



United States Department of the Interior

BUREAU OF LAND MANAGEMENT

California Desert District Office
6221 Box Springs Boulevard
Riverside, California 92507-0714



MAR 17 2000

4700 P
(CA-650.3)

Mr. David Van Cleve, District Superintendent
Colorado Desert District, California State Parks
200 Palm Canyon Drive
Borrego Springs, California 92004

Dear Dave:

This letter is a follow up to our conversations concerning the administration and status of the wild horses presently occupying Anza Borrego State Park. My staff reviewed the case history of this Herd Management Area (Coyote Canyon HMA) to determine factual evidence that would clarify the two issues we discussed. The Federal responsibility for these animals was based on the fact they occupied public lands in 1971 at the time of the passage of the Wild, Free-Roaming Horse and Burro Act. The Bureau of Land Management (BLM) did recognize the conflicts these animals were creating since they also frequently occupied state and private lands. In response, BLM amended the California Desert Conservation Area Plan in 1985, determining not to continue managing horses in this area. However, funding limitations and local public concerns about the horses limited BLM's ability to follow through with the actual removal.

In 1993, with the BLM land transfer to the State of California, these animals ceased to occupy BLM lands, and are therefore not covered under the Wild, Free-Roaming Horse and Burro Act. The ownership of these animals transferred to the State at the same time as the land. This same situation occurred with the Desert Protection Act in 1994. The lands transferred from BLM to the National Park Service (NPS) contained some of the richest burro habitat and animal populations in the Mojave Desert. As a result of this law, the NPS became responsible for several thousand burros.

If you have any questions or require additional information, please give me a call at 909-697-5204.

Sincerely,

Tim Salt
District Manager

Emergency Feral Horse Removal Project, Coyote Canyon, Anza-Borrego Desert State Park®

CEQA issues:

It is the opinion of State Parks Legal Section and State Parks Environmental Review staff that the emergency removal of the feral horses from Coyote Canyon in Anza-Borrego Desert State Park® was exempt from CEQA, under section 15269(c) of the Act (Emergency Projects: specific actions necessary to prevent or mitigate an emergency). Following the site visit and review of the feral horses condition by the equine veterinarians and lay experts on February 6 and 7, 2003, and their assertions that the conditions in Coyote Canyon for the feral horses were "inhumane," DPR and UC Davis staff investigated the options for an emergency removal of the horses, recognizing that there would be a very limited time frame in which to safely accomplish a removal because of the desert heat, foaling season, and the 6th consecutive year of drought, together with the expected arrival of West Nile Virus in California this summer. The veterinarians were all in agreement that even under the best of expected conditions this coming summer that the survival of this band of horses and the habitat for them in the Canyon was marginal. It appeared that 5 of the 34 horses did not survive the summer that had just passed. All felt that if West Nile Virus were to strike this population during the most stressful time of year (late April through October) that it would wipe out a large portion, if not all, of the population. The necessary conditions for West Nile Virus (perennial water and mosquitoes) are present in the Canyon. Regardless of West Nile Virus, all of the vets emphasized that the existing conditions in Coyote Canyon were inhumane. One of the vets told ABDSP managers face to face that, if these horses were observed on a private ranch in their present condition by an animal health officer, that the horses would be immediately impounded and the owner(s) arrested for animal cruelty. Follow-up investigations with other agencies and private companies over the following three weeks indicated that there was a safe means of trapping and removing the horses from the Canyon. In a conference call on March 4, 2003, between Colorado Desert District managers and staff (Supt. Van Cleve, Jim Dice and Tina Townsend) with State Parks chief legal officer, Tim LaFranchi, the CEQA options relative to the situation were explored. The determination was made that the project was exempt from the requirements of CEQA under Section 15269 (c). The basis for this being the present health conditions of the horses, the expert opinions of the veterinarians, the time constraints for a safe removal, and the threat of even further deaths if the animals remained in the Canyon another summer. Everyone believed that was in the best interest of the horses to effect a quick and safe removal. A CEQA project evaluation form (PEF) was circulated among District staff and Southern Service Center staff for the emergency removal of the feral horses. However, no Notice of Exemption or other filing was carried out because the project was determined to be statutorily exempt from CEQA as an Emergency Project (see attached e-mails from Tim LaFranchi and Tina Robinson).