

# Frequently Asked Questions

## Tonto National Forest fence and Salt River Horses

**Q) Are the Salt River horses descendants of wild horse herds that roamed this area for centuries?**

A) The Forest Service has not uncovered any historical documentation that would support this theory, nor has the Tonto received evidence from external sources to support this premise.

When this area was surveyed for wild horses in the early 1970s, the few horses around the Lower Salt River were claimed by stockmen from adjacent tribal lands and removed from the area.

Research indicates that unauthorized livestock, including horses, occasionally wandered on to Tonto Forest Service land from neighboring tribal lands. Unauthorized livestock that roamed onto the forest were removed periodically, or herded back onto tribal lands.

The current Salt River horse herd descended from these trespassing livestock. Only in recent years did the trespassing livestock become well established on the Tonto National Forest.

**Q) What Federal law(s) protect Salt River horses?**

A) Salt River horses are not protected under Federal law. Horses in the Lower Salt River area are not designated as “wild horses” under the [Wild and Free-Roaming Horses and Burros Act of 1971](#), largely because historical surveys did not locate any horses eligible for this designation.

As such, the Salt River horses legally are unauthorized livestock under federal regulation ([36 CFR 262.10](#)) and do not fall within the purview of the Forest Service.

**Q) Absent Federal law, how are the Salt River horses “protected”?**

A) The horse herd is protected under [Arizona Revised Statute \(A.R.S.\) § 3-1491](#). This statute established that a horse from the Salt River horse herd is “not a stray animal” and gave the Arizona Department of Agriculture (AZDA) and the Maricopa County Sheriff’s Office authority to provide applicable authorizations under the statute.

Arizona Revised Statute 3-1491 defines that the "Salt River horse herd" includes horses that inhabit and historically have lived in and around the lower Salt River and Saguaro Lake areas in the Tonto National Forest and that do not have a brand or other mark that indicates ownership. A person shall not harass, shoot, injure, kill or slaughter a horse that is part of the Salt River horse herd. The law also provided for Arizona to enter into an agreement with the United States Forest Service to implement this law and address any issue related to the Salt River horse herd. Importantly, these State protections apply only to the horses themselves and confer no special legal status to the lands upon which the horses reside.

**Q) Why is the Forest Service intent on removing Salt River horses?**

A) The Tonto National Forest has no plans to remove horses.

This misbelief dates back to 2015, when the Forest Service issued a Notice of Unauthorized Livestock and Intent to Impound horses. Under this plan, the Forest Service would have removed about 100 horses to a local sanctuary. However, the Forest Service canceled that notice after elected officials expressed their desire to allow horses to remain on National Forest System lands.

Subsequently, in January 2016, Arizona State Representative Kelly Townsend introduced legislation to protect the Salt River horses. However, the legislation did not include any provision for appropriating funds to the Department of Agriculture to implement any substantial management of the horses. In May 2016, the legislation was signed into law by Arizona Governor Doug Ducey. In December 2017, the USDA Forest Service entered into an [Intergovernmental Agreement](#) (IGA) with the Arizona Department of Agriculture (AZDA) to create a working relationship and, together, develop a plan governing issues related to the Salt River horse herd. Under the IGA, the Forest Service has funded and engaged in a collaborative effort with the AZDA, horse advocates, environmental groups, cattle ranchers, tribes, and other federal, state, and county agencies in an effort to create a horse management plan that receives broad-based support. The Forest Service continues to work closely with AZDA and AZDA's chosen third-party contractor(s), and other partners as management actions are implemented on National Forest System lands.

**Q) Who participates in this 'collaborative effort'? Can the public participate?**

A) The Salt River Horse Collaborative (SRHC) – in coordination with AZDA -- includes representatives from affected governmental agencies (federal, state, local and Tribal), a balanced set of interest groups, and the public.

This collaborative process is now complete. Proposed management approaches have been provided to AZDA.

**Q) Was the State of Arizona and neighboring Indian reservations aware of plans to build the fence?**

A) Yes. Tribal and state representatives participated in the collaborative, where the fence was discussed in detail.

