized even though this is and—was and is consistent with Bureau policy. Later that year, the BLM conducted another gather of the same horses and moved the old horses to sanctuary. The following winter there was concern from Washington due to the high death rate amongst these horses, most of which should have been euthanized at the time of their first capture. The estimated cost of the second gather was half a million dollars. Sanctuary cost is unknown. All this money could have been saved by letting the experts in the field do their jobs. If those people cannot be trusted to do the right thing, then the Bureau needs to get people who can be.

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It seems that many problems start in Washington with the appointment of each new Director. By the time he appoints committees to study the problems and report back to him, he is gone and a new person has taken his place and the cycle starts over again with new studies and committees. A workable plan is never implemented. The only way any resource management agency can work is to eliminate political appointees and require that the director have a strong resource background. Only then will the professional in the field be trusted and decisions be made using science rather than the knee-jerk political perceptions. Washington responds to input from a few select groups, most of which have little

hands-on experience, but rarely solicits opinions or backing from groups that understand the tough decisions that must be made with science for the good of the horses.

To ensure the future of wild horses and burros, the public must be made to understand that the ranges will be destroyed if the resources are not managed properly. Without the ranges, we will have no wild horses or burros, no wildlife, no livestock grazing, just barren land where nothing can survive. The public and all involved government agencies must work together to make sure this does not happen. The BLM must do its part by setting appropriate management levels in each herd management area, reducing the number of animals to at or below those levels, depending on current range conditions, and managing these areas in a responsible and consistent manner.

Thank you.

Mr. **HANSEN**. Thank you. Mr. Dahl.

[The prepared statement of Mr. Tattam may be found at end of hearing.]

#### STATEMENT OF DEMAR DAHL, RANCHER

Mr. **DAHL**. A lot of the information that I was going to present I think has already been presented, so I would like to just take a few minutes and talk about one issue that has not been covered, and that is removing wild horses from private land.

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When Mr. Abbey was asked what the BLM does when they are requested to remove horses from private lands, he said they just go out and remove them. And I want you to know that is not the case in all of the—not all of the instances, but most of the instances that I am aware of.

I have had wild horses on my private land and tried in vain for years to have them removed and the BLM has not been able to do that. So that is a problem that—in fact, in desperation, I issued a trespass notice to the BLM and trespassed them for having horses on my private land and have kept track of that. In the meantime, I have sold that ranch, but the man that has it now has kept track and we know how much the BLM owes, or the U.S. Government owes us for the use of private lands by those wild horses, which they of course say they do not have to pay. But it is a burden, it is not a big problem because it does not affect a lot of people but those who it does affect, it is a problem.

I think that it would be a step in the right direction if we could have a national recognition that even though the wild horse is a symbol of the pioneer spirit of the west, there are people out there working the land and running livestock and providing food and fiber for this nation that still embody within themselves the true pioneer spirit of the west. And those horses who are the symbol of the pioneer spirit of the west are making it very difficult for some of those to stay in business and to survive.

For instance, I have a friend, in fact the one who is on the ranch who has been trying to get the BLM to gather the horses from his private lands, has on his winter range right now, today, over 300 head of wild horses that will stay there all through the summer. Now he has moved his cattle off of that winter range to let it regrow and then plans to move back there in the fall, that is where he is going to winter his cattle. Now because this has been such an exceptional year, he is probably going to get by, but on an average year, there is very little left for his livestock to go back to. And we do it to protect the range. And if you just leave the horses on that resource year round, it is very hard on the range.

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We need I think to recognize that the horse is a resource. All of us love Bambi and all of us love deer, we all recognize that a deer herd has to be managed and we manage them and we control their numbers. And how do we do it? We eat them. The horse is a resource, there are horses that are good for companionship, good for pleasure riding, good for working cattle, good for jumping. There are some horses that I can tell you, and I have known horses all my life and I love good horses, but there are a lot

of horses that are just to be eaten and that is their best use. And there are plenty of people and plenty of pets in this world that are willing to utilize that resource. And I think that common sense should dictate that we give the BLM sale authority and allow that to happen.

I would like to throw out what I think are three solutions to the problem, and these have been talked about already today:

1. I think that if the state were to be given management authority, that that would be definitely a step in the right direction. We already manage the wildlife on Federal lands.

2. I think that if we were to remove all of the wild horses from the ranges but establish horse reserves where people, as John Carpenter talked about, could come and visit and see the horses, but keep all of the horses off of the other areas, I think that would be a step in the right direction.

3. And I definitely think that if we are not able to do those things or maybe in conjunction with those other things, we should give the BLM sale authority and the money derived from the sale of those horses should stay in the wild horse program so that the taxpayer does not have to subsidize this program.

And I can tell you right now, there are a lot of wild horses, BLM—horses with a BLM freeze iron under the brand, that go through the sales to the killer plants today. And any horse sales that you want to go to where they put killer horses through, you will find a number of wild horses that people have adopted and then they find out they have just a mustang and this is not really what they wanted, they keep it a year, they get title to the horse and they sell it and the horse goes for slaughter. So it is happening already, we just need to recognize it.

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Somebody is going to have to get tough enough to bite the bullet on this. Thank you very much.

Mr. **HANSEN**. Thank you, Mr. Dahl. Cathy Barcomb, Commission for the Preservation of Wild Horses.

[The prepared statement of Mr. Dahl may be found at end of hearing.]

#### STATEMENT OF CATHY BARCOMB, EXECUTIVE DIRECTOR, COMMISSION FOR THE PRESERVATION OF WILD HORSES

Ms. **BARCOMB**. Thank you for coming to Nevada. My name is Cathy Barcomb, I am the Administrator of the State of Nevada Wild Horse Commission. We are a state agency, established by the 1985 legislature, for the preservation and protection of wild horses on Nevada's public lands.

My purpose today is to make this introduction and give you some idea of what our Commission is doing on a state level. Our Commission is made up of members much like yourself in that we have representatives of horse organizations, veterinarian, humane society representative, a rancher and even an attorney.

The Nevada Commission was established by the legislature. Our mission from the last session of the legislature was to prepare a plan for the management of wild horses in Nevada. This will be year-long project and our final plan will be completed at the end of this calendar year, for presentation to the next session.

The Commission—we are presently conducting a number of scoping sessions around the state of Nevada throughout all the rural areas and major city areas. We are traveling to every part of this state taking testimony and discussing issues and problems with the people affected in those areas. When our scoping sessions are complete, we will have field hearings in every part of the state from Las Vegas to Elko and everywhere in between, on the plan that we are preparing.

