

Data Submitted (UTC 11): 3/16/2020 7:00:00 AM

First name: Sherry

Last name: Oster

Organization:

Title:

Comments: The Public Lands have been a very important part of life in our family. Most of our free time was spent there when our children were growing up. That is where they learned to respect and value nature and wildlife. I feel that it is a civic responsibility to pay attention to and enter into decisions that impact this irreplaceable treasure that belongs to all of us.

Please include my comments in the public record.

The goal of the Heber Wild Horse Territory Management Plan, by law, must be to preserve the herd for future generations. These wild horses come under the jurisdiction of the Wild Free-Roaming Horse and Burro ACT (WFHBA) which was unanimously passed by congress. The law states: [ldquo]It is the policy of Congress that wild free-roaming horses and burros shall be protected from capture, branding, harassment, or death; and to accomplish this they are to be considered in the area where presently found [in 1971 when the law went into effect], as an integral part of the natural system of the public lands.[rdquo]

The federal government does not own lands or the wild horses and burros in the West. These

are not [ldquo]state lands[rdquo] and not [ldquo]federal lands[rdquo] and not even [ldquo]government lands[rdquo].[rdquo] They are public

lands. The American people own the public lands in the West and they are administered on our

behalf by the national government under laws and regulations. This land and the wild horses

and burros belong to all citizens of the United States, not the federal government.

I require a plan to educate the forest rangers and other personnel about wild horses and the Heber wild horse herd

Because the Heber Wild Horse Territory has never previously had an official plan as is required

by law, but is now in the process of putting together this plan,

I require all past and current documentation, including but not limited to official surveys, notes, maps, photos, and scientifically supportable reasoning, for the proposed boundary of the Heber Wild Horse Territory as shown in the USFS EA scoping proposal map.

This required data must include at least

(a) who (name and/or title),

(b) when,

(c) where and

(d) why these particular acres are proposed as the official territory. The scoping document does state [ldquo]When the territory was established in 1974, a letter from the forest supervisor to the regional forester indicated the territorial use of the area[rdquo] however a copy of that letter nor any other form of documentation is provided to the public. I require that a copy of that letter and any other scientifically substantiated proof be provided to the public in the upcoming EA. The USFS just stating this mapped area is the official territory without complete scientific substantial proof is NOT legal. Forest Service raw data and actual official territory survey data done at the time of the ACT (1971) or at least at the time of the notation of the territory (1974) are the only legal and reliable data that can be acceptable

The agency must review the proposed territory boundaries to verify the historic range of the wild

horses of the Apache-Sitgreaves National Forest at the time the law was passed in 1971.

America[rsquo]s wild horses and burros as they existed in 1971 when the congressionally designated

WFHBA was enacted. The boundaries of the territory must be examined carefully to ensure that

wild horse and burro seasonal migratory patterns as well as the habitat needs of self-sustaining

populations are provided.

The Heber wild horse territory is said to count on 19,700 acres in the Black Canyon area

southwest of Heber, Arizona and to have been established in 1974, three years after the 1971

passage of the Wild Free-Roaming Horses & Burros Act (WFHBA). The criteria for establishing the territory is the presence of any unclaimed, unbranded wild horses and burros at the passage of the WFHBA. Any interpretation of this law must take this to mean the wild horses[rsquo] and burros[rsquo] year-round habitat, not just where they were at the moment of the act[rsquo]s passage in Congress.

I require the upcoming EA provide any and all documentation that substantiates the claim that there was not a greater than 19,700 acres of wild-horse-occupied habitat

I require data that supports the decision to have designated only that particular area of the forest as the Heber Wild Horse Territory. Wild horse and burro Territories and HMAs were to be designated according to where there were wild horses and burros in 1971. A Territory was not to be drawn and then a population count conducted afterwards for only that area. Historical accounts show wild horses had been roaming through the forest well before cattle allotment and pasture fences had been installed in the 1930s, which at that point cut wild horses off from completely free roaming. Where is any data that shows the only area where there were wild horses in the Sitgreaves was in what they designated as the HWHT in 1973-74? The USFS maintains that there were only seven wild free-roaming horses on the Territory when the Act was set forth and no horses between 1992 and 2004. However in federal court they were unable to substantiate those numbers and those numbers were deemed moot.

I require the EA explain in detail the census numbers and methods of gathering the census documentation (titles of persons gathering data and dates and where horses were located and other data such as photos) over the past 49 years (since 1971).

In addition, I require the EA include an explanation of the scoping document that states that a census was completed in 1974 and only found seven wild horses on the forest lands. I require the EA provide a copy and detailed explanation of the following FS document where it clearly states that ([ldquo]White Mt Apache Horses[rdquo]) wild horses were captured and sold at public auction. This explanation must include the proof that the horses captured originated from the nearby reservation as is stated in this document. Who made that decision and what proof was provided that the captured and sold horses were actually from the reservation?

