

**Chasing Horses Wild Horse Advocates
P.O. Box 3562
Dickinson, ND 58602**

Theodore Roosevelt National Park
Attn: Superintendent Richman
P.O. Box 7
Medora, ND 58645

Dear Ms. Richman:

I am excited to submit these comments and supporting documentation for consideration in *The Theodore Roosevelt National Park Livestock Management Plan – LMP*. These comments are submitted on behalf of Chasing Horses Wild Horse Advocates (“CHWHA”).

CHWHA is a nonprofit organization that is dedicated to ensuring that the wild horses in Theodore Roosevelt National Park “TRNP” continue to survive and thrive for future generations. Our grassroots efforts are supported by our 90,000+ social media followers and distinguished individuals with significant knowledge of the history of the wild horses in TRNP including but not limited to: Frank Kuntz, Castle McLaughlin and Robert Utley. We are also fortunate to have the support of American Wild Horse Campaign (AWHC), a nation-wide wild horse advocacy nonprofit organization.

We waited to submit our comments until after the March 30, 2022 Zoom Civic Engagement meeting, in the event that we had additional comments based on that experience. Based on TRNP’s representations during that meeting, we understand that there will be at least two additional opportunities for public comment during the National Environmental Policy Act (“NEPA”) process. Although we are submitting comments now (during the “information gathering” phase), CHWHA does not waive its right to raise additional issues during the remaining public comment periods.

Historically, Theodore Roosevelt National Park has not been transparent in its management of the wild horses under its jurisdiction, and has failed to use science and genetic information to properly manage the wild horses. Past communication with the park by the general public has left the majority of us feeling as though our voices did not matter and “the park is going to do whatever the park wants to do”, is a resounding sentiment we have heard from way too many people, way too many times.

We sincerely hope that this will count as one of the “lessons learned” mentioned by TRNP during the March 30th presentation. We hope that TRNP can see how detrimental their lack of transparency with the public has been in the past and that this will be one of those “lessons learned” that they do not make the mistake of repeating.

The members that make up the board at Chasing Horses Wild Horse Advocates are all willing to work with the park in whatever ways may be necessary to ensure that the best possible Wild Horse Management Plan is implemented to ensure the viability of this herd. We have repeatedly offered to volunteer to help in any capacity needed, both personally and as part of our newly formed nonprofit. We hope that you will let us know if there is anything we can do to help implement the final management plan and work together for the success of the herd of wild horses that calls TRNP home. We are willing to do all we can to make sure that future generations have the same experiences that we have today, in all aspects of the park – but yes, especially with respect to the wild horses.

TRNP correctly recognized during the March 30th meeting that a lot has changed since 1978, the last time TRNP ostensibly analyzed the environmental impacts associated with maintaining wild horses in the park. It is our hope that TRNP’s “Best Practices” will actually include the following:

Best management would be to update our thinking based on current science. It is also to look at examples and actions that other parks have utilized that are effective and make sure that we are applying things that we know to be effective. Also taking some of the “lessons learned” so we are not repeating things that weren’t effective.

Theodore Roosevelt National Park, Civic Engagement Meeting Transcript at 43 (March 30, 2022) [hereinafter “Meeting Transcript”].¹

In a detailed report evaluating the Bureau of Land Management’s wild horse management program, the National Academy of Sciences (“NAS”) actually praised the management of the wild horses in two other national parks: Assateague Island and Cape Lookout National Seashore. Given the success of the Assateague Island and Cape Lookout plans, we believe those plans should serve as a model for the management of wild horses that call Theodore Roosevelt National Park home.

Part of the NAS’s praise is below. This is pertinent because they are BOTH also managed by the National Park Service and show that similar plans ARE possible for the wild horses of Theodore Roosevelt National Park:

Maximum retention of genetic diversity in each HMA (or HMA complex) and in the population as a whole could be achieved if horses and burros were managed as individuals. That entails knowing all individuals in the population unit, their relationships, and their reproductive performance over time. The detailed population monitoring and record keeping required to accomplish this has been

¹ A copy of the Meeting Transcript is available in the National Park Service’s “Planning, Environment & Public Comment” portal at: <https://parkplanning.nps.gov/document.cfm?parkID=167&projectID=105110&documentID=119921>

possible in some barrier-island horse populations, including Assateague Island and Shackleford Banks.

In addition to monitoring the genetics (via pedigree) and demographics of the population, individual based genetic management would require actively controlling reproduction of individual animals so that they contribute to the gene pool equally and rare alleles or genotypes are not lost.

NAS, *Using Science to Improve the BLM Wild Horse and Burro Program: A Way Forward at 164* (2013) [hereinafter “NAS Report”].

Given the successes of other parks, it is our hope that the new management plan for the wild horses of TRNP will view these animals as a respectable “Cultural Resource,” as Assateague Island has done. TRNP management has been treating them insignificantly since the creation of the Park: as a nuisance as they wrongfully label them “a demonstration herd” and now “livestock”.

Along with this comment letter, we have submitted several documents that bear directly on TRNP’s management planning for wild horses. We ask that these documents be considered by TRNP during the planning process, and placed, in their entirety, in the administrative record for this project. These documents include:

- Castle McLaughlin, *The History and Status of the Wild Horses of Theodore Roosevelt National Park* (Dec. 1989), <https://bit.ly/365UtUy> [hereinafter “Castle Report”];
- NAS Report, *supra*;
- 2009 Interview with Robert Utley;
- U.S. Bureau of Land Management, *Wild Horses & Burros Management Handbook* (2010), <https://on.doi.gov/3E8S5ZQ> [hereinafter “BLM Handbook”];
- TRNP, *Environmental Assessment for Feral Horse Reduction* (1978), <https://bit.ly/3aEOQLW> [hereinafter “Wild Horse EA”];
- NPS, *Environmental Assessment of Alternatives for Managing the Feral Horses of Assateague Island National Seashore* (2008), <https://bit.ly/3uE3oX2> [hereinafter “ASIS EA”];
- Letter Regarding Roundups and Removals of Wild Horses Under the Jurisdiction of the TRNP from CHWHA, to Angela Richman, Superintendent, TRNP (March 21, 2022) [hereinafter “CHWHA Letter”].
- North Dakota Concurrent Resolution No. 4011

I. OVERVIEW

Chasing Horses Wild Horse Advocates is strongly opposed to the NPS moving forward with any of the proposed “Draft Alternatives” they have presented to the public for the future management of the wild horse herd entrusted in their care. Each potential alternative presented by the NPS lacks significant data to ensure the viability of this herd. We plan to bring to light where the NPS’s “Draft Alternatives” are lacking and provide sustainable, scientific solutions

that should be analyzed as separate alternatives during the NEPA process. The concerns we plan to address in this comment document include the following:

- The wild horses of TRNP are not livestock, and TRNP must explain why it has classified them as such. Similarly, the NPS should not be proposing to manage them in the same ways as the longhorn cattle. TRNP has noted in several of their documents that these are wild horses and CHWHA is asking that the future management plan for these horses reflect TRNP's own documentation and classify them as wildlife.
- CHWHA strongly opposes with the terms laid out in ***Draft Alternative "A" - No Action***. The initiation of this NEW management plan for the wild horses demonstrates that the current management regime can no longer sustain the herd of horses entrusted to TRNP's management. We will elaborate further on those reasons within this document.
- CHWHA strongly opposes with the terms laid out in ***Draft Alternative "B"- Reduction of Herds Over Time to No Livestock***. Allowing the wild horses to continue to be sold off as the rest of the herd dies off is not a viable option for the reasons explained in further detail below.
- CHWHA strongly opposes with the terms laid out in ***Draft Alternative "C" – Non Reproductive Herds at South Unit and North Unit***. This option does not utilize science-based evidence concerning wild horse management, nor does it address the historic importance of the herd. CHWHA will discuss the reasons why we disprove of this option in detail in this document.
- CHWHA strongly opposes with the terms laid out in ***Draft Alternative "D" – Non Reproductive Herds at South Unit and Elkhorn Ranch***. In this option, the NPS is offering the same fate of the wild horses as Option "C" above. See our comments above.
- CHWHA strongly opposes with the terms laid out in ***Draft Alternative "E" – Reproductive Herds of Horses and Cattle***. With regards to the wild horses in TRNP, this option is similar in nature to Option "A" that takes no action to the current management practices. Below, we will discuss the reasons why this alternative is not tenable.
- CHWHA strongly opposes with the terms laid out in ***Draft Alternative "F" – Non Reproductive Herd of Horses and Removal of Cattle***. Creating a non-reproductive herd of horses that are behind a secondary fence within the park boundaries would not only be a drastic change to the dynamics of this herd, but also to the public experience in TRNP. We will discuss this in further detail within this document.

As mentioned above, CHWHA will submit significant scientific data that needs to be incorporated into the future management plan for the wild horses of TRNP.

II. HISTORY

Theodore Roosevelt National Park was named after our conservation president and has become known for its significant cultural and historical resources, which, since its inception, has always included wild horses. While grazing on the wide-open spaces in their home in Medora, ND, they were inadvertently fenced into the park.

After years of trying to eradicate the horses from the park, public outcry won out in the 1970's and the horses were allowed to stay within the park boundaries. Since then, however, TRNP has narrowly focused only on achieving a "somewhat arbitrary" herd-size number, rather than managing these horses to maintain their historically important genetics. See CHWHA Letter at 8-9 (quoting Wild Horse EA at 6).

In 1978, TRNP crafted an environmental assessment entitled: *Proposed Feral Horse Reduction, Theodore Roosevelt National Park*. See Wild Horse EA, *supra*. While it is clearly noted within that document by BLM Range Specialist, Milton Frei, that this is NOT an actual wild horse management plan, this has been the go-to document for TRNP when it comes to managing the wild horses in TRNP from 1978 to our present time.

In 1989, Castle McLaughlin completed and submitted her extensive research and presented her 300+ page paper entitled "*The History and Status of the Wild Horses of Theodore Roosevelt National Park*" to Theodore Roosevelt National Park. See Castle Report, *supra*.

Despite the efforts of Milton Frei, Castle McLaughlin, Frank and Leo Kuntz as well as Robert Utley, time and again, Theodore Roosevelt National Park has consistently shown nothing but ignorance when it comes to the proper management of the wild horses entrusted in their care from the park's inception through this present moment. Today, this continued ignorance is clearly seen by the current proposed wild horse management alternatives they have presented to the public for the formation of the highly anticipated wild horse management plan.

Theodore Roosevelt National Park has significant documentation at its disposal that shows the rich historical and cultural significance of the wild horses in TRNP. Yet, despite the fact that Theodore Roosevelt National Park was set up as a historical national park, current park management fails to demonstrate the wild horses that Theodore Roosevelt experienced during his time in North Dakota—a point that has been highlighted time and again by TRNP park management through their website and other published documents. See CHWHA Letter at 7-9.

In 1978, Milton Frei, in his evaluation of this herd, implored the Park to figure out "exactly what is it that is wanted from the wild horse population." Wild Horse EA at 26. After 44 years of waiting, we sincerely hope that the park is ready to have an open, honest, and transparent two-way conversation with the general public so that we can come up with an answer to that question collectively.

III. WILD HORSES ARE WILDLIFE, NOT LIVESTOCK

The public has waited 44 years for Theodore Roosevelt National Park to give the wild horses a proper management plan. Now that this moment has been realized, Chasing Horses Wild Horse Advocates knows they are not alone in the extreme disappointment in TRNP park management for choosing to classify the horses as "livestock" without explaining *why* these animals are classified as such.

In November of 2021, CHWHA submitted a FOIA request to Theodore Roosevelt National Park specifically addressing this issue. We asked TRNP specifically when and why the TRNP wild horses were designated as "livestock". The information that was disclosed to us

through our FOIA request, or lack thereof, demonstrates that there never was a formal NPS designation of the wild horses in TRNP as “livestock”.

The park has only offered this very generic answer on the wild horse portal section of their website regarding this classification when asked by the general public:

Both species are domestic livestock with populations maintained on NPS lands to represent a cultural scene. These animals are authorized under the same policy for the same purpose of enhancing visitor experience, and management of both must be equally balanced with resource stewardship priorities of NPS.

But, this self-serving statement does not answer *why* wild horses are classified as livestock rather than wildlife. CHWHA as already explained to TRNP why this explanation is important, and why TRNP’s current classification is arbitrary. *See* CHWHA Letter at 5-7.

