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Organization:
Title:
Comments: 1. While multiple-use is used in The 2015 Apache-Sitgreaves National Forest Plan, including how the wild horses will be managed (pending this management plan), FLPMA being the regulatory guideline for those decisions, FS has ignored the fact that FLPMA also states that nothing in the act will be in derogation of prior implemented land-use policies, which the 1971 WH&B Act was.

2. Under the color of law, under the law in the WFRHBA mandated that wild horses get principle use of areas they were found in 1971. Therefore, some livestock decreases may be necessary to achieve that goal. However, that is outside the scope of this wild horse management plan. However, in order to achieve other mandates like preserving a self-sustaining herd as an integral part of the lands, the outdated Forest Plan should be revised to reflect a plan for the horses that includes an AML that is viable for a self-sustaining herd (150 - 200 horses should be the Low-end AML for that).

3. There has never been an EIS for a herd management plan and that must be done for a plan implemented on land considered "Special Areas". Areas in the National Forest System designated for their unique or special characteristics.

4. The court ruled that FS would sit down and develop this wild horse management plan with a party of the lawsuit, the FS had one member that was related to that lawsuit and they kicked her off when she attempted to submit comments to the final recommendations that were to be submitted to the FS, thereby violating that court order. The working group and all recommendations need to be dismissed from the HMAP and all future plans or proposed actions for that reason.

5. The working group did not meet in public, would not allow members of the public to attend or call in on phone meetings, violating open meetings laws they were required to follow. For that reason, the working group and all recommendations should be dismissed from this HMAP and all future documents and proposed plans/actions. Additionally, the meeting group did not keep recordings or meeting minutes, which is also against the laws for working groups on this type of project with the members in attendance.

6. The Forest Service and several members of the local community acknowledge the horses have always roamed between the "territory" and the Reservation, the courts ruled the horses are one-in-the-same, yet the Forest Service neglected to include the migratory land between the "territory" and the reservation in the territory historically used in 1971 and prior years in the lines drawn for the Heber Wild Horse Territory. This directly contradicts the mandate of the 1971 law to establish areas "where horses currently are." Forest Service even shows on the map where horses were seen during the census, and most of the horses are in fact in this left out, historical, migratory land. Therefore Forest Service must expand the territory to include those lands used since before 1971.

7. Based on the following statement, Forest Service has no definitive information on the history of the horses in the area, and the census was not done for the entire area we contend was the historical use of the forest by the herd. "The "ethnographic" study was not meant to be exhaustive or definitive, rather to provide the deciding official with various perspectives of the history of the horses".

8. Forest Service claims there are 500 horses in the Apache-Sitgreaves, on and off the territory. Citizens Against Equine Slaughter has had several volunteers on the ground in the territory, documenting and reporting on the horses, individuals bands, births, and deaths. These people have been documenting the herd for decades and their count is closer to 240 horses, how do you account for such a drastic difference in your number, when

compared to people who are out there every day and can provide photographic proof of the horses?

9. You claim there were 2 periods of occupation 1930 - 1990 stating, according to interviews of non-scientific, non-trained, differing memories of persons who were not employed to do the census, that there were "around 7 horses" This doesn't qualify as a census. We don't know what area they are referring to or how they did a count, this cannot be used to base any decision on. You also state that they were likely Army Mounts that were turned out, again this statement is made with no scientific evidence and cannot be used to make any management decisions.

10. You claim a second population dating from 1990 forward "appears to be a mixture of horses from the Fort Apache Reservation and other unidentified
horses with no substantiated link with the originally designated herd." Again, you have provided NO evidence of this statement. And in fact, the courts differed with this point of view ruling they were indistinguishable. Therefore your opinion has no bearing on the management decisions to be made either.
And all this conjecture you stated from a non-scientific study, which reached the following conclusion: "it is the recommendation of the author that the Forest and interested parties determine future direction and management of the Territory based on the current condition and population of horses from the ethnographic study (USDA Forest Service 2017) Therefore none of this should even be included in this HMAP.

11. We believe the current population is approximately 200 horses, and given all the recent horse deaths via shooting and predation of foals, there is no need at this time to remove any further horses from the territory. Given the last census information, you provided was from 2017, this issue (deaths) has not been addressed as to the effect it had on the population.

12. Fences on the existing territory have been an issue. Livestock fencing created a situation where the horses cannot reside easily, nor roam-freely, thus changing their free-roaming behaviors, and that must be addressed. Livestock permittees must follow grazing regulations, and must not impede the movement of the horses, including movement to different water sources on the territory during drought.

13. Forest Service has additionally not addressed the issue of repeated complaints of horses being chased, stolen, shot, enticed through feed, salt or water to be in or near roads. Until Forest Service can manage these basic tenets of wild horse management we feel that this plan is not a plan to protect, rather a plan to further harm or kill the horses in the herd. How will Forest Service ensure in this HMAP or, what we recommend is more appropriate, an EIS, that these horses are going to be managed for the protection of the herd, not for the benefit of the livestock producers in the area?

14. The law requires public lands to be managed for multiple-use, the wild free-roaming horses and burros act requires their designated areas to be managed principally for horses, principally is not happening here. In fact, when you compare the number of livestock to the herd AML you are proposing, or even the 150 - 200 we are proposing, livestock is getting the principle use. The horses are not even getting an equal footing which has been ruled a must by the courts.
Your census charts show that there were between 270 to 420 horses in 2017. How do you explain such a large range? We believe there were 270, and after the shootings of over 30 horses after that and before this year, 15 additional shootings, along with foals that were in utero, and stolen horses from the forest there cannot be 500 horses. Where is the census data for this 500 claim that you estimate are there now.

15. We adamantly oppose the use of GonaCon for immunocontraceptive. GonaCon is hormonal and therefore changes mare behavior and band dynamics. This is in opposition to the mandates of the free-roaming horses and burros act.
We are happy to see PZP considered as a tool if the population is ever truly over what the range can support. NOT the AML you have suggested in the HMAP. We recommend however that you change the "cons" section

which reflects an outdated IM from the BLM.

16. Sterilization of stallions should not be an option as it has been proven it does not work if the goal is population reduction. It only takes one stallion!
Sterilization of mares should also not be listed as a tool. It is highly unaccepted by the public, it has been litigated every time it has been in a management plan for wild horses, it is still considered experimental on wild animals and as such must be done following AWA regulations for experimenting on wildlife. Those regulations require surgical procedures to be done in an aseptic environment which can never be done in the field or in holding facilities or corrals.

17. We are additionally happy to see that the use of helicopter gathers is not included in your "toolbox" for the management of this herd. We hope it does not get added, not only for the horses but for other animals that live in the area, a few species of which are critical or endangered and require other levels of federal protections.

Sincerely,
Jacqueline Schmidt and Margaret Schmidt