



Animal Welfare Institute

900 Pennsylvania Avenue, SE, Washington, DC 20003

The Bureau of Land Management
National Wild Horse and Burro Advisory Board
September 2020 Public Meeting

RE: Public Comments to the National Wild Horse and Burro Advisory Board

Thank you for the opportunity to provide comments to the Wild Horse and Burro Advisory Board during these uniquely challenging times. My name is Dr. Joanna Grossman, and I am the Equine Program Manager and Senior Advisor for the Animal Welfare Institute – a national nonprofit founded in 1951, dedicated to reducing the suffering caused to animals by people. Over the past several decades, AWI has advocated for the humane treatment and management of our nation’s wild horses and burros.

Given the limited time, I want to focus primarily on the BLM’s recently released report to Congress (May 2020), titled “An Analysis of Achieving a Sustainable Wild Horse and Burro Program,” which outlines the agency’s multi-year management strategy. We have serious concerns with the proposal, both from an animal welfare and fiscal responsibility perspective.

In the FY20 spending package, the BLM received an additional \$21 million in funding (contingent upon a report back to federal lawmakers) with the expectation that the agency would pursue an effective, comprehensive, and, above all, humane management strategy. Unfortunately, the plan envisioned in this report would merely accelerate a broken and costly system premised almost entirely on mass roundups and large-scale holdings.

The BLM’s path towards “sustainability” involves removing thousands of horses from the wild each year (an option that regularly leads to injuries and deaths) to keep them in corrals and holding facilities. The BLM already spends an estimated \$60 million annually rounding up and storing the wild horses the agency is charged to protect under the Wild Free-Roaming Horses and Burros Act. Under the BLM’s proposal, this trajectory would continue at an even greater expense to taxpayers – as much as \$900 million in the first five years alone.

Equally disappointing is the report’s minimal commitment to employing scientifically proven and broadly supported immunocontraceptive vaccines such as PZP, which has long been used to successfully manage herds. Indeed, the BLM suggests delaying the large-scale implementation of such fertility control methods until it attains artificially low numbers through years of mass removals, a model that we know will fail based on decades of the BLM’s futile pursuit of this course of action.

From a practical perspective, mass removals are squarely at odds with the BLM’s goal to manage wild equid populations effectively (and from the agency’s perspective, toward its stated Appropriate Management Levels). As the National Academy of Sciences has found, the large-scale roundups that the agency conducts can spur compensatory reproduction, thus accelerating

population growth. And the BLM's overall desired AML of approximately 27,000 animals is highly questionable given the lack of objective data to support such a low national population.

The recent amendment before the full House of Representatives to direct the BLM to spend a minimum of \$11 million on PZP fertility control – which passed easily and with strong bipartisan support – is a clear signal that federal lawmakers are weary of a business-as-usual mindset. Strong, sound directives are necessary since the BLM has spent less than 1% of its budget on fertility control in recent years – a paltry sum that cannot effect meaningful change. Conversely, the BLM recently approved construction for several new corrals intended to hold over 8,000 horses – again, as part of its plan to speed up the capture of wild horses over the next several years. Humane, non-lethal solutions already exist; the BLM – which recognizes that lethal control is not a viable option given the overwhelming opposition to subjecting wild horses to such a cruel fate – simply needs to start proactively implementing proven and safe fertility control methods.

I also want to highlight two recently released management plans with far-ranging implications that are of particular concern to AWI. Under the draft Environmental Impact Statement for the Wyoming Checkerboard (DOI-BLM-WY-D040-2011-0001-RMP-EIS), the BLM is aiming to eliminate 2.5 million acres of wild horse habitat, round up approximately 3,000 horses (including all wild horses from the Wild Horse Scenic Loop – a significant tourism draw in the region), zero out several Herd Management Areas, and potentially surgically sterilize wild horses using outdated and inhumane methods. Another troubling aspect of this plan is that the BLM would in essence be treating public lands as though they were private given that the proposal is the result of pressure from the Rock Springs Grazing Association – which manages a small portion of the private parcels in the Checkerboard region – to remove the horses. The Tenth Circuit Court of Appeals previously issued a ruling on the BLM's actions in the Checkerboard, finding that the agency cannot use a landowner request for the removal of wild horses from private lands as a pretense to eliminate them from public land as well. *American Wild Horse Preservation Campaign v. Jewell*, 847 F.3d 1174 (10th Cir. 2016).

Finally, in the Environmental Assessment for the Confusion HMA in Utah (DOI-BLM-UT-W020-2018-0015-EA), the BLM is again entertaining plans to surgically sterilize wild mares using the controversial ovariectomy via colotomy method. The National Academy of Sciences has explicitly advised against this procedure due to the risks of trauma and infection. An October 2019 letter to the Department of Interior, as well as a November 2019 letter to federal lawmakers, signed by dozens of veterinarians from across the country, also expressed strong concerns about the BLM's proposed use of ovariectomy via colpotomy. As the veterinarians noted in the former document, ovariectomy via colpotomy “is a painful surgical procedure” that “can be dangerous when performed on domestic horses, let alone [on] wild horses whose response to sedatives and analgesics is much less predictable.” The letter also stated that “even in a controlled setting, this procedure can be accompanied by a high rate of complications...including risks of infection, trauma, post-operative pain, hemorrhage, abdominal adhesions, evisceration, abscess formation, abortion, neuropathies, and even death.”

Use of ovariectomy via colpotomy has raised particular alarm among Members of Congress. Lawmakers in both the House and Senate have expressly criticized the BLM for pursuing this risky method, urging the agency to instead “pursue humane and scientifically supported fertility control projects, such as the [PZP] vaccine.” The Senate Appropriations Committee approved language

in the FY20 Interior report specifically delineating that “any population growth suppression strategies” employed by the BLM “must be proven, safe, and humane” (S. Rept. 116-123). Spaying mares would almost certainly fail to meet that bar.

The Confusion EA notes that “public observation of the surgical procedure would not be allowed” – a troubling component considering the importance of independent veterinary oversight. A federal court blocked the BLM’s prior attempt to ovariectomize wild horses as part of the proposed Warm Springs HMA experiments in large part due to concerns over the lack of independent observation. *Kathrens v. Bernhardt*, Case No. 18-cv-1691 (D. Or. 2018). The court ruled that plaintiffs were likely to prevail on claims that the BLM’s restrictions on public observation of the procedures violated their First Amendment rights. The present EA seems tailor-made to impede outside observation given that the BLM is unambiguously seeking to carry out surgical sterilizations away from public view.

What’s more, while the BLM previously maintained that experiments were necessary to study use of ovariectomies on wild mares, the agency is now attempting to bypass the research route entirely by directly integrating ovariectomies into its fertility control plans. We urge the BLM to drop invasive surgical sterilizations of wild mares from any management plans and instead aggressively implement immunocontraceptive vaccines so that more wild horses can remain on the range.

Thank you again for this opportunity to provide input on behalf of the Animal Welfare Institute.

Sincerely,

A handwritten signature in black ink, appearing to read 'JG', is positioned above the typed name and contact information.

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