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Organization: Navajo County District IV
Title:
Comments: Thank you for the opportunity to submit scoping comments on the Heber Wild Horse Territory Management Plan Proposed Action.

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 Natural 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 Country 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 Horse Territory Management Plan Proposed Action.

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

This letter has four purposes:

1.
1. To seek a determination whether horses inside or around the Heber Wild Horse Territory are direct descendants of the designated herd.

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1. To express strong support for the timely, responsible and appropriate management of the Heber Wild Horse Territory, should horses inside or around the Heber Wild Horse Territory be direct descendants of the designated herd.
2. To provide scoping comments on the Heber Wild Horse Territory Management Plan Proposed Action, should horses inside or around the Heber Wild Horse Territory be direct descendants of the designated herd.
3. To request that the Apache / Sitgreaves National Forests immediately undertake the legally required coordination between the Forest Service Heber Wild Horse Territory Management Plan Proposed Action and the Navajo County public land management objectives as expressed in this filing and other Navajo County plans, policies and Board of Supervisors decisions.

Heber Wild Horse Territory
The Heber Wild Horse Territory is about 2.5 to 3 miles wide by about 7 miles long, centered about 5 miles southwest of Heber, Arizona. The north-northeastern portion of the territory is bordered by the community of Heber, with houses, roads, and fences. The west-northwest flank of the territory is bordered by the Highway 260 corridor fence. The territory overlays two livestock allotments (60% of the Black Canyon allotment and 6% of the Heber allotment). Permitted livestock grazing within the Heber Wild Horse Territory includes King Phillip, Sharp Hollow and Stermer pastures within the Black Canyon allotment, and parts of the Gentry and Bunger pastures within the Heber allotment.

The territory was established in 1974 with a first recorded census of seven horses. The number of horses ranged from five to eight until 1993 when the Heber district ranger reported only two mares remaining. Since that time, an influx of horses onto the Heber territory has been on-going from the Fort Apache Indian Reservation that forms the southern boundary of most of the Black Mesa Ranger District, through damage or destruction of the boundary fence, and despite efforts to herd horses back over the reservation boundary or to remove them to

auction.

In 2005, based on concerns that the increased number of free-ranging horses was adversely impacting the recovery of the 2002 Rodeo Chediski Fire burned lands, Apache-Sitgreaves personnel advertised a contract to gather and remove unauthorized livestock accessing the Apache-Sitgreaves National Forests in an area corresponding to the Rodeo-Chediski Fire. Prior to the completion of the contracting process, a lawsuit was filed and the Apache-Sitgreaves was enjoined by the court from proceeding with any gathering of horses.
Historical population precedent
In 2016 and 2017, an ethnographic study of the Heber Wild Horse Territory was conducted by the Forest Service. The study concluded that:

* There is no historical precedent for the population occupying the area prior to the 1960[rsquo]s and that it likely descended from the turned-out Army remount horses or other turned-out horses in the 1930s.
* This original population died off in the late 1960[rsquo]s.

* The current horse population dating from the 1990[rsquo]s appears to be a mixture of horses from the Fort Apache Reservation and other unidentified horses, and [ldquo]none of the horses are from the original designated herd[rdquo] (p. 7).

The conclusions of the 2017 Forest Service study raise a fundamental question regarding the Proposed Action.

If indeed, per the Forest Service study, [ldquo]none of the horses are from the original designated herd[rdquo] (p. 7), and [ldquo]between the 1980s and 1990s, new horses began entering the Forest and Territory from the southern Fort Apache Reservation due to growing issues with the fencing[rdquo] (p. 7), then the Forest Service must make a clear determination whether horses inside or around the Heber Wild Horse Territory are direct descendants of the designated herd.

If they are not, the very basis for the Proposed Action is questionable. If they are, the desired ecological balance is different.

As an elected Navajo County Supervisor for District IV, I request that the Forest service make a clear determination and take subsequent appropriate management action.
Support for the timely, responsible appropriate management of the Heber Wild Horse Territory
Should the Forest Service make a determination that horses inside or around the Heber Wild Horse Territory are direct descendants of the designated herd, the issue of their population continual growth cannot be ignored.
Increasing population
The Apache-Sitgreaves National Forests personnel commissioned flights in 2014, 2015, and 2017 to estimate the horse populations.

Table in Attachment

In the absence of natural predators or external limiting factors, the Heber Wild Horse Territory horse population is growing following the exponential curve model (also known as a [ldquo]hockey stick[rdquo] curve) that occurs in natural populations when there is no limit to population size.

