

Brenda Heilman  
5431 33<sup>rd</sup> Ave NE  
Rugby, ND 58368

I am a lifetime North Dakota resident writing today as a private citizen to ask for your support in PASSING SCR 4014. My review of various National Park Service/Theodore Roosevelt National Park (TRNP) documents supports the continued existence and management of TRNP's horse herd:

1. **36 CFR 2.6, Livestock use and agriculture, (a)** states: "The running-at-large, ...or grazing of livestock of any kind in a park area or the use of a park area for agricultural purposes is prohibited, except: ... (3) As designated, when conducted as a necessary and integral part of a recreational activity or required in order to maintain a historic scene." Teddy Roosevelt was a conservationist BECAUSE he was a rancher and a horseman. TRNP leadership once agreed with this based on the TRNP Foundation document which states: "The time Theodore Roosevelt spent living in the North Dakota Badlands ultimately inspired his conservation ethic." If TR's park doesn't require horses to "maintain a historic scene", I don't know what does. He'd be appalled by the very suggestion of removing horses.
2. **NPS Management Policies, Chapter 8, Use of the Parks, section 8.6.8.2** states: "Agricultural (commercial & administrative) grazing occurs in some parks. The Park Service will only allow agricultural grazing in parks where it is: ... required to maintain a historic scene, or carried out as part of a living exhibit or interpretive demonstration..." Again, if you believe these horses in this park don't meet those criteria, you need to check your premises.
3. **TRNP Foundation Document (2014)** includes these horses in their list of Other Important Resources & Values: "**Feral Horses.** Bands of feral horses roam throughout the park's South Unit. Horses were an important part of the cultural landscape when Theodore Roosevelt lived in the area, and they are a very popular visitor attraction today." They were important in 2014, what changed to make them unimportant enough now to remove them?
4. **TRNP's Superintendent Compendium (2022), "Disturbing Wildlife"** section states: "All wildlife in the park are wild and potentially dangerous...except for inadvertent or casual encounters with wildlife in areas where traffic is required or essential, willfully approaching, remaining, viewing, or engaging in any activity within 25 yards to bison, elk, and feral horses... creates or contributes to a potentially hazardous condition or situation". This policy seems to imply that the horses ARE 'wildlife' and lends weight to the argument for keeping them.
5. **TRNP's website openly states:** Under North Dakota state law...livestock animals include bison, cattle and horses...", further muddying the waters about the 'wildlife' argument.
6. **Precedent.** These horses were in place when the park was originally fenced; they were not introduced. If their presence was unacceptable for more than 75 years, it seems that we might have heard of staff firings, reprimands, fines, or removal of the horses before today. Insisting that these horses are not native (a contentious argument) doesn't negate their long-standing presence; and their lack of 'reintroduction' also begs the question: as integrated as they are in their habitat within the park, how can they not be considered 'naturalized species', if not native?
7. The 1996 case interpreting the Organic Act, *Bicycle Trails Council of Marin v. Babbitt*, 82 F.3d 1445, 1454 (9th Cir. 1996), states: "**the Park Service has broad discretion in determining which avenues best achieve the Organic Act's mandate.**", indicating that the Park Service has the authority to make such regulations as it deems "necessary or proper for the use and management of the parks."

SCR 4014 makes it clear that the state of North Dakota supports keeping horses in TRNP. I sincerely appreciate all you do and encourage you to support SCR 4014.

Gratefully yours, Brenda Heilman