



# Wild Horses of New Mexico

Legal Mis-information and Court

Tourism Information

Long Term Plans

Interim/Recommendations

Navajo Report

Wild Horse Observers Association (WHOA)

# What's so special about Wild Horses?

- **WHOA is a 501 c3 “with a new a 501c4 Branch”**
- **WHOA is an all volunteer Association**
- **100% of every donation goes to the cause.**

# WHITE SANDS WILD HORSES – Legally Wild

- **NOT ESTRAY – WHY?**

- Opine 94-06 Attorney General Tom Udall
- Simply because they didn't fit the definition of Livestock

- **Definition of Livestock**

**Federal** 29 CFR § 780.120 Raising of “livestock.”

The meaning of the term “livestock” . . . is confined to the ordinary use of the word and includes only domestic animals ordinarily raised or used on farms.

**New Mexico NMSA 77-9-21.**

Bills of sale; necessity and presumptions; definition of livestock.

Must meet the requirements of [Section 77-9-22](#) NMSA 1978.

- **Definition of Estray**

**Federal** § 222.8 (a) (3) State cattle and sheep sanitary or brand boards in control of estray and *unbranded livestock* to the extent it does not conflict with the Wild Free-Roaming Horse and Burro [Act](#) of December 15, 1971.

**New Mexico: 77-2-1.1.** Definitions N. "estrays" means livestock found running at large upon public or private lands, either fenced or unfenced, whose owner is unknown, or that is branded with a brand that is not on record in the office of the board or is a freshly branded or marked offspring not with its branded or marked mother, unless other proof of ownership is produced;

# Protective Wild Horse Law passed in NM in 2007

- **APPELLATE COURT RULING - WHOA v NMLB 2015**

“We conclude that “livestock” does not include undomesticated, unowned animals, including undomesticated and unowned horses; therefore,

- **undomesticated, unowned horses may not be “estrays.”**

- **NMLB INTERIM EXECUTIVE DIRECTOR Ray Baca 6/7/16**

- “Due to the recent Court of Appeals decision in WHOA v NMLB the sorrel stud is considered a wild animal and not livestock. NMLB did not take the horses and left them on the property of Susan Blumenthal.” (***Private Property***) signed Ray Baca

- **The NMLB PATTERN**

- Ignoring wild horse protection laws federal and state and wasting tax payer time and monies in court. As a result, we no longer have donkeys in Lincoln Co. NM, though the NMLB lost in court in **Kleppe v. New Mexico**

# PUBLIC LANDS – PRIVATE LANDS

**Public Lands are specifically defined in the NM Wild Horse Protection Statute and include private lands.**

- **As defined in NMSA 77-18-5 the NM Wild Horse Statute:**
  - (1) "public land" does not include federal land controlled by the bureau of land management, the forest service or state trust land controlled by the state land office;
  - (4) "wild horse" means an unclaimed horse on public land that is not an estray.
- **Common Law – (Anything not excluded is included.)**

# PUBLIC LANDS – PRIVATE LANDS cont.

- Kleppe – Where ever the wild horse walks, it is not livestock, it is still protected, it is still the property of the people.

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<sup>8</sup> It is also clear that "a State undoubtedly retains jurisdiction over federal lands within its territory," so long as the state regulation does not conflict with federal "legislation respecting those lands . . . ." Kleppe, 426 U.S. at 543.

- Common Law Ratione Soli – Land Owner has no claim to the wildlife when there is a protective state statute. – NMSA 77-18-5.

Opinion No. 94-06  
August 25, 1994  
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Where the state has not exercised its power to enact statutes regulating the treatment of a particular type of wild animal, then the owner of the land on which the animal is found has a qualified proprietary interest in it, referred to in the older cases as "property ratione soli" or property by reason of the ownership of the soil. Id., § 18 at 264. This limited proprietary interest

# PUBLIC LANDS – PRIVATE LANDS cont.

- Supremacy Clause – (A State cannot legislate federally.)
- Moreover, a statute must be read in its entirety and cannot be read in such a way that makes it nonsense. (Appellate Court WHOA v NMLB)

10 *Energy Corp. v. N.M. Oil Conservation Comm'n*, 2009-NMSC-013, ¶ 9, 146 N.M.  
11 24, 206 P.3d 135 (internal quotation marks and citations omitted). In construing a  
12 statute, we give effect to a statute's unambiguous meaning, but we will not interpret  
13 a statute literally when doing so would lead to an absurd or unreasonable result. *State*  
14 *v. Wyrostek*, 1988-NMCA-107, ¶ 8, 108 N.M. 140, 767 P.2d 379. "Where possible,  
15 each and every part of [a] statute must be given some effect in an effort to reconcile  
16 it in meaning with every other part." *Postal Fin. Co. v. Sisneros*, 1973-NMSC-029,  
17 ¶ 8, 84 N.M. 724, 507 P.2d 785.

# FENCING – NM is a fence-out state for LIVESTOCK

Livestock can roam anywhere in an unincorporated area.

- Livestock are very well protected and compensated in this state.
- However the THE PUBLIC are not protected:
  - Private property owners are not protected from damages due to livestock on private property in unincorporated areas. They must build their own fence. NMSA 70-16-1
  - The public is not protected, on state and federal public lands, where livestock roam freely as well as utilize public resources.
  - The public is not protected from lethal traps and lethal poisons put out to protect livestock, per the statutes.
    - Dangerous Metal Traps for killing predators to protect livestock, can kill children, horses, dogs.
    - Sodium Cyanide sticks for killing predators to protect livestock, can kill children, horses, dogs.
    - Cell phones do not always have coverage, these are extreme safety issues.
    - The public's wildlife including native predators, are not protected from these lethal items.