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You can imagine the testimony we have received is mostly from the people in the field, but this is from the people that mostly deal with the horse issues on a daily basis. This includes not only the ranchers, environmentalists, local representatives, but the BLM personnel as well. Let me add that the BLM personnel that have been with us in the various locations have been extremely cooperative and more importantly, have provided vital information for our investigation into this. We fully plan on continuing to work with the BLM field personnel, the local representatives, the ranchers and environmentalists, and involving them in every stage in the process of this Nevada plan as it comes together.

As I stated, my appearance today was intended only as an introduction as to what we are doing on a state level, but let me leave you with a few thoughts. Whatever comes of our work and your work as well, the final acid test in our view is whether it works in the field. An effective wild horse management plan must meet the objectives of (1) the horses themselves, to the end that we have a healthy herd of horses and able to stay in balance with their habitat; (2) the plan must remember the interests of those directly affected by the horses, such as those seeking to preserve the horses in their environment or seeking adoption, but not forgetting the other multiple uses of the range; (3) and finally, the plan must work for those in the field who are on the front lines, charged with the responsibility for the management of the program. It must be a workable program for all.

The only conclusion that we have come to, speaking only as one representative, but a view shared by others, is that an effective program will require more cooperation between the states, the affected interests and the Federal Government. Our Commission will be addressing this issue on state and Federal cooperation and hopefully coming up with ideas on how the states can contribute to constructive ways to assist in the wild horse management program. Along those lines, we will be utilizing all the information that comes out of your deliberations and we hope that you will be taking into consideration some of our views once they are adopted.

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Our draft plan is scheduled to be on the street the first week of August with the final out by December.

Thank you.

[The prepared statement of Ms. Barcombe may be found at the end of the hearing.]

Mr. **HANSEN**. Thank you. Questions for this panel? Mr. Faleomavaega.

Mr. **FALEOMAVAEGA**. Thank you, Mr. Chairman. It seems to me, Mr. Chairman, after listening to our panel of witnesses, I want to commend the State of Nevada for really making a better effort than the BLM for taking care of wild horses with all the different commissions and the presence of the different groups and associations that really do have a real feel for the care of these wild animals.

I want to thank Mr. Dahl for his candor, exactly the bottom line it seems of the problems that we deal with with wild horses.

I would like to ask Mr. Tattam, has your National Wild Horse Association been in existence before the enactment of the 1971 law?

Mr. **TATTAM**. No, it came in at about the same time. People saw that with the horses not being allowed to be gathered or managed by the ranchers, that there was going to be a need for people to step in and help.

Mr. **FALEOMAVAEGA**. So it is obvious that BLM over the years has fallen far short of its given responsibilities, and I suspect even under the provisions of the law, while they may have stipulated the protection of these wild animals, they never really got into the economics. When you put them out there in the fields, out our there in the barren lands, they cannot exist and maybe this is an area that the BLM has not taken its responsibilities in providing for the needs for these wild animals.

So again, Mr. Chairman, I want to thank you and the members of our Subcommittee for coming to Reno, Nevada, the birthplace, if I might add, of the Wild Horse and Burro Act, thank the gentleman, my good friend from Nevada, Mr. Gibbons, for allowing us this opportunity to have a hearing here and hopefully as a result of this hearing, we will come out with some real serious considerations, either by way of strengthening the regulations or maybe we may have to amend the 1971 law to put some more teeth into exactly how we should go about protecting these wild animals. Protection and economics are the two basic questions. Having a sense of humanity, and as I said earlier about Hopalong Cassidy or Gene Autry and all the historical aspects that most of us have shared the experience of looking at horses truly as pets and friends and not like we look at cattle.

So with that, Mr. Chairman, I want to thank you for allowing us to be here this morning, and thank the members of the panel.

Mr. **HANSEN**. Thank you. The gentleman from California, Mr. Pombo.

Mr. **POMBO**. No questions at this time, Mr. Chairman.

Mr. **HANSEN**. The gentlelady from Idaho, Ms. Chenoweth.

Mrs. **CHENOWETH**. I have some questions for Ms. Rodriguez. Ms. Rodriguez, you cited the National Wildlife Federation v. BLM, a 1997 decision.

Ms. **RODRIGUEZ**. That is correct.

Mrs. **CHENOWETH**. Was that not a BLM hearing—

Ms. **RODRIGUEZ**. That was a decision that was affirmed by the Interior Board of Land Appeals, it is an administrative law decision.

Mrs. **CHENOWETH**. So it was—it never did make it to the district court?

Ms. **RODRIGUEZ**. No, it did not, but I also cited the other case, American Horse Protection Association v. Frizzell, which is a district court case.

Mrs. **CHENOWETH**. And that had to do with NEPA, did it not?

Ms. **RODRIGUEZ**. That and several other statutes, including the Wild Horses and Burros Act.

Mrs. **CHENOWETH**. In the Frizzell case, the court ruled that you must do a NEPA statement before putting out horses for adoption, right?

Ms. **RODRIGUEZ**. Well, I think the gist of the Frizzell decision is that there were 600 horses remaining after the BLM gather and so the judge in that case said it may very well have been a very different case if there had been no horses left after the removal.

Mrs. **CHENOWETH**. In the Frizzell case, did the judge not say that this does not give the BLM a blank check to remove horses without an environmental impact statement?

Ms. **RODRIGUEZ**. I believe that was the case where he said that, yes.

Mrs. **CHENOWETH**. OK. Now is it not—I think some of my colleagues sometimes wonder why I do not just go along with a lot of pieces of legislation when they say you are not conferring any authority to any agencies with this Act, you are only making a finding, the Congress finds that—and that is exactly, Mr. Chairman, what the Wild Horse and Burros Act is, it is a simple finding by the Congress. It reads, "The Congress finds and declares that wild free-roaming 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." That is the Wild Horse and Burros Act. And I do not find in here, Mr. Chairman, that there is any authority delegated to the BLM or any other Federal agency to give a preference to the management of the wild horse and burros above cattle, the tortoise or anything else.

I think we have really allowed an agency to stretch its authority beyond the finding. And because I

live in the west, I agree with the Congressional finding.

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I want to thank you for holding these hearings because I think it is time that we bring back the management of the wild horse and burros to actually what the Congressional finding was, and specify what authority has been conferred by the Congress to the BLM for the management of the wild horse and burros. And I do not believe, Mr. Chairman, that FLPMA mandates that the BLM must manage the horses above the grazing rights. And in fact, for the record, a recent decision, the Bremer decision out of Wyoming, in fact said just the opposite, that there is a preference right given to the cattlemen for their grazing allotments. And of course, multiple use as defined by FLPMA says that all uses should be balanced. And so I want to thank you for bringing your Committee out here and I want to thank the panelists for all of their good testimony. I have learned an awful lot. Thank you.

Mr. **HANSEN**. Thank you. The gentleman from Nevada, Mr. Gibbons.

