

Commentary

Feral horses, feral asses, and professional politicians: broodings from a beleaguered biologist

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Abstract: As a member of National Wild Horse and Burro Advisory Board, I gained insight into several aspects of feral equid management that previously had been somewhat cryptic. Foremost in my experience, though, was the dedication and professionalism of the board members with whom I served. During my tenure, the professional approach to management and the frustration faced by employees within the Horse and Burro Program became increasingly apparent. Further came the realization that the effectiveness of the board and program can be improved substantially, if (1) the board is provided the opportunity to rebut or counter incorrect or misleading information received during public testimony, and those statements are shared with elected officials; (2) any member of the Board whose term expires can remain involved in board activities until that board member is reappointed or replaced; and (3) congressional representatives place the well-being of public rangelands ahead of personal ambitions and political expediency. In the absence of corrective actions, the public rangelands will continue to deteriorate, and the concomitant impacts to native species and feral equids will remain unabated, if not exacerbated.

Key words: confounding legislation, Congress, ecological impacts, *Equus asinus*, *Equus ferus*, feral burros, feral equids, feral horses, habitat impacts, management, misinformation, political expediency, public lands, special interests

In 2018, *Human–Wildlife Interactions* (HWI) published a special topics issue focused on policies and management of feral horses and asses (*Equus ferus* and *E. asinus*, respectively) in the United States (Messmer 2018). This issue of *Human–Wildlife Interactions* contains a number of science and policy updates.

As a wildlife biologist with expertise in the natural history and ecological relationships of large mammals occupying arid landscapes, I have long-standing interests in the feral equids that share habitat with native ungulates (and hundreds of other native species). I was nominated for appointment to the National Wild Horse and Burro Advisory Board (board) shortly after publication of the 2018 special issue of HWI. My nomination received strong support from numerous organizations and individuals, among which were national conservation powerhouses, grass-roots organizations, county commissioners, wildlife agency directors, and professional colleagues.

I joined the board in September 2019, whereupon I represented wildlife management is-

suess, participated in 4 public meetings, and had the privilege of serving with individuals dedicated to the mission of the board, as per the Wild Free-Roaming Horses and Burros Act of 1971 (WFRHBA; U.S. Congress 1971). I also gained a more complete understanding of the issues and concerns brought to light by contributors to the HWI special topics issue and witnessed first-hand the evolution of an increasingly onerous situation. The thoughts expressed in this essay are mine alone and are an extension of comments I delivered on October 6, 2022, at the close of the board's most recent public meeting.

During my tenure on the board, I developed the utmost appreciation and respect—from personal, professional, and ethical perspectives—for my fellow board members and their efforts to provide guidance and meaningful suggestions on the management and conservation of feral equids. I also extend that respect and appreciation to the agency employees involved directly in the Wild Horse and Burro Program (program). Those individuals are challenged

each day with issues so fraught with emotions and political mischief that frustration must, at times, be almost unbearable. Nonetheless, they were undeterred in their efforts to carry out the largely thankless tasks with which the program is faced. Near the close of the most recent public meeting, I was informed that a number of congressional staff were in attendance; I will return to this a bit later.

When the WFRHBA was passed >50 years ago, “wild” horses and burros were declared to be an “integral part of the natural system of the public lands.” Congress also directed that wild free-roaming horses and burros “[shall be managed] in a manner that is designed to achieve and maintain a thriving natural ecological balance on the public lands.” Although the WFRHBA was well-intended, more than a few members of Congress did not consider, or perhaps intentionally ignored, some basic scientific principles when crafting the legislation; if that were not the case, feral equids would never have been identified as “an integral part of the natural system.” In defense of the WFRHBA, it was clear that the distribution of feral equids was to be restricted to those areas in which they occurred when the legislation passed and that the responsible agencies were to maintain populations at appropriate densities (Buckley and Buckley 1983). Despite this, management of feral equids has been made much more complicated, and substantially more difficult, by subsequent legislation, ancillary regulations, rules, policies, legal opinions, and fiscal controls (U.S. Congress 1976, 1978, 1980; Buckley and Buckley 1983; U.S. Congress 1996, 2005; Monahan 2012). As a result, “agencies do not have the tools, authorities, or funding necessary to achieve their science-based management objectives, largely due to restrictive policies placed by Congress and the agency leadership” (Norris 2018). Moreover, efforts to impose additional constraints continue unabated, as exemplified by pending legislation (Titus 2022, Titus et al. 2022).

