

TESTIMONY OF VELMA B. JOHNSTON IN OPPOSITION
TO H. R. 2935, H. R. 4470 and H. R. 4577 ---

To amend the Federal Law relating to the protection, management, and control of wild free-roaming horses and burros on public lands in order to provide the authority needed to properly manage wild horses and burros in harmony with wildlife and other uses of the national resource land.

At its meeting in Billings, Montana July 16th and 17th, 1973, the National Advisory Board on Wild Free-Roaming Horses and Burros adopted a resolution recommending that the Secretaries of the Interior and Agriculture, through Congress, seek amendments to the 1971 Act to:

1. Permit carcasses of animals designated for disposal to be rendered in the customary manner, including use of commercial rendering plants, and
2. To allow aircraft, including helicopters, to be used in inventorying and removal of excess horses and burros.

I did not support either motion, and gave my detailed reasons in Minority Reports that were made a part of the Minutes of the meeting, and also forwarded to the Secretaries of Agriculture and Interior. The reports are made a part of this testimony by attachment hereto.

In their report to Congress on June 18, 1974, as required under the 1971 Act, the Secretaries listed the following changes to the 1971 Act under consideration:

1. Authorize the Secretary of the Interior and Secretary of Agriculture to sell or donate, without restriction, excess horses or burros to individuals or organizations. These animals would no longer be subject to provisions of the 1971 Act.
2. Authorize the Secretary of the Interior and Secretary of Agriculture to use aircraft and motorized vehicles to provide for the protection, management and control of wild free-roaming horses and burros; such use to be in accordance with humane procedures prescribed by the Secretaries.

On February 5, 1975 Congressman G. William Whitehurst of Virginia introduced H. R. 2935 and on March 6, 1975 and March 10, 1975 he introduced H. R. 4470 and H. R. 4577 for himself and others, calling for amendment of the 1971 Act by adding "The Secretary is authorized to use aircraft and motorized vehicles to provide for the protection, management and control of wild free-roaming horses and burros, such use

to be in accordance with humane procedures prescribed by the Secretary" and "The Secretary is authorized to sell or donate, without restriction, excess horses or burros to individuals or organizations." The bills were referred to the Interior and Insular Affairs Committee of the House of Representatives.

We do not consider the amendments to be compatible with public interest, nor do we consider them to be necessary. It was the widespread indiscriminate traffic in equine flesh that spurred the nation in 1959 to support legislation outlawing the use of aircraft and motorized vehicles to capture the animals, and in 1971 to place the animals under the jurisdiction of the Secretaries of Interior and Agriculture for protection, management and control. It has always been our position that the wild horses and burros are a part of our national heritage, belonging to all the people of America, inhabiting the public domain that also belongs to all the people of America, and their welfare should become the responsibility of an agency that represents all the people of America, by an Act of Congress that represents all the people of America. These animals exist in States whose wide expanses of open range provide grazing for domestic livestock industry and the habitat for target animals. Being neither an edible nor a trophy animal, the wild horses and burros are considered intruders by both powerful interests.

Local agencies and officials of the states in which wild horses and burros are located are sympathetic to the vested interests, and historically their attitudes toward those animals have been negative. Legislation on a state level, and enforcement of laws by state officials, has ranged from lukewarm to non-existent, and that is why their survival was dependent upon replacement of one-sided jurisdiction with one of a broader scope, namely an agency representing all the people of America.

Restoration of the expediency of aircraft use, along with the abrogation of the governmental agencies' responsibility for animals deemed by them to be in excess and removed from the public land to be donated or sold to individuals

or organizations, without restriction, afford the opportunity for a return to the reprehensible era that resulted in removal of hundreds of thousands of wild horses and burros from our public lands. Although they number only a small fraction of that now, it will invite over-controls. Sale or gift to individuals or organizations without restrictions would allow for "killer buyers" to operate openly, thus providing the opportunity for economic gain through sale of wild horses to slaughtering houses, which was clearly one of the several factors that contributed significantly to the wholesale roundups and killings prior to the 1971 Act.

