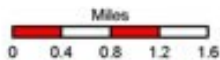


**Heber Wild Horse Plan**  
 Black Mesa R.D.  
 Apache-Sitgreaves N.F.s  
 Wild Horse Territory - General Area



Legend	
	Project Boundary
	Wild Horse Territory
	Other Owner
	State Highway

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Map Prepared by: S.Richardson Date Prepared: May 11, 2007  
 C:\gis\wild\_horse\projects\general\_location\h1.mxd  
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## **Heber Wild Horse Territory Plan**

Map of Arizona showing the area affected by the Heber Wild Horse Territory  
With passage of the Wild Horse and Burro Protection Act of 1971 (the Act) came a mandate to establish territories for use by and for the protection of wild horses and burros. "Wild horse" is a legal status provided to unmarked and unclaimed horses and their progeny that were considered wild and free roaming at the time of the passage of the Act in 1971 (36 CFR 222.20(b)(13)). Any horse introduced onto the Forests on or after December 15, 1971 by accident, negligence or willful disregard of private ownership is not a wild horse. Such animals are defined as unauthorized livestock (36 CFR 261.2). Unauthorized livestock do not have the status of a wild horse under the Act. Animals in this category are considered and managed by state livestock laws as stray livestock.

Congress authorized and directed the Secretary of Agriculture to manage wild free-roaming horses and burros in a manner that is designed to achieve and maintain a thriving natural ecological balance on National Forest System lands for territories established under the Act. Forest Service implementing regulations for the Act were completed in 1980 and can be found at 36 CFR 222, Subpart B.

### **Heber Wild Horse Territory**

In compliance with the law and its subsequent implementing regulations, a Wild Horse Territory of about 19,700 acres of National Forest System lands was established in 1973 on the Black Mesa District of the Apache-Sitgreaves National Forests. Known as the Heber Wild Horse Territory (Territory), this Territory was established around the normal range of a band of seven horses that stayed in that area year long. There are no records or indications that any burros were in the area, other than those owned by sheepmen. The Territory is not fenced, is not confined by natural physical features and is not identified on the ground.

### **History of Horses in the Area of the Heber Wild Horse Territory**

The first recorded census of the Territory in 1974 recorded seven horses, with notations that the stallion was thought to be sterile as for years no foals were seen (Tixier, 1974). By 1975, five horses were reported, and their numbers remained stable for the next several years. By the early 1990s, only two mares could be found in the Territory (Klein, 1993).

Although it has not been done on public ranges for decades, the practice of keeping free ranging horses for potential use by a livestock association or an individual is still active on some Indian Reservations. This is true of the Fort Apache Indian Reservation (the Reservation) that forms the southern boundary of most of the Black Mesa and Lakeside Ranger Districts.

In June of 2002, the 462,000 acre Rodeo-Chediski Fire started on the Reservation and burned north onto the Forest, resulting in damage or destruction of the boundary fence. This fire burned about 40 percent on the Forest and 60 percent on the Reservation. Immediately following the fire there was minimal forage available in the burned area and horses and wildlife alike had to move to where forage, cover and water could be found. Immediately following the fire, grass seeding occurred on 65,000 acres of the Black Mesa and Lakeside Ranger Districts and by September of 2002, there was fresh new grass over much of the area. By the winter of 2002, the Reservation completed reconstruction of a new fence. However, there were gaps in this fence as gates and cattle guards were left uninstalled. As dead

trees began to decay and fall, they damaged the new fence. This combined with lack of gates and cattle guards rendered the fence largely ineffective. This condition provided easy access to the Forest for horses and they began to establish themselves throughout the 166,000 acre Sitgreaves National Forest burned area. Most of these reservation horses generally do not roam into the Territory.

Burned area rehabilitation projects were begun during the summer and fall of 2002 and continue to the present. To provide for soil stabilization many of these projects involved seeding of grasses. As grass seeds germinated they became desirable forage for horses and some wildlife. Land managers prefer that grazing of newly established grass plants be deferred until they have had the opportunity to develop an adequate root structure. It is this several year deferment that helps to provide for both soil stabilization and plant health. It was to this end that permitted livestock grazing of the burn was temporarily discontinued until grass plants and fences were reestablished. However, horses and wildlife continued to use any available forage.

### **Summary of Lawsuit, Preliminary Injunction and Settlement**

In 2005, based on concern that the increased number of unauthorized horses was adversely impacting recovery of the burned lands, the Forests advertised a contract to gather and remove unauthorized livestock trespassing on the Apache-Sitgreaves National Forests in the area corresponding to the Rodeo-Chediski Fire. Prior to completion of the contracting process, a lawsuit was filed and the Forests were enjoined by the court from proceeding with a gather of horses. The settlement of the lawsuit prevents horse gathering until the Forests develop and implement a Management Plan for the Territory.

### **Development of Heber Wild Horse Territory Management Plan**

The Forest Service began an environmental analysis to guide the development of a management plan for the Territory in 2007. The Black Mesa Ranger District hosted two public meetings in March 2007 in Heber-Overgaard. The purpose of the public meetings was to provide information on the current management situation of the Territory and to gather public comments and input regarding the Territory. Gathering of field data and other monitoring activities by Forest Service staff on the Territory continues.

The Forests continue work on developing a Management Plan, in compliance with the processes and public participation requirements of the National Environmental Policy Act (NEPA). Social, environmental and economic impacts of the Management Plan will be analyzed and displayed in an Environmental Impact Statement (EIS) document. The EIS will be available for public review and comment prior to being finalized.

### **Current Status — September 2008**

Using information from agency resource specialists and comments from the public, the Forest Service issued a report that summarizes a proposal to develop and implement a plan to manage the Territory. This report is the Scoping Summary, which is posted on this webpage, along with a September 2, 2008 letter that provides details on how to submit comments on the Scoping Report.

### **Future Steps**

After the Scoping Summary comment period, the Forest Service will continue the environmental analysis process.

The next step involves developing a Draft Environmental Impact Statement (DEIS) on the Territory Management Plan, anticipated to be available for public review and comment in the summer of 2009.

The final Environmental Impact Statement (EIS) and Record of Decision are anticipated to be completed in the winter of 2009-2010.