

April 24, 2023

Tracy Stone-Manning – BLM Director
Bureau of Land Management – National Office
1849 C Street NW
Washington D.C. 20240

Barry Bushue – State Director
Bureau of Land Management – Medford District Office
3040 Biddle Road
Medford, OR. 97504
Email: blm_or_md_mail@blm.gov

Re: Request for Community Collaboration on the Cascade-Siskiyou National Monument and to Use Wild Horses to Restore the Landscape

Dear Ms. Stone-Manning,

The Environmental Advocacy Clinic at Vermont Law and Graduate School represents the Wild Horse Fire Brigade (WHFB). The WHFB is a non-profit organization located in Yreka, California. The organization seeks to maintain wild horse populations and research effective nature-based solutions for wildfire mitigation. We write to explain the vital role of the wild horses on the Cascade-Siskiyou National Monument (CSNM or Monument) and to offer a collaboration to improve the Monument's condition for the benefit of the public and the Monument's wildlife, including horses. As part of the collaboration, a pilot wild horse grazing program would assist the BLM in mitigating excessive brush-induced wildfires and restore the landscape to its natural state.

Horses share a symbiotic relationship with their natural landscape and are vital to fire management. They reduce the frequency and size of wildfires by maintaining wildfire fuels to manageable levels: the horses graze the wildfire fuels while also reestablishing native flora via their natural grazing-reseeding processes,¹ as has been recognized by a District Forester for the Oregon Department of Forestry.² Therefore, it is essential to protect and promote the horses' relationship with the ecosystem. The WHFB seeks to maintain and/or introduce wild horses to landscapes like the Monument that are full of excessive flammable brush and natural debris. Hunters overhunted 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 than domestic stock and do not have a tendency to overgraze, as livestock

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).

do.³ The WHFB’s wild horses would restore the collapsed ecological balance—a thesis supported by a large body of contemporary and cutting-edge science.⁴

The WHFB believes the Bureau of Land Management (BLM) failed to meet some of their stewardship goals promised in the 2000 Resource Management Plan (RMP) and emphasizes the need for improved stewardship on the Monument. They also seek formal permission to assist where and when possible with debris cleanup and other stewardship needs.

I. The CSNM’s Expansion Limits the BLM’s Ability to Properly Manage Legacy Barbed Wire and Debris and the BLM’s Management Decisions Have Impeded Appropriate Wildfire-Prevention Measures.

The WHFB has concerns that the BLM needs assistance to manage the CSNM, especially under the recent 42,000 acre expansion of the Monument by President Obama. The BLM divided the CSNM’s current RMP between three existing RMPs: the 2008 Cascade-Siskiyou National Monument Record of Decision and RMP, the 2016 Southwest Oregon RMP, and the 1993 Redding RMP. All RMPs will remain in effect until the BLM promulgates one RMP that encompasses the entire monument.⁵ The BLM took no action to address the miles of legacy barbed wire and debris on the Monument as of early 2024, and nor do any of the named RMPs address this issue. Despite regular cleanup efforts by the BLM and non-profit organization the Friends of Cascade-Siskiyou National Monument, barbed wire and debris still remain on the Monument.⁶

Last year, in June 2023, the BLM published a Notice of Intent to promulgate a new RMP and an Environmental Impact Statement (EIS).⁷ This is the first RMP that will reflect necessary management principles across the entire since Monument since 2008,⁸ and as a result from, the 42,000 acre Obama expansion.⁹ The proposed RMP does not specify debris removal as a goal; however, the RMP does state that one of its goals is to “protect and/or restore the unique and varied natural and scientific resources” in the Monument.¹⁰ The BLM should make debris cleanup a major goal when promulgating this new RMP and in thinking about the Monument’s long-term future, if only to fulfill its original promises. Otherwise, the proposed RMP will serve as a copy of its

³ 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).

⁴ *Id.*

⁵ Memorandum from Tracy Stone-Manning, Director of the Bureau of Land Management on Interim Management of the Cascade-Siskiyou National Monument, to Barry R. Bushue, Oregon/Washington State Director (on file with the agency).

