



October 9, 2025

Ms. Michiko Martin, Regional Forester  
Reviewing Officer  
333 Broadway Blvd SE  
Albuquerque, NM 87102

Electronically submitted to: [USFS Public Comment Form](#)

**RE: Notice of objection filed pursuant to Project Level Objection Process, 36 CFR 218.8 (A) (B) & (D) to Draft Decision Notice and Final Environmental Assessment for the Heber Wild Horse Territory Management Plan on the Black Mesa Ranger District, Apache Sitgreaves National Forests.**

Objector's Name and Address:

The Arizona Game and Fish Department  
5000 West Carefree Highway  
Phoenix, AZ 85086-5000  
623-942-3000

Dear Objection Reviewing Officer:

The Arizona Game and Fish Department (Department) appreciated the opportunity to work closely with the Apache-Sitgreaves National Forest (ASNF) as a cooperating agency and interdisciplinary team (ID Team) member during the development of the Final Environmental Assessment (EA) and the territory management plan (TMP) for the Heber Wild Horse Territory (HWHT) on the ASNF. Throughout this process, the Department has provided ongoing input based on its statutory authority, public trust responsibilities, and expertise related to wildlife resource management.

Arizona continues to experience prolonged and severe drought, placing stress on wildlife and habitats. The Department, through its jurisdictional authority and public trust responsibilities to conserve and protect the State's fish and wildlife resources, engages in year-round drought mitigation efforts across the State. These efforts include translocating wildlife populations, adjusting hunt seasons and fish stocking strategies, supporting the State's wildfire response, responding to human-wildlife conflicts fueled by drought, and maintaining over 3,000 wildlife

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waters. The current, severe state of drought has necessitated escalated responses in each of these areas.

While the Department appreciates the ASNF's long-awaited publication of the Draft Decision Notice and Final Environmental Assessment for the Heber Wild Horse Territory Plan, the Department is increasingly concerned that the horse population within the Heber Wild Horse Territory and throughout the Black Mesa and Lakeside Ranger Districts is exacerbating severe and prolonged drought conditions, contributing to habitat degradation and increased competition for limited resources on the landscape. Without immediate measures to reduce or eliminate the impacts of horses, the ASNF risks further irreversible habitat loss and increased pressure on wildlife populations. These concerns, as well as others identified with the EA and proposed actions, have been brought to the attention of the ASNF in the Department's April 21, 2021 comment letter regarding the Draft EA, the Department's March 4, 2020 comment letter for the Heber Wild Horse Territory Management Plan Proposed Action, and the Pre-Scoping Draft Proposed Action Comments and Concerns document dated February 2019. The Department's objections in this letter involve these issues previously submitted, or are based on new information or changes between the draft and final EA and TMP. In an effort to further discuss the Department's objections, the Department requests a formal meeting with the Reviewing Officer.

### **FINAL EA OBJECTION 1: LACK OF CLARITY AND SPECIFICITY FOR THRESHOLDS**

The Department provided substantial comments and recommendations regarding the clarification of thresholds for adaptive management of feral horses on the HWHT. These comments were submitted during the Draft EA scoping period on April 21, 2021, and can be found in the Department communication, M21-03230620. In summary, these comments focused on various sections of the Draft EA, including *Table 2: Potential Management Actions*, *Figure 2: Process Flowchart*, and *Thresholds for Determining Excess Horses*, and requested:

- A clear, objective decision process, utilizing clear thresholds and best available science for making determinations of excess horses, and conducting removals when the appropriate management level (AML) was exceeded. The language used in the Draft EA, under the section *Criteria and Process for Determination of Excess Horses*, explained that the deciding official “may” make a determination of excess horses once a threshold listed in the following section was exceeded. While providing flexibility, this language left ambiguity and possibly led to a subjective decision making process. The Department also requested a timeline by which the deciding official would make such a determination, as well as the length of time between the authorization for removal and the initiation of removal activities.
- Various clarifications regarding terminology used in the Draft EA that was broad or did not provide sufficient details. These included clearer definitions of the AML, the HWHT itself, and its boundary, and terms such as “causal factor”.

- A clear link between horses on the HWHT exceeding the upper AML limit of 104 individuals and timely action being taken to remove excess horses, if needed.
- Clarification that any of the provided thresholds in *Figure 2: Process Flowchart* of the Draft EA being met would result in the removal of horses, independent of the upper AML limit of 104 individuals being reached.
- Shorter intervals between monitoring cycles on the basis that the provided length of time between monitoring was insufficient to adequately address growing equine populations.

In response, the ASNF made the following changes and issued the following comments. Following each response is the Department's response and objection.

