

TASK FORCE ON FREE-ROAMING HORSES OF PLACITAS



FINAL REPORT

- May 3, 2014
- Las Placitas Presbyterian Church

CONVENER

Sandoval County

ORGANIZER

New Mexico First



SPECIAL NOTE

New Mexico First would like to acknowledge Jay Evans, Associate Planner with Albuquerque Open Space and a task force member, who passed away during the course of this project. Before he died, Jay saw the potential for creating practical solutions to resolve the free-roaming horses situation.

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The views expressed in this report were developed as a result of the task force established by Sandoval County to advise the county on short and long-term solutions regarding the free-roaming horses of Placitas. The enclosed suggestions were articulated and informed by task force members. The document does not necessarily reflect the views of the staff or board of New Mexico First.

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EXECUTIVE SUMMARY

The community of Placitas currently struggles with solutions for handling a number of bands of free-roaming horses in the area. Sandoval County convened a task force to share information and suggest solutions for the humane treatment of the horses, sustainability of the environment, and potential actions for residents, neighborhoods, and government agencies. The county hired the public policy organization New Mexico First to interview task force members and compile this report.

The report does not necessarily represent the consensus of the task force. Instead, the suggestions represent a range of potential solutions. **The Placitas community was able to offer feedback during a public forum on May 3, 2014.**

Summary of Task Force Suggestions

Additional details, including pros and cons for ideas and level of community support, appear in the complete report that follows.

- **Suggestion 1: Get a headcount.** Arrange for a credible resource, with aerial capability, to conduct a regional inventory of all free-roaming horses.
- **Suggestion 2: Survey community members.** Conduct an independent, balanced survey of Placitas residents that is developed and analyzed by a credible source.
- **Suggestion 3: Create an information-sharing website.** Enable community members to document and share horse activity via a website where people can post information and photos in a systematic way.
- **Suggestion 4: Clarify government authority and regulations.** The NM Attorney General should issue an opinion on which federal, state, and local definitions, classifications, and protections apply to the free-roaming horses of Placitas (e.g., wild, feral, livestock). The opinion should also specify which government entities have legal authority over the situation.
- **Suggestion 5: Enforce existing policies and regulations.** In order to take responsible action and demonstrate accountability, the various county, state, and federal agencies should conform to and enforce existing policies and regulations according to their respective ordinances, statutes, and laws.
- **Suggestion 6: Fund a sustainability study.** Conduct a comprehensive range study in order to create a sustainable management plan. The study should be conducted by a credible source that inventories the horses, identifies areas that are over-grazed, and determines an appropriate ratio of horses per acre for the Placitas terrain.
- **Suggestion 7: Reduce or eliminate horse feeding and watering.** Put an end to human feeding and watering of the free-roaming horses, except in cases of extreme crisis. Set rules defining such a crisis. When crisis conditions warrant emergency feeding and watering, conduct the activity far from public roadways or residential areas.
- **Suggestion 8: Educate community members.** Use local media and the internet to educate the public regarding horse behavior, how to interact with them appropriately, and how to contact the appropriate authority when horses appear abused, neglected or a threat to public safety.
- **Suggestion 9: Approve contraception use for mares.** Control horse population growth by liberalizing the NM Livestock Board ownership and liability rules for free-roaming horses and allowing qualified and certified organizations/staff to administer the PZP contraception to all free-roaming mares.
- **Suggestion 10: Maintain fencing along roads and highways:** Protect motorists along the interstate and major state highways and roads by monitoring and repairing fencing (including horse-safe cattle guards) along the major roadways in and around Placitas.
- **Suggestion 11: Increase horse signage on highways on roads.** Warn drivers that they might encounter free-roaming horses by increasing signage along the major roadways near Placitas.
- **Suggestion 12: Encourage private landowner fencing.** Encourage Placitas residents to either coordinate the fencing and monitoring of their subdivision's boundaries, or to fence and monitor their own property boundaries.
- **Suggestion 13: Fence pueblo and federal public land.** Via coordination between the BLM, USFS, San Felipe Pueblo and Santa Ana Pueblo, fence all pueblo and federal public land adjacent to Placitas.

- **Suggestion 14: Relocate some of the horses.** Reduce the horse population on public lands by relocating a defined number of horses. Pursue humane options, such as shelters in other states, shelters on tribal or public lands in NM, or other locations that have better rangeland conditions for horses than exist in Placitas.
- **Suggestion 15: Restrict horses to “welcoming” areas of Placitas.** Restrict free-roaming horses to specific areas where people want them. If neighborhoods want to keep horses in their area, allow them to voluntarily fence locations where those animals can be contained.
- **Suggestion 16: Promote horse adoption.** In order to humanely relocate some horses, actively promote their adoption and extend the time for holding them (so they may be gentled and better prepared for a domestic home).
- **Suggestion 17: Fund the care of those horses already captured.** In order to care for the horses already corralled in the community, but not adoptable, create a community fund that will contribute to the support of these horses.
- **Suggestion 18: Establish a local horse sanctuary.** Establish a sanctuary for the protection of free-roaming

horses, and actively manage the horses in balance with what the land can support. The sanctuary could be organized by a private individual, nonprofit, or tribe. Land would be transferred for this purpose by BLM, Open Space, private landowners, or some combination.

- **Suggestion 19: Establish a free-roaming horse state park.** Establish a state park for the protection of free-roaming horses, and actively manage the horses in balance with what the land can support. Land for the park could be acquired from BLM or other landowners by either Sandoval County or the state of New Mexico.
- **Suggestion 20: Establish a multi-jurisdictional range management agreement.** Tribal and government entities should establish a multi-jurisdictional agreement for a long-term range management plan that assigns ownership for the horses, authorizes contraception, outlines funding responsibilities, and set limits on size of herds in balance with rangeland (per sustainability research).
- **Suggestion 21: Strengthen animal welfare laws and policies.** Deter people from releasing horses on tribal and public lands by broadening state animal welfare laws, and take legal action against anyone found to have abandoned horses.

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FOREWORD

Purpose of this Report

For the past few years, members of the Placitas community have struggled with how to deal with the free-roaming horses in their area. Surveys and meetings were conducted, individual and collective actions taken, and lawsuits filed. The community has seen no lack of activity surrounding the horses. However, because Placitas lacks a shared vision for the animals, efforts were not consistently coordinated and were often at odds.

For these reasons, Sandoval County convened a task force to advise on both short and long-term recommendations. The 20-member group was invited to share information and address various needs of the community including humane treatment of the horses, sustainability of the environment, as well as responsible action for individual residents, neighborhoods, and government agencies.

Task force members and other state experts were interviewed for this report by New Mexico First. These interviews informed the content and suggestions presented in this document. In addition to the interviews, each section contains research and policy information published by independent sources.

The potential ease and timeframe of each suggestion is noted:

- Short-term: can be implemented immediately, because it is within an individual's or the community's control
- Mid-term: will take time either to implement fully or impact the situation
- Long-term: involves a high level of agreement among multiple stakeholders, adequate funding resources, or changes in regulations or legislation

The report does not necessarily represent the consensus of the task force. **Instead, the suggestions represent a range of potential solutions – along with pros and cons for each. The Placitas community had an opportunity to offer feedback during a public forum on May 3, 2014.**

Together, a strategy can be developed, policy can be influenced, and appropriate action can be taken.

Task Force

Sandoval County hired the public policy organization New Mexico First to organize the task force, which is comprised of representatives from the community, as well as the tribes and government agencies that have jurisdiction over lands in and surrounding Placitas. Task force members include:

- Ray Baca, NM State Livestock Board
- William Brown, Overlook Homeowners Association
- Dawn Brewer-Reilly, Placitas resident
- Jon Couch, Las Huertas Community Ditch
- Marty Clifton, Placitas resident
- Keith Elder, Sandoval County Sheriff's Department
- Joan Fenicle, Las Placitas Association
- Glenn Harper, Pueblo of Santa Ana
- Clea G. Hall, Placitas resident
- Tony Hull, Eastern Sandoval Citizens Association
- Sandy Johnson, Sundance, La Mesa Fence Project
- Orlando Lucero, Sandoval County Commission
- Cid Morgan, U.S. Forest Service
- Mike Neas, Placitas resident
- Ricardo Ortiz, Pueblo of San Felipe
- Dave Pederson, NM Attorney General's Office
- Laura Robbins, Placitas resident
- Orin Safier, Ranchos de Placitas Homeowners Association
- Wayne Sandoval, San Antonio de Las Huertas Land Grant
- Matthew Schmader, City of Albuquerque Open Space Division

At the time the task force was organized, the U.S. Bureau of Land Management (BLM) declined to be represented due to a pending lawsuit brought against the agency by Wild Horse Observers Association (WHOA). However, two BLM representatives agreed to be interviewed for this report after the lawsuit had been decided in favor of the defendants.

Public Forum

On May 3, 2014, from 9:00 am to 12:00 pm, a community event to present the task force report took place at Las Placitas Presbyterian Church, 7 Paseo de San Antonio, in Placitas. Flyers announcing the event were distributed locally at the community market, the community center, the post office, library, and the Presbyterian church. Flyers were also distributed and posted at three Bernalillo eateries: The Flying Star, Starbucks, and The Range Café. Press releases went out to local media and policymakers, and the Sandoval Signpost announced the public forum in its April and May issues. The background report was made available for download a week prior to the event, and attendees were encouraged to become familiar with its contents in preparation for the public forum. Each attendee received a copy of the background report, a handout containing the 21 suggestions from the report, and a comment sheet at the forum.

The public forum began with an overview of the task force work, from the initial stages through the submission of the final report to Sandoval County. Heather Balas, President of New Mexico First, summarized the 21 suggestions contained in the background report. Participants worked in small groups to gain clarity on the suggestions and to advocate for suggestions they preferred. During the final activity of the forum, participants were polled to document their level of support for each of the 21 suggestions. Results of the poll appear with each suggestion in the body of this report. Participants were also encouraged to submit written comments. A summary of their comment appears in the appendix of this report.