⁶ *Fence Pull at the Green Springs Mountain Loop Trail*, FRIENDS OF CASCADE-SISKIYOU NATIONAL MONUMENT (May 25, 2023), <https://www.cascadesiskiyou.org/blog>.

⁷ Notice of Intent to Prepare a Resource Management Plan for the Cascade-Siskiyou National Monument in Oregon/Washington and California and an Associated Environmental Impact Statement, 88 Fed. Reg. 37,901 (June 9, 2023).

⁸ U.S. Dep’t of the Interior, Bureau of Land Mgmt., *Cascade-Siskiyou National Monument Record of Decision and Resource Management Plan* (Aug. 2008); U.S. Dep’t of the Interior, Bureau of Land Mgmt., *Southwest Oregon Record of Decision and Resource Management Plan* (Aug. 2016) (The last RMP encompassing the entire Monument was published in 2008, while a 2016 RMP for BLM lands in Southwest Oregon included only a portion of the Monument).

⁹ Proclamation No. 9564, *infra* note 19.

¹⁰ Notice of Intent to Prepare a Resource Management Plan for the Cascade-Siskiyou National Monument in Oregon/Washington and California and an Associated Environmental Impact Statement, *supra* note 6, at 37,901.

predecessors, with the same flawed ecological management, negatively impacting wild animals and the landscape.

Discussed below, the BLM falls short of its management responsibilities, but the WHFB is able to assist the BLM in managing the Monument and advancing the Department of Interior’s mission.

a. The Expansion Limits the BLM From Properly Managing the CSNM and a WHFB Collaboration Would Advance the Department of Interior’s Mission.

The BLM has multiple responsibilities in the care and stewardship of public lands. The Monument now covers thousands more acres while the BLM still uses the same limited resources to manage the dense overgrowth of young-growth trees in forests and the caretaking of wildlife habitat.¹¹ Human-caused externalities have deeply affected the Monument, creating an overgrown landscape with unnatural debris that should have been removed.

The BLM could achieve its management goals outlined in the RMPs, namely: “protect or enhance existing habitat for species associated with late-successional forests” via forest thinning and removing debris, and “reduce the risk of wildlife fires spreading to residential properties . . .” via a pilot horse grazing program.¹²

Collaborations with non-federal groups allow the BLM to leverage its own resources and would achieve greater management results than working alone. The size of the Monument as well as the treacherous terrain cannot be managed by the BLM alone: to further the BLM’s mission of land restoration and conservation, a local collaboration is vital to the BLM’s stewardship responsibilities. The WHFB can assist the BLM’s mission by promoting the Monument’s biodiversity of trees, flowers, and wildlife; helping to slow extinction rates of endangered species such as grey wolves,¹³ the Pacific fisher,¹⁴ and the Northern spotted owl,¹⁵ and by leveraging natural climate solutions with a pilot herd of wild horses.¹⁶

b. By Decommissioning 164 Acres of Access-Logging Roads, the BLM Failed to Meet Its Goal of Thinning the CSNM’s Surrounding Forests, Furthering Climate Change Risk to the CSNM.

The BLM was also committed to reducing smaller trees within forests in a practice known as “forest thinning,” citing the practice in its 2008 RMP as an effective fire-prevention measure.¹⁷ This goal was also not met and made far more difficult and expensive by removing/decommissioning 164

¹¹ See discussion, *infra* Part I.b.

¹² U.S. Dep’t of the Interior, Bureau of Land Mgmt., *Cascade-Siskiyou National Monument Record of Decision and Resource Management Plan*, 31-32 (Aug. 2008).

¹³ Press Release, Ctr. for Biological Diversity, Two New Groups of Wolves Confirmed in Northern California (May 24, 2023) (on file with author).

¹⁴ *Wildlife in the Klamath-Siskiyou Mountains: An Extremely Diverse and Varied Region*, Klamath Forest Alliance, <https://klamathforestalliance.org/the-klamath-siskiyou-region/wildlife-in-the-klamath-siskiyou-mountains/><https://klamathforestalliance.org/the-klamath-siskiyou-region/wildlife-in-the-klamath-siskiyou-mountains/> (last visited Feb. 1, 2024).

¹⁵ *Id.*

¹⁶ *Our Priorities*, U.S. Dep’t of the Interior, <https://www.doi.gov/ourpriorities> (last visited Feb. 5, 2024).

