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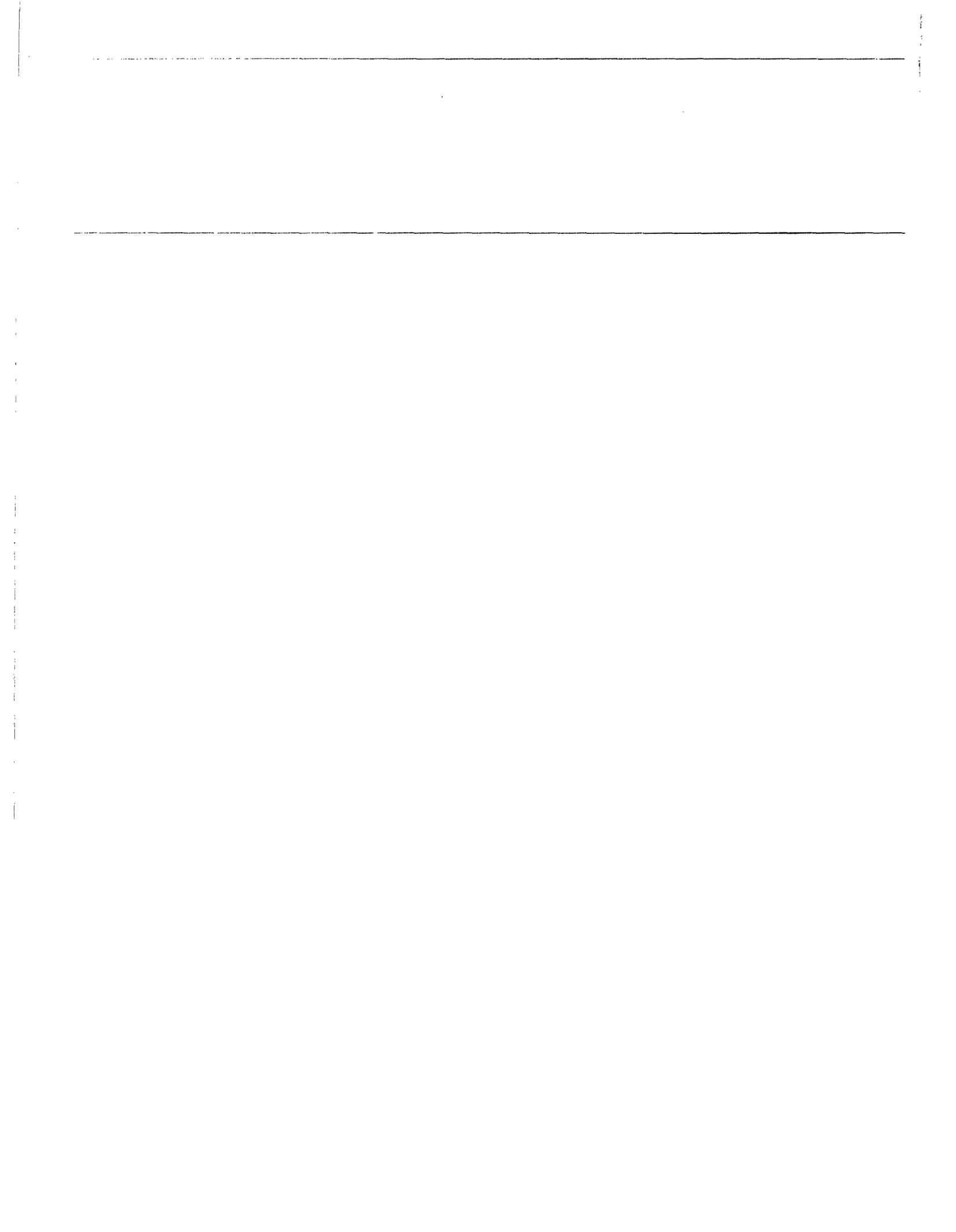
RANGELAND MANAGEMENT

Improvements Needed in Federal Wild Horse Program



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United States
General Accounting Office
Washington, D.C. 20548

**Resources, Community, and
Economic Development Division**

B-240548

August 20, 1990

The Honorable Manuel Lujan, Jr.
The Secretary of the Interior

Dear Mr. Secretary:

This report discusses the Bureau of Land Management's efforts to manage wild horses on the public rangelands in 10 western states, including the removal and disposition of excess wild horses under the Adopt-A-Horse program.

This report contains recommendations to you in chapters 2, 3, and 4. The head of a federal agency is required by 31 U.S.C. 720 to submit a written statement on actions taken on our recommendations to the Senate Committee on Governmental Affairs and the House Committee on Government Operations not later than 60 days after the date of this letter and to the House and Senate Committees on Appropriations with the agency's first request for appropriations made more than 60 days after the date of this letter.

We are sending copies of this report to the Director, Bureau of Land Management; Director, Office of Management and Budget; congressional offices; and other interested parties. If we can be of further assistance, please contact me at (202) 275-7756. Other major contributors are listed in appendix II.

Sincerely yours,

A handwritten signature in cursive script that reads "James Duffus III".

James Duffus III
Director, Natural Resources
Management Issues

Executive Summary

Purpose

In response to concerns over the widespread abuse and exploitation of wild horses and the possibility that the remaining population might eventually be eradicated, the Congress passed the Wild Free-Roaming Horses and Burros Act in 1971 to grant the animals special protection. Subsequent population counts indicated that there were many more wild horses than previously thought and that these horses were contributing to overgrazing of the federal rangelands. This new information led the Congress to amend the law in 1978 and establish protection of the range from wild horse overpopulation as a major program objective. Accordingly, it authorized the agency responsible for administering the program—the Department of the Interior’s Bureau of Land Management (BLM)—to limit wild horse populations to levels the range can sustain. This dual mandate of protecting wild horse populations while at the same time protecting the rangelands they roam from deterioration continues to govern program operations.

Responding to expressions of congressional concern over BLM’s management of the wild horse program, GAO reviewed BLM’s basis for determining the number of wild horses to be removed from the range; the treatment of horses disposed of under a special adoption program; and the cost-effectiveness of other aspects of BLM’s wild horse disposal program.

Background

Since 1980, BLM has rounded up, removed, and disposed of more than 80,000 wild horses from federal rangelands. About 60,000 of these horses have been adopted through BLM’s Adopt-A-Horse program which allows individuals to obtain title to up to four horses a year for \$125 each. In an effort to enhance the adoptability of wild horses, BLM in recent years has been sending some horses to state prison facilities to be “gentled” by inmates who halter train them. However, all the wild horses removed from the range have not proven to be adoptable because of age or physical imperfection. Accordingly, from 1984 through September 1988, BLM placed about 20,000 wild horses with large-scale adopters who agreed to take a minimum of 100 horses when BLM waived the normal adoption fee. This program was terminated in response to widespread congressional and public criticism. Since the summer of 1988, BLM has placed unadoptable horses in private sanctuaries.

Results in Brief

GAO found that despite congressional direction, BLM’s decisions on how many wild horses to remove from federal rangelands have not been based on direct evidence that existing wild populations exceed what the

range can support. Moreover, wild horse removals often have not been accompanied by reductions in authorized livestock grazing levels or effective range management to increase the land's capacity. As a result, range conditions have not demonstrably improved, and the number of wild horses removed has exceeded the capacity of the Adopt-A-Horse program. These conditions, in turn, led BLM to implement two mass disposal options that have resulted in either inhumane treatment and commercial exploitation of the horses or committed the government to long-term financial responsibility for the removed horses' welfare. BLM's halter training and gentling program also has not been as cost-effective as it could be. Many horses remain at prison training facilities much longer than necessary resulting in increased program costs and lost adoption opportunities.

Principal Findings

Wild Horse Removals Are Not Linked to Rangeland Conditions

GAO found that existing information is insufficient to determine how many wild horses the range can support, the extent of degradation caused by wild horses, or consequently the number of wild horses that should appropriately be removed from individual herd areas. For example, for the five BLM areas GAO visited (covering 46 wild horse herd areas), BLM had not assessed the land's carrying capacities in over 20 years in three cases and in over 10 years in another case. The one resource area with data less than 10 years old did not use it to set target wild horse population levels and removal objectives. Despite the lack of data, BLM has proceeded with horse removals using targets based on perceived population levels dating back to 1971 and/or recommendations from BLM advisory groups comprised largely of livestock permittees.

BLM could not provide GAO with any information demonstrating that federal rangeland conditions have significantly improved because of wild horse removals. This lack of impact has occurred largely because BLM has not reduced authorized grazing by domestic livestock, which because of their vastly larger numbers consume 20 times more forage than wild horses, or improved the management of livestock to give the native vegetation more opportunity to grow. In some areas, GAO found that BLM increased authorized livestock grazing levels after it had removed wild horses, thereby negating any reduction in total forage consumption and potential for range improvement. According to BLM range managers, BLM has not acted to reduce authorized grazing levels

primarily because it believed it did not have sufficient range condition data to justify the reductions.

Mass Disposal Led to Inhumane Treatment and Commercial Exploitation

By 1985, BLM was removing thousands more wild horses yearly from the range than its Adopt-A-Horse program could absorb. Faced with the escalating costs of maintaining these excess horses in holding facilities, BLM placed about 20,000 wild horses with large-scale adopters. BLM did not always comply with its regulations and internal guidance for approving and monitoring these adoptions. This noncompliance resulted in the inhumane treatment and death of hundreds of horses during the 1-year probation period when the horses were still owned by the government. Most adopters sold thousands of wild horses to slaughterhouses.

BLM terminated the program in September 1988 after negative publicity and pressure from the Congress. However, it has not rescinded the regulations authorizing such adoptions.

Disposal Program's Cost-Effectiveness Can Be Improved

Problems continue to exist in BLM's remaining disposal activities. GAO found that many horses remain at the prison facilities much longer than the 30 to 60 days needed to halter train them. Some horses remained at the facilities for up to 19 months, thereby substantially increasing program costs. In addition, GAO found that BLM adoption staff have questioned the quality of the training many horses have received. BLM has taken steps to tighten the management of the halter training program but to date has not established needed standards for the length of time the prisons should take to halter train a wild horse or the number and quality of trained horses the prison facilities should produce.

With respect to the wild horse sanctuaries, GAO believes that BLM will not be able to meet its objective of limiting financial support for the sanctuaries to their first 3 years of operation. Accordingly, GAO believes that BLM will either have to commit to a long-term financial commitment to the sanctuaries (now approaching \$900,000 a year for the first sanctuary alone) or be prepared to have the horses returned to its custody.

Recommendations

To ensure that wild horse removal decisions are made in the context of a rational range betterment strategy, GAO recommends that BLM expeditiously develop carrying capacity and range condition data. In locations where these data indicate that overgrazing is occurring, BLM should

implement range management techniques designed to give native vegetation more opportunity to grow and when necessary remove wild horses and reduce livestock grazing in proportion to the numbers of each species on the range. GAO also makes several other recommendations to improve BLM's wild horse removal and disposal efforts. (See pp. 44 and 56.)

Agency Comments

BLM generally agreed with GAO's recommendations and stated that implementing action to address them either has been taken or is being initiated. BLM disagreed, however, with a recommendation in a draft of this report to reduce overgrazing by removing wild horses and reducing the levels of authorized domestic livestock grazing in proportion to the amount of forage each is consuming and the amount of range damage each is causing. GAO revised its recommendation to acknowledge the role improved livestock management can have in reducing the impact of domestic livestock grazing on range conditions. Recognizing the difficulty in distinguishing between the impacts of wild horses and domestic livestock on range deterioration, GAO also revised its recommendation to base any needed reductions in grazing activity on the relative numbers of wild horses and domestic livestock on the range.

Contents

Executive Summary		2
Chapter 1		8
Introduction	Exploitation of Wild Horses and Burros Prompted Federal Protection	8
	BLM's Wild Horse Program	11
	Related GAO Products	18
	Objectives, Scope, and Methodology	18
Chapter 2		21
Wild Horse Removals Need to Be Linked to Rangeland Conditions	BLM Lacks Adequate Data to Make Informed Wild Horse Removal Decisions	21
	Basis for BLM's Wild Horse Removals Is Inappropriate	22
	Wild Horse Removals Have Not Significantly Improved Range Conditions	24
	Recent Wild Horse Removal Levels Have Exceeded Disposal Capabilities	26
	Conclusions	26
	Recommendations to the Secretary of the Interior	27
	Agency Comments and GAO Response	27
Chapter 3		29
Fee-Waiver Adoptions Led to Inhumane Treatment and Commercial Exploitation	Increasing the Number of Wild Horses Removed From the Range Led BLM to Authorize Fee-Waiver Program	29
	Many Fee-Waiver Horses Treated Inhumanely	30
	Thousands of Horses Sent to Slaughter After Title Passed	31
	Conclusions	33
	Recommendation to the Secretary of the Interior	33
	Agency Comments and GAO Response	33
Chapter 4		34
Continuing Problems With Wild Horse Disposal Activities	Sanctuaries More Costly Than Originally Thought	34
	Halter Training Program Can Be Made More Cost-Effective	36
	Alternative Disposal Options May Need to Be Considered	39
	Conclusions	40
	Recommendations to the Secretary of the Interior	40
	Agency Comments and GAO Response	41

Appendixes

Appendix I: Comments From the Department of the Interior	42
Appendix II: Major Contributors to This Report	58

Figures

Figure 1.1: Wild Horses in Nevada	9
Figure 1.2: General Areas of Wild Horse and Burro Herds in the Western States	13
Fig. 1.3: Locations Where Wild Horses Are Adopted by the Public	14
Figure 1.4: Horses Taken From Round-Up Pens on Range to Preparation Center in Nevada	16
Figure 1.5: BLM's Removals of Wild Horses and Burros and Appropriations, 1983-1990	17

Abbreviations

AUM	Animal Unit Month
BLM	Bureau of Land Management
FLPMA	Federal Land Policy and Management Act
GAO	General Accounting Office
IRAM	Institute of Range and the American Mustang

Introduction

During this century, tens of thousands of wild horses have been either killed or captured for slaughter on America's western ranges. Public concern about the fate of these animals led the Congress to pass the Wild Free-Roaming Horses and Burros Act of 1971. Under the act, wild horses and burros on federal rangelands were granted special protection from abuse and commercial exploitation. The Department of the Interior's Bureau of Land Management (BLM) has lead responsibility for managing these animals as a public lands resource.¹

Exploitation of Wild Horses and Burros Prompted Federal Protection

Wild horses on the western range are descended from horses brought to the North American continent by Spanish explorers in the 16th century (see fig. 1.1). Over time, stray domestic horses belonging to settlers and Native Americans bred with the Spanish mustangs and, at the beginning of the 20th century, an estimated 2 million wild horses roamed America's ranges. For many years, as human settlements and livestock ranching expanded westward, these horses were freely exploited by (1) ranchers who shot them to make room for cattle and sheep, (2) individuals who captured them for domestic use and breeding, and (3) profiteers who rounded-up large herds from the public lands for sale to slaughterhouses.

