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Objections to Devil's Garden Plateau Wild Horse Territory Management Plan, #62741

I strenuously object to the above mentioned TMP and the Finding of No Significant Impact with respect to the MNF's plan to, once again, massively roundup the Devil's Garden wild horses, removing them from their protected habitat, and treat the majority of mares, as well as many stallions, with an unorthodox, risky, in all likelihood sterilizing vaccine..

For decades, the US Forest Service has substituted unjustified removals of wild equids for transparent, humane management planning. The Modoc National Forest set out to add a Middle Section to the Territory in response to a court order, and to revise its outdated Territory Management Plan, which incorporates serious flaws and an AML developed in collusion with special interests. Rather than a revised plan, MNF downloaded the same flawed management goals, adding "expanding fertility control measures," but avoiding any in-depth analysis of range capacities, range restoration, humane protection needs and public options. It is void of current data encompassing wild horses, livestock, and the landscape. Instead of due diligence, the MNF is rushing ahead with an unjustified and, in the opinion of advocates, unlawful gather.

My specific objections and remedies are an elaboration on, and expansion of the points made in my EA comments submitted on May 13, 2024:

1. The "new" TMP simply adopts the 2013 Appropriate Management Level (AML) for the DGWHT, a miserly 206-402 horses. At the same time, the USFS allows thousands of privately owned livestock – up to 3,700 cow/calf pairs and 2,900 sheep – to graze on this 258,000-acre federally protected wild horse habitat. Since 2016, in eight roundups that were deadly for many horses, the Forest Service removed 3215 of these federally protected animals while keeping the numbers of authorized livestock stable. **Remedy:** The 2013 TMP which established the AML in collusion with the Modoc Farm Bureau has been effectively voided by court order. The outdated, unscientific AML cannot simply be dumped into a "revised" TMP. The District Court of Appeals has ruled that cutting off the Middle Section was arbitrary and capricious, and so it is being included in the TMP, although one fertile section is being denied to the horses for no justifiable reason. **Remedy:** Reevaluate AML for the entire, now expended acreage of the Wild Horse Territory and provide reasonable alternatives backed by thorough, up to date analysis using scientific methodologies. The presence of isolated bands needing genetically healthy populations must be considered. Drop plans to homogenize the DGPWHT horses by introducing outside stock. Discard the special interest Settlement Agreement as a violation of WFRHBA and NEPA.

2. The 258,000 acres of the DGWHT are riddled with livestock and crisscrossed by fencing that serves the needs of stock ranchers. The fencing keeps wild horse bands from being in contact and impedes the natural movement of wildlife, barring horses and other species from critical water sources. In the 2013 EA, the MNF pledged to develop water sources for the horses and to open gates so they could move freely in winter to access forage and water. Neither was done. And despite promises, the MNF failed to close/monitor cattle guards to prevent horses from getting stuck in deep snow or breaking their legs. The excuse given to advocates was lack of funding. **Remedy:** Remove fencing impediments, follow through to remove cattle guard dangers, and develop water sources keeping with federal law which stipulates that wild equids be managed to live sustainably without harm. Lack of funding is no excuse, as the MNF has paid helicopter contractors more than 7 million since 2013 to conduct harrowing, often fatal roundups. Use the ample USFS line item in FY25 appropriations — which will most likely be carried over in FY25 — for public land improvements.

3. Using an outdated AUM basis, MDF is allocating the majority of forage to livestock, resulting in overgrazing by private cattle and grossly unfair forage allotment. The AUM is based on forage required to feed one 1000 lb. cow/calf for a month, yet EPA found the mean weight of a cow was 1221 lbs in 1990 and 1348 lbs. in 2015. Given the increased heft, today's cow/calf pair would count for 1.25 AUMs. **Remedy:** Reevaluate forage allocation as a step to restore range health and to abide by the Wild Free-Roaming Horses and Burros Act (WFRHBA) which unequivocally states wild equids are the “principal users” among multiple users of our public lands. Reduce livestock grazing pursuant to 43 CFR 4710.5 which authorizes federal land management agencies to reduce or eliminate private stocking on public lands. This practical step is essential to begin restoring this heavily overgrazed territory.

4. The population estimates upon which the roundup is planned don't hold water. The 2023 “census” alleged there were 1,339 horses including 43 foals. Last fall, 238 horses were removed. The 2024 population estimate claimed there were 723 horses; startlingly, it stated there are no foals. The Forest Service dodged the question of missing foals and the 338 missing horses that was raised at the Mechanized Vehicle hearing earlier this month, yet it was entirely relevant. A gather carried out based on this flawed population estimate could remove horses to below AML — or to zero.

Remedy: Stop the gather, which has no lawful basis due to the court order. Conduct a valid census based on ground observation in conjunction with aerial survey. Answer the urgent, pending public question regarding the missing 723 horses, the absence of foals in the 2024 count, and the causes of the sudden population drop. The DGP wild horses must not be eradicated due to mismanagement, shoddy census, bias and lack of transparency by the Forest Service.