Sixty-one individuals attended the public forum, approximately 90 percent of whom resided in Placitas. More than two-thirds of the Placitas participants had lived there ten years or longer. An estimated 48 participants stayed until the end, and 37 submitted comment sheets either at the event or via email.

It should be noted that the intent of the polling was not to assume that approximately 50 people represented the opinions of a community of 5,000. However, it was clear that those that came to the event exhibited a high level of commitment to the issues. Therefore, levels of support for the suggested options, as well as comments from attendees, will be helpful to the county when planning future actions.

Convener

Sandoval County is one of the most geographically and culturally diverse areas in the nation. The languages and traditions represented in the county are as varied as the music and dance of its collective cultures. Sandoval County government provides a wide range of services, agencies, and programs that seek to benefit residents. The organization believes remaining united by the atmosphere of optimism that has drawn people to this area for thousands of years is the key to the future.

Facilitator

New Mexico First engages people in important issues facing their state or community. Established in 1986, the nonprofit, nonpartisan, public policy organization offers unique town halls and forums that bring together people to develop their best ideas for policymakers and the public. New Mexico First also produces nonpartisan policy reports on critical issues facing the state. These reports – on topics including water, education, healthcare, the economy, and energy – are available at nmfirst.org.

Our state's two U.S. Senators—Tom Udall and Martin Heinrich—serve as New Mexico First's honorary co-chairs. The organization was co-founded by retired U.S. Senators Jeff Bingaman and Pete Domenici.

Report Authors

This report was prepared by Charlotte Pollard and Sharon Berman, and edited by Heather Balas. Much of the information comes from 30 interviews with task force members and state experts who have knowledge relevant to this situation. All direct quotes were taken from these interviews unless otherwise noted. Reviewers included the task force members and other interviewees.

The results from the public forum have been integrated into the this final task force report.

INTRODUCTION

Placitas History and Structure

The 1765 San Jose de las Huertas settlement, in the lower Las Huertas Canyon, was the first community to develop the land that later became the Placitas community. These early settlers built terraced fields for cultivation and an extensive irrigation system. After Mexico won its independence from Spain in 1821, new areas within the land grant opened for development. Around 1840, the present Village of Placitas was informally established. The community attracted a “counter-culture movement” in the 1960s and 70s, and more recently higher income residents were drawn to the scenic environment.¹ According to the Placitas Chamber of Commerce, community members are attracted to the weather, views, and proximity to both nature and metropolitan areas.²

While Placitas calls itself a village, it is not a formal municipality. It has neither a mayor nor village council. The U.S. Census Bureau recognizes Placitas as a “census designated place,” which is a populated area not legally incorporated under state laws and lacking a municipal government. According to the 2010 Census, Placitas has a total area of about 30 square miles, about 5,000 people, and 2,300 households.³

Some people see Placitas’ lack of a formal government as a blessing; in the case of the free-roaming horses, it is also a challenge. Because there is no formal village government, the decision-making process is diffuse.

History of Horses in Placitas

No one can confirm where the free-roaming horses in the Placitas area came from. Wayne Sandoval of the San Antonio de Las Huertas Land Grant outlined some history: “Horses have always existed here. In the early 20s and 30s, the Hispanic people would put them out to pasture to graze in the winter and go out to get them in the spring. Sometimes they’d find them, and sometimes they wouldn’t. We lived in the village, and we never really saw the horses in the village until these big developments were built. That may have been

the problem – we never saw them because they had places to roam. The developments displaced the horses.”⁴

Al Baca, whose family has owned grazing permits from the BLM since the 1940s, also believes the horses most likely are descended from the early Hispanic and Native American residents. “The old-timers know they are mixed-breed and don’t need them anymore; the newcomers believe they are wild.”⁵

Other residents and government officials interviewed have different theories about where the horses come from. One theory is that some horses migrated from Algodones and the pueblos of Santa Ana and San Felipe. However, this claim cannot be substantiated.

Most people agree that the animals currently roaming in the Placitas area are a combination of wild horses and abandoned domestic horses. Several residents interviewed for this report have lived in Placitas between 10 and 20 years and reported the horses appeared in much larger numbers three to six years ago. They first appeared in small family bands, but the horse population has definitely grown in recent years.⁶ Placitas real estate agents have even used the presence of the horses as an attraction.⁷

Regardless how the animals arrived, a number of factors have contributed to the migration of the horses into the Placitas area, including: cut and deteriorating fencing on private, public, and tribal land, search for scarce food and water due to continuing drought, increasing density in development, and people dumping horses when the cost of feed went up about six years ago during the economic downturn.⁸

⁴ (Sandoval, 2014)

⁵ (Baca A., 2014)

⁶ (Brown, 2014); (Couch, 2014); (Elder, 2014); (Clifton, 2014); (Safier, 2014); (Reilly, 2014)

⁷ (Johnson, 2014)

⁸ (Brown, 2014); (Clifton, 2014); (Sandoval, 2014); (Couch, 2014) (Lucero, 2014); (Safier, 2014); (Neas, 2014)

¹ (NM Office of the State Historian)

² (Placitas Chamber of Commerce)

³ (U.S. Census Bureau, 2010)

Main Viewpoints on the Horses

The area has many charms, including broad vistas and a variety of wildlife. Some community members see the free-roaming horses as an asset, while others see the animals as destructive to the landscape and habitat of other animals. In interviews with task force and other community members, New Mexico First determined that there is very little support for horse slaughter as an option. However, that is about as far as consensus went. There are three quite different perspectives:

- Protect the horses as a native species or cultural asset.**
 Some community members believe the modern horse is a native, indigenous species that has been in the area for hundreds or thousands of years.⁹ Therefore, many of these animals should be protected as native wildlife, not livestock that have become unclaimed, feral animals. Horses are part of the cultural heritage of the West.¹⁰ People holding this perspective were also more likely to argue for protection of all the free-roaming horses, even those that might have been recently abandoned by their owners.
- Protect at least some of the horses.** Other community members do not believe the horses should necessarily be protected as native wildlife, but they like the animals in their community. They enjoy seeing them on the open fields, and they favor keeping at least some horses free-roaming and safe in the area.
- Protect the environment first; move out the horses.** Other community members believe the distinction between wildlife and livestock is irrelevant within the context of appropriate range management.¹¹ Their key concern is protecting an environment that is sustainable for all plant and animal species. In New Mexico, 93 percent of public rangeland and pastures are rated poor or very poor. This situation leaves less water and forage for free-roaming horses, livestock, or wildlife.¹² Since horses can damage rangeland and water sources, holders

of this perspective believe herds should be culled or removed when they threaten the sustainability of the environment.

Within each of these perspectives, additional concerns exist. Public safety, property rights, and funding were chief among them. All these concerns are further addressed in this report, along with specific suggestions for moving forward.

⁹ (Forstén, 1992)

¹⁰ Some members feel that the Spanish term *mesteño* (“unowned”), which evolved into “mustang” in English, speaks to the historic and cultural role the free-roaming horse plays in Placitas. They believe the horses should be allowed to continue as “mesteño” – neither owned, nor livestock.

¹¹ Some advocates for this perspective argue that the native North American horse went extinct over 10,000 years ago and thus the current horse is an introduced species.

¹² (U.S. Bureau of Land Management, 2013)

