

**STATEMENT OF P. DANIEL SMITH, SPECIAL ASSISTANT TO THE DIRECTOR,
NATIONAL PARK SERVICE, U.S. DEPARTMENT OF THE INTERIOR, BEFORE THE
SUBCOMMITTEE ON NATIONAL PARKS, RECREATION, AND PUBLIC LANDS, OF THE
HOUSE COMMITTEE ON RESOURCES, CONCERNING H. R. 2055, TO AMEND PUBLIC
LAW 89-366 TO ALLOW FOR AN ADJUSTMENT IN THE NUMBER OF FREE ROAMING
HORSES PERMITTED IN CAPE LOOKOUT NATIONAL SEASHORE.**

JUNE 24, 2003

Mr. Chairman, thank you for the opportunity to present the Department of the Interior's views on H.R. 2055. This bill would increase the number of free roaming horses at Cape Lookout National Seashore.

The Department supports H.R. 2055's efforts to adjust the number of free roaming horses within Cape Lookout National Seashore (Seashore) with an amendment, as stated in this testimony, that clarifies the population range of the horses. The Department is strongly committed to conserving, protecting, and maintaining a representative number of horses on the Shackleford Banks portion of the Seashore, as we have done in other units of the National Park System which contain horses, and believes that the number of horses on Shackleford Banks should be determined by the ecology of the island and by means which protect the genetic viability of the Shackleford Banks horses. Without this legislation, NPS would manage this herd consistent with P.L. 105-229 which provides for a herd of 100 free roaming horses.

H.R. 2055 amends P.L. 89-366 by changing the number of free roaming horses at Cape Lookout National Seashore from 100, to not less than 110, and establishes a target population of between 120 and 130 horses. The bill also changes one of the criteria that the Secretary of the Interior may use to remove free roaming horses from the Seashore, allowing removal as part of a plan to maintain viability of the herd.

Congress established Cape Lookout National Seashore (Seashore) on March 10, 1966. Encompassing more than 28,000 acres of land and water about 3 miles off the mainland coast, the Seashore protects one of the few remaining natural barrier island systems in the world with excellent opportunities for fishing, shellfishing, hunting, beachcombing, hiking, swimming, and camping in a wild and remote setting.

The enabling legislation for the Seashore did not address the issue of free-roaming wild horses on Shackleford Banks. Public comments on the Seashore's 1982 Draft General Management Plan demonstrated widespread concern about, and interest in, the future of the horses on Shackleford Banks. The Final General Management Plan stated that a representative number of horses would remain on Shackleford Banks after the privately owned land on the island was purchased by the United States.

In 1996, following a series of public meetings, as well as discussions with scientists and professional managers of wild horse herds, the Seashore developed an Environmental Assessment (EA) with alternatives for managing the Shackleford Banks horse herd. That plan, while acceptable to the public, was opposed by some groups who rejected the idea of any management intervention. The plan proposed to maintain a representative herd of horses by using a combination of contraceptive drugs and periodic roundups and removal of horses.

On November 11, 1996, the National Park Service (NPS), with assistance from state veterinarians from

the North Carolina Department of Agriculture, initiated a roundup of the Shackleford horses. State law required testing the horses for Equine Infectious Anemia (EIA). Out of the 184 horses on the island, 76 tested positive for EIA and were removed to the mainland for temporary quarantine. On the advice of the North Carolina Department of Agriculture, these horses were euthanized.

In December 1996, the NPS established the Shackleford Banks Horse Council, representing a wide variety of interests and stakeholders, as a working committee to assist the park with plans for managing horses. In 1997, a second roundup and testing program was conducted on the Shackleford horses. Of the 103 horses on the island, five tested positive for EIA. By this time, the Foundation for Shackleford Horses, Inc. had secured a state-approved quarantine site and the five EIA positive horses were transferred to it. In the transfer document, the Foundation and the Service committed to develop a long-term Memorandum of Agreement (MOA) to cooperate in the management of the Shackleford Banks horses. On an interim basis, the Service issued a special use permit to the Foundation to allow it to assist with the management of the herd.

On August 13, 1998, Congress passed P. L. 105-229, "An Act To Ensure Maintenance of a Herd of Wild Horses in Cape Lookout National Seashore." This act directed the NPS to maintain a herd of 100 free roaming horses and to enter into an agreement with the Foundation for Shackleford Horses, Inc. or another qualified nonprofit entity, to provide for the management of free roaming horses in the Seashore. In April 1999, a Memorandum of Understanding with the Foundation for Shackleford Horses, Inc. was signed.

P. L. 105-229 requires an annual Findings Report that provides the public with information regarding the population, structure, and health of the horses on Shackleford Banks. Research, monitoring and record keeping, with the goal of informed decisions for removal and immunocontraception, is ongoing, as is consultation with internationally recognized advisors in the fields of equine behavior, genetics, virology, immunocontraception, management, humane issues, and island ecology. The NPS continues to work with the Foundation under the MOU and management decisions regarding the horses are reached jointly with the Foundation and with the advice of scientists.

On October 29 and 30, 2002, the NPS hosted a roundtable meeting with the aim of reaching a consensus on the free roaming horse population range and the strategy for achieving that range. Participants included the Seashore Superintendent and staff, staff from Representative Jones' office, and representatives from the Foundation for Shackleford Horses, Inc. Three leading scientists considered experts in their respective fields also participated: Dr. Dan Rubenstein of Princeton University, Dr. Gus Cothran of the University of Kentucky, and (by telephone) Dr. Jay Kirkpatrick of ZooMontana.

Included in the discussion was the value of occasional herd expansion to maintain genetic variability in the population. The conclusion reached was that the population should be allowed to fluctuate between 110-130 individuals. The methodology of conducting removal and contraception toward this goal was also discussed and agreed upon. The range of 110 to 130 horses is based on sound science and provides the population changes, which are necessary for maintaining the genetic viability of the herd.

Based upon the October roundtable discussion, we recommend an amendment to the bill that is attached to this testimony. We believe that this amendment will more clearly reflect the need to allow the population bloom necessary for maintaining the genetic viability of the herd.

Mr. Chairman, that concludes my statement. I would be pleased to answer any questions you or other members of the subcommittee may have.

Suggested Amendment, H.R. 2055:

On page 2, line 1, delete "with a target population of between 120 and 130" and insert, "allowing periodic population expansion of the herd to a maximum of 130 horses".