

# STATE OF NEVADA

## BOARD OF WILDLIFE COMMISSIONERS

### Commission Policy Number 67

**Number:** P-67

**Title:** Feral Horses and Burros

**References:** NRS 561.025, 561.218, 569.008, 504.030, 533.367, 533.695, 533.460, NRS 321, Public Law 92-195(1971) Presidential Executive Order: 12630.

**Effective Date:**

**Reviewed Date:** 2002, 2022

**Amended Date:** November 18, 2016, March 26, 2022

### **BACKGROUND**

The Nevada Board of Wildlife Commissioners (the Commission) shall establish and implement policies necessary for the preservation, protection, restoration and management of Nevada's wildlife.

Wild horses and burros are managed by the Bureau of Land Management (BLM) and the U.S. Forest Service (USFS) according to the Wild Free-Roaming Horses and Burros Act of 1971(Act), as amended by the Federal Land Policy and Management Act of 1976, the Public Rangeland Improvement Act of 1978, the Omnibus Parks and Public Lands Management Act of 1996, and the Fiscal Year 2005 Omnibus Appropriations Act. (<https://westgov.org/resolutions/article/wga-policy-resolution-202105-wild-horse-and-burro-management>)

Expanding populations of free-roaming horses and burros (FRHB) on private, public, federal, state, and military lands are impacting the future of Nevada's wildlife. Additionally, increasing numbers of fires, expansion of exotic grasses, tree encroachment into sagebrush habitats, loss of riparian functions and a warming climate all impact water sources and plant survival. These ever-increasing threats not only challenge populations of FRHB but also the multitude of wildlife species that depend upon healthy Nevada landscapes to survive.

As of March 2021, the nationwide total estimated FRHB population on Bureau of Land Management (BLM) lands was 86,189 with 53,741 residing in Nevada (including Nevada Herd Management Areas managed out of California BLM offices), representing approximately **62%** of the total FRHB BLM manages. These current numbers exceed the nationwide Appropriate Management Level (AML) of 26,770 by 310 percent and Nevada's AML of 14,331 by 375 percent. These population estimates do not include another 2,100 FRHB residing on U.S. Forest Service lands, greater than 3,000 on private lands (managed by Nevada Department of Agriculture), and over 1,000 on Department of Energy and Department of Defense lands, or any horses found on Nevada tribal lands.

The Wild Free-Roaming Horses and Burros Act of 1971, as amended, (Public Law 92-195) requires the BLM to protect wild horses and burros from harassment and be managed as

components of the public lands. The 1971 Act also requires multiple use management including wildlife and wildlife habitat, recognizing the jurisdiction and authority of State Law and requires consultation and coordination with State agencies such as the Nevada Department of Wildlife and the Commission (PL92-195 Section 1333 (a)).

Congress declared in 1971 that Wild and Free-Roaming Horses and Burros (WFRHB) would be kept at the level to achieve "thriving natural ecological balance" within the areas in which they would exist. Failure to limit WFRHB numbers to thriving natural ecological balance must trigger specific actions to reduce herd numbers in accordance with the law (PL92-195 1332(f)(2)).

The tools available to federal agencies are limited for removing excess FRHB. Agencies are restricted to the tools of adoption, short and long-term care, and fertility control. In areas where sufficient forage and water exists, these FRHB populations can double every three to five years. For these and a variety of other reasons, BLM has been unable to achieve Appropriate Management Level (AML) of 14,331 in Nevada necessary to sustain the thriving natural ecological balance, set by the Act of '71.

The result has been exponential growth, doubling FRHB populations every 3 to 5 years, with Nevada's current population of 53,741 being 375 percent above AML. FRHB graze rangelands 365 days a year, can dominate and exhaust water sources, overgraze rangelands and degrade riparian habitat and springs all at fish and wildlife's expense. This current reality is unsustainable for horses, rangeland ecosystems, wildlife and habitats.

## **PURPOSE**

The purpose of this policy is to provide guidance and direction to the Nevada Department of Wildlife (NDOW) to see FRHB properly managed to ensure that Nevada's diversity of 895 species of wildlife continue to thrive within our vulnerable Great Basin desert ecosystems with their extremely limited water sources.

## **POLICY**

1. The Nevada Board of Wildlife Commissioners (the Commission) recognizes that the exponential growth of free-roaming horse and burro (FRHB) populations in Nevada pose a problem for the current and future health and viability of wildlife and FRHB.
2. The Commission supports compliance with the Act of 1971, as amended, and the policies established by BLM for ensuring healthy landscapes and humane management of FRHB.
3. The Commission supports the intent of the Path Forward (<https://www.energy.senate.gov/services/files/0869B02B-E9C5-4F0B-9AE8-9A8A1C85293E>) developed and approved in April 2019 by humane, livestock, and range management interests, acknowledging that increasing population of FRHB requires immediate management actions. The Commission supports the Path Forward's four main precepts of targeted gathers and removals, increased adoptions, leased pastures, and use of fertility inhibitors based on efficacy. The Commission believes that the 20-year time frame to reach AML as specified in the Path Forward will allow the continued degradation of wildlife habitat. The Commission supports any opportunities for a FRHB gather program to achieve AML in a much shorter time frame.

4. The Commission supports management actions based on scientific research: on FRHB, on use of public land resources and on development of best management practices.
5. The Commission supports collaboration of stakeholders and agency managers to develop best practices in managing FRHB within a thriving natural ecological balance with wildlife, plants, and pollinators.
6. The Commission and NDOW shall provide letters of support for projects or plans proposed by BLM or other agencies managing FRHB that propose actions to achieve AML in agreement with objectives of this policy.
7. NDOW shall provide to the Commission, on an annual basis and in concert with the BLM and other agencies managing free-roaming horses and burros, a listing of those areas where FRHB are having the most significant negative impact on wildlife habitat. Prioritization is focused on those habitats critical for Lahontan Cutthroat Trout, Sage Grouse and other threatened or sensitive wildlife. Upon Commission approval, the report will accompany a Commission request to those agencies for the removal of excess horses and burros to AML on HMA lands and be totally removed from non HMA lands.
8. The Commission supports and recognizes the urgency of removal of FRHB outside HMA's and reduction of horses within HMA's to their AML to provide critical resources to wildlife in maintaining a "thriving natural ecological balance".
9. Because of Nevada's limited water sources, the Commission asks NDOW, together with BLM, The Sagebrush Ecosystem Council, other public land agencies and water right holders, to identify and invest in efforts to ensure that these water sources remain available to wildlife, fish and invertebrates and to keep or restore riparian functions, while ensuring the water remains available to holders of the water right.

This policy shall remain in effect until amended, repealed or superseded by the Board of Wildlife Commissioners.

BY ORDER OF THE BOARD OF WILDLIFE COMMISSIONERS IN REGULAR SESSION,  
MARCH 26, 2022

  
Tiffany East, Chairwoman  
Board of Wildlife Commissioners'