As such, the first action that needs to be addressed within this proposed management plan is that TRNP must explain its decision to arbitrarily classify certain wildlife species, such as wild horses, as livestock. Until then, there is no logical justification for combining the management of the longhorn cattle in the North Unit of TRNP with the wild horses in the South Unit of TRNP. This is a huge injustice to both groups of animals. The wild horses should have their own proper wild horse management plan, as has been promised to the tax paying public since 1978. The following facts support this case:

- In 36 C.F.R. § 1.4, the NPS defines wildlife as: “wildlife means **any** member of the animal kingdom”. NPS’s regulations pertaining to wildlife also do not draw any distinctions between native and non-native or invasive species.
- Milton Frei’s findings regarding the 1978 EA were formulated into a report entitled: *Wild Horse Herd Evaluation for Theodore Roosevelt Memorial Park*. This speaks to the conclusions Mr. Frei found upon completion of his assessment of the wild horses.
- TRNP’s Wild Horse EA from 1978 states that “*Since the horses cannot be classified as a native wildlife species, they are managed as a livestock display, significant because of the presence of feral horses in this area during Theodore Roosevelt’s time.*” Inserting the classification of “livestock” in this EA and then choosing to manage the wild horses as livestock is NOT part of the formal process of the NPS for such a designation. Further, witnesses to this critical period in TRNP history, like Castle McLaughlin and Frank Kuntz, can attest to the fact that there were no required formal public hearings to discuss any of the management actions implemented with the 1978 EA. Lastly, as quoted on the TRNP website, Theodore Roosevelt did not seem to view the wild horses that were an active part of the landscape in Southwestern North Dakota when he was here as livestock: “*In a great many--indeed, in most--localities there are wild horses to be found, which, although invariably of domestic descent, being either themselves runaways from some ranch or Indian outfit, or else claiming such for their sires and dams, yet are quite as wild as the antelope on whose domain they have intruded.*” If you are honoring the man by recreating the landscape to reflect his time where TRNP now

stands, at the very least, Theodore Roosevelt's own words should be reflected in your recreation of the management of that land now known as TRNP.

- Over the years, we have had several meetings with TRNP park management to discuss the wild horses entrusted to their care. Since it was made clear to us in one such meeting that any of the details of those meetings were subject to the laws of FOIA, we would assume that TRNP has records of those meetings. In every meeting we ever had with TRNP Park management, including Wildlife Biologist and now Chief of Resource Management, Blake McCann, and then Superintendent Wendy Ross, the horses of TRNP were always referred to as “feral” – a term that by definition means that these horses are no longer “domesticated or cultivated” as referenced in Webster's New Collegiate Dictionary (7th ed. 1967). Additionally, both the Wild Horse EA and the TRNP Foundation document characterize the TRNP herd of horses as “feral”.
- Castle McLaughlin has proven in her report that the wild horses have roamed free across North Dakota's Badlands well before TRNP existed. The wild horses in TRNP are known to be descendants of those horses, even with the failed attempts at the introduction of new blood.
- TRNP has never fed, sheltered, watered, or cared for these horses in any way that would define their presence in the park, as a herd of 180 horses that roam freely across the 46,158.57 acres that make up the south unit of TRNP, as simply “livestock”.
- Assateague Island National Seashore has correctly classified their wild horses as “wildlife” (and also often refer to them as a “cultural resource”). *See* ASIS EA at 7 (“The feral horse population on ASIS is managed, in general, as a wildlife resource.”); *see also* CHWHA Letter at 6. TRNP must explain why it has chosen to classify the same resource, wild horses, differently from its sister park.

In sum, the foregoing demonstrates that TRNP's current classification of wild horses as “livestock”—rather than “wildlife”—is arbitrary. At minimum, TRNP must explain why it has chosen to classify the herd in this manner.

IV. TRNP's DRAFT ALTERNATIVES

In this section, CHWHA provides comments specific to each of the various “Draft Alternatives” proposed by the Park. Each are discussed in turn below.

A. TRNP proposed analysis: “Draft A: No Action”

Chasing Horses Wild Horse Advocates is opposed to the “No Action” alternative. As the Park itself has acknowledged, the status quo is no longer tenable.

The Park's current management regime, which is ostensibly guided by an outdated environmental assessment (“EA”) and implemented on an ad hoc basis, has left this herd with primarily an older herd with little to no younger horses to replace those that will die over the next 5-10 years. The current management regime lacks the use of any science or genetic information in its management of this herd. This is evident from the Park's singular focus on

achieving an arbitrary herd size, without any regard for the herd's phenotypic expression or the types of individual horses that makeup that herd. Science and genetic information are widely available to TRNP park management and yet, none of that data is utilized when major management decisions are made including giving birth control to fillies and mares as well as TRNP's ongoing plans to cull every horse between the age of 4 months old and 3 years old. Other failures under this current method of management include:

- The loss of significant historical genetics – including the loss of the Nokota breed of horses in the Park
- Allowing Colorado State University to experiment the effects of GonaCon on this herd for 11 years
- Taking a one of the most genetically diverse herds (Milton Frei 1978) as stated in the 1978 Wild Horse EA to one of the most inbred herds in the world 44 years later, as stated in the 2018 research paper discussing the genetics of the wild horses in TRNP
- Failed attempts to introduce “new blood” by introducing horses not native to the landscape or climate of the North Dakota Badlands. In attempts to correct those failures, the majority of the introduced horses had to be removed.
- The TRNP herd showing signs of inbreeding
- Overwhelming number of horses in this herd that carry the Lethal White Gene which has increased the number of lethal white foals that are born to this herd

Furthermore, the “No Action” alternative would presumably entail the Park continuing to manage the herd as “livestock” rather than “wildlife” under the Park's regulations and *Management Policies*. As CHWHA has explained above and in its March 21, 2022 letter, the Park's “livestock” classification cannot be sustained under the plain meaning of the agency's regulations. *See* CHWHA Letter at 5-7. Continuing to manage these wild horses as “livestock” deprives them of certain important protections afforded to wildlife (whether native or non-native) under the Park's management policies. *See id.* at 6-7.

As CHWHA has explained previously, maintaining the status quo under a “No Action” alternative is also untenable under the Park Service's Organic Act and its own *Management Policies*. *See id.* at 7-9. Where certain species like wild horses are “maintained to meet specific, identified management needs,” like cultivating a historic setting, the nonnative “species used must be known to be historically significant, to have existed in the park during the park's period of historical significance, to be a contributing element to a cultural landscape, or to have been commonly used in the local area at that time.” NPS, *Management Policies* at 47 (2006), <https://bit.ly/3tvupvi>. Yet, there is no indication that TRNP's status quo management regime for wild horses endeavors to ensure the horses in the Park are representative of those found there during Theodore Roosevelt's time in western North Dakota. *See* CHWHA Letter at 8-9.

For all these reasons, CHWHA encourages TRNP to reject the “No Action” alternative.

