

**CONCURRENT RESOLUTION ON WILD HORSES AND
BURROS**

2017 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Ken Ivory

Senate Sponsor: _____

LONG TITLE

General Description:

This resolution demands that the federal government take steps to humanely preserve the wild horse and burro population in the state, either by relinquishing federal control to the state or completely fulfilling the mandate of the Wild Free-Roaming Horses and Burros Act of 1971.

Highlighted Provisions:

This resolution:

- ▶ expresses concern about the overpopulation of wild horses and burros in the West, and the effect the overpopulation is having on the range; and
- ▶ demands that the federal government take steps to humanely preserve the wild horse and burro population in the state at manageable levels, either by:
 - relinquishing control to the state; or
 - removing regulatory obstacles and fulfilling the mandate of the Wild Free-Roaming Horses and Burros Act of 1971.

Special Clauses:

None

Be it resolved by the Legislature of the state of Utah, the Governor concurring therein:

WHEREAS, western landscapes are remarkable in their breathtaking beauty and



28 biodiversity;

29 WHEREAS, the horse has long been a figure of power and mystery in western
30 American culture;

31 WHEREAS, Congress sought to protect wild horses and burros through the Wild
32 Free-Roaming Horses and Burros Act of 1971 (the Act) in 16 U.S.C. Sec. 1333;

33 WHEREAS, horses and burros on the western range are neither wildlife nor native
34 species, such as mule deer and cougar, but are rather the descendants of domesticated horses
35 and burros that escaped or were released into the wild and became feral;

36 WHEREAS, because feral horses and burros are not indigenous to the West, they have
37 no natural predator that is effective at controlling their population;

38 WHEREAS, the feral horse and burro population is capable of doubling in size
39 approximately every four years;

40 WHEREAS, federal agencies estimate that the western range can support about 26,715
41 horses and burros, but there are approximately 67,027 horses and burros now on that range;

42 WHEREAS, the Act in Section 1333(b)(2)(iv) requires the United States to
43 "immediately remove excess animals from the range so as to achieve appropriate management
44 levels" when populations exceed established objectives;

45 WHEREAS, this overpopulation has resulted in the widespread destruction of Utah's
46 public and private rangelands, which is reducing available forage for livestock and negatively
47 impacting native wildlife and its habitat;

48 WHEREAS, overpopulation of feral horses and burros negatively impacts plant
49 productivity by trampling vegetation, overgrazing, and compacting soils;

50 WHEREAS, soil compaction and reduced vegetation productivity lead to increased
51 erosion and decreased water percolation into the soil;

52 WHEREAS, erosion causes plant communities to shift to less palatable vegetation,
53 fewer plant species, less shrub cover, fewer native grasses, and more invasive plants;

54 WHEREAS, plant community shifts that decrease palatable plant species and increase
55 invasive species negatively impact domestic livestock grazing;

56 WHEREAS, the cumulative effects of this range damage result in reduced abundance of
57 native mammals, reptiles, birds, and other animals that rely on native grasses and shrubs for
58 protection and forage;

59 WHEREAS, the aggressive territorial behavior of feral horses and burros at grazing
60 sites and watering holes can exclude wildlife such as deer, elk, and pronghorn antelope, as well
61 as domestic livestock, forcing them to travel farther for critical resources;

62 WHEREAS, the Act declared that horses and burros were "fast disappearing from the
63 American scene," but the horse and burro population since 1971 has significantly surpassed all
64 management objectives and is now harming livestock grazers, native wildlife populations, and
65 ecosystems;

66 WHEREAS, the only humane solution for the overpopulation of wild horses and the
67 subsequent destruction of range ecosystems is to remove the excess feral horses and burros,
68 sterilize the remaining animals to the degree that reproductive levels can be managed
69 effectively, and euthanize the horses and burros that are too sick or malnourished to survive on
70 their own;

71 WHEREAS, the Bureau of Land Management has gathered more than 45,000 horses
72 and burros from western range lands to make them available for adoption, or to be held in off
73 range holding facilities;

74 WHEREAS, very few of the gathered animals will be adopted by private owners, so the
75 cost to the federal government to care for those remaining is roughly \$50 million per year;

76 WHEREAS, feral horse and burro populations are growing faster than adoption and
77 holding facilities have capacity to accommodate, and the United States refuses to use lethal
78 removal as a management tool to remove excess animals, as required in Section
79 1333(b)(2)(iv)(C) of the Act;

80 WHEREAS, because of the federal government's failure to manage populations at
81 objective levels and remove excess feral horses and burros, in many areas feral horses and
82 burros die of starvation, thirst, injuries related to overcrowding, and illnesses and diseases
83 subsequent to malnutrition;

84 WHEREAS, gathering efforts where male horses and burros are gelded are expensive
85 and inefficient, and one missed stallion or colt can impregnate dozens of mares;

86 WHEREAS, veterinarians concerned about the exploding wild horse and burro
87 population, and its subsequent effect on the ecosystem, have pursued other methods to control
88 the population;

89 WHEREAS, new fertility control technology such as GnRH-based vaccines should be

90 fast tracked into the feral horse and burro populations;

91 WHEREAS, GnRH-based vaccines can permanently sterilize a young horse by
92 inhibiting the hormones that would make it sexually mature, and can render an adult horse
93 sterile for a period of time;

94 WHEREAS, the Act sought to protect wild horses and burros from capture, branding,
95 harassment, or death, but now wild horses and burros are dying due to overpopulation and are
96 negatively affecting other species in their ecosystem; and

97 WHEREAS, the federal government has declared stewardship over these animals, and
98 it has failed to properly care for them, resulting in severe environmental damage and hardship
99 to the lands of this state and the people who live here:

100 NOW, THEREFORE, BE IT RESOLVED that, given evidence of the federal
101 government's unwillingness or inability to fulfill its statutory obligations under the Act, the
102 Legislature of the state of Utah, the Governor concurring therein, calls on President Donald J.
103 Trump and the United States Congress to repeal the Wild Free-Roaming Horses and Burros
104 Act of 1971 and grant authority and resources to the states to manage feral horse and burro
105 populations within their respective jurisdictions.

106 BE IT FURTHER RESOLVED that the Legislature and the Governor demand that the
107 federal government immediately take the necessary steps to humanely preserve the feral horse
108 and burro population in the West at established population management objectives, if it will
109 not cede that authority to the state.

110 BE IT FURTHER RESOLVED that the Legislature and the Governor call on President
111 Donald J. Trump to order federal agencies to fulfill their mandate under the Act, to remove
112 regulatory obstacles to the fulfillment of the Act's mandate, and to immediately reduce
113 overabundant feral horse and burro populations to established management objectives using all
114 means available under the Act, including lethal removal if necessary.

115 BE IT FURTHER RESOLVED that a copy of this resolution be sent to the members of
116 Utah's congressional delegation, the Speaker of the United States House of Representatives, the
117 Majority Leader of the United States Senate, the United States Congress, and the President of
118 the United States.

Legislative Review Note
Office of Legislative Research and General Counsel