Mr. **GIBBONS**. Thank you very much, Mr. Chairman.

I have very few questions for this panel, but I did want to address just a couple to kind of summarize what we have heard today. Ms. Hughes Rodriguez, you have expressed a number of legal concerns which are going on and the problems that your organization sees with the BLM and its management of this herd. What specific actions can the BLM do within the existing framework that your organization is recommending they do, besides the few things like changing the time of year which they are going to do these roundups to avoid the foaling seasons or to stress—are you suggesting that the BLM stop using helicopters or mechanical means of roundup? How do you get to some specific recommendations from what you have seen?

Ms. **RODRIGUEZ**. I gave specific recommendations in my oral testimony. API's true position is that it would like to see a moratorium on all wild horse roundups until the BLM administers and interprets the law it is charged with administering, correctly. I am deliberately leaving wild burros out of the equation, for reasons that I think are beyond the scope of this hearing, but API's firm position is a moratorium on wild horse roundups.

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Mr. **GIBBONS**. Mr. Tattam, in your work around the various states that you have worked in, in your position with the National Wild Horse Association, do you have a general assessment of horse herds, wild horse herds, the health of these wild horse herds that you have seen in your work in your position?

Mr. **TATTAM**. Yes, and they vary from state to state and from HMA to HMA. You have a lot more overpopulation in northern Nevada, central and northern Nevada, than we have in southern Nevada. I was up in Vernal a few weeks ago—last week as a matter of fact, in Vernal, Utah. They have got—their horses are in excellent condition. They have got a gather going on there now for some health reasons, but the horses are in pretty good shape.

Mr. **GIBBONS**. What is the health reason they have got the gather going?

Mr. **TATTAM**. They have an outbreak of EIA, equine infectious anemia, which is incurable and is very easily spread from horse to horse.

Mr. **GIBBONS**. Contagious?

Mr. **TATTAM**. Very contagious.

Mr. **GIBBONS**. Mr. Dahl, you mentioned that wild horses are oftentimes found on private property. Have you ever had wild horses mix with the domesticated herds to where if there is an EIA disease that there is a possibility of spreading that disease?

Mr. **DAHL**. No, I have not. Before the Act was passed, we would manage a small herd of wild horses on the range just to have them there and we would gather them periodically and cull the studs and put a better stud with them and so on, but now we do not—in fact I think in most districts wherever

there are wild horses, the BLM does not grant a domestic horse permit.

Mr. **GIBBONS**. Ms. Barcomb, thank you for being here and I appreciate the work you have done on the Nevada Commission on the Preservation of Wild Horses as well. Your scoping hearings around the state have provided a great deal of invaluable information I am sure. You have also indicated that your Commission's conclusion will be out in about 2 weeks, the first part of August. Is there any way you can share some of your conclusions at this point in time with the Committee; and then the second part of my question, since the time is elapsing, does your plan and its objectives vary from the BLM's management plan for wild horses in Nevada?

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Ms. **BARCOMB**. Thank you. I think it may be a little premature to talk on the conclusions we have drawn because the initial report that we are putting out is a compilation of all the testimonies we received, what we found to be problems and we had two forums, in April and May, that invited all the interests to come to help us write the plan.

Mr. **GIBBONS**. Would you be willing as soon as that plan is available to providing this Committee with a copy of it so that we have it for our work as well?

Ms. **BARCOMB**. Yes, sir, immediately.

Mr. **GIBBONS**. Is there a difference between the objectives, or is that objective also included in your plan?

Ms. **BARCOMB**. I believe in the last few years the BLM has initiated what was called the Pearson report and the Culp report. Those were their own investigations into the program. I think we are using a lot of their work that they have already done, instead of trying to recreate the wheel. We have looked at what they have taken in testimonies and then we have gone throughout Nevada and like I said, in forums, we have invited the public to come in and write the plan with us. I believe representatives of your organization and a lot of people that are in this room helped us write the plan and I think it is a good compilation from Nevada.

Mr. **GIBBONS**. Thank you.

And Mr. Chairman, if I may, one final comment here. I have heard a lot of comments from people referring to wild horses as the symbol of the pioneer spirit of the west. Yes, they are a symbol of that spirit. But I would also like to say that so are ranchers like Mr. Dahl sitting here before us. And I think if we can take care of our horses, we should be able to take care of our ranchers in the same spirit. They deserve protection as well.

And I want to thank you, Mr. Chairman, for bringing this hearing to Reno, it has been a very enlightening and a very important hearing. It also has allowed the public from Nevada rather than having to go all the way to Washington, DC to submit their concerns or to submit their solutions, to have a venue, you have provided that and I want to thank you for your leadership again on holding this hearing.

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Mr. **HANSEN**. Well, thank you, Mr. Gibbons. And of course, Jim Gibbons is the reason we are here, he asked us to come on a problem that he could see and now I think we see this all over America and especially in the west. Like many of you folks, I have a soft spot in my heart for horses, I grew up with horses and I think every ache and pain I have got in my body now is a result of a horse, but anyway, you do love those animals, but I think we do have a real problem here. And I think it is the intent of this Committee to move ahead with something. I intend to work with the Departments of Interior and Agriculture and I hope to work with my colleagues on the Committee because I feel we have a substantial problem that is out of control.

I think if I have learned anything here—and no disrespect to any entity of the government—but if we

are going to treat private citizens a certain way—I know when they have a problem on AUMs or overgrazing, it does not take long for the Department of Interior or the Department of Agriculture to be talking to them—if we are going to play it right with those folks, we are going to play it right with the other side. I mean if we are going to have an overgrazing of horses, then I think we have got to do something about that.

There is no easy solution to anything we get involved in. Congress is not a place of easy solutions, believe me. We argue over the most mundane—you think something would be simple. I remember once we were going to give a gold medal to Queen Beatrice of the Netherlands, and we argued over that. It would seem we could have just given it to her. We argued over giving Louis L'Amour a medal of some kind prior to him passing on. So this will be kind of difficult but I commend my colleague from Nevada and the members of the Committee for being here and I want to thank this panel, and we will digest all of your information and we would hope that we would have the right to ask additional questions from all of the panelists who have been before this Committee.

Thank you so much and this Committee stands adjourned.

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[Whereupon, at 11:26 a.m., the Subcommittee was adjourned.]

[Additional material submitted for the record follows.]

#### STATEMENT OF BOB ABBEY, STATE DIRECTOR, NEVADA STATE OFFICE, BUREAU OF LAND MANAGEMENT

Mr. Chairman and Members of the Subcommittee, I appreciate the opportunity to participate in this hearing on resource issues associated with implementation of the Wild and Free Roaming Horse and Burro Act (Act). Over the past two years, the BLM's management of the wild horse and burro program has come under intense scrutiny, prompting multiple reviews of all facets of the program.

