



THE STATE OF ARIZONA  
**GAME AND FISH DEPARTMENT**

5000 W. CAREFREE HIGHWAY  
PHOENIX, AZ 85086-5000  
(602) 942-3000 • WWW.AZGFD.GOV

**GOVERNOR**

JANICE K. BREWER

**COMMISSIONERS**

CHAIR, JENNIFER L. MARTIN, PHOENIX

ROBERT R. WOODHOUSE, ROLL

NORMAN W. FREEMAN, CHINO VALLEY

JACK F. HUSTED, SPRINGVILLE

J.W. HARRIS, TUCSON

**DIRECTOR**

LARRY D. VOYLES

**DEPUTY DIRECTORS**

GARY R. HOVATTER

BOB BROSCHEID



August 24, 2010

Mr. Bob Abbey  
Director, Bureau of Land Management  
1849 C Street NW, Rm. 5665  
Washington DC 20240

Re: Comments for the Bureau of Land Management's June 2010 Wild Horse and Burro Strategy Development Document

Dear Mr. Abbey,

The Arizona Game and Fish Department (Department) appreciates the cooperative relationship with the Bureau of Land Management (BLM) that both agencies have worked hard to foster over the years. This relationship has been beneficial to both agencies as well as the resources we have shared responsibilities to manage. We are sending this letter to provide comments and input for BLM's June 2010 Wild Horse and Burro Strategy Development Document (Strategy), *Working Toward Sustainable Management of America's Wild Horses and Burros*, which identifies draft goals, objectives and possible management actions. The Department appreciates the opportunity to engage in the development of this Strategy, as we recognize the important relationships and significant impacts that connect appropriate horse and burro management with successful wildlife conservation and management. The Department has evaluated the draft Strategy, and we present the following concerns and recommendations for your consideration.

Summary

The Department applauds BLM's efforts to seek stakeholder input as it strives to develop a sustainable approach for managing wild horse and burro populations. As the state agency responsible for managing resident wildlife populations in Arizona, the Department encourages the evaluation of wild horse and burro management in order to improve the management efficiency and effectiveness across the landscape. However, we also believe the original crafters of the Wild Free-Roaming Horses and Burros Act of 1971 (Act) wisely balanced measures to protect free-roaming horses and burros with measures to protect wildlife, habitats, rangeland resources, and private interests. Likewise, we respectfully request that any new strategy developed for the management of wild horses and burros maintains that the BLM and Department of Interior meet their fiduciary and statutory obligations to appropriately identify and mitigate for impacts to wildlife under the Federal Land Policy and Management Act (FLPMA), the National Environmental Policy Act (NEPA), the Endangered Species Act (ESA), and other statutes, regulations, and legislation, as applicable.

Mr. Bob Abbey  
August 24, 2010  
2

We wholly support efforts to more effectively and efficiently manage horses and burros within the framework of the Act. If designed and implemented appropriately a new Strategy could result in a more environmentally and economically-sustainable horse and burro program. Conversely, an ill-designed program could result in an increasingly complicated and expensive program with devastating impacts to the long-term sustainability of the public's fish and wildlife populations, their habitats, and associated recreation activities. As a result, the Department is fully committed to helping the BLM develop a wild horse and burro management strategy that best meets the intent of the Act and the needs of wildlife resources throughout the west.

#### Department Concerns and Recommendations

1. The BLM should first evaluate the current implementation options available under the existing Act to determine which issues result from inherent constraints or limitations vs. a lack of adequate implementation of the Act.

The Department agrees with the assessment that the current management of wild horses and burros is unsustainable over the long term. However, in many instances, the Act itself may not be the primary problem; rather, past problems experienced by wildlife agencies often appear to result from a lack of implementation of measures established in the Act. These include timely surveys, gathers, sales, and when necessary, euthanasia to offset competing interests and maintain the "thriving natural ecological balance." This is likely due to competing agency priorities, the lack of sufficient funding, and opposition from interest groups to responsible and proactive horse and burro management pursuant to the Act.