# FENCING cont.

- FENCING ALLOWED:

- State and federal laws allow any private property owner to fence out Wild Horses just as with cattle unless in conflict with the:
  - Unlawful Inclosures of Public Lands Act, 43 U.S.C. §§ 1061 to 1066.

- TRESPASS WILDLIFE:

- Legally speaking WHOA's Board can find no such thing as trespass wildlife.
- Regardless of Bubonic Plague in Rabbits, Chronic Wasting Disease, a prion like Mad Cow, spread by excrement of Deer/Elk across the nation, including New Mexico, and Brucellosis in Deer/Elk, etc. etc. (See USGS and CDC reports)

# SO WHY AREN'T WE MANAGING WILD HORSES IN NEW MEXICO?

**Opposition to NM Wild Horses and to the interest of the people:**

**LAND GRANTS (Perceived competition for public land from Pueblos, and Wild Horses ) However,**

- **NM 2004 Joint Memorial Land Grant: HJM41** “BE IT FURTHER RESOLVED that any program for the recovery of lands be **implemented in a manner that will avoid negatively impacting the public lands in the state and Native American religious or ceremonial sites**”
- Also, **Teddy Roosevelt’s executive order of 1902** agrees that aboriginal claims of the San Felipe Pueblo shall be adhered to. This Pueblo filed aboriginal claims decades ago.

# SO WHY AREN'T WE MANAGING WILD HORSES IN NEW MEXICO? Opposition cont.

- **LAND GRANTS cont.**

- Moreover, income in NM is from Heritage Tourism and Spanish Wild Horses fit right in. Wild Horses sell Real-estate, and can co-exist with highways, and alternative energy. Highways, if designed properly, can be built with underpasses such as I25 through the middle of Pueblo of San Felipe. It is high time planners include planning for adaptive wildlife.
- Wild horses are the “Canary in the coal mine”.

- **Livestock Industry –**

- The Livestock industry is forage limited, is not a growth industry due to this. There are 93 Million cattle in the US and 10 Million “Domestic/Owned” horses. These 10 million owned horses, are perceived as competition for feed that another 10 Million cattle could eat. This is illuminated by the 2016 GAO report to Congress on the number of owned and un-owned horses in the US.
- New Mexico’s ranchers are reasonably protected with USDA funding and in 2013 alone, received over \$150 Million which is almost double the entire National wild horse and burro budget.

# SO WHY AREN'T WE MANAGING WILD HORSES IN NEW MEXICO? Opposition cont.

- **Horse Industry Market Glutted by BLM–**
  - **The BLM/Congress created low value horses** by irresponsibly and clearly *glutting* the horse breeding market with free or \$125 wild horses at less than kill buyer prices. THUS, causing a horse loving industry to feel competition with wild horses that should have been managed **ON THE RANGE**.
  - **BLM Pro Slaughter:** The BLM also then sides with the Horse industry regarding horse slaughter, BINGO. This pro-slaughter kinship has only benefited the federal government.
  - Wild horses should be managed **ON THE RANGE**, in their own families, without constant removals of family which causes compensatory reproduction. Wild horses have been properly managed **ON THE RANGE** at Assateague National Park for 30 yrs. Over 40,000 acres, not one adoption or removal. Birth rate equaling death rate is the goal.

# New Mexico Income Comparison

## Livestock & Hunting are Forage limited



THERE ARE VERY FEW WILD HORSES LEFT IN NM, CONTRARY TO "ESTIMATES". IT'S TIME TO PROTECT AND UTILIZE THESE TOURISM TREASURES, AS WELL AS FARM AND HUNT IN THE LAND OF ENCHANTMENT

## NEW MEXICO INCOME COMPARISON

"Tourism is driving job growth in the state:" NMTD Annual Report 2015

WHOA estimates 85.3% of visitors likely to visit wild horses: NM Visitor Profile 2014-2015 ....

	Tourism*	Ranching**	Fish & Game***
<b>JOBS</b>	82,400	18,000	8,000
<b>Total Income</b>	\$ 9.43 Billion	\$ 2.0 Billion	\$ 0.9 Billion
<b>JOB Growth/yr</b>	1,474	TBD	TBD

\*Tourism excluding Fish n Game: 90400 - 8000 = 82,400 JOBS. (to be conservative)

Total Tourism Income = 8.8 billion direct/indirect/induced + 0.629 Billion taxes = 9.43 Billion

Tourism [https://res.cloudinary.com/simpleview/image/upload/v1/clients/newmexico/NM\\_Visitor\\_Economic\\_Impact\\_2015\\_FINAL\\_7c937a91-e3de-4e78-e1f2-85c3c2371369.pdf](https://res.cloudinary.com/simpleview/image/upload/v1/clients/newmexico/NM_Visitor_Economic_Impact_2015_FINAL_7c937a91-e3de-4e78-e1f2-85c3c2371369.pdf)

\*\*Ranching: Total Farm Operators= 37,981. However, 48% of Farms are Livestock. Therefore Livestock Operators = approx. 37,981 x 0.48 = 18,230. Rounded to nearest thousand is 18,000. 2012 USDA Agricultural Census:

[http://www.agcensus.usda.gov/Publications/2012/Full\\_Report/Volume\\_1\\_Chapter\\_1\\_State\\_Level/New\\_Mexico/](http://www.agcensus.usda.gov/Publications/2012/Full_Report/Volume_1_Chapter_1_State_Level/New_Mexico/)

\*\*\* Fish n Game Study by NM Fish & Game Department in 2014:

<http://www.wildlife.state.nm.us/study-n-m-hunters-anglers-spend-more-than-613-million/>


\*\*\*\* [https://res.cloudinary.com/simpleview/image/upload/v1/clients/newmexico/NMTD\\_Visitor\\_Profile\\_2016\\_72691890-2082-452c-89d7-f1e73703ce54.pdf](https://res.cloudinary.com/simpleview/image/upload/v1/clients/newmexico/NMTD_Visitor_Profile_2016_72691890-2082-452c-89d7-f1e73703ce54.pdf)