"Population explosion" has come to public attention over the past two years. Claims of 20-25% increase in wild horse numbers since 1971 by the Bureau of Land Management and ranchers, with a future population estimate at that rate of growth, are entirely unrealistic, based as they are on area surveys only, over a relatively short period of time. Authoritative sources claim that such counts do not reflect total populations and will not reflect trend unless compared over a long period of time, five years at the least. In order to be reliable as trend indicators, counts must be conducted at the same time of year, under similar weather conditions, with the same type of aircraft and preferably by the same observer. No procedures are available to make counts conducted under different conditions comparable. Furthermore, counts generally have such low precision that only large changes in populations can be detected. Although recent inventories appear to reveal a larger number of wild horses than were previously estimated, this could well be the result of inaccurate early estimates, imprecise methods of inventorying, and continued release of privately owned horses and burros. It is highly significant to point out at this time that the Forest Service reported in September, 1974 no appreciable increase in the wild horse population on land it administers, and in September, 1975 reported an increase of eight to ten percent. Somewhere between the many conflicting reports, the actual rate of increase lies, but until such time as it can be established, statements of "population explosion" are premature, speculative and highly prejudicial, and reflect

an insidious campaign to discredit proponents of protection, management and control of wild horses and burros. It is true that since the 1971 Act was passed, there have been some increases noted in specific areas, but the implication that it is due to an accelerated biological reproduction rate is entirely without scientific support. With this in mind, it becomes obvious that it was commercial mustanger and rancher-sponsored removal and slaughter for private gain through traffic in horse flesh for pet food that brought the numbers down to a dangerous low prior to 1971. That being the case, the need for passage of the 1971 Act was even greater than we believed it to be, and the necessity for retaining the Act in its present form is obvious.

Attention is repeatedly called by the Bureau of Land Management through the news media and its own reports, to a time-consuming and costly operation in spotting wild horses and herding them into other areas where forage is more abundant because of the existing law prohibiting the use of aircraft and other mechanized vehicles in the management of the horses. I quote from Public Law 86-234, commonly referred to as the Wild Horse Annie Law:

"Whoever uses an aircraft or a motor vehicle to hunt, for the purpose of capturing or killing, any wild unbranded horse, mare, colt or burro running at large on any of the public land or ranges shall be fined not more than \$500.00, or imprisoned not more than six months, or both."

I quote from CONGRESSIONAL RECORD July 21, 1959, page A6290, from my testimony before the Subcommittee of the Judiciary Committee of the House of Representatives on July 15, 1959 in reply to a proposal by the Department of the Interior that the ban on aircraft and mechanized vehicle use not apply to the Federal land management agencies.

"H.R. 2725 (later Public Law 86-234) does not prohibit the use of airplanes or airborne equipment for spotting or for any of the other uses to which they are put by the Department that are stated in the (Department) report, but specifically refers to horses, mares, colts or burros, and the rounding up of them by airplane or mechanized vehicles for the purpose of capturing or killing. It is elementary to assume that a plane flying low, with a band of horses running closely grouped on the ground ahead of it, is not scouting fires, patrolling the range, establishing trespass, etc."

And in response to the Agencies' (Forest Service and Bureau of Land Management) request for a legal review of all laws pertaining to the use of aircraft in working with wild horses or burros on management practices I find the following on page 19 of the Secretaries' Report to Congress on June 18, 1974:

"Opinions obtained from the Solicitor's Office, U. S. Department of the Interior, and Office of the General Counsel, U. S. Department of Agriculture, made it clear that aircraft could be used for certain management practices such as population inventory, but not for the purpose of capturing or killing wild horses and burros."

In both instances, attention is called to the prohibition of aircraft and mechanized vehicle use for the purpose of capturing or killing. Use in other phases of management and control is not prohibited.