Acting upon the results of those reviews, BLM Director Pat Shea has instituted a number of improvements in the management and operation of the wild horse and burro program that I will describe to you today. These improvements will help us meet the long-term objectives for the program including: perpetuating and protecting viable wild horse and burro populations and their habitat in accordance with the principles of multiple-use management; ensuring humane care and treatment of excess wild horses and burros; establishing and maintaining partnerships and cooperative relationships to benefit wild horses and burros; integrating and incorporating research, science, and technical development into the overall wild horse and burro program; and increasing and maintaining professional capability, leadership, and service to the public concerning wild horse and burro management.

In the Act, Congress directed the BLM 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." Under Federal protection, wild horse herds have flourished, and these animals are in no danger of extinction. In 1971, it was estimated that between 10,000 and 17,000 wild horses and burros roamed the West. Today there are about 43,000 wild horses and burros on the public lands, including some 22,000 in Nevada.

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Competition for water and forage on the public lands between wild horses and burros, other wildlife species, and domestic livestock is inevitable in areas where they graze the open range together. Rangeland condition improves when the number of animals is appropriate to range conditions and carrying capacity. Establishing and maintaining appropriate management levels (AML) is essential to preserve a thriving natural ecological balance while protecting, managing and controlling wild horses

and burros on the public land.

In Nevada, the BLM manages 99 Herd Management Areas encompassing over 16,000,000 acres of public land and involving 113 grazing allotments. We establish AMLs through our Multiple Use Decision process which involves interdisciplinary monitoring of resources and evaluations to determine if multiple use and rangeland standard objectives are being met. The results of the assessment are then used to set the terms and conditions for livestock permits, including livestock carrying capacities, the AML for wild horses and burros, and develop recommendations regarding wildlife populations.

At the end of fiscal year 1997, AMLs had been established on over half of Nevada's herd management areas (HMA) and our goal is to have those numbers established on all HMAs by fiscal year 2000. We have been removing excess animals at a rate allowed by funding and facility space, and have achieved the AMLs in many areas where AML numbers have been established.

In herd management areas where we have achieved and are maintaining AML and working cooperatively with the permittees to develop better livestock management practices, we have seen a steady improvement in rangeland conditions. These improvements are fostered by healthier vegetative communities derived from increased forage production and decreased utilization. The result is an ecological balance providing for recovering riparian areas, improved wildlife habitat and achievement of the Bureau's multiple use mandate. In addition, it results in healthy, viable populations of wild horses and burros on the public lands, which the public demands and the Wild Horse and Burro Act requires. We have shown that wild horses and burros can be managed within a thriving ecological balance with other rangeland uses when their populations are maintained within AML.

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The BLM has focused its efforts on reaching AML by addressing population increases in wild horse herds through gathering excess animals, removing them from the rangelands, and placing them with qualified adopters. Although the Act permits

the humane destruction of animals([see footnote 1](#)), Congress has prohibited the destruction of excess healthy animals since 1988.[\(see footnote 2\)](#) The Adopt-A-Horse-and-Burro Program is, therefore, the only tool the BLM currently possesses to manage the excess wild horses and burros removed from the range. Most of our recent efforts have focused on improving the adoption program and allowing us to achieve AML.

In fiscal year 1997 and the first part of fiscal year 1998, adoption demand declined. Possible causes for the decline include negative news articles, increased adoption fees, increased compliance checks, initial reaction to the new competitive bid process, and the higher costs of feed in winter. The past month has seen a renewal of public interest with adoptions returning to normal levels. Of the 10,443 horses and burros gathered in fiscal year 1997, a total of 6,993 horses and 1,699 burros (total of 8,692) were adopted. We are moving animals out of our holding facilities more slowly than planned and we are holding animals longer than expected.

As of June 1 in fiscal year 1998, we have gathered 3,861 animals, and 5,023 horses and burros have been adopted. As of June 1, we had 3,889 animals in our holding facilities. Lacking the ability to adopt out a larger number of animals, we expect that numbers of animals in our facilities will remain higher than is normal for this time of year. We are reviewing our gather schedule to ensure that we can balance the room we have in our holding facilities with the number of animals proposed to be gathered and with anticipated adoptions.

As adoption demand was declining in fiscal year 1997, the wild horse and burro herds were reproducing at a rate of about 24 percent—a rate at which a herd will double in size in three years. We expect about 9,000 foals will be born this year. To improve management of this situation, the BLM has

undertaken the following actions:

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**Re-establishment of the Wild Horse and Burro Advisory Board:** Director Shea rechartered the National Advisory Board in January 1998 to advise the Departments of the Interior and Agriculture on the management and protection of wild horses and burros on the public lands. Nominations for the nine-member Board were solicited from the research community, advocacy groups, humane organizations, natural resource and wildlife management groups, and the public at large. To date, the Board has held three public meetings: February 9, 1998, in Reno, Nevada, April 24, 1998, in Arlington, Virginia, and last week (July 9) in St. Louis, Missouri.

Following these meetings, the Board established working groups to focus on four key areas of concern: (1) horses on the range; (2) horses off the range; (3) science; and (4) burros. These groups have just begun their work; we expect the groups to present solid recommendations to the Director after they have reached consensus on specific issues. The Director has reaffirmed his pledge that the BLM will listen to the Board and seriously evaluate its recommendations.

In a break with past practice, the BLM will *not* postpone acting on Board recommendations until after the Advisory Board has completed its work and issued a report. Director Shea has committed the BLM to consider this Board's recommendations as soon as they are made, and decide on them as soon as possible. For example, at the April 24th Advisory Board meeting in Arlington, Virginia, the Board recommended that BLM adopt a revised policy on humane destruction of animals, proceed with a pilot program training wild horses, examine the structure of the leadership of the program, and proceed with a marketing study to look at new ways to increase our adoptions. We are implementing each of these recommendations.

**Fertility Control/Research:** the BLM is supporting research aimed at controlling the reproduction rate of wild horses while maintaining the integrity of the herd. A pilot study of immuno-contraceptive vaccine that prevents pregnancy in mares was implemented in northeast Nevada in December 1992. The results of this pilot study to date have shown immuno-contraception could be a viable, economically feasible, and humane tool for reducing wild horse reproduction.

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Researchers now have developed a single-injection vaccine that does not require a booster shot and will last for approximately one year. A second pilot project with a redesigned vaccine potentially lasting for more than one year was initiated on the Nevada Wild Horse Range/Nellis Bombing and Gunnery Range in January 1996. The results of the immuno-contraceptive test from the Nevada Wild Horse Range animals have been favorable.