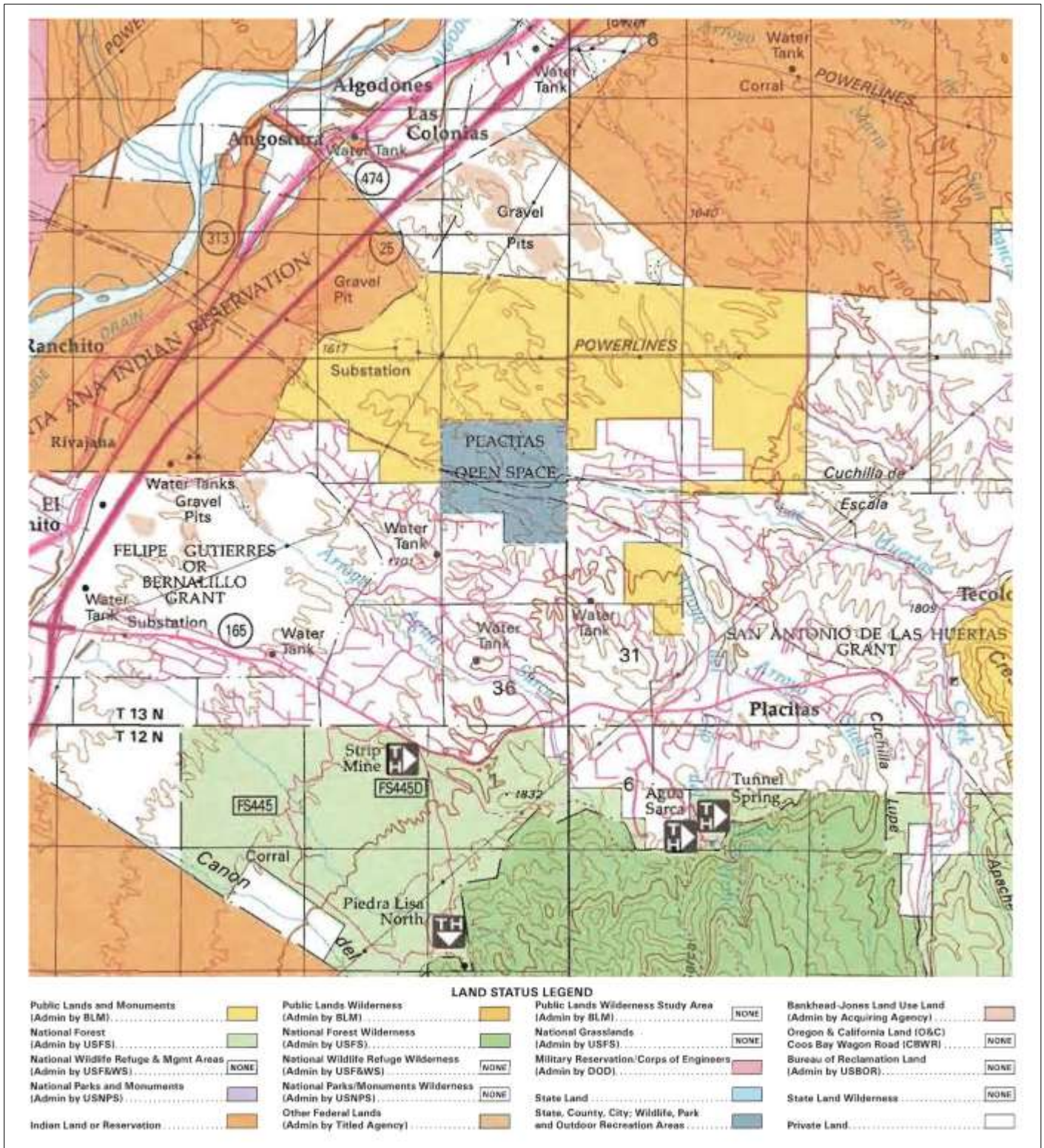


Figure 1: Map of Placitas Area Including Tribal Lands¹³

¹³ (U.S. Bureau of Land Management, 2010) The above map illustrates many, but not all, of the major landowners in the region. Any future planning would require acquisition of a more detailed map.

INFORMATION NEEDS

Through interviews with task force members, two important questions emerged:

- How many free-roaming horses are there?
- What does the community actually *want* to happen with these animals?

How Many Horses Are Out There?

There is no reliable data on the total number of horses roaming in or near the Placitas area. In the last couple of years, estimates from residents have ranged from about 115 in the immediate Placitas area, to 550 horses ranging from Algodones to Placitas. According to Placitas resident Marty Clifton, residents conducted a counting exercise from summer through winter in 2013 to photograph and document the horses they found in Placitas and adjacent lands. The exercise resulted in a count of 114 horses.¹⁴ Clifton also believes there are horses on the pueblos of Santa Ana and San Felipe, Algodones, Diamond Tail Ranch, BLM Ball Ranch, and BLM Crest of Montezuma that are roaming behind deteriorating fences. It is likely that new foals are being born and some task force members believe that recently abandoned horses may have also increased the number of free-roaming horses in the area.¹⁵

Another informal inventory was conducted in March 2014 by Placitas community member, Mike Neas. He did not explore places that were difficult to access, and counted 104 horses.¹⁶

However, there have been reductions to the horses' numbers. Since the summer of 2013, an estimated 6-15 horses died from natural causes and accidents.¹⁷ Others were impounded earlier this year and later adopted by Placitas Animal Rescue (PAR). (See p. 24.)

While informal headcounts like these are helpful, many people believe that the first step in addressing the problem is quantifying it objectively: "We need a credible expert to tell us how many horses are out there," commented Sandy Johnson from Sundance Mesa Homeowners Association.¹⁸

Phil Carter from Animal Protection of New Mexico agreed, asking also for a definition of how many horses the land can sustain.¹⁹ (See p. 12.)



Horses roam near Placitas (Source: Marty Clifton)

What Does the Community Want?

The viewpoints of task force members vary enormously. In the years prior to the task force's work, several petitions and surveys had been distributed by homeowner's associations and local nonprofits asking for people's opinions regarding the horses and the level of support for the animals' presence in the community.²⁰ A range of concerns were subsequently expressed about the local surveys, such as worries that they were unclear, biased, or included responses from people outside the community. No independent survey has been conducted regarding what Placitas residents actually prefer regarding how the free-roaming horses are handled. Should such a survey occur, task force members urge that it be as inclusive as possible. There are considerably different perspectives in different neighborhoods, depending in part on the density of housing.

¹⁴ (Clifton, 2014)

¹⁵ (Clifton, 2014)

¹⁶ (Neas, 2014)

¹⁷ (Elder, 2014), (Placitas Animal Rescue, 2014)

¹⁸ (Johnson, 2014)

¹⁹ (Carter, 2014)

²⁰ The largest survey attempt was undertaken approximately eight years ago by Wild Horse Observers Association (WHOA).

Suggestions Regarding Information-Gathering

SUGGESTION 1: GET AN INITIAL HEADCOUNT

Full Suggestion	Type of Solution	Advantages	Challenges	Polling Results ²¹
Arrange for a credible resource, with aerial capability, to conduct a regional inventory of all free-roaming horses.	Short-term	Such data would inform all subsequent suggestions in this report.	The effort would require funding, and no government entity assumes authority for the animals. Thus, it is not clear who would pay for the inventory.	Level of support: 90% (strongly: 45%, moderately: 45%) Total votes: 47

SUGGESTION 2: SURVEY COMMUNITY MEMBERS

Full Suggestion	Type of Solution	Advantages	Challenges	Polling Results
Conduct an independent, balanced survey of Placitas residents that is developed and analyzed by a credible source.	Short-term	<ul style="list-style-type: none"> This task force report could provide a concrete foundation for a potential survey. Community and government activities could be conducted with a clear understanding of resident preferences. 	<ul style="list-style-type: none"> It would be important to reach as many residents as possible in a format that fits their needs. A survey would require funding. 	Level of support: 95% (strongly: 51%, moderately: 44%) Total votes: 41

SUGGESTION 3: CREATE AN INFORMATION-SHARING WEBSITE

Full Suggestion	Type of Solution	Advantages	Challenges	Polling Results
Enable community members to document and track horse activity via a website where people can post information and photos.	Short-term	<ul style="list-style-type: none"> This website could expand on the initial headcount (suggestion 1) by documenting specific horses, family bands, and roaming habits. It could provide a “crowd sourcing” forum for community members to share ideas regarding the horses and create a structure for shared 	<ul style="list-style-type: none"> If not well structured, the website could result in redundant information, which (in the absence of other herd-count activities) could lead to an inaccurate population count. It would require someone to administer the website and ensure that accurate and 	Level of support: 65% (strongly: 30%, moderately: 35%) Total votes: 46

²¹ At the public forum in May 2014, participants selected between three options: strongly support; moderately support/support with caveats; do not support. Participants were urged to list their caveats on their comment sheet. See Appendix B.

responsibility.

- It could potentially promote adoption of some horses.
- Existing resources, such as the Wild Horses Information Management System (WHIMS), could provide a proven structure for at least part of the website.

appropriate information is posted.

- Advocates are concerned that a resource documenting the exact location of the horses would become a tool for their removal.

LEGAL ISSUES

Different Jurisdictions and Polices

Determining the legal status of the free-roaming horses in the Placitas area is complex. Neither government nor private organizations claim ownership, and therefore responsibility, for the animals. While community members complain of perpetual buck-passing resulting in non-action, Dave Pederson, counsel with the NM Office of the Attorney General, explained, “It’s not abstract – there is real uncertainty over who bears responsibility.”²² The horses roam on lands owned or managed by:

- Two federal agencies: BLM and the U.S. Forest Service (USFS)
- Two sovereign tribal nations: Pueblos of San Felipe and Santa Ana
- One municipal agency: City of Albuquerque Open Space
- One community land grant: San Antonio de las Huertas Land Grant
- Thousands of private land owners
- Several ranchers or organizations that lease land from the federal agencies

Definitions and policies regarding the horses vary, depending on the government entity. These definitions determine how federal, state, and local agencies define their primary purpose and how they follow the regulations that govern them.

Many members of the task force believe a multi-jurisdictional agreement among the different government offices may be required if there is to be a long-term, sustainable solution to the free-roaming horses situation. (See p. 32.) Commented task force member Orin Safier, “This issue is not being addressed at any level of government. But the community is too emotionally raw to deal with it on our own. Government action may be the only way to handle the situation.”²³

Pederson, while optimistic about the possibilities of such a solution, cautioned that the entities governing the Placitas community have no established model from which to work. “There isn’t an analogous precedent. We’re sailing on

COOPERATIVE AGREEMENT EXAMPLES

There are at least two examples of cooperative agreements between federal or tribal governments and horse organizations in New Mexico. These agreements could point the way to resolving issues of ownership, authority, and liability in the treatment of free-roaming horses.

U.S. Forest Service and Sky Mountain Wild Horse Sanctuary

This agreement allows the nonprofit organization to fund the administration of contraception to horses found on the Jicarilla and Jarita Mesa wild horse territories located on public land in the Carson National Forest. Karen Herman, Co-founder and President of Sky Mountain, says the keys to these types of agreements are: “Do your homework and operate from reliable data, think through the consequences of all actions, be prepared to bring financial resources to the table, and listen respectfully to ensure mutual interest and learning.” The agreement clearly outlines each party’s authorized activities and protects each party from liability for the authorized actions of the other. (Source: Herman, 2014) (See p. 32 for more information on multi-party agreements.)

Pueblos and WHOA

The Placitas organization Wild Horse Observers Association (WHOA) has a verbal agreement and a tribal government permit to come onto tribal land to monitor and repair approximately 2.5 miles of fencing between the Santa Ana Pueblo, BLM, and Baca Mine lands. According to WHOA president Patience O’Dowd, the nonprofit pays for the fencing materials and repairs for both San Felipe and Santa Ana Pueblos. (Source: O’Dowd, 2014)

²² (Pederson, 2014)

²³ (Safier, 2014)

uncharted waters.”²⁴ There are several government entities whose policies might influence such an option.