B. TRNP proposed analysis: “Draft B: Reduction of Herds Over Time to No Livestock”

CHWHA is opposed to any management plan that aims to eliminate ALL wild horses from the Park. As a threshold matter, CHWHA notes that implementing any alternative which eliminates the wild horses from TRNP would likely violate the Park Service's Organic Act. The Park has repeatedly made clear that wild horses are integral to the TRNP's creation in the first place, including its historical setting and interpretation. *See* CHWHA Letter at 7-8. Thus, to the extent the Park plans to entirely eliminate the herd, it must at minimum explain this sudden reversal in policy.

Further, CHWHA notes that an EA is an inappropriate vehicle for assessing the significant impacts that this management plan will have on the environment. As the Park is well aware, this proposed "livestock" management plan entails long-term management of horses that are historically important to the Park, unique to North Dakota's Badlands, and have long been a controversial subject. As such, an Environmental Impact Statement is necessary to take the requisite "hard look" at the environmental effects of the Park's proposed plan.

An EIS is especially necessary for any plan that envisions the complete elimination of the herd. Given that TRNP itself has said the herd is "*significant* because of the presence of feral horses in this area during Theodore Roosevelt's time," Wild Horse EA at 1 (emphasis added), the Park must explain why depriving the public of the ability to experience North Dakota's Badlands as Theodore Roosevelt did in the late 1800's does not entail "significant" environmental impacts.

Complete elimination of the herd is also practically unwise for other reasons. The state of North Dakota is rich in equine history. It is well documented that wild horses existed during the time that Theodore Roosevelt spent in our state. In 1989, Castle McLaughlin completed her extensive research that was published in her document: "*The History and Status of the Wild Horses of Theodore Roosevelt National Park*". We have included a copy of this document for your reference during this management planning process.

There are numerous references to the type of horse that existed where Theodore Roosevelt National Park now stands during the late 1800's and early 1900's. These horses were "small, with long mane and tail, typical of the mustang/Indian horse type." Castle Report at 20; *see also id.* ("A newspaper clipping from the de Mores family album dated 18 August 1883 recounts the visit of an Associated Press party to Medora that summer, during which the Marquis gave them a tour of the developing town. The writer noted that area residents rode "small Indian horses.").

One of the most significant pieces of historical evidence that Castle McLaughlin found in her research was the clear paper trail of the purchase of 250 Sioux horses that were confiscated from Sitting Bull and his sub-chiefs when they surrendered at Fort Buford by the Marquis de Mores. The decedents of these horses are now known as the Nokota breed of horse; North Dakota's honorary equine.

TRNP was established as a historical national park. Under the National Historic Preservation Act of 1966, as Robert Utley, former NPS Deputy Director of the Advisory

Council on Historic Preservation, states the following on page 5 in his 2009 interview that is included with our supporting documentation:

I was on the Advisory Council on Historic Preservation as Deputy Director, which oversees federal law that would have applied in the case of TR when they started taking those horses out, because that was a federal undertaking with an adverse effect. I am using official terminology, adverse effect on the Park, and that is a violation of the regulations of the Advisory Council and therefore federal law. The Park then should have recognized those as historic resources and followed all of the hoops you have to jump through under the National Historic Preservation Act of 1966.

There, Robert Utley was speaking about TRNP's efforts to eliminate the Nokota breed when they introduced new blood into the park and completely disregarded the significance of the wild horse's native to the area when Theodore Roosevelt was in North Dakota. As such, CHWHA encourages the Park to ensure that any final management plan complies with the National Historic Preservation Act, and honors the historic value of the TRNP herd.

The discussion of other large ungulates and the ability for the Park to sustain all of the wildlife that call the park home comes into question quite often. We will open that discussion here as well. At the March 30th Civic Zoom meeting, TRNP was asked whether "native grasses [would] be affected if cattle and horses are removed from the park?" TRNP replied that "there would be less pressure on them due to less animals consuming them, trampling them etc. We still have a lot of native ungulates on the landscape that would provide the necessary disturbances."

But, this answer is NOT consistent with the findings of the NAS Report. Beginning at page 74, the NAS Report discusses a theory supported by case studies done by Riney & Caughley and published their findings:

[S]urviving vegetation components would be adapted to withstand recurrent herbivory and would increase in relative abundance to withstand recurrent herbivory and would increase in relative abundance to form a plant community that is more adapted to withstand herbivory.

The NAS shared a relevant case study in New Zealand was shared:

Free-ranging horses in New Zealand are derived from animals introduced from various sources in the 19th and 20th centuries (Rogers, 1991). They once ranged over much of the central North Island but have diminished since the 1950s. The only remaining population survives in the Kaimanawa Mountains because of restricted public access on military lands. The Kaimanawa unmanaged population was continuing to increase and had not reached food limitation as of 1990 (Rogers, 1991). However, in the southern portion of the area, horses were expanding their ranges in response to increased density. The most important habitats for horses included wide basins with areas of volcanic ash supporting tall red tussock and short hard tussock grasslands. Grazing by domestic

sheep, cattle, and horses and burning since the 1890s converted tall red tussock to short tussock grasslands. A 20-m x 20-m grazing enclosure in degraded short tussock grassland resulted in changed plant species composition. The dominant intertussock grass species increased while 12 low-stature species and total species diversity decreased as the hard tussock species increased in stature and shaded them. Adventive (introduced) species also expanded. It is notable that the tall red tussock grass decreased. The enclosure also showed that grazing was not reducing the recruitment of hard tussock. Thus, cessation of horse grazing did not restore the original red tussock species, so the vegetation might have been converted to an “alternate stable state” as explained in the section “Understanding Ecosystem Dynamics” in Chapter 7. Furthermore, cessation of grazing resulted in adverse changes in species composition toward the adventive species, and this indicates that a moderate level of grazing would maintain the more desirable hard tussock grassland physiognomy (appearance) and species composition.

The NAS Report also stated that it is impossible to prove that horses are responsible for a substantial amount of erosion when erosion has been shown to happen in environments without wild horses or in areas where they have been removed.

Additionally, it is often argued that the wild horses of Theodore Roosevelt National Park are NOT native to this landscape. Documents such as Castle McLaughlin’s as well as Theodore Roosevelt’s own writings prove that the wild horses were part of what is now Theodore Roosevelt National Park long before it was fenced.

From TRNP’s website:

“In a great many--indeed, in most--localities there are wild horses to be found, which, although invariably of domestic descent, being either themselves runaways from some ranch or Indian outfit, or else claiming such for their sires and dams, yet are quite as wild as the antelope on whose domain they have intruded.” ~ Theodore Roosevelt

Regarding the bison at TRNP, the park’s website also states:

In 1956, 29 bison were brought from Fort Niobrara National Wildlife Refuge in Nebraska and released in the South Unit of Theodore Roosevelt National Park.

