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THE ONLY NON-PROFIT ORGANIZATION DEDICATED
TO THE WELFARE OF HORSES, BOTH WILD
AND DOMESTIC.

THE CONTINUING THREAT TO AMERICA'S WILD HORSES AND BURROS

A Reply By Humane and Wild Horse Organizations to the Report of the Wild Horse and Burro Advisory Board

The December 1986 report of the Wild Horse and Burro Advisory Board is most significant for what it fails to discuss and analyze about the administration of the Wild, Free-Roaming Horses and Burros Act. The "problems" that the Board addressed all have as their source the Interior Department's decision to reduce the wild horse and burro populations on lands it administers from 60,000 to about 25,000. The undersigned organizations believe that by accepting this management premise uncritically the Board has utterly failed to provide the Department, Congress, or the public with any meaningful assistance in developing policy under the Act.

I. Introduction.

In 1984, the Interior Department reported that there were 60,300 wild horses and burros on the public lands administered by the Bureau of Land Management. Their populations had fluctuated between 57,000 and 64,000 during the preceding ten years; the 1984 population certainly was not unusual. Nevertheless, at BLM's urging Congress has appropriated \$51 million during FY's 1985-87 to round up, care for and adopt about 41,000 animals, principally

wild horses. Approximately 35,000 animals will remain on the public lands by the end of the current fiscal year.

The rate of removals during these years has far exceeded the ability of the Adopt-a-Horse program to absorb animals. As a result, by the end of FY 1986 there were approximately 10,000 animals in BLM holding corrals awaiting adoption, a condition that will persist throughout FY 1987 as nearly 10,000 more animals are gathered. The Advisory Board's work and recommendations were directed principally to a resolution of this issue.

By doing so, however, the Board has ignored what seem to us to be the fundamental policy questions: were the removals necessary in the first place, and should they continue? Should policy concerning the disposition of the animals awaiting adoption be tailored to BLM's management assumptions about future removals?

II. The Fallacy of BLM's Wild Horse and Burro "Management"

BLM normally claims that its "target" management population of 25,000 animals (about 21,000 horses and 4,000 burros) has been based on the resource management plans (RMPs) developed through its rangeland planning process. The implication of its statements is that the target numbers are the product of careful environmental analysis, and are tailored to the constraints of well-defined resource limitations. In fact, however, the target numbers were established as "estimates" in 1981-82, long before many of the RMPs had been drafted and analyzed, and at a time when wild horse and burro herd management plans had been written for only about 20 percent of the 300 herd use areas on BLM lands. Since then, the target populations have become a self-fulfilling

prophecy within the planning process; the "estimates" have been validated by the management levels established through the planning process, which in turn have been set with the estimates in mind.

The rationale normally given for the huge removals of the past several years is that the objectives of BLM's planning process -- resource protection and multiple-use management -- require that wild horse and burro populations be reduced dramatically. The rationale is deceptively simple; the public rangelands are recognized to be generally in fair to poor condition, and improving them is a laudable goal of public policy. Removing "excess" wild horses and burros seems to be a logical and necessary part of that process.

The logic of BLM's approach evaporates, however, when it is reviewed in the context of overall rangeland management. During the six-year period 1981-86, an average of 4.33 million domestic livestock grazed on the public lands annually in the ten states where wild horses and burros are found. They consumed an average of 10.7 million Animal Unit Months of forage each year. (An AUM is a standardized unit of forage consumption equal to the amount eaten by one adult cow in one month). In addition, approximately 1.5 million antelope, deer, elk and other large wildlife species inhabit the federal public rangelands in those states, consuming approximately 3.6 million AUMs per year.

By contrast, the 60,300 wild horses and burros on the public lands in 1984 consumed about 656,000 AUMs -- just 4.5 percent of total forage consumption by large grazing animals.

It is clear, therefore, that wild horses and burros are responsible for only a small part of the total grazing burden on the public lands. In nearly every area where they are found, BLM's planning documents reveal that livestock and wildlife consumption has accounted for 75 - 95 percent of the forage resources available for allocation through the planning process prior to the large reductions in wild horse and burro numbers proposed in the range management plans. Rarely does a management plan credibly demonstrate that excessive wild horse or burro numbers are responsible for rangeland damage. Furthermore, given the small proportion of resources actually consumed by horses and burros, even in huge reduction in their numbers usually cannot bring about a substantial improvement in range conditions or trend.

