

April 24, 2024

Michael Kobseff - Chairman
District 3, Siskiyou County Board of Supervisors
1312 Fairlane Road, Suite 1
Yreka, CA 96097
Email: mkobseff@co.siskiyou.ca.us

Re: Request for Recognition of Wild Horses' Right to the Open Range and to their Role in Supporting Climate Change Adaptation and Mitigation

Dear Mr. Kobseff,

On behalf of the Wild Horse Fire Brigade (Brigade), we write to request the County follow California's climate change laws and incorporate government-sourced wild horses into the County's adaptation/mitigation efforts in appropriate remote landscapes unsuited for commercial livestock, and to recognize the horses' right to the open range in Siskiyou County under the County's Grazing Policy. Doing so will alleviate the frequency and severity of excessive grass- and brush-induced wildfires in California. A pilot wild horse grazing project is a cost-effective wildfire fuels management tool. The loss of water sources (Klamath River Lakes and water drafting sites) for wildfire suppression requires new strategies to be developed and implemented as soon as possible.

The Brigade is a non-profit organization based in Yreka, California. Its mission is to preserve wild horses as ecosystem engineers providing a valuable, cost-effective nature-based solution for wildfires, and the Brigade intends to work with local and government officials in the Cascade Siskiyou National Monument and surrounding areas to carry out its mission of wildfire prevention through open-range horse grazing. Appendix II details how Mr. Simpson and the Wild Horse Fire Brigade's horses have mitigated, and are continuing to mitigate, wildfires in the area.

Current land management practices and policies, coupled with a collapse in deer populations, perpetuate high grass and brush fuels loading that support unnatural fires, adversely impacting fire control and mitigation.¹ As a result of these practices, wildfires in California have increased in frequency, size, and destructive impacts over the years.² The Bureau of Land Management identified fuels management as a challenge, yet wildfire fuels treatment has been declining since 2000.³ Current county conditions indicate excessive fuels growth, resulting in ongoing catastrophic wildfires.⁴

¹ The collapse in deer population is made worse by the KRRC's Klamath Dam removal. William E. Simpson II, *Klamath River Dam Removal: Ecological Disaster Unleashed*, Siskiyou News, <https://original.newsbreak.com/@siskiyou-news-1799703/3316353426571-klamath-river-dam-removal-ecological-disaster-unleashed> (last visited Feb. 28, 2024).

² National Conservation Lands, *Analysis of The Management Situation: Resource Management Plan for Cascade-Siskiyou National Monument* 20, 194 (2023) (explaining the current conditions with wildfires and fuels management).

³ *Id.* at 22, 194.

⁴ Jessica Skropanic, *Siskiyou's Happy Camp Complex Grows 3,233 Acres. Lighting Caused New Fires*, Record Searchlight (Aug. 23, 2023), <https://www.redding.com/story/news/2023/08/28/head-and-other-fires-in-siskiyou-cougrows-by-3233-acres-lightning-ignites-5-new-fires-near-deep-fire/70700169007/>; UC Irvine Scientists Reveal What Fuels Wildfires in Sierra Nevada Mountains, UCI News (Sept. 25, 2023), <https://news.uci.edu/2023/09/25/uc-irvine-scientists-reveal-what-fuels-wildfires-in-sierra-nevada-mountains/> (concluding that excessive fuel growth of older, large trees contributes to California wildfires).

Proper land management is urgently needed to prevent wildfire damage to property, loss of life, and serious secondary and tertiary effects to human health and the economy.

In 2017, President Obama expanded the Cascade-Siskiyou National Monument by at least 42,000 acres of land from Oregon to California, and onto the horses' grazing area.⁵ The Brigade is concerned that the horses under its purview may be increasingly limited in their ability to graze in the recently expanded Monument lands, including on private "open range" lands that are integral to the Monument. Horses' grazing of the landscape mitigates hazards and enhances a healthy ecosystem on the Monument, so their right to the open range is paramount to reduce wildfire risk and to improve ecosystem health.

The Brigade requests the County's formal recognition that horses remain a part of California's heritage and natural landscape and are entitled to access all areas that are considered "open range" as defined in the longstanding Siskiyou County Grazing Policy.⁶ This letter provides information supporting the recognition that protecting wild horses' grazing areas would assist the County in state-mandated wildfire adaptation/mitigation efforts.

I. The State of California Requires Siskiyou County to Adapt to and Mitigate Excessive Grass and Brush-Impacted Wildfires for Public Safety and Natural Resource Protection.