Field application of the single-injection, 1-year vaccine is continuing with new field trials begun in Nevada in January and February 1998. The one-shot application of the immuno-contraceptive vaccine has been shown to be effective on almost 100 percent of the mares treated. Application of the vaccine will be expanded and additional herds will be treated in subsequent years. The two-shot protocol was 100 percent effective, but required a 30-day holding period between the initial injection and the booster, making it impractical for wild horses and burros. Research continues on a multi-year time release vaccine.

About \$200,000 is planned for wild horse and burro immuno-contraception research in fiscal year 1999. This research is funded through the Biological Research Division of the U.S. Geological Survey.

The population model developed for wild horses and burros by the University of Nevada at Reno continues to be refined. A study on the impacts of the selective removal policy on herd health and viability was initiated in 1997 and will be incorporated into the model.

**Enhanced Adoption Efforts:** the BLM has undertaken a number of initiatives geared to increase adoption demand and ensure the humane treatment of animals placed with qualified adopters.

- Competitive bids—The BLM changed its regulations on March 8, 1997, to allow the BLM to offer wild horses and burros for adoption using the competitive bid process authorized by Congress. This is to provide consistency to the customer and alleviate some of the internal concerns about changes in adoption procedures. Several BLM Field Offices have tested the competitive bid process and found most potential adopters receptive to this approach.

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- Western states adoption—In December 1997, BLM's Washington Office asked the BLM State Offices to add more adoptions to their existing schedule. The 6 Western States which administer Wild Horse and Burro Programs have added an additional 10 adoption events (both at holding facilities and satellite adoptions) to bring the adoption goal for the 6 Western States up to 2,430 animals for fiscal year 1998 from 2,296 in fiscal year 1997.

- Nevada does not have a large adoption demand, but we have participated in this effort by increasing our planned adoption events from three to four. On May 23, we conducted an adoption event in Elko where we placed 26 animals with qualified adopters and on May 30, an event was held in Winnemucca where 23 animals were adopted. At the June 13-14 adoption, held in conjunction with the National Wild Horse and Burro Show in Reno, 13 animals were adopted. The horse that trainer Brian Newbert worked with brought \$425 in the competitive bidding. More importantly, BLM-Nevada committed to provide assistance to other state offices to help accomplish their goals. We have sent BLM-Nevada employees to other states on six occasions to help meet the commitments of adopting larger numbers of animals.

Internet—The BLM is doing a pilot project using the Internet to increase public awareness of the adoption program. The first Internet Wild Horse and Burro Adoption was announced on April 15, 1998; the web site is: <http://www.adoptahorse.blm.gov/>. The public can view on the Internet photos and brief descriptions of the 25 animals up for adoption. Electronic applications were accepted from May 8-22. Fifty-three (53) applications were submitted, and 18 were approved to participate in the bidding. Since this was a pilot in test mode, BLM employees could not participate in bidding or adoptions at this time. The bidding for adoption privileges took place from May 15-29. Fifteen (15) animals were adopted.

- Pre-adoption horse training—The BLM is also studying the idea of working with wild horses to gentle them before putting them up for adoption, with the goal of making the horses more attractive to prospective qualified adopters.

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**Other Actions to Improve Management of the Program:** BLM Director Shea also appointed a fact-finder team, composed of professionals from the private sector, to report on three issues relating to BLM practices:

- the media—The report's findings included the need for media training for employees involved with the Wild Horse and Burro Program.

- accounting methods—The report recommended measures for improved tracking of excess animals gathered from public land to issuance of title for the animal to an adopter.

- the horse perspective—The report recognized the biological, ethical and ecological considerations of wild horse management.

The BLM has implemented three recommendations from these reports respectively; including media

training in wild horse and burro training courses; verifying data in the wild horse and burro information system; and, initiating development of a policy on humane destruction of unhealthy animals. In conclusion, the BLM is making every effort to maximize adoptions, including a concerted effort to identify new markets and to enhance adoptability through gentling the animal prior to adoption as we continue striving to reach AML. We are moving ahead with research on fertility control through the use of contraception. We look forward to receiving the recommendations of the National Wild Horse and Burro Advisory Board.

Mr. Chairman, I welcome the Subcommittee's continued interest in the BLM's management of the wild horse and burro program, and I appreciate this opportunity to discuss the direction we are taking in the program. I will be glad to respond to any questions you may have.

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### STATEMENT OF JOHN BALLIETTE, CONTRACTUAL NATURAL RESOURCE MANAGER, EUREKA COUNTY, NEVADA

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 U.S. 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 percent 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.

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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 percent 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 percent 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 Subcommittee 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.

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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.

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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.

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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.

## **INSERT OFFSET FOLIO 83 AND 84 HERE**

### **STATEMENT OF DEMAR DAHL, STARR VALLEY, DEATH, NEVADA**

My name is Demar Dahl and I have been a cattle rancher in Nevada since 1969. Most of that time was spent on ranches where there were mustangs on my range.

With the passing of the Wild Horse Act in 1971, I could see the potential for problems caused by competition between horses and livestock. To establish what the numbers of horses on my range were I appealed a decision of the Battle Mountain District Manager concerning domestic horse permits. With documentation acquired at that appeal hearing, I was able to establish that there were only thirty-one head of wild horses on my ranch at the time the Wild Horse Act was passed.

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In the early 80's I filed suite in Federal District Court, asking the court to require the BLM to remove enough horses from my range so as to return horse numbers to the 1971 level. Our reasoning in the suite was that, even though the Act did not specify that horse numbers had to stay the same as in 1971, it dictated that horses were not to be in areas they did not occupy in 1971. We reasoned with the Federal District Judge that the only way to keep horses only in areas they did occupy in 1971, since the Act also prohibited fencing to control horse movement, was to keep the horse numbers at what they were in 1971. We established for the court, that where on my range there were 31 head of horses in 1971, about ten years later, at the time of the trail, there were in excess of seven hundred. Part of the increase was of course from procreation and part from horses moving into the area from adjacent ranges. For me that was a very expensive case and I lost it on a technicality.

I had to sell that ranch at a considerable loss because I could not survive with the horses almost outnumbering my cattle.

Later in 1980's I had the Big Springs Ranch in Elko County which had many wild horses but also much deeded land. The wild horses ran on both the BLM and private land and I had requested that BLM remove the wild horses from the private land. On one occasion we had gathered cattle from a large piece of county in order to be off by the time the BLM permit dictated but we had to turn five cows back to find their calves that had gotten lost in the gather. The next day a BLM employee spotted the cows which were looking for their calves and sent me a trespass notice. The notice said in part, "You are hereby notified that the Bureau of Land Management has made an investigation and evidence tends to show that you are making unauthorized use of the public lands. We allege that you are violating the law(s) specified below . . ." "Failure to comply with this notice will result in further action to protect the interest of the United States."