It is an injustice to the vast numbers of Americans who supported both the 1959 Act and the 1971 Act to take a narrowly restricted view of what is said to be their limiting provisions, namely inability to effectively control without the use of aircraft, and inability to effectively dispose of animals unless title is conveyed without restrictions;

To emphasize what are construed to be weaknesses in the 1971 Act when in fact they may be its strength;

To resort to alarmist tactics, as has happened a number of times, by calling for the removal of wild horses and burros in order to make more forage available for food-producing animals to ward off world-wide starvation, and to avoid destruction of wildlife habitat;

To offer as a sole solution resumption of the ruthless practice that generated overwhelming public support for enactment of both pieces of legislation. Removal of wild horses in Central Nevada during the late summer of 1975 resulted in the capture of 230 by water trapping which is the most humane method of capture, since it does not entail sustained pursuit which is extremely hard on mares in foal and on the young foals, oftentimes resulting in injury to either or both. Let out on contract at \$26.50 per animal captured, the expense of carrying out this operation would have been minimal, had not costs mounted through intervention by

outside obstructionist forces . . . one a lawsuit filed to prevent the gathering, necessitating delays and legal expenses, and the other the impoundment by the Nevada State Agriculture Department Director who claimed the animals to be the property of the state, under existing state estray laws. Installation of permanent trapping and holding facilities, as well as the cost of providing feed for the captured animals cannot be taken into account when computing the expense of the entire operation for purposes of comparison with costs of capture by aircraft, as these would be necessary expenditures regardless of the method of capture employed.

Concern about diminishing wildlife habitat and the depleted condition of our range lands is, and should be, of primary concern, and any move to reduce the destruction merits support. That the concern is justified was indicated in a 1974 report of a survey made of Nevada's public lands by a Bureau of Land Management Task Force which reveals gross over-use and abuse by livestock operators, as well as the role BLM has played in poor husbandry of the land. As reported:

"Generally, the objectives were dominated by, and oriented toward, satisfying the wishes, even dreams, of the livestock operators".

Other investigations point to similar or more serious conditions in other Western states.

HOW MUCH OF THIS CAN BE ATTRIBUTED TO WILD HORSES AND HOW MUCH TO DOMESTIC LIVESTOCK? A computation based upon the combined use of public lands by wild horses and domestic livestock in animal unit months, using the highest estimate of the number of wild horses that will come under the purview of the 1971 Act once the 17,000 free-roaming unlicensed trespass horses are removed, showed that of the combined AUMS, domestic livestock use amounts to 97.1%; wild horse use to 2.9% in the ten Western States. Not included in the computation of domestic livestock use are the numbers of unlicensed cattle in excess of grazing allotments which, had it been possible to determine the number, would have shown an even higher percentage of domestic livestock use, with a corresponding reduction in percentage of wild horse use. The ratio of 97.1% domestic livestock use to 2.9% wild horse use does not justify reductions in wild

horse numbers so drastic as to require the restoration of aircraft use and the reopening of commercial outlets. Any benefit to the public lands and wildlife habitat that would be derived, even though this minute percentage of grazing pressure were to be removed entirely, would be so infinitesimal it would never be noticed.

A reduction of wild horses captured by mounted riders in the Burns District in Oregon received nation-wide publicity, and the cost of \$800.00 per animal is frequently quoted to point out how expensive it is to gather, in this type of operation, whereas IF aircraft were used it would have been less costly. There is no way of knowing how much less costly, if at all, and no mention is made that in the \$800.00 per head computation, \$5,000.00 was for the helicopter charge to fly reporters, photographers and the District Manager around for observation, or that part of the expense was for re-usable facilities.

Should aircraft use be restored it will be let out on contract, as there is little if any likelihood that Forest Service or Bureau of Land Management personnel would have the unique qualifications necessary for this type of operation. Those who have the expertise, and the inclination, and would be the ones submitting bids, are the same commercial mustangers who operated openly before 1959, less openly since, who were responsible for the atrocities that resulted in legislation to prohibit aircraft use. One of them openly boasts of his record of 40,000 captured in this manner. In those days, they were paid by the pound for the animals on the hoof. Payment under a contract would be based on specific price per head, as in the contract for the Stone Cabin Valley operation. Whether or not the operators realize a profit will depend upon the number of animals they capture, in as short a period of time as possible, and with this in mind, humane considerations will play no part in their operations. Although humane procedures would be called for by the Secretaries in the proposed amendment to the 1971 Act, personal supervision by agency personnel is physically and geographically impossible. There would be few, if any, agency personnel willing to actively participate in this kind of operation to assure a humane operation.

