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**Testimony before the  
United States Senate  
Committee on Energy and Natural Resources  
Subcommittee on Public Lands, Forests, and Mining**

**Hearing to Examine BLM's Wild Horse and Burro Program  
Tuesday July 16, 2019 2:30 p.m. 366 Dirksen Senate Office Building**

Chairman Lee, Ranking Member Wyden and distinguished members of the Subcommittee, thank you for the opportunity to present testimony regarding the Bureau of Land Management's Wild Horse and Burro Program.

My name is Neda DeMayo, and I am the founder and president of Return to Freedom Wild Horse Conservation: a national nonprofit wild horse and burro advocacy organization. RTF works to meet the immediate needs of rescue and sanctuary for wild horses and burros while striving to provide humane, non-lethal solutions to preserve wild horses in free-ranging herds.

I first became involved in the wild horse issue in 1994 and incorporated Return to Freedom in 1997. A year later, RTF founded its American Wild Horse Sanctuary in Lompoc, Calif. In 1999, RTF's sanctuary became the fourth equine project in the world to utilize the contraceptive vaccine *porcine zona pellucida* (PZP), which allows us to curb the sanctuary's population growth – we have achieved a 91-98% efficacy rate – while keeping family bands of wild horses together and conserving unique and threatened strains.

The sanctuary also provides us an opportunity to educate thousands of people of all ages and walks of life – from schoolchildren to corporate leaders – about the history, cultural importance and behaviors of America's wild horses and burros – as well as the challenges they face on the range. RTF's sanctuary is now home to about 540 wild horses and burros at four locations and has, thanks to its dedicated supporters, played an active role in the rescue and rehoming of well over 2,000 horses that might have otherwise gone to slaughter.

In 2004, I founded a national campaign supported by a coalition of more than 40 diverse groups to create a unified voice to focus on common goals we all could agree on. The campaign called for accuracy and transparency in how the BLM handles and reports information about wild horses and burros on public lands, and a new approach for humane, on-the-range management utilizing fertility control. In 2016, I co-founded the Wild Horse and Burro Sanctuary Alliance, which brings together

sanctuary operators with more than 60 years of combined experience to address management needs, including emergency rescues, and was pivotal in securing placement for over 900 horses seized from a South Dakota ranch in 2017. Along the way, RTF has built strong working relationships with a number of leading equine scientists and both advocacy and scientific organizations with whom we share a commitment to sustainable, humane wild horse management. A member of RTF's staff, biologist Celeste Carlisle, sits on the National Wild Horse and Burro Advisory Board, and RTF is also an outspoken voice in the effort to ban horse slaughter and the export of tens of thousands of American horses, domestic and wild, to foreign slaughterhouses.

It is with this background in wild horse advocacy, management, conservation and education in mind that I urge the Subcommittee to strongly support a joint proposal to Congress – to point BLM's Wild Horse and Burro Program in a new direction – away from ceaseless, costly roundups and the threat of lethal solutions and toward sustainable, on-the-range and above all humane management of which we can all be proud.

### ***Averting an inhumane political disaster***

When Congress unanimously passed the Wild and Free-Roaming Horses and Burros Act in 1971, it did so with the best of intentions, responding to a public outcry to protect these iconic animals that are synonymous with the American West and a symbol of freedom around the world. When it handed the task of overseeing the animals primarily to the Bureau of Land Management, Congress did so with little direction. Already responsible for managing livestock grazing and soon to be legally saddled with a multiple-use mandate for public lands that includes everything from mining to public recreation, BLM resorted to costly and often deadly helicopter gathers that continue to inflame public sentiment. Since the passage of the Act, the Agency has captured and removed some 270,000 wild horses and burros from the range, which did nothing to curb reproduction and maintain manageable population levels. Despite years of calls from advocates to use proven, effective and humane fertility control to reduce the need for roundups, the agency has never invested even as much as 4% of its annual budget on fertility control.

Almost 50 years on, the BLM's Wild Horse and Burro Program is sprinting headlong toward a cliff, with the lives of tens of thousands of horses and burros hanging in the balance. There is still time to change course.

The BLM has set the nationwide "Appropriate Management Level" at 26,690 wild horses and burros. This number is neither based on consistent science across field offices nor does it represent a fair share of range resources. In 2013, the National Academy of Sciences published "*Using Science to Improve the BLM Wild Horse and Burro Program: A Way Forward.*" Wrote the authoring committee, "How AMLs are established, monitored, and adjusted is not transparent to stakeholders, supported by scientific information, or amenable to adaptation with new information and environmental and social change" (Palmer et al., 2013). It's equally important to note that the authoring committee was restricted to assessing only the impacts of wild horses and burros – not livestock grazing or other uses – in Herd Management Areas.

Because of multiple-use mandates on public lands, managers must establish AML within often "complex and even conflicting considerations"; data collection across field offices and states in regards to grazing management has not been consistent (Veblen et al., 2011); and state offices collect habitat assessment data differently (BLM, 2003, revised 2005). Although we have objections about

BLM's population estimates and goals, and how they are set, we recognize that assessing AML is BLM's mandate and that managing wild horses and burros within the context of "multiple use" is the law. Therefore, we are deeply committed to working alongside multiple stakeholders and the BLM to find sustainable and humane solutions to the complicated issues surrounding wild horses and burros on public lands.

