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Comments: Wild Free-Roaming Horses and Burros Act of 1971 - Require the FS to take a good hard look at all the internal cattle pasture fences and how the fences affect the ability of the horses to migrate for forage and water and to intermingle with each other. The internal fences give principle use to livestock when wild horses are to have principle use. Enlarging some gates and leaving them open at certain times does not allow for the free roaming of wild horses. The drought of 2018 is a perfect example of what can go wrong due to the fences having prevented bands of wild horses from accessing water.

The FS states "Unmanaged horses increase in population rapidly". Require the census numbers from 2005 to the present day that substantiates their claim that the Heber herd population has grown rapidly. Require factual herd population numbers and proof as in photos and other documentation since 2005 to the present day.

Require the Forest Service to provide scientific data that shows there is an overpopulation of horses in the Heber herd. They have provided no scientific data only an arbitrary and capricious appropriate management level (AML) of 50-104 horses. Keep in mind that if they put forth this plan they will aim to cull way below their upper limit of 104 horses. Even 104 horses is well below genetic viability of a wild horse herd. Make no mistake, this is a plan for the extinction of the Heber herd.

Require hard data that shows water and forage consumption of every grazing species in the forest both domestic and wild. Considering usage of only one species does not provide the scientific data to determine an appropriate population of any species in that area.

Require all info and data on grazing allotments and grazing periods for each and number of livestock cow/calf pairs, if they are imported from other states and if so, what states, for that period and a map of the allotments including name(s) or company names of allotment holders.

The WFHBA states: "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." Dozens of horses have been fatally shot in the last couple of years. Require a plan for their protection that would include signage stating the Heber wild horse herd is federally protected and that penalties for capturing, branding, harassment, or death can result in fines up to $100,000 and a year in prison for each offense. A plan that would call for the Forest Service law enforcement to respond in a timely manner to reported deaths and other violations against the wild horses and conduct their investigations in a complete and thorough manner which would include calling in other agencies who can offer more experience in investigating criminal acts if necessary. A plan to educate the forest rangers and other personnel about wild horses and the Heber wild horse herd. A plan that would instruct Forest Service personnel to not undermine the value of the herd and federal law by saying things such as, "go ahead and take whatever horses you want" which is in direct violation of the Act and Federal Court Order.

Require data that supports the decision to have designated only that particular area of the forest as the Heber Wild Horse Territory. Wild horse and burro Territories and HMAs were to be designated according to where there were wild horses and burros in 1971. A Territory was not to be drawn and then a population count conducted afterwards for only that area. Historical accounts show wild horses had been roaming through the forest well before cattle allotment and pasture fences had been installed in the 1930s, which at that point cut wild horses off from completely free roaming. Where is any data that shows the only area where there were wild horses in the Sitgreaves was in what they designated as the HWHT in 1973-74? The USFS maintains that there were? ?only seven? ?wild free-roaming horses on the Territory when the Act was set forth and no horses

between? ?1992? ?and? ?2004. However in federal court they were unable to substantiate those numbers and those numbers were deemed moot.

Require the Forest Service to take a good hard look at who they will appoint to be the decision maker should they go forth with their plan to cull the Heber herd. Culling a wild horse herd requires a wealth of knowledge of the entire herd. Bringing in a "wild horse liaison" for a four month period did not make her an expert by any means. If a cull takes place, wild horse bands will be destroyed. Wild horses are not livestock like cattle and sheep. Wild horses have complex family structures that only nature truly understands. In the wild nature determines the genes that will continue to make a herd strong through survival of the fittest. Require the FS to state how they will scientifically determine which horses stay and which will be removed. If birth control is used, require the FS to state how they will scientifically determine which mares will be given birth control and what method will be used to determine the schedule. Any roundup of wild horses is very disruptive to the entire herd and will have negative effects.

Environmental Assessment
An environmental assessment (EA) is done to determine whether or not an action is a "major federal action significantly affecting the quality of the human environment." The Council on Environmental Quality (CEQ) regulations do not say much about the content of an EA, but they do contain a substantial definition of what it means to have a "significant" impact. This can be used to structure the EA analysis.

The EA leads either to the decision to do an EIS or to a Finding of No Significant Impact (FONSI). The FONSI is published for public review and comment. Some courts have found that it is okay for a FONSI to include an agency's committment to mitigation measures that will, if implemented, bring the impacts of the project down below a significant level. Such FONSIs are referred to as "mitigated FONSIs."

What should go into an EA?

The regulations are very unspecific about the required content of an EA, but they do say that the EA must explain the need for the proposed project, the alternatives considered, and the environmental impacts of each alternative. It must also identify agencies and persons consulted in preparing the EA.

https://www.npi.org/environmental-assessment

From the US Forest Service:

"The draft proposed action for the Heber Wild Horse Territory Management Plan has been released. Comment period is Feb 14 - Mar 16, 2020.

Unmanaged horses increase in population rapidly, inhibiting the land's ability to sustain the horses and wildlife that depend on the land to thrive. The ASNFs developed a draft proposed action that fosters an ecosystem that supports desirable grass species, increases favorable soil and watershed conditions and reduces herbivore grazing effect on water quality while increasing available forage to support a diverse mosaic of habitats.