The Wild Free-Roaming Horses and Burros Act of 1971

This is a Wild Horse Territory and as such the horses should be treated as the PRIMARY species in the herd area

Wild horses and burros[rsquo] free-roaming status has been seriously compromised by the construction of fences and gates crisscrossing public lands often at taxpayer expense. These fences create pastures for rancher convenience, but also effectively impede the movement of wild horses and burros, thereby preventing them from accessing habitat to which they are entitled and which contain resources required for their very survival.

I require the FS to take a good hard look at all the internal cattle pasture fences and how the fences affect the ability of the horses to migrate for forage and water and to intermingle with each other. The internal fences give principle use to livestock when wild horses are to have principle use. Enlarging some gates and leaving them open at certain times does not allow for the free roaming of wild horses. The drought of 2018 is a perfect example of what can go wrong due to the fences having prevented bands of wild horses from accessing water

POPULATION

The FS states [ldquo]Unmanaged horses increase in population rapidly".

I require the Forest Service to provide scientific data that validates the claim that there is an overpopulation of horses in the Heber herd.

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Any and all PZP darting records for the past ten years including darted mares that subsequently had a live birth foal and all darted mares that have died including basic statistics on those (age at death and reason for death) and all proposed PZP (or any other method of herd population control [ndash] including sterilization and castration) plans for the next ten-year plan.

An updated and scientifically supported and defensible census of all on the range wild equine that includes all horses born and died in the past ten years and estimated age at death and cause of death. This must include the recent (last two years) killed horses found in and around the A-S National Forest.

An updated and scientifically supported and defensible census of all off the range (previously removed) Heber wild equine that includes all horses born and died in captivity since the recent ten years of capture/removals and age at death and cause of death.

Any and all possible alternatives to any removals or contraceptives or any form of population control (including temporary or permanent sterilization and castration).

APPROPRIATE MANAGEMENT LEVEL

Establishment of an appropriate management level (AML) will be proposed in the EA by formulating the range of numbers of animals that will result in a thriving natural ecological balance and avoid deterioration of the range. The higher and lower limit of the appropriate management level for horses within the Heber Wild Horse Territory must be based on an in-depth analysis of population inventory, resource monitoring, and other available data. A range of types of monitoring will enable us to know which tool to utilize to help manage population growth, change patterns of horse use, and to maintain horse health and habitat. I require the proposed AML (range) be included in the forthcoming EA but also the data used and the method used in deducing this AML.

The Heber wild horses are by law all of the wild horses that wander or migrate from the National Forest including their progeny that have used lands of the National Forest on or after December 15TH 1971 or do hereafter use these lands as all or part of their habitat. Therefore, the correct

estimate of the Heber wild horses as of 2017 is within the range of 270 to 420. That range, then is the only scientific data that can be used to determine the required appropriate management level (AML).

Although domestic livestock are permitted to graze the public lands portions of the Heber wild horse herd area they are only permitted and not designated as are the wild horses. Wild horses and burros are legally DESIGNATED on the Herd Management Area (HMA) and livestock are only PERMITTED.

I require the upcoming EA consider alternatives that would mitigate any need to remove any of the wild horses both temporarily or permanently and must provide the following specific data and a complete analysis of accommodation of the present wild horse without removals; pursuant to CFR 43 C.F.R. 4710.5(a).

RESOURCES AND FORAGE

I require hard data that shows water and forage consumption of every grazing species in the forest both domestic and wild.

I require all info and data on grazing allotments and grazing periods for each and number of livestock cow/calf pairs, if they are imported from other states and if so, what states, for that period and a map of the allotments including name(s) or company names of allotment holders.

I require the upcoming EA examine and include analysis of rangeland expansion/improvements

to ensure adequate forage and water resources available for a viable wild horse herd. [ldquo]Proper

management plans [ldquo]require a strong information base,[rdquo] including data on the

[ldquo](a) biological potential for the area;

(b) numbers and combinations of herbivorous animals that can be safely carried on the area;

(c) kinds and amounts of forage and habitat required by the animals;

(d) effects of each herbivore species on vegetation and each other;

(e) effects on soil and hydrology; and

(f) an understanding of the economic and social values associated with the area.[rdquo] (NAS 1982)

In addition, the forthcoming EA must include:

All historical, current and future ten-year range monitoring and plans and scientific

methods used for this monitoring.

A no action alternative [ndash] with detailed scientific review of this alternative [ndash] both pro and con.

A discussion and a detailed map regarding all fencing, gates and cattle guards within and

bordering the Heber wild horse lands (Apache-Sitgreaves National Forest) and reason for

fencing.