To that end, we have worked very hard with diverse organizations to develop a working document entitled, "*The Path Forward for BLM's Wild Horses and Burros.*" We used a science-based ecological approach to model outcomes utilizing non-lethal methods to stabilize and lower populations of wild horses and burros: we looked at how different levers in a multi-pronged wild horse and burro management scenario play off of and affect one another. We asked tough questions: Is it really possible to stabilize and then manage populations of wild horses and burros with immunocontraceptive vaccines across varied and expansive habitats in the West, particularly those where access and tracking of the herds is most challenging? What would need to happen to scale up such a program and what are the least invasive methods (available currently) through which that could be attained? What would such an effort cost? How long would that take, and how would that timeframe compare to the rate at which carrying capacity is exceeded on our rangelands by wild horses and burros *and* other multiple uses?

What we found wasn't necessarily easy to swallow for us, as wild horse advocates, but it was non-lethal and doable by scaling up proven safe and humane fertility control application *alongside* gather-removals. Gather-removals are already projected by BLM to be necessary in larger numbers, but by also administering fertility control to a large percentage of mares left on the range, measurable results can be attained by the fourth year. By also increasing pasture holding facilities (necessary to scale up in the short term, but would eventually be phased out), and assisting with increasing adoptions, a break-over point would be reached: gather numbers would equal the number of horses that can actually be adopted on an annual basis. Though initially higher than they are currently, costs would steadily decrease over time and cost less over 10 years than the status quo. Most importantly, gathers – costly, hard on the animals and highly contentious – would be eliminated as the go-to management tool and, instead, become the exception.

Our model assumed using a fertility control vaccine that is given annually (such as Zonastat-H – a form of PZP), and which has a mean efficacy rate of approximately 90%. We did this on purpose – to show that even a conservative approach is more efficient and effective than the current management paradigm. There is confusion, even among BLM decision-makers, about how immunocontraceptive fertility control could be implemented meaningfully. Time and time again, there has been hesitancy on behalf of the Agency to implement available fertility control vaccines because of a perception that applying the vaccine must occur on an annual basis to many mares, all of whom would have to be identified and tracked, and that this would be impossible. By year 10, following this proposal, an on-range number of 37,605 wild horses and burros would be attained that is almost 11,000 horses over BLM's currently set AML.

Very importantly, however, the model that we used does not assume that 90% of mares are treated in every situation, or that *specific* mares would need to be boosted annually. Instead, we show that the cumulative effect of applying fertility control to larger numbers of mares in subsequent years, regardless of which mare (e.g., no need to capture entire herds annually for application of fertility control – instead they can be captured, and treated or retreated and then released, at the same

intervals they are currently gathered), is achievable and still shows a significant decrease in population growth rates and, as mentioned above, long-term costs.

It is also important to note that the proposal acknowledges that the use of safe, and humane longer-lasting fertility control tools will be more efficient and will further lower costs and the number of gathers over time. As such, the proposal supports the use of longer-lasting safe and humane tools that are currently available, such as PZP-22, and recommends that BLM begin using additional safe and humane tools as they become available and are proven to be safe and humane. This allows the BLM to begin to establish a proud vision for the conservation of the American mustang, maintaining their unique genetic diversity through natural herd selection for future generations.

There are many tools, including surgical sterilization, that BLM has been unable to show are safe and humane or effective management techniques for wild horses and burros. The diverse stakeholders supporting this proposal do not necessarily agree on which fertility control techniques are acceptable. However, because application of fertility control would be portions of any management plan on public lands, determination of whether a technique can or should be applied must be met through the National Environmental Policy Act process, which allows for public input. Return to Freedom does not support surgical sterilization of mares for several reasons, but perhaps the most important are that it is highly invasive, untenable and logistically infeasible: there are not adequate numbers of veterinarians to perform meaningful numbers of spays on wild mares, so the BLM would have to search for (and is searching for) surgical teams, implement contracts, and scale up a process *that is risky and highly contentious*. There are better, more acceptable, less invasive methods available currently, with exciting new methods coming down the pipeline.

If Congress chooses to appropriate the funding necessary to implement this proposal, BLM can immediately invest in a path focused on the robust implementation of safe, proven immunocontraceptive vaccines – a path that is scientifically viable, within the agency’s current authority, and that will meet with far less resistance. This approach offers a humane and fiscally responsible success story if Congress holds BLM accountable for full implementation.

Our proposal is not easy, but if supported and implemented in full, what we gain is sustainable management of our wild horses and burros on public lands, where we are no longer reacting, removing, and warehousing, but actually able to manage herds thoughtfully with minimal interference, in their natural family groups – healthy horses on healthy rangelands.

We will continue to sit at the table and have discussions with the stakeholders with whom we may disagree with in order to find common ground within this context, as well, with the knowledge that the NEPA process is the ultimate decision-maker, a critical component of the democratic process, and vital for maintaining accountability and transparency.