

Data Submitted (UTC 11): 4/22/2021 11:00:00 AM

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Last name: O'Dowd

Organization: CAES

Title:

Comments: Submission 2, part 4

period can vary. For complex rulemaking, agencies may provide for longer time periods, such as 180 days or more." This is further evidenced in the above-mentioned plan to modify the FSH where the public comment period allotted is 4 months

.[https:// www.federalregister.gov/uploads/2011/01/the_rulemaking_rprocess.pdf](https://www.federalregister.gov/uploads/2011/01/the_rulemaking_rprocess.pdf) Furthermore, this planning process has the potential to severely impact the individual Heber Wild Horses, many other native species, and hence to affect the public which includes ourselves and those thousands we represent. Though there is a large number of issues and pages (see below) and reading materials missing, we would like to provide specific and relevant information on those that are relevant to the South West and to the species involved.

Overall Volume

- Given the sheer volume of additional materials and reports, and references which are mentioned however not provided, as well as the life and death nature of the outcome for these wild horse families, and the public impact, additional time for review is necessary.

It took 26 hours and 45-minute man-hours to search for and file references listed,

and/or document those that could not be found online. This doesn't include time to read any of the reference materials found and filed to be read. For documents found, and those not found but having the number of pages listed we have summed the number of pages to be approximately 7, 271 pages of information that has to be read to make an informed and substantive public comment on this plan. (Not to mention the missing environmental information which should be included for the public.)

Two FIRST TIME Plans Included (after 50 years)

This being the first territory management plan for this herd, in FIFTY YEARS, while wild horses were not protected and were sabotaged and removed. Let us err on the side of protection of these wild horses for once, their lives and their families, during this public participation process, that is for them. There are many significant issues that need to be clear and not rushed through.

- Given the short comment period for 2 proposals, the first Territory Management Plan

(TMP) for this herd, and an Environmental Assessment (EA), the first-ever for this heard after 50 years, the reading load if we included every single day of the 30 day comment period, is approximately 242 pages per day as we have counted the pages of available reference reading.

-This obviously is not possible because there needs to be time to mail this to you because CARA has too many limitations to be able to submit, and it frequently crashes when we try to use it. Additionally, the Easter holiday is included in this 30 day comment period. Of course, this does not include all of the reference materials that are not available to the public online, or online without pay or the environmental information known to the USDA FS Region 3 that is not referenced or included for the public's review but clearly should be.

Volume Missing but specifically referenced by the USDA FS

Further, Legal obligations not met per 36 CFR [sect] 220.4 General requirements.

Incorporation by reference. Material may be incorporated by reference into any environmental or decision document. This material must be reasonably available to the public and its contents briefly described in the environmental or decision document. (40 CFR 1502.21)

Review Time Lost to the Transmittal Process

Again, the CARA office still has these same issues with data limitations. Hence our comment period is again further limited by forcing us to snail mail them and the USDA FS Region 3, not accepting them to be emailed to ANY other email or allowing us to have them hand-delivered this time. We address our concerns over the comment period length further below.

Social Justice - NEPA Information Availability

Additionally, we are requesting that the list of reference materials referred to, however not available online, or, available but only if paid for, be furnished online for the public. (list attached). These documents are part of the decision-making process. They were listed in the references at the end of and throughout the multiple reports attached to the management plan proposal.

The public must be able to make substantive comments and suggest subsequent changes that influence the final decision and for this, they need the information and the time.

SUMMARY

For all these reasons above, we respectfully and in good faith ask that you:

Withdraw this version of Draft EA and Territory Management Plan.

Please include and review our comment which was timely and correctly submitted.

Please include links to all references you include for public accessibility.

Resubmit the updated Draft EA and Territory Management Plans.

Extend the comment period to a minimum of 2 months.

Sincerely,

Citizens Against Equine Slaughter (CAES) PO Box 115

Drain, OR 97435

Patience O'Dowd Founder and Board Member Stacey Sanchez Member

Theresa J. Barbour, Water for Western Wildlife Emergency Needs, consultant for CAES

Wild Horse Observer Association (WHOA) PO Box 932

Placitas, NM 87043

Patience O'Dowd Founder and Board Member Stacy Sanchez Member

Wildlife Protection of New Mexico (WHOA-Voters) PO Box 932

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Patience O'Dowd Founder and Board Member

ATTACHMENT AFFIDAVIT 2 MC Lester Friedlander 2...

Attachment 2 - Response From Anthony Madrid 04/06/2021

Attachment 3 - Screenshot in attachment of documents available to the public

Taken on 04/19/21 from the analysis tab found at the following FS link provided to the public:

<https://www.fs.usda.gov/project/?project=18916&exp=overview>

Attachment 4 - Second Letter from CAES et al to Forest Service Re NEPA Violations

Attachment 5 - April 13 emails back and forth re the links and how to bypass Google Security to access them

Attachment 6 - Both Reference Lists provided to FS in Email attachments

ATTACHMENT 7 - Final References list with annotations in red from FS and final emails between Marshall Moy and myself regarding references.