



*Cheiron: The International Journal of  
Equine and Equestrian History*  
Vol. 2, Issue 2/2022  
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Available online at  
<http://trivent-publishing.eu/>

## Wild Equine History: A Response to the Heber Wild Horse Report

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10.22618/TP.Cheiron.20222.2.132002

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# Wild Equine History: A Response to the Heber Wild Horse Report

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## Introduction

The Report on the Heber Wild Horse Territory (HWHT) that is the focus of this special issue is a wide-ranging analysis of issues related to the public management of wild horses. The main focus is a critique of a draft Management Plan (MP) by the United States Forest Service (USFS) in the Arizona national forest that contains the HWHT. The Report is organized into major sections, starting with an overview of the location and governance of the Territory; then summarizing the main points: that the MP proposes to reduce the number of wild horses to a genetically non-viable population, and to limit the size of the Territory, even though “long-time and knowledgeable wild horse monitors” have observed wild horses in “its original legal area” outside the boundary of the HWHT. (p. 13) The Report then includes major sections on Wild Horse Herd and Habitat Observations, Methods for Ecological Evaluation, Results of Ecological Transects, Germination Experiments, Findings and Discussion.

Each major section includes photographs and citations to scientific, government, and historical references. The Report’s author is a professional ecologist who has studied the ecological role of wild horses in the Western U.S., and his overall assessment is that they have made a positive contribution in areas of the HWHT where domestic cattle have been largely removed. (p. 22) He challenges scientific research in the draft Environmental Assessment (EA) of the draft MP, that maintaining a population of 300-400 wild horses would have a negative effect on natural resources. The Report raises major concerns about how the USFS allocates forage to wild horses compared to what it allots to domestic livestock. (p. 47) The scientific issues raised in this Report are outside the expertise of this author; instead, this Response will focus on challenges related to the role of history in the legal controversy surrounding the HWHT.

This particular case is a microcosm of a controversy throughout the American West involving wild horse advocates, livestock ranchers, and federal government agencies with jurisdiction over wild horse territories and herd management areas. The Report in this special issue argues that the USFS has failed to make protection of wild horses in the HWHT and the surrounding national forest a priority, and that the agency has favored cattle ranchers who have had government-issued grazing allotments prior to the designation of the HWHT in pastures that now overlap areas within the boundary of the Territory. The Report challenges how the USFS has defined that boundary and calculated how many horses should be allowed to remain in that area, as well as in the surrounding national forest. This Response will address issues arising in this case that stem from language in the 1971 Wild Free- Roaming Horses and Burros Act (WFRHBA) defining a legal boundary as the area where wild horses were historically found: at the time of the law’s passage.

The Report challenges historical data in the draft MP, that there were seven wild horses in the area in 1971 and that there are no descendants of that original herd left in the national forest. The author quotes local monitors who claim to have observed many more wild horses in the area long before 1971. The Report points to two major historical narratives as evidence for that position. The first is that there is a connection between horses in the HWHT and Colonial Spanish horses reintroduced by 16<sup>th</sup> century explorers to North America, i.e., that the historical data lies in the DNA

of the present-day herd. The second narrative deconstructs this argument as being embedded within a Eurocentric paradigm that discounts Native stories about there being horses long before the arrival of the Spanish. Although neither of these approaches seem to have persuaded the USFS, they have the potential to expand our understanding of wild equine history in the American West, and for that reason alone they are worthy of further discussion in this Response.