Compiled By Wild Horse Observers Association, whoanm.org 6/26/2015 POD

# New Mexico Ungulates

## New Mexico Table of Ungulates

By Patience O'Dowd President Wild Horse Observers Association (WHOA)  
2/23/2018 for Summit on Feral Horses at NMSU

New Mexico Stats	Census	Hunt Take/yr. or Routinely Removed	Citations/Comments	
People	2,088,070	NA	<a href="https://www.census.gov/quickfacts/NM">https://www.census.gov/quickfacts/NM</a>	
Cattle, Inc. Calves	1,430,000	NA	<a href="https://www.nass.usda.gov/Data_Stats/Ag_Overview/stateOverview.php?state=NEW%20MEXICO">https://www.nass.usda.gov/Data_Stats/Ag_Overview/stateOverview.php?state=NEW%20MEXICO</a> According to the Environmental Working Group, the USDA subsidy policies are potentially creating a Dust Bowl. USDA Subsidies to NM Ranchers since 2013 = \$185.5 Million. USDA Subsidies to NM Dairies and NM Farmers largely for Feed for Livestock 1995-2016 = \$1.6 Billion	
Sheep	97,000	NA	<a href="https://www.nass.usda.gov/Data_Stats/Ag_Overview/stateOverview.php?state=NEW%20MEXICO_Inc.Lamba">https://www.nass.usda.gov/Data_Stats/Ag_Overview/stateOverview.php?state=NEW%20MEXICO_Inc.Lamba</a>	
Goats	10,500	NA	<a href="https://www.nass.usda.gov/Data_Stats/Ag_Overview/stateOverview.php?state=NEW%20MEXICO">https://www.nass.usda.gov/Data_Stats/Ag_Overview/stateOverview.php?state=NEW%20MEXICO</a>	
Owned Horses	Unk	NA	NMLB has jurisdiction but has not maintained a registry as required by law and by policy NMAC 21.32.2.8 B. IDENTIFICATION OF EQUINES: All equines shall be required to be branded with a New Mexico recorded brand, or identified by a horse identification card (Form 1-H or 1HA) showing individual markings, scars, etc. GAO in Footnote 2 says there are 5 to 9 Million owned horses in the US. From GAO it appears that feed for "domestic" horses is coveted by Livestock industry.	
Deer	200,000	10,989	Dept of Game and Fish <a href="http://www.wildlife.state.nm.us/download/publications/wildlife/Mule-Deer-of-New-Mexico%20.pdf">http://www.wildlife.state.nm.us/download/publications/wildlife/Mule-Deer-of-New-Mexico%20.pdf</a> Only 142 of these are doe. Hence trying to increase population despite Chronic wasting Disease. New Mexico Department of Game and Fish 2016-2017 Deer Hunter Harvest Report. Chronic Wasting Disease is an issue in NM for Deer and Elk per the Centers for Disease Control.	
Elk	~ 70,000	14,606	Dept of Game and Fish <a href="http://www.wildlife.state.nm.us/download/publications/wildlife/Elk-in-New-Mexico%20.pdf">http://www.wildlife.state.nm.us/download/publications/wildlife/Elk-in-New-Mexico%20.pdf</a> 2016 New Mexico Elk Hunter Harvest Report, New Mexico Department of Game and Fish	
Antelope	45,000	3311	<a href="http://www.wildlife.org/news/antelope-stocks-fairly-steady-despite-drought/">http://www.wildlife.org/news/antelope-stocks-fairly-steady-despite-drought/</a> The current population in New Mexico is estimated at 45,000 animals. . . . Stewart Liley, the Big Game Program manager for the Dept. of Game and Fish, New Mexico Dept. of Game and Fish 2016-2017 Pronghorn Hunter Harvest Report	
BigHorn Sheep	1927	51	<a href="https://www.gohunt.com/read/big-horn-sheep-numbers-across-6-states-2016-2017-Bighorn-Sheep-Harvest-Results">https://www.gohunt.com/read/big-horn-sheep-numbers-across-6-states-2016-2017-Bighorn-Sheep-Harvest-Results</a>	
Barbary Sheep	Unk	938	2016-17 New Mexico Barbary Sheep Hunter Harvest Report, New Mexico Department of Game and Fish (African)	
Orynx-African	Unk	544	2016-17 New Mexico Orynx Hunter Harvest Report, New Mexico Department of Game and Fish	
Ibex-African	Unk	159	2016-17 New Mexico Ibex Hunter Harvest Report, New Mexico Department of Game and Fish	
Federal Wild Horses	Less than 400	Routine Round ups	Ignoring National Academy of Science, Socorro BLM is set up for contraception but instead run like a "Puppy Mill", <a href="https://www.youtube.com/watch?v=WQIN_rvsi2k">https://www.youtube.com/watch?v=WQIN_rvsi2k</a> Licarilla & Jarrin Mesa of Carron Nat. Forest also.	
NM Wild Horses	Per NM, Zero	~ 40 /yr. taken estray NMLB	UNM Museum- can contract for contraception by law, NMSA 77-18-5. However, they have declined and the state of NM has blocked other offers to dart states wild horses since 2018. NM denies they are wild.	
Sovereign Wild Horses In NM.	Navajo -11,000/4 = 2,750 Or - 38K/4=9,555	Unk -Round-ups to slaughter -Hunting	The Navajo Nation contracted for a Census <sup>1</sup> in 2017 across their 4 states. Reported horse density was 0.57 horses/sq km which is 1.4 horses/sq mi or only 1.4 horses/640 acres. This survey estimated that there were 9 times more horses than were seen (4,290 horses seen, estimating 38,223 horses). This is irregular for a wild horse census per the National Academy of Sciences which expects only a factor of two or less. GAO <sup>2</sup> has stated that there are approximately 93 thousand wild horses across all tribes. Navajo Member Leland Grass estimates 11,000 <sup>3</sup> across 4 state Navajo area whereas the Cattles Growers had guesstimated 70,000 on Navajo lands. The MOU <sup>4</sup> with Ben Shelly and Bill Richardson did not require stopping horse slaughter at NN, hence Leland Grass' his estimate is still valid.	
Bear	Est 7982	602	<a href="http://www.wildlife.state.nm.us/download/hunting/species/bear/Bear-Management-Strategy-Hunting-Seasons-2016-2020.pdf">http://www.wildlife.state.nm.us/download/hunting/species/bear/Bear-Management-Strategy-Hunting-Seasons-2016-2020.pdf</a> 2016 <a href="http://www.wildlife.state.nm.us/download/hunting/species/bear/Annual-Black-Bear-Mortality-Statistics-2001-2016-2017.pdf">http://www.wildlife.state.nm.us/download/hunting/species/bear/Annual-Black-Bear-Mortality-Statistics-2001-2016-2017.pdf</a> 12 / 2017	
Cougar	3,123-4,269	300	<a href="http://www.wildlife.state.nm.us/download/hunting/species/cougar/Cougar-Management-Strategy-Hunting-Seasons-2016-2020.pdf">http://www.wildlife.state.nm.us/download/hunting/species/cougar/Cougar-Management-Strategy-Hunting-Seasons-2016-2020.pdf</a>	
Gray Wolf	~85	Unk	Endangered Species. NM Government battling Federal Government blocking re-introduction. "After being wiped out in the U.S. and with only a few animals remaining in Mexico, Mexican gray wolves were bred in captivity and reintroduced to the wild in Arizona beginning in 1998." <a href="https://defenders.org/mexican-gray-wolf/basic-facts">https://defenders.org/mexican-gray-wolf/basic-facts</a>	

