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Comments: Heber Wild Horse Territory Plan #18916 Comments

The Heber Wild Horse Territory Plan (HWHTP) calling for the forest supervisor to decide on the components for the territory management plan and fate of the Heber wild horses is not democratic nor is it balanced. Rather than a single person, who could likely have ties with the local ranching community and be biased, a panel of informed stakeholders should be used to help determine the outcome to ensure no bias exists.
When Congress enacted the 1971 Wild Free-Roaming Horse and Burro Act (WFHBA), wild horses and burros occupied 53.8 million acres of the public lands where Congress determined that they would be protected and managed as "an integral part of the natural system of public lands." In its 2012 study of wild horse and burro management practices for the National Academy of Sciences, the Animal Welfare Institute (AWI) found that it was unclear how and when surveys of these wild horse and burro populations and areas were conducted or whether the areas designated as protected adequately encompassed all of their seasonal range such as to provide sufficient habitat to meet their needs. Since that time this designated habitat has been reduced to 29.4 million acres (BLM 26.9M USFS 2.5M) while acreage for livestock grazing has increased despite decades of GAO studies determining that the "Deterioration of public rangelands can be attributed principally to poorly managed livestock grazing. Livestock have been permitted to graze on public rangelands year after year without adequate regard to the detrimental effect on range vegetation."(CED-77-88) and that "almost 60 percent of the grazing allotments were in only poor or fair condition and the riparian areas were worse;"(CED-88-58)
The General Accountability Office also reviewed the "how and why" so much of the wild horse and burros' historic range had been lost since 1971 in several studies dating back to 1990. Despite agreeing to do so, neither the BLM, or the USFS, have ever published a detailed, evidence-based account of its decisions to eliminate, or reduce, wild horse and burro habitat and no scientific evidence to support site-by-site analysis of its decisions, nor any data to substantiate the closure of specific protected areas (FREEDOM VERSUS FORAGE: BALANCING WILD HORSES AND LIVESTOCK GRAZING ON THE PUBLIC LANDS MARA C. HURWITT pg. 7)
Based on historic information, it appears the Heber Wild Horse Territory (HWHT) boundary was incorrectly drawn and adjacent lands that had been seasonally used by wild horses for decades were omitted from the Territory boundary. To suggest that horses were only found outside of the HWHT in the 1970's when the first federal census was conducted - and that only seven horses were within the HWHT - is illogical. The USFS should provide documentation as to whether the neighboring Reservation laid claim to all the wild horses (outside of the claimed seven horses in the HWHT) during that census.
The Management Plan should also address seasonal movement of the horses and recommend that the boundary be redrawn to be in conformance with historic wild horse usage and the animals' need to have access to suitable habitat throughout the year.
The HWHTP calls for the forest service supervisor to identify an appropriate management level (AML), the number of "wild" horses and burros that can exist in balance with other public rangeland species, resources in the Heber Wild Horse Territory using the antiquated and flawed AML methodology which has been disputed by the National Academy of Science (NAS) and decades of General Accountability Office studies.
According to the NAS 2013 report requested by the BLM. Using Science to Improve the BLM Wild Horse & Burro Program: A Way Forward, "How Appropriate Management Levels are established, monitored, and adjusted is not transparent to stakeholders, supported by scientific information, or amenable to adaptation with new information and environmental and social change. "
The arbitrary national AML of 26,690 is roughly the same number of wild horses that existed in 1971 (26,770) when Congress declared they were "fast disappearing from the American West" and acted promptly to protect them by passing the 1971 Wild Free Roaming Horse and Burro Act, lest they disappear forever. If a population of 26,770 was considered too low in 1971 why is 26,690 now acceptable? It is too low a number to sustain national genetic viability, putting most herds at risk of health issues, inbreeding and eventual extinction - a fact supported

in the following by both the BLM and USFS..
In the Wild Horses and Burros Management Handbook AML is defined as a number (the lower end) that allows the population to grow (at the annual population growth rate (4.2.1), that Genetic Diversity Reproducing WH&B herd health is dependent, in part, on maintaining desirable genetic diversity (avoiding inbreeding depression) (4.4.6) and that the Herd Size requires a minimum population size of 50 effective breeding animals (i.e., a total population size of about 150-200 animals) currently recommended to maintain an acceptable level of genetic diversity within reproducing WH&B populations (Cothran, 2009). (4.4.6.3). The HWHMP directly contradicts these outlined requirements with a proposed AML of 50-104 horses.
In addition, the HWHMP acknowledges that this low AML will result in loss of genetic variability by outlining the potential need to introduce outside horses - " Management actions to maintain or increase genetic diversity such as introducing one to three young animals from outside the area to maintain or increase genetic diversity (pg. 25.) "
The BLM's own 2020 report, U.S. Department of the Interior Bureau of Land Management Report to Congress: An Analysis of Achieving a Sustainable Wild Horse and Burro Program, states "Rough estimates in the early years of the program were not very accurate and are difficult to use in any analysis - estimates were still not as accurate as they could be (1, pg. 3)". Therefore, how can you base current AMLs on the flawed 1971 population data?

