

Data Submitted (UTC 11): 9/24/2024 12:03:25 AM

First name: Maya

Last name: Jamal

Organization:

Title:

Comments: Dear BLM_CA_Bishop_MPWHT, USDA, BLM, and Forest Service,

"Caring For the Land and Serving People " within the USDA and Forest Service logo means we first ask you to care about our community and use up-to-date science. The primary logical issue that makes sense to everyone that we have with the Environmental Assessment, Bishop RMP, and the Wild Free-Roaming Horses and Burros Act of 1971 is we ask that you use science to back up your department's findings to better serve our community. Without science used for these series of round-ups, it is a misuse of public taxpayer funding. We would like to see our local agencies serving our community and doing better than, for example, what happened to Victor the Bear. We need to work together. We know management is necessary.

We are only realistically asking you to do better by our community than just rounding up every wild horse to bring them extinction in our area. Research shows that you must leave a certain number of horses and the AMLs to be established to maintain a "thriving ecological balance." Leaving only 40 mares in the Montgomery Pass Wild Horse Territory will lead them to extinction. Especially with bigger snowfall impacting our area, such as in 2023. Whistleblowers who work alongside your agencies have told us that this is your goal- to remove all wild horses, a major concern.

It's unfortunate that the information on the number of letters in favor of the project and against the project from BLM_CA_Bishop_MPWHT is being withheld. The public should know the actual numbers for and against the project. Without the numbers, it seems the responses provided by the government out of the nearly 5,000 comments are oversimplified, with only 113 pages of responses to the public's concerns. If the numbers reflected who was for and against the project and what measures were taken, this would be a democracy. Yet this is just another example of federal boxes being checked. "Comments were received from approximately 4,540 individuals (4332 form letters), 14 organizations, and 3 agencies/local entities."

https://planning.blm.gov/public_projects/2026934/200568363/20117130/251017110/20240808_MPWHT_Appendix_7_CommentResponse_Table.pdf

These letters should be available on the website and not have to be requested through the free information act.

Studies in Idaho law review have also found that target population levels need to be set higher to maintain the long-term viability of herds. "The BLM recognizes that genetic diversity is essential to maintaining the health of wild horse herds. Citing a 2009 study by wild horse geneticist Dr. Gus Cothran, the BLM Handbook recommends that herds be managed with a total population of 150- 200 horses to sustain a minimum population size of 50 effective breeding animals in order to maintain an acceptable level of genetic diversity. In an earlier study published in 2000, Cothran concluded that "the majority of wild equid populations managed by the BLM are kept at population sizes that are small enough for the loss of genetic variation to be a real concern" and that it was "critical" for BLM to consider genetic diversity and viability in wild horse management plans. Nonetheless, an analysis of BLM's HMA data for February 2012 found that it manages the majority of wild horse (and burro) herds below the minimum population necessary to ensure genetic viability and herd health, with high AML set below the minimum of 150 animals. Based on the BLM's own guidelines, the agency is managing most wild horse herds with no regard for the genetic health necessary to the long-term preservation of these herds."

<https://www.uidaho.edu/-/media/Uidaho-Responsive/Files/law/law-review/symposium/livestock-on-public-lands/Hurwitt.pdf>

Science was also not needed when the agencies exterminated a billion buffalo across the western hemisphere and could have become one of the first culprits in climate change.

First in a recent study from Science Daily (we know folks do not want to hear this but the science speaks facts) shows wild horses did not in fact go extinct like previously thought. In a relatively new paper published on December 8, 2021, in the journal Nature Communications, researchers from McMaster University, the University of Alberta, the American Museum of Natural History, and the Yukon government present a 30,000-year DNA record of past environments drawn from cored permafrost sediments extracted from the Klondike region of central Yukon. "This work builds on previous research by McMaster scientists who had determined woolly mammoths and the North American horse were likely present in the Yukon approximately 9,700 years ago. Better techniques and further investigation have since refined the earlier analysis and pushed forward the date even closer to contemporary time." <https://www.sciencedaily.com/releases/2021/12/211208090008.htm>

From recent science seen above, wild horses are native, and without the use of DNA testing and science, your department is knowingly exterminating native animals on the landscape.

