

Data Submitted (UTC 11): 3/9/2020 9:12:40 PM

First name: lorna

Last name: moffat

Organization:

Title:

Comments: Heber wild horse territory.

Comments on the Apache-Sitgreaves Forest Service Scoping Document pertaining to the development of a Territory Plan for Heber wild horses

1. There should be no defining boundary fence for the Heber Territory.

2. Horses can continue to ingress and egress from the boundaries of the Heber Territory onto adjacent US Forest Service lands on the Black Mesa Ranger District (BMRD).

3. Horses were on the BMRD prior to 1971 and should be able to continue to use this area.

4. The FS cannot remove any wild horses until they are proven "excess" by the law.

Managing by setting a number of 104 wild horses is illegal and not in compliance with the definition of "excess."

FS cannot set arbitrary numbers of horses in the territory.

5. We do not support giving birth control (PZP) but request the law is followed by supporting the phrase in the law, management should be "minimal feasible management." PZP is an endocrine disrupter and causes permanent sterility within four years and not seven as stated by the drug producers. It is intrusive management which is not in compliance with the law.

This was proven by Karen Sussmans herd and her report on its long term effects.

Wild horses have a "right" to their territory whereas livestock have only a "privilege."

In 2005, ISPMB initiated a civil action against the Forest Service (FS) alleging violations of the Wild Free-Roaming Horses and Burros Act of 1971, the National Environmental Protection Act (NEPA), and the Administrative Procedures Act (APA) to prevent the FS from rounding up and removing horses.

Part of the stipulation agreed upon in 2007 between ISPMB and the FS was the Heber Wild Horse Territory will continue to exist. Hence a Territory plan to manage the wild horses is a requirement by law.

?

The plan was finally released 13 years later on February 14, 2020. The plan calls for 50 to 104 wild horses in the Territory of which there are now approximately 250 animals. ISPMB is so pleased to have our attorneys working on the plan with us under the lead attorney, Anthony Merrill of Snell and Wilmer Law Firm in Phoenix.

The continued blatant disregard that BLM and the US Forest Service demonstrates towards our wild horses and burros is a blight to Americans and all we stand for.

Wild horses should be everywhere in the legal herd areas and given 'devoted principal presence as the law intends under the WFRHBA Act 1971 Sec. C Rangeland.

Also please consider that wild horses and burros now play an even greater role in wild fire reduction.

I point you to Capt. Bill Simsons video on how 200 wild rescued horses saved his 500 acre ranch in Yreka by keeping the brush down. 'Natural Wildfire Abatement And Forest Protection Plan' (aka: 'Wild Horse Fire Brigade')  
<https://vimeo.com/327282987>

The Cause of Catastrophic Wildfire:

The hard science proves that: When the herbivory on any landscape is depleted, catastrophic wildfire evolves. Restoring the native species herbivory corrects this problem.

<https://advances.sciencemag.org/content/1/4/e1400103>

Excerpt: Section on 'FIRE' (Note the mention of fire in Australia)

Fire

"By altering the quantity and distribution of fuel supplies, large herbivores can shape the frequency, intensity, and

spatial distribution of fires across a landscape. There are even unique interactions among large herbivore populations that can influence fire regimes. For example, facilitation interactions between white rhinoceros and herbivores result in reduced fuel loads and fuel continuity, and consequently fewer large, intense fires (71). Other factors can influence the frequency and intensity of fires, particularly in locations where the total area burned is strongly related to ungulate population size. For example, Serengeti wildebeest (*Connochaetes taurinus*) populations irrupted after the rinderpest virus was eradicated in the 1960s, and the subsequent increase in grazing pressure led to a widespread reduction in the extent of fires and delayed recovery of tree populations (72). The removal of plant biomass by browsing also reduces fire fuel loads and decreases fire susceptibility. Thus, there is scant evidence of fire in much of Australia until the megafauna disappeared after humans arrived (5)."

Complicating the severe decline of deer in the western states of CA, OR, WA, Idaho, NV and AZ, the mismanagement of native species American wild horses in these same western states by the BLM and to a lesser degree, the USFS, leading to a significant depletion of native wild horses has led to the evolution of catastrophic (abnormal) wildfire in both frequency and intensity.

Rewilding these critical American herbivores (wild horses) in areas (wilderness and semi-wilderness areas) that are ecologically and economically appropriate can have a positive effect on the mitigation, reduction and ongoing maintenance of the fuels that are the core of this problem in California.

There is money already set aside for re-wilding wild horses into the 3 test areas ('Wilderness Areas') proposed in the Wild Horse Fire Brigade Plan ([www.WHFB.us](http://www.WHFB.us)) under the Pittman-Roberson Act [1].

[1] <https://www.animallaw.info/.../us-funding-state-pittman-rober...>

And given that the 9th Circuit Court has already opined (regardless what some BLM people think or say) that wild horses are 'wildlife' and a 'native species' [2]... the funding under the Pittman-Roberson Act is appropriate...

[2] The U.S. Ninth Circuit Court of Appeals in California recognized wild horses as native species, explaining that BLM "establishes Appropriate Management Levels ("AMLs") for populations of native species - including wild horses, burros, and other wildlife - and introduced animals, such as livestock." In *Defense of Animals, et al. v. U.S. Dept. Interior, et al.*, No. 12-17804, \*6 (9th Cir. May 12, 2014). On Sep 28, 2011 (See *Craters AR* at 16698. Memorandum Decision & Order) the court addressed "sensitive" species pursuant to BLM's 2001 Special Status Species Policy. This Policy requires that "sensitive" species be afforded, at a minimum, the same protections as candidate species for listing under the ESA. It called on BLM managers to "obtain and use the best available information deemed necessary to evaluate the status of special status species in areas affected by land use plans ..." See Policy at § 6840.22A. Under the Policy, those land use plans "shall be sufficiently detailed to identify and resolve significant land use conflicts with special status species without deferring conflict resolution to implementation-level planning."

To contact Bill Simpson: cell: 858. 212-5762

Our wild horses and burros are quickly becoming an endangered species due to your management policies.

It's time you were loyal to America and what is just and good and beautiful for the future of your children.

Sincerely,

Lorna Moffat