Mr. William B. Wright, Jr., a Nevada Rancher, spoke before the National Advisory Board at its meeting in Denver, Colorado in March, 1973 as to the merits

of the use of aircraft for managing, collecting and inventorying wild horses, and told of his own expertise in relation to the humaneness of this method of capture, including his use of a shotgun. Throughout Mr. Wright's presentation, which I taped, there was emphasis on the fact that no rancher would run the risk of injury to his animals because of their value to him and that is why he, William Wright, favored the aircraft method of rounding up in lieu of ground operations. Mr. Wright was speaking of animals of value to the person gathering them (himself in this instance) and I quote from his presentation: "We have handled for years our own horses, our own real good horses we didn't want to put a scratch on. We handled them entirely from the airplane . . . handled them all times with an airplane."

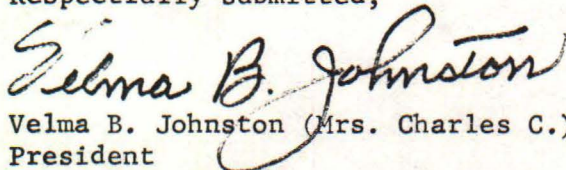
Collecting excess wild horses and burros to be disposed of is an entirely different matter, for they are of value to no one engaged in the operation, other than the pay per head the pilot will receive, and no personal interest is served through humane and careful handling other than "to get rid of them". Although he presented it well, I cannot accept Mr. Wright's statements as evidence of humaneness in the over-all use of aircraft in collecting wild horses and burros, since his presentation covered his own expertise and care in airborne operations that involved horses of value and/or interest to him. His presentation did not deal with methods of operation of others whose assignments would be of a far different nature. The latter's abuses are well documented, and damage to those animals who elude capture can only be guessed at, for when wild horses are forced to run excessive distances at excessive speeds they burn up their reserve of energy needed to survive in their bleak and barren habitat. There has been no information presented to the National Advisory Board as to the negative effects through the use of aircraft, and it is quite possible the Board's recommendation for amendment to the 1971 Act was the result of a one-sided presentation of the matter. A film strip of an actual airborne roundup prior to the practice being outlawed shows an entirely different operation than the one glowingly presented by Mr. Wright. The film strip is available for viewing.

In conclusion, I repeat that the need of protection, management and control program for wild horses and burros on public lands has not diminished since the presentation of my testimony before Senate and House Public Lands Sub-Committees of the Interior and Insular Affairs Committees on April 19th and 20th, 1971.

The proposed amendments would gravely weaken the provisions contained in the 1971 Act, and would nullify the provision banning the use of aircraft through the 1971 Act.

The very issues at stake, namely protection, management and control, have been clouded and placed far down the priority list in favor of expediency. And expediency in this instance is not in the best interest of the wild horses and burros, nor does it provide a safeguard for their future welfare.

Respectfully submitted,



Velma B. Johnston (Mrs. Charles C.)
President
INTERNATIONAL SOCIETY FOR THE
PROTECTION OF MUSTANGS AND BURROS

Dated at Reno, Nevada
January 29, 1976

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THE FIGHT TO SAVE A MEMORY

*Velma B. Johnston (Wild Horse Annie)**

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That: Congress finds and 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; and that these horses and burros are fast disappearing from the American scene. It is the policy of Congress that 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 area where presently found, as an integral part of the natural system of the public lands.

—Pub. L. No. 92-195, § 1, 85 Stat. 649 (Dec. 15, 1971)

On a memorable day in 1950, I came upon a truckload of mutilated horses as I was driving from our ranch into nearby Reno, where I work. I discovered that they were wild horses, captured in an airborne roundup. Their destination was a slaughter house, where the sole requirement was that the horses be ambulatory and plentiful. The captors received six and one-half cents per pound. Because net profit depended upon quantity rather than upon condition, injury to the animals was of minimal concern.

For many years I had heard about the capturing of wild horses by airplane. This practice concerned me, but because it had not touched my life directly, I pretended it didn't exist, hoping it would go away. After that day in 1950, I could no longer "pretend it wasn't there," for it had now touched my life. In the decades to come, it would reach and change the lives of many others as well.

At that time, twenty-one years ago, the practice of harvesting wild horses for use in commercial products had reached its peak. Their numbers had been reduced from two million to 25,000 in half a century, and the methods of gathering were ruthless and indiscriminate. If the exploitation had continued, these horses—so dramatically linked with our pioneer past—would literally have been wiped from the face of the earth. Burros, though not commercially exploited, fared no better than

* Chairman, Board of Trustees of Wild Horse Organized Assistance, Inc.;

* Deceased, June 27, 1977.

