

**[Note - Formatting may vary from the original.]**

April 2, 2003

Mary Nichols, Secretary  
Resources Agency  
1416 9<sup>th</sup> Street, #1311  
Sacramento, CA 95814

RE: Removal of wild horse herd from its natural and historic home in the Coyote Canyon area of the Anza-Borrego Desert State Park

Dear Ms. Nichols:

I am greatly concerned regarding information I have received indicating a callous disregard of proper process in removing the wild horse herd from Coyote Canyon in the Anza-Borrego Desert State Park and possible misuse of public funds. This herd is a natural and historic public resource and I am trying to determine if the Park is in violation of California Environmental Quality Act (CEQA) including barring public review and input. I am also aware that the Park has refused to entertain any viable alternatives to removal.

For these reasons, I am requesting copies of the contract(s) the Park made for removing the herd as well as substantiating documentation as to the necessity for removal. For your information, I have been advised that part of the contract is that the studs of the herd (10 horses) are to be castrated within 30 days of their removal on March 18, 2003. If this procedure occurs and the contracts and process are found to be in violation of State and perhaps Federal law, restoration of the herd to its natural and historic location in the canyon will be in jeopardy. Therefore, I am requesting that this portion of the contract not be required until this matter has been researched and resolved to my satisfaction.

Related questions and concerns for which I request answers are as follow:

§ How was it determined that all of the horses should be removed?

- § What environmental analysis was conducted and what level of public comment and participation was allowed?
- § Were there communications with local and other State governments regarding the decision? The Bureau of Land Management (BLM) is the recognized expert on the management and care of wild horse herds. Was BLM consulted on the removal of the wild horses? If not, why not? If so, when, specifically?
- § In addition to complete removal, what other management options were considered in the analysis, i.e., partial removal, maintain existing populations, etc. Were options disregarded? If so, what options and give the reasons for them not being considered.
- § Was a gathering plan completed to look at impacts to the environment at the capture site, i.e., was weed-free hay used to feed the animals on-site to minimize the spread of noxious weeds, and impacts to the animals, i.e., timing of the gather during foaling season. In addition was a gathering plan completed to look at impacts to the mares during foaling season?
- § Who is holding the animals, where, for how long, and at what cost? Is this being done at the lowest cost to the taxpayers and could it have been completed in state to the benefit of the local economy? Was the contract for gathering and hauling put out for public bid?
- § If the animals were sent across state lines for holding, what coordination was completed with the appropriate state veterinarians to gain permission to cross state lines with appropriate health certificates such as Coggins test results for Equine Infectious Anemia?
- § Who in California State government actually has responsibility for the animals? I am informed that if the animals are not protected under specific State laws (Fish and Game) assigning that authority to the State Parks, the horses would be considered astray and would fall under the jurisdiction of the California Department of Agriculture as unbranded, unclaimed livestock. Is that the situation?
- § Does State Parks have the authority to remove and reassign ownership of the animals? If so, what specific authority can be cited?
- § Under what agreement (contract) were the animals reassigned? California State law prohibits the sale of horses to slaughter. What protections will be imposed to ensure that horses once owned by the state of California won't end up at slaughter to prevent the state from circumventing its own laws?
- § Can State Parks provide any document which would supersede the 1995 Anza-Borrego Coyote Canyon Public Use Plan (CCPUP)? The CCPUP, page 3, paragraph 5 states, "these animals are protected under the federal Wild Horse and Burro Protection Act thereby limiting our management

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activities.” Unless such a document exists, how would the Park have had authority to contract for the herd’s removal since the herd would not have belonged to the Park? I have been advised that there is ample historic evidence that the herd ranged outside the boundaries of the park onto federal and private lands, which would support the CCPUP jurisdictional statement. Is that also your understanding?

These are legitimate legal issues that must be answered in a timely manner so as to preserve the herd as it is for the possible reintroduction to its natural and historic home. Therefore I am requesting your response by April 11, 2003.

If you have further questions please feel free to contact me.

Thank you for your assistance in this urgent matter.

Sincerely,

Bill Morrow  
Senator, 38<sup>th</sup> District

BM/tkt

CC:

San Diego County State Delegation  
Tom Pogacnik, California Wild Horse and Burro Program – Bureau of Land Management  
Madelyn Glickfeld, Legacy Project – Department of Resources  
Ruth Coleman, Acting Director – Department of Parks and Recreation  
David H. Van Cleve, District Superintendent – Colorado Desert District,  
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Mark Jorgensen, Superintendent – Anza-Borrego Desert State Park  
Dave Catoor – Catoor Livestock, Nephi Utah