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U.S. House of Representatives
Committee on Natural Resources
Washington, DC 20515

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June 1, 2007

JAMES H. ZOIA
CHIEF OF STAFF

Dale Hall, Director
U.S. Fish and Wildlife Service
U.S. Department of the Interior
1849 C Street, NW
Washington, DC 20240

Dear Dale:

Thank you for your letter dated April 17, 2007, in response to my correspondence dated March 29, 2007, expressing concerns about the seizure of wild horses transferred for adoption in Canada from the Sheldon National Wildlife Refuge. Your prior correspondence, dated August 31, 2006, regarding my request for the Service to comply with federal environmental requirements with respect to the wild horse and burro management program at the Sheldon NWR also was appreciated.

With that noted, however, recent events have raised serious new concerns which I must bring to your attention and prompt me to request that the Fish and Wildlife Service desist from taking any further actions to decrease the size of the Sheldon NWR herd until such time as these matters can be rectified.

Flawed Environmental Review

Your decision to update the environmental review for the wild horse and burro management program at the Sheldon NWR was commendable. As you know, the science underlying the existing Environmental Assessment (EA) relies on data gathered more than a quarter-century ago. I appreciate your recognition that this data was either obsolete or inadequate, and I commend you for initiating a new environmental review. Nevertheless, there remain significant concerns about the final revised EA.

I consider the wild horse management program at the Sheldon NWR to be a significant federal action. As such, I remain disappointed that the Service did not initiate a full Environmental Impact Statement for this controversial program as is required under the National Environmental Policy Act (NEPA).

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In fact, it is hard to fathom how the Service can justify as “not significant” an action that intends to reduce a viable herd of wild horses from approximately 1,600 to a population of less than 200. Moreover, alternative actions specified under the updated EA appear pre-determined to support the Service’s preferred management alternative rather than to provide a full suite of viable adaptive management approaches.

Consequently, I would appreciate your reviewing the criteria the Service used to decide that this action did not meet the significance threshold under NEPA, and why additional alternatives that were not pre-disposed to the removal of the horses failed to be considered. Upon completion of your review, I would appreciate your sharing your findings with me.

In addition, it has been brought to my attention that the Service may not have complied with public notice and comment requirements during the preliminary scoping of its environmental review. Specifically, in your August 31, 2006, letter you stated that the Service intended to provide adequate notice and a full 30-day public comment period. You also stated that it was the Service’s intention to host a public meeting during this scoping period. Unfortunately, the Service did not provide a full 30 days for public comment; only 8 days running from August 14-22, 2006 were allowed. Additionally, it is my understanding that the Service did not convene a public meeting as promised.

Opportunity for public comment is critical toward ensuring that the American public understands and can support the management policies at our National Wildlife Refuges. Any breakdown in the public process is a serious breach of protocol.

As such, I would also appreciate your reviewing the record in this matter detailing the entire public comment period, the number of public meetings held, their location and the number of attendees, copies of the public notices published by the Service, and any other related information. Upon completion of your review, I would appreciate your sharing your findings with me.

Lack of Appropriate Safeguards for Removed Sheldon Horses

I would now like to bring to your attention a matter that has serious implications on the ability of the Service to conduct horse reductions at Sheldon NWR in a legally responsible fashion.

I have been made aware of serious allegations concerning the seizure of horses in Alberta, Canada, by the Royal Canadian Mounted Police (RCMP). These allegations have implications for the credibility and veracity of agents of the U.S. Fish and Wildlife Service.

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It now appears that the RCMP livestock inspection officer who seized over 20 horses that came from the Sheldon NWR as part of its herd reduction program from a facility in Evansburg, Alberta, (Androschuk Acres) and placed them in the custody of a horse rescue facility (Wild Rose Equine Rescue Society, WRERS) may have done so illegally; it is my understanding that this individual is now under internal investigation by the RCMP and other Canadian authorities. As well, you noted in your April 17th letter that the Service allowed these seized horses to be placed in the custody of WRERS.

It is my understanding, however, that the Service may have failed to conduct any background check concerning WRERS, nor had the agency entered into an adoption agreement. Failure to do so contradicts the Service's own adoption policies. Contrary to assertions in your letter, the horses transferred to WRERS were in fact all horses transferred from the Sheldon NWR to Androschuk Acres on November 29, 2004. This is not speculation but is fact as documented in records held at the Sheldon NWR and by the facility. Most important, these horses were all healthy and well-maintained on the date of their illegal seizure as documented by veterinary and photo records available at Androschuk Acres

Perhaps most disturbing are allegations which indicate that supervisory personnel at the Sheldon NWR are aware of the potential illegality of this seizure, but to date the Service has taken no action to retrieve the horses from WRERS, terminate its relationship with WRERS, and work with the RCMP to return the horses to their rightful owners.

I am at a loss to understand why agents of the Federal Government would fail to act under these circumstances.

In this respect, I am asking you to review the complete record of the Service's involvement with both Canadian facilities, including copies of all agreements, records for all transfers of Sheldon NWR horses, copies of veterinary records and other reports submitted by each facility, copies of all communications to and from each facility, and any other related information, and report back to me with your findings.

But for the time being, the treatment of these horses culled from the Sheldon NWF herd does not lend credence to any further horse reduction activities there until adequate safeguards are put into place.

No one supports the hard-working and dedicated professionals of the U.S. Fish and Wildlife Service more than I. Yet I cannot countenance actions by any representative of the Federal Government that might be construed as negligent, or worse.

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These allegations are a stain on the integrity of your agency that would best be addressed promptly and thoroughly. I would appreciate the courtesy of a reply at your earliest convenience.

With warm regards, I am

Sincerely,

A handwritten signature in black ink, reading "Nick Rahall". The signature is fluid and cursive, with a large initial "N" and a long, sweeping underline.

NICK J. RAHALL, II
Chairman
Committee on Natural Resources

NJR/jz/