For example, until 2010 in Arizona, 6 of the 7 Herd Management Areas (HMAs) had not been surveyed since 2006 or earlier, and horse and burro gathers have not kept pace with population growth. Currently, the Department estimates that horse and burro populations exceed the Appropriate Management Level (AML) on 5 of Arizona's 7 HMAs by approximately 150 to 378% (Alamo, Big Sandy, Black Mountains, Cibola-Trigo, and Lake Pleasant HMAs). Additionally, wild horses and burros continue to occupy Herd Areas (HAs) outside of HMAs (for example, the Cerbat Mountains, Harquahala, Painted Rocks, and Tassi-Gold Butte HAs), as well as areas outside of HAs (for example, horse herds on and adjacent to the Apache-Sitgreaves National Forest). Across the range in 10 western states, the BLM manages approximately 37,000 horses and burros, while the identified AML for these areas is only about 26,600, an excess of over 10,000 animals (BLM 2009). Regular horse and burro population surveys, gathers, and other actions, as appropriate, would provide a better understanding of horse and burro populations and the actions necessary to maintain a "thriving natural ecological balance" across the landscape. Therefore, as a first step in developing the new Strategy, we recommend the BLM begin with a thorough evaluation of the options already available but not fully utilized for implementing the current Act; some of those options, which if fully utilized, could largely alleviate many of the ecological and economic issues that currently plague the program.

Mr. Bob Abbey  
August 24, 2010

3

2. The BLM must appropriately consider and mitigate for the potential impacts on fish, wildlife, and other natural resources resulting from the development and implementation of a new draft Strategy in order to meet their fiduciary and statutory obligations.

There are significant interactions between the management of wild horses and burros and natural resources on public lands. As such, any evaluation and analysis pertaining to the development and implementation of a new Strategy, must clearly identify and appropriately mitigate for the potential impacts on fish, wildlife, and other natural resources that are also managed in trust for the public, including threatened, endangered, and sensitive species. Some of these trust and statutory obligations include legislation such as FLPMA, NEPA, ESA, and required cooperation with state and federal wildlife management agencies that have trust responsibilities for managing fish and wildlife populations. Depending on the development and implementation, the new draft Strategy could result in more effective and efficient management of horses, burros, and wildlife across the west; however, if developed and implemented inappropriately, it could result in devastating negative impacts on fish and wildlife populations, habitats, wildlife related recreation, and the ability of federal, state, and local agencies to manage these important natural resources and their uses.

Scientists and wildlife managers have clearly documented some of the negative impacts that wild horses and burros can have on wildlife populations and habitats through physical displacement and competition for resources. Some of the impacts include, but are not limited to: negatively impacting and the delayed response of vegetation to grazing (Symanski 1994); over-utilization, reducing native plant density and canopy cover, and concentrating impacts near riparian areas and other water sources (Hanley and Brady 1977); direct dietary overlap and competition with native ungulates for succulent grasses, forbs, and browse, especially for populations in arid habitats (Seegmiller and Ohmart 1981, Zine et al. 1992, Beever 2003, Abella 2008); physical, social, and ecological exclusion of native ungulates by horses and burros, particularly when food and water resources are limited, as is often the case in arid habitats (Weaver 1974, Marshal et al. 2008); and even compete with and displace other native species such as small mammals and birds (Carothers et al. 1976, Hanley and Brady 1977, Latta et al. 1999). This brief list represents only a minor fraction of the scientific data and management information available that qualitatively and quantitatively describes the relationships and impacts of wild horses and burros on fish and wildlife populations and habitats.

3. In order to have a truly open dialogue and consideration for all viable management alternatives, the BLM should reconsider the inclusion of two options, which have been identified as “off the table” for the development of the new draft Strategy: 1) euthanasia of healthy excess animals, and 2) their sale without limitation.

The Department believes both of these topics and options should be evaluated and analyzed in the development of any new strategy for managing horses and burros. First, the Act specifically states that, “The Secretary...determine whether appropriate management levels should be achieved by the removal or destruction of excess animals, or other options...” and

“The Secretary shall cause additional excess wild free roaming horses and burros for which an adoption demand by qualified individuals does not exist to be destroyed in the most humane and cost efficient manner possible.” As an overabundance of wild horses and burros continues to expand on the landscape, and population growth rates exceed adoption demand, funding, and holding capacity, the use and implementation of euthanasia as a tool for population control may not only be warranted, but also necessary to maintain a “thriving natural ecological balance” on the landscape, as required in the Act. Nationwide, the BLM estimates that wild horses and burros on public lands exceed AML by approximately 142%. Meanwhile, 34,000 horses and burros are being cared for in short-term corrals and long-term pastures, costing taxpayers \$29 million annually, or about 70 percent of the total annual wild horse and burro program budget (BLM 2009). The framers of the Act recognized the value of euthanasia as a potential tool; when utilized appropriately, euthanasia is neither inhumane nor unethical (see comment, 9. Key Element – Animal Welfare).