Please update with available science:

"Appendix 6. Scientific Literature Review

Effects of Wild Horses and Burros on Rangeland Ecosystems

"In the biological sense, all free-roaming horses and burros in North America are feral, meaning that they are descendants of domesticated animals brought to the Americas by European colonists. Available evidence has indicated that horses went extinct in the Americas by the end of the Pleistocene, about 10,000 years ago (Webb 1984; MacFadden 2005), though DNA samples from permafrost suggest their extinction from Alaska could possibly have been as recent as about 6,000 years ago (Murchie et al. 2021). Burros evolved in Eurasia (Geigl et al. 2016)."

New research shows that wild horses are native. "Although mammoths are gone forever, horses are not" says Ross MacPhee of the American Museum of Natural History, another co-author. "The horse that lived in the Yukon 5,000 years ago is directly related to the horse species we have today, *Equus caballus*. Biologically, this makes the horse a native North American mammal, and it should be treated as such." <https://www.sciencedaily.com/releases/2021/12/211208090008.htm>

Native American tribes have said the horses have always been here- and now we know this to be factual.

2) Also, A 10-year study by University of Idaho Professor Courtney Conway shows that cows sharing nesting habitats with grouse on federal lands has no influence on the nest success of greater sage grouse. <https://www.uidaho.edu/news/feature-stories/sage-grouse-ten>

Yet Western Watersheds Project is one of the nation's leading conservation groups working to restore sage grouse habitats and populations, and the Wildlife Society's characterization of scapegoating wild horses as a significant problem for sage grouse is an irresponsible diversion of much-needed attention away from the real issue, which is overgrazing by cattle and sheep. Only 12% of sage grouse habitats have any wild horses at all, while almost all sage grouse habitats are grazed very heavily by domestic cattle and sheep (Beever and Aldridge 2011). This research shows that wild horses and sage grouse can benefit from each other.

3) Reevaluating the AML: The BLM and USFS should thoroughly reassess the AML using new and updated scientific data to ensure it reflects the current ecological reality. The Western Watersheds Project also states, "This suggests that the maximum AMLs are effective at neutralizing the adverse impacts that horse populations have on sage-grouse populations and that free-roaming horses have the potential to coexist with native wildlife under the right management approach."

We need the right management approach now.

"When establishing AML, the analysis shall include an in-depth evaluation of intensive monitoring data or land health assessment. Intensive monitoring data shall include studies of grazing utilization, range of ecological conditions and trends, actual use, and climate (weather) data. Population inventory, use patterns, and animal distribution should also be considered. A minimum of three to five years of data is preferred. Progress toward attainment of other site-specific and landscape-level management objectives should also be considered." <https://www.uidaho.edu/-/media/UIDaho-Responsive/Files/law/law-review/symposium/livestock-on-public-lands/Hurwitt.pdf>

We are asking for a new AML as the reflective data shows that the aim to eradicate all wild horses should be different from the agency's goal.

4) Further, the scientific findings show the USDA has once again confirmed the value of livestock grazing as a tool to protect western rangelands from devastating wildfires. The scientific study conducted by USDA's Agricultural Research Service demonstrated that:

"Grazing is a valuable tool that can help decrease the likelihood and severity of catastrophic wildfire.

Grazing reduces invasive plant species that are hard to manage with other methods and choke out the landscape.

Grazing supports the return of native sagebrush, an essential plant that supports robust wildlife habitat for species like sage grouse to thrive in. If you are a federal lands rancher, you already know all of this to be true, but we encourage our department to see the science is catching up with the collective knowledge of ranchers."

So, could wild horses also spread native seeds if the grasses were used in a way that allowed wild horses to spread native seeds? Let's let science decide.

4) Studies given to us by Las Cumbres Ranch, a 1000-acre ranch in Santa Barbara that uses wild horses in cattle production, are finding that "wild horse and cattle mimic what the bison did pre-colonial times before we killed a billion buffalo and first affected the depletion of the ozone layer." They gave us a study, "Wildlife and cows can be partners, not enemies, in search for food," from a Princeton report that shows the work of Wilfred Odadi, a postdoctoral research associate of Dan Rubinstein Professor of Zoology and chair of Princeton's Department of Ecology and Evolutionary Biology. "In August (2012), Rubenstein and Odadi reported in the journal *Evolutionary Ecology Research* that cattle paired with donkeys gained 60 percent more weight than those left to graze only with other cows. In September, (2012) Odadi and his co-authors on the Science paper reported that other grazers removed the dead-stem grass layer and that cattle seemed to benefit from sharing land with wild animals. Cows in mixed grazing pastures took in a more nutritious diet and experienced greater daily weight gain." <https://www.princeton.edu/news/2012/02/20/wildlife-and-cows-can-be-partners-not-enemies-search-food>

Yes this is an international study that local ranchers are finding in California works well for them.

