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First name: Daryl

Last name: Seymore

Organization: Navajo County District IV

Title: Supervisor

Comments: In collaboration with the Forest Service, Navajo County has been an integral part of the Apache/Sitgreaves National Forests planning efforts for decades. Together with other stakeholders such as the National Resources Working Group, the County successfully contributed to the planning and implementation of numerous landscape scale projects such as the White Mountain Stewardship Project, the 4FRI First Analysis, the 4FRI Rim County Analysis, West Escudilla, Rim Lake, Upper Rocky Arroyo, Black River, etc., and the Apache/Sitgreaves NF Travel Management Plan, among many others. We look forward to duplicating this collaboration with the Heber Wild Territory Management Plan.

Navajo County stands to be directly affected by the impacts of the Heber Wild Horse Territory Management Plan.

Please find here my comments, as Navajo County Supervisor District IV, on the Heber Wild Horse Territory Management Plan Environmental Assessment. These comments are articulated in three main areas of concern.

Clear determination whether horses inside or around the Heber Wild Horse Territory are direct descendants of the designated herd

In my March 16, 2020 scoping comments on the Heber Wild Horse Territory Management Plan Proposed Action[hellip] excerpt of scoping comments in attachment.

In the section Alternatives Considered but Dismissed from Detailed Analysis, sub section Setting Appropriate Management Level to Zero, the Forest Service states: [ldquo]This alternative was not analyzed in detail because there is no conclusive information from which to determine that horses on the Sitgreaves National Forest are not the progeny of wild free-roaming horses that utilized what was established as the Heber Wild Horse Territory after the passage of the Act[rdquo] (Heber Wild Horse Territory Management Plan Environmental Assessment, page 13).

As an elected Navajo County Supervisor for District IV, I am concerned that the above statement in the Heber Wild Horse Territory Management Plan Environmental Assessment (p.13) is in direct contradiction with the 2016 and 2017 ethnographic study of the Heber Wild Horse Territory conducted by the Forest Service and cited in the Heber Wild Horse Territory Management Plan Proposed Action (p.6).

It is my concern that it is likely that the decision to manage what may be feral horses within the Heber Wild Horse Territory as [ldquo]wild[rdquo] and covered under the Wild Free-Roaming Horses and Burros Act of 1971, may be considered an arbitrary decision.

This concern is enhanced by the fact that the Heber Wild Horse Territory is not fenced and that feral horses have been reliably documented to enter the Territory from the Fort Apache Reservation and from illegal releases or abandonment of formerly domestic horses by private parties, making it impossible for the Forest Service to distinguish between possible progeny of wild free-roaming horses and stray horses.

It is my recommendation, as an elected Navajo County Supervisor for District IV, that the Forest Service add to its Management Plan two components.

1. Reconstruction and regular maintenance of the fence separating the Heber Wild Horse Territory from the Fort Apache Reservation, including regular monitoring and reparation for fence damages caused by recreationists.

2. Public education campaign and law enforcement focus on the illegal releases or abandonment of formerly domestic horses by private parties.

Both actions could be undertaken in collaboration between the Forest Service, the ranching community, horse advocate groups, motorized and non-motorized recreationist groups, NGOs, and the County, as well as Federal, State, and Local Government law enforcement agencies.

Some components of the Management Plan are lacking.

While Alternative 2 Proposed Action includes a number of Monitoring Objectives and Management Actions that appear appropriate, I am concerned that the management plan fails to include a critical component and that some components may be ill adapted.

Example:

Exceeding AML is not included in the decision flow chart

Figure 2, the [ldquo]Flowchart that illustrates the process for determining if an excess of wild horses exists on the national forest, based on thresholds[rdquo] (HWHT Mgmt Plan, EA, p23) does not include a threshold identifying a population exceeding Appropriate Management Level, commonly understood by the public as [ldquo]carrying capacity.[rdquo]

Since exceeding AML is likely to be the most immediately visible sign of a horse population which would result in upsetting the natural ecological balance and deteriorating the range, this omission must be corrected.

As an elected Navajo County Supervisor for District IV, I request that the Forest Service add a threshold identifying a horse population exceeding AML in the flowchart that illustrates the process for determining if an excess of wild horses exists on the national forest, based on thresholds.

Definition of horses utilizing the territory

Figure 2, the [ldquo]Flowchart that illustrates the process for determining if an excess of wild horses exists on the national forest, based on thresholds[rdquo] (HWHT Mgmt Plan EA, p.23) includes a decision point [ldquo]Are horses utilizing territory?[rdquo]

Considering the facts mentioned earlier that the Heber Wild Horse Territory is not fenced and that feral horses have been reliably documented to enter the Territory from the Fort Apache Reservation and from illegal releases or abandonment of formerly domestic horses by private parties; and that the horse population is moving freely between the Heber Wild Horse Territory and the rest of the Sitgreaves National Forest, what constitutes in the Management Plan [ldquo]utilizing the territory?[rdquo]

I am concerned that the lack of a clear definition of [ldquo]horses utilizing territory[rdquo] may lead to conflicting interpretation, and likely litigation, of Management Plan. For example, is a band of horses living most of the year outside the Territory but occasionally stepping within the Territory, considered as utilizing the Territory?

