Bureau of Land Management

Wild Horse and Burro (WH&B) Program

Under the Wild Free-Roaming Horses and Burros Act (WFRHBA), the BLM is required to manage WH&B only in those areas (**Herd Areas**) where they were found when the Act passed in 1971. Through land use planning, BLM evaluates each herd area to determine if it has adequate food, water, cover and space to sustain healthy and diverse WH&B populations over the long-term. The areas which meet these criteria are then designated as **Herd Management Areas** (HMAs) for the maintenance of WH&B herds.

BLM also evaluates each HMA to determine how much forage is available for use. The available forage is then allocated among wildlife, WH&B and domestic livestock. The number of WH&B which can graze without causing damage to the range is called the **Appropriate Management Level** (AML).

WH&B can quickly overpopulate an area. They have long life spans and are not very susceptible to predation or disease. Left unchecked, WH&B numbers can double in four years. That can severely impact desert rangelands with scattered, small water sources like we have in much of the West.

To bring WH&B numbers in balance with the available food and water, the BLM **gathers** thousands of excess WH&B from western ranges every year.

Once captured, excess animals are transported to BLM corral facilities where they are vaccinated to prevent illness or disease and given lots to eat and drink. The BLM also assigns each animal a unique number – or freeze mark. Once they are ready, they are made available for **adoption** through the BLM's Adopt-A-Horse or Burro Program. More than 220,000 wild horses and burros have been adopted by private citizens since the program began in 1971. Nearly half of these animals came from Nevada. To find out more, check out www.wildhorseandburro.blm.gov

Herd Areas

Following passage of the WFRHBA in 1971, the BLM was directed to identify areas where WH&B were located. In the first few years following passage of the 1971 WFRHBA, the BLM inventoried and mapped wild horses and burros on about 51.2 million acres of public and other land (i.e., private land, National Park System lands, etc). These areas were designated as **Herd Areas** (areas where horses and burros were in 1971).

Through land use planning, the BLM evaluated each Herd Area to determine whether there was enough food, water, cover and space to support healthy and diverse

populations of WH&B over the long-term. Areas which met these criteria were then designated as **Herd Management Areas** (HMAs). Today, the BLM manages WH&B within 180 HMAs on about 31.9 million acres of public and other lands (this is equivalent to about 62% of the original herd area acreage).

Frequently Asked Questions

Q - Why doesn't BLM manage wild horses and burros on all the original herd areas?

A –The BLM evaluated each Herd Area through land use planning (preparation of an environmental impact statement and land use or resource management plan with public involvement) to determine its suitability for the long-term management of healthy and diverse WH&B herds. Of the original 51.2 million acres of Herd Area:

- 62% is managed for the maintenance of WH&B herds today.
- 38% was eliminated for a number of reasons, including (but not limited to): unsuitable habitat (inadequate food or water); manageability (checkerboard landownership, etc); the transfer of some lands to the United States Forest Service through the 1987 Forest Service Enhancement Act; to minimize conflicts/impacts with Threatened and Endangered Species or other critical resources such as Desert Tortoise, Lahontan cutthroat trout, Areas of Critical Environmental Concern, etc; because the horses present were claimed as privately owned horses; as a result of federal court decisions; and due to errors in hand-drawn maps as compared to GIS, the presence of town-sites or other residential areas, etc.

Herd Areas with intermingled public and private land (checkerboard landownership) were eliminated following a ruling by the Federal Court in 1978 which required BLM to remove wild horses and burros from private land as soon as practicable upon landowner request (for more information reference Roaring Springs vs. Andrus, 1978). As a result of this ruling, it was very difficult for BLM to manage wild horses and burros where there was intermingled public-private land.

Q – Can BLM manage wild horses or burros where herds did not exist in 1971?

A – No. Under the law, BLM is authorized to manage wild horses or burros only on those areas where they were found in 1971.

Q – How much of the original herd area acreage is managed today for wild horses and burros?

A – About 62% or nearly 31.9 million acres of original herd areas are managed for wild horses and burros today.

