

*County of Lassen*  
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January 16, 2017

Mr. Gregory Moon, District Ranger, Modoc National Forest  
C/O Justin Gibson, Rangeland Management Specialist  
Big Valley Ranger District  
P.O. Box 159  
Adin, CA 96006

RE: Devil's Garden Wild Horse Short Term Holding Facility

Dear Mr. Moon:

Thank you for the opportunity inviting the Lassen County Board of Supervisors to provide our comments to you regarding the Devil's Garden Wild Horse Short Term Holding Facility project, in Modoc County, California.

In the attached letter from Modoc County Board of Supervisors to the Modoc National Forest, the Modoc Board has respectfully requested the Forest to cease work on this project to afford the Forest with time to investigate alternatives and options. The Modoc Board is suggesting that other cost effective alternatives may exist but were not explored by the Forest to achieve the purpose of the project, while also improving placement opportunities. We agree.

The Lassen County Board of Supervisors is writing in support of the Modoc County Board of Supervisors and their comments to you. We respectfully request that you explore and thoughtfully consider their comments and recommendations in a timely and quality manner.

Sincerely,

CHRIS GALLAGHER, Chairman  
Lassen County Board of Supervisors

CC: Modoc County Board of Supervisors  
Congressman Doug LaMalfa  
Senator Dianne Feinstein  
Senator Kamala D. Harris



## COUNTY OF MODOC

### DEPARTMENT OF NATURAL RESOURCES

Director/Resource Analyst  
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29 December, 2017

Big Valley Ranger District  
P.O. Box 159  
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#### **RE: Devil's Garden Wild Horse Short-Term Holding Facility**

To Whom It May Concern:

Modoc County (County) appreciates the opportunity to provide the Modoc National Forest (Forest) with the County's position regarding the Devil's Garden Wild Horse Short-Term Holding Facility as described in the recent Scoping Notice.

Modoc County is a "planning county" in that the County adopted the *Comprehensive Land Use and Management Plan for the Federally and State Managed Land in Modoc County* under 16 U.S.C. Section 1604, 40 C.F.R. Sections 1502-1508, 36 C.F.R. Section 219 and other statutes and executive orders. Historically this plan has created a productive working relationship with the Forest to jointly address those proposals that might impact the environment and economy of Modoc County. The County urges the Forest to build on that more than two decades of success to address the critical issue of wild horse management.

#### **Background**

The County believes the background statement is misleading to anyone who is not very familiar with the development of the Wild Horse Territory (Plan) and the ongoing discussions since its approval more than four years ago. The proposal to develop a facility is directly connected to the gathering of excess wild horses as part of the ultimate goal of achieving the Appropriate Management Level (AML). It is important to be as accurate as possible when discussing population numbers and costs as the Purpose and Need references cost effectiveness. The estimated number of adult horses is around 3000 right now, not just in the summer of 2018, This is important, as the horses that will be gathered into the proposed facility will cost the Forest by the head and there will be an estimated additional 750 foals by the

summer of 2018 as well as the adults already mentioned. The background states an annual reproduction rate of 20%. It is critical to be consistent, so the Scoping Notice should use the same reproduction rate stated in the Plan and its accompanying Environmental Assessment that has further been re-enforced by the second census in 2016 and by the observed rate in the Litchfield corrals in 2017.

### **Purpose and Need**

The Purpose and Need is not clearly written and does not convey what the Forest staff has told the County informally. The staff has said that this scoping is intended to solicit other proposals for housing wild horses such as privately constructed and operated facilities or state constructed and operated facilities. However that intention does not pass the “red face” test. No reasonable person reading this notice would assume it is anything other than a choice between two already determined sites and that the important construction/management options have already been decided.

What is missing is a robust discussion about the variety of options that exist for short term holding, especially since the Forest has highlighted the need for cost effectiveness and to save tax payers dollars. The Forest appears to have made an arbitrary decision that only a Forest constructed, operated and maintained facility can meet these requirements. Historically, those facilities constructed and/or operated by non-federal entities often have many advantages for the taxpayers, local communities and the wild horses. Therefore, in order to stay true to the Purpose and Need, these options need to be part of the consideration.

The County suggests re-writing the Scoping Notice for additional review that makes it clear that all options are open for comment. This would include options for location, construction and management of the facility. In addition, we suggest developing and circulating a Request for Proposal for construction and operation of a facility as has been suggested often by many entities.

There are many options and combination of options that have merit and should be reviewed. Among many, these include privately constructed and operated facilities, both on private and Forest land, a facility constructed and operated by the State and various combinations of these. Several of these options have been budgeted by the Partnership for Forest review in the past.

Wild Horse management is a costly undertaking and demands an active, not a passive approach in order to save tax payer dollars. It is not reasonable to expect private or other government entities to participate in discussions about facilities without significant initiative from the Forest to do so.

Finally, the Purpose and Need should include a strong statement for achieving AML. After all, the entire reason for having a facility that operates cost effectively and improves placement opportunities is to reach AML.

### **Alternatives**

As mentioned above, there are many other options/alternatives, both for location and construction/management that need to be considered. There is little information provided so that the

public would know why either of the sites mentioned in the Proposed Action are more desirable than others or why the “another facility” (wherever it might be located and managed) described in the No Action Alternative wouldn’t be better for the tax payers and/or the horses.

Another option, aside from those mentioned, is size. As the law and other regulations and policy stand today, the use of a 500 head facility would not move the Forest toward AML. Because increased capacity is necessary to move toward AML, then the proposal should be analyzing a larger facility, at least as an alternative. Merely describing a potential for expansion is not adequate because there will always be additional analysis required that will slow down the process. Indications are that the Forest will need additional space now and less space later rather than the way the situation is be described now.

The County believes additional alternatives with adequate descriptions that include options for construction and management need to be included.

### **Summary**

The County is aware that concurrently to this Scoping Notice the Forest is preparing a Plan Implementation Strategy that will lay out a pathway to achieve AML in a timely fashion. We are also aware that some of the proposals under consideration for reaching AML would be in conflict with this proposal as currently written. Again consistency with the Plan and other accompanying documents is essential for success.

The County suggests that any Scoping Notice action be set aside for the time being until the needed additional information is gathered. There is easy precedence for this as the first Scoping Notice for the Plan was found to be lacking, so it was rewritten and re-circulated after additional information was collected. We suggest widely circulating a Request for Proposal for construction/management of a facility. We also suggest having serious discussions with those other governmental agencies that could play a role in saving tax payer dollars by providing all or part of a facility construction/management project. Finally we suggest having productive discussions with those locals with significant wild horse expertise. Once this is completed, a second Scoping Notice could be developed that contains any or all of the vetted alternatives displayed in enough clarity that the public can understand and comment productively.

The County looks forward to coordinating this critical issue with the Forest. The local economy and the Forest’s ecological health depends on a prompt removal of excess wild horses regardless of whether or not all the placement issues have been solved.

Sincerely,