A scientific discussion regarding how fencing, gates and cattle guards and gates influence

the wild horses from accessing any water sources and/or forage resources and how it

affects wild equine genetic variability on the Apache-Sitgreaves national forest.

The EA proposal must include a section discussing those alternatives that were considered

but rejected with a detailed explanation of the reasons for their elimination and not just

respond [ldquo]outside the scope[rdquo]. Nothing is [ldquo]outside the scope[rdquo] if it affects the wild equine and

their resources that are congressionally designated on these lands and the NEPA law requires that all relevant scientific information be provided to the American public and that that information be taken a [ldquo]hard look[rdquo] at by the decision makers.

STERILIZATIONS/SEX RATIO SKEWING

I am strongly opposed to the administration of PZP, GonaCon and other sterilizations such as ovariectomies and stallion castrations. The weight of scientific evidence and public opinion clearly do NOT support decisions to conduct any of these sterilization procedures.

The Senate voted AGAINST sterilization, euthanasia and unrestricted sales of Federally Protected Wild Horses & Burro.

Neither should the unnatural skewing of sex ratios be implemented. All of these disrupt normal wild horse behavior, thwart their ability to survive in the long term, affect their social integrity, causing stress & dissension among wild horses, between stallions & also between mares & stallions & even between mares, as has been observed in the field. All these unnatural manipulations are cruel & contrary to the true intent of the WFH.

Please know that that the American citizens realize that the USFS scoping proposal makes it clear that the forthcoming EA proposed capture/removal/sterilization of wild horses is nothing more than a strategic and deadly action in the ongoing management of the American people[rsquo]s wild horse for EXTINCTION. The evidence makes it clear that the USFS is engaged in a concerted effort to manage the Heber wild horses and burros to extinction.

Managing for Extinction

Recent scientific evidence suggests that most of America[rsquo]s wild horse and burro herds are not genetically viable, and the eventual extinction of most wild horse and burro populations is likely. The BLM[rsquo]s plan to reduce the wild horse and burro population to just over 28,000 animals only compounds this problem. The question then arises: can we save the remaining wild herds before it is too late? In the past decade, tremendous strides have been made in genetics research through DNA analysis. Research conducted on wild horse populations in the American West reveals how precarious the situation is for the vast majority of wild horse and burro populations under the BLM[rsquo]s management. Dr. Gus Cothran, a professor in the Department of Veterinary Integrative Biosciences of Texas A&M University and a leader in the field of equine population genetics, has been analyzing blood and hair samples from wild horses in the United States, including a long-term study of horses living on the Pryor Mountain Wild Horse Range. He suggests managing wild horses at low

population levels leaves the animals vulnerable to inbreeding—the same problem plaguing endangered species around the world. Dr. Cothran's research indicates that in a closed population (where there is no immigration of horses from adjacent populations), the minimum number of wild horses and burros needed to ensure long-term genetic viability is 150 to 200 animals, of whom it is estimated 50 will contribute their genes to the next generation. Yet, the BLM recklessly dismisses the need to maintain larger, genetically healthy herds by occasionally introducing an unrelated wild horse into a herd to ostensibly compensate for managing the herd at a size that is not genetically viable. This band-aid approach with the alleged purpose of preserving the genetic diversity of wild horse populations not only results in adverse biological impacts and a dilution in herd-specific genetically unique characteristics, but it also violates the BLM's legal mandate to manage for "self-sustaining" animal populations. Dr. Cothran has worked in collaboration with Dr. John Gross an ecologist with the National Park Service's Inventory and Monitoring Program. Dr. Gross analyzed five years of research data on the Pryor Mountains and created an individual-based model to simulate the dynamics of wild horse populations controlled by removal and/or immunocontraception. Dr. Gross' analysis of the Pryor model in his study, "Genetic and Demographic Consequences of Removals and Contraception on Wild Horses in genetic exchange. In some cases, the BLM has introduced horses from other herd areas to try to offset extremely low AMLs. These transfers, however, threaten to dilute the unique characteristics that herds developed over years, if not centuries, of natural selection. Rather than manipulate the genetics with outside introductions, wild horse and burro advocates believe it is more prudent to allow populations to increase to genetically viable levels. This may require rewriting management plans, decreasing the available AUMs for livestock grazing in herd areas, expanding herd area boundaries and/or simply allowing numbers to rise naturally over time within each area in jeopardy. The BLM should be guided by the WFHBA and scientific research. Otherwise, we will lose our precious wild horses and burros forever.

