HOUSE JOINT MEMORIAL 17

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

INTRODUCED BY
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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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and habitat in the state, produces wildlife conservation strategies and action plans and manages department lands to maintain and enhance wildlife and wildlife habitat; and

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

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

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

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

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

    WHEREAS, two non-governmental organizations and a number of pueblos and tribes in New Mexico are trained to administer immunocontraception by darting; and
WHEREAS, the immunocontraceptive porcine zona pellucida
has a ninety-five percent efficacy and no behavioral impacts,
as it is not hormonal; and

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

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

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

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

WHEREAS, stakeholders include a large sector of New
Mexicans, including:

   A. the tourism department;
   
   B. rural economic development and local economic development organizations;
   
   C. ABQ Biopark;
   
   D. central New Mexico community college;
   
   E. the university of New Mexico;
   
   F. long-term wild horse non-governmental organizations;
   
   G. New Mexico horse rescues;
   
   H. realtors from communities, including Ruidoso and Placitas;
   
   I. pueblos and tribes;
   
   J. the state parks division of the energy, minerals and natural resources department;
   
   K. outfitters;
   
   L. photo workshop outfitters; and
   
   M. artists; and

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

WHEREAS, the wild horses at the forty-eight-thousand-acre Assateague island national seashore, part of the department of the interior, have not needed one roundup or adoption in more than twenty-five years, since they implemented use of porcine
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zona pellucida immunocontraception, and the horses are used
successfully for eco-tourism; and

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

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

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

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

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livestock and to oversee the New Mexico meat inspection program"; and
WHEREAS, the New Mexico livestock board has been created to achieve the purposes of The Livestock Code; and
WHEREAS, the New Mexico livestock board has exercised control over the wild horses of the state, considering them to be estray livestock subject to capture and disposal by the board; and
WHEREAS, the New Mexico court of appeals has expressly found that wild horses are not livestock subject to the jurisdiction of the New Mexico livestock board; and
WHEREAS, the interaction of humans and wild horses has led to conflict in the management of wild horse herds where fencing and other interventions have not been used; and
WHEREAS, the conservation services division is better suited to determine the status, needs, habitat requirements and issues of human interaction with wild horses than is the New Mexico livestock board; and
WHEREAS, the legislature determines that there is a need to accommodate the public policy of the state while reducing wildlife conflicts with humans;
NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO that the conservation services division of the department of game and fish be requested to conduct a comprehensive study of wild horse herds in the state in order
to determine appropriate numbers, habitat and management policies for the preservation and maintenance of the wild horse herds and for lessening the impacts of populated areas on wild horse herds and of wild horse herds on populated areas and to report its findings and recommendations to the legislature; and

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

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

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