

HOUSE MEMORIAL 102

**53RD LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2017**

INTRODUCED BY

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A MEMORIAL

ACKNOWLEDGING THE PUBLIC POLICY OF THE STATE THAT RECOGNIZES  
THE NEED TO PROTECTS WILD HORSES; ACKNOWLEDGING THE ROLE OF THE  
CONSERVATION SERVICES DIVISION OF THE DEPARTMENT OF GAME AND  
FISH IN PROTECTING, MAINTAINING AND ENHANCING WILDLIFE HABITAT;  
AND REQUESTING THAT DIVISION TO CONDUCT AN INTERIM STUDY AND  
PROVIDE RECOMMENDATIONS FOR THE PROTECTION, MAINTENANCE AND  
ENHANCEMENT OF THE WILD HORSE HERDS AND HABITAT IN NEW MEXICO.

WHEREAS, the public policy of the state, as expressed in  
the Wildlife Conservation Act, is to recognize, manage,  
maintain and enhance wildlife and wildlife habitat; and

WHEREAS, the responsibility for implementation of the act  
has been assigned to the department of game and fish; and

WHEREAS, the department has established the conservation  
services division, which studies and analyzes wildlife species

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1 and habitat in the state, produces wildlife conservation  
2 strategies and action plans and manages department lands to  
3 maintain and enhance wildlife and wildlife habitat; and

4 WHEREAS, the activities of the conservation services  
5 division are a benefit to all of society and the responsibility  
6 should be shared by society; and

7 WHEREAS, the public policy of the state is to recognize  
8 and preserve wild horses, including descendants of horses from  
9 the Spanish colonial period, and to manage the population of  
10 wild horses by immunocontraception, as expressed in Section  
11 77-18-5 NMSA 1978, Senate Memorial 2 from 2006 and Senate Joint  
12 Memorial 8 and Senate Memorial 17 from 2007; and

13 WHEREAS, the state has not managed the population of wild  
14 horses by immunocontraception in the last ten years since it  
15 became public policy and management would more likely occur if  
16 a specific state agency had jurisdiction; and

17 WHEREAS, there are fewer than three hundred wild horses on  
18 federal and state grazing lands in New Mexico and approximately  
19 five hundred thousand cattle on public lands; and

20 WHEREAS, some tribes and pueblos are already managing wild  
21 horse populations by immunocontraception, as well as by other  
22 methods; and

23 WHEREAS, two non-governmental organizations and a number  
24 of pueblos and tribes in New Mexico are trained to administer  
25 immunocontraception by darting; and

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1           WHEREAS, the immunocontraceptive porcine zona pellucida  
2 has a ninety-five percent efficacy and no behavioral impacts,  
3 as it is not hormonal; and

4           WHEREAS, non-governmental organizations have provided  
5 fencing or materials for hardship fencing to both private  
6 property owners and government entities for the last ten years;  
7 and

8           WHEREAS, non-governmental organizations and tribes have  
9 mustang training camps and seminars in New Mexico; for example,  
10 Mustang camp in Bloomfield has re-homed and trained five  
11 hundred mustangs in the last eight years, while working with  
12 United States forest service and bureau of land management wild  
13 horses; and

14           WHEREAS, horses have never been fully domesticated in that  
15 they have not lost their natural family structure and have not  
16 changed genetically since the advent of human horse breeding;  
17 domestication involves a genetic change similar to that between  
18 a wolf and a dog and is indicated by a loss of familial  
19 structure, neither of which has been seen in the horse; and

20           WHEREAS, horses are not self-limiting and, without  
21 sufficient numbers of their natural predators, need the  
22 assistance of immunocontraception in a manner that does not  
23 affect genetics and survival of the fittest, rather than using  
24 drought or starvation for population management; and

