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Organization:

Title:

Comments: For the Administrative Record, I hereby submit the attached comment re: The Plan's failure to properly maintain the genetic diversity of the Heber herd. The Plan's failure to treat our wild horses as "an integral part of the natural system of the public lands" and fails to manage them "at the minimal feasible level".

Comment re Maintaining Genetic Diversity

In the Draft Plan, there are several references to the [ldquo]Apache-Sitgreaves Wild Horse Staff[rdquo]. The Plan does not define who makes up this staff and what are their qualifications to manage wild horses. Yet, throughout the Plan, this mysterious [ldquo]Wild Horse Staff[rdquo] are making critical decisions related to our wild horse herd; even critical decisions related to maintaining the genetic diversity of the herd. The Forest Service has always had the policy of [ldquo]ridding the range of wild horses[rdquo]. I argue they do not have anyone on staff educated, trained or experienced in managing wild horses. They do not have anyone on staff with any knowledge whatsoever of our Heber herd, yet they are charging forward haphazardly to carry out their poorly devised Plan, which is nothing more than a plan to eradicate the Heber herd.

Throughout the Plan, there are numerous statements related to not having enough data or information about the herd. Their [ldquo]Plan[rdquo] is just a numbers game; reduce the number of horses to a tragically low number and then use them as an experiment in managing wild horses, using unqualified people to carry out this travesty. The [ldquo]Plan[rdquo] is a gross failure from one end to the other!

The Plan calls for reducing the herd size to as low as 50 horses and then administering birth control to most of the mares, skewing sex ratios, etc. It would take the skill of threading an elephant through the eye of a needle to maintain genetic diversity in a herd that small and under these conditions. This is complicated even more by people who have no education, knowledge, training or skill overseeing and carrying out the Management Plan. The Forest Service personnel who will be managing our treasured wild horses would not be given any role whatsoever in a domestic animal breeding program. Yet, they are given total control over what comes down to a [ldquo]breeding program[rdquo] over our wild horses. The [ldquo]Plan[rdquo] fails to properly safeguard their natural wild horse behaviors and fails to secure their genetic diversity. It fails to manage the herd using minimal feasible handling. The Plan tragically fails this wild horse herd and fails the American people. If carried out as written, it will cause irreparable harm to the Heber herd and to the American people.

The Forest Service knows the herd size they plan to leave is too small to maintain the natural behaviors and band dynamics of these magnificent wild horses (see Tier 3 Analysis, as well as other references within the AML document). They know the number of horses is too small to maintain genetic diversity. The Plan calls for allowing [ldquo]ingress[rdquo] of horses from neighboring territories. The only neighboring territory is the Apache Indian Reservation. If horses can [ldquo]ingress[rdquo], they can also [ldquo]egress[rdquo], further diluting the Heber herd, which, by law, is to be considered [ldquo]an integral part of the natural system of the public lands[rdquo] (the 1971 Act defines public lands). And, nothing about this [ldquo]Plan[rdquo] manages these horses at a [ldquo]minimal feasible level[rdquo].

Does the Forest Service have a signed agreement with the Apache Tribal Leaders to acquire some of their wild horses for breeding with the Heber herd? Simply allowing natural [ldquo]ingress[rdquo] is not possible. There is a barbed wire fence between the National Forest and the Apache Reservation. The fence is required to be maintained. Without an agreement, the Forest Service would have an obligation to identify Apache horses and return them to their rightful owners. I have submitted a FOIA request for any written agreements and/or notes from any discussion with Tribal Leaders. I hereby reserve the right to further object based upon information

revealed through that FOIA request.

This aspect of the Plan also appears to be in violation of FSM 2200, paragraph 2263.11, which states, [ldquo]Selective removal of excess animals or relocation of superior animals from other territories to improve gene pool is prohibited. The intent of the Wild Horse and Burros Protection Act is to manage these animals as part of the natural ecosystem.[rdquo]

Tier 3 analysis text in attachment

Reducing the number of horses to only what the Heber Wild Horse Territory can sustain with all the cattle grazing violates the Act in that wild horses are to be given priority over cattle. In addition, wild horses are not limited to the Territory. They are [ldquo]free-roaming[rdquo], meaning they migrate for forage, water and shelter. They forage throughout the forest, not just within the Territory, which appears to have been intentionally delineated to oppose our wild horses vs. protect them as required by the Act. Our wild horses have actually been [ldquo]blocked out[rdquo] of their designated Territory by Forest Service and cattle growers. The Territory was delineated with extreme bias in favor of cattle growers and with gross conflict of interest, involving ranchers with personal financial interest.

Through their natural behaviors, wild horses [ldquo]self-regulate[rdquo] the genetic diversity within the herd. The [ldquo]Plan[rdquo] strips away their natural wild behaviors and treats them more like [ldquo]domestic livestock[rdquo], with man determining what horses stay and what horses go; with man determining what horses will breed and what horses will not breed. This is not in keeping with either the letter, or the spirit of the 1971 Wild and Free-Roaming Horses and Burros Act. This is not managing the horses as [ldquo]an integral part of the natural system of the public lands[rdquo] and does not manage the horses at a [ldquo]minimal feasible level[rdquo].

Definition of Wild:

ADJECTIVE (of an animal or plant) living or growing in the natural environment; not domesticated or cultivated.

Here are just two examples of how wild horses [ldquo]self-regulate[rdquo] the genetic diversity of the herd through their natural wild horse behaviors. The Plan strips these natural behaviors away from them:

1. Stallions will naturally push 2-year-old fillies that they have sired to the edge of the band and [ldquo]allow[rdquo] another stallion to take them to prevent inbreeding. I was fortunate enough to witness this and was able to video record the event. It was amazing to see how the natural behaviors of these wild horses work to maintain the genetic diversity of the herd.

2.

Bachelor stallions will steal a mare that is about to deliver, or has just delivered her new foal. Within a week or two after she foals, the mare will come into foal heat. This year[rsquo]s foal was sired by her former stallion. If she delivers a foal next year, it will have been sired by her new stallion. I have seen this play out numerous times. Below are just three of the many, many examples I can provide:

Photograph and text in attachment

Photograph and text in attachment

Photograph and text in attachment

The United States District Court, D. Columbia ROSEMARY M. COLLYER, District Judge. stated: [ldquo]It would be anomalous to infer that by authorizing the custodian of the wild free roaming horses and burros to "manage"

them, Congress intended to permit the animals[rsquo] custodian to subvert the primary policy of the statute by harassing and killing and capturing and removing from the wild the very animals that Congress sought to protect from being killed and harassed and captured and removed from the wild.[rdquo]