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Forest Supervisor
Apache-Sitgreaves National Forests
Springerville, Arizona

Dear Supervisor:

I am a range management consultant and retired University of Arizona range management faculty member. I have conducted range studies on the Heber Allotment since 2002, including portions of the Wild Horse Management Area. I prepared comments on the EA for the proposed management area in 2008, which were submitted by the permittee at the time, Seibert Cattle Company. Those comments are still appropriate today. The following comments are my own and do not necessarily represent those of the present permittee.

1. These horses do not meet the intent of the Wild Horse and Burro Act and, by the Forest Service's own definitions, should be treated as stray horses under the laws of the State of Arizona.

"The Heber Wild Horse Territory was established in 1974, pursuant to the Wild Free-Roaming Horses and Burros Act of 1971, as amended, 16 U.S.C. sections 1331 to 40. Wild horse and burro territories were identified as territorial habitat of wild free-roaming horses, burros, or both at the time of the passage of the act.1" (Wild Horse Management Plan page 1)

"Forest Service regulations define wild free-roaming horses and burros as "all unbranded and unclaimed horses and burros and their progeny that have used lands of the National Forest System on or after December 15, 1971, or do hereafter use these lands as all or part of their habitat, but does not include any horse or burro introduced onto the National Forest System on or after December 15, 1971, by accident, negligence, or willful disregard of private ownership. Unbranded, claimed horses and burros for which the claim is found to be erroneous, are also considered as wild and free-roaming if they meet the criteria above." (Wild Horse Management Plan page 2).

In this plan the Forest Service described the history as follows: There were 7 horses present in 1974 when the WHMA was designated, but they produced no offspring. By 1993, only 2 mares remained. The present horses are not descended from the ones present in 1974 that may have met the intent of the WH&B Act. But the present horse herds are derived from strays coming off the Apache Reservation, and possibly other sources, especially after the Rodeo-Chediski Fire destroyed much of the fences. My own observations stem from this time, and I have noticed an increase in horses over that time. These are not "wild" horses in the sense defined by the WH&B Act or FS regulations. They are stray horses and should be dealt with under the State laws

governing such animals.

If this action is not taken, the following comments apply.

2. Horses should be restricted to the Wild Horse Management Area as designated in 1974.

The WHMA as presently defined does not confine horses to the area since there is no fence along portions of the boundary. Most of the horses ranging on the FS lands are not in the WHMA. There is no way to adequately "manage" these horses and control numbers to avoid excess horses if they are allowed to range into adjacent land which is outside the WHMA. This will inevitably lead to conflict and disagreement over which horses are protected and how many there should be, and it will adversely impact adjacent lands. The WHMA should be fenced on all sides to confine the horses to its area. All horses outside the WHMA should be removed permanently.

3. Horses will overgraze favored forage plants and favored foraging areas.

Grazing animals seek out the most favored plants and tend to graze more in favored areas, such as in riparian areas or meadows. To avoid this damage it is necessary to shorten the grazing period or fence the more favored areas separately. Since it is often not practical to fence out favored areas livestock are often rotated among pastures to reduce the effects of continuous grazing on the key species and time spent in favored areas, as the livestock on the Heber Allotment are. However, grazing by horses (and elk) is not controlled. They are in the area throughout the growing season and even in the winter. Therefore, favored species of forage and favored grazing areas will receive continuous and repeated grazing, often at higher rates than plants can withstand. Light stocking rates will help but not solve this problem. Unless riparian areas, springs, etc. are fenced off to exclude horses, damage will occur. Fencing is expensive and often not maintained, as the Game and Fish Departments elk exclosures on meadows demonstrate.

4. Available forage for cattle, horses and elk will decline as the area recovers from the Rodeo-Chediski Fire.

Prior to the fire, the meadows in and near the WHMA were in very poor condition due mainly to heavy elk grazing. After the fire the forage production in upland areas increased and helped reduce grazing pressure on the meadows. The period since the fire is when horse numbers have increased the most. My observation is that the horses have not done a lot of damage yet because forage is so abundant in the burned areas. However, that will inevitably decrease in the future as trees regain dominance and reduce forage supply, even if previous tree densities are not attained. This means that competition between horses, elk and cattle will increase in the future and may result in environmental damage. If horse numbers are not controlled and horses not confined to the WHMA there will undoubtedly be pressure to reduced livestock numbers on the grazing allotments resulting in economic impact to permittees, even though livestock grazing is not the reason for the problem.

5. Experience elsewhere does not instill optimism that the Forest Service will adequately control horse numbers.

Although the proposed management plan states that horse numbers will be balanced with the forage supply based on monitoring of vegetation and soils there is a strong probability that this will not happen - for two main reasons. First, the FS does not have a very good record of monitoring - there is always a shortage of personnel and/or budgets to do this it seems. Second, even if the Forest Service found that horse numbers were excessive, there would no doubt be legal pressure to prevent the removal of horses. That is demonstrated by the fact that horses have been allowed to increase numbers greatly in an area much larger than the WHMA. This occurred despite the fact that FS indicated horse numbers were excessive when they first attempted a management plan for the area in 2007, because this was prevented by court action. There is no reason to expect any different result under the current plan.

6. Conclusion

Implementation of this plan will lead to environmental and wildlife habitat damage, economic harm to permittees, conflict with hunters and other recreationists, and endless legal confrontations between the FS and various interests. The horse in question are clearly not covered under the WH&B Act and should be removed and treated as strays under the livestock laws of Arizona. No other solution is going to work.

Sincerely yours,

Lamar Smith