Q – Could a herd area ever become an HMA or vice versa?

A – Yes. If conditions change, it is possible the areas could be re-evaluated and the designations changed. Any changes would be made with public participation and through an in-depth environmental analysis and decision process (land use planning).

Herd Management Areas

Under the law, BLM is required to manage wild horses and burros only in those areas (Herd Areas) where they were found in 1971. Through land use planning, BLM evaluates each Herd Area to determine if it has adequate food, water, cover and space to sustain healthy and diverse wild horse and burro populations over the long-term. The areas which meet these criteria are then designated as **Herd Management Areas** (HMAs).

Frequently Asked Questions

Q – Why doesn't the BLM manage HMAs principally for wild horses and burros?

A – Under the law, the BLM may designate specific herd management areas to be managed principally, but not necessarily exclusively, for wild horse or burro herds. The BLM currently manages four special status HMAs: the Nevada Wild Horse Range, the Pryor Mountain Wild Horse Range, the Little Bookcliffs Wild Horse Range, and the Marietta Wild Burro Range. These ranges have special or unique features that led to their designation.

In passing the 1971 WFRHBA, Congress stated their intent: "The principal goal of this legislation is to provide for the protection of the animals from man and not the single use management of areas for the benefit of wild free-roaming horses and burros. It is the intent of the committee that the wild free-roaming horses and burros be specifically incorporated as a component of the multiple-use plans governing the use of the public lands." (Senate Report No. 92-242).

Q – Why doesn't BLM eliminate livestock grazing from Herd Management Areas so wild horses and burros can have this forage?

A – Under the 1976 Federal Land Policy and Management Act (FLPMA), the BLM is required to manage public lands under the principles of multiple use and sustained yield. Managing use by cattle and sheep, together with wildlife and wild horses and burros, and a host of other uses is a key part of BLM's multiple use management mission under FLPMA.

Appropriate Management Level (AML)

Under the provisions of the 1971 WFRHBA, a thriving natural ecological balance among wild horse and burro populations, domestic livestock, wildlife and vegetation must be achieved. As first steps, the land's ability to provide habitat (food, water, cover and space) over the long-term is evaluated and the amount of vegetation available for use as forage is determined. Then the available forage is allocated among wildlife, wild horses and burros and domestic livestock.

Without proper management, the range may be damaged. Desirable native species may be replaced by invasive species such as cheatgrass or Red brome, or noxious weeds such as knapweed or perennial pepperweed. These weedy species out-compete native species, further reducing vegetation diversity. Under these conditions, the range may become unable to produce forage and habitat for the many animals that live there. Healthy rangelands are the foundation for healthy wild horse and burro populations, wildlife, and others who call the public lands their home.

The number of wild horses and burros which can graze without causing damage to the range is called the **Appropriate Management Level** (AML). In establishing the AML, BLM relies on an intensive monitoring program over several years involving studies of grazing utilization, trend in range condition, actual use, precipitation (climate) and other factors. AML is based on consideration of wildlife, permitted livestock, and wild horses and burros in the area. BLM sets AML with public involvement through an in-depth environmental analysis and decision process.

In Nevada, appropriate management levels of wild horses and burros are generally determined through the multiple-use decision process. This process begins with an evaluation of range conditions; the evaluation assesses whether or not management and stocking levels for livestock, wild horses and/or burros, and wildlife are achieving rangeland objectives. If rangeland health objectives are not being met, changes in management or stocking levels are proposed. Proposed changes are analyzed in an environmental assessment and a proposed multiple-use decision (PMUD) is issued. Proposed decisions are subject to review and protest by parties affected by the proposal. BLM considers all protests filed and then issues a final multiple-use decision (FMUD). BLM's final decisions are subject to administrative review (appeal).

Frequently Asked Questions

Q – What is the appropriate management level of wild horses (or burros)?

A –The Interior Board of Land Appeals (IBLA) has defined the appropriate management level as the 'optimum' number of wild horses (or burros) which results in a thriving natural ecological balance and avoids a deterioration of the range. (109 IBLA 119; also reference Dahl vs. Clark, supra at 592).

