

Testimony of Julian Joseph (J.J.) Goicoechea on behalf of Public Lands Council, National Cattlemen’s Beef Association, and Nevada Cattlemen’s Association

“Challenges and Potential Solutions for BLM’s Wild Horse and Burro Program”

House Committee on Natural Resources, Subcommittee on Federal Lands

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Chairman McClintock, Ranking Member Tsongas, and members of the subcommittee, my name is J.J. Goicoechea. I am a fourth generation cattle producer from Eureka, Nevada. I am a past president of the Nevada Cattlemen’s Association and currently serve on the Executive Committee for that organization. I am midway through the fourth year serving as Chairman of the Eureka County Board of County Commissions and was in private veterinary practice for 17 years before being named the Nevada State Veterinarian this last February. It is my pleasure to testify before your Committee to discuss the impact that wild horses have on rangelands in the west and how lack of management is affecting not only rangeland health, but animal health and welfare. While I am the current Nevada State Veterinarian, my comments today are made on behalf of the Public Lands Council, the National Cattlemen’s Beef Association, Nevada Cattlemen’s Association, and Eureka County Nevada. My testimony is based on my years in private practice, my background as a steward of public lands, and as an elected county official in Nevada.

The issues surrounding the management of wild horses across the west are not new. Since the passage of the Wild and Free Roaming Horse and Burro Act in 1971, there has been concern from all sides of the issue regarding how the animals and the natural resources they rely on being managed. Over the last 45 years, the program has seen some significant changes, both good and bad. I am not here today to cast blame, but rather to offer insight and advice on a program teetering on the brink of collapse. The very animals and resources that the BLM is charged with management of are being negatively impacted and in some cases, irreversible damage to our western rangelands is resulting from mismanagement.

The agency has shifted from the multiple use principals contained in the WFRHBA and the later Federal Land Management and Policy Act. Rangelands are being managed exclusively for the over population of horses in some cases, and this is specifically evidenced by the actions of the Battle Mountain District Office in 2012. At that time, an on-the-ground tour with BLM and county officials alongside interested public and the rancher involved revealed overgrazing by horses and some livestock overgrazing in areas of the allotment. The rancher provided a solution that included hauling water to livestock in a remote

area of the allotment. The permittee would also maintain an old drift fence that would keep the livestock off of the already grazed areas, both activities at the permittee's own expense. This proposal was agreed to on the ground during the tour, but a formal response from the District Office denied the plan in subsequent days because of the need to save that forage for horses.

This event took place in the Diamond Complex in central Nevada. This complex was created in the 1990's through the collaborative efforts of the BLM, Eureka County, permittees, wildlife specialists, and the general public. It was spurred on in part due to a massive die-off of horses in the winter of 1992-93 due to starvation. Voluntary reductions in grazing were made by ranchers to allow for the managed grazing of the horses. AML was agreed upon and the promise to gather the complex as needed to keep it within AML was made. The Diamond Complex has struggled to even reach AML after gather operations due to its rugged terrain and proximity to other large and overpopulated HMA's. It was last gathered in 2013 and today is 439 percent over low AML and 257 percent of high AML. The permittee who was trying to reach a deal in 2012 had to sell her cows as a result of the decision. Another woman, who was in the agriculture industry her entire life died not owning a cow.

The Diamond Complex is just one of dozens of HMA's in trouble in Nevada. As recently as April of this year, 9 permittees in Nevada were issued letters indicating that rangeland health was being negatively impacted. The letters read in part, "*Professional observations of conditions proximal to these key areas indicate that rangeland health is being negatively impacted. The primary causal factor of these impacts is likely wild horse use,...*" The letters continue later with, "*If wild horses are found to have had a significant impact on pre-turnout, but utilization objectives are not exceeded, changes to livestock operations may need to include delaying turnout, adjusting livestock numbers, or partial non-use. If utilization objectives are exceeded previous to turnout, ...may need to be partially or fully rested from livestock for 2016 grazing year. We encourage you to develop contingency plans to account for this possibility*".

These latest use areas and allotments to come under attention are within what is now being called the Antelope Complex, in southeastern Elko County. These HMA's are anywhere from 574% to 2,083% over AML. With numbers like this, the Diamond Complex is considered a win unless you are the permittee out of business. The local economies that rely upon natural resource based industries such as agriculture are experiencing economic hardships as well. The dollars that circulate in rural Nevada keep everything from the local grocer and mechanic, to the school teachers and road crews working. The fallout of wild horse mismanagement is very real on multiple levels, impacting everything from the horse itself, to small business owners and local government.