SUGGESTED LEGISLATION FOR INTRODUCTION INTO 92ND
SESSION OF CONGRESS, BASED UPON THE HANSEN BILL S3358

Following introduction of the above numbered bill in January, 1970, I was invited to meet on two occasions with representatives of: The Public Lands Sub-Committee of the Nevada Cattlemen's and Woolgrowers' Association; State Office of BLM; Nevada State Fish & Game Commission; Humboldt National Forest; for the purpose of discussing the provisions of the bill, point by point. Dr. Michael J. Pontrelli of the University of Nevada was also in attendance at both meetings. On a third occasion, we met briefly with three of the members of the Special Wild Horse Sub-Committee of the American Cattlemen's Association.

I have also had considerable correspondence with the Bureau of Land Management, and have talked at length with other knowledgeable individuals as to what provisions should be included in the drafting of legislation to be introduced into the 92nd Session of Congress, based upon the provisions contained in the Hansen Bill S3358 which did not come up for hearing during 1970.

I have endeavored to evaluate the many suggestions, and have had the assistance of Dr. Pontrelli. We submit them for consideration, as they are extremely important if there is to emerge from the enactment of legislation an adequate protection, management and control program for the wild horses and burros on federal land.

REASONS WHY FEDERAL LEGISLATION MUST BE ENACTED

1. Public demand for a protection and management program brought about through increasing awareness of atrocities perpetrated against the wild horses and burros as follows:

a. Massive roundup operations in past years for a two-fold purpose:

- (1) Expedient range clearance for the benefit of private interest groups.
- (2) Cheap marketable commodity for commercial exploitation through conversion into pet food.

NOTE: Lack of enforcement of Public Law 86-234 enacted in 1959 prohibiting airborne and mechanized roundups has seriously weakened the intent of that law to provide a measure of protection.

- (3) Reduction of numbers to approximately 17,000 wild horses and 8,100 wild burros in the United States

- b. Encroachment of man upon the habitat of the wild horses and burros in a number of ways, among them: Domestic grazing, recreation, reclamation resulting in seriously curtailing forage and water available to these animals through fencing, diversion of water flow for commercial use, cultivation of the land. Slow starvation and death from lack of water follows.
- c. Individual reprisals against the wild horses and burros by hunting them down, shooting them (not always immediately fatal), trapping.
- d. Recognition that in view of our diminishing land resources, in order to save any of them there must be controls based upon sound management, with specific protection provisions set out.

PROVISIONS OF HANSEN BILL S3358 - PURPOSE OF SUCH PROVISIONS, AND SUGGESTED REVISIONS

S. 3358 - A bill to authorize the Secretary of the Interior to protect, manage and control free-roaming horses and burros on public lands.

COMMENT

It has been pointed out that these animals also inhabit National Forest Lands, administered by the Department of Agriculture. Therefore, some provision is required that would include the Secretary of Agriculture along with the Secretary of the Interior in order to provide the necessary authority to carry out the terms of the bill in both categories of land involved, that under the jurisdiction of the Bureau of Land Management, and that under the jurisdiction of the National Forest Service.

* * * * *

Lines 1 through 7 acknowledge these animals to be living symbols of the historic and pioneer spirit of the West and call for their protection as a "national heritage", in order to remove them from the category of "feral", a limbo that is neither "wild" nor "domestic", in which their survival has been threatened and the intent of protection efforts lost in debates on semantics and definitions.