Documented abuses suffered by wild horses led concerned individuals and national humane organizations to push for federal protection in the 1950s. In response, the Congress passed legislation in 1959 (18 U.S.C. 47) prohibiting the use of aircraft, motor vehicles, and poisoned water holes to trap or kill wild horses on federal rangelands. Despite the act, wild horse exploitation continued and, by 1971, the reported population of wild horses on federal rangelands declined to about 9,500. Some questioned whether the population would eventually be eradicated.

¹The act also protects wild horses and burros on national forest lands managed by the U.S. Forest Service in the Department of Agriculture.

Figure 1.1: Wild Horses in Nevada



Source: BLM.

To ensure the survival of the wild horse herds, in 1971 the Congress enacted the Wild Free-Roaming Horses and Burros Act (16 U.S.C. 1331 et seq.) declaring that

“wild free-roaming horses and burros are living symbols of the historic and pioneer spirit of the West; that they contribute to the diversity of life forms within the Nation . . . and that these horses and burros are fast disappearing from the American scene.”

The act directed the Secretary of the Interior (this responsibility was internally delegated to BLM) to protect wild horses and burros from various types of abuse or death and to consider them in areas they were found as of 1971 as an integral part of the natural system of the public lands. Further, BLM was directed to manage them to achieve and maintain a thriving natural ecological balance on the public lands. The act precludes managing wild horses and burros to areas outside of where they were found in 1971.

Soon after the act's passage, more thorough BLM censuses revealed that wild horse populations were much higher than the 9,500 previously thought to exist. In the ensuing years, the focus of program debates shifted from ensuring the continued survival of wild horses to determining the number that should remain on the public lands. On the one hand, livestock permittees (ranchers who pay a fee to graze their livestock on public lands) and wildlife conservationists argued that lower population levels should be maintained because horse populations were damaging the range and displacing domestic livestock and various wildlife species also competing for the limited available forage. Horse protection groups, on the other hand, argued for higher population levels on the basis of their view that horses were not a major cause of the ongoing degradation in public range resources.

Responding to deteriorating range conditions, the Congress enacted the Federal Land Policy and Management Act of 1976 (FLPMA, 43 U.S.C. 1701 *et seq.*). In FLPMA, the Congress directed BLM to scientifically manage the rangelands under the principles of multiple use and sustained yield. The act defined multiple use as the management of public lands and their various resource values (fish and wildlife, livestock grazing, mining, recreation, etc.) so that they are used in the combination that best meets the public's present and future needs. The term sustained yield means the achievement and maintenance in perpetuity of a high-level annual or regular periodic output of various renewable resources. Under FLPMA, wild horses and burros are one of the resources that BLM must balance as it manages the range.

FLPMA also directs BLM to conduct multiple-use and sustained-yield management through a land use planning process. Under the act, land use plans should be based on scientific knowledge of conditions and result in a management program that allows a judicious variety of uses while protecting and even enhancing resources.

Because of continuing concerns over degradation of rangeland resources and BLM's implementation of the wild horse program, the Congress amended the Wild Horses and Burros Act as part of the Public Rangelands Improvement Act in 1978 (P.L. 95-514). These amendments require BLM to maintain a current inventory of wild horses. They further authorize BLM to remove wild horses deemed to be in excess of what the range can support as documented in (1) land use plans completed under FLPMA; (2) court-ordered environmental impact statements for the

grazing program; (3) information from a research program also established in the act; or (4) absent any of those, on the basis of all information currently available that excess animals need to be removed. Under the act, removal actions are to be taken to “restore a thriving natural ecological balance to the range, and protect the range from the deterioration associated with overpopulation.” The amendments in part defined excess animals as those that must be removed from an area in order to preserve and maintain a thriving natural ecological balance and multiple-use relationship in that area. Thus, BLM’s management of wild horse herd levels is to be directly linked to rangeland conditions and carrying capacity² for horses and other species, such as wildlife and domestic livestock.

In 1985, the Congress directed BLM to accelerate the removal of wild horses and burros from public rangelands. It took this action in response to information from BLM that the population of wild horses and burros exceeded the range’s carrying capacity and was threatening range resources. Since that time, BLM has argued that high wild horse removal levels are necessary to protect public rangeland resources from further deterioration.

BLM’s Wild Horse Program

BLM manages all programs, including the wild horse program, under a management philosophy of decentralized control, with as much authority and responsibility as possible delegated to lower operating levels. BLM is organized with four levels of management, one in the Washington, D.C., headquarters and three in field operations. The BLM Director heads the agency, assisted by the program office—the Division of Wild Horses and Burros in the Land and Renewable Resources directorate. BLM headquarters oversees the program by developing policies, guidance, procedures, regulations, and budget estimates and organizing coordination workshops for the field offices.

BLM field operations consist of state offices, district offices, and resource area offices. BLM has 12 state offices, each managed by a state director. State offices are responsible for providing statewide program direction, oversight, and coordination of resource programs for federal lands under BLM’s jurisdiction. Each state office has several district offices, each managed by a district manager. Most district offices are responsible for two or more resource areas. District offices provide oversight

²Carrying capacity refers to assessments that determine the consumption by wildlife, wild horses, and livestock that available forage can support on a sustained-yield basis.

and support to their resource area offices. Resource area offices, each managed by an area manager, are the primary field location for program operations. In fiscal year 1990, the equivalent of 145 full-time employees were expected to be employed to carry out the wild horse and burro program in BLM headquarters and field offices.

Presently, BLM has identified 270 wild horse and burro herd areas in 10 western states, but it does not plan to manage any horses or burros on 68 of the areas.³ (See fig. 1.2.) Almost all herd areas overlap areas where domestic livestock graze under BLM permits or leases assigned to ranchers. BLM's rangeland is divided into 22,000 grazing allotments.⁴ In 1989, BLM reported a wild horse population of 41,774 on BLM lands with 74 percent located in Nevada and 10 percent located in Wyoming. The Forest Service has less than 4 percent of the wild horse population on its lands.⁵

Through its land use planning process, BLM has determined that about 27,000 wild horses is the most appropriate population level for public lands that BLM manages in the West.⁶ Since it believes that about 42,000 wild horses currently roam the range, it has determined that about 15,000 horses are excess and need to be immediately removed.

Once excess wild horses are rounded up, they are disposed of in various ways. Although most of these horses are removed from public lands in Nevada, over two-thirds of those removed are offered for adoption by BLM's Eastern States Office and New Mexico State Office under the agency's Adopt-A-Horse program (see fig. 1.3.). Since program inception, BLM has removed and disposed of more than 80,000 wild horses from the federal rangelands.

The Adopt-A-Horse program allows individuals to take up to four horses per year for \$125 each. Since 1973, about 60,000 horses have been adopted through this program. To improve the adoptability of older

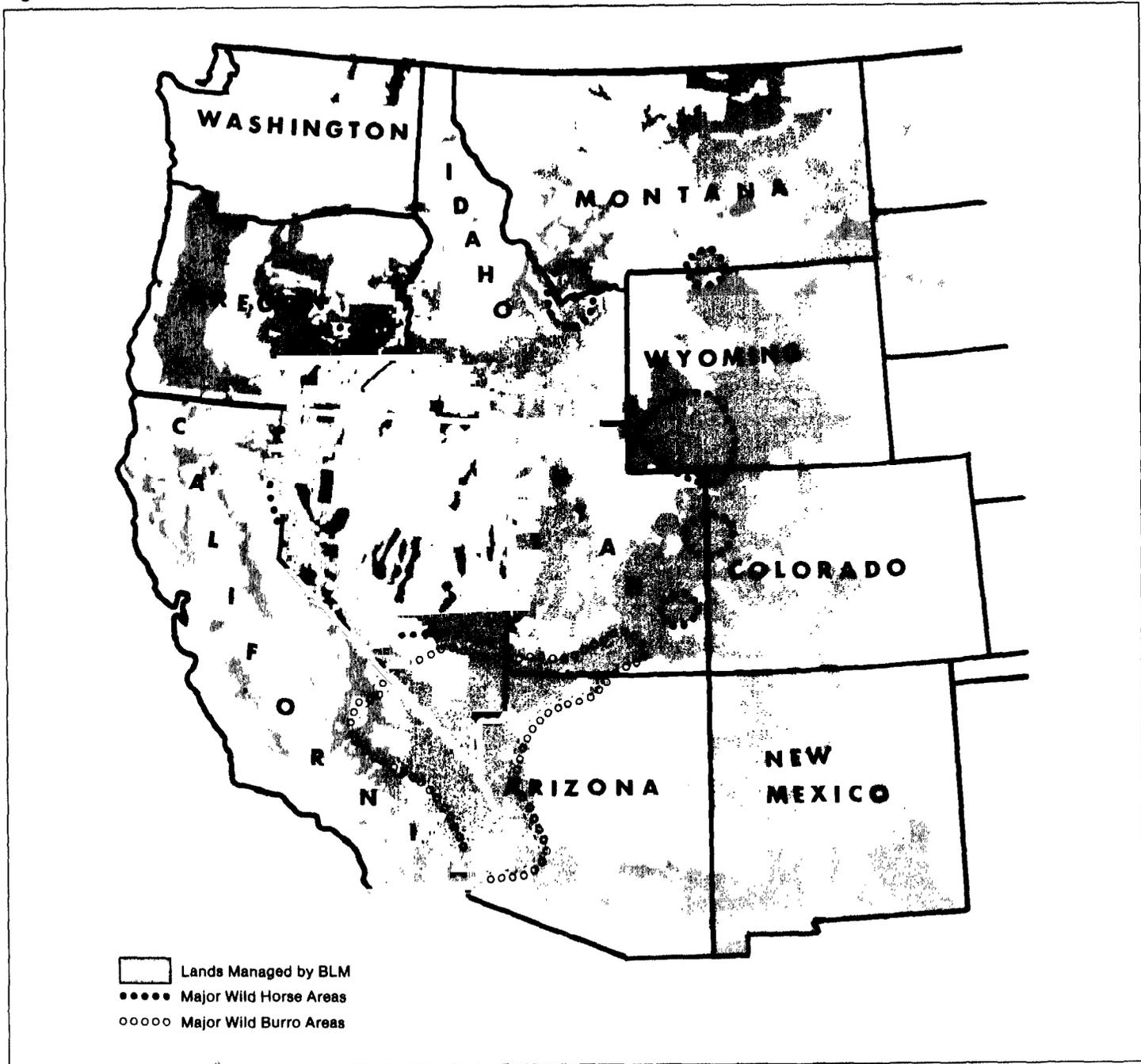
³The 68 herd areas are generally located contiguous with privately owned lands. To avoid the problem of removing wild horses that stray onto private lands, BLM designated these areas for complete removal.

⁴Grazing allotments are designated areas of land available to ranchers with BLM permits or leases for grazing specific numbers and kinds of livestock.

⁵The Forest Service administers 43 wild horse and burro herd areas. The act does not protect wild horses found on other federal lands, such as military bases and national parks and refuges.