FEDERAL PUBLIC LANDS POLICY

Many Placitas residents mistakenly believe the BLM, which manages several land parcels totaling 4,266 acres in the area, has jurisdiction over the free-roaming horses.²⁵ Through the Wild Free-Roaming Horses and Burros Act of 1971, the agency is responsible for protecting some unbranded and unclaimed horses and their descendants. However, the act limits these wild horses and burros to the public land areas where they were found in 1971. The BLM contends there were no wild horses in the Placitas area during surveys taken in 1971. Therefore, horses currently in the Placitas area do not fall under the BLM’s protection.²⁶

BLM regulations forbid grazing on public rangelands by horses unless they are protected by the 1971 act and located in a designated “Herd Management Area” (HMA). The Placitas area is not a designated HMA.²⁷ Consequently, horse grazing on BLM lands near Placitas is technically not allowed. Animals on BLM land would probably have been removed already, if past lawsuits had not stalled activity.

The USFS considers the horses in and around Placitas entering the Sandia Ranger District in the Cibola National Forest to be feral (e.g., neither domesticated nor reverted to a wild state). “The current forest plan specifically states that feral animals will not be considered wildlife,” explained Cid Morgan, U.S. Forest Service. “Currently there are no horses roaming on our land. If there were, and we had the funds, we would hire someone qualified to round them up, and then turn them over to the New Mexico Livestock Board (NMLB) for adoption or sale.”²⁸

NM LIVESTOCK BUREAU POLICY

The NMLB defines livestock as horses, cows, buffalo, sheep, goats, hogs, llamas, alpacas, poultry, ostriches, and emus; even elk and deer are livestock if they roam on private hunting ranches.²⁹ The agency defines any animal for which ownership cannot be established as “estrays.” At present,

NMLB staff will respond to complaints from private landowners regarding the Placitas horses.

“The position of the NMLB never changes,” explained Executive Director Ray Baca. “We are here to establish ownership of livestock that have been captured. We prefer to leave animals at the impoundment location, so if the owners are local, it is easier for them to collect their property. However, if conditions are not safe for an animal, we take it to a licensed and bonded sale barn. We cannot return an animal to the land from which it has been taken. This protects the animal and the state.”³⁰

SANDOVAL COUNTY POLICY

According to Sandoval County, livestock is defined as horses, cattle, pigs, sheep, goats, rabbits, fowl or any other animals used for agricultural purposes. Any animal found running at large is considered stray. The county’s animal control ordinance prohibits certain activities, such as permitting animals to run at large, as well as cruelty to animals. Sandoval County Sheriff’s officers and animal control officers have the authority to issue citations for violation of this ordinance.³¹

PUEBLO POLICIES

Few horses belonging to members of the Pueblo of San Felipe are allowed to wander freely. “There are tribal members who are farmers and ranchers and own horses. But, they take care of them and don’t let them roam,” said Ricardo Ortiz. His pueblo is aware of wild horses that have been on the land for many years, as well as abandoned animals. “We respect the horses,” Ortiz explained during his interview. “They have a reason to be here. Every living creature on this earth has a reason to be here. It is our custom to respect that.” The pueblo has approved a contraception program to control the population of the abandoned horses.³² (See p. 16 for contraception information.)

The Pueblo of Santa Ana also has clear policies. “At present, there are no Santa Ana-owned horses pastured on Santa Ana rangelands,” said Glenn Harper, Range and Wildlife Division Manager of Santa Ana Pueblo. “Santa Ana-owned horses are kept within fenced, irrigated pastures along the Rio Grande. The practice of rounding up free-roaming horses to train for

²⁴ (Pederson, 2014)

²⁵ (Chavez, 2014)

²⁶ (The Wild Horses Observers Association, Inc. versus U.S. Department of Interior and U.S. Bureau of Land Management, 2013, pp. 2-5)

²⁷ (Brenna & Kimball, BLM, 2014)

²⁸ (Morgan, 2014)

²⁹ (NM Livestock Code)

³⁰ (Baca, Mora, Martinez, & Riley, 2014)

³¹ (Sandoval County)

³² (Ortiz, 2014)

the tribe's use ended years ago." Harper said that branded, unbranded, and gelded free-roaming horses have been found on Santa Ana property. Santa Ana considers these horses to be trespassing livestock, and will relocate them if found on Santa Ana land. Harper noted that tribal members do not believe any of the current free-roaming horses in the Placitas area ever belonged to the pueblo, but some could be descendants from decades-past, escaped horses."³³

LIVESTOCK DEFINITIONS

Are the free-roaming horses of Placitas livestock? The law appears to be unclear. This question was raised by many task force members.

- **Sandoval County definition of livestock:** Horses, cattle, pigs, sheep, goats, rabbits and/or fowl or any other animals used for agricultural purposes. (Ordinance 02-02-21)
- **New Mexico statutory definition of livestock:** All domestic or domesticated animals that are used or raised on a farm or ranch, including the carcasses thereof, and exotic animals in captivity and includes horses, asses, mules, cattle, sheep, goats, swine, bison, poultry, ostriches, emus, rheas, camelids and farmed cervidae upon any land in New Mexico. (NMSA 77-2-1.1)
- **NM Attorney General legal opinion of livestock in the White Sands wild horses case:** The wild horses did not fit within the definition of "livestock" in the New Mexico Livestock Code, since they were not raised or used on a farm or ranch. Therefore, the NMLB did not have the statutory authority to take possession or sell them as estrays.

1994 ATTORNEY GENERAL OPINION

A different definition was made in a 1994 legal opinion from then New Mexico Attorney General Tom Udall. Asked to assess horses living on White Sands Missile Range, the opinion found that the horses did not fit the definition of livestock in the New Mexico Livestock Code, and under current law, no state agency had the authority to regulate the treatment or disposition of the horses. The horses were defined as unregulated wild animals jointly owned by the people of New Mexico (with the state as trustee or conservator) and the U.S. government (as owner of the land on which they live). Because the U.S. government was the

landowner, it could take any appropriate action with respect to the horses, subject to any restrictions imposed by the state as trustee or conservator.³⁴ To date, no legal opinion has been made, specific to the Placitas situation.

Wild or Feral?

Some people believe that part of the decision about which horses should roam freely depends on whether they are wild or feral. A horse born in the wild has natural survival skills. Feral horses, abandoned by their owners, are more likely to struggle in nature.

A common-sense approach to distinguishing between a wild and abandoned horse was suggested by Ricardo Ortiz from San Felipe Pueblo. He said the two types of animals behave differently. "The horses that were abandoned by their owners roam near Interstate 25. You can walk right up to them. They don't leave the area to forage for food, because they know someone will come by and provide hay."³⁵

Ortiz contrasted this behavior with that of wild horses. "You can't approach the wild ones closer than 20 feet. They have been here through thick and thin, and they are smarter than us. They won't eat any hay or alfalfa offered. They know where to get food and where the water holes are." Ortiz also noted that you can tell the difference from the appearance of the animal. The wild horses have longer hair and look healthier, since they know how to find water and food on their own.³⁶

³⁴ (NM Attorney General; Udall, Tom, 1994)

³⁵ (Ortiz, 2014)

³⁶ (Ortiz, 2014)

³³ (Harper, 2014)

Suggestions Regarding Legal Authorities

SUGGESTION 4: CLARIFY GOVERNMENT AUTHORITY AND REGULATIONS

Full Suggestion	Type of Solution	Advantages	Challenges	Polling Results ³⁷
The NM Attorney General should issue an opinion on which federal, state, and local definitions, classifications, and protections apply to the free-roaming horses of Placitas (e.g., wild, feral, livestock). The opinion should also specify which government entities have legal authority over the situation.	Long-term	Such an opinion could establish a clearer path forward in protecting residents, animals, and the environment while potentially decreasing future divisiveness in the community.	One cannot predict what a legal opinion will say. Some parties would likely disagree with the result.	Level of support: 88% (strongly: 73%, moderately: 15%) Total votes: 40

SUGGESTION 5: ENFORCE EXISTING POLICIES AND REGULATIONS

Full Suggestion	Type of Solution	Advantages	Challenges	Polling Results
In order to take responsible action and demonstrate accountability, the various county, state, and federal agencies should conform to and enforce existing policies and regulations according to their respective ordinances, statutes, and laws.	Short-term	<ul style="list-style-type: none"> Taking actions already allowed by law would remove horses from public lands, allow rangeland to recover, and preserve habitat for other animals. It would also potentially prevent vehicle/horse accidents and horse/human interactions that result in injuries 	<ul style="list-style-type: none"> Many existing policies call for removal of the horses. This action conflicts with the goals of horse advocate groups. 	Level of support: 75% (strongly: 28%, moderately: 47%) Total votes:43

³⁷ At the public forum in May 2014, participants selected between three options: strongly support; moderately support/support with caveats; do not support. Participants were urged to list their caveats on their comment sheet. See Appendix B.

IMPACTS OF HORSE BEHAVIOR

Herd Behavior

Generally, horses gather in family bands or herds of three to 20 animals.³⁸ The average weight of a horse depends on the breed. Light-weight horses weigh anywhere from 840 to 1,200 pounds. Large-weight horses can be 1,100 to 1,300 pounds.³⁹ The life expectancy of free-roaming horses on rangeland is 20 years.⁴⁰

Horses are mostly grazers, but where grass is less available, weeds and scrubs are more important. A wide variety of plant species are consumed, if available. Family bands visit water holes daily, and during hot weather, they may water more frequently. Horses can dig as much as three feet deep to reach subsurface water. Home ranges for free-roaming horses are seldom over 14 miles. They tend to graze in open areas and seek shade in dense brush. They avoid steep slopes.⁴¹



Foal with scars from mountain lion attack. (Source: Clea G. Hall)

The mountain lion is probably the only potential predator of the horse, although coyotes and bobcats also occasionally prey on foals.⁴² While mountain lions have been sighted in and around Placitas, they are few.⁴³ Horses' main defense is flight. They are insecure when separated from each other, when they cannot see the broad landscape, or are in tight quarters. Horses depend

upon each other to watch for predators, allowing them the security to sleep and feed.⁴⁴

Effect of Horse Grazing on Rangeland

There are pros and cons to horse grazing, compared with cattle or sheep. On the plus side, horse droppings can improve fertility of soil and contribute to plant diversity.⁴⁵ In addition, horses tend to use a few trails repeatedly, thus are less likely than other grazing animals to trample large swaths of land.