Within these nine allotments/use areas, there are over one million acres of sage grouse habitat. With the letter referencing negatively impacted rangeland health, one can assume that sage grouse habitat is being negatively impacted as well. This committee is very much aware of the recent Land Use Plan Amendments and the unprecedented efforts of western states to draft state plans to deal with specific threats and challenges to the Greater Sage Grouse. One of the key threats in Nevada is the overpopulation of rangelands by wild horses. These horses are not only negatively impacting habitat, but in some cases they are destroying the most critical habitat, late brood rearing riparian meadow complexes.

While this last winter was an average winter across much of the west, the past several years have been years of record drought. There were numerous cases of wild horses dying due to dehydration and starvation. While some groups may publicly state that this is nature taking its course, I challenge anyone to idly stand by and watch horses collapse from dehydration. Starvation and dehydration are inexcusable and inappropriate methods of population control. Those of us who truly make a living caring for animals, whether our own livestock or client animals, have a moral obligation to manage populations in balance with natural resources, to prevent damage to the resources, and above all to provide for the overall health of the animals.

Last summer, dozens of wild horses died of dehydration in northern Nevada's Long Valley. After the fact, the BLM Field Office in which this occurred was granted permission to bait and water trap horses in the Triple B HMA in the area involved. As a private practitioner, I was called to examine the captured horses and determine body condition and overall health. Some horses had already been euthanized in the field. Thankfully, those in the holding corral were healthy enough that they didn't need to be put down, but I empathize with the staff that had to euthanize animals in the field because of the mismanagement that caused the horse's health to deteriorate to the point that it was medically necessary.

The Triple B HMA is massive in size. It contains over 1.2 million acres of BLM managed public lands, not counting the private land holdings within its borders. This one HMA is larger than the state of Rhode Island, and its current population of wild horses is over 1600. Its low Appropriate Management Level is set at 250. How can we knowingly have horses dying, knowingly have natural resource damage occurring because of a population 7 times larger than is appropriate, and only allow for small scale bait and water trapping in one small area? Many more horses died than we are aware of and in many more areas than just the Triple B HMA. I was personally told of three other locations in Nevada where horses died due to lack of water last year.

To be completely fair to the BLM, they do provide resources to aid in watering and feeding horses when

the situation is brought to their attention. However, this often leads to an entirely new set of problems and impacts. Take for example the Fish Creek HMA in Eureka County, Nevada. This HMA historically, year after year, requires the use of contractors to haul water to horses who would otherwise die of dehydration. Often times, fire crews are used to shuttle water in fire trucks to storage tanks and water troughs in addition to contractors doing the same. This HMA was gathered as recently as 2014, yet today stands at 400% above AML. The Fish Creek HMA is a prime example of one that does not even come close to fitting the definition of “natural balance”. This HMA has never been at AML since it was established. From 1994 to 2002, with the exception of 1999, there was no livestock grazing on the associated Fish Creek Ranch Allotment and yet the utilization use levels were moderate to severe in the Antelope Valley portion of the allotment/HMA.

Just last week, the Battle Mountain District office notified Eureka County that they would be sending crews out to work on a pipeline and a well in the area for the purpose of water wild horses and that they would again be hauling water to water haul sites for horses in the HMA when conditions warranted. The well in question is not even within the boundaries of the Fish Creek HMA and yet the BLM pumps the well and thus intentionally draws horses off the HMA and into surrounding rangelands. This type of action would result in a willful trespass if a livestock producer did the same and intentionally drew livestock into an unauthorized area to graze.

In addition to the need for continued supplementation of water in the Fish Creek HMA in order to sustain the large population of wild horses, it is being used as a “pilot project” of sorts for Porcine Zona Pelucida (PZP) and its ability to curb reproductive growth. I think it must be noted that this same HMA had an Environmental Assessment done for PZP starting in 1997. At that time, it was promised that the use of PZP would bring the population of horses in the Fish Creek HMA down to AML in 19 years. We are now 19 years later and we are again promoting the use of a form of PZP as the tool to bring the number of horses in the Fish Creek HMA down to AML. This time through the use of volunteers and staff certified to apply the drug via dart to horses within the HMA.