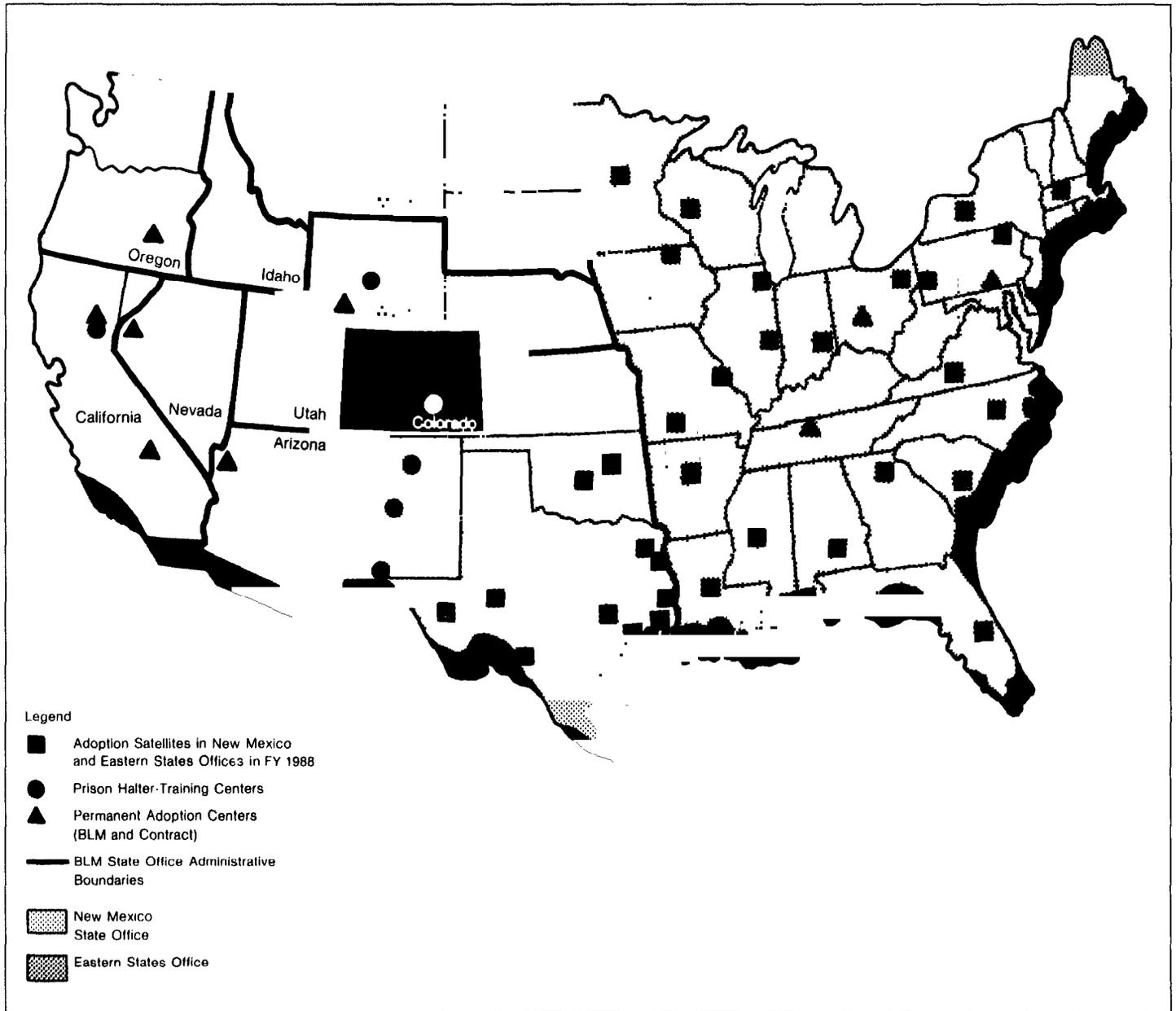
⁶Because wild burros populations total only about 11 percent of the wild population and few problems have been reported with their adoption, this report deals primarily with wild horses.

Figure 1.2: General Areas of Wild Horse and Burro Herds in the Western States



Source: BLM.

Fig. 1.3: Locations Where Wild Horses Are Adopted by the Public



horses, BLM has since 1986 sent these horses to various state prisons so that prison inmates can train and “gentle” them before adoption.

Because of a growing backlog of wild horses in BLM holding facilities, BLM initiated the so-called “fee-waiver” adoption program in 1984. This program allowed individuals, and Native American tribes under power-of-attorney arrangements, to take, free-of-charge, wild horses determined by BLM to be unadoptable because of age or physical imperfections. After a 1-year waiting period, the fee-waiver adopters obtained titles on the horses from BLM. Under this program, BLM disposed of about 20,000 horses, surpassing adoptions under the Adopt-A-Horse program in 1987. In September 1988, BLM terminated the program in response to intense public and congressional criticism.

Following the termination of the fee-waiver program, BLM turned to a second alternative for disposing of wild horses deemed to be unadoptable. This alternative involves placing wild horses in private sanctuaries. Wild horse sanctuaries are designed to provide unadoptable horses humane, life-long care in a natural setting off the public rangelands. Unlike the fee-waiver program, BLM retains title to the horses in the sanctuary and shares in the costs of their maintenance.

Excess horses can travel through a complicated “pipeline” before adoption or placement in a private sanctuary. At various stops in the pipeline, BLM must incur costs for the animals’ care and to assure that they are humanely treated. For example, after rounding up several hundred wild horses in Nevada, they are taken by truck to BLM’s initial preparation center near Reno, Nevada, where they are separated by sex into holding corrals (see fig. 1.4). All horses receive immediate veterinary examination, vaccinations, and other treatment, are branded with an identification number, and then are held for a few weeks until they are strong enough to be shipped out. From here, the horses can be transported by truck to holding and halter training sites before being sent to adoption or sanctuary.

**Figure 1.4: Horses Taken From Round-Up
Pens on Range to Preparation Center in
Nevada**

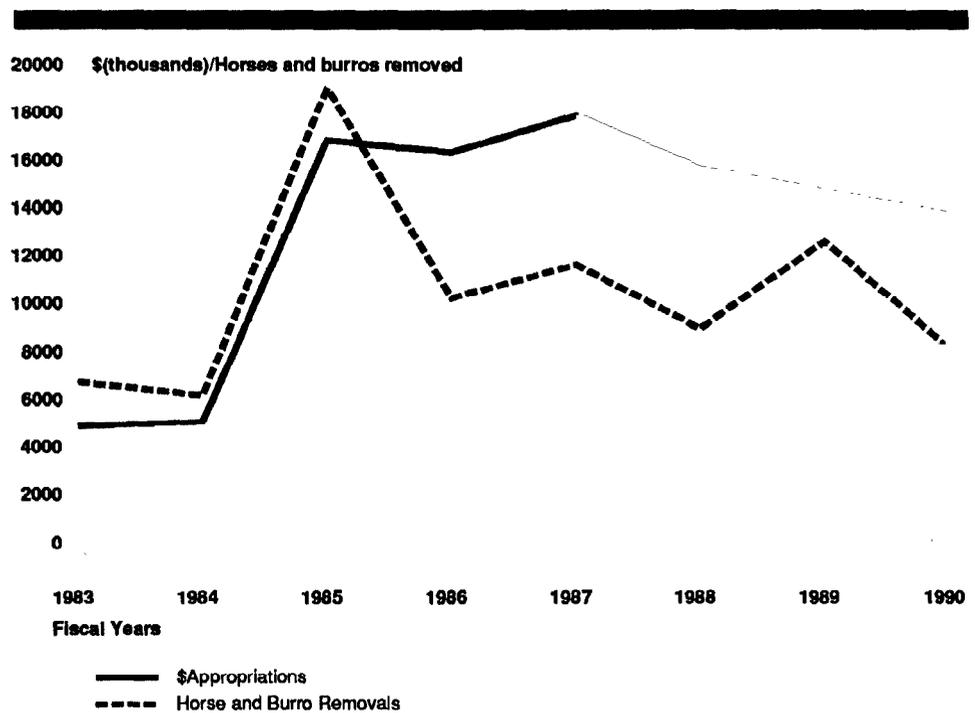


Source: BLM.

In fiscal year 1989, the Congress directed BLM to establish an advisory group to assist BLM in its wild horses and burros program. BLM plans to have this advisory group functioning in 1990. The group will gather and analyze information, make studies, and hear public testimony in order to offer advice and develop recommendations for the Secretary of the Interior and BLM's Director to consider.

From 1985 through 1989, BLM's total program costs have averaged \$1,500 for each horse removed from the range. In fiscal years 1985 through 1989, BLM was appropriated about \$81 million to remove and dispose of 53,925 wild horses and burros and has budgeted another \$13.4 million to remove and dispose of 8,700 more animals in fiscal year 1990. (See fig. 1.5.)

Figure 1.5: BLM's Removals of Wild Horses and Burros and Appropriations, 1983-1990



Related GAO Products

In the past, GAO has reported that overgrazing is damaging a large portion of the public's land. Over half of the public rangelands remain in unsatisfactory condition, and about one out of every five public rangeland grazing allotments is threatened with further deterioration.⁷ The condition of riparian areas—those ecologically critical zones bordering rivers, streams, lakes, and bogs—is even worse. Many thousands of miles of streams have degraded riparian areas needing improvement.⁸

Wild horse and burro populations consume forage on the public rangelands and consequently contribute to the overgrazing problem. However, as we have noted in previous testimony,⁹ the primary cause of the degradation in rangeland resources is poorly managed domestic livestock (primarily cattle and sheep) grazing. When more animals are allowed to graze in an area than the land can support, forage consumption exceeds the regenerative capacity of the natural vegetation, resulting in erosion, watershed damage, and other deterioration. Although recognizing that overgrazing was occurring, BLM range managers reported that no adjustments in the authorized livestock grazing levels were scheduled in 75 percent of the allotments threatened with further damage. These managers cited insufficient data on specific range conditions and resistance by livestock permittees as the primary reasons why action had not been taken.

As we further testified, BLM has been more concerned with the immediate needs of livestock interests or budget reductions than with ensuring the long-term health of the range. We further stated that a fundamental change in the agency's management approach and orientation is necessary if substantive progress is to be made.

Objectives, Scope, and Methodology

In response to congressional inquiries reflecting concern over various aspects of BLM's management of its wild horse program, we began a programwide review in February 1988. Our work evaluated (1) BLM's basis for determining the number of wild horses to remove from the public range, (2) the treatment of wild horses removed from the range

⁷Rangeland Management: More Emphasis Needed on Declining and Overstocked Grazing Allotments (GAO/RCED-88-80, June 10, 1988).

⁸Public Rangeland: Some Riparian Areas Restored But Widespread Improvement Will Be Slow (GAO/RCED-88-105, June 30, 1988).

⁹Change in Approach Needed to Improve the Bureau of Land Management's Oversight of Public Lands (GAO/T-RCED-89-23, April 11, 1989).

and adopted in large numbers, and (3) the cost-effectiveness of several aspects of BLM's wild horse disposal program.

To determine BLM's basis for removing wild horses from public rangelands, we focused on Nevada and Wyoming which together have about 84 percent of BLM's wild horse population. We examined BLM's wild horse and range management in four districts and resource areas in Nevada and one district and resource area in Wyoming that encompass 46 wild horse herd areas. We reviewed various documents, such as the legislative history, regulations, policies, internal guidance, and range management plans to determine the basis for both livestock and wild horse management levels. We interviewed BLM officials at various levels about the range management program.

To evaluate the treatment of wild horses removed from the range and adopted in large numbers, we focused on BLM's fee-waiver adoption program. We did not evaluate the treatment of wild horses and burros adopted under BLM's full-fee adoption program. We concentrated primarily on BLM's Montana State Office which had placed almost 60 percent of the fee-waiver adoptions and had given thousands of horses to Native American tribes, and reviewed selected fee-waiver adoptions in Wyoming and New Mexico. In the BLM Montana State Office, we reviewed relevant documents and interviewed BLM officials in the state office, two district offices, and two resource area offices. To determine if fee-waivered wild horses were commercially exploited, we obtained records from and interviewed buyers and managers at horse slaughterhouses and livestock sales barns in South Dakota, Nebraska, Texas, and Canada. We also interviewed livestock brand inspectors in Montana, North Dakota, and South Dakota.

To determine the cost-effectiveness of BLM's halter training program, we examined BLM's New Mexico and Colorado state offices' cooperative agreements with state correctional agencies to train 2,000 wild horses at 4 state prisons. We reviewed documents and interviewed BLM officials in both state offices and two district offices. We also reviewed documents and interviewed officials with the state correctional agencies. To observe operations, we visited the prisons in Santa Fe and Los Lunas, New Mexico and Canon City, Colorado.

To assess the cost-effectiveness of sanctuaries, we reviewed the agreements as well as documents on the sanctuaries and discussed various matters with BLM officials in Washington, D.C., the Montana State Office, and the South Dakota resource area. We visited two sanctuary sites to

view pasture conditions and the facilities to maintain horses. We discussed concerns about sanctuary lands leased from the Rosebud Sioux tribe with officials from Interior's Bureau of Indian Affairs. We interviewed state and other officials about procedures for caring for the horses, fund-raising, and operating the sanctuary without BLM funding.

We obtained official comments on a draft of this report from BLM. Its comments are included as appendix I. We conducted our review between February 1988 and November 1989 in accordance with generally accepted government auditing standards.

Wild Horse Removals Need to Be Linked to Rangeland Conditions

BLM decisions on how many wild horses to remove from federal rangelands have been made without benefit of solid information concerning range carrying capacity or the impact of wild horses on range conditions. Instead, its decisions have reflected either the desire to achieve perceived historic wild horse population levels or deference to advisory groups largely comprised of livestock permittees. As a result, BLM's wild horse removals have not produced appreciable improvements in range conditions and have exceeded the disposal capacity of BLM's basic adoption program. Future wild horse removal decisions need to be considered in the context of a broader strategy of range improvements based on accurate carrying capacity and range condition data.

BLM Lacks Adequate Data to Make Informed Wild Horse Removal Decisions

Establishing levels of forage consumption that do not overtax the land (carrying capacity) and measuring actual consumption to ensure that such capacity is not being exceeded are critical steps in prudent range management. When more animals (domestic livestock, wildlife, and wild horses) graze the federal range than the land can sustain, degradation is inevitable. While important to the balanced management of all animals sharing the range's resources, the mandates of the wild horse act make data on carrying capacity and the impact of wild horses on range resources essential to the management of wild horses. Under the act horses are to be removed from the range to "restore a thriving ecological balance"—a condition that cannot be known without these data. Given this mandate and the substantial costs associated with wild horse round-up and disposal, accurate up-to-date information on the range's ability to sustain wild horse grazing must be available for each herd area to make rational wild horse removal decisions. Removing more horses than is necessary wastes federal funds, removing less than is warranted by range conditions contributes to continued resource deterioration and, depending on horse reproduction rates, can lead to higher removal costs in the future.

Reasonably current carrying capacity data are, however, frequently not available within BLM. As we reported in our June 1988 report on range conditions, carrying capacities have not been assessed for 30 percent of BLM grazing allotments in over 20 years. Another 11 percent of the carrying capacity assessments are between 10 and 20 years old. The value of information this old is questionable.

