

## COROLLA WILD HORSES PROTECTION ACT

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APRIL 20, 2015.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

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Mr. BISHOP of Utah, from the Committee on Natural Resources, submitted the following

### R E P O R T

together with

### ADDITIONAL VIEWS

[To accompany H.R. 152]

[Including cost estimate of the Congressional Budget Office]

The Committee on Natural Resources, to whom was referred the bill (H.R. 152) to direct the Secretary of the Interior to enter into an agreement to provide for management of the free-roaming wild horses in and around the Currituck National Wildlife Refuge, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

#### PURPOSE OF THE BILL

The purpose of H.R. 152 is to direct the Secretary of the Interior to enter into an agreement to provide for management of the free-roaming wild horses in and around the Currituck National Wildlife Refuge.

#### BACKGROUND AND NEED FOR LEGISLATION

There is evidence that Corolla horses were introduced to the Currituck Outer Banks by Spanish explorers 500 years ago. In 2007, the National Horse of the Americas Registry recognized and registered these horses as Colonial Spanish Mustangs. The Corolla horses are a key part of North Carolina's heritage and are recognized as the state horse. Today, the herd is comprised of about 83 animals that live on approximately 7,544 acres of public and private lands. Of the total acreage, 4,671 acres are privately owned; 2,495 acres are part of the Currituck National Wildlife Refuge (NWR); 326 acres are found in the North Carolina National Estua-

rine Research Reserve; and 51 acres are owned by The Nature Conservancy.

In 1988, the Corolla Wild Horse Fund (CWHF) was established to support Spanish mustangs in the wild and to educate the public about the history of the herd. The Fund was also instrumental in the enactment of a 1989 ordinance which made it unlawful for any person to lure, attract, or entice a wild horse to come within 50 feet of any person or for any person to lure or entice a wild horse out of a wild horse sanctuary. In Currituck County, the wild horse sanctuary extends from Corolla, North Carolina, to the Virginia state line.

The Currituck NWR was established by the U.S. Fish and Wildlife Service in 1984 to manage waterfowl, migratory birds, and endangered species such as piping plovers and sea turtles. The Service allows wild horses to freely roam the Refuge as long as the horses do not significantly impact existing wildlife populations or habitat. While the Service has been unable to quantify any negative impacts of the eight Corolla horses that utilize Refuge land, the Service views the Corolla wild horses as feral domestic animals.

In 2007, a wild horse management plan was approved with the concurrence of the CWHF, Currituck County, the State of North Carolina, and the Service. Under this plan, the maximum number of horses was limited to 60 and the Service was permitted to control the herd population “through adoption, relocation, auction or contraceptive fertility methods.” Equine genetic scientists believe a herd comprised of just 60 horses threatens the herd’s existence and viability due to high levels of inbreeding and low levels of genetic diversity. Dr. Gus Colthran of the College of Veterinary Medicine at Texas A&M University has found that “[h]orses of the Corolla herd show levels of genetic variability that are among the lowest seen in any horse population. Under the circumstances that the Corolla herd is now in, a minimum number of 110 should be considered.”

In April 2008, the CWHF formally requested that the maximum herd size be increased and that a small number of mares from the Shackleford Banks herd be introduced into the herd to restore diversity to the Corolla horses’ gene pool. Both requests were denied by the Service, and the 2007 management plan has now expired. The proponents argue that the primary reasons for this legislation are the refusal of the Service to renegotiate the terms of the current agreement and the view of the CWHF that, “[w]ithout introductions from the Shackleford Banks herd and a larger herd size, the wild horses of Corolla are at great risk of genetic collapse and disappearing altogether. Managing the wild horses of Corolla at a maximum of 60 is managing for extinction.”

H.R. 152 would require the Secretary of the Interior to enter into a new agreement with the CWHF, Currituck County, and the State of North Carolina within 180 days after the date of enactment. Under the terms of the new agreement, the size of the herd would be not less than 110 and not more than 130 free-roaming wild horses. It would also provide for the cost-effective management of the herd and the introduction of a small number of free-roaming wild horses from the herd at the Cape Lookout National Seashore to improve the herd’s genetics.

There is no cost to the federal government for the management of these horses and no authorization of appropriations. All expenses related to the wild horse management throughout their range have been and would continue to be paid by the CWHF.

The Committee on Natural Resources reported an identical bill (H.R. 126) on May 17, 2013 (House Report 113–77). The House of Representatives passed H.R. 126 by voice vote on June 3, 2013.

#### COMMITTEE ACTION

H.R. 152 was introduced on January 6, 2015, by Congressman Walter B. Jones (R–NC). The bill was referred to the Committee on Natural Resources, and within the Committee to the Subcommittee on Federal Lands. On March 24, 2015, the Natural Resources Committee met to consider the bill. The Subcommittee on Federal Lands was discharged by unanimous consent. No amendments were offered, and the bill was ordered favorably reported to the House of Representatives by unanimous consent on March 25, 2015.

#### COMMITTEE OVERSIGHT FINDINGS AND RECOMMENDATIONS

Regarding clause 2(b)(1) of rule X and clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee on Natural Resources' oversight findings and recommendations are reflected in the body of this report.

