

Data Submitted (UTC 11): 5/18/2020 5:22:40 AM

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Comments: May 18, 2020

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Subject: Comments on EA for Ochoco Wild Horse Herd Management Plan in the Big Summit Wild Horse Territory (BSWHT)

I am submitting my comments in objection to the US Forest Services (FS's) draft Environmental Assessment for the Ochoco Wild Horse Management Plan in the Big Summit Wild Horse Territory (BSWHT). It is unfathomable that we the public have to even respond to this misguided, inhumane and unwarranted approach proposed by the FS. The alternatives in this EA are really a Morton's Fork: a choice between three equally unpleasant alternatives that lead to the same unpleasant conclusion. Choosing Alternate 3 would require an Environmental Impact Statement (EIS) before being put forth. Who would have imagined that the FS would become such a bottom rung agency? The actions noted in this EA may have your agency surpass the BLM with your unapologetic sell out to ranching, timber and extractive industries on the tax payer's dollars. You continue your assault on the wild horses (WHs) using the same repurposed unsuccessful approaches that lacked scientific efficacy, sound humane principles, or regard to the will of the public.

This EA reflects the flagrant mismanagement by the FS of our public lands and our wild horses (WHs). It shows your inability to see the big picture, our wild equines place in the environment and the degradation you have inflicted on our public lands by embracing livestock, timber and extractive industries over WHs, who are native to these lands. It also reflects a simplistic and dangerous dereliction of your duties which are to protect and manage the wild equids who have predominant rights to the public lands. Repeatedly, you choose to embrace practices that in effect sell off our public lands to the highest bidders. Ultimately, this EA is testament to your failed policies and a total disregard of the use of contemporary internationally practiced reversible fertility control and sound range management.

This EA is also predicated on the attempts by those in Congress who are working to diminish the Wild Free-Roaming Horses and Burros Act through the FY' 20 DOI and Dept. of Ag Appropriations Bills and the BLM Report to Congress on the WH&B Program submitted last week, almost a year late.

Throughout this EA, the FS clearly seeks to implement its legislative authority to the lowest denominator and "manage groups of wild horses as non-reproducing or single sex herds, including through the use of chemical or surgical sterilization." Under what authority does the FS put this forward? It appears FS wants to use a very narrow scope of options, except those that support a permanent means to end reproductivity of our wild horses. Ultimately this plan:

?has not identified a budget for how resources will be spent in this plan any alternative,

?fails to provide essential information for the public to critically assess its proposed course of action; and,

?has not enacted an Environmental Impact Statement (EIS), to date.

?is substandard and a violation of the National Environmental Policy Act (NEPA)

FS is using spurious arguments to support an extreme method of population control to reduce Wild Horse

numbers to AML when there is no science-based evidence to support AML figures, and impacts to rangeland health by other ungulates, such as cattle and sheep, have not been studied. The 2017 GAO report, Animal Welfare: Information on the U.S. Horse Population identified the need for "research that evaluates and separates cattle and wildlife impacts from wild horse impacts has not been conducted, and studies on horse grazing effects are needed".

There are enormous costs for use of a toolkit which includes a sterilization procedure when there are proven methods for fertility control that FS refuses to employ. Research over a seven-year span has proven that the use of an initial PZP-22 treatment followed 3 years later by a standard PZP booster yields five to six years of contraception ("Contraceptive Efficiency of Priming and Boosting Doses of Controlled-Release PZP in Wild Horse," Rutberg et al, Wildlife Research, 2017).

In the 2013 National Academy of Sciences (NAS) report it states that ovariectomies are "inadvisable for field application" due to the probability of "prolonged bleeding or peritoneal infection." Any population control proposal must consider the following factors: pain relief, antibiotics to treat infections, the long-term health and behavioral effects of removing organs, the ability to provide individual care and attention, the safe handling and transport of large wild animals and impacts on the public.

The National Research Council (NRC) noted a way forward which suggests ways to engage the public using a four-part participatory process design: inclusiveness of participation, collaborative problem formulation and process design, transparency of the process, and good-faith communication. The following are some of their key findings: management of free-ranging horses and burros is not based on rigorous population-monitoring procedures, management practices are facilitating high horse population growth rates (compensatory reproduction rates), and the most promising fertility-control methods for application to free ranging horses or burros are porcine zona pellucida (PZP) vaccines, GonaCon™ vaccine, and chemical vasectomy.