Difference in range in an area that has, and has not, been grazed by horses. (Source: Coronado SWCD)

However, horses consume considerably more forage than other grazing animals, including cows.⁴⁶ In a region plagued by recurring drought, the quantity of available rangeland is a matter of concern.

New Mexico has faced significant drought for the last four consecutive years, and the current seasonal outlook predicts that all of the state will be in persistent drought through at least the coming spring.⁴⁷ Increased drought frequency and duration, higher temperatures, decreased snowpack and earlier snowmelt, and increased variability in the timing and magnitude of precipitation will likely make it harder for horses and other animals to find food in desert terrains.

³⁸ (National Geographic)

³⁹ (Reference.com)

⁴⁰ (U.S. Bureau of Land Management, 2010, p. 9)

⁴¹ (Hopkins, 1988-1990)

⁴² (Hopkins, 1988-1990)

⁴³ (Callen, 2014)

⁴⁴ (Feist & McCullough, 1976)

⁴⁵ (Downer, 2014, p. 14), (Ostermann-Kelm, Atwill, Rubin, Hendrickson, & Boyce, 2009)

⁴⁶ (University of Arizona Cooperative Extension)

⁴⁷ (National Oceanic and Atmospheric Administration, 2014)

Potential challenges of this combined climate change and scarcity of forage include:⁴⁸

- Compacted soils
- Decreased infiltration
- Increased surface runoff
- Increased soil erosion
- Reduced vegetation
- Trampled ditch banks
- Erosion of ditch banks and riparian areas

These types of problems have been observed by Placitas community members. Jon Couch, a task force member representing Las Huertas Community Ditch, indicated that horse traffic on the ditch banks create gullies, causes erosion, and adds sediment to the waterways.⁴⁹

Bill Brown from the Overlook Homeowners Association believes animals as large as horses are not sustainable in the type of rangeland around Placitas. During his hikes, he has noticed the changing vegetation on the mountain, mesa, and valley (fewer grasses and wildflowers and more shrubs). In addition to the drought, he believes the horses have contributed to the decline in vegetation.⁵⁰

While some members of the task force agree with these concerns, others worry that they are overblown. They argue that mining, construction, human development, and ATV recreation have brought considerably more environmental damage to the land surrounding Placitas than free-roaming horses.⁵¹

Regardless the cause, most people agree that at least some of the rangeland surrounding Placitas needs to recover. One approach could be to close off some areas on a rotating basis, while conducting scientific observation on the time required for vegetation to come back.

How Many Horses Can the Rangeland Sustain?

Opinions vary on the number of animals that can be sustained on open rangeland. This section offers formulas and ratios used by different organizations and agencies.

U.S. BUREAU OF LAND MANAGEMENT RATIO

We can potentially learn from BLM activities in other locations. While the courts have determined that the BLM does not have responsibility for horses in Placitas, the agency does hold such authority for herds around the country. In those locations, the BLM has set appropriate management levels for the number of wild horses and burros that can graze without causing damage to the range. The levels vary depending on the types of wildlife, precipitation, climate, and other factors.⁵²

The only BLM-managed herd of wild horses in New Mexico is located near Socorro. The area encompasses 19,605 acres and its rangeland is judged to support a maximum of 50 horses.⁵³ This is one indication of a horse/acre formula that can sustain a healthy, multiple-use, public rangeland. BLM's Rio Puerco Field Office manages 4,266 acres in the Placitas area with permits traditionally given for gravel mining and cattle grazing. The type of rangeland near Placitas is similar to Socorro – limited rainfall and dry most of the year. If the same formula were applied, the Rio Puerco acreage might sustain a herd of about ten horses; the 560 acres managed by Albuquerque Open Space in Placitas might sustain a band of two horses.

SKY MOUNTAIN SANCTUARY RATIO

Another indicator of an appropriate horse/acre ratio is the example of the Sky Mountain Wild Horse Sanctuary in northern New Mexico. The rangeland is very different from the Placitas rangeland – mountain meadows versus high desert. The sanctuary is a shelter for a family band of five mustangs on 300 acres leased from a private landowner. The sanctuary's goals for maintaining this balance is quality-of-life for the horses, sustainability of the rangeland, and developing good management strategies.⁵⁴

⁴⁸ (Beschta, et al., 2013)

⁴⁹ (Couch, 2014)

⁵⁰ (Brown, 2014)

⁵¹ (Johnson, 2014), (O'Dowd, 2014), (Fenicle, 2014). Multiple task force members submitted rangeland and environmental concerns about mining in the area. While that issue is not directly within the purview of this report, it is acknowledged as a significant matter that may warrant future review.

⁵² (U.S. Bureau of Land Management, 2011)

⁵³ (U.S. Bureau of Land Management Socorro Field Office, 2010)

⁵⁴ (Herman, 2014)

Human Intervention

Because of the worsening drought situation in recent years, people have provided water and food to horses in Placitas and along Interstate 25. This activity is indisputably well-intentioned. During serious drought, community members were highly concerned about the health of the animals and the fact that they were visibly thinner. The people acted out of compassion, and some continue to feed and water free-roaming horses.

That said, few on the task force recommended the practice. According to horse owner Keith Elder, this type of human intervention disrupts the natural traveling pattern of a horse herd foraging for their own food and water. “It is a form of domestication,” he explained.⁵⁵

Joan Fenicle of Las Placitas Association also emphasized the importance of educating Placitans regarding their interaction with the horses. “We have to recognize human behavior is accentuating the problem. We have to accept responsibility and help the horses return to their natural behavior. People won’t like having to stop feeding them, but it must be done. If Placitans want wild horses, they must be willing to let them be ‘wild.’ They are not pets and should not be treated as such.”⁵⁶

Tony Hull also advocated discouraging fellow Placitans from feeding “pet wild horses” in their back yards. However, Hull and other Placitas residents supported supplemental feeding as needed during crisis situations, well away from population centers.⁵⁷ Patience O’Dowd of WHOA encouraged following pueblo practices of installing windmill-powered wells in order to share water with horses and wildlife, as water sources that were previously accessible are now blocked by roads and fences.⁵⁸

Ricardo Ortiz explained that, as opposed to the bands of abandoned horses, the wild band of horses on San Felipe land has not noticeably expanded or declined in population in the last two years. “These horses seem to be able to control the size of their band in order to survive,” he commented.⁵⁹ His observation is echoed by other sources that maintain that

wild herds self-stabilize, and are able to maintain an even population on their own.⁶⁰

Some residents in a subdivision adjacent to Placitas Open Space chose to provide feed and watering troughs for the free-roaming horses on their own private property. The horses were physically roaming on Placitas Open Space, but the top two strands of fencing between the municipal and private property were cut to allow horses access to water troughs on the private side of the fence.⁶¹ As a result, said Albuquerque Open Space staffer Matthew Schmader, “Horses have increased their presence in the open space area and become accustomed to the supplemental food and water. This has decreased vegetation while increasing dust and erosion in the open space.” The agency anticipates having to pay for land reclamation and fencing repair for the damage already done.⁶²



Horse watering station on private land. (Source: Marty Clifton)

⁵⁵ (Elder, 2014)

⁵⁶ (Fenicle, 2014)

⁵⁷ (Hull, 2014)

⁵⁸ (O’Dowd, 2014)

⁵⁹ (Ortiz, 2014)

⁶⁰ (American Wild Horse Preservation Campaign), (National Academy of Sciences, 2013, p. 65)

⁶¹ (Neas, 2014)

⁶² (Schmader, 2014)

Suggestions Regarding Sustainability and Drought

SUGGESTION 6: FUND A SUSTAINABILITY STUDY

Full Suggestion	Type of Solution	Advantages	Challenges	Polling Results ⁶³
Conduct a comprehensive range study in order to create a sustainable management plan. The study should be conducted by a credible source that: <ul style="list-style-type: none"> • Inventories the horses, including the location and range of each band • Identifies areas that are over-grazed • Determines an appropriate ratio of horses per acre for the Placitas terrain 	Mid-term	<ul style="list-style-type: none"> • Such a study would provide informed data for decision-making and advance science-based, long-term action. • It would also promote collaboration to potentially lay the foundation for a multi-jurisdictional range management plan. (See p. 32.) 	<ul style="list-style-type: none"> • The study would require significant financial resources and multi-agency collaboration. • It could prompt those who oppose any horses in Placitas to escalate round-ups so the animals were removed before the study is complete. 	Level of support: 72% (strongly: 36%, moderately: 36%) Total votes: 44

SUGGESTION 7: REDUCE OR ELIMINATE HORSE FEEDING AND WATERING

Full Suggestion	Type of Solution	Advantages	Challenges	Polling Results
Put an end to human feeding and watering of the free-roaming horses, except in cases of extreme crisis. Set rules defining such a crisis. When crisis conditions warrant emergency feeding and watering, conduct the activity far from public roadways or residential areas.	Mid-term	<ul style="list-style-type: none"> • This protects vulnerable horses in times of need. • It also lessens impact of supplemental feeding on natural horse behavior and damage to private land. • It can potentially improve public safety. 	<ul style="list-style-type: none"> • This suggestion requires permission from multiple government organizations to enter/travel on their lands to set up and maintain food/water stations • It also requires education of the public regarding horse behavior and could be difficult to enforce. • Some task force members worry that human development has cut off horses from the natural water supply. 	Level of support: 58% (strongly: 38%, moderately: 20%) Total votes: 45

⁶³ At the public forum in May 2014, participants selected between three options: strongly support; moderately support/support with caveats; do not support. Participants were urged to list their caveats on their comment sheet. See Appendix B.