??We know you will say-

"While climate variability may be factors in wild horse migration, Wild horses outside the territory have no management allocations. Continued grazing is inconsistent with the Bishop RMP and the WFRHBA, which directs the Secretary to immediately remove excess wild horses."

Manage habitat for the Montgomery Pass

wild horse herd in accordance with the
Montgomery Pass Wild Horse Territory
Coordinated Resource Management Plan.

Yet, without science, how are you backing this claim?

5) We also call for a reduction in taxpayer money. Stop using the 150 million set aside for round-ups, and instead, by utilizing the 22 million Congress set aside for Wild Horse Birth Control, you will save our community money and spend money that works with our community instead of against us. Holding a native wild horse in captivity costs taxpayers annually \$40,000 per horse in captivity vs \$1400 to dart a mare using birth control.

6) Implementing Fertility Control: Utilize humane, scientifically studied, and reversible fertility control initiatives to humanely manage the herd's population without resorting to removals.

7) Relocating the horses: We'd like to ask you to safely encourage the horses to return to the Wild Horse Protected Territory using helicopters and 4x4 vehicles. It is well known that mountain lions keep the herds in check. According to binding USFS regulations, the agency must consider relocating the removed wild horses. In this case, the USFS should relocate the Montgomery Pass horses inside the Territory and address the ecological conditions causing them to leave their designated habitat. If that is not possible, they should evaluate other USFS lands where the horses could be relocated.

8) We ask you to study why they leave the wild horse-protected territory. Are the territories sufficient for wild horses, especially with climate change and large snowfalls impacting all animals?

9) It's unfortunate that the information on the number of letters in favor of the project and against the project from BLM_CA_Bishop_MPWHT is being withheld. The public should know the actual numbers for and against the project. Without the numbers, it seems the responses provided by the government out of the nearly 5,000 comments are oversimplified, with only 113 pages of responses to the public's concerns. If the numbers reflected who was for and against the project and what measures were taken, this would be a democracy. Yet this is just another example of federal boxes being checked. "Comments were received from approximately 4,540 individuals (4332 form letters), 14 organizations, and 3 agencies/local entities."-
[https://planning.blm.govpublic_projects2026934/200568363/20117130/251017110/20240808_MPWHT_Appendix 7_CommentResponse_Table.pdf](https://planning.blm.govpublic_projects2026934/200568363/20117130/251017110/20240808_MPWHT_Appendix%207_CommentResponse_Table.pdf)

10) 1.6 Consultation, Scoping, and Public Involvement Preliminary EA Response to Comments says, "On October 4, 2023, FS and BLM sent letters to the chairperson and staff of nine potentially impacted tribes and tribal communities inviting and initiating government-to-government consultation. Through this consultation, the tribes and tribal communities did not identify any important traditional religious or cultural sites."

When talking to Harry Williams, Cultural Monitor for the Bishop Paiute Tribe, who was made well known by his film "Paya for the People" discussing irrigation ditches his ancestors the Paiute used traditionally, and when he was alive, he directly told me he knew of the irrigation ditches out by River Springs. He took me on outings along the areas nearby and showed me the places to look for the homes of his people in ancient times. Not only are there irrigation ditches at River Springs that one can easily see that were then post-colonial contact used by colonial settlers during the occupation. I find it hard to believe one did not identify cultural places of importance because it is easy to spot them on site- for example, there are irrigation channels all across the valley right there on River Springs, and there are also traditional houses up in the hills above the stone wall work is evident. Not to mention grinding stones. And it is well known that every spring is a traditional area for Tribes to live and gather. There is also a plethora of petroglyphs of horses with riders in N America that are Paiute. All European American accounts say this is post-colonial, yet without carbon dating, this is simply not using science to determine if these

herds are native. Honestly, it is a racist standpoint to not listen to local Native people telling the departments that the horses are native and petroglyphs are only post-colonial contact.
<https://www.sciencedaily.com/releases/2021/12/211208090008.htm>