Q – What is the 'optimum' number of horses or burros in an area?

A – IBLA ruled that proper range management dictates the removal of horses (or burros) before the herd size causes damage to the rangeland. Thus, the optimum

number of horses is somewhere below the number that would cause damage. (118 IBLA 75).

Q -- What is a thriving ecological balance?

A – IBLA defined "thriving ecological balance" as follows: "The goal of wild horse and burro management should be to maintain a thriving ecological balance between wild horse and burro populations, wildlife, livestock and vegetation, and to protect the range from the deterioration associated with overpopulation of wild horses and burros." (109 IBLA 115; also reference Dahl vs. Clark, supra at 592).

Q – Is AML set as a single number or a range in number?

A – AML is generally expressed as a range in number (from low to high). To assure horses and burros have adequate forage and an ecological balance is maintained, BLM periodically conducts gathers to remove excess animals from the range. BLM generally removes numbers in excess of the low range of the AML – this allows the population to grow from low AML to the high AML over a 4-5 year period, without gathers to remove excess animals in the interim. This results in less disturbance to individual horses and the social structure of the herd over the long-term.

Q – How does BLM determine the appropriate management level of wild horses and burros?

A – The BLM determines the appropriate management level of wild horses and burros based on an ongoing program of monitoring over several years involving studies of grazing utilization, trend in range condition, actual use, precipitation (climate) and other factors.

As an example, in Nevada, the appropriate management levels of wild horses and burros are generally determined through the multiple-use decision process. This process begins with an evaluation of range conditions; the evaluation assesses whether or not management and stocking levels for livestock, wild horses and/or burros, and wildlife are achieving rangeland objectives. If rangeland health objectives are not being met, changes in management or stocking levels are proposed. Proposed changes are analyzed in an environmental assessment and a proposed multiple-use decision (PMUD) is issued. Proposed decisions are subject to review and protect by parties affected by the proposal. BLM considers all protests filed and then issues a final multiple-use decision (FMUD). The BLM's final decisions are subject to administrative review (appeal).

Q – Why is it important to maintain the appropriate management level of wild horses and burros on the range?

A – It is important to maintain the appropriate management level of wild horses and burros on the range to assure that western rangelands are healthy and diverse. The

BLM is also required to ensure a balance is achieved between the land's ability to produce forage and the demand for that forage by wildlife, livestock, and wild horses and burros.

Q – The BLM's estimated AM for WH&B is about 26,600 animals. Why can't more WH&B be managed on nearly 32 million acres of land?

A – Although the BLM manages WH&B on nearly 32 million acres of public land, the use of this land is shared under the principles of multiple-use management and sustained yield (Federal Land Management and Policy Act, 1976). In addition to providing habitat for wildlife and WH&B, many of these lands also provide forage for domestic livestock. They are also used for recreation, wilderness, off road vehicle use, archaeology, mining, forestry, geothermal development, and a host of other uses. Moreover, much of the 32 million acres is too steep or too far from water to be used by WH&B. The BLM is required to consider all of these factors in establishing the AML for WH&B.

Gathers

Left unchecked, wild horse and burro numbers can increase by 20% or more each year. Wildlife populations are kept in check through hunting and natural predators. Livestock use is controlled through limits outlined in the grazing permits issued to ranchers. Because horses and burros are an introduced species, they have few natural enemies and are protected from hunting, illegal capture or harassment under federal law. In the absence of these controls, there is a danger that wild horse and burro numbers will grow to the point the land can't support them.

Each year, the BLM gathers thousands of excess wild horses and burros to protect land health. The excess animals are transported to BLM holding facilities where they are prepared for adoption through the Adopt-A-Horse (or Burro) Program.

Many of the excess wild horses and burros are captured using helicopters and motorized vehicles. BLM may also use bait or water trapping or remove animals from horseback, if appropriate. These methods are generally used to remove smaller numbers of animals in locations with good road access. However, helicopter assisted gather operations have proven to be safer and more effective and efficient when larger numbers of animals require removal over large acreages or rugged terrain. In these situations, the helicopter is better able to move the horses around barriers such as fences or roads at a pace which assures the animals arrive at the trap in good condition.

