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Comments: Comments attached

After a careful review of you proposed management plan, I have a few observations and questions for your consideration.

1. As per your historical documentation within the management plan [ldquo]The current horse population dating from circa 1990 appears to be a mixture of horses from the Fort Apache Reservation and other unidentified horses with no substantiated link with the originally designated herd.[rdquo] As such, this study concludes that there is no historical precedent for the current population occupying the area. Further you stipulate, [ldquo]The Forest Service entered into a Stipulation Agreement filed on March 2, 2007, agreeing to develop a wild horse management plan for the territory as required in the Act.[rdquo] With your own data, you indicate that there are no horses that meet the requirement of the act. With that said, the plan should state that the horses will be removed from the pasture to meet the requirement of the act. The management plan would be to maintain that area for any horse that meets the requirement of the act. It is our argument the intent of the law was not to create new herds of wild horses but to manage those that were in existence when the act was established. Your counts prove that the original herd and prosperity were not in the managed area. This calls into question whether the horses are trespassers on federal lands. Trespassers need to be removed and returned to their proper area. The allowance of the trespassers to remain and be managed by the forest opens doors to further trespassers in other areas being placed under the same management and impacting the current use of the national forest.
2. The management plan does not address the opportunity for the Fort Apache tribe to come and retrieve the horses. Your data demonstrates that the tribe has ownership of the horses. Your scoping documents mentioned that this management plan is being put into place due to a court order stopping the forest service from returning horses to the Fort Apache Reservation. Does the stipulation agreement eliminate you from having in the plan that the Fort Apache tribe would come and retrieve their horses (now and the ones who cross the fence in the future)?