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Comments: Spring Mountains Wild Horse and Burro Complex Herd Management Area Plan EA

Comments to the EA by:

Return to Freedom Wild Horse Conservation, Humane Society of the United States, and Humane Society

Legislative Fund, October 2021

Spring Mountains Wild Horse and Burro Complex Herd Management Area Plan

September 2021

Comments by:

Return to Freedom Wild Horse Conservation

The Humane Society of the United States

Humane Society Legislative Fund

October 29, 2021

Return to Freedom (RTF) is dedicated to preserving the freedom, diversity, and habitat of America's wild horses and burros through sanctuary, education, advocacy, and conservation while enriching the human spirit through direct experience with the natural world. Part of our mission is to engage members, donors, visitors, and youth in working for and on behalf of their public lands. We provide support for cooperative projects between non-profits and government agencies, and we involve the public in discourse about management of resources.

For more than half a century, the Humane Society of the United States (HSUS) has advocated for America's wild horses and burros, starting in the late 1950s when we partnered with the legendary Velma Johnston (aka "Wild Horse Annie") and other animal protection groups to end the mass killings of wild horses and burros on public lands which culminated in the passage of the Wild Free-Roaming Horses and Burros Act of 1971 (P.L. 92-195). Since then, the HSUS and the Humane Society Legislative Fund (HSLF) have partnered with groups like RTF to lobby, litigate, and advocate for greater protections

and more humane management of these animals. The HSUS has also played a critical role in the development and implementation of safe, proven, humane, and effective contraception methods for managing wild horse and burro populations on our public lands.

The United States Forest Service (USFS) and the Bureau of Land Management (BLM) are soliciting comments for the Spring Mountains Wild Horse and Burro Complex Herd Management Area Plan (Preliminary EA). The current combined Appropriate Management Level for the three Joint Management Areas (JMAs) is 62-93 wild horses and 103-192 burros. The estimated combined population of the three JMAs, based on a February 2021 aerial survey, is 281 horses and 551 burros.

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The proposed action includes: implement an HMAP to "reaffirm or adjust AMLs" including "adaptive management provisions to modify AMLs" (EA, p. 5); removals of excess animals via helicopter (March 1 - June 30 eliminated from any helicopter gathers due to foaling season) and bait- or water-trapping (EA, p. 6); "Catch, Treat, and Release (CTR) procedures could also be used for either large or small gathers to limit population growth and extend gather cycles" (EA, p. 7). "Population Growth Suppression (PGS) methods would include, but may not be limited to, fertility control vaccines, surgical sterilization (for both males and females), and sex ratio adjustment" (EA, p. 7).

We respectfully submit our comments, below:

[bull] "Under the Proposed Action, fertility control vaccines could be implemented on any adult mares or jennies that are captured and released back into the JMA." (EA, p. 7)

[bull] "Sterilization is a management technique that is specifically authorized by the Wild Free-Roaming Horses and Burros Act of 1971 (WFRHBA)." (EA, p. 7) We understand that an EA should evaluate all potential options, but we are using this opportunity to express that surgical sterilization of animals for management purposes should not be pursued. Here is why:

- There are no substantive studies to evaluate long term health of ovariectomized mares. At the Center for Equine Health (UC Davis), a herd of 20 older ovariectomized mares were housed. Eighteen showed advanced musculoskeletal deterioration, which led veterinarians on-site to wonder at the effect of removing estrogen from the system, as an ovariectomy does.

- Surgical spays polarize stakeholders and lead to litigation. The agencies have an opportunity here to set this management strategy aside - because it can: other forms of proven, safe, humane reproductive growth suppression exist and their use is generally supported by the public (PZP, PZP-22, GonaCon, for example).

- Every time the agencies have proposed to research surgical spays the projects have been delayed due to litigation. One can assume that the same would happen if the FS and BLM pursued surgical spays in this context and thus, it will likely not be a feasible management tool for years.

- On Nov. 19, 2020, 58 members of Congress sent a letter to the Secretary of the Interior calling on the BLM to drop its surgical sterilization plans.

- On April 19, 2021, BLM attorneys contacted RTF to say that the agency would not be pursuing previously planned surgeries on mares captured during 2020 on the Confusion Herd Management Area in Utah. It would be inconsistent for the FS and BLM to pursue Spring Mountains Wild Horse and Burro Complex Herd Management Area Plan EA

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surgical spays in Nevada.

- We do not advise gelding as a population management tool since there are effective and well-studied, safe, effective, and humane and reversible population growth suppression

alternatives and, while there are initial studies, there are not sufficient studies to understand the behavioral effects of gelding some proportion of a population.