## **The Legal Background of the Current Controversy**

The draft MP is the result of a lawsuit (*In Defense of Animals v. United States Government*, 2005) in which the judge ordered a halt to a USFS plan to remove 300-400 wild horses from the Apache-Sitgreaves National Forest (ASNF) surrounding the HWHT. A 2007 settlement agreement called for a collaborative process in developing the draft MP. The underlying source of the legal controversy is the issue of whether the draft MP should expand the existing Territorial boundary to include wild horses observed in the surrounding ASNF. The Report concludes that the draft MP “has been prepared in extreme defiance of the wild horses’ right to a truly long-term population in a commensurately truly long-term viable habitat. This brings me to the long-term history of collusion by the ASNF and their wild horses’ chief opponents”. (p. 57-58) The argument in the Report is that the area can support more wild horses than the Appropriate Management Level (AML) of 50-104 horses established by the USFS in its proposed Appropriate Management Level Determination (AML D). That numerical range is based on analysis of utilization and amounts of available forage for wild horses, cattle, and wildlife within the HWHT.

The USFS relies on the boundary established when Congress passed the WFRHBA in 1971. The WFRHBA states that “It is the policy of Congress that wild free-roaming horses and burros shall be protected from capture, branding, harassment, or death; and to accomplish this, they are to be considered in the area where presently found, as an integral part of the natural system of the public lands.” (Public Law 92-195) The key phrase, “where presently found” refers to the area populated by wild horses in 1974 at the time when the USFS designated the area as a Wild Horse Territory. Prior to that time, the USFS had established livestock grazing allotments in the same area. Management of overlapping areas for wild horses, livestock, and wildlife across the American West has generated frequent litigation, as advocates for wild horses claim that domestic livestock (mainly cattle) are the main cause of environmental damage to public lands.

The census of wild horses in the HWHT has fluctuated over time, leading critics of the draft MP to argue that the USFS should enlarge the scope of the Territory to include wild horses found outside the original boundary prior to 1971. In its proposed AML D (p. 3) the USFS relies on a 2017 ethnographic study synthesizing statements given by people from organizations associated with the Territory, and concludes that “The history of the horse herds does not provide any conclusive historical basis for how to designate the horses for the future as the originally designated herd does not appear to be extant”. The Report, on the other hand, cites observations by local monitors disputing the results of that ethnographic study. The case of the HWHT is therefore an excellent example of the complexities involved in the public management of wild horses and the historical issues underlying legal controversies across the Western U.S. The proposed AML D (pp. 2-3) pointed to the first recorded census in 1974 of seven wild horses, and then relied on the ethnographic study to divide the history of the area into two periods. The first historical period encompassed the originally designated herd of seven horses, probably descended from horses turned out by the Army or homesteaders in the 1930s. The second period, dating from around 1990, included a larger number that appear to have roamed from the Fort Apache Reservation to the south and/or other areas. The horses found in this second period had “no substantiated link with the originally designated herd.” (pp. 2-3)

Differences in historical accounts between the USFS and local monitors quoted in the Report about the location and number of the originally designated herd have led to opposing sides in the legal controversy. If, as the draft MP maintains, the large number of wild horses currently living in the HWHT and surrounding national forest roamed north from the Fort Apache Reservation after the 1990s; and if there are apparently no wild horses remaining from the original herd, then the USFS

arguably has an historical - - and legal - - basis for removing many of those horses. On the other hand, the Report cites opposing evidence of an historical connection between the current herd and wild horses predating the WFRHBA. This Response will expand discussion of the two alternative narratives mentioned in the Report. It is well worth delving further into these alternative historical methodologies and their potential for future contributions by academics and practitioners. While they may not have an immediate impact on the HWHT, they have the potential to reframe research on the history of wild horses in the American West.

### **Alternative Equine-Based Historical Methodologies**

The Report (p. 12) states that “According to historical archives the wild horses of the ASNF have occupied this extensive area since at least 1653 and most probably before”. It refers to an article in the *Sonoran News* in 2010 by Dr. Patricia Haight in which she stated that historical documents support the argument that wild horses were in the area for hundreds of years. She referred to the historical connection between these horses and the early Spanish explorers, including Coronado and Father Eusebio Kino. The Report (p. 57) concludes that the original wild horses of the ASNF were “descendants of the Spanish Colonial mustangs, whose preservation is considered very important by horse geneticists and conservationists”. The Report itself does not cite to those historical documents, but it would be an important first step in tracing the lineage of 16<sup>th</sup> century Colonial Spanish horses in the Heber wild horse herd. DNA analysis is one way to confirm historical documents. The Report (p. 12) cites to a 2011 study by E. Gus Cothran, Ph.D and his colleagues of five Colonial Spanish populations in the southeastern U.S., although there are no references to similar analyses of the Heber wild herd or to other herds in the Southwest.