"Yvette Running Horse Collin's recent dissertation may have rewritten every natural history book on the shelf. A Lakota/Nakota/Cheyenne scholar, Collin worked within the University of Alaska Fairbanks' Indigenous Studies program to synthesize fossil evidence, historical documents and oral history to present a compelling new story of the horse in the Americas. The horse was here well before the settlers. "We have calmly known we've always had the horse, way before the settlers came. The Spanish never came through our area, so there's no way they could have introduced them to us," reads one quote from a Blackfoot (Nitsitapi) study participant in Collin's doctoral study." <https://ictnews.org/news/yes-world-there-were-horses-in-native-culture-before-the-settlers-came#:~:text=The horse was here well,participant in Collin's doctoral study.>

BLM once acknowledged and even seemed to uplift and elevate Indigenous voices about the traditional management of the Montgomery Pass wild horses. It was once posted on the BLM website that the Paiute would stock the local horses at Montgomery Pass with the finest stallions given to the Paiute for their known healing abilities. At a time when natural medicine was the only available medicine, the Paiute were well known for healing horses. There was one account on the BLM website that told a story of folks with injured horses that were healed at the State Fair by Paiute people who knew how to cure diseases with natural medicines were well known and revered for their work and for payment were given some of the finest stallions, that were then released into the Montgomery Herds.

11) The plan calls for multiple roundups to remove all horses currently residing outside the Territory and achieve the unscientific Appropriate Management Level (AML) of 138 to 230 animals.

A 2024 census estimated there are 699 wild horses in this herd, and according to the USFS, the majority of the herd lives outside the territory.

After spending years with these horses, these numbers need to be corrected. An unbiased third party is required to conduct the findings. Because they are wrong based on the comments the agencies are receiving in the objection process, personal experience and the experience of local wranglers who have been guiding in these herds for 25 years. Horses can move overnight, and when flying above the herds myself, what I see is inconsistent with the agency's findings. After 25 years of guiding tourists through the Montgomery Pass Wild Horse Protected Territory, local wrangler Ivona Crone from Rock Creek Resort have said that only 15 stallions remain in the high country behind River Springs. They say perhaps this was from the dry springs that the horses had to move, or the mare and foals were killed by mountain lions during the heavy snows of 2023. She said this will leave maybe 40 mares left inside the wild horse-protected territory and this will kill them all if we have another major winter.

And with the snow of 2023, the springs are replenished. Moving herds in the same manner as used to round them up can be used. We are finding that at River Springs there are maybe 20 wild mares. In surrounding low land meadows inside the protected territory there maybe another 20 mares. This is not enough to keep the herds alive.

12) Why are you rounding them up? I have read the "BLM's directive is "to protect and manage wild free-roaming horses and burros as components of the public lands...." 16 U.S.C. § 1333(a) (emphasis added). Congress did not authorize BLM to "manage" the wild horses by corralling them for private maintenance or long-term care as non-wild free-roaming animals off of the public lands. Upon removal for private adoption and/or long-term care, the [] Herd would forever cease to be "wild free-roaming" horses "as a component of the public lands" contrary to Congress's intent to protect the horses from capture." <https://www.uidaho.edu/-/media/UIDaho->

Furthermore:

This AML was set in 1988 and has not been re-evaluated in 36 years, despite the agency's requirement to use current information in any management planning. Finally, it is poor business and a misuse of public funding. While 22M has been put aside for fertility control, the 150M for roundups nationwide and this year will put more horses in captivity than wild, costing taxpayers \$40,000 a year to hold a horse in captivity when it is only \$1400 to dart a mare annually. This will naturally reduce numbers.

According to the <https://action.americanwildhorse.org/a/montgomery-pass-action-alert> when evaluating the final proposed action in this Environmental Assessment, the agencies failed to consider relocating the horses: According to binding USFS regulations, the agency must consider relocating the removed wild horses. In this case, the USFS should relocate the Montgomery Pass horses inside the Territory and address the ecological conditions that are causing them to leave their designated habitat. If that is not possible, they should evaluate other USFS lands where the horses could be relocated.