COMMENT

Because the animals ^{have been} are not considered "wild" ^{life} in the sense that deer, elk, antelope, etc. are considered wild, ^{they do} they do not come within the scope of wildlife management agencies which now have jurisdiction over all of the animals other than domestic, ^{yet} nor can they ^{cannot} be considered domestic. By declaring them to be a "national heritage" ^{wildlife species} to be protected by the Secretary of the Interior (and Secretary of Agriculture), the door is opened to conflict with state administration of regulations regarding "all of the animals other than domestic" thereby requiring a complete revision of State Fish and Game Laws, a procedure that would be vehemently opposed by that agency. It is also believed that categorizing them as "wildlife" ^(lost paragraph) should be avoided for that reason, and the suggested terminology of lines 6 and 7 could be ". ^{wild} free-roaming horses and burros shall

be protected as a national heritage species and national esthetic resource. ^{therefore designate a new category that would not be in conflict with present regulations. Other} Since the public thinks of these animals as "wild", that word should be used throughout the bill preceding the term "free-roaming horses and burros",

thus making it read: "wild free-roaming horses and burros". ^{Use of the term wild designates a state of being but it does not bring the confusion into the picture as the word wildlife would.}

heritage species such as buffalo & American eagle could be then placed in this category

Section 2. Defines the terms used in the body of the bill, and further specifically identifies the animals referred to.

COMMENT

See foregoing paragraphs as to further definitions and identifications, such as "wild free-roaming".

To the often-asked question "What is a wild horse?" , ~~is~~ a NEWS RELEASE from the Office of the Secretary of the Interior, December 27, 1962 (LEE-Interior 3609) this definition of a wild horse is ~~is given~~: "Only one generation is needed to change a domestic bred horse to a wild one." That is an acceptable simplification of definition.

Give

Section 3. Places exclusive jurisdiction in the domain of the Secretary of the Interior and further authorizes disposal of those found to be in excess.

COMMENT

Include Secretary of Agriculture, unless some other means of establishing jurisdiction is arrived at, such as agreement, etc.

The reasons for designating a federal agency or agencies are: 15;

1. Little or no enforcement of Public Law 86-234 on the local level during the past decade has indicated almost total lack of concern for the animals in question. The reason is obvious. The habitat of the wild horses and burros is on the vast open rangelands of the West where use of the land is coveted by the domestic livestock interests and the target animal interests. Local officials are dependent upon those interests for election to public office. The fate of a species that belongs to ALL of America, ranging on lands that belong to ALL of America, should be in the hands of those who represent ALL of America, rather than in the hands of those in the specific areas of their habitat . . . areas in demand by a constituency that for the most part favors the removal of the wild horses and burros in order to provide maximum grazing for their own specific interests . . . in the case of the domestic livestock industry personal financial gain and in the case of the hunting interests added revenue to the state Fish and Game agencies through hunting licenses and tax on ammunition.

Lines 7 through 11 on page 2 of the bill, also in Section 3, authorize the establishment of specific ranges for those animals which are deemed susceptible and worthy of protection.

COMMENT

COMMENT

No provision is made for those in areas where they are not of prime concern as designated in the bill. The public will not support a program which calls for the elimination of all but those wild horses and burros located on specific ranges and given prime consideration. It expects the animals outside those areas to be managed as a component of the range in a multiple use concept, and their thousands of letters reflect this belief. The sentence ending on Line 11, therefore, should continue ". . . and in addition, shall manage wild horses and burros as a component of the range in areas where they are not of prime concern."

However, this provision will have strong opposition from the domestic livestock people and from the federal land management agency. In a belated effort to restore the range that has become dangerously depleted through over-use and abuse by private interests during past decades, a "rest rotation program" is scheduled for the public lands, and is in operation in many areas of the West. Such a program necessitates the fencing of the open range into designated parcels in order to prohibit use of an area during its "rest" period, thus dividing the public lands into small pastures (for private use). The program, while beneficial to the vested interest involved, will effectively cut off the wild horses and burros from their watering places and from their grazing areas. Regardless of what the livestock people argue, or what amount of pressure is put on the management agency, the public will not support a program that reduces the open range to a series of pasture complexes with the resulting damage to ~~the~~ the natural resource, specifically the fauna.

The open range in Our Public Domain is for all the people for all uses. There must be good management of the various species on the range, but there must not be livestock use as the primary management plan with all other species then having to adjust to that use (or be eliminated). Of all the cattle in the U.S. only less than 1% use the federal range land (and about 6% of the sheep) given reference from Harrison's talk. The public is increasing its use of the federal range and they demand that wild horses have a place along with the other uses of the range. Nothing else is acceptable.

Section 4 provides for cooperative agreements.

COMMENT

This section could well be combined with section 3, and is a logical provision for entering into cooperative agreements to insure smooth functioning in carrying out the intent of the bill, namely protection, management and control.