According to D. Phillip Sponenberg, DVM, Ph.D, the three main tools for evaluating whether horses are of Spanish descent are the history, the appearance (phenotype) of the individual horse, and the blood type found among horses in the herd. He points out that the desired history is that of an isolated herd, insuring protection against crossbreeding. The second tool, phenotype, must be used cautiously, because the original horses from Spain were not of a uniform type. Blood typing adds a third leg, by identifying “markers” that are unique to certain breeds of Spanish descent, and are therefore clues to their origin. Cothran has used blood typing and DNA analysis to identify such markers in certain wild horse herds, such as the Sulphur herd in Utah and the Pryor Mountain Mustangs on the border of Wyoming and Montana. Triangulating history, evaluation of Colonial Spanish Horse (CSH) type, and blood typing or DNA analysis at the herd level can help to verify the lineage of a wild horse herd and whether it has a connection to the mounts of 16<sup>th</sup> century Spanish explorers. Nevertheless, as this analysis suggests, it is a complicated process. ([www.frontiernet.net/~ranchotamarisque/SponenbergFrame.htm](http://www.frontiernet.net/~ranchotamarisque/SponenbergFrame.htm). Last accessed 04/20/2022)

A recent analysis by Sponenberg (<http://www.centerforamericasfirsthorse.org/north-american-colonial-spanish-horse.html>. Last accessed 05/01/2022) concluded that the Colonial Spanish Horse (CSH) type is found in only a very small number of herds today due to crossbreeding with draft horses and Thoroughbreds by homesteaders and the U.S. Cavalry during the 19<sup>th</sup> century. Moreover, the federal government has rarely given the CSH type consideration in how it manages wild horses on public lands. One exception is the Pryor Mountain Wild Horse Range (PMWHR) under the jurisdiction of the Bureau of Land Management (BLM). Beginning in the early 1990s, both Sponenberg and Cothran consulted with the BLM, and there was a recognition that this herd had many horses that could be considered a strain of the Colonial Spanish Horse type. In fact, Sponenberg ranked each Pryor horse based on a phenotype score: small (from 13 to 14.2 hands, and from 700 to 800 pounds); foreheads are convex-shaped and noses are convex or strait; cranial portions of the head are wide, but the facial portions are narrow and fine, when viewed from the front; from the side the upper lip is usually longer than the lower lip, and nostrils are usually small and crescent shaped.



This photograph (taken by this author) is an example of a horse ranked by Sponenberg in 2009 as having a high phenotype score and kept on the Range following a large-scale removal that year. The challenges associated with this approach, however, are evident in the case of the Pryor Mountain Mustangs. When the phenotype and/or blood type of a wild horse is the historical evidence for conserving a herd, it can present a compelling case; on the other hand, even in the PMWHR a well-meaning BLM field office introduced a non-Spanish stallion from the Rock Springs, Wyoming herd management area in the late 1980s in order to prevent inbreeding in this small, geographically isolated herd. In fact, the draft EA (p. 26) for the HWHT also recommends outside introductions as an adaptive management tool for maintaining genetic diversity in the herd. On balance, this equine-based historical methodology has the potential to verify oral histories that document a herd's location long before passage of the WFRHBA, but it is a daunting task to verify an historical linkage dating to the 16<sup>th</sup> century. The passage of time can corrupt evidence of a herd's Spanish lineage, and the USFS and BLM are now under pressure from Congress to reduce the number of wild horses in the American West.

