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HOUSE JOINT MEMORIAL 17

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

INTRODUCED BY

Joanne J. Ferrary and Christine Trujillo

A JOINT 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 legislature determines that there is a need
20 to accommodate the public policy of the state while reducing
21 wildlife conflicts with humans;

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

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

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

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