<sup>1</sup> Wild Horse Count Navajo Nation Department of Fish and Wildlife Feb 2017  
<sup>2</sup> GAO: <https://www.gao.gov/products/GAO-17-660> Information on the U.S. Horse Population  
<sup>3</sup> <http://www.nmnm.org/newsroom/2018-04-18-Leland-Grass-Navajo-Nation> . . . Estimates 11,000 Mustangs, Not 70,000 as estimated by Cattle Growers.  
<sup>4</sup> MOU Navajo Richardson: <http://www.nmnm.org/wordpress/?p=259>

# NM Federal Reps – Silent opposition

- **Our Federal Representatives** understand very well that over 80% of Americans are strongly opposed to horse slaughter. They cannot and do not openly support horses slaughter, but do enable it all the same. Funding and votes seem to be the draw, rather than the will of the people.
  1. **They allow costly and inhumane round ups** on our 3 federally wild territories in New Mexico rather than require immune-contraceptives per the National Academy of Science (NAS).
  2. **Wild Horse Tourism:** These **federal reps do not advertise** these the federal territories for NM state **tourism** as requested in the 3 Memorials passed in 2006 and 2007.
    - SJM08 (2007), SM16 (2007), SM02(2006)
  3. **Allow slaughter traffic over the Mexican Border** and also pour money into the Border near Columbus to the tune of \$86 Million for “flood control” again, more than the entire national wild horse and burro budget.

# NM Federal Reps – Silent opposition

## 4. **SAFE ACT Co-Sponsors**

While they are yearly co-sponsors of the SAFE ACT which would close the borders to horse slaughter traffic, they never provide the leadership to move this bill into committee, though it has about 208 co-sponsors in the house alone, needing only 10 more to be voted on by the full House without committee.

## 5. **BIA \$ for Horse Slaughter:**

Currently, they are assisting the BIA to pay \$50/horse on Navajo lands rather than create wild horse management jobs. Less than Kill buyer prices again.

## 6. **WATER Removal Surface waters needed by wildlife:**

Our federal reps have allowed a HUGE straw sucking up Navajo surface waters and ground waters (for Phoenix, Tucson, Flagstaff and Peabody Coal slurry) while many Navajo do not have running water themselves. This decrease in surface waters puts the livestock industry in charge of pumping water to the surface leaving wildlife at their mercy, as we have recently witnessed. (See Navajo Report)

## 7. **No Encouragement for Management/Tourism:**

They have also allowed our tax dollars through the BIA to be used for round up and slaughter rather than managed for tourism per the Memorial SM16 (2007) and NMSA 77-16-5.

**CONCLUSION:** These actions are all completely inconsistent with their yearly co-sponsorship of the SAFE Act and stated public positions.



# Where do we go from here? Long Term Plans

- **STATE TRUST:** It is clear that New Mexico's wild horses are a state trust, a state resource and are the responsibility of the state, to its people.
- **CONSERVATION JOBS:** These wild horses utilized as a beautiful resource can and must be managed ON THE RANGE by an independent non-biased state entity in a way that creates jobs in darting, wildlife management, range management, genetic viability management and as well as many aspects of tourism and real-estate.
- **NO MORE HIGHEST BIDDER:** They and their families must *no longer* be thrown down the drain by the highest bidder, by the NMLB, or any other entity with a conflict of interest.
- **NO MORE BIAS:** The BLM and NMLB have both shown that management by a **biased entity does not serve** the purpose, the people, or the wild horses.
- **FEASIBILITY:** WHOA is always willing to work with legislative council once there is a ruling and provide feasible and forward thinking, recommendations on a state Equine Board.
- **There are many models to draw from for State's Wild Horses including:**
  - Assateague National Park – 30 yrs PZP – no round ups, no adoptions
  - Nevada Department of Agriculture – Virginia Range Horses – PZP
  - Shackleford Banks – PZP
  - Corrolla – PZP
  - Chincateague – culling and adoption at pony swim- Fire Department