While there are nearly 200 mares in the Fish Creek HMA that were administered the fertility drug in 2014, there are many more who haven't had the drug an initial time and haven't been marked in order to be identified. While this HMA is smaller than the Triple B HMA, it is only roughly a quarter million acres in size, it is still not what you would consider a paddock or confined pasture. This HMA has thousands of acres of Pinion Juniper woodlands and mountain peak in excess of 9,000 feet. The task of gathering this HMA with the use of helicopters has proven to be difficult in the past and to be quite honest; I don't see how it is even logistically feasible to attempt to re-administer a fertility control every two to three years to all mares in an attempt to eventually reach AML through natural attrition. Had the

original 1997 EA to do so been followed and feasible, we would have a success story to tell, instead we are again going to attempt the same thing and hope for a different outcome.

The fact that so many HMA's are immediately over AML after a gather is a testament to the need to do things differently. For years now, contractors for the BLM have voiced their concern over the catch and release of so many horses. The process of rounding up horses and releasing them back into HMAs, sometimes after fertility drugs have been administered and other times just because the number of horses determined to be rounded up was met, has trained horses to hide in Pinion Juniper woodlands or to escape outside the boundaries of HMA's. Many of the HMA boundaries are not fences and in some cases are merely dirt roads or boundaries on a map with the U.S. Forest Service for example. When a gather operation is conducted and there are still more horses than AML on the range, why do we turn additional horses back out? We have been told that it is because of money, it is because of holding space, it is because the decision didn't authorize the removal of any more horses, etc. Over the last 45 years, the agency has essentially trained horse herds to be difficult to manage through its actions. This must stop in order to have any chance of curbing the reproductive growth of our nation's wild horse herds. In order to be successful, an approach must be taken to capture as close to one hundred percent (100%) of all the animals in an HMA and apply desired treatments to that HMA before moving on and hopscotching across the west applying bandages to problem areas and ignoring other areas. This must include coordination with other agencies such as the United States Forest Service, State governments, and private property owners. Carefully planned operations across multiple jurisdictions are needed to be effective.

In addition to better planned and more efficient gathers, what are some other potential solutions to the problems at hand? First off, we must give the agency tasked with management of the horses and burros all the tools in the tool box. Some of these may be favored by some and completely opposed by others. The point is, not all tools and techniques will work in all places. PZP for example, is a tool that has its place. I have attached a map showing its use in Nevada in recent years. I find it odd that in a place such as the Nevada Horse Range, it has never been used. This area has water that is easily controlled and trapping and darting would be easier in order to administer doses in subsequent years. It is interesting to note that only two HMA's are identified as having repeat administration of PZP done in them. How many dollars were wasted on the hundreds if not thousands of other mares that only received one initial dose? Another critical question to be answered is what happens in these herds when a PZP product isn't re-administered or when its efficacy isn't as good as it was supposed to be?

As with all inoculations, there are various reasons for success and failure. The immune status of the animal (the body condition of the mare plays a role in this), and whether or not the product was handled correctly from manufacturing through administration. I can tell you for sure that many "vaccine" failures

are the result of poor product handling and less than optimal conditions at administration. Sometimes vaccines just don't work. Even in ideal situations, we can't achieve 100% efficacy of vaccinations. In the Nevada desert I doubt we are maintaining ideal situations a majority of the time. So what if we don't get the mare inoculated correctly? What happens if we don't find her to booster her or even make an attempt to booster her?

It is a scientific fact that a mare or any animal for that matter, that doesn't reproduce for a year or two and has increased her body condition, will have a higher rate of successful reproduction than a mare that raised a foal the year before. So, by gathering horses and removing the young horses for adoption and administering a product that keep the mare from reproducing for a year or two and then not re-treating that herd, we are actually setting them up for a higher reproduction rate. It is well established that our horse population increases by 20 to 25% annually. In herds that had only one dose of fertility control applied, or only a portion of the original mares re-treated, this reproductive rate will be and is significantly higher. The actions taken over the last decade have led to booster crops of foals and population explosions rather than having the desired impact of slowing the growth rate.

In HMA's and other areas that must be gathered by means such as helicopter, it is critical that the funding and space be made available to remove all excess captured horses and to treat all horses to be released with more permanent sterilization techniques. I am certain that the time will come when pharmaceutical companies will have developed and adequately tested drugs that will have permanent, or at the very least, long term reproductive effects with a single dose. The flexibility to allow for the use of these products has they become available must be granted. However, with the horse herds doubling in size every four years, we don't have months and years to wait while we do an Impact Statement or Assessment in order to use new techniques.

In large and rugged HMA's such as Nevada's Triple B, Fish Creek, Little Humboldt and Little Owyhee, a different approach will need to be taken to manage populations at AML. This approach may include the use of gathers to remove older horses and the use of permanent surgical sterilizations, (spay and neuter) on younger horses. Why remove the older horses and not the younger adoptable horses as the BLM has been doing? The answer is actually very simple. The horse market is already flooded with adoptable horses. By removing the older horses, you are placing horses in long term holding facilities that have a shorter life span and would therefore reduce the overall cost per horse in long term holding.