Helicopters are able to move horses and burros at a pace that allows mares and foals to stay together. They can also move the animals around barriers such as fences and roads. Once they enter the trap (corral), they are transported to a temporary holding facility where they are sorted by age and sex and fed hay and water. BLM personnel are on-site throughout the gather operation to assure humane treatment of the captured animals.

The BLM is also continuing fertility control research. Fertility control has been implemented on dozens of HMAs. However, fertility control is not 100% effective. Nor, do predation or disease effectively slow wild horse population growth. In the absence of an effective and affordable means of fertility control, capturing and removing excess animals from the range is needed to protect rangeland condition and herd health.

Frequently Asked Questions (FAQs)

Q – What provides BLM with the authority to use helicopters and motorized vehicles in managing horses and burros?

A – Congress amended the WFRHBA in 1976 to provide BLM with the authority to use helicopters to inventory and assist in capturing animals and the use of motorized vehicles to transport captured animals. The law also requires that a public hearing be held prior to the use of helicopters and motorized vehicles. Hearings are held annually.

Q – Is using helicopters and motorized vehicles safe and humane for the animals?

A – Yes. Prior to the passage of the 1971 WFRHBA, mustangers used fixed wing aircraft and motorized vehicles to roundup wild horses and burros with none of the controls we have today. Since the passage of the 1971 Act, all capture and handling activities are conducted in accordance with established **Standard Operating Procedures** (SOPs). BLM personnel are on site throughout the capture operation to assure humane treatment of the animals. From time to time, BLM Nevada also invites representatives from humane groups and the media to observe wild horse and burro gather operations.

The use of helicopters and motorized vehicles has proven to be a safe, effective and practical means for the gather and removal of excess wild horses and burros from the range. This is demonstrated by the capture of nearly 26,000 excess animals during 2004-2008 in Nevada with a mortality rate of one-half of one percent (.005%) which is very low when handling wild animals.

Q – What are some of the impacts that can result from gather and transportation of captured animals?

A – Impacts to individual animals such as nervous agitation and physical stress can result. Indirect impacts can also occur including biting, kicking, bruises or other injuries. Mortality from this impact is infrequent but does occur in about one-half to one percent of wild horses captured in any given gather. The risk for spontaneous abortions in mares is rare.

Q – What qualifications do gather contractors have? If they treat an animal inhumanely, does BLM take action?

A – Prior to being awarded a gather contract, potential contractors undergo a rigorous technical program review by a team of experts. Potential contractors must meet all the terms and conditions required in the Bureau's application process and tangibly demonstrate they have the knowledge, skill, ability, expertise, labor and equipment needed to humanely capture, handle and transport wild horse s and burros.

BLM takes reports of misconduct by gather contractors very seriously. Such reports are investigated and BLM will take appropriate action, up to and including cancelling the gather contract depending on the severity of the misconduct.

Q – Why doesn't BLM use bait or water trapping or capture the animals from horseback?

A – BLM does use these methods when appropriate. They are generally most effective when smaller numbers of animals need to be removed in locations with good road access.

Q – Why doesn't BLM apply fertility control or allow predators to control populations rather than continue to remove excess animals from the range?

A – An effective fertility control agent has not yet been perfected for use in wild horses. BLM is continuing research aimed at finding an effective and longer-lasting fertility control agent. Nor, do predation or disease effectively slow wild horse population growth. Predators such as mountain lions and bobcats are generally not present in large enough numbers to effectively control populations. Because wild horses and burros have effectively adapted to the rigors of the western environment, few diseases affect them. In the absence of an effective and affordable means of birth control, capturing and removing excess animals from the range is needed to protect rangeland condition and herd health.

Q – What has BLM done to find an effective fertility control agent?