Climate change is increasing the frequency and severity of wildfires, particularly in California.⁷ In 2015 and 2020, California passed SB 379⁸ and SB 1035,⁹ ordering all counties to submit updated information on climate change adaptation and mitigation efforts for their local hazard mitigation plan. Both volumes of Siskiyou County's Hazard Mitigation Plan state the severity of climate change as a major hazard to county citizens and highlight the severity of future wildfires if preventative action is not taken.¹⁰ Climate change brings increased risk for extreme events such as wildfires heat-related stress, and even now "communities are already facing these problems to some degree."¹¹ Furthermore, the loss of the beneficial waters of Copco and Iron Gate Lakes and loss of Klamath River helicopter drafting locations due to silt increases the challenges facing wildfire suppression and emphasizes the urgent need for additional wildfire fuels mitigation via grazing.

⁵ Boundary Enlargement of the Cascade-Siskiyou National Monument, 82 Fed. Reg. 6,145, 6,148 (Jan. 12, 2017) (stating the enlargement is about 48,000 acres); Memorandum from Tracy Stone-Manning, Director, Bureau of Land Mgmt., to Barry R. Bushue, Or./Wash. State Director, Bureau of Land Mgmt., Interim Subject: Management of the Cascade-Siskiyou National Monument (on file with agency)(stating the enlargement is about 42,000 acres of Bureau of Land Management-managed land, including 5,000 acres from California).

⁶ See discussion *infra* Part II.

⁷ NOAA/MAPP, *Study Finds Climate Change to Blame for Record-Breaking California Wildfires*, Drought.gov (Aug. 8, 2022), <https://www.drought.gov/news/study-finds-climate-change-blame-record-breaking-california-wildfires-2023-08-08>.

⁸ Cal. Gov't Code § 65302.6 (West 2023) (requiring California cities and counties to incorporate adaptation and mitigation strategies in local land-use plans).

⁹ Cal. Gov't Code § 65302 (West 2023) (amending SB 379 to require certain elements to be implemented in the plan including "unreasonable risks associated with . . . wildland and urban fires").

¹⁰ Siskiyou County, *Hazard Mitigation Plan Volume I: Planning-Area-Wide-Elements Draft* 7-2, 7-4 (2018); Siskiyou County, *Hazard Mitigation Plan Volume II: Planning Partner Annexes Draft* 13 (2018).

¹¹ *Hazard Mitigation Plan Volume I: Planning-Area-Wide-Elements Draft*, *supra* note 10, at 20-2.

Horses are well-suited to solve the following issues: increased fire hazards in wildland areas from climate change and other conditions, future growth into the wildland-urban interface areas, and vegetation management activities.¹² The Brigade, Mr. Simpson, and Michelle Gough own and manage a herd of horses, however, as a nonprofit organization there is no commercial interest here. As horses historically have been part of the local ecosystem, they are well-suited to become part of the county’s mitigation plans for fuel reduction to lower wildfire exposure for the landscape.¹³ There are already wild horses, as well as those owned-managed by the Brigade, that live in the County, and there is a proven record of the horses reducing the severity of wildfires. Mr. Simpson saw it firsthand when his own horses grazed the area south of the Soda Mountain Wilderness Area, preventing greater damage from the 2018 Klamathon wildfire.¹⁴

Lands grazed by horses and other wild herbivores can help reduce the intensity and severity of these wildfires, thereby protecting natural resources and people in Siskiyou County.¹⁵ Recently grazed areas burn less severely because of the reduced fuel density, providing natural fuel breaks and effectively reducing wildfire intensity.¹⁶ To preserve natural resources and to increase the public safety of Siskiyou County’s citizens, it is vital to integrate the wild horses into the County’s adaptation and mitigation efforts and reduce the wildfire risks to Siskiyou County.

II. Horses Under the Brigade’s Purview Have Grazing Rights in the Open Range that Also Fill in the Herbivore Gap in the Region of the Siskiyou Monument Ecosystem and Reduce Wildfire Risk.

The State of California has designated Lassen, Modoc, Shasta, Siskiyou, and Trinity Counties as open grazing areas.¹⁷ Open range grazing areas are those where livestock may graze and are only constrained by the fencing out doctrine, when landowners can put up fences to prevent grazing animals from entering the landowners’ property.¹⁸ Siskiyou County’s grazing policy also recognizes the use of grazing as part of best land management practices to keep natural resources healthy and to keep citizens safe from wildfires.¹⁹ Grazing can be “an effective means to manage forage regrowth in areas that have burned” and are “often beneficial on severely burned soils.”²⁰

¹² *Id.* at 16-11.