Section 5 is what could be termed a "watchdog provision".

COMMENT

There have been reservations expressed to me as to the extent of the power given to the federal management agency under the terms of the Act.

The appointment of the 7-member advisory board to advise on all matters relating to the wild horses and burros and their management and protection would become a fair and equitable representation of the PUBLIC interest, and a necessary provision in view of the strong lobby groups representing the private interests. The public ~~accepts~~ endorses this provision.

Precedent has already been set with the appointment of the Special Wild Horse Advisory Committee for the Pryor Mountain Range, and the committee has functioned most successfully in working out a program that is acceptable to all interests involved.

Section 6 provides penalties for violation of regulations, including the processing or permitting to be processed into commercial products any animals the subject of the legislation.

COMMENT

The intent of this provision is to provide a deterrent to over-zealous control measures by eliminating a potential for financial gain. Capture for processing into pet food has been a profitable venture and has presented an opportunity for widespread exploitation, far exceeding any limits that would be approved under a bona-fide "control program".

It has been pointed out by those not espousing the cause of the wild horses and burros that by eliminating the commercial factor (for petfood or other processing), the cost involved in disposing of the animals would be excessive.

There are a number of factors that should be considered before the term "excessive cost" is applied to the disposal, among them:

1. The public's reaction to commercial slaughter of the animals.
2. The public's reaction to tax dollars spent in the predator control program carried out for the benefit of the comparatively few private users of the range.
3. The low grazing fees charged the domestic industry for its use of the public lands which in effect has become a subsidy of the industry by the public.

It would be well at this point to go into some of the misconceptions that have been allowed to exist in regard to the domestic livestock industry and its continued monopolistic use of the open range.

ANY CURTAILMENT OF USE EITHER THROUGH INCREASED GRAZING FEES OR DECREASED GRAZING ALLOTMENTS WOULD CREATE A SERIOUS ECONOMIC HARDSHIP FOR MEAT CONSUMERS THROUGHOUT THE COUNTRY BY CAUSING A MAJOR RISE IN MEAT PRICES. Comment: This is a gross exaggeration, as on a nation-wide basis, only 1% of food cattle and 6% of food sheep are grazed on the public lands. The rest are raised in pastures or feed lots.

Annex - give the reference

ONE OF THE NATION'S LARGEST INDUSTRIES WOULD BE DEALT A SEVERE FINANCIAL BLOW. Comment: As of March, 1969, there were 14,419 permittees utilizing the open range for livestock grazing.

THE DOMESTIC LIVESTOCK INDUSTRY IS THE LIFE BLOOD OF SMALL COMMUNITIES IN THE WEST, ~~by providing a~~ BY PROVIDING A MARKET FOR COMMODITIES SUPPLIED BY LOCAL RETAILERS. Comment: 52% of Bureau of Land Management forage is allotted

to fewer than 700 permittees, and in most instances these are absentee operators *whose profits in the main are certainly not seen in the local communities.* ~~patronizing retail outlets in metropolitan centers.~~

Furthermore with increased mechanization, there is less and less need of manpower in these large ranch operations.

FURTHER COMMENT: In keeping with recommendation pertaining to continuation of Lines 7 through 11 on page 2 of the bill in Section 3, and the ~~addition to~~ to read:

Line 11/" . . . and in addition, shall manage wild horses and burros as a component of the range in areas where they are not of prime concern." the inserted on

following should be ~~added to~~ line 10 of Section 6:"both on and off the range",

The provision would then read: "Any person who violates the regulations issued by the Secretary (or Secretaries) pursuant to this Act or who processes or permits to be processed, into commercial products, in whole or in part, any (wild) free-roaming horse or burro, whether lawfully acquired or not, both on and off the range etc., etc."

CONCLUSION

Following is my commentary on ~~the~~ specific points in my role as liaison between the public that asks for protection for their national heritage, with assurance of its future well-being, and those who would eliminate the species to make a fast buck, or whose sporting instincts are gratified through using them as targets, or who shoot them just to get rid of them, or who are reluctant to share the forage supply of our public lands with other than food-producing animals, or who look upon any animal not edible nor of trophy value to be a trespasser on lands inhabited by huntable species. I include also an evaluation of the reaction of the public, expressed through its letters regarding S3358.