The availability of carrying capacity data in the BLM resource areas we visited with large wild horse populations was consistent with the BLM-

wide picture we reported on earlier. For the 5 BLM resource areas covering 46 herd areas we visited, 3 had not assessed carrying capacities for over 20 years, and 1 had not assessed carrying capacities in over 10 years. The one area where carrying capacity data was only 6 years old did not use the data to set target wild horse population levels and hence the number of horses to be removed to achieve those levels.

One difficulty facing BLM in determining the impact of wild horses is distinguishing among forage consumption by species. While existing rangeland monitoring techniques can measure such things as actual grazing use, percentage consumption of key plant species, and changes in range conditions over time, existing practices did not distinguish forage consumption among wild horses, domestic livestock, and wildlife species. BLM field staff report monitoring techniques are difficult, but not impossible, to practice in many herd areas. Since in many herd areas wild horses coexist with livestock, this distinction is critical in determining the appropriate mix of animals on the range as well as the species-specific actions to be taken in responding to degraded range conditions.

Despite lacking adequate data on the number of wild horses the land can support, BLM has proceeded with removing the horses. For example, on at least two occasions, BLM's Nevada State Office concluded that available data were not adequate to justify removing wild horses; however, in both instances BLM's responsible district and resource area offices chose not to revise their plans to remove horses in their areas. In contrast, BLM has frequently used the lack of detailed carrying capacity and range monitoring data to explain why it has not taken action to reduce widely recognized overgrazing by domestic livestock.

Basis for BLM's Wild Horse Removals Is Inappropriate

Without accurate and reasonably up-to-date carrying capacity data, BLM has based its wild horse removal decisions on either (1) the desire to achieve perceived historic population levels or (2) recommendations from BLM advisory groups largely comprised of livestock permittees. The first basis was set aside by the Interior Board of Land Appeals as being contrary to the requirements of the wild horse act.¹ The second basis is, at a minimum, not consistent with balanced stewardship of range resources and reinforces the image of undue deference to livestock interests that we have discussed in previous reports and testimonies.

¹The Interior Board of Land Appeals, part of the Office of Hearings and Appeals, has quasi-judicial and appellate responsibilities for the Department of the Interior. The Board of Land Appeals renders decisions on BLM cases.

We found that BLM set the target population levels for wild horses (and thereby the number of horses that should be removed to achieve those levels) in 38 of the 43 herd areas in Nevada and 1 of the 3 herd areas in Wyoming on the basis of herd populations it believed to exist as far back as 1971. None were based on estimated herd populations more recent than 1983.

For example, in a 1987 herd management plan, BLM set the wild horse population in six Nevada herd areas at the estimated 1974 population level of 877 horses, thus reducing the herds by 42 percent from their estimated 1982 population of 1,506 horses. Similarly, the wild horse population level for one Wyoming herd area was set to fluctuate between 90 and 185 horses on the basis of the herd's estimated size in 1971 of 70 horses.

This basis was rejected by Interior's Board of Land Appeals. In 1988, BLM proposed to reduce the combined wild horse herds in 18 areas in Nevada from about 10,000 to less than 3,000 horses. An animal protection group challenged the planned removals claiming that BLM lacked quantitative data linking wild horses to deteriorated range conditions (the required basis for horse removals established in the wild horse act). In June 1989, the Board ruled that in the absence of evidence that wild horse removals would result in a thriving natural ecological balance or avoid further deterioration of the range, a wild horse level "established purely for administrative reasons because it was the level of wild horse use at a particular point in time cannot be justified under the statute."

BLM also sometimes deferred its horse removal decisions to advisory groups comprised primarily of livestock permittees. In Nevada, BLM established target wild horse population levels on this basis in eight herd areas. Since livestock permittees have a vested interest in keeping wild horse populations low to reduce competition for forage for their livestock, setting horse removal levels on the basis of their views may not be appropriate.

The advisory committees' membership sometimes included wild horse advocacy groups but these groups typically had little influence on the committee's ultimate decisions, according to BLM officials and wild horse advocates. For example, in 1982 two groups advocating wild horse interests quit the advisory committee working with BLM to establish target wild horse population levels for six Nevada herd areas. According to one member, she concluded that BLM was predisposed to satisfying domestic

livestock interests and that continued service on the committee served little purpose.

Wild Horse Removals Have Not Significantly Improved Range Conditions

Despite nearly 2 decades of BLM efforts to remove wild horses from federal rangelands, we reported in June 1988 that about 60 percent of BLM allotments, where conditions were known, were in unsatisfactory condition. Further, nearly 78 percent of the allotments where trend information was available were either stable or declining further. With such a negative picture of overall range conditions, wild horse removals have not been sufficient to restore federal rangelands as a whole to a thriving condition. Further, BLM could not provide us with data to demonstrate where horse removals have materially improved the specific areas from which they have been removed.

Wild horse removals have not demonstrably improved range conditions for several reasons. First, wild horses are vastly outnumbered on federal rangelands by domestic livestock. In fiscal year 1988, about 4.1 million domestic livestock graze BLM allotments compared to an estimated 42,000 wild horses. In total, the domestic livestock consume 20 times more forage than wild horses. Even substantial reductions in wild horse populations will, therefore, not substantially reduce total forage consumption.

Second, wild horse behavior patterns make the horses somewhat less damaging than cattle to especially vulnerable range areas. Available horse behavior studies demonstrate that, unlike cattle which concentrate in lower elevations, wild horses range widely throughout both steep, hilly terrain and lower more level areas. Range conditions in the steeper hillier areas where cattle do not frequent are generally better than in lower areas. Reducing wild horse populations in these areas has been shown by experience to have a negligible effect on the resource. In the lower level areas, especially ecologically important riparian areas adjoining streams and other water sources, cattle do more damage because they tend to "camp" in the areas instead of watering and moving on. As we reported in our June 1988 report on riparian area management, poorly managed domestic livestock grazing is the primary cause of damaged riparian areas. In these areas, wild horse removals can be helpful but without improved domestic livestock management as well, the overgrazing problem cannot be solved.

Third, wild horse removals have taken place in some locations not being damaged by widespread overgrazing. For example, in Wyoming, a horse

protection group wrote BLM in 1983 asking why so many wild horses were being removed from a particular herd area when a BLM draft environmental impact statement showed that the area was not damaged by widespread overgrazing. BLM's 1983 final environmental impact statement for this area agreed that widespread overgrazing was not a problem but stated that the herd reduction from an estimated 1,464 to 470 horses was based on a need to alleviate "isolated" overgrazing around water resources. Other BLM documentation, however, attributed the riparian-area problems in this location to overgrazing by domestic livestock, not wild horses.

Fourth, in many areas where wild horse removals have taken place, BLM authorized livestock grazing levels have either not been reduced or have been increased thereby largely negating any reduction in forage consumption. For example, BLM removed 349 wild horses (or an equivalent of 4,188 AUMS²) from one Nevada herd area in 1986 and then approved a temporary increase of 2,266 AUMs for livestock in the same area in 1987. Similarly, a state office technical review of a district's 1988 assessment of another Nevada herd area's range condition showed extensive overgrazing. The state office's technical staff recommended removing 176 wild horses and in addition reducing livestock grazing by almost 80 percent. Although BLM's district office plans to remove the wild horses, it does not plan to make any reduction in the permittee's authorized livestock grazing level since its conclusion is that wild horses caused the resource damage.

In another instance, BLM removed over 2,800 wild horses from a herd area over 4 years based, in part, on a Nevada district court's ruling in favor of a permittee that wild horses were overgrazing the range thus depriving him of his allocated forage and other range resources. After the horses were removed, BLM found that the permittee's authorized livestock grazing level continued to result in damage to the range and stated that livestock grazing should be reduced by 18 percent to correct the problem. However, BLM has no current plans to reduce the permittee's authorized grazing level. Instead more range monitoring data will be collected and analyzed by BLM to strengthen support for negotiating grazing reductions with the permittee sometime in the future.

²AUM (animal unit month) refers to the amount of forage needed to sustain an adult cow or horse for one month.

It is apparent that wild horse removals alone will not generate the widespread range improvement that is so badly needed. More intensive livestock management and reductions in authorized livestock grazing levels must also be pursued if range conditions are to improve significantly. Moreover, reducing authorized grazing levels would likely be cheaper than wild horse removals to achieve the same reduction in forage consumption. BLM's domestic livestock grazing management program currently operates at a substantial loss. In 1989, livestock operators paid a fee of \$1.86 per AUM (reduced to \$1.81 in 1990) compared with BLM's program costs of \$3.62 per AUM. Reducing the size of the domestic livestock grazing program could, if accompanied by proportionate reductions in management costs, generate significant savings. Further, livestock reductions made in place of wild horse removals would save the substantial expense of rounding up and disposing of the horses.

Recent Wild Horse Removal Levels Have Exceeded Disposal Capabilities

Between 1973 and 1984, BLM removed from the federal range an average of about 4,300 horses each year. Since this number of horses was routinely disposed of through BLM's Adopt-A-Horse program, few horses remained in holding facilities for extended periods. By 1985, however, horse removal levels quadrupled to 17,400 horses. The adoption program could not handle this many horses and a large backlog of horses in holding facilities began to build, increasing program costs and generating the need to develop mass disposal alternatives, such as fee-waiver adoptions and sanctuaries, that are discussed in subsequent chapters.

In its fiscal year 1991 budget justification, BLM has recognized that in the past it has removed more horses than could be adopted. In 1991, BLM plans to remove only 4,900 adoptable horses from the range, down from 17,400 removed in 1985 and about 8,700 in 1990. It expects 6,100 wild horses to be adopted during the year, up about 1,775 from actual 1989 levels.

Conclusions

With nearly 60 percent of federal rangelands in unsatisfactory condition, improvements are needed. In this context, wild horse removals based on reliable carrying capacity and range condition data make sense. However, our work during this and several previous reviews demonstrates that reliance on wild horse removals alone to improve range conditions cannot work. Since domestic livestock substantially outnumber wild horses on federal rangelands and are a primary cause of range deterioration, any strategy for rangeland improvement must also include plans for improving the management of livestock to give the

native vegetation more opportunity to grow and as necessary reducing authorized livestock grazing levels.

Since wild horse removal and livestock grazing reduction decisions need to be based on reasonably up to date carrying capacity and range condition data, efforts to develop these data need to move ahead without delay. Moreover, once data are developed, we believe BLM needs to pursue the actions suggested by the data, both for wild horses and domestic livestock. Wild horse removal levels based on these data may be less than historic levels. To this end, we believe BLM's decision to manage wild horse removals on the basis of the number that can be adopted is prudent.

Recommendations to the Secretary of the Interior

To place BLM's wild horse removal process in the context of a more rational strategy of range improvement, we recommend that the Secretary of the Interior direct the Director of BLM to take the following actions.

- Expediently develop carrying capacity and range condition data in wild horse herd areas.
- In locations where these data indicate that grazing-related damage is occurring, BLM should incorporate the requirement for intensive livestock management techniques in permit conditions to reduce the impact of this grazing on the range's resources. Where necessary and appropriate, BLM should also remove wild horses and reduce authorized domestic livestock grazing levels on the basis of the relative numbers of each species on the range.
- After initial population adjustments are made, conduct continued monitoring to maintain wild horse and domestic livestock population levels consistent with what the land can support.

Agency Comments and GAO Response

BLM agreed with our recommendations to develop range condition data in wild horse herd areas and conduct continued monitoring. BLM disagreed, however, with a recommendation in a draft of this report that wild horses be removed and the levels of authorized domestic livestock grazing be reduced in proportion to the amount of forage each is consuming and the amount of damage each is causing.

BLM commented that (1) there are other reasons for removing wild horses even when overgrazing by them is not indicated and (2) there are other "less drastic" management techniques that can be applied to

domestic livestock (but not wild horses) that can improve resource conditions without reducing authorized grazing levels. Among the techniques BLM cited were installation of range improvements, changes in grazing season, and institution of rest/rotation grazing systems.

We recognize that wild horses may sometimes have to be removed from the range for reasons other than overgrazing. However, wild horse removals have historically been justified by BLM on the basis of reducing the horses' effects on the range. In the areas we examined, removals were generally done to achieve population targets set at historic levels, not to alleviate local range problems. Removals for the alternative reasons cited by BLM have not been a significant factor.

We also recognize that more intensive livestock management can yield important improvements in range conditions and have revised our recommendation to state that more intensive livestock management should be a part of an overall range management strategy and that BLM should use these range improvement techniques as appropriate. However, as BLM staff have noted, many range areas are overstocked; more animals are consuming range resources than the range can support. In these instances, the number of animals consuming the forage needs to be reduced. When wild horses and domestic livestock occupy the same range areas, BLM states that it is often impossible to distinguish between their impacts. While BLM field staff believe that range monitoring techniques can distinguish the different effects of wild horses and livestock on range conditions, we recognize this is difficult to practice. Accordingly, we have revised our recommendations to state that necessary reductions in grazing activity should be accomplished in proportion to total numbers of each species.

Fee-Waiver Adoptions Led to Inhumane Treatment and Commercial Exploitation

By 1985, BLM was removing thousands more wild horses yearly from the range than its adoption program could absorb. Faced with the escalating costs of maintaining these excess horses in holding facilities, the agency resorted to placing large numbers with individuals and Native American tribes under its so-called fee-waiver program. From 1984 through September 1988, BLM placed about 20,000 wild horses it deemed unadoptable with 79 individuals and 4 Native American tribes each of whom received from 16 to 2,456 wild horses. We found that hundreds of these horses died of starvation and dehydration during the 1-year probation period and that many adopters, primarily ranchers and farmers in the midwestern and Great Plains states, sold thousands more to slaughter after obtaining title from BLM.

BLM terminated the program in September 1988 after negative publicity and pressure from the Congress. It has not, however, rescinded the regulations authorizing such adoptions.