25           WHEREAS, stakeholders include a large sector of New

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- 1 Mexicans, including:
- 2           A. the tourism department;
- 3           B. rural economic development and local economic
- 4 development organizations;
- 5           C. ABQ Biopark;
- 6           D. central New Mexico community college;
- 7           E. the university of New Mexico;
- 8           F. long-term wild horse non-governmental
- 9 organizations;
- 10          G. New Mexico horse rescues;
- 11          H. realtors from communities, including Ruidoso and
- 12 Placitas;
- 13          I. pueblos and tribes;
- 14          J. the state parks division of the energy, minerals
- 15 and natural resources department;
- 16          K. outfitters;
- 17          L. photo workshop outfitters; and
- 18          M. artists; and

19           WHEREAS, private land owners that experience interference  
20 with their mares during estrus can utilize progesterone from  
21 their veterinarian to effectively resolve any interference; and

22           WHEREAS, the wild horses at the forty-eight-thousand-acre  
23 Assateague island national seashore, part of the department of  
24 the interior, have not needed one roundup or adoption in more  
25 than twenty-five years, since they implemented use of porcine

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1 zona pellucida immunocontraception, and the horses are used  
2 successfully for eco-tourism; and

3 WHEREAS, the actual population of wild horses in the state  
4 is unknown on and off sovereign lands, but the number of horses  
5 handled as estrays by the New Mexico livestock board averaged  
6 only seventy-one horses per year, of which approximately fifty  
7 percent may be wild horses; and

8 WHEREAS, the DNA testing of four Placitas wild horses by  
9 the university of California at Davis shows an over ninety  
10 percent and up to ninety-six percent probability of Spanish  
11 colonial descent, and the requirement for a determination of  
12 Spanish colonial is only eighty percent probability; hence, the  
13 nearby pueblos have maintained an isolated and protected  
14 community of wild horses for centuries and have therefore  
15 benefited the state of New Mexico with preservation of these  
16 living historical treasures; and

17 WHEREAS, the preservation of wild horse herds has been  
18 assigned to the mammal division of the museum of southwestern  
19 biology of the university of New Mexico, which is a research  
20 institution that is not actively engaged in wildlife and  
21 wildlife habitat management; and

22 WHEREAS, The Livestock Code has been enacted "to promote  
23 greater economy, service and efficiency in the administration  
24 of the laws relating to the livestock industry of New Mexico,  
25 to control disease, to prevent the theft or illegal movement of

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1 livestock and to oversee the New Mexico meat inspection  
2 program"; and

3 WHEREAS, the New Mexico livestock board has been created  
4 to achieve the purposes of The Livestock Code; and

5 WHEREAS, the New Mexico livestock board has exercised  
6 control over the wild horses of the state, considering them to  
7 be stray livestock subject to capture and disposal by the  
8 board; and

9 WHEREAS, the New Mexico court of appeals has expressly  
10 found that wild horses are not livestock subject to the  
11 jurisdiction of the New Mexico livestock board; and

12 WHEREAS, the interaction of humans and wild horses has led  
13 to conflict in the management of wild horse herds where fencing  
14 and other interventions have not been used; and

15 WHEREAS, the conservation services division is better  
16 suited to determine the status, needs, habitat requirements and  
17 issues of human interaction with wild horses than is the New  
18 Mexico livestock board; and

19 WHEREAS, the house of representatives determines that  
20 there is a need to accommodate the public policy of the state  
21 while reducing wildlife conflicts with humans;

22 NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF  
23 REPRESENTATIVES OF THE STATE OF NEW MEXICO that the  
24 conservation services division of the department of game and  
25 fish be requested to conduct a comprehensive study of wild

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1 horse herds in the state in order to determine appropriate  
2 numbers, habitat and management policies for the preservation  
3 and maintenance of the wild horse herds and for lessening the  
4 impacts of populated areas on wild horse herds and of wild  
5 horse herds on populated areas and to report its findings and  
6 recommendations to the legislature; and

7 BE IT FURTHER RESOLVED that the conservation services  
8 division be requested to submit its report to the legislature  
9 by December 2017; and

10 BE IT FURTHER RESOLVED that a copy of this memorial be  
11 transmitted to the director of the department of game and fish.

