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Organization:

Title:

Comments: I am hereby submitting the following information for the administrative record.

The HWHT management plan and EA fail to show that an unbiased and comprehensive study was completed. The management plan and EA show a clear and blatant bias against the horses.

The management plan and the EA are not based in fact. Here is an example:

From the EA:

"In 1974, when the Heber Wild Horse Territory was designated, it was purported there was a population of six mares and one stallion occupying the territory. Throughout the years, no actual scientific data or monitoring was documented on the population. In 1993, the population was purported to be two mares."

Purport definition: to have the often specious appearance of being, intending, or claiming (something implied or inferred)

"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."

The entire Apache-Sitgreaves should have been surveyed to determine where the free-roaming horses were at the time the Act was passed. But the Forest Service failed to do that and relied on whoever it was that "purported" a few horses in one specific area of the entire Apache-Sitgreaves.

The entire designated HWHT is covered in cattle pastures. It appears the public lands cattle operations are playing a driving force in pushing the agenda to remove the wild horses from the entire Sitgreaves and to pass a management plan that will result in the destruction of the Heber wild horse herd. History shows that there were numerous agreements made between the Forest Service and public lands ranchers to remove wild horses from the forest even after the Wild Free-Roaming Horses and Burros Act went into effect and without a management plan in place.

Heber Wild Horses: Legendary Or Problematic?

By AARON GRANILLO \* JUN 5, 2015

Excerpt: Larry Gibson is a third-generation rancher in Heber. His barn is lined with dozens of haystacks - food for his 900 head of cattle. They also graze in the forest, but in recent years, Gibson says there hasn't been as much to eat.

"A lot of these areas, you know, we go and measure the grass before the cows ever get there. There may be 80-percent usage before we ever get there," Gibson says. "If the horses have eaten the feed, you can't bring your cattle up."

In his own lifetime - 57-years - Gibson's seen the wild horse population increase exponentially. He pays the Forest Service about \$1,600 a month for grazing rights, and feels he's not getting his money's worth. Gibson believes there's one solution to protect livelihood and land.

"So in my opinion, the best thing to with these up here would be remove every one of them. Whether they go to adoption, or, you know, I hate to say it, euthanized or to a slaughter plant," Gibson says. "I mean that sounds kind of harsh, but something has to be done with them."

<https://www.knau.org/post/heber-wild-horses-legendary-or-problematic>

There are many issues with what the above excerpt states. Records show that while Mr. Gibson may be in charge of the management of 900 head of cattle, he does not own them. He has been managing cattle for various cattle ranchers who do not live in the area. He talks about the horses eating the feed but there is no proof the horses are eating all the feed. The horses are not the only grazing animals in the forest. There is indication that the cattle have been overgrazing in areas of the forest. Even when there are no cattle there are elk and deer. It also cannot be denied that there is proof of the detrimental impact of people driving all over the forest in their off road vehicles. When vehicles are driven off road it destroys natural forage.

There is no proof how much if any that the wild horse population has grown since there were no accurate inventories taken or records kept of the horse numbers throughout the years. It says Mr. Gibson pays \$1,600 a month for grazing rights and feels he's not getting his money's worth. Really? They are not his cattle. It is not his grazing lease. If he is paying out of his own pocket perhaps he should have a chat with the man he works for who actually does own the cattle and the lease. But the bottom line is that Mr. Gibson wants ALL of the horses removed even if they are sent to slaughter. I guess some people don't realize that the horses are designated to be there, the cattle are only permitted.

Since public lands cattle grazing pastures cover the Heber Wild Horse Territory it is relevant to enter grazing permit information into the administrative record.

Forest Service - USDA 2209.13,11-15 Page 1 of 21 FSH 2209.13 - GRAZING PERMIT ADMINISTRATION HANDBOOK WO AMENDMENT 2209.13-92-1 EFFECTIVE 8/3/92 CHAPTER 10 - PERMITS WITH TERM STATUS

12.21 - Base Property. Base property is land owned and used by the permittee for a farm or ranch operation. Such property shall include the basic facilities necessary to conduct a ranching operation and the capability to produce a part of the annual forage crop needed to support the permitted livestock over a yearlong period as determined by the Regional Forester. Forest Supervisors shall, within limits established by the Regional Forester, establish minimum base property requirements for National Forests. In developing or revising base property requirements, the Forest Supervisor shall: a. Consult with livestock operators concerning common or locally accepted practices. b. Consider the dependency of local livestock operations on National Forest System lands. c. Consider how the base property blends into the livestock operation. d. Consider the needs of permittees. e. Where leasing of ranch lands is a common local practice, give careful consideration to how large the ownership requirement is in relation to the total forage needed. Permittees who are below minimum requirements and who subsequently acquire sufficient property to meet the requirements will not be allowed to drop below the requirements thereafter without partial cancellation of the grazing permit (sec. 18.14). The Forest Supervisor shall approve proposed changes in base property by the permittee when it is determined that the new base property is equal to or more acceptable than the existing base.

Where two or more permits have been issued to individual owners of livestock who hold undivided ownership interests in the same base property, each individual's share of property must meet base property requirements. New applications for permits based on undivided ownership should not be accepted. Each permit should stand on its own and be subject to waiver and reissuance without complication of some other ownership.

12.23 - Permit Holders Having Agent or Manager Relationships. The permittee may make legal arrangements

with a second party to operate the ranch and manage the permitted livestock under an agent or manager relationship. The permit holder shall not lease base ranch property or livestock and allow the lessee to use and manage the grazing permit. Under such arrangement, the permit holder retains full responsibility for compliance with the provisions and requirements specified in the grazing permit, the regulations of the Secretary of Agriculture on which the permit is based, and the instructions of Forest Officers issued thereunder. Under an agent or manager relationship the following specific requirements must be complied with:

1. The permit holder must retain ownership of both base property and livestock.
2. All livestock under permit and their offspring must be branded or marked with the brand of the permit holder.
3. Ownership of base property and permitted livestock must be supported by deeds or contracts to purchase, assessment records, and tax payments on both real property and livestock.
4. The Forest Supervisor must approve in advance an agreement made between a permittee and manager or agent involving a Forest Service grazing permit. Copies of the agreement must be filed with the Forest Supervisor and District Ranger. The agreement must state the scope of authority conferred on the manager or agent, and must state the method of payment for management services.
5. The agent or manager can graze on National Forest System lands only those livestock owned by the permittee under the permit issued to the employer.
6. The extent to which the agent or manager can sign or act for the permit holder in matters pertaining to the grazing permit depends on the scope of the authority delegated upon him by the permittee as shown in the agreement.

[https://www.fs.usda.gov/Internet/FSE\\_DOCUMENTS/fseprd589629.pdf](https://www.fs.usda.gov/Internet/FSE_DOCUMENTS/fseprd589629.pdf)

Attached are some examples obtained through a FOIA request of agreements between the Forest Service and public lands ranchers to capture, remove, and send wild horses to auction. There is no indication or proof thereof that any effort was made on the part of the Forest Service to prove the origin of the unbranded horses that were removed. Simply stating the horses were "trespass" or "unauthorized" does not make it fact.

Attachment: 1984 Notice Gentry Buckskin

Attachment: 1988 range inspector

Attachment: 1989 Steve Bragg

Attachment: D Reidhead 1988 receipt for captures

Attachment: D Reidhead trapping

Attachment: Owens 1988