SUGGESTION 8: EDUCATE COMMUNITY MEMBERS

Full Suggestion	Type of Solution	Advantages	Challenges	Polling Results⁶⁴
Use local media and the Internet to educate the public on horse behavior, how to interact with them appropriately, and whether to contact authorities when horses are neglected, a threat to public safety, or located on private property.	Mid-term	Public education can provide a non-confrontational way to communicate and unite people with different beliefs and points of view.	<ul style="list-style-type: none"> It would be necessary to ensure balanced and unbiased educational information. The idea may not prevent people from engaging in activities that endanger horses, humans, and the land. 	Level of support: 94% (strongly: 76 %, moderately: 18%) Total votes:45

⁶⁴ At the public forum in May 2014, participants selected between three options: strongly support; moderately support/support with caveats; do not support. Participants were urged to list their caveats on their comment sheet. See Appendix B.

POPULATION CONTROL

Horse Mating Behavior and Natural Controls

Each band or herd consists of mares and young foals, typically led by a stallion. Once males reach two to three years of age, the stallion typically drives them away. These colts may form bachelor bands with shifting membership until they can create their own group of mares.⁶⁵ Within a free-roaming band of horses, copulation is typically year-round. The peak mating session coincides with the foaling period of April-May, but can run into the fall months. Gestation is about 340 days. Often, a mare produces a foal in alternating years. Horse herds on good range generally have a reproductive rate of up to 40 foals per 100 mares, and as low as 20 foals per 100 mares on poor range.⁶⁶

Without contraception or natural predators, such as mountain lions or wolves, herd populations can double every four to five years.⁶⁷

A report commissioned by the BLM in 2013 concluded that the most promising fertility-control methods for free-roaming horses include porcine zona pellucida (PZP) vaccines for females and chemical castration for males. This conclusion was based on criteria such as delivery method, availability, efficacy, duration of effect, and potential for side effects. The BLM report found that these methods, either alone or in combination, offer the most acceptable alternative to relocating animals as a range management strategy.⁶⁸ For reasons presented later in this report, most task force members oppose vasectomies for the stallions.

Mare Fertility Control

Many see contraception of mares as the most humane way to control the horse population in Placitas. They understand this strategy is a mid-term solution, and there are legal and operational hurdles to overcome. Advocates for mare contraception also note that it is not a stand-alone solution; it is instead one tool for addressing the horse situation in Placitas.

The PZP vaccine uses the mare's immune response to prevent pregnancy.⁶⁹ It is either administered by hand injection or via a dart fired from a dart rifle, CO2 pistol, or blowgun. Darting is preferred whenever possible, because it avoids the need to capture and handle the animal. A one-shot PZP vaccine that lasts two or more years has been tested successfully on horses. Another technology used successfully involves packaging PZP in timed-release pellets.⁷⁰

Research teams from the Humane Society of the United States (HSUS), and its university and government collaborators, have delivered the vaccine to zoo and wild animals and have studied the effects for more than 30 years. The HSUS demonstrated the effectiveness of contraception in the field and developed training standards for administering it.⁷¹

The Science and Conservation Center in Billings, Montana, manufactures and distributes PZP. The center also provides training to receive an applicator license. (Members of PAR and WHOA received the training.⁷²) In New Mexico, once qualified individuals are approved for an applicator license, they must take three additional exams.⁷³

Because PZP is a naturally occurring protein, it is biodegradable and does not pass through the food chain. The effects are reversible, even after several consecutive years of treatment. The drug does not affect pregnant mares and does not extend breeding cycles in horses. It can, however, improve the body condition of mares, which can lead to longer lifespans.⁷⁴ There are conflicting studies regarding the impact of PZP on horse behavior. One study indicates that horse social behavior is not affected.⁷⁵ Another study found that mares treated with PZP changed herds more than mares never treated.⁷⁶ One five-year study on mares in Nevada

⁶⁹ (Humane Society of the United States, 2013)

⁷⁰ (Humane Society of the United States, 2013)

⁷¹ (Humane Society of the United States, 2013)

⁷² (O'Dowd, 2014)

⁷³ (NM Department of Agriculture and NM Livestock Board, 2014)

⁷⁴ (Humane Society of the United States, 2013)

⁷⁵ (Rocky Mountain Rider Magazine, Inc., 2008)

⁷⁶ (Madosky, Rubenstein, Howard, & Stuska, 2010)

⁶⁵ (National Geographic)

⁶⁶ (Hopkins, 1988-1990)

⁶⁷ (U.S. Bureau of Land Management, 2010)

⁶⁸ (National Academy of Sciences, 2013, p. 3)

showed the effectiveness PZP ranged from 83 to 100 percent.⁷⁷

Sky Mountain Wild Horse Sanctuary in northern New Mexico has a participating agreement with the Carson National Forest to facilitate the use of PZP for the wild horses in that region. A third partner is the owner of Mt. Taylor Mustangs.⁷⁸ The three-way project plan outlines very clear responsibilities for each of the organizations:

- The USFS ensures compliance with federal regulations, oversees all project planning and management, and locates and selects horses to be treated with PZP.
- The Mt. Taylor Mustang owner is a wild horse expert and is responsible for treating mares with PZP in the wild, as well as documenting and tracking treated mustangs and their family bands.
- Sky Mountain Wild Horse Sanctuary is responsible for PZP protocol, database development and management, securing and managing project funding, and assisting with treating mares with PZP.⁷⁹

This protocol is noteworthy, because the effectiveness of the contraception hinges on PZP being administered correctly. Karen Herman, co-founder to the sanctuary said, “It is possible for well-meaning and trained volunteers to administer PZP. But they may not be able to handle every horse’s temperament or mix and administer the vaccine correctly. It is also very important to keep accurate records on the horses darted, and track these horses, to determine efficacy of the project.”⁸⁰

A PZP project is planned for horses that roam the San Felipe Pueblo lands. “This is San Felipe’s first year reducing the horse population on our land, and we’re using the simplest method to begin with,” said Ricardo Ortiz. “We will continue to review and refine the process as we learn more.”⁸¹

LEGAL BARRIERS TO PZP

While many people believe that administering PZP is a sound strategy for addressing population growth among the free-roaming horses of Placitas, the animals are in a legal “catch-

22.”⁸² The prevailing understanding of state policy has been that a horse could not be administered PZP unless its owner authorized it. Since the horses are free-roaming, they have no owners. Consequently, the herd size continues to grow.

However, newly released state regulations from the NM Department of Agriculture offer a fresh set of options.⁸³

While the NM Livestock Board appears to remain the only agency authorized to administer PZP to unowned horses as a *vaccine*, an additional eight agencies/organizations (listed below) can be authorized to administer it as a *pesticide*.

1. As a vaccine, PZP is regulated by the U.S. Food and Drug Administration and the New Mexico Livestock Board. It can be used by the owner of a horse under the supervision of a licensed veterinarian.
2. As a pesticide, PZP is regulated by the Environmental Protection Agency and the New Mexico Department of Agriculture (NMDA). The dosage and usage guidelines are identical to vaccine use, but many additional entities can become licensed applicators of PZP under the pesticide category:
 - Federal: National Park Service, BLM; Fish & Wildlife Service, Department of Defense, USDA
 - State: NMDA, NMLB, Fish & Wildlife
 - Federally recognized Indian tribes
 - Wild horse sanctuaries and reserves
 - HSUS, which holds New Mexico’s PZP registration

Given this information, New Mexico First organized a meeting in March 2014 for state, county, and tribal government leaders regarding regulation of PZP. The group agreed to explore options for expanding the administration of the medication under the classification of a pesticide. A draft fact sheet summarizing the meeting is included in the appendix of this report.

⁷⁷ (Killian, Thain, Diehl, Rhyon, & Miller, 2008)

⁷⁸ (Herman, 2014)

⁷⁹ (Sky Mountain Wild, 2014)

⁸⁰ (Herman, 2014)

⁸¹ (Ortiz, 2014)

⁸² Two legislative memorials, championed by WHOA, called for administration of PZP to wild horses.

⁸³ (NM Department of Agriculture and NM Livestock Board, 2014)

Stallion Fertility Control

There are at least three main approaches to stallion fertility control.⁸⁴

- Vaccines chemically castrate the animal.
- Steroids decrease sperm count, but they are costly, less effective than other methods, and require the capture and immobilization of the horse.
- Surgical vasectomy (gelding) permanently sterilizes the animal, but is the most costly option. It requires that the horse be captured, immobilized, and housed during recovery.

All these options disrupt the social structure of the herd by interfering with a stallion's ability to hold a herd together in the face of competition from other stallions. In addition, they increase the reproductive success of bachelor stallions.⁸⁵

One population control study used a simulation to investigate the potential of stallion sterilization controls.⁸⁶ The simulation showed that sterilizing dominant stallions can result in modest reductions in population growth. However, the long breeding season allows mares to cycle six to ten times a season. Thus, if there are other stallions in the area, substantial reproduction could still occur. In addition, sterilizing some (but not all) stallions results in a disruption of the normal seasonal foaling pattern. The foaling season becomes less synchronized and more skewed toward summer and autumn. Foals born later in the season are less likely to survive their first winter.