As an elected Navajo County Supervisor for District IV, I request that the Forest Service add a clear definition of [ldquo]horses utilizing territory.[rdquo]

Resource damage occurring in sensitive areas for 3 measurement periods

While the Thresholds for Determining Excess Horses [ldquo]Resource damage is occurring in sensitive areas for

3 measurement periods such as but not limited to springs, riparian areas, threatened and endangered species habitat, and horses are identified as a contributing factor (p22) appears sound, under the Management Objective "Maintain soil condition, herbaceous species composition and group cover" the Monitoring Objective indicates "Verify or establish baseline data within 3 years. Determine trend by collecting data every 5 to 10 years" (p.19)

The implication of the above could be that damage to sensitive areas could be on going for 30 years before Management Action is taken. This is likely inappropriate and must be addressed in the Management Plan.

#### Allocation of available forage to wildlife

Under the requirements of the Multiple Use Sustained Yield Act (MUSYA) of 1960, the national forests must be managed, in cooperation with State and Local Governemnts, for multiple use and sustained yield of five equally important natural resource objectives: recreation, range, timber, watershed, and wildlife, with no resource taking precedence over any other: "It is the policy of Congress that the national forests are established and shall be administered for outdoor recreation, range, timber, watershed, and wildlife and fish purposes" (16 USC 528)

While the Management Objective "Maintain Range and Riparian Health" indicates "Limit utilization by all herbivores to the following: 35% on upland vegetation, 30% on herbaceous riparian species, 50% of terminal leaders on riparian woody browse," the Monitoring Objective specifies "Monitor key areas prior to livestock turnout. Monitor total herbivore use within established key areas at the end of the livestock grazing season" (p19). I am concerned that while assumedly including it in "all herbivores" the Management Plan does not specifically allocate forage to wildlife.

As an elected Navajo County Supervisor for District IV, I request that the Forest service specifically allocate available forage to wildlife.

#### Executability of the Management Plan

As stated in the Heber Wild Horse TMP EA:

- "In 2017, the most recent census flight, the estimated population was 270 to 420 horses (see the "Wild Horses" section in the impacts analysis portion of this EA)" p8
- "The annual growth rate for the herd calculated from this census data is from 19 percent to 21 percent (Wild Horse Territory WinEquus Population Modeling Analysis, project record)" p8

These two statements lead to the following simplified modeling (chart in attachment)

Also stated in the HWH TMP EA:

- "Our analysis has identified that 104 horses is the upper limit of horses which results in a thriving natural ecological balance and avoids deterioration of the range" p8

The implication of the above is that by the time a decision notice is signed, expectedly December 2021, the number of horses to be removed in order to comply with the Management Plan upper limit will likely be around 600.

By the time winter 2021/2022 is over and removal action can be undertaken, this number will likely have increased to 750.

At this state (2020) the median estimate of population will be around 860 horses and the annual population growth will be around 170 horses.

In his testimony to the US Senate Energy and Natural Resources Subcommittee on Public Lands, Forest and Mining, Steve Tyron, Deputy Assistance for Resources and Planning, Bureau of Land Management, USDI stated on July 16, 2019:

[ldquo]Up until 2006, adoptions held steady above 5,000 annually; however, after that point, they began to dramatically decline. In 1996 to the early 2000s, for example, the BLM placed nearly 8,700 animals with private adopters; however, by 2006, this number had gone down to 5,100, and down to 2,100 by 2014. Over the past 10 years, the number of excess animals gathered has far outpaced adoptions and sales[rdquo] (<https://www.doi.gov/oc/wild-horses-and-burros-0>).

Considering the challenges experimented with adoption programs deployed as management tools for other wild horse populations in the West, I am concerned that in order to just keep up with population natural growth, 170 horses will need to be rounded and removed, adopted or relocated in 2022, and that, to mimic Steve Tyron[rsquo]s statement, the number of excess animals to be gathered will far outpace adoptions and sales.

Further, considering the exponential characteristic of horses population growth, should the removal of 170 horses not take place in 2022, by 2023 the number that will need to be removed to just mitigate the natural growth of a population of then 1,030 horses, will be over 200, without even addressing the excess of, by then, 900 horses over AML.

Other population management tools are afforded the Forest Service by the Wild Free-Roaming Horses and Burros Act of 1971 that may become necessary for public health emergency in case of zoonotic outbreaks - for example, wild horses testing positive for Coggins Test and carrying Equine Infectious Anemia - or inability to implement an at-scale adoption program.

As an elected Navajo County Supervisor for District IV, I am deeply concerned that the Management Plan is likely to be extremely difficult to implement, and I call on the Forest Service to undertake implementation collaboration with the ranching community, horse advocate groups, motorized and non-motorized recreationist groups, NGOs, the Arizona Game & Fish Department, State and Local Governments, etc.

For the welfare of the Heber Wild Horse Territory horse[rsquo]s population, and the welfare of the communities, human, animal and vegetal among which it is nested, it is imperative that the Management Plan succeed in both reducing the current population to an appropriate management level, and in controlling future population growth. Failing these, unsustainable ecologic and socio-economic damages appear unavoidable.