

July 2, 2026

Bureau of Land Management (BLM)
Submitted via BLM National NEPA Register (ePlanning)

Re: Scoping Comments on the Programmatic EA for Gathers, Removals, and Population Growth Suppression Methods (DOI-BLM-HQ-2026-0002-EA)

Dear Director Pearce:

We submit these scoping comments on BLM's planned Programmatic Environmental Assessment (PEA) for gathers, removals, and population growth suppression methods (DOI-BLM-HQ-2026-0002-EA). We are scientists, wildlife professionals, and policy experts who care about the long-term health of native wildlife and the Western rangelands they depend on. We appreciate BLM's decision to design a consistent, programmatic foundation for managing wild horses and burros (WHB) and to take a "hard look" at the various alternatives and effects. We offer the following recommendations to help BLM expand the range of feasible alternatives to include more options that change the status quo and lower WHB populations to appropriate management levels (AML), and so BLM can consider the full range of effects overpopulation has on wildlife and landscapes.

Our comments emphasize four main points:

- Healthy horses, burros, wildlife, and rangeland ecosystems require managing WHB to a substantially lower population.
- The PEA should embrace the full set of tools Congress has provided to reduce on-range and off-range numbers.
- Existing management methods have failed to lower WHB populations to sustainable and legally required levels.
- Restoring ecological balance on the landscape benefits American taxpayers and allows more funding to support WHB and rangeland ecosystems.

For these reasons, we urge BLM to expand its analysis to include the following management options and additional effects to consider in the PEA.

The Scale of the Problem and BLM's Legal Mandate

BLM estimates roughly 85,000 WHB live across 175 herd management areas spanning 25.6 million acres in ten Western states.¹ This population is more than three times the AML of 25,600.² Because this population increases 15 to 25 percent annually and roughly doubles every four years, proper management is necessary to protect native wildlife and habitats.³ The consequences of this unchecked population growth include degraded vegetation and soils, trampled wetlands and riparian areas, and depleted forage and water for other wildlife and livestock. The WHB themselves suffer through starvation and thirst as herds outstrip the range's capacity. In addition, more than 62,000 animals now sit in holding facilities at a cost exceeding \$100 million per year, over 70 percent of the program's budget.⁴ This status quo is not financially sustainable, causes ecological damage, and is contrary to federal law.

The Wild Free-Roaming Horses and Burros Act (WHBA) directs BLM to manage WHB “to achieve and maintain a thriving natural ecological balance on the public lands” and to “protect the natural ecological balance of all wildlife species which inhabit such lands, particularly endangered wildlife species.” 16 U.S.C. § 1333(a). When the agency determines that an overpopulation exists and “action is necessary to remove excess animals,” the duty is mandatory: it “shall immediately remove excess animals from the range so as to achieve appropriate management levels . . . until all excess animals have been removed so as to restore a thriving natural ecological balance to the range, and protect the range from the deterioration associated with overpopulation.” 16 U.S.C. § 1333(b)(2). At more than three times the AML, that duty is clearly triggered.

The Endangered Species Act (ESA) reinforces BLM's obligation to reduce the WHB population. Section 7(a)(1) directs federal agencies to “utilize their authorities in furtherance of the purposes of [the ESA] by carrying out programs for the conservation of endangered species and threatened species.” 16 U.S.C. § 1536(a)(1). As the scoping package itself recognizes, overpopulated WHB herds degrade habitat

¹ Bureau of Land Mgmt., NEPA No. DOI-BLM-HQ-2026-0002-EA, *Public Scoping Package: Wild Horse and Burro Programmatic Environmental Assessment for Gathers, Removals, and Population Growth Suppression Methods* (June 2, 2026).

² *Id.*

³ *Id.*

⁴ See Katie Flavin & Tate Watkins, *From Range to Ranch: Assessing the Bureau of Land Management's Wild Horse and Burro Adoption Incentive Program*, Property and Environment Research Center (PERC) (May 22, 2024), <https://perc.org/2024/05/22/from-range-to-ranch/>.

for listed and special-status species across the West by stripping vegetation, monopolizing scarce water resources, and compacting soils.

Because excess WHB populations harm listed species and prevent natural ecological balance on the range, BLM has an affirmative conservation duty under ESA Section 7(a)(1) and WHBA Section 1333(a) to reduce WHB numbers to AML. We urge BLM to analyze in the PEA the effects on listed and native species directly and to treat actions such as gathers and removals, population growth suppression, and partnerships with states, tribes, and local governments as legally necessary to fulfill these statutory duties.

Management Actions and Effects to Analyze in the PEA

1) Gathers and removals to low AML

Gathers are the indispensable first step to reducing WHB numbers, and we support gathers and removals as critical tools for reaching AML. At current populations, no other tool can close the gap fast enough to halt ongoing damage. Removing excess animals relieves immediate pressure on forage, water, soils, and native wildlife, and it spares WHB the suffering of a range stripped beyond its carrying capacity. We encourage BLM to prioritize the herd management areas where rangeland health and listed-species habitat are most at risk.

We also urge BLM to recognize that as holding facilities approach capacity, removals must slow down. It is therefore necessary for BLM to consider other alternatives to keeping removed WHB in holding facilities, including adoption incentives, cooperative agreements, and legal destruction of animals.

