

19 October, 2024

Ian Reid, Acting Forest Supervisor
Modoc National Forest
225 W. 8th St.
Alturas, CA 96101

RE: Objection to Devil's Garden Plateau Wild Horse Territory Management Plan, Final Environmental Assessment

Dear Acting Supervisor Reid:

The Modoc County Farm Bureau (Bureau) objects to two portions of the Modoc National Forest's (Forest) Devil's Garden Plateau Wild Horse Territory Management Plan and Final Environmental Assessment (EA) and Draft Decision Notice. The Bureau is eligible to object by way of submitting scoping comments and comments on the Draft EA (May 10, 2024) and these are incorporated by reference.

Objection 1 : Inclusion of the Middle Section as part of the Wild Horse Territory.

The Bureau is quite familiar with the issues surrounding the boundary issue as writers of the 2013 plan were employed by the Bureau and we were involved in the lengthy discussions about how to correct the mapping errors made during the development of the Forest Land Management Plan. We were also involved in the litigation of the Plan. The Bureau believes the Forest is in error when they state in the response to comments in the EA that the Court directed the Forest to include the Middle Section into the Territory. Our reading of the Court order was that the 2013 plan did not adequately explain why the boundary adjustment was taken and that a more detailed explanation was needed. In a perfect world, the government attorneys would have provided that explanation during the appeal.

It is apparent that the Forest's misinterpretation of the Court direction has led to a failure to provide an alternative that was not influenced by this misinterpretation of the Court direction. The reasoning for returning to the original boundaries found in the 1975 boundary and embraced by the 2013 plan are simple and defensible. They include private property, fences, movement of horses and protection of endangered species habitat. Aside from the Forest's belief they were required by the Court to include the Middle Section, there is no good reason for inclusion. Horses have been moving freely back and forth from the two zones for decades.

Proposed Remedy

The Forest should give Alternative 2, or a similar alternative, the required hard look with the inclusion of the detailed explanation of the 2013 boundary decision as required by the Court. This could include any additional management tools needed to update the 2013 plan given new science or changes on the ground.

Objection 2: Management of Appropriate Management Level (AML) at the Allotment/Pasture level

As previously mentioned, the Bureau was involved in the development of the 2013 plan. We are quite aware that the allotment AML numbers in that plan were included **only** for the ease of calculating the carrying capacity of each allotment. They were **never** intended for management purposes. Our members graze these allotments and they are quite clear that the horses move, not only from allotment to allotment, but range outside the territory as well. They are also instructed to leave gates open at the end of the grazing season.

Our members also graze allotments on Bureau of Land Management (BLM) land where wild horses reside. They are aware that BLM not only has abandoned allotment level AML decades ago, but now even utilizes management of gathers to AML by looking at numerous Herd Management Areas (similar to territories) together.

We are aware that this proposed allotment level AML management is driven by the desire to start fertility control sooner in the overall management of the Territory. The horses roam freely across the entire Plateau as is their free roaming nature. An attempt to manage AML at the allotment level has no chance of success.

Proposed Remedy

Return to a management strategy as described in the 2013 using Territory AML and remove excess animals aggressively toward that end. Fertility control could be implemented prior to achieving Territory AML if it does not include releasing of treated animals back into the Territory after gathering or trapping.

The Bureau has productively contributed to the wild horse management on the Forest and expects to continue to do so.

Sincerely,

Sean Curtis
President/Treasurer