Second, the sale of free roaming horses and burros is also specifically identified in the Act and should not be disregarded as a viable option for maintaining sustainable horse and burro populations under any newly-devised strategy. Instead, the Department recommends identifying sideboards and guidelines for the sale of horses and burros within the Act that could adequately address real and perceived concerns about animal welfare and humane treatment, while not removing a potentially valuable and necessary tool for the long-term sustainable management of wild horses and burros.

4. Key Element - Sustainable Herds: The Department supports the philosophy of balancing annual herd growth rates with the number of horses and burros that can be successfully adopted each year. We do, however, recommend the BLM take a conservative approach to ensure that wild horse and burro populations on public lands are returned to AML and maintained at those appropriate levels.

As part of a broader management solution, we generally support “Objective 1: Implement fertility control and other population control measures to balance annual herd growth rates with the adoption demand,” and “Objective 3: Improve gather efficiency and expand the use of various gather techniques.” The Department believes that a strategy seeking to balance herd growth rates with adoption must be designed and implemented conservatively, in such a way that avoids a lag time between a decreasing adoption demand and corresponding population growth rates. Additionally, the effectiveness of fertility control and other population control methods is uncertain and remains under evaluation. As such, the utilization of these tools should be implemented cautiously and adaptively in conjunction with reliable management actions (for example, gathers) as their efficiency and effectiveness becomes more field tested and proven. Both of these objectives, when used in conjunction with other management tools, could certainly help to maintain horse and burro population levels that maintain the “thriving ecological balance” described in the Act.

Alternatively, we believe that “Objective 2: Make additional forage available for wild horse and burro use,” is at best only a short-term fix to the long-term problem of wild horse and

burro overpopulation relative to their rate of adoption. Any strategic element that increases the land and forage available to reproductive free-roaming wild horses and burros on public lands may result in a lower need for adoption in the short-term. However, over the long-term this expansion of free-roaming wild horses and burros will undoubtedly result in increasing conflicts with fish and wildlife resources, and the need for an increasing adoption rate, which is not being adequately met under current management conditions and population levels. Currently, across all Arizona HMAs, the Department estimates that wild horse and burro populations exceed AML by approximately 178%, while 600 or more additional animals occupy lands outside of HMAs not managed for wild horses and burros. Nationwide, the BLM estimates that wild horse and burro populations exceed AML by approximately 10,350 animals, with more than 34,000 being cared for in short- and long-term holding facilities (BLM 2009).

5. Key Element – Preserves: The Department understands the elements and philosophy of the Preserve system, but we are opposed to the creation and management of preserves that increase the number of wild horses and burros on public lands in Arizona – within or outside of Herd Management Units (HMA) or Herd Areas (HA).

The Department believes establishing preserves of horses and burros on public lands in Arizona, within or outside of HMAs and HAs, would result in a single-species, single-resource focus and is not consistent with the multiple-use philosophy under which the BLM manages its lands in accordance with FLPMA. Further, the Department does not support the establishment or management of publicly-funded preserves with reproducing wild horses and burros on any lands in Arizona, as this would continue to exacerbate the ongoing dilemma of annual population growth rates exceeding adoption demand. Instead, the Department strongly encourages the BLM to utilize all appropriate management tools, as necessary, to maintain horse and burro populations within AML (for example, fertilization/sterilization management, sex ratio management, adoption, sale, and euthanasia, etc.). The establishment of preserves will ultimately require the BLM to continue managing horses and burros above population levels present during the establishment of the Act in 1971, as well as above current AML throughout the 10 western states.

6. Key Element – Treasured Herds: The Department is not opposed to the identification of Treasured Herds; however, we are concerned that the establishment and showcasing of these herds has the potential to result in: 1) an inaccurate public understanding of wild horses and burros in an ecological and evolutionary context, 2) the alteration and restriction of compatible uses on public lands, and 3) the establishment of additional wild horses and burros on public lands that are already facing an overabundance relative to ecological carrying capacity, adoption demand, and program funding.

The Department recognizes the social and emotional connection that some citizens have for wild horses and burros in the United States, and we therefore understand the desire to identify and showcase Treasured Herds. In doing so, however, we caution that the identification and management of these herds should address the following issues:

First, the Department is concerned that many agency personnel, legislators, interest groups, and the general public do not have an accurate ecological or evolutionary understanding of wild horses and burros on the North American continent, and that any public outreach, education, and showcasing of wild horses and burros should be forthcoming and comprehensive. That is, such activities should clearly illustrate that: 1) wild horses and burros are not native to North America, 2) wild horses and burros did not evolve with North America's native flora and fauna over approximately the last 10,000 years; rather, they were brought to this continent by Spanish explorers in the 15<sup>th</sup> century, and 3) their presence on the landscape often results in the competition and displacement of native plants and wildlife as they compete for finite resources on the landscape.