Additionally, the Tonto reached out to the Salt River Pima-Maricopa Indian Community multiple times and participated in formal consultation with the tribe.

**Q) What is the next step in this collaborative process?**

A) The next step is for AZDA to submit its proposed management plan to initiate any necessary federal analysis and authorizations. In the interest of transparency, the Forest Service has compiled SRHC documents and placed them in an online repository [here](#).

**Q) Who is responsible for the health and safety of the horses? What happens when a horse is injured or sick?**

A) With the enactment of Arizona Revised Statute 3-1491, the Salt River horses fall under the jurisdiction of the State of Arizona.

When the Forest Service is made aware of an injured or sick Salt River horse on forest land, the Forest Service immediately contacts the AZDA to allow the state agency to determine the appropriate course of action.

For specific information regarding the structure of AZDA programs or the disposition of a specific horse, contact [AZDA](#) directly at (602) 542-0942.

**Q) How much conflict exists between Salt River horses and cattle grazing?**

A) There is no conflict between Salt River horses and permitted grazing. The area where the horses reside is not within an active grazing allotment. Although trespass cattle occasionally show up in the Lower Salt River area, the Forest Service works closely with neighboring jurisdictions to remove them in a timely fashion.

**Q) Why did the Forest Service begin building fences in the area where the horses reside?**

A) The [IGA](#) outlines specific duties and responsibilities for the Forest Service. One of them calls for the Tonto National Forest to “construct fences as needed around the entire Salt River horse area designed to prevent the horses from endangering the public and to ensure that other livestock are prevented from joining the herd”.

[A.R.S. § 3-1491](#) stipulates that the “Salt river horse herd includes the horses that inhabit and that have historically lived in and around the lower Salt River and Saguaro Lake areas in the Tonto National Forest and that do not have a brand or other mark that indicates ownership”.

Accordingly, construction of fences is consistent with, and in furtherance of, Forest Service duties and responsibilities under the IGA, because fences ensure that horses on adjacent jurisdictions are prevented from joining the Salt River horse herd on the Tonto. Fences also prevent horses from accessing roadways where they could endanger themselves and the public.

**Q) What type of restrictions will result from the fence?**

A) The fence will restrict less than 4,800 acres of more than 30,000 acres in the lower Salt River area. Horses will continue to have access to over 8 miles of the Salt River if horses relocate from the Hawes and Cactus Fire areas. The Hawes area south of Bush Highway contains less than 4,000 usable acres, no water sources, and very limited forage production.

Additionally, most of the 800 usable acres north of Bush Highway and west of the Coon Bluff road area (Coon Bluff Mountain is too steep) was burned in the Cactus Fire in 2017 and is the focus of a large scale restoration project funded by the National Forest Foundation to restore willow and cottonwood. The fence would effectively keep horses off the 3 mile stretch of Bush Highway from Coon Bluff Road to Granite Reef.

**Q) How did the Forest Service comply with environmental regulations to build the fences and ensure fences won't have a negative environmental impact?**

A) In 2018, the Forest Service initiated a Categorical Exclusion Checklist. Forest Service subject matter experts evaluated environmental effects in compliance with the requirements of the National Environmental Policy Act for construction of the Mesa Boundary Fence. The Forest Service completed its analysis in April 2019.

Based on that analysis, the Forest Service determined the action was covered by the Code of Federal Regulations, specifically:

- 36 CFR 220.6(d)(4) *Repair and maintenance of roads, trails, and landline boundaries*
- 36 CFR 220.6(d)(5). *Repair and maintenance of recreation sites and facilities*

The Forest Service concluded that there were no extraordinary circumstances or significant effects. As a result, an Environmental Assessment was unnecessary.

**Q) How much has the fence cost?**

A) The installation of 10 miles of barbed wire fence, 4 miles of pipe rail fence, and over 35 gates between November 2019 and February 2020 have cost the Forest Service \$850,000.

This amount would change if an additional 10 miles of barbed wire fence is needed to secure the south side of Bush Highway from Usery Pass Road to Water Users Recreation Site.