# Interim Recommendation. . .

## FOLLOW THE CURRENT LAW

- Follow the current law: NMSA 77-18-5
- NMLB: Develop a procedure to determine if an animal is livestock or estray.
- Manage the Wild Horses of New Mexico utilizing PZP immune contraceptive as per (NAS) ON THE RANGE.
  - By County Ordinance
  - (See a DRAFT Ordinance)
  - Utilize Animal Control, rescuers, police as needed
- Helicopter darting wide open remote areas (Navajo).
- STOP Estraying wild horses, supposed owners never collect the estrays monies after the fact because these horses are not estrays and because some are dumped slaughter rejects.
- Advertise for Tourism: Pursuant to SM02, SM16, SJM08, and NMSA 77-18-5
  - NM State Tourism Dept. should/be allowed to, advertise both state and federal wild horses in NM for Heritage Tourism.

# RECOMMENDATION for New Legislation Now

- **Stop horse slaughter traffic** through our beautiful state. Follow the Illinois court tested legislation to do so. (See previously introduced bills 2014, 2015)
- **Effectively close the border to horse slaughter** in New Mexico. It will also stop horse dumping of slaughter rejects, reduce the work of the NMLB while increasing food safety and livestock industry safety in New Mexico.
  - **Whereas:** with 3 of 4 of our federal reps co-sponsor the SAFE ACT to close the borders to horse slaughter (SAFE FOOD SAFE Horses),
  - **Whereas:** with protection of our Spanish/New Mexican Mustang Horse genetics.
  - **Whereas:** with the will of 70% of New Mexicans (By Lake research Poll)
  - **Whereas:** with Food Safety issues of both our NM Livestock industry and
  - **Whereas:** with humane handling of horses - with the fact that slaughter of pregnant mares is illegal and most mares are pregnant each year.
  - **Whereas:** with the fact that stallions are not accepted over the border and must first be gelded (Which the NMLB requires)
  - **Whereas:** our New Mexican Mustangs are being taken to slaughter (RockStar)


## RECOMMENDATION - New Legislation Now cont.

- Whereas: regarding slaughter rejects and horse dumping – from the Mexican border:
- Caren Cowan has written to Governor Martinez as follows:
  - In a letter to Governor Martinez on April 19th 2012, (See Section 1.A,) The New Mexico Cattle Growers' Association (NMCGA) and the New Mexico Farm & Livestock Bureau (NMFLB) request that the state of New Mexico convene a working group to identify solutions to “this extremely real and growing problem. . .” In this letter it is admitted that “horses are destined for slaughter plants in Mexico. . .” **“Mexico will not accept intact studs (males) or pregnant mares. . .” “Numerous unwanted horses are merely hauled to an open space --- including private, federal, tribal or state lands.** There they are either turned loose to fend for themselves or perhaps shot on-sight. **These horses create grave concern for livestock owners and managers due to the potential for disease transmission. . .”** “Because of New Mexico's border with Mexico, the state is recipient of unwanted **horses from the entire nation.** “

# RECOMMENDATION - New Legislation Now cont.

- Whereas: Governor Martinez has stated “


← → ↻ <https://rtfitchauthor.com/2012/04/14/susana-martinez-new-mexico-governor-asks-federal-officials-to-stop-horse-slaughterhouse/>



From the pages of the Huffington Post [GREEN](#)

“CREATING A HORSE SLAUGHTERING INDUSTRY IN [NEW MEXICO](#) IS WRONG!”

New Mexico Gov. [Susana Martinez](#) said Friday she is asking federal officials not to allow a southeastern New Mexico company to open the nation’s first slaughterhouse for horses since 2007.



Martinez plans to send a letter to the [U.S. Department of Agriculture](#) asking it deny a Roswell meat company’s request for inspections that would allow it to operate.

*“Despite the federal government’s decision to legalize [horse slaughter](#) for human consumption, I believe creating a horse slaughtering industry in New Mexico is wrong and I am strongly opposed,” Martinez said in a statement.*

*Susana Martinez  
Governor of New Mexico*

## RECOMMENDATION-New Legislation Now cont.

- **Whereas:** New Mexico has one of the FIRST and most comprehensive state legislation protecting wild horses and their habitat.
- **Whereas:** the New Mexico Appellate and Supreme Courts have upheld this legislation codified as NMSA 77-18-5.
- **Whereas:** this will increase tourism to our beautiful state.
- **Whereas:** the trip to slaughter for our wild horses has been accomplished with illegal round ups, illegal papers, and no Coggins.
- Etc.Etc.

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September 21, 2015

New Mexico Livestock Board  
300 San Mateo Blvd NE, Ste 1000  
Albuquerque, NM 87108

Re: VGL Case numbers **NQ26839 – NQ26842**

Breed analyses were performed on the hair samples of the four horses listed below. The analyses were based on 25 unlinked microsatellite markers used to estimate the likelihood of the complete DNA type for each horse in each of the 29 reference breeds listed below. The values shown in the table below represent estimates of the highest breed contributions obtained. For inclusion in a breed, i.e., to be considered member of a breed, likelihood values are 0.80 or greater. Values lower than 0.80 in any of the reference populations are indicative of crossbreeding and suggest genetic similarity to, or possible contribution from, those breeds or closely related breeds. The results of analyses are summarized below.

Case #	Horse ID	Likelihood in Spanish Mustang
NQ26839	985111000867406	0.95
NQ26840	985111000867408	0.96
NQ26841	985111000867409	0.91
NQ26842	985111000867410	0.95

The four horses most closely resemble the Spanish Mustang breed. There was no significant, detectable contribution from other breeds in any of the four horses. Our database does not include Colonial Spanish Horse (CSH) as a reference breed. Spanish Mustang is considered to be derived from CSH. Our findings support a "Spanish" heritage but cannot verify that the 4 horses are CSH.

