I was born and raised in North Dakota--a third generation North Dakotan--with great respect, passion, and appreciation for Theodore Roosevelt National Park ("THRO"). I visit at least annually, and just last summer my family and I enjoyed seeing bison, prairie dogs, and wild horses in the park. I appreciate this opportunity to join in the Request for Public Comments, and respectfully request consideration of my comments below.

Thank you for considering how best to update the outdated 1978 EA and 1970 Management Plans. Those documents do not account for advances in science and conservation tools, and do not fully reflect the complexity of law and policy that the National Park Service ("NPS") is mandated to follow in managing resources at this park.

Upon review of the scoping materials for this Environmental Assessment, it appears that none of the alternatives proposed fully address a science-based solution that both meets the purpose of the park as stated by Congress and the applicable laws and policies that direct NPS management. The current materials also do not fully represent to the public the laws and policies guiding management of this park.

The current Superintendent has stated that the enabling legislation and the Organic Act provide "no basis" for continuing to manage the wild horse herd that has lived in the Badlands since before the park was established (Springer 2023). However, the enabling legislation states that the purpose of Theodore Roosevelt Memorial Park (61 Stat. 52) (16 U.S.C. 241 et seq.) as written by Congress, was to "erect a monument in memory of Theodore Roosevelt in the village of Medora, North Dakota; and for other purposes."

Those "other purposes" are further described as reconstructing ranch buildings and infrastructure as a cultural resource. Upon renaming as Theodore Roosevelt National Park in 1978 (P.L. 95-625, title VI, §610), Congress did not further specify a new purpose. One must turn to the Congressional Reports to fully understand the intent behind creation and management of this NPS unit. In the Senate report of the 80th Congress (Calendar No. 51, Report No. 54), the Senate Committee on Public Lands lays out a detailed description behind the intent to create Theodore Roosevelt National Park. They describe the purpose as stated above, but further explained their rationale as:

"It was to this area, that 25-year-old Theodore Roosevelt came in 1892… He became so attached to this scenic area and its possibilities for stock raising that he decided to remain." Further, they state:

"It is deemed fitting at this time for the citizens of the State of North Dakota, through the State Historical Society of North Dakota and other organizations, to request Congress to set aside a portion of the Badlands of the Little Missouri as a national park and dedicate it to the memory of one of our most prominent citizens and former Presidents. The Badlands of North Dakota have a distinct value from a recreational, scenic, and historical viewpoint."

Furthermore, the park website promotes the animals in the park, including the wild horses. This promotion implies distinct value in attracting visitors to the park. The website states: “Theodore Roosevelt National Park is one of the few national parks where visitors can observe free-roaming horses. Their presence represents Theodore Roosevelt’s experiences here during the open-range ranching era.” (NPS THRO website Horse History).

Theodore Roosevelt himself said of the wild horses at the time he visited and settled in North Dakota: “In a great many--indeed, in most--localities there are wild horses to be found, which… are quite as wild as the antelope on whose domain they have intruded." (NPS THRO website History and Culture).

For all intents and purposes stated in law, Theodore Roosevelt National Park was created to protect both cultural and natural resources. Neither the original enabling legislation, nor subsequent changes through law mention conservation or management wildlife, but they do mention ranching and livestock as a cultural resource.

This leaves direction for management obligations, as the current park administration points out, to the Organic Act of 1916 (P.L. 64-235) which states:

“the fundamental purpose of the said parks, monuments, and reservations, which purpose is to conserve the scenery and the natural and historic objects and the wild life therein and to provide for the enjoyment of the same in such manner and by such means as will leave them unimpaired for the enjoyment of future generations.”

To detail the legal authorities of the National Park Service, 36 CFR Chapter 1, Part 1, §1.4(a) defines “Wildlife” as “any member of the animal kingdom and includes a part, product, egg or offspring thereof, or the dead body or part thereof, except fish.” Notably, 36 CFR does not define “livestock”. 36 CFR Chapter 1, Part 2 §2.60, however, defines actions around livestock activities and the language provided refers to animals that are owned by a private individual. The free-roaming horses and cattle at Theodore Roosevelt National Park are not owned by individual producers, but rather are publicly owned wildlife as defined by law. Indeed, the NPS calls out cattle and horses as separate from livestock in this very Plan Process on its PEPC page: “The National Park Service is developing a Livestock Plan and Environmental Assessment (EA) to address livestock, horses and cattle, in Theodore Roosevelt National Park.” (NPS PEPC).

