



March 16, 2020

Mr. Anthony Madrid  
Deputy Forest Supervisor, Apache-Sitgreaves National Forest  
Attn: Heber Wild Horse Territory Plan  
P.O. Box 640  
Springerville, AZ 85938

Submitted electronically to:

<https://cara.ecosystem-management.org/Public//CommentInput?Project=18916>

**RE: Proposed Action - Heber Wild Horse Territory Management Plan**

Dear Mr. Madrid,

Arizona Sportsmen for Wildlife Conservation (AZSFWC) is a 501c-3 organization dedicated to wildlife conservation, habitat improvement, hunter recruitment and retention, as well as educating sportsmen and women on issues important to their passions. AZSFWC has 41 member, affiliate, and associate organizations representing in excess of 10,000 sportsmen and women who span the spectrum of hunting, angling, shooting and outdoor recreation groups and businesses across Arizona.

AZSFWC appreciates the opportunity to comment on the Proposed Action (PA) to develop a management plan for the Heber Wild Horse Territory (Territory) located on the Apache-Sitgreaves National Forest (Forest). Areas covered by the plan provide habitat for a diverse array of game and nongame wildlife species that are of significant economic and recreational importance to local communities, our members, and Forest visitors from Arizona and other states.

AZSFWC has watched with increasing concern, as populations of feral equids (horses and burros) have proliferated across Arizona and other western states, grossly exceeding Appropriate Management Levels (AML) within designated Herd Management Areas and expanding into adjacent areas. In the absence of substantive action by federal land managers, adverse impacts to native wildlife and their habitats, including those of Federally-listed threatened and endangered species, have become widespread and wholly inconsistent with the Wild and Free-Roaming Horses and Burros Act (Act) mandate to "*maintain a self-sustaining population of healthy animals within the designated territory, in a thriving natural ecological balance with other uses and the productive capacity of their habitat.*"

We appreciate that the Forest has initiated long-overdue action to address the feral horse overpopulation on the Territory and expansion of the herd into adjacent areas. Unfortunately, after reviewing the PA, we find it fatally flawed in several key respects. Significant revision is needed in order to be consistent with the Act, comply with requirements of NEPA, Forest Service regulations and policy, as well as providing a viable path forward.

As written, the document does not present a clearly articulated PA, in that it fails to fully address the "Who, What, How, Where, When" requirements stipulated in the Forest Service Manual (FSM 1909.15). AZSFWC is also particularly troubled by the apparent pre-decisional nature of the PA. It appears that the Forest has arbitrarily and capriciously decided to retain this herd on the Territory, **before** making a proper determination of its status under the Act. The PA (pg. 11) states:

*"Given the progression of events from the 1970s when the territory was established to current population conditions and because there is no definitive historical or biological basis to establish a connection or disconnection between the original protected band for which the territory was designated and the current horse population, the unbranded and unclaimed free-roaming horses currently associated with the Heber Wild Horse Territory will be managed under provisions of the act as wild horses."*

The basis for this decision is purely anecdotal, consisting of an "ethnographic study" (USDA Forest Service 2017), which concluded (PA pg. 7) that:

*"As such, this study concludes that there is no historical precedent for the current population occupying the area. The history of the horse herds does not provide any conclusive, historical basis for how to designate the horses for the future as the originally designated herd does not appear to be extant."*

AZSFWC also understands that the AML Determination Document for the Territory, the associated reporting to Congress, and subsequent Forest Service testimony indicate that the last reported survey data (1994, 1995) for the Territory showed a horse population of **zero** and concluded that the original herd had been extirpated by that time. It is highly likely, if not certain, that horses subsequently occupying the Territory were unauthorized domestic horses - feral animals from adjacent tribal lands, which arrived more than 20 years **after** the December 1971 cutoff date for protection under the Act [36 CFR section 222.60(b)(13)].

Future actions on the Territory must be predicated on a rigorous scientific assessment of the current herd's origin. Accordingly, the PA must be revised to include such an assessment, along with a range of reasonable alternatives that comport with potential outcomes.

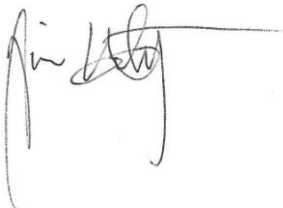
- If animals currently occupying the Territory are found not to be progeny of the original herd, they should be removed by humane means and the Territory dissolved by the Secretary of Agriculture under the authority of 16 U.S.C. § 1333(a).
- If, on the other hand, these horses are found to be progeny of the original inhabitants, the Forest must provide a clearly articulated, defensible framework for managing these feral horses, pursuant with the Act's requirement to do so *"in a manner that is designed to achieve and maintain a thriving natural ecological balance on the public lands."*

The final NEPA decision document and management plan must include the following elements, which are absent from the current PA:

- a) Full disclosure of existing conditions on the Territory and an assessment relative to Desired Conditions in the Forest Plan.
- b) An assessment of the economic impacts of feral horses on wildlife-associated recreation.
- c) Full disclosure of the projected costs of managing feral horses on the Territory.
- d) Monitoring of the horse population using standardized, scientifically-validated protocols that yield reliable estimates, conducted with sufficient frequency to allow management intervention if and when needed.
- e) Monitoring of habitat and forage conditions using standardized, scientifically-validated protocols that yield reliable estimates, conducted with sufficient frequency to allow management intervention if and when needed.
- f) Clearly defined trigger points for management action that will occur if and when monitoring indicates adverse impacts to habitat and forage conditions or when horse numbers reach specified levels.
- g) A list of management actions that will be undertaken if and when trigger points are reached.
- h) An equitable allocation of available forage among, wildlife, domestic livestock, and feral horses.
- i) A mechanism for adjusting Territory AML in response to changes in resource conditions due to drought, climate change, or other factors.
- j) Measures to ensure containment of horses within the territory, prevent horse impacts outside the Territory, prevent further ingress of feral horses from adjacent lands, and protect public safety.

AZSFWC looks forward to a comprehensive approach to the management needs of the Territory, that not only meet the legal and policy requirements mandated, but also account for ensuring wildlife, important wildlife habitat and other forest resources are given appropriate consideration in the process.

Yours in Conservation,

A handwritten signature in black ink, appearing to read 'Jim Unmacht', with a long horizontal line extending to the right.

Jim Unmacht  
Executive Director