BLM's discussions of wild horse and burro management often point out that only 17,000 animals were believed to exist in December 1971, when the Wild, Free-Roaming Horses and Burros Act became law, as compared to the 60,000 counted in the early 1980s. BLM's juxtaposition of the numbers suggests that the large removals are necessary due to a dramatic increase in population. But that is yet another example of BLM's failure to use accurate information to help put wild horse management in perspective with other uses of the public rangelands.

It is now well known that the 1971 population estimate was very imprecise, and was substantially lower than the number of animals actually on the public lands. Local estimates used to compile the national population were often relied on anecdotal

information; if they were based on census data at all, they were the product of the inaccurate and inconsistent techniques used to count wild horses in the late 1960s and early 1970s. The 1976 census of 53,310 wild horses was probably the first reasonably accurate count; it suggests that the 1972 population -- the first year that the animals were accorded federal protection -- was about 35,000. Therefore, BLM's target management population for wild horses is about 40 percent lower than the number of animals on the public lands when the Act went into effect.

Nothing in the legislative history of the Wild Horse Act suggests that Congress intended wild horse and burros populations to be limited to those present on the public lands in 1971; just the opposite is true. Furthermore, none of the information produced through the BLM's planning process demonstrates that removals of that magnitude are necessary or appropriate. Our review of many grazing management plans and environmental statements shows a common pattern: at the same time that huge reductions in wild horse numbers are being proposed, livestock forage allocations (typically 80-90 percent of existing consumption) are being maintained or, if possible, increased. Over the life of the plan, increases in forage production are allocated to increase livestock allocations even further. The low wild horse and burro populations, ostensibly established to improve rangeland productivity, are not permitted to increase as more forage becomes available. Furthermore, the planning process has eliminated totally one-third of the 300 wild horse and burro herd areas known to exist in 1982.

Our criticisms of BLM's management find support in the December 1982 Final Report of the National Academy of Science's Committee on Wild, Free-Roaming Horses and Burros. The Committee, which was established at the direction of Congress to analyze various aspects of wild horse protection and management, reported that it had seen "very few [wild horse and burro] areas with heavy vegetation impacts, although we have asked the BLM to show them to us." Similarly, the Committee's chairman, Dr. Frederic H. Wagner of Utah State University, presented a paper to the North American Wildlife and Natural Resources Conference in March 1983 in which he stated that the similarity between BLM's target management population and the now-discredited 1971 population estimate "is curious, particularly since the B.L.M. was not able to show the N.A.S. Committee any seriously impacted areas, or make a case for needing more than 50 percent reduction from current [population] levels."

BLM's management approach is inconsistent with the mandates of the Wild Horse Act and with the concept of multiple-use management. Grazing policy on BLM lands is almost exclusively livestock oriented, with any other use -- even wildlife -- subservient to the objective of maximizing livestock consumption. This policy is apparent even in the Advisory Board's Report, which speaks repeatedly of "local needs and priorities" that must be addressed in the planning process. These needs, of course, are those of the livestock ranchers whose depredations triggered the movement to protect wild horses and burros, and

whose excessive demands for grazing resources during the past 50 years have left the public lands in unsatisfactory condition.

III. The Advisory Board's Recommendations

1. Disposition of "Excess" Wild Horses and Burros

Much of the Advisory Board's work went into development of a five-step process for the disposition of horses and burros removed from the public lands. We believe that several aspects of the plan deserve comment.

The Board recommends that BLM employ "special adoptions at altered fees," which it also characterizes as "experimental placements" for "unadoptables." In fact, BLM already has such a program; there is nothing experimental about it. Under current policy and regulations (43 C.F.R. §4750.4-2(b)), BLM will permit adoptions at reduced fees, and groups of individuals may adopt hundreds of animals at no fee whatever. Thousands have been adopted in this manner since 1985.

These "fee-waiver" adoptions are often undertaken by individuals who wish to acquire animals for the slaughter market. They assemble adoption groups (sometimes 50 or more people) composed of others who may have no desire, from a humane standpoint, to save a wild horse or burro. The potential for abuse during the one-year adoption period is significant; there is little incentive to care for the animals properly, because that cuts into potential profits. Humane organizations are aware of, and are investigating, these abuses, and have done so for years.