Scientific Critique

Animals and humans are alike in that both are intelligent, sentient beings, deserving of a life lived in freedom and dignity, free from oppression, in habitat that is natural to each. Animals and humans are also different, just as all species are unique. They differ biologically, anatomically, physiologically, neurologically, and behaviorally, so that attempts to apply the results of experiments on one to the other are scientifically invalid.

http://www.chai.org.il/en/compassion/experiment_scientific.htm

Concerning the administration of PZP, GonaCon & other sterilization drugs as well as any mare ovariectomies & stallion castrations, none of these should be adopted in your HWHT plan! Neither should the unnatural skewing of sex ratios be employed! These disrupt normal wild horse behavior, thwart their ability to survive in the long term, affect their social integrity, causing stress & dissension among wild horses, between stallions & also between mares & stallions & even between mares, as I have observed in the field. All these unnatural manipulations are cruel & contrary to the true intent of the WFHBA.

I am strongly opposed to the administration of PZP, GonaCon and other sterilizations such as

ovariectomies and stallion castrations The weight of scientific evidence and public opinion clearly do NOT support decisions to conduct any of these sterilization procedures.

The Senate voted AGAINST sterilization, euthanasia and unrestricted sales of Federally Protected Wild Horses & Burro.

Don Moore, DVM is a respected Veterinarian who has extensive knowledge about wild horses and wild horse behavior. He states, "The three surgical procedures for permanent sterilization of mares described in the

mare sterilization research project, ovariectomy via colpotomy, tubal ligation and hysteroscopically-guided laser ablation of the oviduct papilla all require certain pre-operative and post-operative considerations for aseptic surgical protocol and pain management.

Pre-operative bloodwork and a thorough examination are always performed on the relatively few domestic mares which are spayed. Other options other than surgery are always considered first due to the risk involved with any of these procedures. Aseptic surgical protocol and pain management is the standard of care for each and every surgery or the performing veterinarian would undoubtedly be sued by the owner and reprimanded by the state veterinary board.

Wild mares will not have their surgeries performed in a sterile surgical suite. Their surgery will be performed in a non-sterile chute or standing in stocks at the local BLM facility without the benefit of the routine standard of care. Unlike domestic mare who are easily handled, the very handling of these wild mares presents additional pre-operative stressors, which cannot be mitigated.

The Forest Service does not possess the statutory authority to perform sterilization surgeries

On America's wild free roaming mares..This type of butchery is a violation of the least feasible management clause of the Wild Free Roaming Horses and Burros Act.

in attachment: Menopause and Wild Horse Management

"Using Science to Improve the BLM Wild Horse and Burro Program: A Way Forward"

This report reviews the science that underpins the Bureau of Land Management's oversight of free-ranging horses and burros on federal public lands in the western United States.

Horse and burro management and control strategies cannot be based on biological or cost considerations alone; management should engage interested and affected parties and also be responsive to public attitudes and preferences. Three decades ago, the National Research Council reported that public opinion was the major reason that the Wild Horse and Burro Program existed and public opinion was a primary indicator of management success (NRC, 1982). The same holds true today.

<http://dels.nas.edu/resources/static-assets/materials-based-on-reports/reports-in-brief/wild-horses-report-brief-final.pdf>

"Using Science to Improve the BLM Wild Horse and Burro Program: A Way Forward"

National Academy of Science - This report reviews the science that underpins the Bureau of Land Management's oversight of free-ranging horses and burros on federal public lands in the western United States.

The few remaining Wild Horses and Burros that remain on public lands today are cherished by the American People. They are an integral part of the Western range and a valuable component of a Thriving Ecological Balance. The 1971 congressional Wild Horse and Burro Act states: "It is the policy of Congress that wild free-roaming horses and burros shall be protected from capture, branding, harassment, or death."

U.S. Forest Service

Motto: Caring for the Land and Serving People

The phrase, [ldquo]Caring for the Land and Serving People,[rdquo] captures the Forest Service mission. As set forth in law, the mission is to achieve quality land management under the sustainable multiple-use management concept to meet the diverse needs of people: It includes:

We follow laws, regulations, executive direction, and congressional intent.

This is the law:

Congress finds and declares that wild free-roaming horses and burros are living symbols of the historic and pioneer spirit of the West; that they contribute to the diversity of life forms within the Nation and enrich the lives of the American people; and that these horses and burros are fast disappearing from the American scene. It is the policy of Congress that wild free-roaming horses and burros shall be protected from capture, branding, harassment, or death; and to accomplish this they are to be considered in the area where presently found, as an integral part of the natural system of the public lands.

The social impacts on the American public of destroying these Wild Horse Herd populations is overwhelmingly given the strong support the American public has to protect, preserve and view Wild Horses living naturally on protected public lands. The BLM has been given a very great responsibility to manage and protect America[rsquo]s Public Lands, Wildlife and natural resources. Our Wild Horses and Burros are very much a part of that. Thank you considering my comments and please take this responsibility seriously. Future generations will either blame you or thank you for the decisions and actions that you take.

Thank you for considering my comments