Reevaluating the AML: The BLM and USFS should conduct a thorough reassessment of the AML using new and updated scientific data to ensure it reflects the current ecological reality.

Implementing Fertility Control: Utilize humane, scientifically studied, and reversible fertility control initiatives to humanely manage the population of the herd, without resorting to removals.

The impact of Livestock Grazing: Assess and acknowledge the detrimental impacts of livestock grazing on the Territory and incorporate this understanding into all management decisions.

Protecting predators: A 25-year study on mountain lion predation shows this herd has been managed successfully by predation. This study provides invaluable insights into natural population control mechanisms and should be considered for re-establishing natural predation to manage the herd's population.

When evaluating the final proposed action in this Environmental Assessment, the agencies failed to consider Relocating the horses: When I last spoke to the ranger there, it was said that this is too dangerous- yet it can be done safely with helicopters and with 4x4 vehicles.

According to binding USFS regulations, the agency must consider relocating the removed wild horses. In this case, the USFS should relocate the Montgomery Pass horses inside the Territory and address the ecological conditions that are causing them to leave their designated habitat using science. It should be considered they should evaluate other USFS lands where the horses could be relocated.

Reevaluating the AML: The BLM and USFS should conduct a thorough reassessment of the AML using new and updated scientific data to ensure it reflects the current ecological reality. Implementing

Fertility Control: Utilize humane, scientifically studied, and reversible fertility control initiatives to humanely manage the population of the herd, without resorting to removals. The impact of Livestock Grazing: Assess and acknowledge the detrimental impacts of livestock grazing on the Territory and incorporate this understanding into all management decisions.

Protecting predators: A 25-year study on mountain lion predation shows this herd has been managed successfully by predation. This study provides invaluable insights into natural population control mechanisms and should be considered for re-establishing natural predation to manage the herd's population.

This proposed action is not guided by science and allows for the most outdated, costly, and cruel methods of managing wild horses, including helicopter roundups. An EIS must be prepared to fully understand the impacts of removing the Montgomery Pass horses down to AML. Without the use of science, this process is extremely simplified and not based on hard facts we can stand behind, and for this reason, I'm not afraid I have to disagree

it is a 100% biased process. I have spoken to the wildlife biologists in the FS and BLM, and they have admitted they have not done studies on the horses.

13) Finally for the federal government to ignore strong California environmental laws, our agencies can do better to serve the public they are meant to serve. We need an Environmental Impact Report and a EIS. As was the case with Victor the bear, the horses are another example of this failure to work together with Tribal governments that the BLM knows have been historically managed by the local Benton Paiute tribe (it used to be on the BLM website the history of this herd managed by the tribe), the local communities who grieve over the way our wildlife is mismanaged and the boxes checked do not actually reflect working together. It is historically documented the affects of communities when animals are rounded up for slaughter or captivity.

14) Carbon sequestration: "Much of the superior ability of the horses and burros to sequester Carbon is related to their special digestive system."

https://www.researchgate.net/publication/353317205_REPORT_ON_CARBON_SEQUESTRATION_BY_HORSES_BURROS_AND_EQUIDS_AND_THEIR_ORDER

On a Global Scale How climate change affects our Allies: During my college years, I spent time studying in Australia. My professors asked that I hold our government accountable for ozone depletion. Now is my time to do so. It was down under that I learned from Australians, and what is being discussed about wild horse removal is exactly like removing nearly 1 billion buffalo, historically 88M. Global acts of environmental injustice cause ozone depletion. What we do locally is affecting the globe - the ozone layer of our allies in Australia, and ironically, we are causing the ozone to deplete in nations bound to protect us in war times- one may laugh because they never thought of this position. "Researchers estimate that a 10% decrease in the ozone layer will result in an additional 300,000 non-melanoma and 4,500 melanoma skin cancer cases (www.who.int/).

The problem with Australia is that the continent receives higher UV radiation levels than Europe. "Being located close to the ozone hole over the Antarctic means that much higher, more severe levels of UV radiation get through to ground level," says Dr Hasanien." It is estimated that nearly 450,000 Australians get skin cancer every year. Ultraviolet (UV) radiation from sunlight has been identified as the cause of more than 95% of skin cancers in Australia. Accordingly, the focus of skin cancer prevention programs is reducing exposure to UV radiation. What are we doing in America - depleting the ozone layer when we really should be focusing on the protection of climate change?