[bull] "Under the Proposed Action, a typical wild horse sex ratio of the breeding populations may be skewed to favor a stallion to mare ratio of 60:40." (EA, p. 8) We do not advise sex-ratio skewing for wild horses for these reasons: (1) management of populations via sex skewing is temporary (populations return to their normal ratios), and (2) healthy populations rely on whatever the norms are in terms of that population's demographics - adjusting a population of wild horses to skew for more or less of anything does not attain a natural state for that population, with behavior ramifications that are not yet understood (potential heightened aggression in stallions, for example).

[bull] "All gathers will comply with the BLM Permanent Instruction Memorandum 2021- 002, Wild Horse and Burro Comprehensive Animal Welfare Program (BLM 2021)" (EA, p. 14) Every year, the FS and BLM conduct wild horse and burro gathers (often referred to as "roundups") to remove "excess" animals, apply fertility control, conduct approved research projects, relocate animals to other Territories or HMAs, introduce animals from other Territories or HMAs, adjust sex ratios, manage non-reproducing herds, treat sick or injured animals, conduct diagnostic testing, mark animals for identification, manage herd characteristics, and/or respond to life-threatening or emergency situations.

As with most wild animals, any effort to capture, handle, restrain, and transport wild horses and burros, no matter how carefully planned and executed, will inevitably cause a certain amount of stress and discomfort for the animals involved, and under some circumstances, injuries, illnesses and deaths may be unavoidable. Nevertheless, this fact in no way reduces or minimizes the ethical obligation of those charged with managing wild horses and burros to reduce, to the greatest extent possible, the physical and emotional distress these wild animals endure during gathers operations.

For these reasons, we strongly recommend that the FS and BLM focus primarily on the use of water and bait trapping for gathering wild horses and burros - especially in the warm summer months when helicopter gathers pose inherent risks and water and bait traps may be most attractive to wild horses and burros. The National Park Service (NPS) does not use helicopters for wild horse gathers because

they have determined that using helicopters to gather wild horses is neither safe nor humane

(8th Annual Wildlife Fertility Control Conference, July 18-24, 2017, Washington D.C.). Though it is outside of the scope of this EA, we would like it stated that, when other options exist, we are opposed to the use of helicopters during roundups for the following reasons: (1) Though standard operating procedures (SOPs) for gathering animals with the use of helicopters have been established, there are numerous instances where those SOPs are not followed, with little to no consequence to the BLM district offices or Spring Mountains Wild Horse and Burro Complex Herd Management Area Plan EA

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the contractor (more on this, below); (2) Horses are extremely stressed and fearful during helicopter round ups; and (3) Mares and foals are easily separated during the fast-paced helicopter roundups.

If helicopters must be used, the BLM should also restrict the use of helicopter-drive gathers to situations where water or bait trapping is not possible, and only conduct helicopter drive gathers in the winter and spring months when temperatures are cooler, wild horses and burros are less susceptible to heat stress and dust exposure, and maximum effectiveness for fertility control vaccine application in equines can be achieved. When helicopters are used, careful adherence to Comprehensive Animal Welfare Protocol (CAWP), and appropriate BLM oversight of contractors, is essential. While the agency maintains that CAWP is always followed, repeated incidences of SOPs not properly being followed are documented by wild horse advocacy groups. It is important that BLM take complaints and perceptions of CAWP not being properly followed seriously. Contracting Officer Representatives must maintain rigorous standards for contractors and BLM staff during gather operations. Strict following of CAWP and zero tolerance for practices or incidences that fall outside of CAWP will go a long way towards beginning the slow process of re-establishing trust between agencies, contractors, and stakeholders.

[bull] "Future utilization monitoring and use pattern mapping would be based on the same monitoring

protocol by both agencies across the entire JMA using the key area concept. Adjustment of the AMLs in the future would be based on the multi-tiered analysis described in BLM WHB Handbook H-4700-1 (BLM 2010)." (EA, p. 15) We appreciate the discussion in this EA as to how the FS and BLM will use monitoring and adaptive management strategies to be better able to flex to conditions on the range as they change. This is very positive as it means a more dynamic management, shifting as ecosystems do, responding to stressors, and making decisions based on the environment and the land. Wild horse advocacy organizations, our own included, would like AMLs to trend towards generally higher AMLs where appropriate. We are aware that conditions on the range must support this, and that to improve conditions on ranges in the west that are dry and becoming drier, many compromises, across many of the multiple-uses, will become necessary. Ultimately, of course, the ability to increase AML is tied directly to range condition, resistance, and resiliency.

In an effort to drive wild horse and burro management towards being truly effective and programmatic, with ecologically-based parameters being the true and quantitative drivers for that management, the BLM Wild Horse and Burro Advisory Board recommended at its September 2020 meeting:

The Board recommends that BLM immediately begin to integrate wildlife management plan concepts (template developed by wildlife management agencies) on an HMA-by-HMA basis into a comprehensive, range wide WH&B management plan that includes contingencies for stochastic events and rangeland integrity, including riparian habitats.