Decades of General Accountability Office (GAO) reports also cite this flawed AML methodology and state that to this day "the BLM has not provided specific formal guidance to the field offices on how to set AML. (Bureau of Land Management: Effective Long-Term Options Needed to Manage Unadoptable Wild Horses GAO-09-77: Published: Oct 9, 2008.)

The GAO reports also found that:
 (1) due to insufficient information, it could not determine how many horses ranges could support, the extent of degradation they caused, and the number of horses that should be removed from herd areas; (2) despite congressional direction, BLM did not base its removal of wild horses from federal rangeland on how many horses ranges could support; (3) BLM often did not accompany horse removals with a reduction in livestock grazing levels or effective range management, resulting in inhumane range conditions and exploitation (RANGELAND MANAGEMENT: Improvements Needed in Federal Wild Horse Program RCED-90-110: Published: Aug 20, 1990.)

(1) BLM removed thousands of wild horses from the range each year without the land condition data that would enable it to determine how many horses the land could support and how many needed to be removed to meet this capacity; (2) the number of wild horses BLM removed exceeded its adoption program's capacity; (3) BLM was making its removal decisions on the basis of an interest in reaching perceived historic population levels or the recommendations of advisor groups largely composed of livestock permittees PUBLIC LAND MANAGEMENT:
Observations on Management of Federal Wild Horse ProgramT-RCED-91-71: Published: Jun 20, 1991.)

In the HWHTP several thresholds are discussed under "Criteria for Determining Excess Horses" and include the assessment of "Resource damage occurring in a sensitive area such as but not limited to springs, riparian areas, threatened and endangered species habitat, and identifying horses are as a contributing factor."
 Where is the data to support this claim when cattle are using the same land and water sources? Numerous studies have cited the damage livestock grazing does to our public lands and that " the primary cause of rangeland and riparian degradation is poorly managed livestock grazing, since livestock tend to congregate in riparian areas, eat most of the vegetation, and trample streambanks;" (Management of Public Rangelands by the Bureau of Land Management-RCED-88-58: Published: Aug 2, 1988)

 Just look at the Heber Allotment 2015 EA and 2020 EA and you will see that during that time there were NO IMPROVEMENTS in the 22 watershed areas despite the call for such improvements (2015 EA pp. 29-31). In

both EAs only 7 of the 22 are in proper functioning condition.

The HWHTP attempts to justify the removal of the horses with documenting "the need for removal of excess animals to maintain and improve the forage base for wildlife, domestic livestock, and maintain a thriving population of wild horses. Current studies including range analysis, soils information, production utilization studies, including levels of desired use by those herbivores competing for the forage base must fully support the action to remove excess animals."(pg. 52) Once again, livestock grazing is omitted from the equation or considered to be a "change agent" competing for the same forage.

The forest supervisor is further tasked with establishing an adaptive management process to identify possible management actions that may be implemented based on monitoring results. None of the actions or monitoring even acknowledge the presence of livestock within the territory.
Agency obligations under the 1971 Wild Free-Roaming Horses and Burros Act (WFRHBA) must be "determined as the horses, by law, are meant to be the principal presence in their herd management areas and livestock are to be removed from these areas if the health of the herds is threatened." Such action is supported by the following policy:
43 CFR § 4710.5 Closure to livestock grazing. (a) If necessary to provide habitat for wild horses or burros, to implement herd management actions, or to protect wild horses or burros, to implement herd management actions, or to protect wild horses or burros from disease, harassment or injury, the authorized officer may close appropriate areas of the public lands to grazing use by all or a particular kind of livestock. (b) All public lands inhabited by wild horses or burros shall be closed to grazing under permit or lease by domestic horses and burros. (c) Closure may be temporary or permanent. After appropriate public consultation, a Notice of Closure shall be issued to affected and interested parties (2)
Approximately 9,349 acres of the HWHT overlaps the Heber Allotment, mainly within the Gentry Pasture (7,326 acres), with the remainder in the Bunger Pasture (1,892 acres), and the Holding Pasture (131 acres).
the 2020 Heber Allotment EA has re-authorized the current level of AUMs with a proposed increase to 7600. The suggested new AML, at the low AML number, means that wild horses are given only 600 Animal Unit Months (AUMs) yet cattle are allotted 5,730 Animal Unit Months to graze within the Territory. The Forest Service needs to adjust livestock use in the Territory so that wild horses receive their fair share of the resource. The Gentry pasture alone, encompassing almost half of the HWHT, uses 579 - 1017 AUMs annually.
I was disturbed to see that in the Heber Allotment Analysis Environmental Assessment 2020 it was decided that an Environmental Impact Statement was unnecessary and that it was determined that livestock grazing was in balance with the available forage. Since no particular pasture was noted I am assuming that this statement included both the Gentry and Bunger pastures within the allotment. I am curious as to how the grazing done by livestock is "in balance" but not the grazing done, in those same pastures, by horses is not. If it was you would not be removing so many horses. How do you determine that cattle are consuming correct amounts of available forage and not the horses? (page 9)
In the 2020 Heber Allotment EA it is acknowledged that "the absence of livestock grazing, vegetation and soil biotic crusts would be allowed to recover more quickly. Re-establishment of vegetative ground cover occurs in the absence of usage from cattle, desirable soil productivity and stability would return at a quicker rate, in these areas, compared to the proposed action" basically identifying the impact cattle have on rangelands.
And, despite admitting riparian areas "were not at desired conditions" - a major contributing factor being that cattle are allowing usage during the growing season - and citing usage as being "heavy" limiting "the plant's ability to regenerate" livestock is not removed or reduced. Pg. 48)
Also Included in the 2020 Heber Allotment EA are numerous proposed structural improvements involving water including a new well, 17 miles of pipeline, 28 water troughs, 2 water storage units, 20 stock tanks, and 7 water lots. Gentry will get 3 tanks and one waterlot, Bunger 4 tanks and 2 waterlots.
None of these improvements will be located within the HWHT. This is not only bias treatment but will contribute to horses wandering outside of the territory boundaries resulting in their removal.
When addressing the effects on the HWHT in the Heber Allotment 2020 EA it was stated that "In the event that no grazing (by livestock) is authorized on the Heber Allotment, there would be no direct or indirect effects, and in