- The Final EA removed and condensed many of the threshold determinations commented on by the Department into a table titled *Adaptive Management Process for Managing Horses with the AML Range*. This new table laid out a substantial adaptive management process for the HWHT and included many parameters for monitoring and managing populations of horses on the territory within the AML range. These parameters generally fall into two broad categories: habitat and ecological conditions, and herd health and populations. Under each category, the ASNF defines various indicators (such as soil condition, ground cover, genetic diversity of horses, water availability, and forage availability), monitoring questions, methods, and frequencies, indicator thresholds, and finally potential actions.
  - While the Department appreciates the detail and clarifications provided in the *Adaptive Management Process* table, the Department objects to the sampling timelines within the monitoring frequency column. Without more frequent monitoring of ecological conditions within the territory and given the 19 to 21 percent annual growth rate for the herd, the Department understands that the AML could be exceeded outside of the survey window, and severe ecological damage could occur to the territory. The Department requests shorter monitoring periods to more promptly address herds exceeding the AML.
- The ASNF provided a direct response to the Department's comment recommending a "clear, objective decision process, utilizing clear thresholds and best available science for making determinations of excess horses, and conducting removals when AML is exceeded" and requesting "a timeline by which the deciding official would make such a determination, as well as the length of time between the authorization for removal and the initiation of removal activities". The ASNF stated that "The overall decision for any activity on the NFS lands ultimately lies upon the Forest Supervisor, who relies upon the subject matter experts to provide sound factual data for decision making. The thresholds for removal provide a framework for the deciding officer to make the decision but allow flexibility to address each determination specifically. The exact times for implementation of any of the methods utilized are dependent on numerous other factors, largely funding and human capital."
  - The Department objects to this response and reiterates its request for removal of subjective decision making where the deciding official "may" make a determination of excess horses and instead include a clear, objective decision-making process, utilizing clear thresholds and best available science for

making these determinations and conducting removals when the AML is exceeded. While the Department agrees that flexibility in the decision-making process is important, it is essential for the ASNF to define the decision-making process and provide timelines to ensure transparency and demonstrate how the purpose and need of the project are being met and how the ASNF will be adhering to guiding law, regulation, and policy. Consequently, the Department again requests a timeline by which the deciding official would make such a determination, as well as the length of time between the authorization for removal and the initiation of removal activities. Having this clear timeline for this decision process will also help ensure that actions are taking place in a timely manner.

- Under *Alternative Action 2: Herd Health and Population* (which is the selected action documented in the final Record of Decision), the recommended time between aerial surveys to monitor horse herd health and population numbers was extended from every two to five years to every five to ten years.
  - The Department objects to this change and reiterates the request made in the Draft EA that aerial surveys to help monitor herd health and populations be conducted no less than every two years. The Department is greatly concerned that the proposed frequency of the aerial surveys, extended to anywhere from five to ten years apart, is extremely inadequate to assess population growth of the herd. Given the 19 percent to 21 percent annual growth rate for the herd, conducting aerial surveys every five years would likely result in the ASNF exceeding the upper AML, thereby violating the ASNF's legal duty to manage within the AML and "lead to deterioration of the range."
- Under *Alternative Action 2: Hunting*, "Horses compete directly with wildlife for space and forage and generally wildlife and horses avoid each other. The proposed level of horses would improve hunting opportunities over alternative 1, since it is anticipated that permit availability would not decrease because of wild horse populations."
  - The last sentence of this paragraph is lacking clarity and justification. If horse populations exceed the upper end of the AML of 104 and surveys are performed every 5 to 10 years, it is the Department's concern that the excess of horses on the landscape would lead to a decrease in the presence of wildlife, and as a result, a decrease in permitted (draw) and non-permitted (over-the-counter) hunts due to potential declines in big game populations related to continued, direct competition with horses.

## **FINAL EA OBJECTION 2: DATA COLLECTION AND BASING MANAGEMENT DECISIONS ON BEST AVAILABLE SCIENCE**

The Department made several comments and requests that information in the EA and TMP be as scientifically accurate as possible and be up to date as possible. The Department also requested that all management decisions be based on this best available information. Previous comments were made on April 21, 2021 in the Department's communication, M21-03230620. Briefly, the Department requested:

