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Comments: May 13, 2024
Mr. Chris Christofferson
Forest Supervisor
Modoc National Forest
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RE: Devil's Garden Plateau WHT - Middle Section

This comment is submitted as a part of the NEPA comment process for citizen input to the USFS regarding managing our wild horse herds in National Forest lands, per the Wild Free-Roaming Horses and Burros Act ("Wild Horse Act"), 16 U.S.C. §§ 1331-1340, in regards to the Draft Environmental Assessment for the Devil's Garden Plateau Wild Horse Territory Management Plan review,

Plan Options:
Of the four options presented, Option 4 is the preferential plan, and the option which both preserves the Middle Territory as part of the WHT and allows for migration of the Devil's Garden horses, as they have been migrating here for a number of years. This option unites rather than fragments the habitat area rather than only providing a very narrow connecting area as in the other options.)
This is in accordance with the 2017 court ruling restoring the Middle Territory section as part of the horse habitat , per Am. Wild Horse Pres. Campaign v. Perdue, 873 F.3d 914, 923 (D.C. Cir. 2017).
The court ruled that the WHT management plan must be consistent with the Forest Management Plan, and this option appears to most closely fulfill that directive.
This plan also provides for a higher AML, recognizing that the larger WHT area provides greater resources (forage and water) for the horses than previously recognized.

There is a recognized discrepancy in the AML calculations for the Devil's Garden WHT Plan, as the 2013 AML levels used questionable methodology. The Modoc USFS needs to conduct a new analysis, setting new AML based on actual resources and capacity including the restored middle section, and considering the horses here as the principal users. AMLs shall not be set according to the needs of livestock grazing, which is not a primary use of federally designated wild horse habitat areas. This is clearly stated in the Wild Free-Roaming Horses and Burros Act ("Wild Horse Act"), 16 U.S.C. §§ 1331-1340.

The Plan document makes repeated statements about wild horse impacts on foliage, land, water sources, yet does not provide specific evidence of what exactly those damages are, or documentation that the impacts are caused by horses, and apparently not in a degree to warrant serious concern. Please provide data and evidence from an independent scientific source if this supposed damage is to be considered in the rationale for continued removal of horses.

Welfare of the horses during and after the large round ups in the rough terrain of Modoc Forest is an ongoing concern, and CAWP is only mentioned vaguely in the plan document. Helicopter round ups in this setting are dangerous and costly. CAWP standards are mentioned as being set with the contractors, which is unacceptable. These should be set and monitored by independent parties.

Fertility Control: the only acceptable option is safe, reversible PZP, and an independent analysis must be made to determine actual need, and based on a scientifically determined AML, as mentioned previously. The other

methods proposed are not proven safe, are likely sterilants, and are not acceptable or humane.

Once again, Option #4 is the best and the acceptable option for the Modoc Forest herd.
This is a heritage herd that the USFS is charged with protecting, to preserve our heritage cultural resource as part of the forest ecosystem and the thriving natural ecological balance we all are so very concerned with.

Thank you for your consideration of these comments, and for your service.

Sincerely,
Penny Margaret Jackson
Tallahassee, Florida