I was struck by the irony that I was being held accountable to the law governing trespass while the

BLM, in spite of my requests, refused to remove the wild horses from my deeded land. The Wild Horse Act requires the BLM to remove wild horses from private property when retested to do so by the land owner.

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My response was to send the BLM a trespass notice, quoting the law that required them to remove the horses upon my request. I also sent them a bill using their trespass rates of \$8.49 per AUM and then after a five day period raised the charge to equal the BLM intentional trespass fee which is considerably higher. I received a weak response from the district manager which in effect said, "I'm sorry but I can't do anything about the horses." If I had responded to the BLM trespass notice in that way, I would have received a notice telling me of my sin against the United States, and I would have been fined and my cattle impounded. I have kept track of the BLM's trespass over the years and the many thousands of dollars it would cost them if required to pay. If you would like to see this documentation, which includes trespass notices and fee calculation, etc., please contact me.

It has been heartbreaking over the years to see so much damage done to the range by an over population of wild horses.

I have taken pride in my range and always used grazing techniques that maximize the health of the range. To remove cattle from a piece of county so as to let it rest but watch as many horses stay as there are cattle removed is hard to take. Horses usually stay in the same area year round and often tromp in the springs and decimate new spring growth.

It was many years before anyone in Congress was courageous enough to speak out about the parts of the Endangered Species Act that just did not make sense. The fact that the Endangered Species Act is no longer considered a sacred document that can not be changed gives me hope that we may soon apply some common sense to the Wild Horse Act.

#### STATEMENT OF CATHY BARCOMB, EXECUTIVE DIRECTOR, COMMISSION FOR THE PRESERVATION OF WILD HORSES

Mr. Chairman and members of this Committee . . . welcome to Nevada and thank you for the opportunity to address you today. My name is Cathy Barcomb, I am the Administrator of the State of Nevada Commission for the Preservation of Wild Horses. My purpose today is to make this introduction and to give you some idea of what our Commission is doing on a State level.

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Our Commission is made up of members much like yours in that we have representatives of horse organizations, veterinarian, a humane society representative, a rancher, and even an attorney.

The Nevada Commission was established by the 1985 Nevada Legislature. Our mission statement from the legislature is to prepare a plan for the management of the wild horses in Nevada. This will be a year long project, and our final plan will be completed at the end of this calendar year and then presented to the next session of the Nevada legislature.

We are presently conducting a number of scoping sessions throughout Nevada. We are traveling to every part of this state taking testimony and discussing issues and problems with the people affected in those areas. When our scoping sessions are complete we will have field hearings in every part of this state, from Las Vegas to Elko and everywhere in between.

As you can imagine, the testimony we received was mostly from the people in the field . . . from the people that most deal with wild horse issues on a daily basis. This includes not only the ranchers, environmentalists, local representatives, but also the local BLM personnel as well.

Let me add that the BLM personnel that have been with us in the various locations have been

extremely cooperative, and more importantly, have provided vital information. We fully plan on continuing to work with the BLM personnel and involving them at every stage of the process as this as this Nevada plan comes together.

As I stated, my appearance was intended only as an introduction as to what we are doing on a state level, but let me leave you with a few thoughts:

Whatever comes of our work, and your work as well, the final acid test, in my view is whether it works in the field. An effective wild horse management plan must meet the objectives of:

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(1) First, the horses themselves, to that end that we have a healthy herd of horses, and able to stay in balance with their habitat,

(2) Second, the plan must remember the interests of those directly affected by the horses, such as those seeking to preserve the horses in their environment or seeking adoption, but not forgetting the multiple uses of the range.

(3) and finally, the plan must work for those in the field who are on the front lines charged with the responsibility for managing the program, it must work for all.

The only conclusion I have come to, speaking as only one representative, but a view shared by others, is that an effective program will require more cooperation between the states, the affected interests, and the Federal Government. Our Commission will be addressing this issue of state and Federal cooperation, and hopefully coming up with ideas on how the states can contribute in constructive ways to assist in wild horse management.

Along those lines, we will be utilizing all the information that comes out of your deliberations, and we hope you will be taking into consideration some of our views once they are adopted. We anticipate the draft plan being distributed to the public the first week of August and the final being presented by December for presentation to the next session of the Nevada Legislature.

Thank you for this opportunity to address you today.

#### STATEMENT OF LARRY L. SCHUTTE, BIG SPRINGS RANCH, WELLS, NEVADA

I am the current lessee, permittee of Big Springs Ranch located in northeastern Nevada, between Wells and Wendover, Nevada.

The Big Springs winter range is the Shafter Pasture situated on the west side of the Goshute Mountains. In the 1930's and 40's, the UTAH Construction Company used the ranges from Idaho, south to Pioche, for cattle and horses, however, the world war demanded both horses and men, causing the UC to sell off portions of the ranch. Only certain types of horses were accepted for army use and the balance of mares, colts and cull horses were left turned out due to poor prices.

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The 1972 Wild Horse Act allowed for a claiming period where permittees could gather and personally claim the horses within their own allotment. The Big Springs Ranch, managed by Howard Robinson in 1978, gathered the Goshute county, missing 28 head. The BLM was to take census at that time, however they were delinquent for 6 months. This allowed horses from Antelope Valley, from the south, to move north and inhabit the Goshute Valley. The BLM census was 160 head which in turn established an approximate allotment management level (AML) for the Goshute Herd Area.

The BLM standards for census taking in a county full of canyons, pinion and mountains has been, to me, both a humorous experience and a low blow. My personal counts of horses made by living in the country, by vehicle and horseback are continually higher than the BLM census. Horses should be

counted at a slower pace and encompass four times the area than prescribed by BLM standards. Different management should include people with common sense and hands on experience or be returned to the rancher.

My winter range is used between November 1 and April 1. We move the cattle off the winter range before April so that the feed can grow all during the growing season and be available for the next winter. Good management dictates that all livestock be removed from this winter range during the primary growing season. The cattle are removed but of course the horses stay. The BLM census claims approximately 69 horses in the area. There are actually over 300 head and this is a number that is easily proved. The forage these three hundred horses consume is paid for by me as there has never been forage allocated for the horses which were considered trespass animals when the forage adjudication was made. More importantly, it is forage I depend on having for my livestock for the following winter that is not there because the horses have eaten it during the summer.

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#### STATEMENT OF JON FUGATE, CHAIRMAN, LEGISLATIVE AFFAIRS, YUMA VALLEY ROD & GUN CLUB, INC., YUMA, ARIZONA

Dear Chairman Hansen,

My name is Jon Fugate. I am chairman of the Legislative Affairs Committee of the Yuma Valley Rod and Gun Club (YVRGC). We appreciate the opportunity to provide written comment to range issues and problems with the Wild Free-Roaming Horses and Burros Act of 1971 (As amended; Act).