A - BLM has supported the development of an effective contraceptive agent for wild horses since 1978. The goal for an effective fertility control program is to slow the annual growth rate in wild horse populations in order to extend the time between gathers and to decrease the number of excess animals which need to be removed. The most promising agent is PZP vaccine. However, it is not commercially available. BLM

is using the vaccine under an investigational exemption issued by the Food and Drug Administration (FDA) and held by the Humane Society of the United States (HSUS).

The most effective formulation is a one year vaccine that must be administered annually (about 90% effective if administered during November-February). However, it is not feasible to gather wild horse herds every year to administer the vaccine and it is very difficult to approach most wild horses on western rangelands close enough to allow for remote delivery (darting). A second set of field trials is evaluating the effects of a longer lasting, approximately 2 year agent (the 2 year agent is about 70-90% effective depending on time of application), on population growth while monitoring the safety of the product. To achieve maximum effectiveness, mares must be treated during a 3-4 month window prior to foaling.

In order to significantly reduce herd growth rates and achieve meaningful cost-savings, development of a longer-acting agent is needed. As a result, BLM has funded an additional 5 year research project to develop a single injection, 3-4 year fertility control vaccine. These experiments include laboratory development and testing in wild horses held in captivity. Initial tests in captive wild horses identified a problem with the manufacturing process, but the laboratory work continues and is expected to produce a safe and more effective fertility control agent at some point in the future.

Q – Why doesn't BLM geld (sterilize) the stallions then turn them back out?

A – BLM generally captures only about 80-85% of the animals present during any given gather, leaving 15-20% of the animals uncaptured. Of these, about half of the uncaptured animals are stallions which would remain available to breed the mares.

The application of fertility control to stallions as a means of population control has been the subject of debate for several years. Anecdotal reports from the field (Coates-Markle, personal communication 2003) suggest that 15-40% of foals in a band may be sired by a stallion other than the dominant harem stallion. This is supported by the literature that reports 15-30% of foals were not sired by a stallion associated with the dam's band (Bowling 1990, Kaseda 1996). The stallion approach, as a means of contraception, has been studied in a small number of stallions in a limited number of herds. Kirkpatrick (1982) studied the effect of a short acting agent (testosterone proprionate, lasts 3-6 months) used in bands with only one stallion and reported that foaling was reduced by about 80%. However, Eagle (1993, also reported by Asa 1999) studied the effects of surgical vasectomy in 2 more diverse Great Basin Herds and did not find as promising a result. Foaling rates only seemed lower in one HMA in the first year of the study, with only a marginal effect reported for the second year and no significant affect detected in 6 of 7 observations over two years in a second HMA. The authors concluded that *"although sterilization of dominant males may be an effective*

treatment to reduce foaling in a small sample of bands selected from a population, this treatment might not limit population growth."

Q – How does BLM determine if excess animals are present?

A – BLM monitors grazing utilization, trend in range condition, actual use, population data, and other factors to determine if excess animals are present and removal is necessary to restore the range to a thriving natural ecological balance and prevent a deterioration of the range.

Q – What authority does BLM have to remove excess animals from public rangelands?

A – Section 3 (b) (2) of the 1971 Wild Free-Roaming Horses and Burros Act (WFRHBA) provides BLM with that authority to remove wild horses and burros from the range. This statute requires BLM to remove excess animals from the range when overpopulation exists and removal is necessary to restore a thriving natural ecological balance and to protect the range from the deterioration associated with overpopulation of horses and burros.

Q – Are BLM decisions to remove excess wild horses or burros subject to public review?

A – Yes. Gather Plan environmental assessments are made available to the public for a thirty day review and comment period unless there is an emergency situation which threatens the animal's survival. Any person adversely affected by a decision to remove excess animals may also file an appeal of that decision.

Q – Why can't BLM haul water or feed to the animals instead of removing them?

A - The law requires BLM to manage horses and burros as wildland species and not as livestock. The agency does not typically haul feed or water to the animals, but does intervene in cases of extreme drought, fire or freezing weather. In managing the animals, BLM uses the minimum feasible level of management necessary to achieve healthy populations of horses and burros in balance with other uses and the land's capability.