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Organization:

Title:

Comments: For the Administrative Record, I am hereby submitting the attached comment re: Why the Heber Wild Horses are not using their designated Territory. Mystery solved! Note: I tried multiple times to upload my comment as one document; however, the CARA system kept erroring out, even though my document size was well within the total file upload size limit. I have now separated the one document into 3 separate documents in hopes that they will now upload.

No, reCAPTCHA is still erroring out.

Note: I will now try submitting my one comment as 3 separate comments to see if the CARA system will allow the files to upload as 3 separate comments. This whole system appears to be designed to discourage public comments.

Comment re Lack of Wild Horse Use of the Territory:

Statement #1: On page 32 of the AML document it states, "The fences in the area (see figure 14) are grazing allotment fences that were in place when the territory was delineated and remain in place today." In short, the fencing documented and photographed herein and submitted to the Administrative Record for the Heber Wild Horse Territory Draft Management Plan, would accurately reflect the fencing as it has existed for at least the last 47 years, since the territory was first delineated in January 1974.

Statement #2: It is well established through numerous historical documents, records and newspaper accounts that the Forest Service and ranchers have worked together in unison for generations towards their combined goal of ridding the range of wild horses.

Statement #3: Through Doy Reidhead's "Oral History", recorded on April 3, 2006, we know that during the time Doy Reidhead held the Gibson Ranch permit (1983-1988), the Forest Ranger and Doy Reidhead worked together to trap and remove 187 unbranded, wild horses that, per Doy Reidhead, had been on the National Forest lands since (at least) 1967. The Forest Ranger did not want the area turned into a "wild horse refuge". The Forest Ranger would have known that horses on the National Forest lands at the time of passage of the Wild Free-Roaming Horses and Burros Act in 1971 fell under the protection of the Act, which 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." This proves that there were wild horses in the Sitgreaves National Forest prior to the passage of the Act and that Forest Service knowingly unlawfully authorized the removal of 187 wild horses in the 1980's from the Gibson Ranch alone. Not only that, but this proves that a significant number of wild horses were here in 1974 when Forest Service reported only 7 horses and delineated the Heber Wild Horse Territory. I believe the evidence shows that this was a fraud perpetrated upon our wild horses and upon the American people; it appears to have been done with full knowledge and intent.

Link to Doy Reidhead's Oral History Audio/Video Recording:

Oral history interview with Doy Reidhead [with transcript], April 3, 2006. - Colorado Plateau Digital Archives - Colorado Plateau Digital Collections (oclc.org)

Statement #4: The Forest Service has been "scratching its collective head" for decades as to why the horses are not using the territory. Lack of use of the Territory is referenced numerous times throughout the Draft Plan and its

supporting documents. One example is "Cover and Space: A recurring pattern of wild free-roaming horse movement out of the territory to access forage, water, or thermal or hiding cover is an indication the territory may not be able to sustain yearlong wild free-roaming horse use."

And, "Horse use monitoring is needed to determine the reasons for the lack of use."

And, "[hellip]we cannot ascertain with certainty why wild free-roaming horses are moving off the territory."

I will show how one woman, with a map, a good pair of hiking boots and a desire to find the answer, was able to solve, in one week, the problem the Forest Service claims to have been unable to solve for decades.

Forest Service states this as the goal of the Plan:

The overall goal of the territory management plan is to encourage horses to utilize the designated territory rather than remaining on other areas on the national forest, while allowing for multiple uses and having thriving ecological balance.

Clearly, this is not the real plan. The plan is designed to achieve, over time, the total eradication of these horses.

Statement #5: Through the supporting evidence provided herein, I will show that not only does the Forest Service know today why the wild horses are not using the territory, but that they have known all along. The territory was purposefully delineated to provide for the least possible opportunity for wild horse use over any other area of the forest wherein wild horses are found. The territory was delineated in 1974 to provide for the eradication of the horses, just as the proposed management plan today is designed to provide for the eventual eradication of the horses. The Heber Wild Horse Territory Draft Management Plan is a sham. As for the 1974 territory delineation, the Forest Service has failed to produce a single note or Memo as to the thought process behind how the territory location, size and boundaries were determined in 1974 in spite of a FOIA request for these documents. The thought process was this simple, how can we bestrid the range of horses, so we can put more cattle out there.