Increasing the Number of Wild Horses Removed From the Range Led BLM to Authorize Fee-Waiver Program

Until about 1982, adoption demand was sufficient to absorb the wild horses annually removed from public rangelands, and animals were not maintained in holding facilities for long periods of time. However, in 1982 BLM began increasing the number of wild horses removed from public rangelands. By the end of fiscal year 1985, almost 10,000 unadopted wild horses were being maintained in holding facilities after removing about 17,400 wild horses from the range that year. Because horses were remaining, BLM had to contract for more holding facilities and had no expectation that the horses would be adopted in the foreseeable future.

In response to the escalating costs of maintaining excess horses, BLM revised its regulations in 1984¹ to allow BLM's Director to reduce or waive the normal fee of \$125 per animal. To qualify for the fee-waiver program, BLM's policy was to require fee-waiver adopters to take a minimum of 100 horses, with a few exceptions.² BLM's regulations also allowed individuals to sign powers-of-attorney to enable another individual (the agent) to receive delivery of more horses than he or she would otherwise be entitled.

¹43 C.F.R. 4750.4-2(b) was an emergency rulemaking in 1984. The rulemaking became final in April 1986 when BLM completed revision of its wild horse and burro regulations (43 C.F.R. 4700).

²The wild horse act, as amended in 1978, and BLM's regulations limit adopters to no more than four horses per year unless BLM expressly determines that an individual is capable of humanely caring for more. The legislative history indicates that restricting adopters to four animals per year was to discourage potential commercial exploitation or abuse possible with large groups of horses.

Many Fee-Waiver Horses Treated Inhumanely

Under its regulations, BLM was to screen fee-waiver applicants to assure that they were capable of humanely caring for the horses and understood their responsibility for the horses' welfare. BLM was also required to inspect the applicants' facilities to assure that they could humanely support the horses during a 1-year probation period. After the horses were delivered, BLM was to periodically inspect actual conditions to verify that the horses were receiving humane care and that the titles could appropriately be issued at the end of the 1-year probation period. However, BLM did not always comply with its regulations and internal guidance for approving and monitoring fee-waiver adoptions, resulting in the inhumane treatment and death of over 360 horses during the 1-year probation period.

For example, as part of its required applicant screening process mandated by a 1983 legal settlement, BLM is required to conduct telephone surveys of all individuals signing powers-of-attorney to verify that they are suitable and explain to them their responsibility for the horses' welfare.³ However, according to a Federal Bureau of Investigation report of a 1987 fee-waiver adoption in Sheyenne, North Dakota, BLM did not conduct the required telephone survey of Native American tribal members who signed blank power-of-attorney forms without knowing what they were signing. BLM terminated this fee-waiver adoption only after over 100 of the horses had died of starvation and dehydration.

In another fee-waiver adoption to three individuals based in Fordyce, Nebraska, 140 to 150 of the wild horses delivered died during the 1-year probation period.⁴ Two of the facilities approved by BLM were later found during BLM inspections to lack adequate forage, water, and shelter. Over 30 deaths were reported within 10 weeks after the horses arrived at the two facilities. A veterinarian hired by BLM to autopsy carcasses at one of the facilities reported that the horses had died of starvation and dehydration and that the remaining horses were in immediate jeopardy. Yet, BLM never implemented his recommendation to supply the horses with supplemental hay. Less than 1 month later, 40 more horses were reported dead, but BLM took no action. When the surviving horses were finally gathered so that titles could be issued, about 450 of the original 600 horses remained.

³American Horse Protection Association, v. Watt, U.S. District Court for the District of Columbia, July 8, 1983. BLM's Washington Office distributed copies of the settlement's detailed steps for conducting large-scale power-of-attorney adoptions to all field offices in July 1983 and revised its program guidance in August 1983 to incorporate these requirements.

⁴BLM's fee-waiver agreement was with the business formed by three individuals. One acted as power-of-attorney for each of the 150 adopters.

We asked BLM officials why they chose to take no corrective action. Explanations ranged from a lack of clear guidance from BLM management, to the expense associated with repossessing the horses, to the belief that BLM had done nothing improper.

Thousands of Horses Sent to Slaughter After Title Passed

By its very design the fee-waiver program was a prescription for commercial exploitation of wild horses. BLM and U.S. Attorney officials in Montana as well as buyers and state regulators of commercial horse meat business widely agreed that there was no other practical use for large numbers of fee-waivered wild horses than to sell them as soon as possible. As was predicted, our work confirmed that thousands of fee-waivered horses were sent to slaughter soon after title passed.

Four slaughterhouses in Nebraska and Texas provided us 3,751 titles that they obtained when they bought wild horses from fee-waiver agents. From these, we learned that the fee-waiver agents associated with these titles sold up to 99 percent of their wild horses, many within 30 days of title issuance. Although not maintaining records as detailed as the plants we visited, officials and buyers for other plants in the United States and Canada told us that they had also bought and slaughtered thousands of fee-waivered horses.

In July 1987 a federal District Court ruled that BLM could not issue titles to fee-waiver agents who express an intent to sell wild horses for slaughter.⁵ BLM made efforts to establish the intent of fee-waiver agents applying for title when it had evidence that the agents intended to sell the horses. These efforts, however, were not effective in preventing the subsequent slaughter of the horses. For example, in November 1987, the son of a Watford City, North Dakota, fee-waiver agent (who kept the 112 wild horses on his ranch) was quoted in North Dakota papers that he planned to turn at least 72 “. . . into dog food . . . or make steak for Europeans.” In response, BLM initially planned to deny the agent titles, but after the agent disassociated himself from his son’s statements, BLM issued the titles in July 1988. An inspection official and a buyer for a Canadian slaughterhouse stated that the agent and/or his son sold at least 82 of the horses for slaughter by the fall of 1988.

In another instance, BLM learned through bankruptcy court proceedings that a fee-waiver agent in Berthold, North Dakota, intended to sell 296

⁵ *Animal Protection Institute of America v. Hodel* (671 F. Supp. 695 D. Nev., 1987). This ruling was upheld on appeal from BLM (U.S. Court of Appeals, Ninth Circuit, October 31, 1988).

wild horses. When faced with the possible denial of titles, the agent wrote BLM stating his intent to use the herd for breeding purposes. However, court records that we obtained from BLM files indicate that as late as December 1987 he intended to sell the horses to slaughter to produce \$150,000 in income during 1988 and 1989. In March 1988, BLM's district manager concluded that there was no evidence that the agent intended to sell the horses for slaughter. After the agent obtained the titles in May 1988, he sold at least 122 of the horses for slaughter during the subsequent 8 months.

Two other cases involved a fee-waiver agent in Morrison, Oklahoma, and a Native American tribe in South Dakota. During September through November 1988, we obtained testimonial evidence corroborated by copies of titles from slaughterhouses, buyers, and brand inspection officials that these agents had sold about 678 wild horses for slaughter and had 394 untitled horses remaining in their custody. We provided this information to BLM. However, BLM subsequently issued titles on 385 of these horses between December 1988 and July 1989. Through April 1989, at least 234 of these horses were sold and slaughtered.

Before issuing titles to the agent in Morrison, Oklahoma, Interior's Associate Solicitor for Energy and Resources wrote him on behalf of BLM in December 1988 asking him to inform BLM concerning what he intended to do with the horses after receiving title. The agent wrote BLM in January 1989 that he did ". . . not intend to use or exploit said horses for commercial purposes," but would market them for personal or ranch use. However, 7 days after BLM issued the titles on February 17, 1989, the agent sold about 140 of the horses to a slaughterhouse. An official from the slaughterhouse contacted us on March 2, 1989, expressing concern over the purchase of these horses (which were at the plant, but still alive). We notified BLM and they conducted a second investigation. BLM directed the plant to proceed with the slaughter of the horses on March 13, 1989, because, according to BLM and Interior officials, the agent did not criminally intend to misrepresent his plans in his letter.

BLM decided to issue the titles to the Native American tribe in South Dakota because the names of tribal members that appeared on the titles we obtained from the slaughterhouses did not match the names of tribal members with untitled horses. BLM officials also told us that there was no power-of-attorney relationship between the tribal members with untitled horses and the tribal government or another tribal member under contract with BLM to perform certain duties relating to the wild horses (and who had sold them for slaughter). In December 1988, BLM

issued title to the horses, at least 101 of which were slaughtered within 3 weeks.

Conclusions

The fee-waiver adoption program resulted in the abuse and commercial exploitation of thousands of wild horses, contrary to BLM's legislative direction. Recognizing the problems and in the face of considerable criticism from the Congress and the public, BLM terminated this program in 1988 without rescinding the regulations. By its very design and confirmed in practice, this program could have only led to the results it experienced. If this program was reinstated, we do not believe BLM could prevent identified abuses from happening in the future.

Recommendation to the Secretary of the Interior

To significantly reduce the likelihood that wild horses removed from public rangeland in the future will experience inhumane treatment and slaughter, we recommend that the Secretary of the Interior direct the Director of BLM to permanently rescind the regulations authorizing fee-waiver adoptions.

Agency Comments and GAO Response

BLM agrees with the objective of this recommendation, but prefers not to rescind authority to waive the adoption fee. Instead, BLM published a proposed rulemaking in February 1990 to prohibit the use of power-of-attorney to adopt wild horses and burros where more than four will be maintained in one location.

BLM notes that the problems with fee-waiver adoptions stemmed less from the waiver of the fee but from the large numbers of horses controlled by one person. Depending on the market, BLM notes that even a person who paid the full adoption fee could profit after a year of caring for many wild horses. To significantly reduce the profit motive, BLM's proposed rulemaking should make it extremely difficult, if not impossible, for one person to gain control of a large group of wild horses. BLM wants to retain authority to waive the adoption fee in special situations, such as to place older or unsound wild horses and burros with humane groups willing to care for them. We believe BLM's proposed approach, if finalized, would respond substantively to the thrust of our recommendation.

Continuing Problems With Wild Horse Disposal Activities

Although the troubled fee-waiver adoption program has been terminated, problems with BLM's other disposal approaches remain. BLM's wild horse sanctuaries are likely to be much more expensive than originally envisioned and may represent only a temporary solution to the disposal of unadoptable horses. Further, BLM's prison halter training program has produced questionable results and needs to be revised to improve its cost-effectiveness. If horse removals above levels that can be handled by private adoptions are reinstated, other disposal options will have to be considered.

Sanctuaries More Costly Than Originally Thought

According to BLM, about 20 percent of the wild horses removed from the range are unadoptable due to age or physical imperfections. With the fee-waiver program no longer a viable option for disposing of these horses, BLM authorized the creation of two private sanctuaries where these horses could live out their lives in a natural setting off the public rangelands. While properly run sanctuaries ensure that unadoptable wild horses are protected and cared for, they are expensive. Further, BLM plans to finance sanctuaries for only their first 3 years, after which they are expected to be financially self-supporting through fund-raising and/or charitable donations. However, available information shows that sanctuary operators may never be able to achieve anticipated financial independence from BLM, requiring a long-term commitment of federal resources.

Sanctuaries Provide Humane Disposal of Unadoptable Horses

The alternative of privately funded sanctuaries for maintaining unadoptable wild horses was first proposed in 1986. With the suspension of the fee-waiver program, through which many unadoptable horses were previously disposed, BLM became more interested in this alternative and the first sanctuary was established in western South Dakota in the summer of 1988. This sanctuary is to serve as a prototype and is intended to encourage tourism and economic development in the area as well as public understanding of BLM's wild horse program.

Unlike the fee-waiver program, BLM will not issue titles on wild horses placed on sanctuaries, thus they will never lose their protected status. Moreover, BLM plans to monitor their care for as long as the horses remain on a sanctuary. These attributes have generated significant congressional interest, and the Congress directed BLM to develop guidelines and establish additional sanctuaries in 1989.¹

¹In October 1989 BLM started sending unadoptable wild horses to a second sanctuary in Oklahoma.

BLM's Costs May Exceed the Low Rate Now Being Paid

Under a June 1988 memorandum of understanding, BLM agreed to pay the nonprofit Institute of Range and the American Mustang (IRAM) that runs the South Dakota sanctuary about \$1 a day per horse or \$602,250 yearly for the 1,650 horses to be maintained on the first sanctuary.² A closer look, however, shows that this payment does not fully cover the costs required to operate the sanctuary.

First, the \$1 per day per horse was not based on an analysis of sanctuary costs; rather, it was based on an assumption that sanctuary costs would be less than the cost of maintaining a horse on a contract feed lot. During the first year of the sanctuary's operation, this assumption proved to be conservative, and IRAM subsequently requested that the rate be increased to \$1.50 per horse per day, which would bring BLM's yearly payment to over \$900,000. During the first year BLM also paid for some additional expenses incurred. For example, BLM paid \$9,000 for emergency veterinary treatment to control an internal parasite outbreak, bought a squeeze chute for hoof trimming and worming which cost \$10,850, and paid \$4,752 for supplemental feed for horses delivered in poor health. IRAM continued to request rate increases and additional payments from BLM as recently as November 1989. As of February 1990, BLM plans to revise its agreement with IRAM to increase the \$1 a day fee to an effective payment of about \$1.35, bringing the annual payment to \$883,000.

These additional costs incurred to date may presage even higher costs in the future. In particular, BLM may have to routinely pay for supplemental feed for the horses because the land cannot support them. Much of the land within the sanctuary is leased from the Rosebud Sioux tribe. Under federal law, Interior's Bureau of Indian Affairs is responsible for establishing the land's carrying capacity, and the agency's March 1989 assessment concluded that the land could support only 824 horses for 7 months without supplemental feeding. Since IRAM has refused to accept fewer horses, the future cost of providing supplemental feed may increase substantially.

²Under the memorandum of understanding, IRAM is designated as an agent for the state of South Dakota which is identified as the provider of the sanctuary services. As of February 1990, the capacity of the South Dakota sanctuary system is 1,800 horses.