With regard to the re-introduction of the elk into Theodore Roosevelt National Park, the TRNP website states:

Although Roosevelt named his Elkhorn Ranch after the interlocking antlers found at the site, living animals were hard to find. "This stately and splendid deer, the lordliest of its kind... is now fast vanishing," he wrote in the 1880s. By the end of the century, elk were no longer found in the Badlands.

In an effort to reestablish the native ecology, Theodore Roosevelt National Park reintroduced elk to the South Unit in 1985. The original animals were transferred from Wind Cave National Park in South Dakota. Since that time, the park has monitored and managed the elk population within the park boundary.

While it is understood that the term “native” refers to those animals that have been proven to exist in North America, we do think that this loosely used term needs to be expanded and defined by the cultural and historical atmosphere that Theodore Roosevelt National Park is charged with maintaining.

Simply put: it is obvious that the horses were part of the landscape that now makes up Theodore Roosevelt National Park long before the bison and elk populations had to be re-introduced into the park boundaries.

A simple Google search may help clarify our point:

na·tive

/'nādiv/

noun

- 1. a person born in a specified place or associated with a place by birth, whether subsequently resident there or not: "a native of Montreal"

adjective

- 1. associated with the place or circumstances of a person's birth: "he's a native New
- 2. (of a plant or animal) of indigenous origin or growth: "these plants are native to North America"

The wild horses that currently call Theodore Roosevelt National Park are proven to have been part of the landscape long before the park was fenced in. The wild horses are, by definition, NATIVE to the area that now includes the fenced boundaries of Theodore Roosevelt National Park.

On page 40 of McLaughlin's *The History and Status of the Wild Horses of Theodore Roosevelt National Park*, in an interview with John Pusenchenko, whose parents, in 1912, homesteaded in the Grassy Butte area revealed the following when Castle asked him to comment on local saddle stock from 1920-1940: "The first horses around here were bound to have Indian blood. There were wild horses in the badlands and Killdeer Mountains. There were a lot of paints and Indian horses early on. There were quite a few roans, especially strawberry roans - - Indian horses."

As a society, we seem to be struggling with allowing wild horses to remain wild and also carving out sustainable land for them to maintain their freedom. This recount from John Pusenchenko as well as other local area ranchers, show that wild horse have had the same struggle within our own state of North Dakota. They have lost their freedom from the days that Theodore Roosevelt visited North Dakota. As a result, they have found themselves now confined to the 46,158.57 acres of land that make up what is now known as Theodore Roosevelt National Park.

The National Park Service website (<https://www.nps.gov/orgs/1103/whb.htm>) states that:

One component of the National Park Service (NPS) mission is to conserve the "wild life" and natural processes within its units. Wild life includes everything from large mammals, like bears and moose, to the smallest organisms, such as bacteria and parasites. Native organisms that cause disease may be part of the naturally functioning ecosystem that is protected within a park. The health of these ecosystems contributes to the overall health of all species - plants, animals, and us!

It is time that Theodore Roosevelt National Park management live up to its duties and ***“conserve the wildlife and natural processes within its units”*** specifically with regards to the wild horses that have called this area home long before the birth of Theodore Roosevelt National Park.

C. TRNP Proposed Analysis C, D & F “Non-Reproductive Herds at the South Unit and North Unit/Elkhorn Ranch”

Chasing Horses Wild Horse Advocates is opposed to Theodore Roosevelt National Park/National Park Service’s proposal of a management plan that supports ONLY a non-reproductive herd.

In the days that have followed the Zoom meeting hosted by TRNP, CHWHA was flooded with messages and comments from the public stating that they would NOT visit TRNP or the state of North Dakota if this is the option that the Park adopts. We have redirected those people to share their comments with the North Dakota Department of Tourism and Governor Doug Burgum’s office.

Aside from the overwhelming disapproval from the general public, non-reproductive horses behind a fence in a national park does not represent what Theodore Roosevelt experienced during his days in North Dakota. As such, managing a non-reproductive herd would conflict with TRNP’s duty to maintain a landscape that existed when Theodore Roosevelt was in North Dakota. The Park should explain why it believes otherwise.

The NAS Report found the following regarding changes in the dynamics of the herd with regards to fertility control:

In addition, there were no fertility-control methods that did not alter the behavior or physiology of free-ranging horses and burros in some way. Any method that prevents reproduction can do so only by affecting some aspect of the reproductive system. Even if the only effect were to prevent births, that would change the age structure of a herd by reducing the number of young and could enhance the health of females by reducing the caloric demands of reproduction. Thus, in evaluating fertility-control methods, it is important to compare them not only for obvious factors—such as efficacy, mode of delivery, and cost—but for the constellation of their effects on physiology, behavior, and

social structure. It is also critical to extend the comparisons to the social-structure changes and behavioral and health effects that are caused by gathers. (NAS Report at 96-97)

A 92-year-old Robert Utley is still trying to help right the apparent wrongs done to the wild horses of TRNP. His position is significant because he actually penned many of the policies that have shaped the National Park Service. Robert Utley's position has always been that Section 106 of the National Historic Preservation Act of 1966 applies:

Section 106 of NHPA granted legal status to historic preservation in federal planning, decision-making, and project execution. Section 106 requires all federal agencies to take into account the effects of their actions on historic properties, and provide a reasonable opportunity to comment on those actions and the manner in which federal agencies are taking historic properties into account in their decisions. (Summarized at <https://ncshpo.org/resources/section-106/>)

Thus, CHWHA again encourages the Park to ensure that its management plan complies with the National Historic Preservation Act.

D. TRNP Proposed Analysis E “Reproductive Herds of Horses and Cattle”

CHWHA is opposed to TRNP's proposal to cap the number of horses in the Park at 70. While CHWHA is in favor of maintaining a reproductively viable herd, this option falls short for many reasons. To the extent the Park continues to cap the maximum number of horses at 70, moreover, it must explain how that decision was reached and what evidence supports that herd size.

Gus Cothran, a well-respected leader in equine genetics, has stated (in the BLM Handbook (*see* section 4.4.6.3 Herd Size)) that “a total population size of about 150-200 animals[] is currently recommended to maintain an acceptable level of genetic diversity within reproducing WH&B populations.” BLM Handbook, 4.4.6.3, at 22.