The Board recommends that future research include: development and implementation of predictive models for animal movements that will likely expand resource degradation areas; and development and application of new tools (e.g., terrestrial laser scanners, drones, GPS collars) to measure concurrent forage use among large herbivores.

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The above points, and indeed the recommendations from the advisory board, are intended to support better implementation of environmental management that carefully considers adaptive management and changing conditions on the range. Many of the multiple-uses, and the management of such on public lands, will need to adapt within the context of climate change.

[bull] "Implementing the proposed action would reduce the WHB populations to the low to mid-range of AML. The 2021 population estimate for Red Rock JMA is 62 WH and 43 WB; so approximately 46 excess horses and 14 excess burros would need to be removed to reach Low AML." (EA, p. 30). A few points, then, to consider before removing down to low end of AML immediately: (1) We assume AML was determined based on BLM's handbook (USDI Bureau of Land Management 2010), which presumes gather-removal management scenarios only. If fertility control is some portion of a modern management plan, AML can be brought into context: a decreased population growth rate translates to both longer times between gathers and fewer horses needing to be gathered if the growth rate is reduced. This is not a recommendation to re-evaluate AML in general, as that would be outside of the scope of this EA. However, because low AML is necessary in gather-only management scenarios (so that there is sufficient time until numbers above high AML are reached, triggering a gather), it is reasonable to adjust the expectation that reaching low AML is necessary; (2) programmatically, immediate achievement of AML across BLM HMAs and FS Territories is not possible. In light of current limitations that the BLM and FS face on a national scale - with a program budget that does not even cover basic needs of the program (personnel, holding, administrative costs, and gathers), it is difficult to plan for anything outside of these parameters. However, Congress has recognized the inefficiency of the WHB Program in attaining true sustainability if each separate region or field office or State operates in a vacuum, hence the directive from Congress to facilitate cohesive and comprehensive solutions. It would behoove the Agency to plan for many levels of slowed, longer-term management objectives such as: instead of immediate reductions to low AML, taking into consideration the fact that NEPA actions must be put into place to facilitate an increase in short- and long-term holding facilities; analysis of whether a

combination of slower removals in these HMAs or JMAs paired with fertility control to slow reproduction could result in a lesser impact to already full holding facilities (less horses removed over a longer period of time); and, indeed, if horses might be allowed to stay on HMAs or JMAs (at reduced numbers, but not at AML) because the program as a whole is greatly impacted at this time.

[bull] "The phrase "gate cut removal" means that WHBs would be gathered and removed as encountered until removal and post-gather population objectives were achieved. No WHBs would be released so that the number removed would equal the number gathered." (EA, p. 35) This suggests, and other portions of the EA clarify, the fact that fertility control would only be implemented when and if low AML was achieved. We suggest immediate implementation of fertility control, even if AML is not immediately achieved and as opposed to waiting for AML to be achieved. The BLM WHB Advisory Board recommended as such in the September 2020 meeting: "The Board recommends that the agency expand fertility control implementation and develop measurable objectives outlining a targeted reproductive Spring Mountains Wild Horse and Burro Complex Herd Management Area Plan EA

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growth rate reduction and multi-year plans, on an HMA-by-HMA basis. The effort should include fertility control treatments combined with gather operations, including HMAs where AML will not immediately be achieved. The Board recognizes that reproductive growth rates on the range must be reduced immediately so that overall numbers of horses or burros, as well as overall numbers of gathers, begins downward trending."

Diverse stakeholder groups have arrived at similar conclusions via modeling and peer-review research analysis: a slower and multi-faceted approach to wild horse and burro management must include some removals, some on-range fertility control (via remote darting), and/or some gather-administer-release fertility control (fertility control administered to an appropriate proportion of females in a livestock chute, ideally followed by holding for a booster, and then released). These modalities should not be



implemented only when AML is achieved, but as a way to begin stabilizing the population immediately and work towards lowering populations, where applicable, more slowly. This is more effective at creating and maintaining sustainable wild horse and burro management (with less dependence on transportation and short-term holding, where a majority of the program budget is spent). To reduce stress on holding facilities, contractor availability, and budget, the application of immuno-contraceptive vaccine alongside gather-removals allows for stabilization and then reduction, where necessary, of wild horse or burro numbers, and is more economically and logistically viable: population growth rates on the range are reduced, and time between gathers can be extended. At the time of another gather, fertility control vaccines can be reapplied to mares or jennies that have received initial doses, new mares or jennies can receive treatment, and some animals can be gathered and removed, in effect scaling up fertility control at every opportunity.

#### Conclusion

The RTF, the HSUS and HSLF have, and will continue to, work in partnership with the BLM and FS to study and implement effective, humane, and sustainable approaches to managing wild horses and burros on our public lands. The intent of these comments is to further contribute to that partnership by providing the agency with several recommendations on how to improve the proposed management plan for the Spring Mountains Wild Horse and Burro Complex.

Thank you again for the opportunity to comment on the preliminary EA.

Respectfully,

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