Furthermore, humane organizations have repeatedly heard during the past years that the animals being adopted under the fee-

waiver provisions are not the older, smaller, less attractive animals that the fee-waiver was intended to find homes for. In many cases, the animals are relatively young, attractive and large -- prime candidates for the slaughter market. Horses available for adoption by individuals are, with increasing frequency, the less attractive animals.

Regardless of the potential for abuse, it is contrary to the intent of the Wild Horse Act for BLM knowingly to permit adoptions of large groups of animals that are ultimately intended for slaughter. BLM's policies have encouraged this practice, because the fee-waiver provisions of its regulations have made it economically feasible for someone to adopt wild horses for the slaughter trade. By giving express approval to "special adoptions" -- a perverse euphemism -- without examining them critically, the Advisory Board has helped undermine Congress's vision of a humane adoption system. Fee-waiver or reduced fee adoptions through power-of-attorney groups should stop.

The Board also recommends a prison-based training program and private sanctuaries as outlets for wild horses and burros. In concept, neither step is necessarily objectionable. However, the potential for abuse of the animals in both is enormous; we believe, therefore, that neither is advisable as a regular element of the adoption program.

We are aware that a pilot prison-based training program in Colorado has been reasonably successful. The American Horse Protection Association has visited the program, and attributes its success to its small size (50 horses per session), excellent

physical facilities and the fact that its program director is highly skilled and has absolute control over inmate participation. Expanding the program quickly to six facilities and 3,600 animals annually is, in our view, a sure formula for disaster -- it is highly unlikely that the elements contributing to the Colorado program's success can be duplicated at many other prisons.

The private sanctuary concept is also superficially appealing, but similarly flawed. Without extraordinary accountability features -- none of which are discussed in the Board's Report, and none of which are easily implemented -- a "sanctuary" for hundreds of horses can and will become a variant of the fee-waiver adoption problem, with animals being siphoned off for slaughter. The sanctuary concept simply eliminates the need for dozens of powers of attorney.

The last step recommended by the Advisory Board is the destruction of animals not disposed of within 90 days following their availability for adoption. The Board appears to recommend that a large, but undefined, number of horses and burros be destroyed during FY 1987; it states that these destructions should be accomplished "gradually" during the year.

We are unalterably opposed to the destruction of healthy horses and burros simply because they are not adopted or otherwise disposed of within 90 days (or any other fixed period) of their availability for adoption. In the first place, most animals are gathered during two periods of the year: late winter/early spring, and the fall. The demand for adoptions does not follow the same pattern, and the period of the highest demand for animals

probably occurs more than 90 days after the largest supply of animals is available. For example, it is our understanding that adoption demand falls off during the winter, when there is a large supply of animals due to fall roundups. The Board's recommendation would require the destruction of many animals even though homes might well be found for them in the spring and summer.

More fundamentally, we believe that it is unacceptable to destroy thousands of animals gathered needlessly from the public lands, and under circumstances which the BLM knew in advance -- and perhaps intended -- would create a large backlog of unadopted animals. We are well aware that BLM's massive removal program began at a time when the Bureau expected that Congress would approve an amendment to the Wild Horse Act that would permit the sale of unadopted animals at auction, and that its budget justifications for the removal program assumed that sale authority would be in place to dispose of the animals. Having failed to convince Congress that sale authority should be adopted, BLM is now attempting, through the Board's recommendations, to legitimize the exercise of its destruction authority.

We believe that the analogy that the Board attempts to draw between the humane destruction of homeless dogs or cats and wild horses and burros is false, given the manner in which the unadopted "surplus" of wild horses has been created, and is not helpful in determining proper public policy. It draws attention away from the real issue of wild horse and burro protection -- the validity and wisdom of BLM's management objectives -- and suggests

that euthanasia is somehow the "humane" solution to the problem. We reject the notion that BLM's management objectives are sound, and similarly reject the notion that many of the animals that have been gathered are unadoptable and should be destroyed. Having gathered them unnecessarily, BLM is obliged to care for them until they are adopted humanely or, preferably, are returned to the public lands to restore more reasonable wild horse and burro population levels.

With regard to the transportation of gathered animals, the Board merely suggests that BLM "review" its policy to use double-deck or pot-bellied trailers. We are convinced that the transportation of horses to two-tiered trailers greatly increases the stress and fatigue of travel, involves unacceptable risks of injuries and accidents, and therefor is inherently inhumane. The use of such trailers by BLM, and its attempts to avoid the requirements of state laws that prohibit their use, must stop immediately.

