



State of California  
Office of the Attorney General

XAVIER BECERRA  
ATTORNEY GENERAL

November 9, 2018

The Honorable Sonny Perdue  
Secretary, U.S. Department of Agriculture  
1400 Independence Avenue, SW  
Washington, D.C. 20250

Vicki Christiansen  
Chief, U.S. Forest Service  
U.S. Department of Agriculture  
1400 Independence Avenue, SW  
Washington, D.C. 20250

Randy Moore  
Regional Forester  
U.S. Forest Service  
Pacific Southwest Region  
1323 Club Drive  
Vallejo, CA 94592

Amanda McAdams  
Forest Supervisor  
Modoc National Forest  
225 West 8th Street  
Alturas, CA 96101

RE: Wild Horse Roundup in Modoc National Forest

Dear Secretary Perdue, Chief Christiansen, Forester Moore, and Supervisor McAdams:

I write regarding the adoption and sale of wild horses from the roundup currently underway in the Devil's Garden Plateau Wild Horse Territory (the WHT) in Modoc National Forest. As I understand, the roundup, which began October 10, 2018, seeks to gather 1,000 protected wild horses from the WHT and to offer these horses to the general public for adoption or sale. At first, sales will be subject to conditions, but the U.S. Forest Service's plan calls for unconditional sales of certain horses that remain after the initial

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period.<sup>1</sup> These proposed unconditional sales raise substantial concerns under California state law.

California law holds that it is unlawful “for any person to possess, to import into or export from the state, or to sell, buy, give away, hold, or accept any horse with the intent of killing, or having another kill, that horse, if that person knows or should have known that any part of that horse will be used for human consumption.” Cal. Pen. Code § 598c(a). This prohibition applies to all equines, including any wild horses adopted or bought during the roundup in the WHT. Cal. Pen. Code § 598c(b). Violating the law is a felony that carries a prison sentence of up to three years. Cal. Pen. Code § 598c(c).

As Attorney General of California, I have a constitutional responsibility to ensure that the laws of the state are uniformly and adequately enforced. Cal. Const., art. V, § 13. This responsibility encompasses state laws that prohibit the slaughter of horses.

I appreciate the efforts that the U.S. Forest Service and its volunteers are exerting to prioritize adoption of wild horses by members of the public who are able to care for them. I am also reassured that you are imposing conditions during the first phase of sales, including a condition that buyers follow California law prohibiting the slaughter of these animals.

But the second phase of unconditional sales is more troubling. According to a post on a WHT volunteer blog, during the second phase “sale without limitation will begin and buyers can purchase up to 36 horses” for as little as one dollar each. This is a reversal of your previous policy of following restrictions on the sale of wild horses that Congress regularly imposes on the federal Bureau of Land Management. Under these Congressional restrictions, wild horses cannot be sold for processing into commercial products, including food. Your policy reversal risks violating California law.

Wild horses from previous roundups in California—including the May 2018 roundup in the Cold Creek area within Humboldt-Toiyabe National Forest—have not been offered for unconditional sale.<sup>2</sup> I urge you to require all buyers in the current roundup, even during the second period of the sale, to declare their compliance with California Penal Code § 598c. Under your watch, California horses should not be sent to slaughter in violation of state law.

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<sup>1</sup> See <https://www.fs.usda.gov/detail/r5/news-events/?cid=FSEPRD599094> and <https://www.fs.usda.gov/detail/modoc/news-events/?cid=FSEPRD599963>.

<sup>2</sup> See [https://www.fs.usda.gov/detail/htnf/landmanagement/resourcemanagement/?cid=fsep\\_rd578852](https://www.fs.usda.gov/detail/htnf/landmanagement/resourcemanagement/?cid=fsep_rd578852).

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Thank you for your work managing Modoc National Forest and the WHT. I trust that all wild horses gathered in the roundup will find welcoming homes through adoption or sale. Please do not hesitate to contact Eleanor Blume in my office at [eleanor.blume@doj.ca.gov](mailto:eleanor.blume@doj.ca.gov) or (415) 510-3906 with any questions.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Xavier Becerra', with a large, stylized flourish at the end.

XAVIER BECERRA  
California Attorney General