Second, the identification and designation of Treasured Herds should not result in a change in compatible uses on public lands. The Department is concerned that the designation of Treasured Herds on public lands could result in the restriction of activities currently allowed in those areas, including wildlife and habitat management, and hunting, fishing, and or other wildlife-based recreation activities. This would result in a single-species, single-resource management approach at the expense of native wildlife, habitats, and other natural resources, which is contrary to BLM's multiple-use management under FLPMA.

Third, as stated earlier, the Department does not support any measure that would result in the placement of additional wild horses and burros on public lands, particularly those involving non-sterile herds, which is currently listed as a possibility in the proposed Strategy. The placement of additional wild horses and burros, especially non-sterile herds, on public lands will only continue to exacerbate current population control crisis.

7. Key Element – Place Excess Animals into Private Care: Although the Department supports goals and objectives that seek to expand the market for wild horse and burro adoption, similar to our comments for Treasured Herds, we reiterate that associated environmental education programs must accurately and comprehensively reflect the role of wild horses and burros in an ecological and evolutionary context.

We support goals and objectives that will result in increased adoption rates, use of wild horses and burros in public service and other disciplines, offer more trained animals to the public, and implement environmental education programs. It will be essential, however, that environmental education programs accurately represent the evolutionary biology, ecology, and human-equine history. Wild horse and burro environmental education programs that neglect to tell the story of their evolutionary past and ecological interactions and impacts on native flora and fauna do so at a great potential cost to the public's natural resources. People are certainly more likely to adopt and care for animals, such as wild horses and burros, if they are more familiar with and have a greater understanding about them, while at the same time, realizing that an overabundance of these non-native horses and burros can result in significant negative impacts to native wildlife and their habitats.

8. Key Element – Communications: As stated repeatedly above, the Department supports efforts to communicate with and bring additional partners and stakeholders to the table in order to more effectively manage wild horses and burros on public lands. It is imperative, though, that any public outreach, marketing, environmental education, and showcasing accurately and thoroughly tell the story of free-roaming wild horses and burros. This will provide agencies, legislators, interest groups, and the public with the best opportunity to fully understand the social, ecological, emotional, and evolutionary implications of wild horses and burros on public lands, in order to make well-informed decisions regarding their management.
9. Key Element – Animal Welfare: The Department wholly supports the BLM in seeking opportunities to improve their knowledge and use of the best and most humane methods for capturing and handling wild horses and burros. Additionally, the Department advocates that the draft Strategy address and consider, more thoroughly, the philosophies of humane and ethical treatment as they pertain to the sale and euthanasia of wild horses and burros, and the impacts of these animals on the natural environment.

The humane treatment of wild horses and burros relates to how individuals of a population are treated by humans and often refers to the manner in which they are captured, handled, transported, cared for, and euthanized. The Department believes the humane treatment of wild horses and burros is absolutely necessary, but does not necessarily preclude actions that may result in the euthanasia or sale of seemingly healthy animals for purposes of maintaining a “thriving natural ecological balance” on the landscape, as stated in the Act. Humane treatment of wild horses and burros may include methods of euthanasia or the sale of individuals for which adequate adoption demand, holding capacity, or funding for long-term care and maintenance do not exist. This model is similar to domestic animal management practices that are regularly implemented at humane animal shelters across the nation. At times it is more humane to euthanize individual animals than to let them suffer from lack of care, neglect, injury, or overpopulation.

This often is the case when wild horse and burro populations exceed the levels of funding for adequate care in holding facilities or pastures, or whose overabundance on the landscape disrupts the “thriving natural ecological balance.” Wild horse and burro populations that reach an overabundance relative to resource availability, in the wild or in captivity, may suffer from numerous discomforts, including malnutrition, medical ailments, and increasing intra-specific competition for food, mates, and other resources. Further, allowing an overabundance of non-native wild horses and burros to persist on the landscape results in the continued damage and degradation of habitats occupied by native wildlife, including threatened, endangered, and special status species. The intensity, duration, and magnitude of resource damage caused by wild horse and burro populations can be impressive and dramatic, taking a great toll on native wildlife and vegetation that are increasingly forced to struggle against a myriad of competing factors, including non-native species, altered fire regimes, disease, climate change, and habitat loss/fragmentation. The consequences of

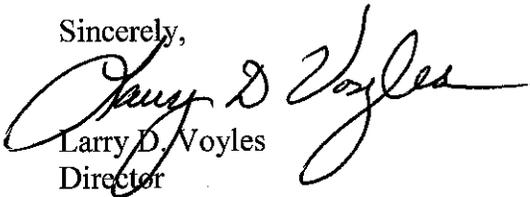
Mr. Bob Abbey  
August 24, 2010  
8

failing to act quickly and effectively have been shown to cause long-term wildlife habitat, riparian, and watershed degradation (AGFD 1992, ASU 1992).

