

# INDIAN LAW RESOURCE CENTER

CENTRO DE RECURSOS JURÍDICOS PARA LOS PUEBLOS INDÍGENAS

November 29, 2002

Helen Hankins, Field Manager  
Bureau of Land Management  
Elko Field Office  
3900 East Idaho Street  
Elko, NV 89801

Via fax: (775) 753-0255

Dear Ms. Hankins:

We are writing to respond to your letter of November 21, 2002. You note therein that the Danns informed your office by letter of June 5, 2002 that because of their concern for the range and resource management, they were taking steps to round up and remove a number of horses in the so-called Buckhorn Allotment with the intention of leaving an optimum number of 100 horses on the range. As you also noted, the Danns made it clear that this roundup and removal was being undertaken in a manner without risk of harm to the animals and as the temperature permitted.

In your letter you ask for confirmation of the Danns' continued intent to remove the animals. As you know, the Danns did remove a large number of horses last summer. Please be informed that it is and has been their intent to roundup and remove additional horses for sale in accordance with the terms outlined above. However, it should not surprise you to learn that the BLM enforcement action on September 23, 2002 – the seizure and sale of over 200 head of the Danns' cattle – has hindered the removal of additional horses. The Danns were forced to bring their remaining livestock in early, filling holding areas which would otherwise have been used to contain the horses. The Danns are understandably concerned that if those cattle are turned back out, and the horses brought in, the cattle will be forcibly seized and auctioned in a repeat of your earlier action. Of course, as you know, this livestock is essential to the Danns' economic livelihood, which has already been seriously jeopardized by the September 23<sup>rd</sup> raid.

We note also that your most recent action of sending a helicopter out to (as you have said) "account for" the remaining horses has put undue and unnecessary stress on the Dann family as they prepared for the coming holiday. It has also scared the horses away from good range areas to those areas the BLM claims are poor. The Danns ask that the BLM notify them in advance of any further such action(s), and that you inform your pilots to use caution and fly at appropriate distances so as not to worsen the situation.

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The Danns will and are making plans to round up and sell additional horses. They are anxious to protect the range and stream conditions. But they need the cooperation of your office to ensure that those efforts will be fruitful.

Your letter references data collected in Brock and Cottonwood Canyons. We request copies of that data and any other data collected in other areas to reflect a comparison of conditions. In your letter you also state that streams and springs are in "non-functioning" condition. Please describe what you mean by "non-functioning". As you know, the Danns are extremely concerned about the de-watering processes employed by mining operations in this area. As far as conditions for livestock, the evidence that the Danns have seen from the livestock already brought in, notably the cattle auctioned through your office on October 4, 2002, is that the livestock are in prime shape - hardly consistent with a diet of "dirt and weeds". Finally, if the BLM has other information about range conditions that would be useful to the Danns in making management decisions in this and other areas, please share that information with us so that the removal can be performed in the most expeditious and fair manner as possible. The information should include any data collected on fencing, either by the BLM or private parties, and the effects of that fencing on range conditions and livestock movement.

Finally, your letter states that the BLM remains interested in a resolution of the long-standing disputes regarding these lands. The Danns would like nothing more than to see a fair resolution of these issues and to move toward a cooperative relationship with the BLM. The BLM could learn much from the Danns, whose Western Shoshone ancestors have been the caretakers of these lands for hundreds of years. The Danns are also aware that full resolution of the issues of concern to them and to the BLM will require their cooperation and agreement. The Inter-American Commission on Human Rights has issued its preliminary report, and the final report is likely to be released soon. Therefore, the Danns are prepared to engage in discussions with the BLM to resolve mutual concerns about grazing and resource management issues (including a proposal for a cooperative management agreement).

Given the BLM's stated interest in resolving the conflict with the Danns, we ask that your office support the immediate commencement of good faith negotiations to identify and recognize adequate lands and resources for the cultural and economic prosperity of the Western Shoshone Nation. We welcome the opportunity to meet with your office or other interested federal offices to further discuss reasonable approaches to the commencement of these negotiations.

Sincerely,



Deborah Schaaf

CC: Secretary of Interior, Gale Norton  
Senator Harry Reid  
Senator John Ensign  
Congressman Jim Gibbons

Assemblyman John Carpenter  
Donna Bailey, Eureka County  
John Hutchins, Eureka County  
Steve Boies, Nevada Cattlemen's Association