

Citizens Against Recreational Eviction-USA

*4824 Georgia Ave N, Crystal, MN 55428
Telephone 763-951-2826*



August 2, 2008

The Honorable Brian Bilbray
U. S. House of Representatives
227 Cannon House Building
Washington, D.C. 20515

This is to follow up to my recent letter requesting your assistance in returning the Coyote Canyon Herd of Wild Horses to free-roaming status in a permanent sanctuary. The Coyote Canyon Caballos D'Anza Corporation has done an incredible amount of investigative research and personal contact to locate an appropriate location. They have done all of the preliminary work to establish that the Beauty Mountain Allotment has great potential to be used in the disposition of this matter. We have now reached a place where we need to rely upon our elected officials to provide appropriate direction to the federal agencies involved to implement the establishment of a permanent sanctuary for this embattled herd of survivors.

It is more than time to put to rest the myth that wild horses are feral misfits that have no place on the North American Continent. This is a misguided determination that can be laid at the feet of special interest groups more interested in restricting uses of public lands to their own narrow and, may I say, dangerous worldview. These animals fill a significant niche in modern day ecosystems and deserve to be preserved and protected for their unique contributions to these ecosystems. Their behavior patterns are much more ecologically harmonious than other livestock. They selectively range over wide areas of both steep, rocky, hilly terrain and lower flat riparian areas and meadows. They seek out water sources but seldom linger near them preferring highland grazing areas that tend to be shunned by livestock. Range conditions typically show little change, positive or negative even in ranges where expansive numbers of wild horses have been removed. There is a positive impact of wide ranging and grazing behavior in that such behavior can be quite beneficial in reducing the buildup of flammable vegetation without producing the trampling of it usually produced by other livestock that tend to cluster in larger groups. Just this morning the Los Angeles Times has started a lengthy series of articles on the buildup of grasses that become flash fuels spreading across our hills and meadows.

The Wild Free-Roaming Horse and Burro Act (WFRHB) declared that free roaming horses and burros are considered to be "an integral part of the natural system of public lands. The Secretary of the Interior is mandated to "maintain wild free-roaming horses and burros in a manner that is designed to achieve and maintain a thriving natural ecological balance on the public lands." This portion of the federal legislation is and has been completely abrogated and ignored by federal land managers. Animals in Herd Management Areas all over the Western states have been removed and relocated or destroyed in complete perversion of the WFRHB Act. This has been done without any transparency on the part of the agencies. There are few monitoring reports, range reviews or population studies to support the pattern of removal. It is as morally and ethically wrong to remove these herds as it was to extirpate wolves in the last century. We are currently pursuing these animals with the intent of their complete extinction in the wild.

There is no reasonable explanation to support current policies in a truly impartial environmental context. Especially in view of Code of Federal regulation 43 CFR 4710.5 (a) Closure to Livestock Grazing which states: "If necessary to provide habitat for wild horses or burros, to implement herd management actions, or to protect wild horses or burros from disease, harassment or injury, the authorized officer may close appropriate areas for grazing use by all or a particular kind of livestock." The removal of the Coyote Canyon Herd is a glaring example of failure to follow federal law.

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The Kleppe vs. New Mexico decision determined that wild horses and burros were property of the United States and authority for states to manage them must be specifically granted. As a matter of legal precedent this decision must apply to the Coyote Canyon Herd as well.

This case also elaborated on the Court's view of federal authority on "public lands". It is important that the Court used all the terms usually used to describe "public lands". The terms "public domain", "federal lands" and "public property" were all used establishing that these terms are, in fact, interchangeable.

The Coyote Canyon Herd Area from which the horses were removed now lies completely within Anza Borrego Desert State Park. The transfer of the Herd Area land from the Bureau of Land Management to California State Parks appears to have established a "split estate" which does not abrogate the responsibility of the BLM to maintain the herd. Unfortunately, collusion between the two agencies land managers allowed removal of the herd in direct violation of the Kleppe decision precedent. However that was then and circumstances have changed dramatically in the years since 1993. The primary reason for removal of the herd was that their presence disturbed the endangered Peninsular desert bighorn sheep increasing their risk of extinction. In the intervening years, the population of desert bighorn has steadily increased and the critical habitat designated for them has been significantly reduced. Additionally, the Beauty Mountain Allotment does not in any way impinge on the Park or the sheep. Currently free-roaming horses are in much greater danger of extinction than the Desert bighorn which is, unfortunately, due to current government policies. There are now discussions within the BLM and with other agencies to implement cost saving measures which will require mass euthanization of horses and burros that have been removed from Herd Management Areas that were established to protect from them from harm. I have to ask, what possible rationale can be used to extirpate this species that so obviously roamed this continent over millions of years. It seems absolutely absurd not to recognize their significant role in creating the very thriving ecosystems the agencies are trying to protect and restore.

We urge you to take the necessary actions in a timely manner to address this issue. Granting the use of this grazing allotment for a permanent sanctuary for this herd will help stop the march to extinction that will otherwise occur for this historic species that is truly the last "icon of Western History".

Thank you for your consideration and support for this cause. I know I speak for many of your constituents when making this request.

Sincerely,

Candace D. Oathout, Chair
Citizens Against Recreational Eviction – USA

CC: K. Ellison, D. Issa, D. Hunter,
K. Hayden