10. Key Element – Science and Research: The Department fully supports attempts to research, develop, and incorporate the best scientific knowledge and applications available to aid in the management of wild horses and burros. We recommend that during the development of this strategy, BLM conduct a thorough scientific literature search of the impacts of wild horses and burros and resulting conflicts with wildlife resources. We would be supportive of efforts to convene a workshop of publishers of peer-reviewed scientific literature to assess the current state of the science related to equine management from around the globe. In addition, we believe it is imperative that the BLM direct adequate scientific and research attention toward accurately and precisely identifying and quantifying impacts of wild horses and burros on wildlife populations, habitats, and other natural resources managed for public benefit, including:
- a. Impacts on perennial and ephemeral riparian and wetland habitats;
  - b. Impacts on upland habitats;
  - c. Impacts on threatened, endangered, and special status species of wildlife.

I appreciate the Department having the opportunity to participate in the development of this Strategy, and I look forward to working cooperatively with you and other stakeholders toward the improved management of free-roaming wild horses and burros in Arizona and throughout the west.

Sincerely,



Larry D. Voyles  
Director

cc: Senator John McCain  
Senator Jon Kyl  
Congresswoman Ann Kirkpatrick  
Congressman Trent Franks  
Congressman John Shadegg  
Congressman Ed Pastor  
Congressman Harry Mitchell  
Congressman Jeff Flake  
Congressman Raul Grijalva  
Congresswoman Gabrielle Giffords  
Jim Kenna, Arizona State Director, Bureau of Land Management

Mr. Bob Abbey  
August 24, 2010  
9

#### LITERATURE CITED

- Abella, S.R. 2008. A systematic review of wild burro grazing effects on Mojave Desert vegetation, USA. *Environmental Management*, 41:809-819.
- AGFD. 1992. Special Report: cottonwood stripping along the lower Santa Maria River. Arizona Game and Fish Department.
- ASU. 1992. Letter to the Arizona Game and Fish Department: data on stripping and mortality of *Populus fremontii* by burros along the Santa Maria River.
- Beever, E. 2003. Management implications of the ecology of free-roaming horses in semi-arid ecosystems of the western United States. *Wildlife Society Bulletin*, 31:887-895.
- BLM. 2009. Wild Horse and Burro Quick Facts. Updated as of December 18, 2009.
- Carothers, S.W., M.E. Stitt, and R.J. Johnson. 1976. Feral assess on public lands: an analysis of biotic impact, legal considerations and management alternatives. Forty-First North American Wildlife Conference, 396-406.
- Hanley, T.A. and W.W. Brady. 1977. Feral burro impact on a Sonoran Desert range. *Journal of Range Management*, 30:374-377.
- Latta, M.J., C.J. Beardmore, and T.E. Corman. 1999. Arizona Partners in Flight Bird Conservation Plan. Version 1.0. Nongame and Endangered Wildlife Program Technical Report 142. Arizona Game and Fish Department.
- Marshal, J.P., V.C. Bleich, and N.G. Andrew. 2008. Evidence for interspecific competition between feral ass *Equus asinus* and mountain sheep *Ovis Canadensis* in a desert environment. *Wildlife Biology*, 14:228-236.
- Seegmiller, R.F. and R.D. Ohmart. 1981. Ecological relationships of feral burros and desert bighorn sheep. *Wildlife Monographs* 45, No. 78.
- Symanski, R. 1994. Dances with horses: lessons from the environmental fringe. *Conservation Biology*, 10:708-712.
- Weaver, R.A. 1974. Feral burros and wildlife. Proceeding of the 6<sup>th</sup> Vertebrate Pest Conference, 204-209.
- Zine, M.J., P.R. Krausman, M.C. Wallace, L.R. Berner. 1992. Resource use by mountain sheep in a large enclosure. *Desert Bighorn Council Transactions*, 36:22-26.