Attached is the DNA profile for our standard 15-marker panel which can be used for horse identification.

Regards,

Cecilia Penedo, PhD  
Director

**Reference breed database:** Akhal-Teke, Andalusian, Arabian, Belgian, Clydesdale, Connemara Pony, Curly Horse, Friesian, Hackney Horse, Hanoverian, Holstein, Icelandic Horse, Lippizan, Miniature Horse, Morgan Horse, Mustang, Norwegian Fjord, Oldenburg, Paso Fino, Percheron, Peruvian Paso, Quarter Horse, Rocky Mountain Horse, Saddlebred, Shire, Spanish Mustang, Tennessee Walking Horse, Thoroughbred and Welsh Pony.

STATE OF NEW MEXICO SUPPLEMENTAL REPORT		ORIGINAL OFFENSE DATE	SUPP. DATE	CASE NO.	NIC. NO.	PAGE	OF					
		6/7/16	6/10/16	01-2448								
ORIGINAL OFFENSE REPORTED			ORIGINAL VICTIM'S NAME (LAST, FIRST, MIDDLE)		DATE OF BIRTH							
Livestock at Large												
LOCATION OF OCCURRENCE												
23 Senda Osa Vieja ; Placitas , NM 87043												
<p>On 6/8/16, at approximately 1:49 PM, myself and DVM Eckhoff arrived at 23 Senda Osa Vieja, Placitas NM the residence of Susan Blumenthal who was present along with Zane Dohner and an unidentified male. We were summoned out by Susan Blumenthal on the previous day advising she had captured (2) horses which were running at large and trespassing on her property and causing destruction to property and lands. The two horses were first checked for brands, tattoos, microchips, etc. or any other sort of ID to determine ownership. No brands, microchips or ID were found at the time on any of the horses presented to determine ownership.</p> <p>After examining both horses, one was determined to be a stud and the other a gelding. The horse that was determined to be a gelding, showed no signs of testicles, and his composition, jaw line and neck size showed no indication of being a stud.</p> <p>Due to the recent Court of Appeals decision in WHOA v NMLB, the sorrel stud is considered a wild animal and not livestock. NMLB did not take the horses and left them on the premises of Ms. Blumenthal. Arrangements were made for next day to retrieve and transport the sorrel gelding to Correctional Livestock Facilities in Santa Fe, NM. The sorrel gelding will be advertised and be processed as an estray.</p> <p>The horses were both microchipped by NMLB staff and blood was drawn and were mouthed for age by Interim State Veterinarian Eckhoff. The blood will be submitted to NMDA-Veterinary Diagnostic service Lab in Albuquerque, NM for EIA testing.</p>												
<input type="checkbox"/>												
S T A T U S	REPORTING OFFICER (PRINT)	RANK	I.D. NO.	DATE	DETECTIVE/FOLLOW-UP OFFICER REFERRED TO		I.D. NO.	DATE				
	Ray E. Baca	Dpty	802	6/15/16								
	ASSISTING OFFICER (PRINT)	RANK	I.D. NO.	DATE	PROCESSED BY	DATE	DATA ENTRY PERSON	DATE				
	APPROVING OFFICER (PRINT)	RANK	I.D. NO.	DATE	ACT	INAC	CLD	IF	CLA	GLE	ERC	DATE
					<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	NA	
AGENCY OPTIONAL USE (DISTRICT, OTHER OFFICERS, ETC.)					CASES CLEARED BY THIS ARREST			REV	3/94			
					CASE NO.S							

9/10/2018





Wild Horse Observers Association (WHOA)  
 A public 501 c3 non-profit corporation  
 PO Box 932  
 Placitas, NM 87043  
 (505) 867-5228, (505) 610-7644  
<http://whoaam.org>

**Re: Wild Horses the new Canary in the Coal Mine and malicious management.**

Dear Cameron Chapter, All,

Date: 7/19/18

You and yours are leading the nation, yes, "Water is Life" and "Water is Sacred"! Don't allow the U.S. government to lead you, to be scapegoated for horse slaughter. Wild Horses are the new "Canary in the Coal Mine" and are an indicator for viability of all wildlife and for people. Both people and wildlife are now drinking from ground water rather than only surface waters. If Wild Horses have no right to share ground waters in mud tanks on the Navajo Nation, they and most other land roaming wildlife will also die, from rabbits to road runners. Wild Horses are easily contracepted by helicopter.

**FACT 1. Push for Horse Slaughter is Aided by planned Media stories about Horse Hunts and Slow Death by Malicious Management:** It is well documented that The United States government, the New Mexico Government, and the Utah government are all pushing for horse slaughter and trying to have a Sovereign Nation take the blame. This is because each politician understands that 80% of the United States are strongly opposed to horse slaughter and they need a scapegoat. This is against the overwhelming will of ALL peoples on this continent, both First and Second. Documentation available upon request regarding scapegoating plans by US, Utah, and NM, since 2011.

**FACT 2. Malicious Management:** It is understood that various federal "Permittees" have killed an untold number of wild horses by removing their cattle, stopping the water. . . This is a tried and true method of malicious wild horse management long practiced by Livestock "permittees" for many decades on federal lands. **See Attachment 1**

**FACT 3.** The recent media stories about the 191 horses who died in the mud tank near the town of GRAY Mountain, near Cameron, just off Black Mesa Pump Station Rd, died in a similar fashion as in FACT 2. Cattle removed, water off.

1. The mud tank involved has been filled with a pipe from a well for many years back at least, 1997.

Mud Tank 10/2012 showing water pipe

Mud Tank 6/11/2014



Mud Tank 6/15/17



2. The cattle were removed from the area (except for one poor little calf that was left behind) in the Kill Pond.
3. The following NN documentation taken from Facebook shows that these horses died not by drought, but apparently by malicious management perhaps for political purpose. Names withheld but available.