Regardless at which threshold the social consensus establishes the level of excess population, whether it be at 200, 500, or 1,000 etc. horses, it is only a matter of time until the population grows to that level and exceeds the natural carrying capacity of the territory.

As an elected Navajo County Supervisor for District IV, I therefore support the development of a management plan for the Heber Wild Horse Territory population in order to maintain a self-sustaining population of healthy

animals within an ecologically sustainable habitat.
Requirements of the Multiple Use Sustained Yield Act (MUSYA)
Passed in 1960, the Multiple Use Sustained Yield Act (MUSYA) (16 U.S.C. 528 et seq.) requires that the national forests be managed in cooperation with Local Governments 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:

[ldquo]It is the policy of the Congress that the national forests are established and shall be administered for outdoor recreation, range, timber, watershed, and wildlife and fish purposes[rdquo] (16 U.S.C. [sect] 528).

[ldquo]The Secretary of Agriculture is authorized and directed to develop and administer the renewable surface resources of the national forests for multiple use and sustained yield of the several products and services obtained therefrom. In the administration of the national forests due consideration shall be given to the relative values of the various resources in particular areas[rdquo] (16 U.S.C. [sect] 529).

[ldquo]In the effectuation of sections 528 to 531 of this title the Secretary of Agriculture is authorized to cooperate with interested State and Local Governmental agencies and others in the development and management of the national forests[rdquo] (16 U.S.C. [sect] 530).

As an elected Navajo County Supervisor for District IV, I am concerned that the Forest Service is not giving due consideration to the relative values of the various resources in the Heber Wild Horse Territory.

I believe that the timely, responsible and appropriate management of the Heber Wild Horse Territory is needed in order to maintain a self-sustaining population of healthy animals within an ecologically sustainable habitat in the designated territory, in balance with the five equally important natural resource objectives (recreation, range, timber, watershed, wildlife) under the 1960 Multiple Use Sustained Yield Act.

I therefore support the development of a Management Plan for the Heber Wild Horse Territory in order to maintain compliance with the Multiple Use Sustained Yield Act.

Scoping comments on the Heber Wild Horse Territory Management Plan Proposed Action.

Should the Forest Service make a determination that horses inside or around the Heber Wild Horse Territory are direct descendants of the designated herd, as an elected Navajo County Supervisor for District IV, I would like to provide the following comments

The proposed action includes the establishment of:

1. Appropriate management level for wild horses for the Heber Wild Horse Territory.
2. Adaptive management framework.
3. Monitoring plan.
4. Criteria for excess horses determination.
5. Excess horses removal plan.
6. Comprehensive Animal Welfare Standards
7. Resources and facilities improvements.

No actual proposed management action
As identified by the Forest Service: [ldquo]Prior to completion of the (2005 gathering and removal of unauthorized livestock) contracting process, a lawsuit was filed and the Apache-Sitgreaves was enjoined by the court from proceeding with any gathering of horses. The lawsuit was settled by a stipulation agreement that, among other things, prevented any gathering until a wild horse territory management strategy was developed which would be incorporated into the territory management plan[rdquo] (p. 6).

I understand that:

* [ldquo]the proposed action would establish an appropriate management level for wild horses within the Heber Wild Horse Territory based on an in-depth analysis of population inventory, resource monitoring, and other current available data and information[rdquo] (p. 14);
* [ldquo]prior to the implementation of any horse removals, an excess animal removal plan would be developed ... and approved by the forest supervisor[rdquo] (p. 17);
* comprehensive animal welfare standards for [ldquo]trap site and temporary holding facility[rdquo] (p.32), [ldquo]loading and unloading areas[rdquo] (p. 33), [ldquo]capture techniques (p.33-36), [ldquo]wild horse care[rdquo] (p. 36- 37), [ldquo]handling[rdquo] (p. 38), [ldquo]transportation (p. 39), etc. would be used;
* [ldquo]operating procedures for various fertility control treatments on wild horses, population management techniques, monitoring and tracking treatments[rdquo] would be implemented (p. 42);
* [ldquo]structural and nonstructural developments or improvements may be implemented to enhance the land for multiple use (including horse occupancy), to mitigate grazing impacts to natural resources, or both[rdquo] (p. 18);
* [ldquo]short-term and long-term monitoring would continue in and around the Heber Wild Horse Territory[rdquo] (p. 17) and [ldquo]the proposed action is based on adaptive management[rdquo] (p. 15)

In essence, the Proposed Action - Heber Wild Horse Territory Management Plan (Proposed Action) does not propose any specific management action per se, but consists in developing the Management Plan that will allow future excess horses removal to maintain the herd at appropriate management level.