Achieving Financial Independence From BLM May Never Be Possible

Although BLM expected each sanctuary to be financially self-supporting in 3 years, this does not appear feasible at least for the prototype sanctuary established in South Dakota. IRAM's president stated that to be self-sufficient, IRAM needed to raise \$7.5 million. As of April 1989, however, IRAM had received less than \$16,000 in individual donations and did not have any corporate donors, which the president considered essential to the sanctuary's success.

The \$16,000 is not enough to cover the principal and interest on a \$194,000 loan IRAM obtained to purchase private land within the sanctuary, much less pay for the feeding and care of the horses and leasing land from the Rosebud Sioux tribe. IRAM has also contracted to buy more land within the sanctuary in 1991 at a cost of \$1.4 million. If IRAM's fund raising is not successful, BLM will either have to assess the costs and benefits to continue financing the sanctuary beyond the 3 years envisioned or take back the horses.

Halter Training Program Can Be Made More Cost-Effective

BLM's efforts to increase the adoptability of wild horses by gentling them in several state prisons has also experienced difficulties. Potential adopters generally prefer horses younger than 5 years of age because of the difficulty in changing the behavior of older horses. To increase their adoptability, BLM has executed cooperative agreements with the New Mexico and Colorado state prison agencies to have older horses (generally ranging in age from 5 to 9 years) gentled by inmates who halter train them.³ However, because of inefficiencies built into the state programs, many of these horses remain at the prison facilities far longer than necessary, increasing costs and resulting in lost adoption opportunities.

BLM has not established standards for either the length of time the prisons should take to halter train a wild horse or for the number of trained horses the facilities should produce for the adoption program. Such standards would hold down costs for the program and assure an orderly supply of horses to facilitate adoption planning. While no contractual standard exists, BLM's New Mexico and Colorado state offices expect that 26 to 40 horses can be halter trained by each facility in 30 to 60 days. Our review showed that many horses remain at the prison facilities far beyond 30 to 60 days.

³BLM has similar agreements with Wyoming and California state prison agencies.

For example, as of December 1988, the average length of stay at New Mexico's Los Lunas facility was over 5 months, with 13 percent of the horses there for more than a year. Similarly, our examination of BLM's records for 29 halter trained horses sent for adoption from Colorado's facility in February 1989 showed that the average length of stay was over 9 months and that 10 horses had been at the facility for between 13 and 19 months.

Our review identified a variety of reasons why wild horses remain at the prison facilities for extended periods of time. For example, BLM's earlier cooperative agreement with the state of New Mexico called for 30 inmates to be available daily to work the horses. However, at the time of our visit early in 1989, there were only 10 to 12 inmates available to train up to three horses each. At times there was only one professional trainer to supervise the halter training by the inmates and to perform other duties such as supervising the care of the horses at the facility and construction work by the inmates. Moreover, in 1 year the state prison agency had fired four employees hired to run the program for various reasons, disrupting the pace if not the quality, of the training.

In late 1989, BLM and the state of New Mexico adopted a revised agreement that stipulates that two horse trainers will be at each facility to supervise training activities. However, BLM's new agreement has weakened the state's obligation to supply inmates to actually train the horses. Instead of the mandatory 30 inmates to work the horses on a daily basis, the state is now required only to provide "as many inmates as possible" to train horses. Further, no measurable goal for producing trained horses is stated; rather the state is required to "attempt to produce the maximum number of gentled and trained horses as their resources can support."

In Colorado, where 30 inmates were available to train the horses, some horses languished for over a year because BLM had no way of tracking their progress. We brought this problem to BLM's attention, and in August 1989 BLM's Colorado State Director informed us that they had inventoried all horses at the facility and that each was being individually tracked for training and care.

Although the reasons varied between the two states, we believe that provisions in earlier cooperative agreements created an incentive to keep the horses at the facilities for as long as possible. Although BLM eliminated obvious incentives in the revised agreements, the condition remains that BLM will pay each state on a per-day basis for each horse

regardless of how long the horses remain at a facility since the states are not required to process trained horses in a defined time period. In Colorado, even after the agreement was revised, the state continued to press for more horses in order to improve their revenues and provide opportunities for the inmates.

The inability to halter train the horses in a timely manner has also apparently resulted in lost adoption opportunities. According to adoption staff in BLM's Eastern States Office, to meet popular demand, many more halter trained horses are needed each month adoptions are held; however, they have not been able to obtain enough trained horses from the prison programs.

In New Mexico, until October 1989 BLM also guaranteed the state that the average actual number of horses available to be halter trained would not fall below 400 in any given month. BLM would pay the state \$2 a day or about \$60 a month for each vacant slot below the 400 horse minimum. For example, if the average actual number of horses for a given month was 300 or 100 short of the 400 horse minimum, BLM would pay the state about \$6,000 (\$60 times the 100 horse shortfall). BLM sent hundreds of horses younger than 4 years and older than 6 years to be halter trained. BLM's rule of thumb would indicate that the younger horses would be adopted without incurring the cost of halter training while the older horses would be destined for sanctuaries regardless of whether they have been halter trained. Sending horses to the prison facilities that were either too young or too old to have their adoptability increased by such training unnecessarily drove up program costs.

In addition to containing costs, BLM must take steps to assure that the horses are properly trained. BLM has not established agencywide criteria by which a horse can be determined to be halter trained or a strategy for ensuring compliance, choosing instead to leave both to the individual BLM state offices.

New Mexico defines a halter trained horse as one in good condition and, without resistance, can be approached and haltered, led with a rope, have its legs lifted for cleaning and hoof trimming, and groomed. Before a horse is released for adoption, both the trainer and a BLM inspector must certify that it meets this standard. Colorado's training manual states only that a completely halter trained horse is one that can be haltered and led without resistance. While the trainer says that he assures that horses are adequately trained before being released for adoption, BLM's Colorado State Office makes no such determination.

Although difficult to quantify, BLM adoption staff in the Eastern states perceive the quality of halter trained horses from New Mexico to be better than the quality of horses trained in Colorado. BLM's Eastern States Office stated that, although showing improved behavior, some horses from the Colorado facility were not gentle enough to be considered halter trained.

Inconsistencies in the degree of training and oversight by BLM could have legal ramifications. Although no problems have occurred to date, a BLM consultant has noted that improved consistency and oversight could reduce BLM's vulnerability to liability suits by adopters who are injured by wild horses presented by BLM as being halter trained.

Alternative Disposal Options May Need to Be Considered

With BLM's fee-waiver program terminated and the long-term financial viability of sanctuaries in doubt, BLM may have to consider other horse disposal options in the future if its horse removals exceed the number that have historically been disposed of through BLM's Adopt-A-Horse program—about 4,600 horses a year between 1982 and 1989. In this connection, BLM is establishing an advisory board to examine a variety of issues aimed at enhancing program effectiveness. As this advisory board deliberates and develops its recommendations, it would be appropriate for BLM to have it examine the relative merits of several disposal options not currently in place.

One alternative would be to hold unadoptable wild horses long enough to sterilize and mark them (with brands or other techniques so they would not have to be rounded-up in the future) before returning them to their herd areas. In the past, BLM has cited a 1982 report by the National Academy of Sciences as basis for its conclusion that returning unadoptable wild horses to existing herd areas is not consistent with the "minimum feasible level" of management called for in the wild horse act.⁴ However, in its fiscal year 1991 budget justification BLM states that, depending on ongoing research outcomes, sterilization may be worth considering. This alternative may be the most cost-effective alternative to sanctuaries if existing sanctuaries fail to reach financial self-sufficiency after 3 years. In the near future, BLM may have to assess the relative costs and benefits of continuing to pay the sanctuaries to keep the horses or sterilizing and returning the horses to the range.

⁴Wild and Free-Roaming Horses and Burros—Final Report of the Committee on Wild and Free-Roaming Horses and Burros, Board on Agriculture and Renewable Resources, National Research Council, National Academy Press, 1982.

The wild horse act also authorizes euthanasia of healthy wild horses if necessary to protect the range from overgrazing. This practice has subsequently been banned by annual appropriations language and has never been used. While currently banned, euthanasia nonetheless constitutes an option that could be reauthorized in the future and, therefore, should appropriately be examined as a measure of last resort.

Conclusions

Problems with existing horse disposal options need to be addressed. With respect to BLM's halter training program, controls need to be put in place to ensure that only horses at trainable ages enter the training facilities and that horses remain in these facilities no longer than necessary. To do this, BLM needs to establish an average length of time required to halter train a wild horse and adhere to an age range for horses best suited for halter training. Payments to the states should be limited to only those horses that meet both these criteria. Adoptable younger horses should be sent directly to adoption.

BLM also must take steps to assure that horses offered for adoption are properly halter trained. To accomplish this, we believe a standard for determining that a horse has been halter trained as well as an inspection strategy to ensure that the standard is met would assist BLM in ensuring that a horse is properly trained before it is offered for adoption.

Finally, while private sanctuaries offer humane disposal of unadoptable horses, rising costs and the probable need for a long-term commitment of federal resources will require BLM to seek alternative disposal options for unadoptable wild horses removed from public rangeland. In this respect, several options including those allowed under current law (such as sterilization) and others that would require legislative action (including euthanasia) have been proposed but previously rejected for various reasons. As the viability of existing disposal options comes into question, it would be appropriate for BLM to reconsider the merits of these alternatives.

Recommendations to the Secretary of the Interior

To reduce the costs associated with disposing of wild horses removed from public rangelands, we recommend that the Secretary of the Interior direct the Director of BLM to (1) establish an average length of time required to halter train a wild horse and an age range for horses best suited to be halter trained, and limit payment to the states to only those horses that meet both these criteria; (2) develop a standard for determining that a horse has been halter trained as well as an inspection

strategy to ensure that the standard is met before offering a horse for adoption; (3) send adoptable younger horses directly to adoption instead of sending them to prison facilities for training; and (4) consider a variety of disposal options for unadoptable horses not currently being used and, where necessary, make recommendations for congressional consideration.

Agency Comments and GAO Response

BLM agrees with our recommendations and has taken various actions to implement them. Regarding the first and third recommendations, BLM is developing bureauwide guidance on prison training facility operations. The guidance will establish a desired training method for all facilities and estimate the period of time to train the wild horses. BLM also issued instructions in February 1990 to classify 5- to 9-year old horses for training. Younger horses are to be sent directly for adoption unless temporary holding at prison facilities is cost-effective. The prisons will not halter-train younger horses and will charge BLM only for feed and daily maintenance. We believe these actions are responsive to our first and third recommendations.

BLM also agrees with the second recommendation. Consistent standards for assuring the quality of halter training were adopted in the fall of 1989 for the Colorado and New Mexico facilities. Once similar standards are applied to the Wyoming and California facilities, we believe BLM will have fully responded to our recommendation.

Finally, BLM agrees with the fourth recommendation and expects to explore disposal options for unadoptable wild horses when the wild horse and burro advisory board convenes, as expected, in 1990. BLM believes that euthanasia is not an option worth considering in light of past history and public reaction opposing it. We concur with BLM's decision pending the board's recommendations.

Comments From the Department of the Interior

Note: GAO comments supplementing those in the report text appear at the end of this appendix.



United States Department of the Interior

OFFICE OF THE SECRETARY
WASHINGTON, D.C. 20240

MAY 03 1990

Mr. James Duffus III
Director, Natural Resources Management Issues
Resources, Community, and Economic
Development Division
United States General Accounting Office
Washington, D.C. 20548

Dear Mr. Duffus:

Thank you for your letter of March 26, 1990, providing the draft of the proposed report entitled Rangeland Management: Improvements Needed in Federal Wild Horse Program (GAO/RCED-90-110). The Secretary has asked us to respond.

The enclosed response was prepared by the Bureau of Land Management (BLM), which is responsible for administration of the wild horse program. As the response demonstrates, the BLM has already taken or is initiating steps to remedy most of the problem areas identified in the draft report. While agreeing with many of the report's recommendations, BLM believes that it also reflects some common misunderstandings about the program and has provided clarification on these points under the heading "General Comments."

The Department of the Interior is committed to administering the Wild Free-Roaming Horse and Burro Act humanely and efficiently. The recommendations in this audit will help us to meet that commitment more effectively in the future. If you have any questions about the response to the draft audit, please call Mr. John S. Boyles, Chief of BLM's Division of Wild Horses and Burros, at 653-9215.

Sincerely,

Deputy Assistant Secretary - Land and
Minerals Management

Enclosure

Appendix I
Comments From the Department of
the Interior

The Bureau of Land Management's Response to
Rangeland Management: Improvements Needed in Federal Wild Horse Program
(GAO/RCED-90-110)

The General Accounting Office (GAO) recommendations to the Secretary of the Interior are underlined below. Each recommendation is followed by the response of the Bureau of Land Management (BLM).

Expediently develop carrying capacity and range condition data in wild horse herd areas. (p. 32)

We agree that the carrying capacity and range condition of herd areas should be established expeditiously. A recent ruling by the Interior Board of Land Appeals (IBLA) confirms animals should be removed whenever current resource data shows that the present level of animals is inconsistent with attainment or maintenance of "a thriving natural ecological balance" as required by the Wild Free-Roaming Horse and Burro Act (Act). The BLM recognizes the need to accelerate efforts to collect current resource data. Where current data show that a thriving natural ecological balance is being threatened or not being attained, excess animals will be removed expeditiously.

In locations where this data indicates that overgrazing is occurring, remove wild horses and reduce the levels of authorized domestic livestock grazing in proportion to the amount of forage each is consuming and the amount of range damage each is causing. (pp. 32-33)

We agree that overall forage usage within a herd area should not exceed the level of forage production that can be sustained. However, we disagree with the implication that adjustments depend solely on carrying capacity data and that they must be carried out proportionately.