¹³ *Id.* at 20-2. See also William Simpson II, *Wild Horses Coevolved with Wildfire on The North American Landscape*, Siskiyou News (Dec. 1, 2023), <https://www.siskiyou.news/2023/12/01/wild-horses-coevolved-with-wildfire-on-the-north-american-landscape/>.

¹⁴ William E. Simpson II, *Understanding ‘Wild Horse Fire Brigade’ The Supporting Science of Wildfire Grazing*, Straight from the Horse’s Heart (Feb. 8, 2022), <https://rtfitchauthor.com/2022/02/08/understanding-wild-horse-fire-brigade-the-supporting-science-of-wildfire-grazing/>.

¹⁵ *Grazing*, University of California: Agriculture and Natural Resources, <https://ucanr.edu/sites/fire/Prepare/Treatment/Grazing/> (last visited Apr. 24, 2024). Although horses are not mentioned in this source, the same practice applies to horses.

¹⁶ U.S. Dep’t of Agriculture, *Fuel Break – Forestland 1* (2020), [383-PS-CA-Fuel-Break-Forestland-05-2020.pdf](https://www.forestland.gov/383-PS-CA-Fuel-Break-Forestland-05-2020.pdf). “Fire break” is also another term used instead of “fuel break.” See also *Wild Horse Fire Brigade: Lessons in Rebalancing North American Ecosystems by Rewilding Equids*, GRAZELIFE (Nov. 1, 2019), <https://grazelife.com/blog/wild-horse-fire-brigade-lessons-in-rebalancing-north-american-ecosystems-by-rewilding-equids/>.

¹⁷ Cal. Food & Agric. Code §§ 17123–24 (West 2023).

¹⁸ Siskiyou County, *County of Siskiyou Grazing Policy* 17 (2015).

¹⁹ *Id.* at 3.

²⁰ *Id.* at 9.

The open range area where the Brigade's horses graze is strewn with lava rocks and has some of the most rugged and unmanageable topography in Siskiyou County. The open range and grazing rights have historically been an important element of the American West; however, ruminant grazing by cattle and sheep have caused a decline in the native seed bank and native flora. Furthermore, the Western ecosystem evolved with, and ecologically relied on, large herbivores to graze and spread seeds, including wild horses, but those large herbivores have been lost over time. The Brigade's horses are resident fauna and a prime species substitute to fill in the herbivore gap, and the horses can enhance the soil with nutrient-rich dung containing microbiome and native seeds.²¹ The ecosystem to the east of Hornbrook, California, has already greatly benefited from the horses' natural reseeding of native flora, and the area is an excellent example of the benefits of ancillary reseeding. Horses also remove cheatgrass, which is a widespread, invasive species throughout California.²² Well-managed grazing from horse presence and use will encourage a healthier ecosystem and robust growth in the area, but the ideal fails without the horses' right to access at the open range. The McKinney Fire of 2022 is an example of when at-risk landscapes with excessive grass and brush fuels are not mitigated. The horses' grazing rights in the range is paramount to reducing the amount of natural fuels that feeds and exacerbates wildfires. The open range right is an absolute priority to safeguard Siskiyou County against devastating wildfires and to encourage the health of the local ecosystem.

* * *

The Brigade requests that Siskiyou County recognize the practicality of horses for wildfire management and formally recognize the Brigade's right to manage their horses on the open range, including upon the range now encompassed by the expanded Monument lands. We look forward to your response.

Sincerely,

Alexis M. McCullough
Lydia Samson
Taylor Scott Berkely
Student Attorneys

Christophe Courchesne
Director
Diana Csank
Staff Attorney
Environmental Advocacy Clinic
Vermont Law and Graduate School

Counsel for Wild Horse Fire Brigade

²¹ BLM: *Don't Blame Wildfires on Wild Horses. Instead Use Them as Four-Legged Firefighters*, Friends of Animals (Aug. 26, 2021), <https://friendsofanimals.org/blm-dont-blame-wildfires-on-wild-horses-instead-use-them-as-four-legged-firefighters/>.