2) Shared stewardship through cooperative management

BLM should not manage WHB populations alone, and the PEA should analyze different avenues for partnerships with states, local governments, and tribes for cooperative conservation. The WHBA expressly authorizes BLM to do so: Section 1336 empowers the agency “to enter into cooperative agreements with other landowners and with the State and local governmental agencies.” 16 U.S.C. § 1336. The ESA provides an alternative procedure, with Section 6(b) authorizing management agreements with states for areas established to conserve listed species. 16 U.S.C. § 1535(b). States could then use their management authority in these areas to remove excess WHB to protect listed species. Both options could allow states, tribes, and local governments to manage WHB numbers to the low end of AML to protect native wildlife and landscapes.

We also encourage BLM to explore options to facilitate the participation of states, tribes, municipalities, and other stakeholders in assisting with WHB management tasks. The agency should consider employing shared stewardship and Good Neighbor

Authority by designating WHB management tasks as “authorized restoration services.” 16 U.S.C. § 2113a. Doing so would facilitate greater assistance from our community and other entities eager to assist.

3) Restore the Adoption Incentive Program

Removing animals from the range is only half the solution; they then occupy costly holding facilities. Rather than paying indefinitely to hold horses, BLM should pay to place them in private homes. The Adoption Incentive Program (AIP) did exactly that and is an effective, cost-saving tool. Research from the Property and Environment Research Center (PERC) found that the AIP helped place more than 15,000 animals into private homes and ranches since its start in 2019—helping double the total number of animals adopted in the previous five years combined—and will save taxpayers approximately \$400 million over the lifetime of the adopted animals.⁵ While a federal court recently vacated the program on procedural grounds, *see American Wild Horse Campaign v. Burgum*, 768 F. Supp. 3d 1291 (D. Colo. 2025), BLM should reinstate AIP as soon as possible with the required notice-and-comment rulemaking and National Environmental Policy Act analysis. BLM should also analyze adoption incentives in the PEA as a tool for finding good homes for WHB and reducing off-range holding costs.

4) Fertility control

Because WHB populations can double roughly every four years, growth suppression is necessary to keep populations at AML. While we support the use of tools such as fertility-control vaccinations, gelding, and sex-ratio adjustments, we also recognize that current methods remain difficult to administer at scale and are ineffective long term.⁶ Thus, we encourage BLM to focus its fertility-control efforts and funding on researching longer-lasting and more easily delivered options.

5) Sale and removal of excess animals

The PEA should analyze the complete range of actions authorized by Congress, not just a subset. The WHBA expressly provides for the lethal removal of “old, sick, or lame animals” and excess WHB that are not adopted after gathers. 16 U.S.C. § 1333(b)(2); *see also* 43 C.F.R. § 4730.1. In addition, it provides for the sale of excess animals that are more than ten years old or have been offered unsuccessfully for adoption at least three times. 16 U.S.C. § 1333(e).

While an annual appropriations rider currently bars appropriated funds from being used for the lethal removal of healthy, unadopted WHB or for any sale that results in

⁵ *See* Flavin & Watkins, *supra*.

⁶ *See id.*

WHB being destroyed and processed into a commercial product, this rider does not repeal the WHBA's statutory requirements. We therefore encourage BLM to analyze the viability of using cooperative agreements that advance shared conservation goals and allow willing partners to assist BLM in reaching AML. In addition, because this rider has prevented BLM from following the WHBA's plain language, BLM should work with Congress to lift the rider so that the WHBA's original intent can be realized.

6) Additional issues to consider

While we appreciate BLM's work on the Preliminary List of Issues in the scoping package, we offer these additional subjects for analysis. First, wetlands and riparian areas provide BLM the opportunity to consider issues of habitat quality, but this should be expanded to include water generally. This would require BLM to also analyze the effects WHB have on water quantity on the range, which is a critical topic in drought conditions and arid climates. Second, BLM's responsibility under the ESA must be specifically analyzed. WHB cause extensive damage to listed species, species of concern, and their habitats, and BLM's work to bring WHB populations down in compliance with the ESA's mandates must be part of the PEA. Finally, the multiple-use mandates that exist in several statutes, such as the Federal Land Policy and Management Act, require BLM to consider the effects overpopulations of WHB have on state wildlife agency objectives, outdoor recreation by hunters, anglers, and other wildlife enthusiasts, and other uses that exist under these federal statutes.

Conclusion

The present reality of WHB is not the romantic picture the public imagines: animals are starving on landscapes stripped bare by overpopulated WHB herds, native wildlife populations are declining, habitat and water sources are being destroyed, and taxpayers are paying ever more to hold excess animals for decades. The WHBA and the ESA require BLM to act. We urge BLM to consider the tools and issues discussed above, manage to the low end of AML, and follow congressional directives to protect native wildlife and habitats. Doing so is good for WHB, good for the rangelands and the wildlife that depend on them, and good for the American taxpayer.

Respectfully submitted,

American Farm Bureau Federation
Association of Fish & Wildlife Agencies
Mule Deer Foundation
National Cattlemen's Beef Association
Property and Environment Research Center
Public Lands Council
Rocky Mountain Elk Foundation
Wild Sheep Foundation