In addition, the younger and healthier population is safer for the use of spay and neuter techniques. Any surgical technique comes with a risk. In order to minimize the risks, it is wise to select patients that are inherently less likely to experience side effects. I have personally castrated hundreds of horses destined

for long term holding or adoption for the BLM in my career and have only had one surgical complication, and that was in a horse over 15 years of age.

It is true that the use of surgical sterilization will require additional handling of the animals and will require a longer stay in holding corrals to reduce the risk of injury to the surgery site and allow for administration of antibiotics if needed. While this may not be appealing to some, I argue that a few more days in a holding corral to ensure reproduction is curbed, to ensure that the surgical site is protected, and to be able to give antibiotics if needed is better than being trapped and darted every couple of years in the hopes that funding doesn't end and that the drugs can be administered as needed. We must also consider the costs in order to be the most economical with our resources. The cost to gather each horse is far more than the cost to house it for a few additional days. If we must conduct additional gathers in order to provide additional treatments, we haven't really gained much at all.

Advances in surgical techniques and improved methods of anesthesia allow for more rapid recoveries and less postoperative complications. As with any medical or surgical treatment, the outcome can only be as good as the surgeon performing the procedure. There are very talented veterinary surgeons who can perform spays and neuters in standing patients in relatively short periods of time (around 30 minutes). These procedures can be done at holding facilities on the range and the risk of injury and cost from transportation can be eliminated. Treated horses are then able to return to their home ranges in a relatively short amount of time.

While the Department of Interior studies effects of sterilization in small wild horse herds, thousands of domestic animals undergo reproductive surgeries daily. We simply cannot wait for several more years to study, massage the data, come up with various alternatives, do another study, and perhaps in a decade put some meaningful programs in place. By the time we wait even 4 or 5 more years, we will have nearly 100,000 wild horses in Nevada alone if current policies remain in place. How many horses must die and how many acres of habitat must be lost before real changes are made?

There are arguments that if we permanently sterilize a large portion of our wild horses, we run the risk of them eventually becoming extinct if we take it too far. I remind you that we will NEVER be able to gather and treat 100% of the horses and burros on western ranges today, it is impossible. Even if we did manage to curb reproduction significantly, horses have very few nature predators. With some management, breeding of small herds will result in significant population increases in relatively short periods of time. Keep in mind that the horses we see on the range today are the result of breeding horses and manipulating genetics to achieve a desired outcome for generations.

All of the proposals I put forward are contingent on a couple of key things. We must find or make room for the horses that are removed from the rangelands. Forget the knee jerk reaction that we will remove all livestock and limit other multiple uses in order to hold more horses on the range. That is not a viable solution in the least. We already have horses dying; we are already degrading our rangelands and natural resources because of too many horses. In Nevada alone, there are between 5,000 and 10,000 horses that are outside HMA's or HA's and not under the management of the BLM. Just because they don't have a place on a map, doesn't mean there aren't horses there and doesn't mean that damage isn't occurring. If we are to remove other multiple uses to make room for more horses, keep in mind this will include impacts to wildlife, sensitive plant species, and rural economies, not just domestic livestock. Within just a few years, tens of millions of acres of rangelands will be negatively impacted, hundreds if not thousands more dead horses will litter the landscape. Is this the legacy we want to leave for our children and grandchildren?

In closing, I would like to say that I have been blessed with a lifestyle that allows me to live among livestock, wild horses, wildlife, and all of the west's natural beauty. I have been able to offer assistance to the BLM when needed for gathers, adoptions, or just brainstorming meetings. The frequency of assisting with cases of starvation and death are increasing however. The die off in the Diamonds in the early 1990's left an impression on me that I will never forget. Words and still image photography can't begin to describe what it was like to watch a starving foal attempt to nurse its dead mother. Likewise, this last fall I was shown video of a young wild horse collapsing and dying of dehydration. He was badly injured from fighting to try and reach the little amount of water in the mud. The video was powerful and gut wrenching. It is something that I doubt any of you will ever see and I am thankful that you won't have to. The person who took the video on his phone fears what may happen if the BLM sees it. People who truly care about these animals are afraid to do the right thing because they may lose their way of life. How much longer can we turn a blind eye to the real issue? It is time to push the reset button and build a program, for the good of everyone and everything involved.

I appreciate the opportunity to be here today and I am happy to take any questions the committee members may have. Thank you.