turn no cumulative effects, on forage available to horses." It was then stated that "In the event that grazing (by livestock) as proposed is authorized on the Heber Allotment, there would not be a significant effect on the Heber Wild Horse Territory, though there could be limited competition for forage in the relatively small segment of overlap with the Heber Allotment, although Forest Service range specialists have not noted this occurring in any significant way in the past, due in large part to differing behavioral and movement patterns as well as the management from the permittee."(pg. 48-50)

The total acreage of the Gentry (7326) and Bunger (1892) pastures overlapping the HWHT equals almost half of the acreage of the HWHT (20,000 acres). To insinuate that the elimination of these pastures would have no effect on the forage allocation for the horses is ridiculous as is the determination that if livestock grazing is taking place it will have no impact either. I would certainly like to see the science and data that supports such claims. Yet, the EA continue to address "limited competition" for forage on the small segments of overlap despite the Gentry allotment being almost half the size of the entire HWHT.

The USFS should also be considering the fact that science has proven that wild horses and burros are well suited for wildfire management given their migratory patterns, consumption of ground fuels, ability to access even the roughest terrain and depositing seeds back into the land with their manure. Their cost is nothing and they do not contribute to the spread of invasive cheatgrass that doubles the likelihood of fire as cattle do.

The USFS was aware of the wildfire threat cattle posed prior to the Rodeo-Chediski Fire and recognized that much of the land within the fire boundaries was being severely overgrazed, and that these grazing practices were further contributing to extreme fire risk.

Numerous Forest Service studies in the 1990's warned that overgrazing by livestock within the fire area was causing dangerous fuel loads by allowing large numbers of small pine trees to take root.

(Prelude to Catastrophe Recent and Historic Land Management Within the Rodeo-Chediski Fire Area Report prepared by: Center for Biological Diversity Sierra Club Southwest Forest Alliance)

Livestock grazing is recognized by scientists to be the single most important influence besides climate on vegetation in the Southwest and allotments that had completed EAs within the Rodeo-Chediski fire area had bee3n found to be stocked well over capacity and heavily grazed, resulting in growth of pine thickets with high fuel potential for catastrophic fires. In a 1998 Environmental Assessment for the Black Canyon allotment, the Forest Service stated that "residual herbaceous material that both inhibits tree seedling establishment and that carries periodic fire which can thin and remove increased density of trees," needed to be provided, but was being removed by livestock. The report then concluded that "overstocking and overutilization of vegetation" by cows had left the range in "poor and very poor" condition with "high tree densities [and] overuse of desirable forage"

"Probably no single land use has had greater effect on the vegetation of southeastern Arizona or has led to more changes in the landscape than livestock grazing range management programs. Undoubtedly, grazing since the 1870s has led to soil erosion, destruction of those plants most palatable to livestock, changes in regional fire ecology, the spread of both native and alien plants, and changes in the age structure of evergreen woodlands and riparian forests." (Bahre, C. J. 1991. A Legacy of Change: Historic Human Impact on Vegetation of the Arizona Borderlands. University of Arizona Pres)

What saddened me even more was when the Heber Allotment 2020 EA addressed the "Unique characteristics of the geographic area such as proximity to historic or cultural resources, park lands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas" the horses were totally ignored.

Since the 1989 RMP the Heber Allotment has gained 3 pastures totaling 30,000 acres. How did this happen? Isn't it only fair to give the Heber Wild Horses the same consideration? While these horses may not generate the income that the livestock and hunting industries do it is time to stop prioritizing money over humanity and freedom - the exact thing that has gotten this country into the mess it is today.

These animals produce a joy for the beholder that money will never be able to buy. You just need to open your eyes.