Finally, the Board suggests that the titling procedures for wild horses and burros be "streamlined" to permit title to be issued in the absence of evidence of inhumane care or treatment. The Wild Horse Act requires that the Secretaries make an affirmative finding that humane care has been provided; and adopters are now required to provide evidence of such care before title can pass. Current procedures are consistent with the letter of the law and Congress's intent in creating the adoption program; the recommendation is not. The essential goal of humane care, especially in light of the abuses inherent in power-of-attorney

adoptions, must not be made subservient to BLM's administrative convenience.

2. Appropriate Management Levels

Our positions concerning appropriate management levels for wild horses and burros are set forth at length at the beginning of this paper. However, the recommendations made by the Board in this area merit brief additional comment.

We understand the Board's comments regarding BLM's resource management planning to be an endorsement of the process, while not reaching a discussion of the validity of its results. Nevertheless, by stating that the process takes into account "all of the uses that are recognized" and attempts "to strike a reasonable balance among those uses", the Board seems to ratify implicitly the management levels reached through the process. It recommends only that the agencies "increase their effectiveness" in using the process.

By failing to examine the results of the planning process, or to evaluate wild horse and burro management in the context of rangeland management generally, the Board has created the impression that BLM's management goals are correct. Acknowledging that the goals are controversial is not an adequate substitute for asking the hard questions about their validity. The Board should not have failed to address the charges of groups like ours that a bias toward livestock within the planning process effectively eliminates any hope of achieving multiple-use management.

As one example, the Board acknowledges that the 16 percent annual rate of herd increase used by BLM is questioned. It refers

to the NAS findings about the range of increase rates in various herds, but fails to state that the NAS specifically found that a 16 percent rate nationally, year-in and year-out, was not credible scientifically, and was far too high. It fails to evaluate what BLM's persistent use of an invalid 16-percent increase rate may have meant in terms of establishing BLM's management goals, or to determine how the use of a more accurate rate could affect removal plans and the consequences that those plans have for the adoption program.

Similarly, the Board took note of the controversy regarding future adjustments to management levels, but failed to determine whether the criticisms of BLM's approach were correct. It made no finding as to whether wild horses and burros should share in the increased resources to be made available through rangeland improvement programs. It simply ratified the resource monitoring process, without judging the results that the process has or will produce.

3. Legislation

The Board recommends that Congress not enact sale authority for wild horses and burros "at this time," relying on the five-step disposition process to handle the backlog of unadopted animals. Nevertheless, the Board leaves sale authority open as an option, stating that "large numbers of animals must not be allowed to remain in corrals for long periods of time at Government expense."

We are unalterably opposed to sale authority in any form, and in any circumstance, as being violative of the intent and spirit

of the Wild Horse Act. It would legitimize government-sponsored mustanging.

Most important, however, is that the Board's failure to examine BLM's management goals critically has placed artificial constraints on its recommendations in this area. If BLM's management objectives are invalid, as we believe the evidence indicates them to be, the sale authority debate would be irrelevant, as would the five-step process. Management for a larger number of wild horses and burros -- for example, the 60,000 present in 1984 -- would require removals of only about 6,000 animals per year to keep a steady population. The adoption program has a clearly demonstrated capacity to handle that volume of animals.

We cannot emphasize too strongly that the unexamined question of management levels is the determinant of every other issue considered by the Board. Its recommendations are essentially meaningless in the absence of a review of the validity of BLM's management goals.

The Board recommends that the preamble of the Wild Horse Act be amended to delete its reference to the disappearance of wild horses and burros from the American scene. In fact, BLM's management policies are reducing wild horse and burro populations faster than the depredations of mustanging ever did, and will (if permitted to continue) bring their populations to a level well below the number that lead Congress to protect the animals in 1971. Congress's original findings are an important reminder of

the purpose for federal protection of the animals, and should not be disturbed.

IV. Conclusion

The report of the Wild Horse and Burro Advisory Board has ignored most of what is important to the determination of the questions of wild horse and burro protection and preservation. That failure undermines most of the rationales given for its recommendations, and renders the recommendations of limited value. We urge Congress to examine the wild horse and burro program critically, to evaluate its goals in the context of rangeland management generally, and to draw its own conclusions as to the wisdom of BLM's administration of the Wild, Free-Roaming Horses and Burros Act.