Although our written testimony is addressed to Director Pat Shea of the Bureau of Land Management you will see that we have been and are continuing to be very involved with trying to resolve adverse impacts caused by over populations of feral burros in Arizona. If BLM had merely controlled populations of burros in Arizona that were achieved prior to the IBLA decision (1989) and managed those populations to date, this oversight hearing would not be necessary.

If those reduced burro populations achieved by 1989, would have been maintained to date, BLM would not be faced with non-compliance of the Act, overpopulation, habitat destruction, degradation of riparian areas, competition with livestock or feral burros competing with wildlife as they are today. Now in Arizona, the main issue at hand is BLM not being allocated adequate funding for removal of excess burros to fulfill their responsibility to maintain a thriving natural ecological balance between wildlife, burros, and livestock as mandated by the Act.

Thank you in advance for your immediate attention to this matter.

#### LETTER TO MR. PAT SHEA, DIRECTOR, BLM FROM THE YUMA VALLEY ROD & GUN CLUB, INC.

Dear Director Shea,

On behalf of the Yuma Valley Rod and Gun Club (YVRGC), I would like to take this opportunity to thank you for being sincere and honest about dilemmas BLM is facing in regard to responsibilities for the management of wild horses and burros on public lands. I refer to an article in the Arizona Republic newspaper where you were quoted as saying *"The people I have met in the program are very, very dedicated public servants" . . . "But faced with an impossible job they have shown a tendency to cover up their mistakes and problems rather than try to resolve them."* In regard to burro management, it is the feeling of our organization, BLM in Arizona could be some of these dedicated public servants, who have always wanted to make the right decisions, but could not, simply because adequate funding has not been available to provide the services necessary to comply with the Wild Free Roaming Horses and Burros Act of 1971 (as amended; Horse and Burro Act).

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With regard to burro management, BLM in Arizona, working collaboratively with the Arizona Game and Fish Department (AGFD) and United States Fish and Wildlife Service (FWS), within the Cibola/Trigo Herd Management Area (CTHMA), have agreed to work towards managing for the existing appropriate management level (AML), which is 165 burros, consistent with the CTHMA plan and the Horse and Burro Act. In September of 1997 an emergency burro removal by BLM occurred because of adverse impacts caused by burros. At this time, there are still too many burros to maintain a thriving natural ecological balance within the CTHMA. We further understand that BLM, working collaboratively with AGFD and FWS, will determine the process for future monitoring and gathering of data to substantiate the AML. It is the feeling of the YVRGC this approach for burro management in Arizona is correct and will allow for the completion of the Cibola/Trigo Comprehensive Wilderness Management Plan in a timely manner.

In regard to future burro removals and adequate funding for necessary burro management in Arizona, the YVRGC is concerned that according to the national BLM program objectives and budget request for 1998, that little will be done in Arizona. BLM being responsible for reaching AML's within herd management areas (HMA) across our state will not be possible, because there is no money. Since 1989, BLM has performed poorly in regards to responsible burro management in Arizona, because responsible burro management has not been a BLM priority, most likely because, adequate funding was not available. If funding to manage burros is not adequately provided, you as Director of BLM *can not provide, nor even think about maintaining* a thriving natural ecological balance in Arizona as outlined in the *Strategic Plan for Management of Wild Horses and Burros on Public Land (June 1992)*.

One approach that the YVRGC would like to suggest that you might consider, is go back to Congress for additional funding, and direct their attention to the Horse and Burro Act and under section 1331 *Congressional Findings and Declaration of Policy* indicate that "*Congress found and declared that wild free roaming horses and burros . . . are fast disappearing from the American Scene.*" With this, you should advocate this is not the case any more, and BLM responsibility has changed from primarily protecting wild free roaming horses and burros, to trying to protect our public lands from being destroyed from over populations. In the case of Arizona, you should also advocate that burros, not horses are the primary target for removal.

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A second approach that the YVRGC would like to suggest, is that you advocate to Congress, even though the Strategic Plan for Management of Wild Horses and Burros on Public Land (June 1992) indicates BLM direction to the end of the century, BLM has not even come close to fulfilling goals and objectives of the plan because of over-population. This has occurred not because BLM was not doing their job after 1989, but because of one judge, not understanding the long term effects that his decision, for the state of Nevada, has caused BLM in Arizona, to shy from their HMAP's, as they have been labeled "arbitrarily derived." I refer to page 11 of the Final Black Mountain Ecosystem Plan (BMEP) in Arizona (April 1996) where it states: "*The Black Mountain Wild Burro Herd Management Area (Map 4) was designated, and a herd management plan was completed in 1981. This plan established vegetation monitoring studies, and also prescribed an appropriate management level of 400 burros. This number is no longer legally applicable because it was rather arbitrarily derived.*" The next sentence on page 11 briefly explains the IBLA decision. The BMEP completed in April 1996 took approximately three hard long years to complete and the appropriate management level decided upon was 478 burros (refer to page 33). To the YVRGC, since a plan legally prepared by BLM in 1981 is within 78 animals, it is our opinion that not only did BLM waste taxpayers dollars because of a decision from a judge in another state in regards to a plan which had nothing to do with the BMEP, your BLM employees, some seventeen years ago, have indicated the original plan was correct, and BLM and the other responsible agencies obviously knew what they were doing in 1981, regardless of

how it was derived. The YVRGC has not reviewed one HMAP that did not identify resource damage caused by burros and a need to manage for a specific AML. Because few significant burro removals have taken place in southwestern Arizona since 1989, the resource damage which was documented in the early 1980's has worsened. With this, our organization questions why BLM is fighting so hard to throw out existing HMAP's in order to manage for some undefined natural ecological balance.

Another approach, which would not have to be presented to Congress, is that you direct (already appropriated) funds for wilderness management and/or fire protection management to be moved and allocated to the management of burros. It makes little sense to spend taxpayers dollars for the purpose of these types of management, when everyday in the arid deserts of Arizona, burros are adversely impacting wilderness and non-wilderness land and vegetation to a point where a rangeland fire would be insignificant. These adverse impacts include degradation of native riparian habitat important to many wildlife species, including the Endangered southwestern willow flycatcher.

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However, before the completion of the BMEP and prior to the decision of an initial AML for the CTHMA, BLM in Arizona chose to manage burros at levels many many times that of their respective AML's since the IBLA decision in 1989. In our opinion, prior to the IBLA decision of 1989, BLM in Arizona had reduced populations of burros in accordance to plans developed in the early 1980's, and had BLM continued, merely to control populations achieved at that time, and managed those populations to date, BLM would not be in the dilemma you are having to face today.