Excerpts and pictures from NN representative's Facebook unless otherwise marked:

June 3

These are the documented stages of the carnage at gray mountain... Something has to give, public awareness, group organizations, army of water haulers, hay delivery, rescue groups. A state of emergency to trigger grants, volunteers... ect! The Navajo tribe isn't movina fast enough

June 17<sup>th</sup>

I've been trying like hell since Feb to bring attention to this horse issue, through . . . government reps. I kept my contacts. . . I kept my contacts only to friends, until I was told to make it public.

**KILL POND – Usually Full year round, apparently drained in February of 2018**



CALF Still ALIVE



May 31<sup>st</sup> 2018 excerpt. "Evolving for THREE MONTHS!" (But Tank not refilled though more deaths predicted.)

Lets hope there is some movement... These are some pictures I took that's been evolving in the area for 3 months. I'm sure there will be more to come.

Kill Pond – Calf Dead

191 Horses and one Calf Dead



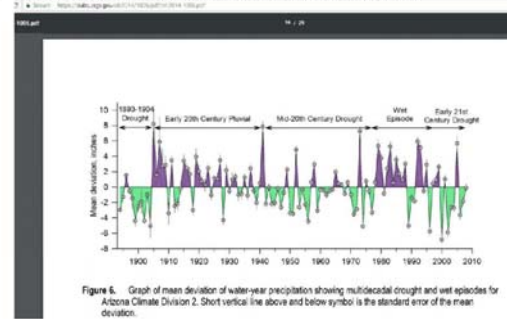
Fences were there all along and were not in repair, tank just needed water.



KILL POND Bulldozed - WHOA pic 5/18 => Water still not turned on, or to the two other area tanks.



4. There have always been droughts in this region. .... Per USGS



5. The water piped to this mud tank then was stopped from filling the tank either by lack of repair (Windmill?) or intentionally. In any case, it was not due to drought.

6. The water to this mud tank may have actually been rapidly drained for the most part which seems the only plausible reason why the ground would be soft enough for the horses and calf to be stuck. It is also plausible that the remaining water became contaminated or poisoned.
7. Though there was a fence there all along, they were not in good repair and were open, the horses were not fenced out to keep them from getting stuck (or poisoned).
8. Once stuck, they were left to die a seemingly slow death.
9. There is a dwelling just 1000 feet away from and over-looking this mud tank.
10. Other water was not provided and this mud tank was bulldozed over.
11. This lack of the usual water was known from the start and documented through time.
12. It was stated that it was not allowed to be made public until there were almost 200 dead horses there.

**FACT 5.** Wild horses can be easily managed by darting Native PZP contraception from ground or air or can be kept in check naturally by predators, all of whom out run the wild horse. The USDA grants Millions of dollars to Sovereigns each year for drought, conservation, etc. and could be used for wild horse management by immune contraception as recommended by the National Academy of Sciences. Natural predators also successfully manage wild horse populations if they themselves are not trapped and hunted out: Mountain Lion, Bear, wolves. These predators and others actually out run the horse contrary to documented false testimony in the US House of Congress in the House Appropriations committee in 2016.

**FACT 6.** A Navajo woman in New Mexico was put in contact with WHOA via a NN Natural Resources Department representative. The woman asked that WHOA come and water some horses south of Farmington. There was discussion from the woman that the Navajo Nation was saying that the horses were diseased in some way and that folks should fence the wild horses them away from water. In the end, WHOA asked the Natural Resources representative to ask the woman to go ahead and water the horses, and she did.

**FACT 7.** The actual danger of wildlife disease right now is with Deer and Elk. It is Chronic Wasting disease, very much like Mad Cow as a prion. It is spread by urine and fecal matter in the grasses which they roam and graze. See USGS report here: [https://www.nwhc.usgs.gov/disease\\_information/chronic\\_wasting\\_disease/](https://www.nwhc.usgs.gov/disease_information/chronic_wasting_disease/)

See the Center for Disease Control report here: <https://www.cdc.gov/prions/cwd/index.html>

The Mapping shows that this disease has spread to the Navajo Nation in Utah and does not spread in perfect straight lines. Hence straight lines only mean it has not been monitored.

Both have mapping of where this prion disease akin to Mad Cow has spread. It is not noticeable until right at the end.

**FACT 8.** Horse MARKET INTENTIONALLY FLOODED: The Livestock industry is acreage limited. There are 93 Million cattle in the U.S. competing with the 9 Million "domestic" horses. Due to this we believe that the Horse Industry has been all but ruined by BLM's needless market flooding. The horse has thus been stripped of value by LACK of responsible ON RANGE management by the BLM, utilizing predators or dartable PZP contraception from helicopter (done for decades in Africa).

The Horse industry, horse showing, horse camping/tourism, wild horse photography, training, tack, healing programs, feed etc. is a BIG industry that has been ALL BUT RUINED by Special Interest US Congress allowing the BLM, USDA Forest Service and BIA to flood the market with wild horses at kill buyer prices and less. Unbeknownst to the Quarter Horse Industry, this pro-slaughter tactic flooding wild horses at kill buyer prices has naturally hurt their business too.

**FACT 9.** It is well known that the surface waters of the Navajo Nation have been Damned Up into Lake Powel and Lake Mead to be sent to cities like Phoenix and Tucson. It is also known that the groundwaters of the Navajo Nation have been sucked by the HUGE STRAW of the Coal industry for conveyance of Coal Slurries to Nevada to a power plant there.

The NN Coconino ground waters, are also being pumped for Flagstaff. ALL THIS WATER REMOVAL, WHILE many Navajo themselves do not have water infrastructure bringing water to their own homes. Not to mention the contamination and loss of waters, due to Uranium mining and Fracking with more being planned. I refer you to Black Mesa Trust a Hopi non profit working and documenting water issues on the Navajo Nation in Az. See Attachment 2.