It is sad to see the obvious reality of LAWD taking water away from Mono Lake is what has caused the horses to find fresh water springs on the lakeside as if the lake was at its natural level the springs and the rock so beloved by the Mono Lake Committee would be underwater. Is this a horse problem or is it a water issue.

Our community has heard the department wants to eliminate all the wild horses from whistleblowers. Here, we have a colonial settler approach to land management. Yet because science is not being used, our agencies can claim its outside the scope of the project - this is an outdated, colonial approach to wildlife management. We can do better.

Do you really want this to be our Nations Legacy? And how can you be sure what you are doing is the right thing if the people you work with who disagree with you are afraid to speak up and loose their jobs. Without science this is an outdated colonial settler and frankly backwards approach to wildlife land management. We will let Victor the Bear speak to if only in your dreams may he tell you the truth of wildlife management and what needs to be done. Be the change, speak up and listen for we your community members are watching how our local wildlife is managed and the youth are not happy about it. We will see the project through to the end and legally fight on all levels if you will not meet with us and find better solutions that serve everyone. 76,000 people signed a petition for Victor as a sign all wildlife needs better management- beyond the 5000 letters you received from the community.

<https://www.change.org/p/justice-for-victor-the-bear-mammoth-lakes-ca>

The wild horses are hurting no one or anything they just need appropriate management from departments who seek to work in harmony with the planet and their community.

Maya Jamal Kasberg

PS Thank you for acknowledging the horses

"The grazing and trampling of these springs also appears to increase the accessibility of surface water. This is an important role megafauna play in wetlands"

"BLM's directive is "to protect and manage wild free-roaming horses and burros as components of the public lands...." 16 U.S.C. § 1333(a) (emphasis added). Congress did not authorize BLM to "manage" the wild horses by corralling them for private maintenance or long-term care as non-wild free-roaming animals off of the public lands. Upon removal for private adoption and/or long-term care, the [] Herd would forever cease to be "wild free roaming" horses "as components of the public lands" contrary to Congress's intent to protect the horses from capture."

SITE References:

Scientific research of horses being native and not eradicated and reintroduced, but always having been here in N America.

<https://www.sciencedaily.com/releases/2021/12/211208090008.htm>

https://www.researchgate.net/publication/274006946_The_Horse_and_Burro_as_Positively_Contributing_Returned_Natives_in_North_America

<https://www.science.org/content/article/horse-nations-animal-began-transforming-native-american-life-startlingly-early>

Cultural Native Approach on Native not introduced wild horses

<https://ictnews.org/news/yes-world-there-were-horses-in-native-culture-before-the-settlers-came#:~:text=The horse was here well,participant in Collin's doctoral study.>

Carbon sequestration

https://www.researchgate.net/publication/353317205_REPORT_ON_CARBON_SEQUESTRATION_BY_HORSES_BURROS_AND_EQUIDS_AND_THEIR_ORDER

https://horsetalk.co.nz/2021/07/17/horses-carbon-sequesters/#google_vignette

Law

<https://www.uidaho.edu/-/media/Uidaho-Responsive/Files/law/law-review/symposium/livestock-on-public-lands/Hurwitt.pdf>

Cattle, Mules and Wild horses in production rates higher showing better yields

<https://www.princeton.edu/news/2012/02/20/wildlife-and-cows-can-be-partners-not-enemies-search-food>

https://www.instagram.com/lascumbresranch/p/C7XjD6Qymo7/?hl=af&img_index=1

Sage Grouse

<https://www.uidaho.edu/news/feature-stories/sage-grouse-ten>

Fire

<https://www.ars.usda.gov/news-events/news/research-news/2024/ars-scientists-discover-strategically-applied-livestock-grazing-can-benefit-sagebrush-communities/>

Images from "The Relationship Between the Indigenous People of the Americas and the Horse: Deconstructing a Eurocentric Myth", Yvette Running Horse Collins PhD Dissertation at University of Alaska, Fairbanks

<https://ictnews.org/news/yes-world-there-were-horses-in-native-culture-before-the-settlers-came#:~:text=The%20horse%20was%20here%20well,participant%20in%20Collin's%20doctoral%20study.>