There are other reasons requiring removal of wild horses or burros even when carrying capacity information is not available or there is no overgrazing. The Act, for example, requires removal of wild horses and burros from private lands when the landowner requests it. Because of several challenges to actions by the BLM over the years, judicial and administrative decisions have established additional removal criteria. Reasons for removals not based on a "thriving natural ecological balance" include:

- (1) Animals expand outside herd area boundaries.
- (2) Animals stray onto private lands and removal is requested by the landowner.
- (3) Animals' lives are endangered by an emergency, e.g., drought, disease, etc.
- (4) Animals are part of a research program.
- (5) Animals must be removed pursuant to a court order.
- (6) Animals must be removed because of overriding provisions in other legislation, e.g., the Endangered Species Act.

Now on p. 27.

See p. 27.

Now on p. 27.

See p. 27.

Appendix I
Comments From the Department of
the Interior

2

In the future we expect that factors such as the Endangered Species Act will require removal of animals even when there is no overgrazing as the term is normally used. Removals will continue on a significant number of herd areas for the reasons listed above irrespective of whether the carrying capacity has been established.

For purposes of our comments, removal and adjustment only refer to situations where the appropriate management level (AML) is to be changed. We will exclude from consideration removal of wild horses done solely for the purpose of removing the excess animals due to herd growth caused by reproduction. While both situations require removal of animals, making adjustments in the number of animals to achieve a new AML will likely require a revision or amendment of land use plans. Removal of animals to reduce the population to a previously determined AML only requires data to show that the number of animals on an area is inconsistent with maintaining a thriving natural ecological balance.

We also disagree with the recommendation that adjustments in use be made in proportion to the forage each is consuming and the amount of damage each is causing. In most herd areas, livestock, wildlife, and wild horses and burros use the same areas, often during the same seasons. With a livestock/wild horse diet similarity of over 90 percent, it is impossible in most areas to determine which animal is overgrazing or causing the "damage." Almost always, damage is the result of the combined effect of all of the grazing species on an area. If reducing the grazing use were the only or preferable tool for undoing the damage, then a proportionate reduction would probably succeed.

Often, however, less drastic tools may be employed to accomplish resource improvement. In most cases, the BLM attempts to determine what resource conditions are deficient and what grazing impacts are causing these conditions. If the condition is caused by one species, as is sometimes the case, management actions are developed to correct this condition. For instance, if on a herd area the primary forage species are deteriorating due to moderate overgrazing caused mostly by livestock, installation of range improvements, a change in grazing season, or installation of a grazing system which provides for periodic rest from grazing may be sufficient to improve the forage conditions. The same remedial actions in an area grazed only by horses or wildlife would be precluded because of statutory and practical problems. In these areas, reducing the number of animals allowed to graze may be the only option.

Unfortunately, many of the management options available for addressing livestock grazing problems are not appropriate or practical for addressing wildlife and wild horse and burro areas. As a result, on areas with both livestock and wild horses, a combination of the actions involving initiation of grazing systems and range improvements would be proposed to improve conditions in areas used by livestock and a reduction in numbers in areas used by wild horses. In this situation, a proportionate adjustment would not be necessary or appropriate.

Appendix I
Comments From the Department of
the Interior

3

Because of the variety of situations found on the public lands, we cannot support adjustment in levels of use made strictly in proportion to the amount of forage consumed and the amount of range damage each species is causing. However, we are committed to improving resource conditions where needed. To this end, the BLM will continue to use the land use planning and public input process as outlined in the Federal Land Policy and Management Act of 1976 for apportioning forage and to assure that subsequent management actions are practical and effective in solving local resource problems.

We believe that this response is sufficient to close out this recommendation.

After initial population adjustments are made, conduct continued monitoring to maintain wild horse and domestic livestock population levels consistent with what the land can support. (p. 33)

The BLM concurs with this recommendation. Where grazing use by livestock, wildlife, and wild horses and burros is inconsistent with land use plans or will prevent attainment of "a thriving natural ecological balance," the BLM will make changes in grazing use. In furtherance of this commitment, we intend to place increased emphasis on resource monitoring and completion of herd management area plans. Depending on budget levels, this may require a shifting of resources from other parts of the program.

Permanently rescind the regulations authorizing fee-waiver adoptions. (p. 40)

We agree with the objective of this recommendation, which is to "significantly reduce the likelihood that wild horses removed from public rangeland in the future will experience inhumane treatment and slaughter"; however, we are taking steps to achieve the objective through a different approach.

A proposed rulemaking to revise the existing regulation on "Supporting information and certification for private maintenance of more than 4 wild horses or burros" was published in the Federal Register on February 6, 1990 (55 FR 3989). This rulemaking will prohibit the use of power of attorney to adopt wild horses or burros when the adoption will result in the maintenance of more than 4 untitled wild horses or burros in one location. The section of the rules being revised (Section 4750.3-3) regulates approval of adoption applications where the applicant requests to adopt more than 4 animals per year or where more than 4 untitled adopted wild horses or burros are to be maintained in one location. The purpose of the rulemaking is to prohibit an individual from gaining control of more than 4 wild horses or burros by using one or more powers of attorney. Two comments were received on the proposed rulemaking, both favorable. The BLM expects this rulemaking to become final before the end of Fiscal Year (FY) 1990.

Now on p. 27.

See p. 27.

Now on p. 33.

See p. 33.

Appendix I
Comments From the Department of
the Interior

4

Most of the problems with fee waiver adoptions stemmed not so much from the waiver of the fee but from the large numbers of animals controlled by a single individual. Even at full fee, an individual gaining control of many wild horses could possibly make a profit after a year of care, depending on the market. By making it extremely difficult, if not impossible, for one individual to gain control of a large group of wild horses, the proposed rulemaking significantly reduces the profit motive for adoption.

The BLM prefers not to rescind the regulation authorizing the Director to waive the adoption fee. Even though fee waivers have been terminated by BLM and prohibited in the FY 1990 Appropriations Act, it is conceivable that at some future date the use of the fee waiver could be consistent with the objective of placing wild horses and burros in appropriate private care. For example, there could be situations where the Government might have a need for adopters for older or unsound wild horses and a wild horse or humane group might be willing to provide homes for the animals. Waiving the fee in such circumstances could be beneficial for the Government and for the animals.

We believe that publication of the final rulemaking will be sufficient to close out this recommendation.

To reduce the costs associated with disposing of wild horses removed from public rangelands, we recommend that the Secretary of the Interior direct the Director of BLM to

(1) [Establish an average length of time required to halter train a wild horse and an age range for horses best suited to be halter trained, and limit payment to the states to only those horses that meet both these criteria. (p. 50)

We agree with this recommendation and are working toward implementing it. The BLM's FY 1990 Annual Work Plan assigned the New Mexico State Office the lead role in developing Bureauwide guidance for operation of prison training facilities and a training course for prison facility horse trainers. The desired training method to be implemented at all prison facilities will be established and also the estimated period of time to train the animal. The BLM's Washington Office Instruction Memorandum No. 90-307 dated February 1, 1990, established the policy for classifying excess wild horses into three categories. Horses in the age group of 5 through 9 years old are classified for the prison training program. Horses on either side of this age spread will be shipped to an adoption center or to a sanctuary. However, since the holding facility in Bloomfield, Nebraska, closed early in FY 1990, we anticipate the need to hold some of these horses temporarily at the prisons. We will only be charged for the feed consumed and a daily maintenance cost for each animal maintained but not trained.

Now on p. 40.

See p. 41.

Appendix I
Comments From the Department of
the Interior

5

(2) [Develop a standard for determining that a horse has been halter trained as well as an inspection strategy to ensure that the standard is met before offering a horse for adoption. (pp. 50-51)]

Now on p. 40.

See p. 41.

We agree with this recommendation. This topic was discussed at the BLM Wild Horse and Burro Workshop in Albuquerque, New Mexico, April 4-7, 1989. As a result, both the New Mexico and Colorado State Offices included similar requirements in amendments of the Cooperative Agreements with both States. In order for the BLM to accept a horse as halter trained, the following requirements must be met:

- (a) The trainer is able to walk up to and halter the horse in a pen, with the horse remaining calm and offering limited avoidance.
- (b) The horse can be led with slack in the lead rope.
- (c) The trainer is able to pick up all four feet without significant resistance. Hooves can be cleaned and trimmed.
- (d) The trainer is able to comb and brush the horse on the body, legs, and neck without significant resistance.

Both a BLM and a State prison employee will sign the training certification. These requirements are contained in an Amendment with the New Mexico prison system dated September 26, 1989, and Modification 04 with the Colorado prison dated November 30, 1989. These changes postdate the information in the last paragraph on page 47 of the draft audit report. Although we do not yet have a Bureauwide policy in effect, New Mexico and Colorado prisons now have consistent training standards and inspection certification.

(3) [Send adoptable younger horses directly to adoption instead of sending them to prison facilities for training. (p. 51)]

Now on p. 41.

See p. 41.

We agree with this recommendation. As indicated previously, Instruction Memorandum No. 90-307, dated February 1, 1990, established policy for classification of excess wild horses and burros. The age group of horses to be sent directly to adoptions is weaned horses through the age of 4. Horses age 5-9 go to the prisons for training. The Instruction Memorandum also gave the preparation facilities the option to send horses under the age of 5 to the prison to be held until an adoption event, if space is available and it is cost-effective. The prisons will not halter train these younger horses; they will be held and BLM charged for the feed consumed and for daily maintenance. The New Mexico and Colorado prisons charge a separate fee for each halter trained horse.

We believe that this response is sufficient to close out this recommendation.

Appendix I
Comments From the Department of
the Interior

6

(4) [C]onsider a variety of disposal options for unadoptable horses not currently being used and, where necessary, make recommendations for congressional consideration. (p. 51)

Now on p. 41.

See p. 41.

We agree with this recommendation. Many alternatives are being explored for the unadoptable horses--such as selective removals, fertility control methods, and use by underdeveloped countries. In a selective removal of excess animals, unsound horses and those 10 years of age and older are released back on the range. This approach can also be combined with fertility control treatments to reduce the rate of population growth of the free-roaming herds. The BLM believes that these management practices hold promise for reducing or eliminating the number of unadoptable wild horses removed from the range. Of course, the BLM will pay close attention to the effect of selective removals and fertility control on herd structure and population dynamics.

Now on p. 40.

On page 50, GAO states that "it would be appropriate for BLM to reconsider the merits of [sterilization and euthanasia]." Despite the provision in the Act for humane destruction of excess wild horses and burros for which there is no adoption demand by qualified individuals, we believe that past history and public reaction preclude euthanasia as an alternative worth considering.

The Wild Horse and Burro Advisory Board, which should be reestablished by the end of this fiscal year, will undoubtedly explore the subject of unadoptable horses. The BLM will wait for the Board's advice before considering any recommendations for congressional action.

General Comments

In addition to responding to the GAO's specific recommendations, the BLM believes that some corrections or clarifications in other parts of the text would be helpful. Problem areas from the text are underlined below, followed by BLM's position or suggested changes.

1. Since program inception, BLM has rounded up, removed, and disposed of more than 80,000 wild horses from federal rangelands. (p. 1)

Removals of wild horses since the beginning of the program total about 100,000.

2. This in turn led BLM to implement two mass disposal options that have resulted in either widespread inhumane treatment and commercial exploitation of the horses or committed the government to long-term financial responsibility for the removed horses' welfare. (p. 2)

On page 2 and elsewhere, the report refers to "commercial exploitation" of wild horses adopted via the fee waiver program. The meaning of the phrase is quite clear in the context of the report, i.e., sale for slaughter of wild horses after title was conveyed to the adopters by the United States. However, the use of this phrase in this sense can be somewhat confusing since "commercial exploitation" has a different meaning as defined in BLM's wild horse regulations at 43 CFR 4700:

"(c) "Commercial exploitation" means using a wild horse or burro because of its characteristics of wildness for direct or indirect financial gain. Characteristics of wildness include the rebellious and feisty nature of such animals and their defiance of man as exhibited in their undomesticated and untamed state. Use as saddle or pack stock and other uses that require domestication of the animal are not commercial exploitation of the animals because of their characteristics of wildness."

The regulatory definition of commercial exploitation applies to animals considered wild horses and burros under the Wild Free-Roaming Horse and Burro Act, not to titled animals, which according to the Act lose their status as wild horses and burros.

A 1987 court ruling enjoined BLM from transferring title to adopted animals in cases where the adopter has at any time expressed an intent to use the animal for commercial purposes after the passage of title. Elsewhere in the court decision, the expression "put to commercial use" appears. Several other variations on these phrases are used in the court ruling, including "commercially exploited." The court does not define what is meant by the phrase "commercial purposes" or any of the other phrases containing the word "commercial."

In an adoption handbook released in December 1989, BLM defines commercial purposes as follows:

See p. 2.

See comment 1.

Now on p. 3.

See comment 2.

Appendix I
Comments From the Department of
the Interior

8

Commercial purposes include slaughtering the animal or selling it for slaughter and using a wild horse or burro because of its characteristics of wildness for direct or indirect financial gain.

When the GAO report uses "commercial exploitation," it is actually referring to sale of wild horses after titling. For clarity, the BLM suggests that the GAO use the language of the court ruling, that is, "commercial purposes."

3. Domestic livestock of about 4.2 million vastly outnumber the 42,000 wild horses currently on federal rangelands (p. 2)

While we do not disagree with these figures, their usage certainly gives a mis-impression of the actual relationship between the number of livestock and wild horse and burro numbers on the public lands. By law, wild horses are limited to the areas where they existed in 1971 (about 34 million acres of BLM-administered land). The 4.2 million livestock cited are found on 170 million acres of rangeland.

A more valid comparison between these species would compare forage consumption only on herd management areas where both types of animals occur. When considering these areas, the relative difference in livestock and wild horse use is not nearly so disproportionate. For instance, in Nevada which has almost 75 percent of the wild horses, an estimated 40 percent of the total forage available for wild horses and livestock in herd areas is used by wild horses. The remaining 60 percent is used by livestock. (See analysis in Attachment 1.)