²² *Id.*

Christophe Courchesne, Director
Environmental Advocacy Clinic
(802) 831-1630 (main)
(802) 831-1631 (fax)
ccourchesne@vermontlaw.edu

William E. Simpson II, Director
Wild Horse Fire Brigade
(858) 212-5762 (main)
gemmaster7@aol.com

Cc: Elizabeth Nielsen – Deputy County Administrator; Matt Parker – Natural Resources Specialist;
Laura Bynum – County Clerk-Registrar of Voters (mail)

APPENDIX I

Email from Dave Larson, District Forester from the Oregon Department of Forestry,
Southwest Oregon District

-----Original Message-----

From: LARSON Dave * ODF <Dave.LARSON@oregon.gov>

To: gemmaster7@aol.com <gemmaster7@aol.com>

Sent: Sat, Jun 9, 2018 5:19 pm

Subject: Hazardous Fuels Mitigation CSNM/Soda Mt

Good afternoon Bill,

I have read several articles that you have written regarding the hazardous fuels conditions in the Cascade Siskiyou National Monument/Soda Mt. Wilderness that surround your property. I appreciate you bringing this issue forward and your willingness to provide potential solutions to the current conditions in our forests. The Oregon Department of Forestry provides fire protection through a long term agreement with the BLM and does not have land management authority on federal ownership. Because of the mixed ownership, these lands are intermingled with private lands and I too have great concerns about the buildup of forest fuels on the landscape. This buildup of fuels are making it increasingly difficult to control wildfires and keeping these fires to the smallest size possible. We need to continue to work with our federal partners to find solutions to achieve a more fire resilient landscape. There are a number of potential options available to land managers that can help us be successful in getting to this goal. I would like to see further research and development in the utilization of grazing as a potential fuels reduction tool. Having worked in wildfire for almost 30 years I have personally witnessed how grazed lands in combination with responsible prescribed fire can reduce the intensity and fuel loading on the landscape. Your idea of using wild horses as a potential fuels management tool may be a viable option to consider and I would be in support of the BLM investing in further research. As a fire manager responsible for 1.8 million acres of forestland, I appreciate anything that we can do to maintain a healthy forests for all to enjoy.

Please let me know if there is anything else I can do to be of assistance.

Thank you,

Dave Larson

District Forester

Southwest Oregon District

APPENDIX II

Mr. Simpson, Executive of the Wild Horse Fire Brigade and the Ecological Benefits Performed by Wild Horses

Mr. Simpson is an acknowledged expert in wild horse management and behavioral ecology and has been widely published in national media. His intimate knowledge of the CSNM and surrounding area allowed him to assist firefighting personnel during the deadly 2018 Klamathon Fire. Emails between the Bureau of Land Management (BLM) District Manager, CALFIRE, private landowners, the Oregon Department of Forestry, and Mr. Simpson document his valuable work as a volunteer local-knowledge advisor who assisted CALFIRE in combating the deadly blaze. Mr. Simpson gave detailed, effective geographic information to firefighting personnel, adding critical road and ranch details to incomplete maps issued to CALFIRE commanders on the scene. He worked personally with CALFIRE for 9 days, from July 7 to July 16, 2018, on the critical Camp Creek fireline. Critically, he unlocked BLM “tank” gates that barred fire engine access and directed time-sensitive traffic over unmarked logging roads. Without Mr. Simpson’s assistance, the Klamathon Fire would have caused greater economic and ecological casualties.

Wild horses share a symbiotic relationship with their habitat and are vital to fire management. They reduce the frequency and size of wildfires by maintaining wildfire fuels to manageable levels.^[1] Specifically, as the District Forester for the Oregon Department of Forestry has recognized, horses graze the wildfire fuels such as grasses and other edible shrubs and brush, as well as detach flammable dead snags when rubbing against trees.^[2] They also provide an invaluable ecological service by reestablishing native flora via their natural grazing-reseeding processes.^[3] The WHFB seeks to maintain (and in some cases introduce horses to) areas like the Monument that are full of excessive flammable brush and natural debris. Hunters overharvested deer in the region, diminishing a key large herbivory from the ecosystem that would have grazed excessive brush and debris. Wild horses could fulfill the key herbivory role better than livestock as they roam a wider range and tend not to overgraze, as livestock do.^[4]

^[1] William L. Ripple et al., *Collapse of the World's Largest Herbivores*, Sci. Advances, May 1, 2015, at 1.

^[2] Email from Dave Larson, District Forester, Oregon Department of Forestry, to William E. Simpson II (June 9, 2018, 5:18 PAC) (on file with recipient). (This official also expressed concerns about the overall excessive buildup of brush on the Monument as potential wildfire fuel, specifically the potential issues in controlling wildfires due to the massive buildup).

^[3] *Id.*

^[4] Memorandum from Dr. Wayne Linklater, Chair and Professor of Env’t Studies at Cal. State Univ., Sacramento, to the BLM (Sept. 20, 2023) (on file with the author).