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Organization: Arizona Game and Fish Department

Title: Project Evaluation Program Supervisor

Comments: Dear Mr. Madrid,

The Arizona Game and Fish Department (Department) has reviewed the Proposed Action for the Heber Wild Horse Territory Management Plan (PA) dated January 2020. Under Title 17 of the Arizona Revised Statutes, the Department, by and through the Arizona Game and Fish Commission (Commission), has jurisdictional authority and public trust responsibilities for the management of state fish and wildlife resources. In addition, the Department manages threatened and endangered species through Section 6 authorities and the Department's 10(a)1(A) permit. It is the mission of the Department to conserve Arizona's diverse fish and wildlife resources and manage for safe, compatible outdoor recreation opportunities for current and future generations.

The Department has participated as a Cooperating Agency and Interdisciplinary Team (ID Team) member for this planning process and provides the following comments for consideration, based on the agency's statutory authorities, public trust responsibilities, and special expertise related to wildlife resources and recreation. It is the intent of these comments to aid the Forest Service to develop a PA that is consistent with the direction contained in the Wild Free-Roaming Horse and Burro Act of 1971 and Congressional intent in this legislation.

It is the Department's understanding that the settlement from the lawsuit against Apache-Sitgreaves for the planned gather of horses included a stipulation agreement that, among other things, prevented any gather of horses until a wild horse territory management strategy was developed which would be incorporated into the territory management plan. Based on the Department's review, the PA does not appear to meet the settlement stipulations from the lawsuit as Department staff have not been able to identify a clear Proposed Action. Rather, there is a very wide range of possible actions to the point where it is not clear what if any action is proposed.

Further, the Department requests that the Forest specifically clarify within the PA whether horses on or near the Heber Wild Horse Territory (Territory) are progeny of the original herd. The Appropriate Management Level (AML) Determination Document provides information, as documented in the Administration of the Wild Free-Roaming Horse and Burro Act Report to Congress, the Heber Wild Horse Territory population estimates for the years 1994 and 1995 (the last two years of estimates provided) were both zero. Additionally, in 2005, the Forest reported, and argued in federal court, that the original herd died out in the early 1990s. The Department requests that the Forest explain how these reports and testimonies differ from the inclusion of horses in the territory for the PA. The forthcoming environmental assessment should analyze and disclose the Forest's management alternatives (1- At least one alternative would be to dissolve the Territory pursuant to Secretary Sonny Purdue's authority under 16 U.S.C. [section] 1333(a). Another alternative would be to populate the Territory with excess animals from a neighboring herd management area.) if none of the animals currently occupying the Territory are progeny of the original herd.

Additionally, the Department requests clarification of how the current PA complies with Forest Service regulations (36 CFR [section][section] 222.60, et seq.) and how the document provides for the implementation of Forest Service policies contained in the Forest Service Manual (FSM 2260). Resolving these unclear issues will help ensure that the Forest develops and analyzes additional action alternatives in which the Forest would manage this horse herd within environmental capacity required to maintain a thriving natural ecological balance as required by statute. The Department has identified the following areas within the PA where further clarification would help in developing a herd management plan as identified in the settlement agreement and as Congress directed by the Act itself [Idquo]which does not exceed their known territorial limits[rdquo] and [Idquo]shall manage wild free-

roaming horses and burros in a manner that is designed to achieve and maintain a thriving natural ecological balance on the public lands.[rdquo]

- * The PA relies on reactive management triggers that allow for management action to be taken to address exceedance of the AML only once problems are occurring. Furthermore, the PA does not provide for the quick implementation of management remedies, thus allowing problems to persist and worsen. This in effect seems to challenge the concept of maintaining a thriving natural ecological balance. This is particularly important in the arid Southwest as habitat recovery is slow to happen.
- * The frequency of horse population monitoring seems inadequate to ensure the timely implementation of management actions to avoid unacceptable resource degradation. The PA identifies thresholds where resource triggers are exceeded and proposes the response would be to collect additional data, which would likely result in resource degradation to continue or worsen. The Department suggests that clear triggers and responses be identified to avoid vagary in the PA.
- * The PA does not clarify how the AML could be modified, either up or down, in response to long-term changing conditions. This seems to be a helpful addition to the PA.
- * The PA does not provide for the implementation of any actions that would restrict horse impacts to the Territory and thus does not fully meet the stated Purpose of and Need for Action as stated in the PA.
- * The PA developed an AML and a resulting forage allocation, however, the justification for the stated allocation does not seem to provide for an equitable split between horses, wildlife, and livestock. It would be helpful to justify the allocation decision in recognition of the mandate of multiple uses on the landscape.
- * The PA does not appear to facilitate adaptive management actions to address potential water quality and public safety issues, through the construction of fencing to regulate horse access to Black Canyon Lake, without the need for additional future costly and time consuming NEPA analysis and documentation, should these water quality or public safety concerns materialize.
- * Lastly, it would be helpful for the Forest to articulate in the environmental assessment the economic impacts to hunting, fishing, and wildlife viewing. The environmental assessment should also disclose the projected cost to implement the various control treatments on horses, population monitoring techniques, as well as removal and long-term care, as discussed in Appendix D and E.

As a Cooperating Agency and ID Team member, the Department looks forward to assisting the Forest in developing a clearly defined Proposed Action that includes due consideration of appropriate alternatives to ensure that any action taken is consistent with the Free-Roaming Wild Horse and Burro Act. It is important that due consideration be given to equitably balance the needs of horses, livestock and wildlife management. Thank you for the opportunity to provide input on this important issue for the Forest's consideration. If you have any questions regarding this letter, please contact Chris Bagnoli, cbagnoli@azgfd.gov or 928-532-2311.