

**Willis Lamm**  
(Address and phone number  
redacted for web copy)

October 18, 2011

Mr. Lucas Foletta, General Counsel  
Office of the Governor  
101 North Carson St.  
Carson City, NV 89701

Re: Dept. of Agriculture / Virginia Range Horse Issues

Dear Mr. Foletta:

Thank you for your response of September 19, 2011. I appreciate your forwarding my original letter to Director Barbee however it is my belief that he is fully aware of these issues, yet the Department of Agriculture remains committed to a direction that, if history repeats itself, will produce a great deal of unnecessary angst and unwanted commotion and distraction. This letter is my final effort to avoid a nasty confrontation between Nevada citizens, out-of-state horse advocates (who do have some influence over our tourist market) and this administration. As an expressed supporter of the Sandoval administration, I truly do not want to see such a fracas come to pass as the impacts and outcome of such are predictable.

The issue at hand is relatively simple. Virginia Range horses, of which the management responsibility has been given to the Nevada Department of Agriculture, are getting on public highways and are adding to the existing plethora of hazards that our motorists confront. Although this area of concern involves open range and the horses actually play a minor role with respect to the various hazards on our highways, it is prudent to attempt to mitigate risks to the motoring public. I understand that concern as I am retired from public safety.

I also understand the issues involved with horses on the highway as I live on the horse range and I have been involved in wild horse matters since 1992. Historical data, if objectively viewed, will show a correlation between an increase in horse-vehicle accidents and the management strategies employed by the Nevada Department of Agriculture. My public position has been and is that the current rash of horse - vehicle accidents is directly the fault of the Nevada Department of Agriculture and here is why.

Historically the Bureau of Land Management (BLM,) counties, ranchers and non-profit horse and wildlife groups assisted with the control of the horse herd and the placement of animals that required removal. In the 1970s the BLM pulled out and the remaining entities managed the herd. In 2003 the Nevada State Legislature formalized a few of the activities taking place by amending Chapter 569 of the Nevada Revised Statutes as applicable to the Virginia Range herd, outlining allowable procedures and specifying processes in which the Department could delegate authority to other entities.

Don Henderson represented the Department in committee hearings on SB 486 and presented some compelling arguments.

A new definition was created to address the free-roaming horses that made up the Virginia Range herd. NRS 569.008 was added, defining "Feral Livestock." This term was somewhat controversial as the horse groups felt that the term "feral" would make it more difficult to place horses that had been removed. (My argument was that the term put us in a position similar to our animal shelter trying to place feral cats.) Nonetheless the language was written into law yet both the horse groups and the Department customarily referred to the horses as "Virginia Range Estrays" to improve marketing perception. However this nonsense that the horses can be disposed of as "estrays" is neither supported by the law or the Legislative Record. They are legally "feral."

A new subsection was added to NRS 569.080 outlining a procedure whereby the Department could place horses through non-profit and governmental agency cooperators. Mr. Henderson explained to the Legislature that the herd was growing, that there would likely be increased removals, and that other agencies that the Department depended upon, such as BLM, had stated that they would not assist if horses went to kill buyers. These agencies understood the repercussions affecting their own programs if they became associated with anything having to do with the horse slaughter pipeline.

To protect itself, the Department recommended, and the Legislature passed, specific procedures that applied to the disposition of "feral livestock," the main purposes being to pass responsibility to the non-profits for dealing with removed horses, providing a mechanism for the Department to recover its expenses from the non-profits should it wish to, and still retain a disposal by sale option in the event the non-profits were unable to take the horses brought off the range. All rational parties agreed that if the non-profits were unable to take horses, then the Department would not be held responsible if the only practical alternative involved taking the horses to the livestock auction.

A final element in this strategy was the creation of the Nevada Department of Corrections' Inmate Saddle Horse Training Program, a vision of then Director Paul Iverson. The non-profits raised most of the money for the infrastructure for this program (as they still do) and horses were made available to that portion of the adopting public who was not prepared to take home an untamed, untrained horse. At the end of the Department's participation in this program, the non-profits even raised the money to cover the expenses incurred in training Virginia Range horses and Silver State Industries was able to keep the adoption fees received.

This system wasn't perfect but it kept the herd in check, provided for the orderly disposition of horses that required removal, kept the local residents and the horse advocates satisfied and provided a great skills development opportunity for the inmates selected to participate in the horse training program.