- Clarification on various sections where it was claimed that “[...] by making half of the total available forage (989,063 pounds) available for the wild horses, the current obligation of 506,000 pounds of forage for permitted livestock use is still met, and there would be an additional 483,063 pounds of the available forage for wildlife (beyond that currently utilizing the area) or for future adjustments in the livestock grazing level.” The Department asked how “there would be an additional 483,063 pounds of the available forage for wildlife (beyond that currently utilizing the area)”, as it appears that these numbers did not take into account current wildlife forage utilization.
- Clarification regarding the statement in the *Forage Utilization Levels* section that explains that “since 2005, all measurements were taken post livestock removal from the pasture.”
  - In the Final EA, the ASNF responded and clarified that there was no distinction between cattle, horse, or wildlife use for the usage data collected and, therefore, the utilization levels used in the AML determination document did take into account use by wildlife. The Final EA failed to update the data from the 2021 Draft TMP; therefore, the forage poundage is unlikely to be accurate. The Department requests that the A-S provide updated data to obtain more accurate forage numbers and updated foraging poundage. The Department objects to this analysis and response in the Final EA based on the Department’s primary responsibility to determine wildlife populations. In coordination with the Department, the ASNF must adjust the livestock and horse numbers to accommodate the Department's population objectives based on estimated total available forage.
  - The Department would like to reiterate the concern that current impacts on forage availability due to drought and exacerbated by the overpopulation of horses within the HWHT are negatively affecting wildlife.

The Department also had comments related to whether the horses in the HWHT were progeny of the initial herd:

- The Draft EA discusses the findings of an ethnographic study that was conducted by a Forest Service Enterprise Program historian in 2016-17, to determine whether the current horse population in the area of the HWHT are progeny of the initial herd when the HWHT was designated. The study found that the weight of evidence supported a conclusion that the current population occupying the area was not progeny or biologically connected to the original herd. However, the Draft EA dismissed these findings and stated that “there is no conclusive information from which to determine that the horses on the Sitgreaves National Forest are not the progeny of wild free-roaming horses that utilized what was established as the Heber Wild Horse Territory after the passage of the Act.” “Moreover, [the Draft EA continued] Forest Service regulations require the agency to administer wild free-roaming horses and their progeny within an established territory to maintain a thriving ecological balance and to consider them an integral component of multiple-use resources.”

The Draft EA included a section titled *Beliefs about the Heber Horse Herd* which detailed two narratives regarding horse populations on the HWHT and public comments received that mirrored each one: Information gleaned from the ethnographic study and information gleaned from news articles by wild horse advocates. The summarized comments described in *Beliefs about the Heber Horse Herd* merely advocated—as a policy matter—that the ASNF should maintain horses on the territory. In response, the Department recommended that the ASNF base its management decisions on the best available science and information.

- The section titled *Beliefs about the Heber Horse Herd* remains in the Final EA, and the Draft EA maintains that “there is no conclusive information from which to determine the horses on the Sitgreaves National Forest are not the progeny of wild free-roaming horses which utilized what was established as the Heber Wild Horse Territory after the passage of the Act.” The Department objects to this conclusion because ASNF did not base its management decisions on the best available science and information. This is an inaccurate statement as the weight of the evidence demonstrates that the current horse population is not the progeny of the initial herd. In fact the evidence supports a finding the current population is not progeny, and the ASNF’s position that the evidence is not conclusive is contrary to the best available science and is therefore arbitrary, capricious and an abuse of discretion.
- Additionally, the Department reiterates its recommendation that a fully fenced HWHT is necessary to encourage horses to utilize the designated territory. Moreover, the Department requests that the fencing on the boundary of the HWHT and Tribal lands be reinforced to ensure no further feral horses join the Heber wild horse herd.

## **2025 DRAFT TMP OBJECTION: LACK OF DETAIL AND ANNUAL OPERATION PLANS**

The Department previously commented on April 21, 2021, in regards to the 2021 Draft Territory Management Plan for HWHT (AZGFD#M21-03230620). Generally, the Department’s comments for the TMP regarded the clarification and details for the preliminary Annual Operating Plans (AOPs): \

- The Department requested that the ASNF provide examples of proposed AOPs with numbers that were more appropriate to achieving the AML in a timely manner, as required by law, regulation, and policy.

In the 2025 Draft TMP, the example AOPs were removed, and the *Annual Operating Plan* section briefly describes AOPs generally. The Department objects to the removal of detail provided in the example AOPs and again requests that clear timelines and actions be established in preliminary AOPs to achieve appropriate AML numbers on the HWHT in a timely manner as required by law, regulation, and policy.

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Thank you for the opportunity to provide input on the Final EA and the 2025 Draft TMP for the Heber Wild Horse Territory on the ASNF. Again, the Department requests a formal meeting with the Reviewing Officer to further discuss the Department's Objections. For further coordination, please contact me at [ccavalcant@azgfd.gov](mailto:ccavalcant@azgfd.gov) or 623-236-7602.

Sincerely,



for

Callie Cavalcant

Habitat, Evaluation, and Lands Branch Chief

cc: Clay Crowder, Assistant Director, Wildlife Management Division

AZGFD #M25-09022216