BLM did not, for what ever reason, (whether it be the threat of another law suit or not) continue to do the right thing which was to follow the mandates authorized to the BLM, through the Horse and Burro Act. BLM in Arizona has not been able to provide the services necessary to maintain a thriving natural ecological balance between wild free roaming burros and wildlife resources.

This issue is of great importance to the YVRGC and your immediate attention to this matter will be greatly appreciated. Thanks, in advance for your consideration of the comments provided in this letter. If you have any questions regarding this letter, please contact me at the following telephone numbers or address below.

#### STATEMENT OF THE HUMANE SOCIETY OF THE UNITED STATES (HSUS)

On behalf of The Humane Society of the United States (HSUS) and our 6.2 million members and constituents, I thank you for the opportunity to submit a statement for the record for the Wild Horse and Burro Program field oversight hearing of the House Resources Subcommittee on National Parks and Public Lands on July 13, 1998, in Reno, Nevada.

The HSUS, which is the nation's largest animal protection organization, has been working to promote the health and welfare of America's wild horse and burro herds for over three decades. Our goals have been threefold: to assure the existence of healthy wild horse and burro herds on the range; to assure equitable distribution of forage among wild horses, livestock and wildlife; and to assure humane treatment of wild horses and burros after their removal from the range, including the securing of humane lifelong care in good homes for animals passing through the Bureau of Land Management's (BLM) Adopt-a-Horse program.

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In our experience, wild horses and burros exercise an extraordinary hold on the American imagination, and the sustained level of interest and concern for these animals among the public should not be underestimated by Congress. The firestorm of public outrage that greeted last year's press reports concerning the fate of wild horses in the BLM Adopt-a-Horse Program did not arise in response to

abstract concerns about poor record keeping or bureaucratic mismanagement. Rather, the public was furious that, in spite of the clear mandates of the Wild Free-Roaming Horse & Burro Act, the American government was allowing American wild horses to come to harm. The public supports wild horse protection, the public supports the Act, and the public wants to see the Act implemented.

The BLM Wild Horse & Burro Program remains an imperfect tool for managing wild horses and burros on the public lands in a manner consistent with the mandates of the Act and the will of the American public. Nevertheless, the HSUS is working closely with the BLM to improve all aspects of the program, including management of rangelands, management of horses and burros on the range, handling of horses and burros in BLM facilities, and the Adopt-a-Horse program.

These are the some of the changes in management and policy that we believe are most important:

The BLM must shift emphasis and resources from the adoption program to on-the-range management of horses, wildlife, and livestock, with improvements in the accuracy of animal census data, consistency and clarity of range monitoring data collection, and increased efforts at range restoration.

The BLM must increase responsible use of immunocontraception on wild horse populations, with the goal of reducing reproduction on the range to the extent necessary to preserve a thriving ecological balance. Such a reduction in reproduction on the range would reduce the number of gathers conducted and reduce the number of horses entering the adoption program. This would in turn reduce stress on horses, improve the quality of adoptions, and save tax dollars.

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The BLM must end the arbitrary elimination of wild horse and burro populations from herd areas, and ensure that all existing wild horse and burro herds are managed to assure long-term health and viability. We will actively oppose any further reduction in the number of herd management areas.

The BLM must improve the marketing of horses in the Adopt-a-Horse program to recruit additional qualified adopters and to better match horses to adopters. In particular, we encourage the BLM to continue to explore avenues for humanely gentling and training horses prior to adoption; we believe such training will improve the animals' attractiveness to adopters and provide better quality adoption experiences for adopters and horses alike.

The BLM must screen potential adopters more rigorously, improve adopters' access to information and assistance before and after adoption, and increase follow-up contacts with adopters from BLM personnel and volunteer mentors.

We adamantly oppose any change in the law that would provide the BLM with sale authority for the wild horses and burros removed from the range. Inevitably, most of these animals would go to slaughter. Neither the HSUS nor, thirty years of experience tell us, the American public will tolerate such cruelty.

We also adamantly oppose turning over the management of wild horses or burros on public lands to ranchers or other private interests. Wild horses are not livestock, and their wild-free roaming character will be lost if they are managed as such.

The HSUS believes that wild horses, burros, wildlife, and livestock can be maintained on public lands in a thriving ecological balance, as the Act mandates. We also believe that, at the present time, the BLM is moving in the right direction. The HSUS is committed to keeping the agency moving in that direction, and to assuring that wild horses and burros, these "living symbols of the pioneer spirit of the West," thrive on public lands forever.

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STATEMENT OF HOLLY E. HAZARD, EXECUTIVE DIRECTOR, DORIS DAY ANIMAL LEAGUE

Dear Representative Hansen:

On behalf of our 280,000 members and supporters nationwide, I am writing to express our concern about proposals made during the oversight hearing held on July 13 in Reno, Nevada.

During the discussions with the first panel, Nevada State Senator Dean Rhoads underscored his frustration with the Wild Horse and Burro Program's administrative costs. He proposed that the Bureau of Land Management be given sale authority to offer "excess" horses for sale to the highest bidder. As you know, horses and burros who are removed from their home range are now placed in the Wild Horse and Burro Adoption Program. Although we have yet to see sufficient information to support the removal of these animals due to overpopulation (as the Wild Free-Roaming Horse and Burro Act requires), placing the animals in adoptive homes is the only acceptable alternative to leaving them on the range.

We strongly oppose any efforts to amend the Wild Free-Roaming Horse and Burro Act that would further endanger these animals, which Congress has the duty to protect as part of our natural heritage. We are grateful that Representative Eni F.H. Faleomavaega was present to reinforce the original intent of the 1971 Act, passed to protect these animals from slaughter.

I hope you will consider the immense public support for the survival of these magnificent animals and re-evaluate any attempts to amend the Wild Horse and Burro Act. With the Subcommittee's oversight authority of the Wild Horse and Burro Act and the overwhelming support for maintaining this strong American heritage, perhaps the questions raised should include:

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- why are outdated Environmental Assessments being used to justify wild horse round-ups?
- how can a sheep rancher permittee be allowed to keep all of his herd on public lands while horses are removed?

Thank you for your consideration.

INSERT OFFSET FOLIOS 1 TO 82 AND 85 TO 109 HERE

[\(Footnote 1 return\)](#)

The Act authorizes the BLM to take the following actions to "remove excess animals from the range so as to achieve AML:

- "(A) old, sick or lame animals to be destroyed in the most humane manner possible;
- "(B) removed for private maintenance and care for which an adoption demand exists by qualified individuals; and
- "(C) additional excess wild free-roaming wild 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."

[\(Footnote 2 return\)](#)

"*Provided*, that appropriations herein made shall not be available for the destruction of healthy, unadopted, wild horses and burros in the care of the Bureau or its contractors." [Department of the Interior and Related Agencies Appropriations Act]

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