4. Wild horses on the western range are descended from horses brought to the North American continent by Spanish explorers in the 16th century (p. 8)

This statement reflects a popular sentiment but one that does not accord with the conclusions of the scientific community. See quotes below:

"Contemporary North American wild horses are variously claimed, depending on the claimant and the locale, to be the wild-mustang descendants of domestic horses introduced by the Spaniards in the sixteenth century, or of miscellaneous cavalry mounts, work horses, and saddle animals escaped or abandoned more recently." (National Research Council, Final Report of the Committee on Wild and Free-Roaming Horses and Burros, 1982)

"Dendrograms constructed using pairwise comparisons of Nei's distance measurements (D) for the domestic breeds and the wild horse populations substantiate anecdotal accounts of the origins of Great Basin horses from draft horses, saddle horses of American breed origin and Spanish Barbs." (Ann T. Bowling, Wild Horse Parentage and Population Genetics, Final Research Report to United States Department of the Interior, Bureau of Land Management, January 15, 1988, p. 11.)

Now on p. 24.

See comment 3.

Now on p. 8.

See comment 4.

The BLM suggests rewording the GAO statement along the lines of the sentences below:

Spanish explorers brought horses to the North American continent in the 16th century. Early horse herds on the western range were composed of horses escaped from or released by the Spanish or Indians who had acquired horses.

5. In 1985, the Congress authorized BLM to accelerate the removal of wild horses and burros from public rangelands. (p. 12)

The BLM suggests that the word "authorized" be replaced with "directed." The President's budget submitted to Congress for FY 1985 requested \$5.08 million for the wild horse and burro program and proposed the removal of less than 6,000 animals. Congress increased the funding by \$11 million and directed BLM to remove 17,142 excess animals.

6. In fiscal year 1990, 145 full-time employees were employed to carry out the wild horse and burro program in BLM headquarters and field offices. (p. 13)

We suggest rewording as follows:

In FY 1990, 145 full time equivalents were expected to be available to carry out the wild horse and burro program in BLM headquarters and Field Offices. A full time equivalent is one person working for a year. The actual number of employees working in the program is considerably larger because the majority of employees in the wild horse and burro program also work in one or more other program areas.

7. To evaluate the treatment of wild horses removed from the range we focused on BLM's fee-waiver adoption program. (p. 22)

The BLM believes that by focusing on the fee-waiver program, GAO only evaluated the treatment of wild horses adopted under fee waivers. The treatment of excess horses placed through this segment of the adoption program is not necessarily indicative of the treatment of all excess wild horses. About three-quarters of all wild horses removed from public lands were placed in private care without fee waivers.

8. [BLM's removal] decisions have reflected either the desire to achieve perceived historic wild horse population levels or deference to advisory groups largely comprised of livestock permittees. (p. 24)

This statement reveals a misunderstanding of how BLM arrives at appropriate management levels (AML's) and, subsequently, the decision to remove excess animals. The BLM uses the land use planning process to arrive at AML's for individual herd management areas. Advisory groups "largely comprised of livestock permittees" are certainly among the many groups consulted as part of the planning process.

Now on p. 11.

See comment 5.

Now on p. 12.

See comment 6.

Now on p. 19.

See comment 7.

Now on p. 21.

See comment 8.

Appendix I
Comments From the Department of
the Interior

10

However, to intimate that theirs is the only voice heard is to misrepresent how the process works. There are numerous opportunities for public input provided prior to final decisions, and wild horse interest groups--along with other affected interests--routinely participate in the planning process. Provisions for public participation are contained in BLM's planning regulations at 43 CFR 1610.2.

The BLM has no desire to achieve perceived historic levels, but is instead committed to managing appropriate numbers as identified through the planning process. Nonetheless, there are sound reasons why the planning process could not be expected to arrive at a number many times larger than the population that existed in 1971. The Act prohibits the BLM from managing wild horses in areas where they did not exist in 1971. Wild horses, like most wildlife species, expand their ranges when populations increase. Because of this natural phenomenon and the prohibition on management of the animals outside their 1971 areas, it is not legally possible to manage a total population much greater than the population that existed in 1971.

The Act also requires removal of wild horses from private lands when the private landowner requests it. Many of the herd areas in existence in 1971 have private water sources or contain significant tracts of intermingled private lands. Private landowners have asked the BLM to remove wild horses or burros from many of these tracts. Under these circumstances, it is not possible to manage populations of wild horses or burros; accordingly, the land use plans required removal of all of the wild horses or burros from a number of herd areas.

9. Removing more horses than is necessary wastes federal funds, removing less than is warranted by range conditions contributes to continued resource deterioration. (p. 25)

Now on p. 21.

See comment 9.

The BLM would add that removal of "less than is warranted by range conditions" also increases Federal expenditures because future removals and management costs will be greater as a result of increased population and high rates of reproduction.

10. One difficulty facing BLM in establishing carrying capacities for wild horses is distinguishing among forage consumption by species. (p. 25)

Now on p. 22.

See comment 10.

We agree distinguishing among forage consumption by species (wild horses, livestock, and wildlife) is difficult, particularly when all species use the same area and during the same periods of the year. Distinguishing use between livestock and wild horses in most situations is virtually impossible because of similar diets, dentition, and grazing methods. However, we disagree that this problem necessarily creates difficulty in establishing a carrying capacity.

Appendix I
Comments From the Department of
the Interior

11

Over the years, the BLM has used two different methods to determine carrying capacity. Because of the limitations of a one-time survey in establishing carrying capacities, the BLM switched several years ago to a policy of monitoring to establish carrying capacities. The primary requirement under this approach is maintenance of a fairly stable and known level of grazing use. Under these conditions, monitoring the level (percent utilization of key forage species) of grazing use by all species over a period of 3 to 5 years, it is possible to determine whether the overall level of grazing use is correct. This information can also be used to establish the total amount of the needed adjustment in use by all ungulates when use is excessive or there is a surplus. However, these studies cannot be used to determine how much each species' grazing use should be adjusted.

Adjustments of use on the public lands, particularly when those uses involve a re-allocation of resources, have a number of legal, environmental, social, economic, and political impacts. The evaluation of impacts and analysis of alternatives are quite complicated and should be subject to public scrutiny and comment. Consequently, the allocation of forage among animal species is more properly determined through the land use planning process.

11. Further, we were not able to identify data to demonstrate where horse removals have materially improved the specific areas from which they have been removed. (p. 28)

We question the GAO's underlying assumption here, that wild horse removals should or must materially improve the areas where removals occur. Normally wild horse removals are only made to reestablish a moderate level of grazing use. When this is the case, although the annual utilization of forage species will be reduced, this reduction will seldom result in a measurable improvement in range condition. Measurable changes in range condition normally require 5 to 10 years.

12. It plans to adopt out 6,100 horses during the year, up about 200 from actual 1989 levels. (p. 31)

Since 1989 horse adoptions totaled 4,325, the target of 6,100 for FY 1990 is an increase of 1,775, not 200.

13. According to BLM, about 30 percent of the wild horses removed from the range are unadoptable due to age or physical imperfections. (p. 41)

This figure was adjusted downward to about 20 percent recently when BLM expanded the age category for adoptable animals. Currently, horses sent to sanctuaries on the basis of age must be 10 or older.

Now on p. 24.

See comment 11.

Now on p. 26.

See comment 12.

Now on p. 34.

See comment 13.

Appendix I
Comments From the Department of
the Interior

Analysis of Forage Use by Livestock and Wild Horses

The GAO report indicates that 4.2 million domestic livestock vastly outnumber the 42,000 wild horses currently on federal rangelands. This comparison implies that there is a drastic inequity between the amount of forage and resources allocated to wild horses and burros as compared to livestock. Although these levels are set in land use plans and arrived at with considerable public input and analysis of the social, economic, political, and environmental impacts, we understand that some interests do not agree with the allocation produced by this process.

However, the figures presented are an apples vs oranges comparison. The area occupied by the 4.2 million livestock is many times larger than the area legally available to WH&B's. A more valid comparison can be obtained by using data published in the FY 1989 Public Land Statistics and the latest census data for Nevada where most of the wild horses are found.

Livestock Forage Acreage: 42,256,400 Acres

Livestock Forage Consumption (1989): 1,860,900 AUM's

Livestock Forage Consumption Rate: $\frac{42,256,400 \text{ acres}}{1,860,900 \text{ AUM's}} = 24.3 \text{ acres/AUM}$

Assuming the Livestock Forage Consumption Rate (24.3 acres/AUM) within herd areas is the same as the statewide average, the livestock forage consumption within herd areas can be calculated as follows:

* $\frac{14,131,200 \text{ acres}}{24.3 \text{ acres/AUM}} = 581,530 \text{ AUM's livestock use}$

Note: This calculation more than likely considerably overstates the livestock usage within herd areas. This rate of livestock use combined with the WH&B usage would result in an average forage utilization of 14.6 acres/AUM within Nevada herd areas.

Wild Horse and Burro Acreage: 14,131,200 Acres

WH&B Forage Consumption (1989): 12 months X 32,067 animals = 384,800 AUM's

Using this data, a more valid comparison between livestock and wild horse and burro use can be made on the areas where both are found.

Total Forage Consumption: 384,800 AUM's + 581,530 AUM's = 966,330 AUM's

$\frac{966,330 \text{ total AUM's}}{581,530 \text{ livestock AUM's}} = 60\% \text{ Livestock forage usage}$

$\frac{966,330 \text{ total AUM's}}{384,800 \text{ WH\&B AUM's}} = 40\% \text{ WH\&B forage usage}$

* Acreage of herd areas designated for long-term management of WH&B's (HMA's).

Attachment 1

The following are GAO's comments on the Department of the Interior's letter dated May 3, 1990.

GAO Comments

1. BLM's report that 100,000 wild horses have been removed since the program's start in 1973 may overcount wild horse removals. In June 1989 BLM told us that, due to poor recordkeeping in the early years, separate data on wild horse and burro removals were not available for those years. Although using these data would add up to 100,000 animals removed since 1973, an unknown number of wild burros is included for 1973-79. Wild horse removals between 1980 and 1989 total about 80,000. We changed the report to reflect the time period when specific data exist on wild horse removals.

2. Phrases such as "commercially exploit" are widely used to concisely describe selling a wild horse for slaughter. Contrary to BLM's suggestion, the 1987 court ruling frequently refers to commercial exploitation. Further, BLM even used the phrase in its August 1987 instructions to field offices regarding the court ruling (for example, "Withhold title in case of any adopter who has expressed an intent to BLM to commercially exploit the animal(s)"). For conciseness, we use "commercially exploit" and similar phrases, rather than "commercial purposes."

3. In citing the total numbers of wild horses and domestic livestock on federal rangelands, we were not attempting to imply that wild horses and domestic livestock share range resources throughout the West. Instead, we cited the data to demonstrate that public lands overgrazing cannot be fully addressed by concentrating exclusively on wild horses.

We agree that specific comparisons between wild horse and livestock use can be made. However, BLM could not provide us such data specific to the herd areas we examined. Rather, BLM could only provide data on a resource areawide basis. These data show that wild horses consume much less than 40 percent of the available forage suggested by BLM in its comments. In the four Nevada resource areas we reviewed, wild horses consumed 19 percent of the available forage compared with 81 percent by domestic livestock.

4. The alternative language suggested by BLM as well as the quotes from other reports on the subject are entirely consistent with the presentation in our report. Accordingly, we have made no changes to reflect BLM's comments.

5. We revised the report to state that the Congress directed BLM to accelerate the removal of wild horses and burros in 1985.
6. We revised the report to state that 145 full-time equivalent employees were expected to carry out the program in fiscal year 1990.
7. We revised the report to state that we did not evaluate the treatment of wild horses and burros adopted under BLM's full-fee adoption program.
8. We do not agree with BLM's position that our statement reveals a misunderstanding about how BLM develops its appropriate management levels. We understand that wild horse levels are prepared as part of the land use planning process mandated by FLPMA. However, we do not believe that a level can be justified as representing a sound management decision merely because it is recorded in a land use plan. If a level is developed without regard to land conditions or wild horse range impact, its inclusion in the land use plan does not make it more useful or appropriate. In this connection, BLM provides no evidence to refute our finding (along with the finding of Interior's Board of Land Appeals) that wild horse levels are being established arbitrarily without a sound factual basis.

With respect to BLM's view that it is not legally possible to maintain wild horse numbers much greater than those existing in 1971, we have revised our report to clarify that the act limits wild horse management to herd areas where they were found at the time the act was enacted in 1971. However, we question BLM's underlying assertion, that removal decisions can appropriately be driven by the desire to achieve any historic population levels. As Interior's Bureau of Land Appeals has ruled, removal decisions must be based on data describing impact on range conditions. As we have demonstrated, such data does not currently exist.

We agree that the act requires BLM to remove wild horses from private lands if they have stayed there. However, none of the 46 herd areas we examined created this predicament. Almost all were isolated from nonfederal lands and removals were done to reach the appropriate management level, not because horses were straying onto private lands.

9. We revised the report to state that removing less horses than is warranted contributes to continued resource deterioration and potentially higher removal costs.

10. We revised our report to more clearly link the difficulty in distinguishing forage consumption among species to determining the impact of wild horses on range conditions, not determining carrying capacity.

We agree that public scrutiny and comment obtained in BLM's planning process provide important input in adjusting uses of the public lands. However, by developing and providing appropriate data on range conditions and where practical the relative impacts of different uses, BLM can help ensure that its final decisions are consistent with what the range can support.

11. Where wild horses were part of the overgrazing problem, one reason they have not resulted in apparent range improvements is because the removals have not been accompanied by needed reductions in domestic livestock grazing or more intensive livestock management.

12. We corrected the report to reflect that 4,325 wild horses were adopted in 1989.

13. We revised the report to reflect BLM's expanded age category for adoptable animals.

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