Likewise, the National Academy of Sciences also concluded that:

[E]xcessive reliance on removal-based management strategy could backfire because removal can lead to rapid population increases due to density-dependent compensation. Compensatory (or over compensatory) responses to removal may be contributing to the high growth rate by the free-ranging horse populations. (NAS Report at 190)

These documents, therefore, suggests that a breeding population of 70 horses is insufficient to maintain the herd's genetic diversity. For this reason, as explained below, CHWHA encourages TRNP to examine an alternative that envisions a larger herd size capable of protecting the herd's genetic diversity. To the extent TRNP continues to insist on capping the herd at 70 individuals, it must explain how its arbitrary ceiling can be squared with scientific findings to the contrary.

The wild horses that have called TRNP home have evolved to survive and thrive in the rugged North Dakota Badlands long before the Park's existence. In other words, **THEY HAVE**

ADAPTED AND CHANGED OVER TIME TO BE RESPONSIVE TO THEIR ENVIRONMENT. They bring people to the state of North Dakota, they enhance the visitor experience, they represent a historic time in our nation's history, the horses themselves are a cultural representation of the days when Theodore Roosevelt was in North Dakota and as such, help create the atmosphere that TRNP park management is charged with recreating for the public it serves.

V. ADDITIONAL ALTERNATIVES THAT MUST BE CONSIDERED FOR TRNP'S WILD HORSE MANAGEMENT PLAN

CHWHA believes that the following analysis should be included in this process. We will go over each point in detail and share the supporting scientific and/or policy data to support our claim.

1. Theodore Roosevelt National Park must allow an analysis that allows for a minimum of 150 horses in the herd to maintain genetic diversity.
2. Theodore Roosevelt National Park must allow an analysis that takes the historical and cultural significance of these horses into consideration.
3. Theodore Roosevelt National Park must allow an analysis that speaks to the methods of birth control that will be used to maintain a genetically viable reproductive herd.
4. Theodore Roosevelt National Park must allow an analysis that speaks to the methods and strategies that will be used if removals continue to be necessary after the successful implementation of a birth control program.
5. Theodore Roosevelt National Park must allow an analysis that speaks to the need for Park Management to publish an annual report for the wild horses in TRNP, similar to what is done at Assateague Island National Seashore and Cape Lookout National Seashore.

A. Allowing a MINIMUM of 150 Horses to Promote and Maintain Genetic Diversity

BLM and Gus Cothran have repeatedly stated that 150-200 wild horses are needed to maintain genetic diversity. *E.g.*, BLM Handbook, 4.4.6.3, at 22. It is well documented that the TRNP horses lack genetic diversity, and the presence of the lethal white gene is a sign of inbreeding. To promote genetic diversity within this herd, TRNP should consider an alternative that tiers towards the high end of BLM and Gus Cothran's recommendation. The number of mares foaling for the first time in 4-6 years is bringing some genetic diversity into this herd. There is also a large population of horses (approximately 40) that are age 15+ that we know will be dying in the near future.

BLM states that there should be an equal balance of male and female horses in each of the following age groups: 0-4, 5-9, 10-15, 15+. The National Academy of Sciences noted that through the success of the implementation of their Wild Horse Management Plan for the Assateague Island wild horses, new age categories of 15-25 and 25+ have been adopted for that

herd. TRNP needs to work to bring the sex and age ratios back into balance for the health of this herd.

The BLM Handbook also states that maximizing the number of breeding age horses (age 6-10 years) and “introducing 1-2 young mares every generation (10 years) from other herds living in similar environments.” will help maintain genetic diversity.

The NAS Report, moreover, states that:

The probability of natural gene flow in free-ranging horses and burros varies among herds. In some herds, management actions have included removals that had unknown effects on the levels and distribution of genetic diversity. Isolation and small population size in combination with the effects of genetic drift, may reduce genetic diversity to the point where herds suffer from the reduced fitness often associated with inbreeding. That would compromise the ability of herds to persist under changing environmental conditions.

NAS Report at 145.

For all these reasons, TRNP should develop and analyze an alternative in which the herd is managed to include a minimum of 150 individuals with an equal balance of reproductively viable male and female horses in each of the following age groups: 0-4, 5-9, 10-15, 15+.

B. TRNP Should Consider an Alternative Whereby It Manages the Herd to Preserve Its Historical and Cultural Significance

As explained above and elsewhere, TRNP’s wild horse herd plays a crucial role in the historical setting of the Park. *See, e.g., TRNP, Natural Resources Management Plan and Continued Environmental Assessment* at 46-47 (1984) (referring to the TRNP horses as “a historic badlands horse herd, with the animals being direct descendants of the horses which were found here when the park was founded”). To date, however, there is no evidence that TRNP has managed the herd to ensure that it represents those kinds of horses that “existed in the park during the park’s period of historical significance,” or were “commonly used in the local area at that time.” NPS, *Management Policies* at 47 (2006); *see also* CHWHA Letter at 8-9.

Yet, TRNP has significant data regarding the breed of horses that were present in the Park during the late-1800’s (i.e., those that “existed in the park during the park’s period of historical significance”). *See* CHWHA Letter at 8 (discussing, *inter alia*, Castle Report, *supra*). This breed of horses, commonly referred to as Nokota horses, “are characterized by a square-set, angular frame, tapering musculature, V-shaped front end, angular shoulders with prominent withers, distinctly sloped croup, low tail set, strong bone, legs, and hooves, and ‘Spanish colonial’ pigmentation.” S. Concurrent Res. No. 4011, 63rd Leg. Assemb. (N.D. 2013) (“A concurrent resolution urging the National Park Service to recognize the historical value of the Nokota horse and provide for its appropriate management in [TRNP].”).

Accordingly, CHWHA urges TRNP to consider an alternative in which the Park manages the herd to preserve its historic significance by, for example, ensuring that any horses introduced to the herd are authentic Nokota horses.

The National Park Service's management of wild horses at Assateague Island National Seashore provides a useful example. There, the Park Service ensures that "[h]orses for potential addition to the herd will originate from . . . similar early European-American working stock that have experienced some level of transition into a feral or free-roaming condition and also have been exposed to the rigorous living conditions typical of barrier island life." *See* ASIS EA at 3.