Dawn Brewer-Reilly, former equine veterinary tech, cautioned against castration in particular. "Gelding is a difficult option. You need to halter them, castrate them, and then make sure they have exercise for the next 48 hours. If you are going to take this approach, the younger the better; you can't geld the old guys."⁸⁷

For the reasons above, most members of the task force do not see stallion sterilization as a viable strategy. Nearly every

stallion in the free-roaming population would need to be treated, which is not logistically possible.⁸⁸



"Bachelor bands" of stallions that do not have their own herds of mares generally roam together (see above). Stallions that have herds of mares do not generally socialize with other stallions (see below). (Source: Clea G. Hall.)



⁸⁴ (Kirkpatrick, Lyda, & Frank, 2011)

⁸⁵ (Kirkpatrick, Lyda, & Frank, 2011)

⁸⁶ (Garrott & Siniff, 1992)

⁸⁷ (Reilly, 2014)

⁸⁸ A number of task force members noted that gelding could also have a detrimental effect on the gene pool due to intact stallions taking on more mares.

Suggestions Regarding Fertility Control

SUGGESTION 9: APPROVE CONTRACEPTION FOR MARES

Full Suggestion	Type of Solution	Advantages	Challenges	Polling Results ⁸⁹
Control horse population growth in the area by expanding the entities authorized to administer the contraception PZP to free-roaming mares.	Mid-term	<ul style="list-style-type: none"> This strategy allows the horse population to decrease over time to a more sustainable size. This medication does not require a veterinarian to administer, but does require training and protocols. Placitas residents may be willing to contribute to upfront and recurring funding needed. 	<ul style="list-style-type: none"> The strategy requires giving careful consideration to changing policies regarding NMLB authority over the medication. (See p. 36.) It requires agreement regarding how liability is defined, assigned, and managed within multiple jurisdictions and permission from multiple government organizations and tribes to enter their lands It also requires upfront and recurring funding for training/certification of staff, equipment/contraceptive drug, and administrative record-keeping. The practice will take several years to substantially slow population growth, so is not a stand-alone solution. 	Level of support: 89% (strongly: 79%, moderately: 10%) Total votes: 48

⁸⁹ At the public forum in May 2014, participants selected between three options: strongly support; moderately support/support with caveats; do not support. Participants were urged to list their caveats on their comment sheet. See Appendix B.

PUBLIC SAFETY

Horses are beautiful animals. They are also large and sometimes skittish when surprised. Many people, especially those raised in urban areas, do not know much about how to behave around these animals – which can weigh 1,000 pounds or more. The influx in recent years of people from urban areas moving to the Placitas community creates unique challenges. These new residents may not know what to do when they encounter large animals roaming along the roads or coming onto their property, drinking their water, and eating their plants.⁹⁰ Or, they may ask the sheriff to intervene with a mare giving birth or when horses are seen fighting. The residents do not know that this is a natural part of horse behavior.⁹¹

In his interview, Keith Elder, Lieutenant with the Sandoval County Sheriff's Department, underlined that the primary role of his office is person-to-person safety and traffic safety, not animal control. The department prioritizes investigations into criminal activity and vehicular accidents. However, the department is sometimes called to move horses off a roadway and will respond, if possible. Elder estimates that within the last 12-18 months, the sheriff's department investigated five or six vehicular accidents involving horses, mainly at night. He knows of three horses killed outright and one that had to be euthanized as a result of the accidents. So far, there have been no human deaths.⁹²

While the sheriff's office fairly points out that human and traffic safety are their top priorities, they also hold responsibility for enforcement of the Sandoval County Animal Control Ordinance.

Community member Joan Fenicle stated that her preference was that the horses remain free-roaming, but she supports a humane removal when public safety is at stake. "If horses are on the highway or freeway, it's a public safety hazard and they need to be removed immediately," she said.⁹³

Some task force members suggested considering strategic installation of cattle guards, signage, and reflectors to

enhance safety for both humans and animals. One reflector deters wildlife from entering roadways at night.⁹⁴

Safety is not just a concern on the roads. The Albuquerque Open Space Division receives complaints from people using the Placitas Open Space. One caller complained that a group of horses, frightened by an all-terrain vehicle driver, came close to running over family members.⁹⁵ Orlando Lucero, Sandoval County Commissioner, said that his biggest concern was public safety. "You've got to respect the animals," he pointed out, "but if they're loose, they don't have a sense of boundaries and will go where there's water and feed."⁹⁶



Free-roaming horses graze by roadways. (Source: Marty Clifton)



⁹⁰ (Pederson, 2014)

⁹¹ (Elder, 2014)

⁹² (Elder, 2014)

⁹³ (Fenicle, 2014)

⁹⁴ (Strieter Corporation)

⁹⁵ (Schmader, 2014)

⁹⁶ (Lucero, 2014)

Fencing

One way to improve public safety and prevent property damage is to improve the fences. However, some Placitas residents object to the expense of building and maintaining fences. Some people believe that fences destroy the aesthetics of the community.

There are three main types of fences, each with different entities responsible for maintenance and expenses:

- 1) Public fencing along highways and roads
- 2) Private fencing around homes and property
- 3) Public-private fencing between government(s) and private lands

Fences along Interstate 25 and tribal land have been cut by people who, some surmise, want to feed the horses that gather there. Several task force members suggested that the state, county, and tribes do more to maintain fences near roads, thus advancing public safety. Government and tribal agencies have conducted repairs, but in some cases find fences cut again afterward. In February, Placitas Open completed the fencing around its entire 560 acres, including gates at various places for access.⁹⁷

Regarding private land, New Mexico follows the open range model of livestock management. This rule, commonly known as “fence-out,” has been supported by statute for several decades.⁹⁸ The rule requires those wanting to protect land or crops from trespassing animals to construct their own fences.⁹⁹

Some neighborhoods chose to fence their boundaries with both the BLM and Placitas Open Space lands. Neighbors from the Sundance Mesa and La Mesa subdivisions worked together along with WHOA to fund and build a mile-long fence bordering the Placitas Open Space area. “New Mexico is a fence-out state, and that law works,” wrote community member Sandy Johnson. “Since Sundance Mesa and La Mesa installed a mile of fence eight years ago, there has not been one horse/resident problem.”¹⁰⁰ The 600-acre Ranchos de Placitas subdivision also fenced its perimeter.

Some Placitans believe that the cost of fencing is prohibitive. “The fence-out argument is not tenable,” said Lynn Montgomery of the Coronado Soil and Water Conservation District. “It’s not always possible to put up fencing to keep the horses out.”¹⁰¹ Placitas community member Bill Brown reported that covenants of some Placitas developments prohibit landowners from fencing their land.¹⁰² It is unclear how such prohibitions are legal, given New Mexico’s fence-out statutes.

Even when fencing is constructed, it does not always remain intact. People sometimes cut down fences to accommodate free-roaming horses or recreation.¹⁰³ Al Baca, owner of the Baca Mine, fences his property, but finds it cut often.¹⁰⁴ Sandy Johnson of the Sundance Mesa Homeowners Association noted that the fencing between the lands managed by San Felipe Pueblo, the BLM, Baca Mine, and the Albuquerque Open Space Division is very porous in areas.¹⁰⁵ The BLM is not required to fence federal public land, although it requires those with active grazing permits to fence their leased property.¹⁰⁶ The Placitas neighborhoods near Interstate 25 are well fenced.¹⁰⁷

¹⁰¹ (Montgomery, 2014)

¹⁰² (Brown, 2014)

¹⁰³ (Neas, 2014)

¹⁰⁴ (Baca A. , 2014)

¹⁰⁵ (Johnson, 2014)

¹⁰⁶ (Brenna & Kimball, BLM, 2014)

¹⁰⁷ (Neas, 2014)

⁹⁷ (Schmader, Email, 2014)

⁹⁸ (Bustamante, 2013), (Kiehne, 2012)

⁹⁹ (77 NMSA 16, 1)

¹⁰⁰ (Johnson, 2014)

Suggestions Regarding Public Safety and Fencing

SUGGESTION 10: MAINTAIN FENCING ALONG ROADS AND HIGHWAYS

Full Suggestion	Type of Solution	Advantages	Challenges	Polling Results ¹⁰⁸
Protect motorists along the interstate and major state highways and roads by monitoring and repairing fencing (including horse-safe cattle guards) along the major roadways in and around Placitas.	Mid-term	<ul style="list-style-type: none"> This improves public safety. This potentially protects vulnerable horses. Fence maintenance could become part of a multi-jurisdictional agreement. (See p. 32.) 	<ul style="list-style-type: none"> This requires recurring investments by a state agency. 	Level of support: 85% (strongly: 55%, moderately: 30%) Total votes: 47

SUGGESTION 11: INCREASE HORSE SIGNAGE ON HIGHWAYS AND ROADS

Full Suggestion	Type of Solution	Advantages	Challenges	Polling Results
Warn drivers that they might encounter free-roaming horses by increasing signage along the major roadways near Placitas.	Mid-term	<ul style="list-style-type: none"> Increased signs would potentially improve public safety and protect horses. 	<ul style="list-style-type: none"> The signs would require support from the NM Department of Transportation including financial costs for the signage. 	Level of support: 85% (strongly: 76%, moderately: 9%) Total votes: 46

SUGGESTION 12: ENCOURAGE PRIVATE LANDOWNER FENCING

Full Suggestion	Type of Solution	Advantages	Challenges	Polling Results
Encourage Placitas residents to either coordinate the fencing and monitoring of their subdivision's boundaries, or to fence and monitor their own property boundaries.	Mid-term	<ul style="list-style-type: none"> Fencing would prevent the animals from coming on to private property while still leaving herds of free-roaming horses near Placitas. Fencing solutions can include stiles or 	<ul style="list-style-type: none"> Some community members oppose fencing aesthetically. Fencing would require upfront and recurring funding from Placitas residents and potential revision of some subdivision covenants. Fencing would not address 	Level of support: 76% (strongly: 54%, moderately: 22%) Total votes: 46

¹⁰⁸ At the public forum in May 2014, participants selected between three options: strongly support; moderately support/support with caveats; do not support. Participants were urged to list their caveats on their comment sheet. See Appendix B.