Below are more specific concerns with this EA:

- The proposed AML of 12-57 will put these wild horses at an almost immediate extinction level. To meet the requirement for a genetically viable herd, the standard recommended by leading equine geneticist Gus Cothran, the target population level should at the very minimum be 150 horses (Cothran, 2009). In BSWHT there are extreme weather events which have resulted in large numbers of wild horse deaths due to extreme snow depths. Climate change will exacerbate further unforeseen threats, such as disease from mosquitoes, ticks, as well as opportunistic animals that will compete for food sources. Add to this the fact that the FS will relegate these wild horses to a reduced area with the most limited resources and you have the plan for extermination under the guise of science-based planning.

- In this FS EA experiment, there is grave concern it could be used to set forth a precedent or represent a decision in principle that may be applied later in FS and BLM management of wild horse populations. This would affect management of federally protected horses across the West.

- Ultimately this EA highlights the need for an EIS, It is clear that FS has not analyzed all reasonable alternatives pursuant to NEPA. Using real science-based studies may show problems caused by horses in riparian areas. Should that be the case, just like with cattle and sheep, fences can be constructed rather than reducing the wild horses to extinction. Contrary to the FS concept of Minimal Feasible Level Management, doing so would meet definitions indicated in Conference language and from case law.

- The NAS report noted Density Independence, wherein they cited the Granite Mountain winter disaster that caused the death of over 300 horses. It's not the number of horses, it's the weather impacts. If there is 4' of snow it is obvious animals will starve. A herd of 130 should be able to be resilient and weather a storm and come out viable despite the death rate; however, a herd of 12-57 will likely vanish.

-The FS's response that these equines are merely part of the metapopulation of all wild horses is without science. To cite the 2013 NAS report out of context is a flagrant dodge of FS. The report states that certain geographically-close HMAs could be managed as a metapopulation IF they are genetically and phenotypically similar. However, Big Summit is without genetic similarity, and the failure of the 2010 efforts to introduce South Steens mares resulted in the disappearance of one mare, and the other taking charge of what is now a satellite 'herd' residing well outside the Territory.

- FS calculated the horses' winter range through a fabricated formula using riparian vegetation, slope, timber canopy, and projected use by other species. This utilization is a critical premise of the EA. The FS already reduced the horses' winter range to 4900 acres, and used this reduced area to calculate available forage. Using this estimate they calculated consumption estimates for the horses and included mule deer and elk, and then reduced it to 30% utilization according to the mandates within the Ochoco Forest Plan. Again where is the science when only 215 acres of Riparian zone fall within the assigned winter range? The low AML of '12' comes from the worst case scenario of deer and elk remaining in the area during heavy snowfall. Again, with a 30% utilization limit it is highly suspect that the horses' presence caused documented overgrazing.

- Resource analyses in this EA suggests that with the exception of certain streams which were damaged by more than a century of livestock grazing and logging, the environment is virtually unaffected by the presence of wild horses. Still the FS continues its mantra... 'the more horses, the more damage'. Yet the facts remain that there is an absence of evidence that permeates this EA, and an abundance of supposition used to support the desired end, to expunge our wild horses from the lands designated by the '71 WH&B Act for them to traverse upon.

-A basic premise of this environmental review is that "horses prefer riparian areas." To mistake livestock for horses is a rather large flaw. Horses drink water and splash around then move on. They normally do not, as frequently do cattle, treat springs, ponds or rivers as their spas. It's too risky for them. They are prey animals.

A May 2020 notice of intent to sue in the US District Court in Tucson states that the US Forest Service and US Fish and Wildlife Service are violating the Endangered Species Act by allowing cows to trample rivers and streams on more than 30 grazing allotments in the Verde River watershed on Arizona's Apache-Sitgreaves National Forest and the Gila National Forest in New Mexico. "They never inspect. We inspect," said a spokesperson for the Center for Biological Diversity. "We pay their salaries. We do their jobs for them, and we subsidize the cowboys that are destroying our public lands without supervision." In more than one instance, the GAO has reported on the extent and cost of unauthorized, unmonitored livestock trespassing on federal lands. This latest example supports the need for an environmental analysis of the BSWHT that details unauthorized grazing and damage to riparian areas from livestock overgrazing, whether historical or current.