A task that was difficult from its inception also has been compounded immeasurably by the actions of those that are emotionally involved with or enamored by feral equids and, perhaps unwittingly, by others that anthropomorphize animals in general (see Hill 2022, McCaslin 2022, Traverso 2022, and references therein). Individuals and organizations togeth-

er have been resolute in their efforts to ensure Congress does not take needed and meaningful action to correct an increasingly burdensome situation. As a result, self-serving elected officials—and their political appointees—repeatedly have constrained methods available to manage populations of feral equids and thereby have exacerbated declines in habitat quality. These difficulties are exacerbated by the Equal Access to Justice Act (U.S. Congress 1980), which provides an almost unlimited opportunity for litigants to recoup expenses for lawsuits against the Federal Government (Baier 2011, Lofthouse et al. 2014, Baier 2015) and virtually ensures that any federal action not to the liking of a special-interest group will be challenged in court. Win or lose, the aggrieved party is apt to be reimbursed for legal fees, and such awards incentivize and encourage subsequent litigation (Mortimer and Malmsheimer 2011, Bleich 2021).

As emphasized by contributors to the 2018 special issue of HWI, “contemporary management actions are being constrained by: (1) litigation that has stymied federal government Wild Free-Roaming Horses and Burros Act enforcement efforts, (2) public emotional concerns that lack reconciliation with the current situation, and (3) increasing complexity in the laws and subsequent amendments shaping [wild horse and burro] management policy” (Scasta et al. 2018). Alone, each of these bodes poorly for conservation but, collectively, they have had a synergistic effect in that costs have continued to rise without any meaningful benefit to habitat condition or implementation of concrete solutions to what has become a quite serious situation (Garrott and Oli 2013, Bleich 2017, Scasta et al. 2018). Absent of meaningful congressional action, I conclude that populations of feral equids will continue to expand, degradation of habitat will become more severe, and the well-being of introduced and native species alike will be further impacted.

It also became increasingly clear that political expediency (i.e., the desire to be re-elected and its concomitant necessity for votes) is the factor most affecting the management of feral equids. It will require a reawakening among representatives to Congress and a collective willingness of that august body to take corrective action, before progress toward the proper conservation

of feral equids, native wildlife, and the habitat upon which those species depend, will occur at a meaningful rate. As noted by Jack Ward Thomas (2004)—former chief of the U.S. Forest Service, “taken one at a time, it is difficult to argue against...environmental laws. Taken in interactive total, they have produced a worsening impasse in federal land management—an impasse that Congress created with the best of intentions. It is an impasse that only Congress, with the best of intentions, can remedy.” I have emphasized the foreboding consequences of this conundrum many times (Bleich 1999a, b; Bleich 2005, 2016, 2017; Bleich et al. 2019; Bleich 2021). To paraphrase Thomas (2004) in the context of this essay, “Constraints placed on the management of feral equids have resulted in a mess that Congress created, and it is a mess that only Congress can fix.”