**FACT 10.** There are not enough wild horses on the Navajo Nation to keep a slaughter plant open even given the "estimated number" based on the approximate 4000 horses actually counted. Moreover, it will not be legal for the U.S. Government to transfer wild horses to other federal and state agencies in any fashion which would include killing them as wild horses or sterilizing them as they are subject to the animal cruelty laws because they are not livestock and are a resource/property belonging to the people of the state and local governments. This and other legal issues including Food Safety have many legal ramifications which will hinder the transfer of BLM horses to Sovereign Nations for any purpose if that Nation has a history of horse slaughter of wild horses.

**In Conclusion,** WHOA invites you to manage wild horses by dartable contraception using USDA conservation monies and other grants WHOA would be happy to help with these grants. WHOA would like to help ensure that wild horses retain their VALUE intrinsically and monetarily through tourism. Tourism brings New Mexico \$9 Billion per year and is a GROWTH industry (over 1000 new jobs/yr usually) not limited by acreage and water as is the Livestock industry. The Livestock industry only brings New Mexico less than \$2 Billion/yr and is not a growth industry. WHOA would also be happy to help with International Equine Eco Tourism planning.

Sincerely,

**The WHOA Board**  
**Wild Horse Observers Association**  
 A 501 c3 non-profit corp.  
 PO Box 932  
 Placitas, NM  
 505-610-7644

**Attachment 1 NM BLM Rio Grande URA 1979 excerpt EXHIBIT G WHOA v Salazar**

**Malicious Wild Horse Management – 1. Remove Cattle, 2 Remove water.**

██████  
summer rains. Opened gates, providing access to the river, are essential at this time.

Illegal roundups are still continuing, the latest being in June of 1977. At this time, two colts, one stud and possibly one mare was removed from the area. Through BLM efforts to locate the captured animals, only the stud was found and returned to the area.

As the present wild horse area is rather heavily fenced, serious problems could and reportedly have arisen as allottees leave the area with closed gates and no water. Reportedly, this happened in the late 60's and an undetermined number of horses died of thirst. From this report and other sources, it is fairly evident that most wild horses cannot or will not jump the average fence.

f. Population Condition

**Attachment 2 NN Water Protector Non-Profits - Surface Waters – Ground Waters**

**“For local water activists, Navajo coal mine closure would be a long-awaited win”**

[PRI's The World](#)  
July 03, 2017 10:00 AM EDT  
By [Carolyn Basler](#)

With Marshall Johnson, Keetso, and Grandmother Lena Henley

**EXCERPT BELOW**

Peabody Energy has cut its water use by 70 percent over the last decade or so. But it still uses about a million gallons a day.

The company says 50 years of studies show their water usage hasn't damaged the aquifer. And federal scientists say their long-term monitoring of four springs on Black Mesa show no impact to surface water supplies either.

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But Keetso doesn't think that data tells the whole story.

“The impacts that Peabody has had are visible,” Keetso said.

[IMG 4759.jpg](#)



Lena Henley tends to her sheep in their pen.

Credit:

Carolyn Basler

She says springs on Black Mesa have dried up, and that claims to the contrary ignore the knowledge of local elders who have seen the change — people like her grandmother, Lena Henley, 70, who remembers taking sheep out to desert washes on summer mornings when she was a little girl.

**“Water was seeping out of the sand and the rocks, it was running like a river,” Henley said. “It seems like we had a lot of water in those days.”**

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## Water Mining

### News Media & Press



For Immediate Release

#### Black Mesa Trust Applauds Decision to Shutter Navajo Generating Station

(Kykotsmovi, Ariz.) Feb. 13, 2017 – "I am very happy and relieved that Black Mesa Trust's struggle to save sacred waters on Black Mesa will finally end in 2019," said Black Mesa Trust Executive Director Vernon Masayesva.

"Black Mesa Trust was founded in 1998 with the singular mission of saving drinking water stored deep under our sacred land. We will succeed, but the price for allowing industrial use of pristine drinking water has been unconscionably high," he continued.

- Over 45 billion gallons of water stored in ancient aquifers is gone forever. This would have been enough water to sustain a Hopi population of 10,000 people for over 300 years, but it was gone in just 47 years.
- Many springs are now dry and an unknown number of others are contaminated. Some of the springs were used to conduct ceremonies.
- An unknown number of Hopi ancestral villages, burial sites, sacred shrines and petroglyphs have been destroyed. These were footprints of our ancestors who settled on Black Mesa over 1,000 years ago.
- Hundreds of acres of cedar trees have been uprooted by bulldozers. Cedars are used for purification and medicine.
- The dynamiting of coal seams has released an unknown quantity of methane gas. Coal fires may have been ignited and if so they are still burning, creating cave-like tunnels within the mesa.
- The extraction of billions of waters stored in highly pressurized aquifers has caused thousands of sinkholes in the landscape.
- Impacts on the health of Dine (Navajo people) living downwind from the mine area and their livestock, their main source of livelihood, have never been objectively investigated.
- Nor has the impact of groundwater pumping on Sipapu, piece of Emergence from the Third World to the Fourth World, located near the convergence of Little Colorado River and the main Colorado River been examined.
- Over 165 impoundment ponds built by the mining company have blocked the rainwater and snowmelt that used to flow through washes to Silpa'pu.
- Moencopi Wash, which once provided water for fields and crops, is bone dry most of the year. The impoundments were authorized by U.S. Army Corp. of Engineers without full investigation of the environmental or cultural impacts or the possible effects on Moencopi farmers and endangered species. An investigation must be conducted and must include the outright sale of water leased from Hopi Tribe and Navajo Nation to owners of Moencopi Generating Station without the knowledge of the Hopi Tribe.

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