If horses and cattle were considered livestock, the NPS would not differentiate between these categories of animals as part of this very scoping process.

This complexity of laws does not specifically address management of feral or wild free-roaming horses on NPS lands, but Powers (2014) succinctly provides a more contemporary summary of current NPS management policies and tools as related to the 20 NPS units that currently have free-roaming horses and burros. Specifically, regarding Theodore Roosevelt National Park, she writes:

"Finally, the last category of animals is the most popular, celebrated, and often controversial. These are horses and ponies that are maintained as desirable feral species as part of the cultural landscape of the park. These herds tend to be small, highly visible, and with many interested stakeholders….. Significant energy and resources are expended on maintaining physically and genetically healthy publicly visible populations while, at the same time, balancing the needs of native wildlife species, habitat quality, and other park management priorities."

NPS Management Policies (2006) provides broad policy guidance on natural and cultural resource management. Given the foundational nature of THRO as a cultural park memorializing Theodore Roosevelt's ranching history, and its precedent in treating free-roaming horses and cattle as part of the cultural landscape, NPS Management Policies (2006) Section 5.3.5 Treatment of Cultural Resources directs NPS to:

"The Service will holistically approach the treatment of related cultural resources in a park. All cultural resource and natural resource values will be considered in defining specific treatment and management goals. Research will be coordinated and sequenced so that decisions are not made in isolation."

Managing horses and cattle in the context of other ungulates such as bison, elk, deer, and antelope is challenging. NPS Management Policies (2006) Section 4.1 provides guidance for natural resource management as:

"Natural resources will be managed to preserve fundamental physical and biological processes, as well as individual species, features, and plant and animal communities. The Service will not attempt to solely preserve individual species (except threatened or endangered species) or individual natural processes; rather, it will try to maintain all the components and processes of naturally evolving park ecosystems, including the natural abundance, diversity, and genetic and ecological integrity of the plant and animal species native to those ecosystems."

"The goal of protecting natural resources and values while providing for their enjoyment remains the same in all cases except to the extent that Congress has directly and specifically provided otherwise."

"The Service will ensure that the environmental costs and benefits of proposed operations, development, and resource management are fully and openly evaluated before taking actions that may impact the natural resources of parks. This evaluation must include appropriate participation by the public; the application of scholarly, scientific, and technical information in the planning, evaluation, and decision-making processes; the use of NPS knowledge and expertise through interdisciplinary teams and processes; and the full incorporation of mitigation measures, pollution prevention techniques, and other principles of sustainable park management."

Notably, THRO had been managing the wild horse herd as recently as 2021 with GonaConTM Equine immune-contraceptives to reduce foaling rates (NPS, Dept of Interior, Categorical

Exclusion Document). Likewise, Black McCann, THRO Director of Resource management and Science stated that methods used in 2021 considered the whole health of the ecosystem at THRO.

Specifically, McCann stated: "We're working very hard to use best practices for resources management that are informed by science. We manage [wild horses] at the herd level. As we do with other animals in the park…" (KX News, 2021). The NPS has not provided any data to support this abrupt pivot in management of the wild horse herd, despite its claim that it is using best practices informed by science. If data exist to support this shift in management of the wild horse population, the public should be provided such data.

Balancing the cultural and natural resource preservation at THRO is challenging, and the fenced nature of the South Unit, as well as the increasingly oil- and gas-developed and fragmented landscape surrounding the park, has the left NPS managing populations of large animals in a functionally closed ecosystem (an ecological island). NPS Management Policies (2006) Section 4.1 states

"Science has demonstrated that few if any park units can fully realize or maintain their physical and biological integrity if managed as biogeographic islands."

As such, NPS has lethally removed elk, bison, and bighorn sheep, as well as culled and contracepted free-roaming horses for many years in an attempt to mitigate resource damage and manage ungulate populations at sustainable level. None of the Alternatives presented in the scoping for this EA appear to provide the required science-based approach for management that satisfies both cultural and natural resource policies of the NPS toward managing those resources in a balanced and sustainable way. The NPS has stated that the wild horses have a negative impact on the ecology of THRO, yet no data has been provided to the public to support that claim. The park laws, rules, and regulations do not support a park's approach to "pick and choose" species of the park for management without scientific data.