¹⁷ *Cascade-Siskiyou National Monument Record of Decision and Resource Management Plan*, *supra* note 11, at 31-32.

miles of access-logging roads, which could have provided the required access for thinning operations. Joel Brumm, CSNM's Assistant Monument Manager, stated in 2016 that the BLM cannot afford to keep some access-logging roads open under the Monument's original size.¹⁸ In 2017, President Obama expanded the Monument by an additional 42,000 acres of land.¹⁹ If the BLM cannot afford to keep access roads open under the circa-2000 scope of the CSNM, WHFB is concerned that the BLM cannot properly manage the Monument in its current size without additional support.

That decommissioning of 164 miles of forest access roads clearly demonstrates an acute lack of vision for future needs in regard to appropriate forest management. Furthermore, the re-creation of such roads to serve the BLM's stated purposes of thinning trees and heavy understory wildlife fuels and ongoing management will cost far more than maintaining them. WHFB emphasizes these are just a few instances that reflect a larger pattern of mismanagement by the BLM on the Monument. As it stands, the forest is poorly managed—trees are too close together and too skinny from lack of sunlight. WHFB would like to emphasize its support of a smart middle ground between logging and leaving flammable brush and snags across the CSNM.

c. The BLM Broke Its Commitment of Removing Debris from the CSNM.

In 2017, BLM stated that one of its current areas of focus on the Monument was legacy fence removal;²⁰ however, it is evident from the current condition of the landscape that they did not significantly meet this goal. Despite this, the BLM is capable of removing debris with the help of volunteers and collaborations with local non-profits. In 2015, the BLM carried out a Stewardship Plan that removed barbed wire from 23 miles of trail in the Monument.²¹ In November 2019, the Friends of Cascade-Siskiyou National Monument, a partner nonprofit, successfully removed 3400 feet of barbed wire.²²

Fencing from previous landowners remains on the Monument.²³ Now that BLM owns the land, the fencing no longer serves a purpose for cattle and sheep management and remains a hazard to people and wildlife on the Monument. Many conservationists and land managers encourage removing fencing due to the many known harmful impacts to wildlife it causes. Fencing blocks animals from accessing migration routes and concentrates animals in specific areas, which increases

¹⁸ Vickie Aldous, *BLM Proposes Closing Up to 164 Miles of Roads in Cascade-Siskiyou National Monument*, Mail Tribune (Feb. 2, 2016), <http://www.mailtribune.com/article/20160202/NEWS/160209934>.

¹⁹ Proclamation No. 9564, 82 Fed. Reg. 6,145 (Jan. 12, 2017); Memorandum from Tracy Stone-Manning, *supra* note 6.

²⁰ U.S. Bureau of Land Mgmt., *Cascade-Siskiyou National Monument: Annual Manager's Report—Fiscal Year 2017* 16 (2017).

²¹ U.S. Dep't of the Interior, Bureau of Land Mgmt., *Cascade-Siskiyou National Monument Manager's Annual Report FY 2015*, 14-16 (2015), <https://www.blm.gov/sites/blm.gov/files/documents/files/orwa-csnm-mgrs-rpt-2015.pdf>.

²² *National Monument Public Lands Day 2019*, Friends of Cascade-Siskiyou Nat'l Monument Blog (Nov. 25, 2019), <https://www.cascadesiskiyou.org/blog/2019/11/14/national-monument-public-lands-day-2019>.

²³ Andrew F. Jakes et al., *A Fence Runs Through It*, 227 *BIOLOGICAL CONSERVATION* 310, 312 (2018).

disease transmission, blocks access to water and food, and eliminates habitat.²⁴ Animals may become caught in barbed wire fencing and die of starvation or predation.²⁵

II. The BLM Should Allow the WHFB to Assist in Establishing a Pilot Wild Horse Wildfire Grazing Program to Restore the Monument to Its Original State.