5. Two ongoing research projects by USGS and Wildlife Services have reportedly injected 30 DGPWHT mares with GonaCon; the projects also vaccinated an undisclosed number of DGPWHT stallions with GonaCon to determine if it would cause sterilization. The MNF has refused public requests to provide information on this

research, stating that a FOIA request must be filed to obtain the data — which it well knows would result in information being withheld for years due to FOIA backlogs. The TMP apparently plans to use GonaCon on 85 percent of mares. This is unacceptable. The only study done on GonaCon in Teddy Roosevelt National Park found that most treated mares did not return to fertility. The concerns of Dr. Baker, the lead scientist on this treatment, have not been addressed, nor have the risks of cancer associated with decreased progesterone. GonaCon has been shown to change or even destroy the function of reproductive organs, which in turn alters natural herd dynamics. Moreover, vaccinating a pregnant mare with GonaCon can cause an abortion, a severe health risk. Wild horses are not guinea pigs. A key goal of the WFRHBA is to preserve wild behaviors, not experiment with wild equids as though they were laboratory animals.

Remedy: Disclose the GonaCon methods and research results for DGPWHT. Cease experimenting on wild mares and stallions with GonaCon,

6. On page 67 of the final EA, the proposed action would not return foals and yearlings “determined to be excess animals” to the range as young animals are deemed to be “highly adoptable.” This proposal is the height of irresponsibility. The MNF has already acknowledged it found no foals in the DGPWHT 2024 “census.” Now it proposes to take away whatever remnants remain of future generations. These removal criteria amount to a recipe for extinction. They smack of animal abuse. Prepubertal foals need their dams to survive and have a chance of leading healthy lives. **Remedy:** Leave foals with their dams, and stop pretending that yearlings will be well cared for because they are in demand. The legitimate adoption market is oversaturated, and there are now more wild horses in holding than roam free on our public lands.

7. The concept of excess cannot be posited as a throwaway term. The Forest Service well knows that excess cannot be determined simply on the basis of AML. Excess must be proved, yet to date no evidence has been presented doing so. The question of whether wild horse populations are excessive only has meaning in relation to Thriving Natural Ecological Balance (TNEB), a key concept in the WFRHBA. Landscape-level analysis must prove overpopulation in relation to range capacity and relevant factors such as climate conditions, water availability, livestock grazing density; the analysis must transparently prove that removal will restore TNEB. **Remedy:** Conduct no gathers without a full-scale analysis of excess in relation to TNEB. To be valid, a TMP must present this analysis leading to a final, uncontested decision on what “excess” means for the DGPWHT.

8. For \$749,500, the USFS contracted CD Warner LLC to conduct the roundup set to begin October 28. CD Warner has a history of wild horse mistreatment and was responsible for the beating of an exhausted, downed mare in the recent Nevada roundup. Additional expenses including processing captive mustangs, transportation to the Double Devil corrals and holding costs will up the price tag to over one million. Using helicopters to run terrified horses over volcanic rocks and other rough terrain will result, once again, in capture trauma, leg injuries, and needless fatalities. This roundup has no legal basis and, in the absence of an enforceable welfare policy, will lead to

more animal abuse. **Remedy:** Pull the Warner contract and postpone any gather planning until a valid, publicly vetted TMP is developed.

9. I understand that the Forest Service has resisted the obligation to freeze brand and inventory captured horses. This is unconscionable, especially as the safety net protecting warehoused horses from the slaughter pipeline is more frayed each year. A microchip cannot satisfactorily do the job of identifying and potentially tracking a wild horse that may be facing abuse or sale and export for the meat industry. **Remedy:** Start freeze branding all captive horses that are not to be returned to the range, develop a database for tracking them, and improve oversight and compliance checking of adopted horses.

10. The record of decision rejected recommendations to develop an EIS, claiming that the impacts of the removal plan were insignificant. This is absurd. The context of the proposed action augments the control of commercial livestock interests over the MNF's wild horse program. This not only disregards the welfare and survival needs of wild horses. It also impacts the human environment. Continuing the status quo of livestock overgrazing seriously affects the already degraded range, the carbon sink capacity of the soil, and continues an unacceptable level of methane emissions. At the same time, the USFS continues blaming wild horses which actually help sequester carbon. Ignoring these cumulative effects violates legal requirements to reduce greenhouse gas emissions, adding to the climate crisis. The proposed action also triggers numerous intensity factors affecting public health and safety, particularly an increase in drought and wildfire. Many of its effects on the human environment would be extremely controversial, including the use of unstudied population control methods such as GonaCon, the rigid, arbitrary approach to determining AML, and the use of helicopters and unsavory contractors to round up horses in dangerous terrain.

Remedy: Prepare the EIS, and stop pretending that wild horse welfare, the public's right to know and the impacts of management-by-draconian removal don't count.

Respectfully submitted,

Charlotte Roe
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