While the origin of THRO horses is somewhat inconsequential to their maintenance as part of the cultural landscape, I would like to note that the information presented by the park as "These animals are descendent from domestic horses that escaped or were released from neighboring ranches in the late 1940's or early to mid-1950's", is misleading and not scientifically supported. The scientific data present a much more complex picture and have been peer-reviewed and published. Ovchinnikov et al. (2018) state:

"analysis and the STRUCTURE analysis (Figs 4 and 5) show that the herd is clearly distinct from all domestic breeds with which it was compared. We also made some comparison with the other feral herds that were as geographically close to North Dakota as possible and none of these was remotely similar to the TRNP [Theodore Roosevelt National Park] herd."

Ovchinnikov et al. (2018) also found the heterozygosity in the THRO herd is also exceptionally low:

"In terms of variability, the STR data shows similar results to what was found with the mtDNA data, that is, the TRNP herd has low genetic variability. Feral horse populations, on average, have levels of heterozygosity that are essentially the same as those of domestic horse breeds but the TRNP heterozygosity levels are well below those of both."

Ovchinnikov et al. (2018) further address the science-based management of the THRO herd to mitigate the low genetic variability and inbreeding issue:

"a repeated introduction strategy could be implemented to allow gains in diversity to outpace genetic drift associated with small populations. In keeping with the park's forage allocation model [48] a small (<90 individuals) genetically augmented herd could be maintained with higher genetic diversity than observed in the current closed herd. If the herd is to be maintained as a breeding population, then adaptive management, informed by ongoing genetic monitoring, should be conducted to ensure genetic integration at the herd and individual level."

Finally, I note that in the 1978 EA and Management Plan Proposal, the NPS presented options for management that explicitly did not include complete culling or removal of the wild horse herds. The Plan states:

"plans to remove horses from the park in the mid—60s was met with very strong public disapproval. In addition, a small display herd adds authenticity and flavor to the historical interpretation of the park." (NPS EA 1978).

Thus, there is a strong history of managing the wild horse herd in THRO as an interest in serving the public, which goes to the mission of the National Park Service itself. The voice of the public was heard historically for wild horse herd management in THRO, and should be heard now.

As this EA at hand is specific to horse and cattle management and not wildlife holistically, I respectfully request consideration of at least two new alternatives:
1. An updated free-roaming horse and cattle plan that establishes a population goal for horses that includes appropriate science-based genetic viability management (Ovchinnikov et al. 2018), and is based on quantified impact of this species to other resources (vegetation, riparian ecology, other wildlife), and whose population growth rate is humanely-managed using contraception (see Nunez et al. 2016 for a range of options). This alternative would explicitly identify horses and cattle as part of the cultural landscape (as was stated in the 1978 plan), to be managed in an ecologically balanced way with bison, elk, and other wildlife. Populations of all ungulates would be managed as a community and driven by scientific data rather than arbitrary numbers. This alternative would also create a plan to collect vegetation data and analyze ungulate impacts. Authority for this alternative is found in NPS Management Policies (2006) 4.4.2: "The Service may intervene to manage populations or individuals of native species only when such intervention will not cause unacceptable impacts to the populations of the species or to other components and processes of the ecosystems that support them….and least one of the following conditions exists:…to protect specific cultural resources of parks". I further respectfully

request any data in the park's possession bearing on the impact of the primary animal species living in the park to be released to the public.

2. An alternative that restores gray wolves (Canis lupus) to THRO as a tool to naturally regulate ungulate populations. This would reduce the burden on NPS and public funding required to manage each ungulate species through intensive hunting and culling operations, while fulfilling the NPS Management Policies (2006) Section 4.4.2.2. directive that states "The Service will strive to restore extirpated native plant and animal species to parks." While certainly a more complex and perhaps controversial alternative, those characteristics do not preclude evaluation of a natural predator option that is founded in science.

Lastly, while not specific to law and policy, it should be noted that during the 2016 NPS Centennial planning actions, then Director Jarvis solicited leaders in the scientific community to independently review NPS policy and provide guidance for the next 100 years of park resource management. Their findings where welcomed by then Director Jarvis as the "Revisiting Leopold" report (National Park System Advisory Board Science Committee 2012). One of the most salient suggestions they offered was:

"The overarching goal of NPS resource management should be to steward NPS resources for continuous change that is not yet fully understood, in order to preserve ecological integrity and cultural and historical authenticity, provide visitors with transformative experiences, and form the core of a national conservation land- and seascape."

The free-roaming horse and cattle, bison, elk, prairie dogs, and other wildlife are part the ecological and cultural authenticity of Theodore Roosevelt National Park and provide exactly the transformative experience to visitors that the NPS was created to protect. Eradication of horses and cattle in the park undermines the park's purpose, and expressly does not fulfill the intent of the park in memorializing the ranching legacy of Theodore Roosevelt.

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