The WHFB seeks to be a good neighbor to the CSNM and to cooperate with the BLM. Members of the WHFB have intimate, firsthand knowledge of the CSNM landscape and its wildlife. The WHFB founder William E. Simpson II served as local-knowledge advisor to CALFIRE during the Klamathon Fire that threatened to incinerate the entire CSNM, providing key information to firefighting personnel. The WHFB has affiliated with California State University, Sacramento to teach wild horse ecology and ethology to CSU students at the WHFB research ranch near the OR-CA state line. WHFB's deep local knowledge would allow the organization to assist the BLM with managing the Monument in several areas.

The WHFB wishes to begin formal discussions with the BLM on future joint fire-prevention efforts. Specifically, the WHFB hopes to collaborate on a wildfire grazing pilot program using regional wild horses from Oregon and California. As part of the pilot program, CSU Sacramento scientists would study and report on the ecological benefits of wild horses in fire prevention. Such a collaborative study would be consistent with the Monument's stated goals. The CSNM's 2008 RMP notes the importance of collaboration with non-profits: "Non-profit organizations and citizens and user groups that have adequate resources and expertise can enter into cooperative agreements to assist in the stewardship of public lands in the monument" and how this assistance "may include . . . site cleanups . . ." ²⁶ The WHFB would like to join as a collaborator to improve the management and the stewardship of CSNM.

The WHFB proposes a moratorium on the policy of treating wild horses as "trespass animals" on the CSNM. Such a policy change would permit the WHFB to run an effective wildfire grazing pilot program without bringing any new horses to the area. The WHFB offers its assistance to the CSNM and requests formal permission to help with debris removal and fire-prevention measures in collaborative capacities involving the WHFB members and volunteers, agency staff, and assistance from CSU-Sacramento researchers.

A District Forester for the Oregon Department of Forestry also expressed concerns about the buildup of brush on the Monument as potential wildfire fuel, specifically the potential issues in controlling wildfires due to the massive buildup.²⁷ The recently proposed RMP for the Monument lists fire risk reduction as one of its stated goals.²⁸ One of these challenges to these goals is the "lack of fire due to fire exclusion."²⁹ Allowing the WHFB's wild horses to graze in the public lands on the

²⁴ Jim Robbins, *Unnatural Barriers: How the Boom in Fences is Harming Wildlife*, YALE ENV'T 360 (Mar. 17, 2023), <https://e360.yale.edu/features/unnatural-barriers-how-the-rapid-rise-of-fences-is-harming-wildlife>.

²⁵ *Id.*

²⁶ U.S. Dep't of the Interior, Bureau of Land Mgmt., *Cascade-Siskiyou National Monument Record of Decision and Resource Management Plan 21* (Aug. 2008).

²⁷ Email from Dave Larson, District Forester, Oregon Department of Forestry, to William E. Simpson II (June 9, 2018, 5:18 PM PST) (on file with recipient).

²⁸ Notice of Intent to Prepare a Resource Management Plan for the Cascade-Siskiyou National Monument in Oregon/Washington and California and an Associated Environmental Impact Statement, *supra* note 7, at 37902.

²⁹ *Id.*

Monument would reduce fire impacts and size, serving as an alternative to fire exclusion.³⁰ This would further serve the RMP's stated goal of protecting the natural and scientific resources on the Monument.³¹

CONCLUSION

The WHFB emphasizes that it seeks to be a good neighbor and collaborator with the Cascade-Siskiyou National Monument and is able and willing to take cooperative action to improve and help manage the Monument as cited herein. It seeks formal permission to assist where possible with stewardship needs. We look forward to your response.

Please let us know if you have any further questions in this regard, and/or if we can provide any further documentation.

Lydia Samson
Alexis M. McCullough
T. Scott Berkley
Student Attorneys

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

Counsel for Wild Horse Fire Brigade

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

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

Cc: Elizabeth Burghard, Lauren Brown - Bureau of Land Management – Medford District Office

³⁰ William E. Simpson II, *Wildfires and Wild Horses: What's the Connection?*, LINKEDIN (Jan. 2, 2022), <https://www.linkedin.com/pulse/wildfires-wild-horses-whats-connection-william-e-simpson-ii/>.

³¹ Notice of Intent to Prepare a Resource Management Plan for the Cascade-Siskiyou National Monument in Oregon/Washington and California and an Associated Environmental Impact Statement, *supra* note 7, at 37901–2.