The following excerpt can be found in Assateague's most recent NEPA analysis concerning wild horse management:

The intent of the potential additions is to provide a mechanism to periodically manipulate the genetic and/or demographic composition of the herd, if needed, to safeguard population health and viability. Potential additions of feral horses will be conducted when, and if, measures of population health such as mean kinship (how related to each other any member of the herd is) or reproductive capacity indicate an increased risk to the population from inbreeding or other factors. Additions will involve small numbers (2-5) of horses at any given time. In the event of catastrophic mortality (e.g., from storms or disease outbreaks), a larger addition of horses may be considered. Horses for potential addition to the herd will originate from other east coast populations. These coastal populations are believed to be primarily from similar early European-American working stock that have experienced some level of transition into a feral or free-roaming condition and also have been exposed to the rigorous living conditions typical of barrier island life. The ability to integrate into a harem band social organization and thrive on typical barrier island resources is critical for potential immigrants. Potential donor populations include NPS-owned horses at Cape Lookout and Cumberland Island National Seashores. Criteria used to select suitable individuals will include age, gender, and physical characteristics similar to the Assateague horses.

ASIS EA at 3.

Chasing Horses Wild Horse Advocates understands that there are significant inbreeding issues that need to be considered and addressed to ensure the future of a healthy wild horse herd at TRNP. We also understand that to help correct some of the current inbreeding issues, new blood will need to be introduced for the future wellbeing of this herd. Hence, CHWHA urges TRNP to ensure that the only horses that be introduced (or re-introduced) are the Nokota horses. The Nokota horses are a recognized breed of horses that were native to the land that is now Theodore Roosevelt National Park BEFORE the park introduced new blood and changed the geno-pheno type of the horses within their fenced boundaries. Further, the Nokota horse is the "honorary equine" of the state of North Dakota. S. Concurrent Res. No. 4011, 63rd Leg. Assemb. (N.D. 2013).

Ensuring that future introductions are guided by the historic value of the herd would be a departure from the Park's prior failed attempts of introducing non-native Quarter horses to TRNP. As explained throughout the Castle Report: "In the nineteenth century, the Quarter Horse was a type only; it was not recognized as a true breed until 1941." Castle Report at 15. By contrast, "in 1832-1833," the Castle Report explains:

The horses which the Indians ride in this country are invariably the wild horses, which are found in great numbers on the prairies; and have, unquestionably, strayed from the Mexican borders, into which they were introduced by the Spanish invaders of that country; and now range and subsist themselves, in winter and summer, over the vast plains of prairie that stretch from the Mexican frontiers to Lake Winnipeg on the north, a distance of 3,000 miles. These horses are all of a small stature, of the pony order; but a very hardy and tough animal, being able to perform for the Indians a continual and essential service

Id. at 5. Likewise:

In 1883, de Mores purchased 250 Sioux horses that had been confiscated from Sitting Bull and his sub-chiefs when they surrendered at Fort Buford in 1881 from the post traders, Leighton, Jordan, and Hedderick. This purchase included all of the mares; the remaining 120 head owned by the firm were sold to Charles Baldwin along with the trader's ranch on Nessen Flats. Apparently, the Marquis intended to begin breeding horses on a large scale, with these Sioux mares as foundation stock.

Id. at 22; *see also id.* at 26 ("In the summer of 1884, 60 of De Mores' Sioux mares (presumably advertised for sale) were purchased by A.C. Huidekoper, scion of a wealthy Pennsylvania Dutch Family and the earliest large-scale rancher in North Dakota.")

There are countless references in Castle McLaughlin's research that describe the wild horses that were present in the area now known as TRNP in the late 1800's and early 1900's. It should be incumbent on the Park to restore as much of the cultural and historical wild horses back into the park boundaries as possible. This can be done by working with Frank Kuntz and The Nokota Horse Conservancy (NHC). Frank Kuntz and his late brother Leo have dedicated their lives to preserving the historic Nokota breed of horses. CHWHA believes that there is enough DNA for both the Nokota horses and the current TRNP park horses to make clear scientific decisions on how re-introducing the Nokota horses can help restore the original genetics to this herd while helping to alleviate the current inbreeding problems facing this herd.

Frank Dobie stated, "The aesthetic value of the mustang topped all other values. The sight of wild horses streaming across the prairies made even the most hardened of professional mustangers regret putting an end to their liberty."

Id. at 7.

Future generations deserve to have a similar experience with wild horses that existed when Theodore Roosevelt himself was in the North Dakota Badlands. Future generations deserve the same experiences we have been blessed with through today.

For these reasons, TRNP should develop and analyze an alternative that ensures any future introductions protect its historical significance and cultural value by dictating that introduced horses faithfully represent those, like the Nokota, that would have been found in North Dakota's Badlands during the late-1800's.

C. TRNP Should Analyze an Alternative in Which Birth Control is Administered Only Under Certain Circumstances

CHWHA encourages TRNP to develop and analyze an alternative in which *ONLY reversible* birth control is administered to the herd with the following conditions: (1) older mares should only be given birth control where they have a proven genetic representation in the herd; (2) any birth control program should be rotated to reduce the chance of permanent sterilization; and (3) treated mares should be monitored for any health or behavior changes. These conditions are discussed in further detail below.

Given recent advancements in fertility-control methods, wild horse managers have found that strategic and science-based birth control administration makes it easier to maintain target population numbers. As mentioned earlier, Assateague Island is successfully implementing its birth control program with PZP, with marked reductions in population growth *and* better body-condition scores within their extant herd. As a result, that park has added two new age groups to the herd dynamics because they now have horses living beyond the age of 25.

A similar birth control program should be implemented in this wild horse management plan. To the extent that a successful birth control program is implemented, TRNP should stop managing the herd by numbers only and make sure that science and genetics are guiding the use of birth control on ANY horse in this herd.

Unfortunately, this has not been TRNP's past practice. Recently, Jenny Powers, [NPS Wildlife Veterinarian], answered a question regarding the sterilization of the horses at TRNP using GonaCon. Although she noted that "GonaCon is reversible," i.e., "animals return to fertility post vaccination," she went on to explain that this is not always the case. According to Powers, with "any individual animal, it is possible that they could be permanently sterilized, and it is unknown at this time if [the TRNP] herd has sterilized individuals or not. We have to play out the rest of their reproductive lives to know that." ["Meeting Transcript"].

As a threshold matter, CHWHA believes that any further experimentation on the wild horses at TRNP should be discontinued under the forthcoming management plan. This "wait and see" approach to determining the impacts of an 11-year-long experiment shows a lack of respect for the health of the horses in this herd. Likewise, the uncertain impacts associated with these experiments prohibit categorically excluding them from the rigorous review required under NEPA. TRNP simply has to do better in the future.

Prioritizing the welfare of the herd must be a priority for TRNP. Here too, the Assateague birth control program provides an instructive model. As that park has stated, "while there was a need to further reduce the herd size to reduce adverse impacts on other natural

resources of the island, any action also needed to be compatible with the maintenance of a healthy horse population.” ASIS EA at 2.