Because it has always thought of the wild horses and burros as a national heritage, the public is satisfied that they be considered that in the text of the bill.

The section dealing with processing the horses and burros into commercial products, whether lawfully acquired or not, is supported as a deterrent to over-zealous control measures, which this elimination of a potential for financial gain would curtail.

~~Prohibiting the release of domestic horses~~ Having learned of the practice of releasing domestic horses in order to harvest all horses and burros without reservation within an area, ^{and to obtain free grazing,} people are enraged and support the provision prohibiting such release.

I have been asked to report on provisions that might be made more flexible. Insofar as the majority of those who contact me are concerned, the bill is not strong enough. They are adamant that the bill be enacted to include the wild horses and burros in management of public land, and consider a weak point of the bill to be that it proposes to set aside only specific areas in which wild & burros ^{specific} horses/are the prime animals. They support ~~prime~~ areas, but they want all wild horses and burros to be included under federal management and protection by law in the multiple use concept of the range.

Insofar as flexibility is concerned, we already have that in the Wild Horse Annie Law, the intent of which has been virtually negated through manipulations of that flexibility. Any more flexibility in legislation would result in equal abuse and distortion.

There has been the suggestion advanced that in lieu of federal legislation, specific areas be designated by the Secretary of the Interior, as was done in the Pryor Mountains along the Montana-Wyoming border, resulting in the establishment of the wild horse range there. It was only after four years of bitter controversy that this was finally done. While in the meantime, efforts were accelerated to dispose of as many of the animals in other areas as possible before they could come under any protection and management program through federal legislation or by specific designation. Enactment by the State of Arizona of a bill in early 1970 is one example. Under its terms, practically an open season has been declared on wild horses and burros, with a minimum of requirements to be met.

It has also been suggested that regulations be enacted by the separate states, in ~~the~~ lieu of federal legislation. Because the habitat of the wild horses and burros is comprised of lands already in demand by other interests within the separate Western states, such legislation would have as much chance of being enacted on a state basis as would one of the animals landing on the moon without benefit of a space vehicle.

I would hope that the livestock and hunting industries would recognize the interest of the public in these animals, but if they cannot do so, it will have to be left up to the people of America, who have already abundantly indicated their interest in and support of a protection, management and control program. The livestock industry has benefitted from the use of the open range for so many years that it has come to consider it to be its private domain. * But as the resource diminishes, public concern increases, and only an equitable consideration of all interests involved will save any of it for our own and coming generations.

*

have emphasized
The Fish and Game agencies ~~hold fast to~~ the elimination of non-target animals and an increase in huntable species, as their revenue is in direct ~~ratio to~~ proportion ~~the~~ to the number of hunting licenses sold and the amount of ammunition expended. In this they are strongly supported by ~~the~~ powerful lobby groups.

But as the resource diminishes, public concern increases, and only an equitable consideration of all interests involved will save any of it for our own and coming generations.

SUGGESTED LEGISLATION FOR INTRODUCTION INTO 92ND
SESSION OF CONGRESS, BASED UPON THE HANSEN BILL S3358

Following introduction of the above numbered bill in January, 1970, I was invited to meet on two occasions with representatives of: The Public Lands Sub-Committee of the Nevada Cattlemen's and Woolgrowers' Association; State Office of BLM; Nevada State Fish & Game Commission; Humboldt National Forest; for the purpose of discussing the provisions of the bill, point by point. Dr. Michael J. Pontrelli of the University of Nevada was also in attendance at both meetings. On a third occasion, we met briefly with three of the members of the Special Wild Horse Sub-Committee of the American Cattlemen's Association.

I have also had considerable correspondence with the Bureau of Land Management, and have talked at length with other knowledgeable individuals as to what provisions should be included in the drafting of legislation to be introduced into the 92nd Session of Congress, based upon the provisions contained in the Hansen Bill S3358 which did not come up for hearing during 1970.

I have endeavored to evaluate the many suggestions, and have had the able assistance of Dr. Pontrelli. I submit them for consideration, as they are extremely important if there is to emerge from the enactment of legislation an adequate protection, management and control program for the wild horses and burros on federal land.

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