



April 21, 2021

Mr. Anthony Madrid  
Forest Supervisor  
Apache-Sitgreaves National Forest  
P.O. Box 640  
Springerville, AZ 85938

**Re: Heber Wild Horse Territory Management Plan Draft Environmental Assessment and Draft Territory Management Plan**

Submitted electronically via CARA

Dear Mr. Madrid:

Arizona Sportsmen for Wildlife Conservation (AZSFWC) is a 501c-3 non-profit organization dedicated to wildlife conservation, habitat work, youth recruitment and retention, as well as educating outdoor enthusiasts on issues important to their passions. We have 40 member, affiliate and associate groups that reach across the spectrum of wildlife conservation, hunting, angling, shooting, outdoor recreation groups, and businesses from across Arizona. Our member groups represent over 16,000 people from Arizona.

AZSFWC appreciates the opportunity to provide comments on the Draft Environmental Assessment (EA) and Draft Territory Management Plan (TMP) for the Heber Wild Horse Territory located within the Apache-Sitgreaves (A-S) National 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. We have watched with increasing concern, as feral horses have proliferated across the A-S and expanded onto adjacent non-Federal lands. We appreciate that the Forest Service has recognized that this situation is unsustainable and is taking steps to address it.

In our scoping letter dated March 16, 2020 (copy attached), we identified several elements that should be included in the Proposed Action. A number of these have been partially addressed; however, our assessment is that the Draft EA and TMP are significantly flawed and insufficient to meet 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.*" The Forest Service has failed to analyze a range of reasonable alternatives in the Draft EA, while the Draft TMP presents a monitoring decision framework that is muddled and certain to mire future management efforts in endless litigation. The net and unfortunate result would be further

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unchecked growth of the feral horse population, with unacceptable degradation of wildlife habitats, populations, and associated recreational opportunities.

We offer the following comments on six areas of greatest concern to our organization:

**1. The Forest Service has made an arbitrary and capricious decision to manage feral horses within the Territory as "wild" and covered under the Act.** This, even though the EA and supporting documents clearly state that there is no evidence indicating that horses currently residing on the Forest are progeny of animals present prior to December 15, 1971. This sets a dangerous precedent, one that could compromise the Forest Service's ability to appropriately manage feral equids that are expanding across the Western United States. Before proceeding with any other management actions, the Forest Service must complete a defensible and credible lineage assessment of feral horses on the A-S, one that is based on the best available science, not mere speculation, and opinion. Absent a determination that these horses are covered under the Act, they must be treated as unauthorized livestock and removed immediately.

[Note: the recommendations that follow are contingent on a determination of coverage under the Act.]

**2. The porous nature of the Territory makes it essentially unmanageable as a distinct population unit for feral horses.** The lack of fencing and natural barriers is allowing unimpeded movement of horses into the area as well as dispersal across the Forest and on to adjacent non-federal lands. The high mobility of these animals makes it impossible to determine the number actually occupying the Territory at any given time. Given this uncertainty, all feral horses on and proximate to the Territory must be counted toward the Appropriate Management Level (AML). A reasonable alternative, which was not analyzed in the EA, and should appear in the final EA, is to install new fencing that confines feral horses within Territory boundaries. Until such fencing is completed, existing pasture fences should serve as a temporary boundary, and any feral horses outside that area must be treated as in excess of the AML and removed from the Forest.

**3. The proposed habitat monitoring protocol and impact threshold is insufficient to facilitate effective adaptive management and protect forest ecosystems.** As written, management actions might not be considered until 3 measuring periods of up to 10 years each have elapsed. Over that 30-year period, irreparable damage could occur to springs, wetlands, riparian zones, habitat for sensitive/listed species, and wildlife habitat in general. That potential is exacerbated by ongoing drought and climate change, which make timely monitoring and adaptive management crucial. We note that the ability of unmanaged feral horse populations to decimate native ecosystems and plant communities has already been demonstrated on at least one other National Forest in Arizona. We recommend a monitoring and evaluation period of 2-3 years, as is commonly done on allotments managed for grazing by domestic livestock.

**4. The EA and TMP appear to exclude wildlife from allocation of available forage when estimating the AML.** Whether intentional or not, this is a significant omission that must be remedied in cooperation with the state wildlife agency (Arizona Game and Fish Department), as required under the Act. This allocation must ensure adequate forage for wildlife and permitted livestock first and foremost, as well as consider decreased plant productivity from ongoing drought and climate change.

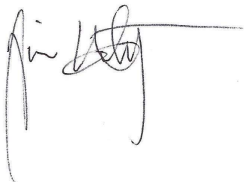
**5. The trigger points for removing "excess" feral horses are insufficient to prevent resource damage and health impacts that occur when their population exceeds carrying capacity.** As written, the EA and TMP indicate that feral horses would only be considered "excess" if the population exceeds the AML and one or more metrics reflecting forage utilization, resource condition, and animal health are met. The final EA and TMP must be revised to indicate that each of these metrics alone or the AML will trigger removal of "excess" feral horses. As already noted, we have one egregious example in Arizona where inaction by the Forest Service has allowed feral horses to multiply unchecked, consuming all edible plant material, and becoming reliant on artificial feeding for survival. This unfortunate situation must not be repeated on the A-S.

**6. The EA and TMP lack clear direction that management action will occur when excess horses are present.** As written, the deciding official is not compelled to act once thresholds for horse numbers or resource damage are met. This ambiguous "may" language must be removed to prevent the endless litigation, inaction, and future resource damage that will inevitably result. A specific timeline for decision and action must also be included.

We understand that this is a challenging and highly polarized issue among members of the public. However, it is incumbent on the Forest Service to fulfill its legal requirements under the Act and ensure sustainable stewardship of wildlife habitat and populations on the A-S.

Thank you for the opportunity to comment.

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