With respect to the impacts of birth control as applied to males versus females, the National Academy of Sciences has found that “[m]ale-oriented contraception would result in only modest reductions in population growth rate and potentially would disrupt seasonal foaling patterns.” NAS Report at 177. As such, CHWHA believes the most effective way of administering birth control for the TRNP herd is by targeting female horses.

Chasing Horses Wild Horse Advocates understands that there is disagreement over which methods of birth control are the best for optimal population control: PZP or GonaCon. CHWHA encourages TRNP to explore the use of PZP because it has a longer history of being safe and reversible. [NAS Report at 103]. To the extent TRNP continues to utilize birth control, any subsequent NEPA analysis should evaluate and compare the effects of and differences between relying on PZP versus GonaCon.

Given the conclusions reached in the attached NAS Report, which also found that “[t]here were no fertility control methods that did not alter behavior or physiology of free-ranging horses and burros in some way,” NAS Report at 96, TRNP should develop and analyze an alternative that imposes the following conditions on any future birth control program in the Park:

- Reversible birth control treatment
- Birth control for older mares who have proven genetic representation
- Rotating birth control program to reduce the chance of permanent sterilization
- Monitoring of treated mares for any health or behavior changes

D. TRNP Should Develop and Analyze an Alternative in Which Wild Horse Removals Are Tied Directly to Monitoring and Genetic Diversity

As explained above, the successful implementation of a birth control program significantly reduces the need to cull wild horse herds. Moreover, the NAS Report found, with respect to BLM, “prudent use of contraceptives could lead to reductions in costs in management activities up to 30 percent.” NAS Report at 178.

To the extent that culling the herd is required, however, TRNP should develop and analyze an alternative that makes any wild horse removals contingent on rigorous genetic monitoring; that is, an alternative whereby horses are removed only if their removal would not negatively impact the genetic health of the entire herd.

As TRNP is well aware, prior gathers have largely prioritized removing foals from the Park due to their desirability in subsequent adoptions/sales. However, the NAS Report concluded that “the absence of young would alter the age structure of the population and could thereby affect harem dynamics.” NAS Report at 134. Similarly, citing a study of the Pryor Mountain Wild Horses which looked at the impacts of birth control and removals on the herd,

the NAS Report found that “management strategies based on removal and fertility control were most effective in achieving management goals” but should focus on “strategies that rely less on removal and more on fertility control.” NAS Report at 177. That Report also “highlighted the importance of management actions to delay age at first reproduction and increase generation length to reduce population growth.” *Id.*

VI. THE FORTHCOMING WILD HORSE MANAGEMENT PLAN MUST BE ANALYZED IN AN EIS, NOT AN EA

Finally, there can be no question that an EA is insufficient to analyze the full extent of the impacts of and alternatives to TRNP’s formation of the wild horse management plan. TRNP must prepare an EIS to evaluate this plan.

As TRNP is aware, NEPA obliges agencies to prepare an EIS for any major federal action significantly affecting the environment. 42 U.S.C. § 4332(2)(C). “Significantly as used in NEPA requires considerations of both context and intensity.” 40 C.F.R. § 1508.27 (1978).² When determining whether a federal action’s impact on the environment will be “significant,” agencies must consider “both beneficial and adverse” effects. 40 C.F.R. § 1508.27(b)(1). Further, agencies must consider, *inter alia*, “[u]nique characteristics of the geographic area such as proximity to historic or cultural resources [and] park lands,” “[t]he degree to which the effects . . . are likely to be highly controversial,” and “[t]he degree to which the action . . . may cause loss or destruction of significant scientific, cultural, or historical resources.” *Id.* § 1608.27(b)(1)-(10). Where a proposed project implicates even one of these criteria, it “may be sufficient to require development of an EIS.” *E.g., Nat’l Parks Conserv. Ass’n v. Semonite*, 916 F.3d 1075, 1082 (D.C. Cir. 2019).

Given these criteria, TRNP’s proposed “livestock” management plan inevitably requires an EIS. Indeed, the plan entails long-term management of horses that are, according to TRNP, historically significant for this particular National Park, unique to North Dakota’s Badlands, and a long-standing point of contention in the American West. *See, e.g., Wild Horse EA* at 1; *see also Castle Report* at 70; CHWHA Letter at 8; S. Concurrent Res. No. 4011, 63rd Leg. Assemb. (N.D. 2013).

For all these reasons, TRNP’s proposed “livestock” management plan will significantly affect the environment within the meaning of NEPA. 42 U.S.C. § 4332(2)(C); 40 C.F.R. §

² Although the Council on Environmental Quality revised the regulations implementing NEPA on September 14, 2020, Secretary of the Interior Deb Haaland has since directed agencies within the Department of Interior, including the National Park Service, to “not apply the 2020 Rule in a manner that would change the application or level of NEPA that would have been applied to a proposed action before the 2020 Rule went into effect on September 14, 2020.” Sec’y of Interior, *Secretarial Order No. 3399, Department-Wide Approach to the Climate Crisis and Restoring Transparency and Integrity to the Decision-Making Process* § 5(a) (Apr. 16, 2021). As such, CHWHA cites to the regulations as previously codified at 40 C.F.R. Part 1500 (1978).

1508.27. Accordingly, TRNP must prepare an EIS, instead of an EA, to adequately evaluate the full spectrum of impacts of and alternatives to its decision.

VII. CONCLUSION

CHWHA appreciates the opportunity to provide comments on TRNP's proposed management plan. Further, it is our sincere hope that TRNP will give the requisite consideration to the scientific data and other documents we have shared.

To summarize, CHWHA has made a list of relevant management actions that should be carried forward in the forthcoming draft management plan.

Those include:

- Allowing a MINIMUM herd size of 150 horses
- Ensuring wild horse breeds in the Park accurately represent those found there in the late-1800's
- To the extent fertility controls are utilized, administering them under the narrow circumstances detailed above
- Removing wild horses must be predicated on and guided by rigorous monitoring that ensures any such removal does not negatively affect the genetic health of the herd
- Providing a yearly report on the health of the herd that is available freely to the interested public

Lastly, because ANY change in the management and herd size of the wild horses will create a significant impact on the environment of TRNP, the Park must prepare an EIS to adequately analyze the full spectrum of environmental effects of and alternatives to TRNP's decision.

CHWHA looks forward to reviewing TRNP's draft NEPA document, and stand ready to help ensure the success of a wild horse management plan that FINALLY manages the horses using science- and genetic-based decisions.

Thank you again for your consideration.

Sincerely,

Christine Kman
President
Chasing Horses Wild Horse Advocates