By rejecting public calls to analyze the impacts from commercial/recreational activities, the EA demonstrates its misreading and persecution of the Ochoco horses - and a disregard for the central purpose of the 1971 Wild Horse Act, which is to prevent the disappearance of these magnificent animals from the West. Before changing its management plan or even considering an alternative, the EA must analyze the Ochoco National Forest including soil data, all wild species, all domestic livestock. It is unacceptable that the EA omits any consideration of past livestock use or of sheep as an agent affecting the health of the land, riparian areas and wildlife habitat, including federally designated wild horse habitat.

- It gives the public the impression that sterilization is preferred form of population control. This insults the public's intelligence as wild horses have had their legally designated lands reduced by half while the ratio of cattle to WH&B's on public lands is more than 50 to 1. And, the former totally negates the fact that for over 2 decades there have been highly vetted reversible fertility-control drugs used successfully both internationally and in the U.S.. FS has not budgeted for fertility control and has created a mismanagement crisis.

-Ovariectomy via Colpotomy being performed on wild mares that are stressed and have had little to no human handling will have substantial impacts to their health and safety. Add to this the compounding factor of the effect

of standard sedation measures and it is tantamount to applying sedation using guestimates. Then factor in a surgery that is being performed not in a hospital setting but in an untested "sterile-like environment". Horses put into outdoor facilities for a short period of time will have much greater risk for infection, with even more emotional trauma for mares. This is a potential death sentence to otherwise healthy animals.

-The EA proposes to release the few mares, not put up for adoption. This certainly negates any research looking at band/family behavior, and no studies are being proposed.

- This EA does not address the threats to other wildlife populations. There are potential impacts from the drugs given to these mares, such as flunixin meglumine, and others. Such toxins will be released into the environment should the mares die soon after being returned to the wild or over time. The affected environment is the Ochoco Wild Horse Management Plan in the Big Summit Wild Horse Territory (BSWHT), its flora and fauna. The water resources where predators and scavengers as well as avian species live and migrate, will be affected. Also, there are potential effects to the human community who may be impacted by residual environmental impacts and their pets who may consume parts of the affected animals. April 2018, the USDA filed against a U.S. dog food company after 5 dogs died in the states from ingesting toxic dog food. The dog food contained horsemeat with high concentrations of pentobarbital and other toxic medications.

<https://www.americanveterinarian.com/news/fda-concludes-evangers-investigation-company-sues-meat-supplier>  
Add to these unknown impacts to the other treated mares that will not be released but offered for adoption. These mares who could easily end up in the slaughter pipeline to Mexico and Canada given the FS's sale authority policy.

-The EA continues to promulgate in accuracies such as wild horses "multiply 20 percent annually." Cite your data! It certainly flies in the face of periodic census conducted for the USFS by volunteer partners which reflects the Ochoco horse population has remained fairly stable at 130 animals. The herd has in effect been regulating at a self-sustaining level, except in cases that have been reported where wild horses have been found shot to death and little was done by FS to determine the extent of the impacts on the herds.

For the reasons noted in my response, this EA fails to properly analyze the potential environmental impacts of the various planned approaches, i.e., ovariectomy by colpotomy procedure, skewed sex ratios and non-reproducing herds, wildfire mitigation, etc. FS has violated NEPA in that it has only considered limited alternatives in the EA and has not completed an EIS in advance.

In closing, the FS EA for Ochoco Wild Horse Herd Management Plan in the Big Summit Wild Horse Territory (BSWHT) will radically reduce the viability of these wild horses. This EA has already caused me emotional trauma just thinking about the impacts these planned alternatives will have on these herds. I have visited this BSWHT over the years, and even went to Burns to adopt one of the yearlings 4 years ago but the colt I wanted was adopted during an event. I am familiar with the family bands and have photographed these horses over the years...they are part of my non-human family.

Humane alternatives have always been available. I urge the FS to use tried and tested methods of population control, the PZP immunocontraceptive vaccine, when needed. I also recommend AMLs be set using scientific methodology to ensure genetically sustainable herds, reductions in livestock grazing allotments to achieve fair forage distribution, ending the extermination of predators, and continuing cooperative public/ private agreements with the current volunteer organizations that have assisted in citizen science, herd inventories, monitoring and sound Environmental Impact Assessment Planning efforts.

As an individual with standing, I ask to be kept informed on the outcome of this EA and your decision-making. Please do the right thing for these wild horses, your community, the greater public and future generations.  
Respectfully submitted,

Elise Lowe-Vaughn