All of these activities ended with the tenure of Tony Lesperance who (and I have no politically correct way to express this) lied about virtually every aspect of the program and pretty much ignored the requirements set forth under Chapter 569. The herd is out of control. Private money that used to help with the management, control and placement of Virginia Range horses has gone elsewhere, such as dealing with Pyramid Paiute horses. BLM has become the sole beneficiary of the prison horse training program where they now are not only training BLM horses for local adopters but they have a backlog of orders to fill for horses destined for the US Border Patrol and military. (By the way, this nationally acclaimed program is the same one Tony Lesperance described as "a total failure" in his address to the Legislature.)

As a result of the actions of the previous administration, a lot of people are fed up with the Nevada Department of Agriculture. There had been expressed optimism that the Sandoval Administration would get this program back on a sensible and affordable track. However our experience is just the opposite. It has been a struggle just to get the Department to follow the law on such basic issues as how and where to place the mandated "estrays" advertisements in newspapers published in the respective county seats. To cite just one example, Director Barbee tried out an excuse that there was no newspaper published in Yerington since the Mason Valley News (the recognized newspaper published in Yerington) sent its copy to be run off on the Reno Gazette-Journal's press as a cost savings measure. The bizarre logic pursued by this Department is incredible.

The Department is still struggling with the very basic concept that in 2003 the Legislature deemed that the Virginia Range horses were feral, not estray. To my most recent knowledge the Department is still failing to follow the law, a matter not lost on a couple of advocate group attorneys.

Presently the Department is putting the motoring public at risk and potentially wasting scarce taxpayer dollars based on its steadfast refusal to adopt any rational management strategy for this herd or follow the intent expressed by the Nevada State Legislature. It is my expectation that this whole situation is likely to take on a very chaotic life of its own if the Department doesn't quickly adjust its strategies. We're not talking about some rural ranch where a few stray horses wandered in. This herd is adjacent to an urban setting where the people will historically come out in force if they perceive that "their" horses are being mistreated by this administration, and when they call for help, people from across the country are likely to take action.

My frustration with this administration is that a number of us have tried to explain how the public expects this program to work and how the Director's present actions will set off a very undesirable public chain reaction, however these admonitions have fallen on deaf ears. Why on earth are we going down this road?

Respectfully submitted,



Willis Lamm

attachments

c: Northern Nevada news media

## Attachment 1: Public Opinion

This is a screen capture of a Nevada Appeal poll as of October 18<sup>th</sup>. The question is simple and not a "push" question. The results not only represent public opinion about horses from those who responded, but not how the horse poll compares with other recent polls in numbers of votes cast.

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Poll	<a href="#">View Past Polls</a>
Should the wild mustangs replace the Bighorn Sheep as state animal?	
Yes 	53.50% (3605)
No 	46.50% (3133)
6738 votes	

#### Latest Polls

Is there a clear front-runner for the GOP presidential nomination?  
[Results](#) | 338 total votes  
10/15/2011

Should the wild mustangs replace the Bighorn Sheep as state animal?  
[Results](#) | 6738 total votes  
10/08/2011

Is Northern Nevada's economy recovering?  
[Results](#) | 823 total votes  
10/01/2011

Do you have a hands-free device for your cell phone?  
[Results](#) | 684 total votes  
09/24/2011

## Attachment2: Highway Hazards

People are making noise about horses on state highways, and it is an issue needing attention, however it also needs to be put into perspective. These are not limited access freeways, but surface roads crossing open rangelands and people need to drive accordingly. Out here we have pedestrians hit (and killed,) ATV operators hit (and killed,) cattle hit (and killed,) mule deer hit (and killed) and even a cougar was hit and killed in Stagecoach a couple of years ago. These roadways are used by pedestrians, cyclists and equestrians and although the NHP does a great job cracking down on bad drivers when they can, these are still unfenced dangerous highways where motorists are required to drive with their headlights on even during the daytime.

Motorists who do slow down for animals and people on the highway are often passed by other motorists who cross solid yellow lines or use left turn lanes for passing.

The livestock on highways issue has reached the point that NDoT has purchased solar warning beacons in an attempt to remind motorists to drive cautiously.



Reno PD has reported a four-fold increase in pedestrian fatalities, the assumption being that drivers are becoming increasingly distracted.

### Attachment 3: Non-profit Group Activities

The non-profits, often maligned by the Nevada Department of Agriculture, have consistently provided a variety of services that benefited the state at no cost to the taxpayers. In fact they know more about managing this herd than NDoA staffers who ignore them.

Inventorying horse bands.



Repairing fences.



Attachment 3: Non-profit Group Activities, Continued

Providing emergency water.



Caring for injured and orphaned Virginia Range horses.



The indifference and disrespect shown by the Nevada Department of Agriculture towards Nevada citizens who donate their time and money to assist this state is unacceptable.