#### COMPLIANCE WITH HOUSE RULE XIII

1. Cost of Legislation. Clause 3(d)(1) of rule XIII of the Rules of the House of Representatives requires an estimate and a comparison by the Committee of the costs which would be incurred in carrying out this bill. However, clause 3(d)(2)(B) of that rule provides that this requirement does not apply when the Committee has included in its report a timely submitted cost estimate of the bill prepared by the Director of the Congressional Budget Office under section 402 of the Congressional Budget Act of 1974. Under clause 3(c)(3) of rule XIII of the Rules of the House of Representatives and section 403 of the Congressional Budget Act of 1974, the Committee has received the following cost estimate for this bill from the Director of the Congressional Budget Office:

#### *H.R. 152—Corolla Wild Horses Protection Act*

H.R. 152 would require the U.S. Fish and Wildlife Service (USFWS) to enter into an agreement with the Corolla Wild Horse Fund (CWHF), a nonprofit organization, to manage wild horses in and around the Currituck National Wildlife Refuge. The wild horse population in the area is currently managed under a similar agreement between USFWS and CWHF. The new agreement would require CWHF to maintain a wild horse population totaling between 110 and 130 and would specify that CWHF is responsible for certain costs associated with managing that population.

Based on information provided by CWHF, CBO expects that, under the bill, the organization would manage the wild horse population using private funds; we estimate that the federal government would incur no significant additional costs to manage or mitigate the effects of horses on the refuge. If, however, CWHF was un-

able to maintain the population at the level specified by the bill, CBO expects that USFWS would incur costs totaling roughly \$200,000 a year to manage the horses. Such spending would be subject to the availability of appropriated funds. Enacting H.R. 152 would not affect direct spending or revenues; therefore, pay-as-you-go procedures do not apply.

H.R. 152 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would impose no costs on state, local, or tribal governments.

The CBO staff contact for this estimate is Jeff LaFavre. The estimate was approved by Theresa Gullo, Deputy Assistant Director for Budget Analysis.

2. Section 308(a) of Congressional Budget Act. As required by clause 3(c)(2) of rule XIII of the Rules of the House of Representatives and section 308(a) of the Congressional Budget Act of 1974, this bill does not contain any new budget authority, spending authority, credit authority, or an increase or decrease in revenues or tax expenditures. According to the Congressional Budget Office, because the wild horse population would be managed by a private organization, the federal government would incur no significant additional costs to manage or mitigate the effect of the horses on the Currituck National Wildlife Refuge.

3. General Performance Goals and Objectives. As required by clause 3(c)(4) of rule XIII, the general performance goal or objective of this bill is to direct the Secretary of the Interior to enter into an agreement to provide for management of the free-roaming wild horses in and around the Currituck National Wildlife Refuge.

#### EARMARK STATEMENT

This bill does not contain any Congressional earmarks, limited tax benefits, or limited tariff benefits as defined under clause 9(e), 9(f), and 9(g) of rule XXI of the Rules of the House of Representatives.

#### COMPLIANCE WITH PUBLIC LAW 104-4

This bill contains no unfunded mandates.

#### COMPLIANCE WITH H. RES. 5

Directed Rule Making. The Chairman does not believe that this bill directs any executive branch official to conduct any specific rule-making proceedings.

Duplication of Existing Programs. This bill does not establish or reauthorize a program of the federal government known to be duplicative of another program. Such program was not included in any report from the Government Accountability Office to Congress pursuant to section 21 of Public Law 111-139 or identified in the most recent Catalog of Federal Domestic Assistance published pursuant to the Federal Program Information Act (Public law 95-220, as amended by Public Law 98-169) as relating to other programs.

#### PREEMPTION OF STATE, LOCAL OR TRIBAL LAW

This bill is not intended to preempt any State, local or tribal law.

CHANGES IN EXISTING LAW

If enacted, this bill would make no changes in existing law.

## ADDITIONAL VIEWS

H.R. 152 would call upon the Secretary of the Interior to enter into an agreement with the Corolla Wild Horse Fund, as well as local and state authorities, to provide for the management of the free-roaming wild horses in and around the Currituck National Wildlife Refuge on North Carolina's Outer Banks. Wild horses live on the public and private lands of Currituck County and may be descendant from those brought by the Spanish, or may have been put there more recently to avoid mainland taxes and provide summer grazing. H.R. 152 would require the U.S. Fish and Wildlife Service (the Service) to maintain a herd of no less than 110 horses, with a target population of 120–130 horses.

These wild horses are not native to the United States, and have a destructive impact on native plant and animal species and their habitat. The Currituck National Wildlife Refuge was established in 1984 to preserve and protect an important coastal barrier island ecosystem. The 4,500 acre Refuge provides essential habitat for migrating waterfowl and endangered species such as piping plover, sea turtles, and sea beach amaranth. The Service views the horses as feral, and manages them to minimize damage to the Refuge as time and funds allow, including by fencing them out of critical habitat areas and off of Refuge lands when practicable.

The Service opposes H.R. 152 because it would undermine the agency's ability to fulfill its core conservation mission at Currituck Wildlife Refuge, forcing the Service to instead devote scarce resources to caring for non-native animals that degrade wildlife habitat. We share the Service's concerns, and support the ongoing effort to resolve this conflict administratively, rather than through legislation. Indeed, in 2007 the Service entered into a joint management agreement with the Corolla Wild Horse Fund, the County of Currituck, and the North Carolina Department of Environment and Natural Resources to implement a cooperative management strategy for horses on public and private lands, and we believe that framework should be used to address any new management issues.

Further, the Service has indicated that a land exchange is in the work that would allow the Refuge to trade damaged habitat currently occupied by horses for higher-quality habitat in nearby areas. It is our understanding the Service and the Corolla Wild Horse Fund have agreed in principle to this exchange, pending approval by the local board of supervisors. Should such an exchange occur, we believe it would nullify any argument in favor of this legislation.

RAÚL M. GRIJALVA.  
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