I understand that the 2005 litigation stipulation dictates that until a Management Plan is developed, no actual management action such as gathering, and removal can be implemented.

However, I am concerned that [lsquo]planning the plan,[rsquo] while necessary, does not implement on-the-ground management actions, and that an actual [ldquo]excess animal removal plan[rdquo] is likely years into the future. This is a concern in view of the exponential population growth.

As an elected Navajo County Supervisor for District IV, I request that the Forest service complete expeditiously the Proposed Action and take promptly appropriate management action, and / or include specific appropriate management action in the Management Plan.
Compliance with the Wild Free-Roaming Horses and Burros Act of 1971
The 1971 Wild Free-Roaming Horses and Burros Act (Public Law 92-195) states that [ldquo]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, as an integral part of the natural system of the public lands[rdquo] ([sect]1331).

However, the Act also states that [ldquo]"range" means the amount of land necessary to sustain an existing herd or herds of wild free-roaming horses and burros, which does not exceed their known territorial limits, and which is devoted principally but not necessarily exclusively to their welfare in keeping with the multiple-use management concept for the public lands[rdquo] ([sect]1331 (c) emphasis added).

The Act further states that [ldquo]The Secretary shall manage wild free-roaming horses and burros in a manner that is designed to achieve and maintain a thriving natural ecological balance on the public lands[rdquo] ([sect]1331 (a) emphasis added).

As an elected Navajo County Supervisor for District IV, I request that the Forest service complies with the entirety of the Wild Free-Roaming Horses and Burros Act, in designing a Management Plan that [ldquo]does not exceed (the Heber Wild Horses) known territorial limits;[rdquo] that is not devoted [ldquo]exclusively to their welfare in keeping with the multiple-use management concept for the public lands;[rdquo] and that [ldquo]achieve(s) and

maintain(s) a thriving natural ecological balance on the public lands[rdquo] of the Heber Wild Horse Territory.
Coordination between the Forest Service Heber Wild Horse Territory Management Plan Proposed Action and the Navajo County public land management objectives
Per the requirements contained in the 2012 Planning Rule, Title 36 [mdash] Parks, Forests, And Public Property, Part 219 [mdash] Planning, Subpart A [mdash] National Forest System Land Management Planning, Section 4 - Requirements for public participation, sub section (b) Coordination with other public planning efforts, as an elected Navajo County Supervisor for District IV, I expect that: [ldquo]The responsible official shall coordinate land management planning with the equivalent and related planning efforts of federally recognized Indian Tribes, Alaska Native Corporations, other Federal agencies, and State and local governments[rdquo] (36 CFR 219.4 (b)(1)).

I further expect that: [ldquo]The results of this review shall be displayed in the environmental impact statement (EIS) for the plan[rdquo], and that [ldquo]this review shall include consideration of: (i) The objectives of federally recognized Indian Tribes, Alaska Native Corporations, other Federal agencies, and State and local governments, as expressed in their plans and policies; (ii) The compatibility and interrelated impacts of these plans and policies; (iii) Opportunities for the plan to address the impacts identified or to contribute to joint objectives; and (iv) Opportunities to resolve or reduce conflicts, within the context of developing the plan's desired conditions or objectives[rdquo] (36 CFR 219.4 (b)(2)).

I therefore request that the Apache / Sitgreaves National Forests immediately undertake the legally required coordination between the Forest Service Heber Wild Horse Territory Management Plan Proposed Action and the Navajo County public land management objectives as expressed in this filing and other Navajo County plans, policies and Board of Supervisors decisions, and that per the requirements of 36 CFR 219.4 (b)(2), 40 CFR 1502.16(c) and 40 CFR 1506.2 the results of the consistency review and coordination actions shall be displayed in the Environmental Impact Statement or Environmental Assessment for the Heber Wild Horse Territory Management Plan Proposed Action.
Request for Cooperating Agency status
In order to facilitate coordination and collaboration, as an elected Navajo County Supervisor for District IV, I request that Navajo County be given Cooperating Agency status and be included in the Inter- Disciplinary Team (IDT).