

MEMO

Re: Nevada Legislature and Wild Horses and Burros

By: Joseph Guild

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Recently the Nevada Legislature's Public Lands Sub-Committee met for a day-long meeting in Ely, Nevada. Among the many topics presented to that committee was the concern by more than a few presenters about the growing numbers of wild horses and burros whose negative impacts on the high desert public ranges are becoming more and more apparent. Many of the people testifying to the committee expressed these concerns. However, the concern begs the question: what can the Nevada Legislature do regarding a situation which is entirely a federal government problem to solve?

The answer is the Legislature can express its opinion about federal government action or inaction, but not much else. It is generally accepted there is resource damage by excessive numbers of wild horses and burros who roam the public ranges year-round. Recently, a coalition of sportsmen, environmental organizations, retired wild -life managers, and academic experts on range science have expressed concern about the un-managed use by these large numbers of animals exceeding appropriate management levels or AML. The horses and burros are protected by law, but they also must be managed to appropriate numbers so that the resource does not suffer damage preventing and hindering the other multiple uses allowed by law of these public resources.

It is also widely understood that livestock operations are permitted under certain management conditions such as payment of a permit fee, numbers, time of use, and lengths of season of use, and subject to federal land management agency decisions on temporary cessation of use due to rangeland conditions by drought and fire, among other things.

At the outset, it must be acknowledged that the federal resource management agencies have hurdles in implementing their decisions such as a lack of human and financial assets to carry out their missions. They are also sued regularly by wild horse advocacy groups to prevent them from acting on their decisions. They are trying to follow the law and are diligent in their efforts.

The laws are clear. There are many uses of these ranges and public lands authorized by the federal statutes. For instance, grazing, mining, hunting, and other recreational uses are allowed by the Federal Land Policy Management Act (FLMPA), 43 U.S.C. 1701 et. seq. See also, Public Law 92-195 Sec. 2. (c) "The Free-Roaming Wild Horse and Burro Act" (1971). (16 U.S.C. 1331-1340) (The Act).

Sec. 3(a) of The Act states, in pertinent part: "The Secretary... [of the Interior] ... shall manage wild free-roaming horses and burros in a manner that is designed to achieve and maintain a thriving natural ecological balance on the public lands". One of the tools the statute gives the Secretary to meet the goal of a "thriving ecological balance" is capture and removal. (See Sec. 3 (b)).

Bureau of Land Management (BLM) regulations also acknowledge the protected horses and burros are not exclusive in their use subject to other multiple use management. (See Group 4700, "Wild Free-Roaming Horse and Burro Management"). These regulations also authorize capture and removal,

recognize domestic livestock use as one of the multiple uses, and say the BLM must manage the resource to maintain “a thriving natural ecological balance”. Because of the excess numbers of horses and burros, there is no balance at present. The only way to achieve the proper balance is to remove the excess numbers, impose some permanent fertility restrictions on some of the horses, and maintain the herds at historic AML which in Nevada is about 12,000 horses.

The Nevada Legislature’s Natural Resources Committee’s Sub- Committee on Public Lands could recognize there is a problem, encourage the Federal Land Management Agencies to aggressively work to gather and remove the excess numbers of horses and burros and offer any assistance to these agencies they cooperatively deem important and helpful. A letter from the committee to the relevant agencies and the Secretary of the Interior would be a good place to start.