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Organization:

Title:

Comments: For the Administrative Record, I am hereby submitting this comment re: territory habitat limits of the Heber Wild Horses.

Comment re Territorial Habitat Limits

Summary: The territorial habit limits of the Heber Wild Horse herd are the entire Sitgreaves National Forest. When it comes to AML, forage allocation and everything else related to this herd, the Management Plan should consider the Sitgreaves National Forest as the "territorial habitat limits" of the horses. All evidence shows that historically these horses have used the entire Sitgreaves as their territorial habitat limits. The arial surveys performed in 2014, 2015 and 2017, as well as the 2019 ground survey shows that the horses continue to use the entire Sitgreaves as their territorial habitat limits. By law, these horses are to be considered "as an integral part of the natural system of the public lands". They were found throughout the Sitgreaves as of the passage of the Act, and they are found throughout the Sitgreaves even today. It is time for Forest Service to follow the law that they have ignored and usurped for the past 50 years.

Facts:

A January 15, 1974 letter from Forest Supervisor J.S. Tixier to the Regional Forester, R3, includes a map that delineates what is known today as the Heber Wild Horse Territory. The map included with the letter is purported to show the "Territorial habitat limits" of the wild horses "grazing on the Sitgreaves".

It is somewhere between improbable and closer to impossible for that area to have been the actual "territorial habitat limit" of the wild horses in the Sitgreaves.

\* The required initial inventory would have to have encompassed the "entire" Sitgreaves (over 850,000 acres). Evidence has previously been submitted to the Administrative Record, showing an initial inventory was never done. As a matter of fact, no inventories were done for decades after the Act was passed into law.

\* Evidence has previously been submitted to the Administrative Record, showing that the "Territory" appears to have been intentionally delineated to keep horses out of that area. The horses can not access even half of the "Territory", or migrate within the territory due to terrain and cattle pasture fencing, with cattle guards and closed gates. The Forest Service confirmed in Plan documents that the fencing today is the same fencing that was in place at the time of Territory delineation. Horses have to be able to migrate for forage, water and shelter. They could not possibly have done that in the area delineated as their "territorial habitat limits".

\* Evidence has previously been submitted to the Administrative Record, showing wild horses have been in this area since 1540. Historical records have been submitted to the Administrative Record, showing wild horses continued to use the Sitgreaves as their territorial habitat in the 1800s when the Hashknife Outfit moved in with 30-40,000 head of cattle from Texas. Historical records already submitted to the Administrative Record show the hunting and killing of wild horses from the 1800s and on into the 1930s when Forest Service killed wild horses and also paid a bounty on wild horses killed by others.

\* Evidence previously submitted to the Administrative Record shows numerous captures and removals of wild horses from the Sitgreaves in the 1970s, 1980s and 1990s. Doy Reidhead, the permittee for the Gibson Ranch from 1983 to 1988 described the horses he captured and removed from the Gentry and Buckskin Allotments, under a paid agreement with the Forest Service, as "wild, unbranded" horses that had been on that land since 1967, which was prior to the passage of the Act, and which placed them and their progeny under the protection of the Act.

\* Forest Service authorized the removal of wild horses on numerous occasions in violation of the 1971 Wild Free-

Roaming Horse and Burros Act and in violation of 36 CFR, Chapter II, Part 222, Subpart D [ndash] Management of Wild Free-Roaming Horses and Burros. The Forest Service took no steps whatsoever to ensure they were not authorizing the removal of horses and their progeny that fell under the protection of the Act.

\* Forest Service claims that by the early 1990s, almost all horses had been removed [ndash] unlawfully, I might add. Historical documents previously submitted to the Administrative Record show horses were gathered and removed from the Gentry and Buckskin Allotments. A portion of the Gentry Allotment/pasture is within the area described today as the Heber Wild Horse Territory. I am awaiting response to a FOIA request to learn exactly what area historically encompassed the Gentry, Buckskin and Heber-Mud Tank Allotments and hereby reserve any new information found therein for the Administrative Record. From the Range Management Plan dated 6/1/90, we know that these Allotments combined were made up of 134,795 acres. That would still leave over 715,000 acres within the Sitgreaves with wild horses not counted until the 2014 aerial survey, which showed number of horses seen and where seen.

\* Aerial surveys conducted in 2014, 2015 and 2017, as well as the ground survey conducted in 2019 show that the "territorial habitat limits" of the Heber Wild Horses is the entire Sitgreaves National Forest. The horses free-roam the entire Sitgreaves for forage, water and shelter and should be considered as "an integral part of the natural system of the public lands" within the entire Sitgreaves.

\* Domestic livestock (cattle) in large numbers utilize forage and water throughout the Sitgreaves. Why would our wild horses, protected by law, be limited to a small area nowhere near the size of their actual territorial habitat limits.