Statement #6: The below Heber Wild Horse Territory map is the reference point for the narrative and photos included herein. The map is not to scale, but is for illustration purposes only. The hand-written notes and color designations on the map were made by Betty Nixon:

In Attachment: Annotated Map of the Heber Wild Horse Territory:

Please Note:

- * The Heber Wild Horse Territory actually runs northeast/southwest, but for ease of communication, I will use north, south, east and west.
- * The area marked in blue on the map is the narrow strip of land that runs through the bottom of Black Canyon, which is bordered by steep rock cliffs and canyon walls to the east and west of that blue strip (photos are provided to illustrate the terrain).
- * Forest Road 86 (highlighted in orange) runs through the bottom of the canyon and down through the strip of land marked in blue. That strip of land is typically 200-300 yards wide, but it does vary, depending upon the curve of the canyon walls at any given point.
- * There are 4 cattle guards on the 86 between Heber to the north and Black Canyon Lake to the south, with barbed wire fencing extending east and west from the cattle guards. The cattle guards are depicted on the map, using the circled numbers 1, 2, 3 and 4 (highlighted in yellow). The horses cannot travel east or west beyond the edge of the blue strip on each side due to terrain restrictions (canyon walls). There is one ingress/egress point into the canyon through a draw on the east side between cattle guards 2 and 3. This draw is just north of the Gibson Ranch.

* Horse locations depicted on the map in the area not colored in blue to the east of cattle guard 2 would be at the top of the canyon wall off Forest Road 50. Horses often travel between Forest Road 50 and Forest Road 51, which is further east of the territory.

* The fence line that separates the Heber Allotment in the south from the Black Canyon Allotment to the north within the Heber Wild Horse Territory has 3 gates. Those gates are depicted on the map as Gate A, B and C (highlighted in pink). The Heber and Black Canyon Allotments are two distinctly different cattle operations. Each Allotment has multiple pastures, separated by fencing.

* The brown line on the map that delineates the Heber Wild Horse Territory is nothing more than ink on a piece of paper. There is no fence around the territory itself. The territory ends on the west along Highway 260. It ends on the north with the town of Heber. Cattle pasture fences crisscross the territory at several points, but there is no fencing that "surrounds" the territory.

*

Horses can not be expected to stay inside an area that is delineated by nothing more than ink on a piece of paper. Horses can not be expected to move east and west within their designated territory when they would have to be able to climb sheer rock cliffs and steep mountain walls to do so. Horses cannot be expected to move north and south within their territory when obstructed by cattle guards, barbed wire fencing and gates that are closed year-round, whether cattle are in the pastures or not.

Statement #7: Forest Service has known all along that horses could not access large parts of the territory. They know the terrain, and they know the fences with closed gates. Their own aerial surveys in 2014, 2015 and 2017 show clearly that no horses were ever seen in certain large parts of the territory consistently across all three aerial surveys. This was also shown in the 2019 ground survey results. Yet, Forest Service has failed for years to examine the situation to find a solution that would allow the horses access to their designated territory. That is because things are just the way they and the ranchers want them to be; they are the way things were designed by Forest Service and the ranchers when they first delineated the territory in January 1974; no solution wanted or needed as far as they are concerned. The 4 survey maps are included below.

All photos and descriptions provided relate to the Annotated Heber Wild Horse Territory map provided under Statement 6:

1.

Leaving the town of Heber to the north and traveling south through the territory on Forest Road 86, travel 2.4 miles to Cattle Guard #1. There is a fence extending from the west side of the cattle guard that climbs a tall, steep rock hill; impassable for horses. On the east side of the cattle guard, there is a closed gate, although cattle were removed from those two neighboring pastures by September 13, 2020, according to the Annual Operating Instructions given by the Forest Service. Continuing east along the fence line that extends from the cattle guard, there is a narrow, 6-foot-wide gate. It was also closed. Continuing along the fence line beyond that gate, you reach a tall, steep rock hill, not at all conducive to horse travel. The hill is steep, tall, rocky and littered with downed Ponderosa pine trees from the 2002 Rodeo-Chediski fire. Photos taken on March 30, 2021 by Betty Nixon:

Attachment: Photograph of Cattle Guard #1:

Attachment: Photograph of Rock hill on west side of the cattle guard helps show the type of terrain the horses would have to ascend or descend to travel east/west within their designated territory to get up out of the depths of Black Canyon:

Attachment: Photograph of 6-foot-wide gate in the fence line extending east through the meadow from the cattle guard:

2.