Nearly 80 years ago, Aldo Leopold acknowledged that, “Wildlife management is comparatively easy; human management is difficult” (Flader 1974). That observation has withstood the test of time and, as a result, it remains, “impossible to predict what the future holds in the world of wildlife management” (Bleich and Thompson 2018). Moreover, as noted by Jensen et al. (2023), “denial of science [when combined with] social tribalism will make wildlife management even more difficult.” Science is a critically important tool, however, and provides much of the information needed to debate policy (Radcliffe and Jessup 2022). Thus, it is necessary to reiterate concerns, explain science in a nonthreatening manner, and broaden the base of support for sound management (Prot 2015, Frey et al. 2022, Wood et al. 2022). If feral equids are to be managed effectively, and the existing situation is to be resolved, Congress must: (1) recognize that science-based management is essential, (2) acknowledge its role in creating the current crisis, and (3) provide increased flexibility in the options available to achieve management objectives. Absent of those imperatives, “we can wring our hands and do nothing...or we can figure out how to modify or work around benighted government policies” (Gabriel 2014). To that end, I offered to share additional thoughts with congressional staffers present at the public meeting or that other wise became aware of my parting comments, but I have not yet been contacted by anyone.

During my tenure on the board, I came to the conclusion that members must be permitted to offer a correction, or an outright rebuttal if more appropriate, when misinformation is presented during public testimony. The majority of public comments received during my term contained misleading information and in other examples were absolutely incorrect. Denial of science often is not affected by accurate scientific information (Prot and Anderson 2020) but, because members of the board are not afforded an opportunity to respond directly to nonsensical statements during public meetings, presentation of misinformation is further encouraged, and similar comments may be repeated *ad infinitum*. Whether stated verbally or in writing, information that is inaccurate or misleading (e.g., Kaluza 2022) in its implications for conservation can be especially problematic (Bleich 2020) because it engenders public distrust and suspicion of management agencies, their scientists, and the conservation programs in which they are involved (Rominger et al. 2006).

Also of note, the board could not be fully functional because the current administration did not vet or approve nominees in a timely manner. When the term of any member expires, the board retains only part of its chartered composition. At one point during my tenure, it was >12 months before nominees to fill 3 vacancies (horse and burro advocacy, equine medicine, and public interest) were announced. As a result, the board did not meet at all during fiscal year 2022 (GSA 2022), and the efficacy and morale of the board were compromised severely. Such delays are unprofessional and are disrespectful to agency staff as well as the board. Every effort must be made to prevent this situation from recurring.

Throughout a professional career of nearly 50 years, I have welcomed opportunities to contribute to the conservation of native wildlife occupying America’s public lands, while at the same time working to ensure the persistence of feral horses and donkeys, as specified by the WFRHBA. I have, however, elected to not seek a second term on the board. Although it serves a worthy purpose through its direction to provide thoughtful and meaningful recommendations, the constraints imposed on the board by elected officials, or by their political appointees, outweigh my ability to contribute in a purpose-

ful way. As a concerned citizen and as a scientist, my efforts on behalf of habitat conservation, wildlife populations, ecological integrity, and the well-being of feral equids have the potential to be far more effective if not hindered by the laws, regulations, policies, bureaucratic trivia, or the political expediency with which the board (and agency staff) must contend. Those factors have had a severe impact, both on the board and the program, and remain a clear and present danger to the implementation of prudent management actions.

In closing, those with whom I had the privilege of serving were the consummate professionals, as evidenced by the cooperative and collaborative manner in which they brought pressing issues and needed actions to the forefront; as a result, they warrant special recognition. Additionally, the agency personnel who demonstrate their dedication to the conservation of our public lands—and the native wildlife and feral equids dependent on those lands—but that willingly face frustration and challenges on a daily basis, warrant the appreciation of everyone concerned with those issues. It is essential that these individuals be acknowledged by the public, but especially by the members of Congress responsible for the constraints with which the agencies must contend. Finally, the management of feral equids must receive far greater consideration in the context of rangeland health (Garrott 2018) than in its ramifications for election to public office. I end this narrative with a pledge that my commitment to the conservation of the creatures dependent on America's public lands, and the ecological health of that invaluable resource, will continue unabated.

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