The Maricopa County Department of Transportation will install cattle guards at entrances to recreation sites and also across the Goldfield Road. The department also will install speed feedback signs, striping, and other improvements.

**Q) How can the Forest Service justify installing fences that will physically harm the horses and cut them off from water?**

A) Although the boundary fence would limit horses from approaching the lower Salt River from the south between Granite Reef and Coon Bluff, horses still have access to over 8 miles of the Salt River once horses relocate north of Bush Highway.

Understanding the landscape is crucial. The Hawes area south of Bush Highway contains less than 4,000 usable acres, no water sources, and very limited forage production. Additionally, most of the 800 usable acres in the Coon Bluff area (minus Coon Bluff Mountain) was burned in the Cactus Fire in 2017 and is the focus of a large scale restoration project funded by the National Forest Foundation to restore willow and cottonwood.

The post and rail boundary fence keeps horses safe from wandering onto or crossing a 3-mile stretch of Bush Highway from Coon Bluff Road to Granite Reef.

Barbed wire fences are an effective deterrent that keep horses from running through the wire and getting onto the road, where they become a hazard to motorists. A smooth, bottom strand helps smaller wildlife cross under the fence.

**Q) Will the public still be able to view horses?**

A) With an estimated herd of over 400 horses as of February 2020, horses will continue to be visible on the Tonto National Forest.

**Q) Does the fence actually force horses into more populous areas? How is this safer for the horses or the public?**

A) The entire lower Salt River area sees high visitor use year-round. Recently constructed fences will keep horses out of Granite Reef Recreation Site, Phon D Sutton Recreation Site, Coon Bluff Recreation Site, the Salt River Tubing headquarters, Maricopa County Sherriff's substation, and the Hawes Trail System in the Utery Mountains that is heavily used by mountain bikers and hikers.

This will reduce the interaction between horses and people visiting the forest.

**Q) How does the fence affect access for Forest users?**

A) The Forest Service has installed more than 35 gates in the fences to allow for continued access to the river and other areas. The fence does not touch the river's edge and is above the typical high water mark.

**Q) When will the Forest Service build a fence across the river?**

A) The Forest Service is designing a user-friendly structure that would cross the river at the Coon Bluff Recreation Site where the forest boundary crosses the river and heads north. There are no plans for the structure to be made of barbed wire.

A timeline for this structure is to be determined.

**Q) Why can't the Forest Service build an overpass over the Bush Highway to eliminate the need for fences?**

A) The IGA did not designate an overpass as part of the Forest Service's duties and responsibilities. However, the Forest Service continues to listen to, and consider, proposals put forward by partners. The Maricopa County Department of Transportation (MCDOT) holds an easement for the Bush Highway and retains management authority for the roadway. Any consideration for an overpass would begin with MCDOT. Because fences would prevent horses from crossing the highway, an overpass could allow access to the small area south of Bush Highway and west of Utery Pass Road (the Hawes area). The River Boundary fence has no impact on an overpass.

**Q) What about adjacent cattle? Is cattle grazing allowed in the area?**

A) No. All livestock -- cattle and horses -- have been unauthorized in the area since 1985 when the Goldfield Grazing Allotment was closed by the Tonto's Forest Plan. Permitted livestock grazing is not an option in this area.

**Q) How many threatened, endangered or other protected species are in the area?**

A) Bald Eagles are protected under the Bald Eagle Protection Act.

**Q) The Salt River horses help the environment by dispersing native plant seed, removing fire fuels, fertilizing vegetation with manure, and creating fish habitat through foraging, don't they?**

A) The Forest Service is unaware of scientific evidence to support these claims. Although horses may disperse seeds through foraging and defecating, native plants that are part of their diet do not rely on herbivory by large mammals with hooves for seed dispersal. It also is possible that horse foraging is facilitating the dispersal of non-native plants and noxious weeds.

While animal manure from grazing animals can be used as fertilizer on farms and fields, freestanding piles of horse droppings around high-use recreation areas may pose public health concern. Unhealthy levels of *E. coli* have been confirmed in waters around recreation sites along the lower Salt River, resulting in temporary closures of beaches.

DRAFT