Continuing south on the 86, travel 2 more miles to Cattle Guard #2. The gate is on the west side of the road. It is closed. That fence line angles towards the southwest and then runs south along the canyon wall for a good distance until the fence climbs the canyon wall. Westward movement beyond the fence line, combined with the canyon wall behind the fence line, is impossible. Walking the fence line to the east from the cattle guard, there is no gate in the fence. That fence meets up with a tall, steep rock hill. East/west horse movement is limited to the area on the map marked in blue. Horse sightings depicted on the map in the area not colored in blue to the east of cattle guard 2 would be at the top of the canyon wall off Forest Road 50. Horses often travel between Forest Road 50 and Forest Road 51, which is further east of the territory. Photo taken March 30, 2021 by Betty Nixon:

Attachment: Photograph of Cattle Guard #2:

3.

Continue traveling south 1.7 miles on the 86 to Cattle Guard #3, just north of the Gibson Ranch. This is a bottleneck with no further southern movement possible for the horses, because of the cattle guard and ranch fencing along the road. There is no movement west beyond the west fence line and canyon wall. The horses can ingress and egress through a draw on the east side of the canyon. Once they enter the canyon through this draw, they can travel no further north than Cattle Guard #2 and no further south than Cattle Guard #3. They have no access to the 4.4-mile-long blue area from Cattle Guard #2 north all the way up to Heber. Photo taken March 30, 2021 by Betty Nixon.

Attachment: Photograph of Cattle Guard #3:

4.

Continue south for 1.3 miles to reach Cattle Guard #4, which has a 9-Mile Marker. There is a holding pen gate on the east side of the cattle guard. Up until o/a March 20, 2021, that gate has been closed. The gate was opened when someone complained that horses could not travel through the holding pen to access Black Canyon Lake. That portion of the holding pen is outside the Heber Wild Horse Territory.

Attachment: Photograph of Cattle Guard #4:

Attachment: Photograph of Holding Pen gate opened o/a March 20, 2021:

5.

Between Cattle Guard #3 and Cattle Guard #4 is a fence line above the canyon that separates the Gentry pasture of the Heber Allotment from the Sharp Hollow pasture of the Black Canyon Allotment. Again, these two Allotments are two completely different cattle operations. Walking east to west along that fence line towards Highway 260, there are 3 gates. Gates A and B are closed, with both Forest Service and Arizona Game and Fish signage, saying to close the gate. If found open, close it. Gate C is closed, with a Forest Service sign, saying close the gate. The horses can not move north of that fence line. There is ample evidence of horse use right up to the 3 closed gates. I believe the AZ Game and Fish signs are there to appeal to hunters, while the Forest Service signs appeal to people recreating in the forest. The signage appears to be there for the sole benefit of the two cattle operations, giving cattle priority over the horses within their designated territory. See photos provided below. Note: There is also a circle holding pen, shown on the map between Cattle Guards 3 and 4. A portion of that holding pen is up on the hill, inside the territory and meets up with the east/west fence line. Two gates for the holding pen were closed. I took numerous photos the area. Additional photos are available upon request.

Photos of Gates A, B and C. All gates are closed. Photos taken on April 5, 2021 by Betty Nixon:

Attachment: Photograph of Gate A:

Attachment: Photograph of Gate B:

Attachment: Photograph of Gate C:

1. Summary of Findings: There are only two areas of the territory that the horses can access because of terrain, combined with cattle allotment fencing and year-round closed gates. They can access the small area marked in blue between Cattle Guards #2 and #3. They can access the area south of the Gentry fence line. The four surveys completed by Forest Service in 2014, 2015, 2017 and 2019 support everything I've documented herein. The horses are restricted from being able to access nearly the entire north half of their designated territory. I believe the evidence shows that this was intentional on the part of Forest Service and the ranchers when the territory was first delineated in January 1974.

2.

Questions: If horses are rounded up and the few that are left are released onto the Territory, where will they be released? What area will they have to find forage, water and shelter? Will they be released in such a manner that they can intermingle to maintain a healthy level of herd dynamics and genetic diversity? These questions need to be answered. The issue of Forest Service displaying blatant disregard for their duty and obligation towards the welfare and safety of these horses and giving cattle priority within the designated Heber Wild Horse Territory is reprehensible.

See terrain photos and FS horse surveys, which are provided in separate documents due to CARA error messages multiple times when trying to upload as one document in spite of the complete document being well within the CARA size limits.

Attachment: Map and photographs included in attachment

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