A second equine-based historical approach is a critical indigenous methodology that relies on oral tradition predating arrival of the Colonial Spanish Horse. In her 2017 dissertation, cited in the Report (p. 43), Dr. Yvette Running Horse Collin deconstructs the Western historical narrative crediting the Spanish for reintroducing the horse to North America after its extinction there 11,000 to 13,000 years ago. (<https://scholarworks.alaska.edu/handle/11122/7592>. Last accessed 05/10, 2022) Her research relies on the traditional knowledge (TK) of Indigenous Peoples of the Americas to support her thesis that there were well-established horse cultures long before arrival of the Spanish. Mainstream academia and Western science have disregarded this Native TK. She suggests that TK has the power to reconstruct the history of the horse in the Americas. As the author of this Response has discovered, there are scholars in the Equine History Collective's list of researchers who have also identified new ways of knowing based on Native TK, especially Kelsey Dayle John, whose article in *HUMaNIMALIA* (2019) interrogates Western perspectives on Native culture that treat horses as merely "mystical." TK is also historical and should be treated as such. Until mainstream academic and Western science accept these alternative methods as valid, the USFS and BLM are unlikely to do so.

## Wild Equine History and Future Research

The public management of wild horses is based on a legal and policy framework that restricts consideration of boundary expansion to areas designated in 1971. As the draft MP and EA for the HWHT show, the USFS relies on an early census to verify where wild horses were found at that time. It also cites to an ethnographic study of local observations about changes to those original numbers. The Report, on the other hand, recommends using historical data to support the conservation of the herd's Colonial Spanish heritage, as well as historical evidence of established Native horse cultures in North America. For reasons discussed in this Response, the USFS is unlikely to consider the possibility of the CSH type in the Heber wild herd as a basis to expand the existing territorial boundary or the allowable number of horses, unless local advocates can enlist the expertise of Drs. Sponenberg and/or Cothran, who continue to search for Colonial Spanish populations in the Southeast and Southwest regions. Still, the USFS and BLM are under pressure from Congress to direct their attention elsewhere.

The alternative equine-based methodology that relies on Native Traditional Knowledge is a compelling approach. The challenge is that the USFS and BLM rely on the very mainstream academic and Western scientific knowledge that this approach seeks to deconstruct. There are opportunities for Tribal input during the scoping phase of the planning process, before the USFS (or BLM) are required to identify specific alternatives, but there also need to be face-to-face conversations with district or field office staff even before the release of public documents. Litigation can halt removals temporarily, but is unlikely to result in changes to the territorial boundary or to the appropriate management level. USFS and BLM personnel are bound by reporting requirements from Congress calling for drastic control of population numbers through large-scale removals and fertility control. Thus, reshaping conventional knowledge frameworks will depend on allies in the academic and scientific communities who are open to working with the USFS and BLM on solutions to the survival of wild herds, like the Heber horses. It is a daunting, challenge, but a worthwhile effort.

### List of Acronyms:

AML	Appropriate Management Level
AML/D	Appropriate Management Level Determination
ASNF	Apache-Sitgreaves National Forest
BLM	Bureau of Land Management
EA	Environmental Assessment
HWHT	Heber Wild Horse Territory
MP	Management Plan
USDA	U.S. Department of Agriculture
USFS	U.S. Forest Service
WFRHBA	Wild Free-Roaming Horses and Burros Act of 1971 (Public Law 92-195)

### List of Government Documents

- U.S.D.A. (2021). *Heber Wild Horse Territory Draft Management Plan*. U.S.F.S. ASNF, Black Mesa Ranger District. March, 2021.
- U.S.D.A. (2021). *Heber Wild Horse Territory Draft Management Plan Draft Environmental Assessment*. U.S.F.S. ASNF, Black Mesa Ranger District. March, 2021.
- U.S.F.S. (2021). *Proposed Appropriate Management Level Determination*. Black Mesa Ranger District. January, 2021.