- livestock guards, which would allow residents to past freely between private and public lands.
- current and future damage to rangeland and acequias.
 - If fencing is not properly planned and integrated with other property owners, it is possible that horses could be separated from family bands or trapped in some areas.

SUGGESTION 13: FENCE PUEBLO AND FEDERAL PUBLIC LAND

Full Suggestion	Type of Solution	Advantages	Challenges	Polling Results ¹⁰⁹
Via coordination between the BLM, USFS, San Felipe Pueblo and Santa Ana Pueblo, fence all pueblo, federal, and public land adjacent to Placitas.¹¹⁰	Long-term	<ul style="list-style-type: none"> • This solution would leave some free-roaming horses near Placitas, but off private land and in designated areas. 	<ul style="list-style-type: none"> • This solution would require funding and policy changes for both tribes and federal agencies. • It would also require monitoring and maintenance of fencing. • Unless coupled with a sustainable range/horse ratio and contraception plan, this solution would not address current or future damage to rangeland and acequias. • Some task force members worry that the horses' genetic viability would be undermined if the lands are all fenced. • Fencing plans would need to be coordinated with wildlife corridor efforts. 	<p>Level of support: 78% (strongly: 57%, moderately: 21%)</p> <p>Total votes: 44</p>

¹⁰⁹ At the public forum in May 2014, participants selected between three options: strongly support; moderately support/support with caveats; do not support. Participants were urged to list their caveats on their comment sheet. See Appendix B.

¹¹⁰ This suggestion initially called for the fencing of Placitas Open Space. That action is now complete.

IMPOUNDMENTS AND RELOCATION

Some Placitas residents favor reducing the free-roaming horse population; others believe all the animals should be removed. Either way, relocation is one strategy for removing some or all of the animals. The challenge is determining where these animals go and how they are treated.

Recent Impoundments and Relocation Plans

Twenty-one horses were rounded up by Placitas residents and removed by NMLB in January and March 2014. They were purchased by PAR at public auctions held by NMLB.¹¹¹ Since the summer of 2013, a total of 63 horses have been purchased by PAR from NMLB at public auction.¹¹² These horses are being sheltered on private land in Placitas.¹¹³

At present, the NMLB has responsibility for finding locations for horses captured in Placitas. The organization responds to any Placitas resident who captures a loose horse, usually within 48 hours. By state statute, people can impound an estray animal when it is found on their property.¹¹⁴ As noted previously, the NMLB prefers to leave estray animals in the local area, which can facilitate finding the owner. However, if conditions are not safe for the horses, they are taken to a facility equipped to handle them. Next, the NMLB posts a description of the horses on its website. If ownership is not established within five days, the livestock board has the authority to sell the animals through sealed bids or at public auction. Buyers from the equine industry are usually involved.¹¹⁵

In February 2014, WHOA filed a motion for a temporary restraining order against the NMLB. The motion asked the court to stay all NMLB activities that involve rounding up and disposing of the unclaimed horses near Placitas.¹¹⁶ The NMLB filed a response in opposition to the temporary restraining order in March, and an attorney representing 12 landowners in Placitas filed a motion in support of the NMLB.¹¹⁷ The landowners indicated their rights were affected by the free-roaming horses. “We are confident we will prevail and the impoundments will continue until we, and the BLM, have taken all of [the free-roaming horses] off the land,” commented Lynn Montgomery of the Coronado Soil and Water Conservation District.

In addition to horses on private property, many of the animals roam on nearby BLM land. The BLM is authorized to relocate horses found on its land, and it plans to begin doing so soon.¹¹⁸ While the BLM is legally allowed to sell or relocate horses without limitation, the bureau’s policy is to not send animals to slaughterhouses.¹¹⁹

Slaughter

Horse advocates including WHOA oppose NMLB’s relocation policies because many horses sold at auction in the United States, including in New Mexico, are destined for horse slaughter plants. These plants are located in Mexico and Canada. In March 2014, 685 horses were exported over the New Mexico border to Mexico for slaughter.¹²⁰ Nationwide, more than 100,000 horses are shipped each year to be slaughtered in Canada and Mexico.¹²¹

No task force members supported slaughter as an option, but some Placitans disagree. According to Lynn Montgomery, he and other community members see slaughter as a humane and practical solution that protects the environment.¹²²

¹¹¹ (Neas, 2014)

¹¹² (Baca R., 2014)

¹¹³ Multiple task force members report that community member impoundments of horses is a new development.

¹¹⁴ The legality of property owner roundups on unfenced land is questioned by some task force members. Two sections of state law appear to be contradictory and consequently prompt confusion and dissention in the community. On one hand, section 77-13-2 of state law indicates that estrays may be turned over to the NMLB if found on “public or private range, fenced or unfenced.” However, section 77-14-11 states that trespassing livestock may only be restrained if found on land that is properly fenced. This question is a possible item for a proposed Attorney General opinion. (See p. 22 for additional information on “fence-out” rules and p. 9 for AG ideas.)

¹¹⁵ (Baca, Mora, Martinez, & Riley, 2014)

¹¹⁶ (WHOA vs. NMLB, 2014)

¹¹⁷ (Motion to Intervene, 2014), (Response in Opposition, 2014)

¹¹⁸ (Brenna & Kimball, BLM, 2014)

¹¹⁹ (U.S. Bureau of Land Management, 2014) (Brenna & Kimball, BLM, 2014)

¹²⁰ (U.S. Department of Agriculture, 2014)

¹²¹ (WTHR; Segall, Bob, 2010)

¹²² (Montgomery, 2014)

To be clear, it is the understanding of this report’s authors that none of the Placitas horses recently impounded were sent to slaughter. Instead, as noted above, PAR purchased the animals at auction and contained them. However, the capacity of any rescue organization is limited. Information on slaughter is included in this report to explain what may occur if the remaining free-roaming horses are impounded and why Placitas horse advocates are so opposed to the animals being sent to auction.¹²³

Relocation

Presuming slaughter continues to be avoided, a key question becomes where can unowned, unclaimed, and unwanted horses be relocated? Placitas resident Clea G. Hall voiced her concern: “I want the horses that are captured and corralled to have the best life they can have.”¹²⁴

Placitas community member Joan Fenicle recently recommended to public officials that a “catch and release” program be implemented, through which a band of horses would be corralled, mares darted with PZP, young adoptable horses removed, and the stallion and darted mares released back to the wild. The suggestion was not accepted. “So, we now have horses captured, hauled away, purchased at auction, and returned to Placitas to spend the rest of their lives standing in a corral,” she said. “This is not only unsustainable financially, it is cruel and it has caused deep division in the community.”¹²⁵

Even if horses are relocated, it is unclear if this strategy will permanently solve the problem. “Horses will be ever-present in Placitas even if the existing ones are taken away, as long as abutting properties have horses,” said community member Sandy Johnson. “The need to manage them will resurface over and over again. A reasonable horse management plan that addresses issues as they arise will provide the most stability for our community.”¹²⁶

¹²³ In the past two years NM state legislature considered two memorials regarding horse slaughter. In 2013 Representative Paul Bandy introduced a bill that would have authorized the New Mexico Department of Agriculture to study the feasibility of a slaughter facility to process horsemeat for human consumption. In 2014, Representative Elizabeth “Liz” Thomson introduced HB 121, which would have prohibited slaughter of horses in New Mexico or transport of horses through the state for slaughter. Neither bill passed.

¹²⁴ (Hall, 2014)

¹²⁵ (Fenicle, 2014)

¹²⁶ (Johnson, 2014)

Suggestions Regarding Relocation

SUGGESTION 14: RELOCATE SOME OF THE HORSES

Full Suggestion	Type of Solution	Advantages	Challenges	Polling Results ¹²⁷
Reduce the horse population on public lands by relocating a defined number of horses. Pursue humane options, such as shelters in other states, shelters on tribal or public lands in NM, or other locations that have better rangeland conditions for horses than exist in Placitas.	Mid-term	<ul style="list-style-type: none"> This solution would leave some free-roaming horses remaining near Placitas. It would bring the horse population more in balance with viable rangeland available. 	<ul style="list-style-type: none"> The solution requires government agency permission, qualified staff, equipment, and time to implement. It is difficult to find horse shelters with availability to take on additional horses. Some horses are more difficult to place than others (i.e., unused to being handled). Relocation procedures (i.e., round-ups, transportation, sedation) are stressful for horses. 	Level of support: 49% (strongly: 26%, moderately: 23%) Total votes: 47

SUGGESTION 15: RESTRICT HORSES TO “WELCOMING” AREAS OF PLACITAS

Full Suggestion	Type of Solution	Advantages	Challenges	Polling Results
Restrict free-roaming horses to specific areas where people want them. If neighborhoods want to keep horses in their area, allow them to voluntarily fence locations where those animals can be contained.	Mid-term	<ul style="list-style-type: none"> This solution leaves a defined number of free-roaming horses near Placitas. It could encourage and preserve more harmony among residents. 	<ul style="list-style-type: none"> Such an activity would require consensus from the affected residents or homeowners associations. Fencing would be required by the private or public landowners in the area. The solution is also difficult to enforce. Some task force members worry that the horses’ genetic viability would be undermined if small bands were fenced in. 	Level of support: 45% (strongly: 17%, moderately: 28%) Total votes: 47

¹²⁷ At the public forum in May 2014, participants selected between three options: strongly support; moderately support/support with caveats; do not support. Participants were urged to list their caveats on their comment sheet. See Appendix B.

ADOPTION

Ricardo Ortiz of San Felipe Pueblo observed that wild horses will not allow abandoned, feral horses to join their bands. If approached by the feral horses, wild horses will run away.¹²⁸ He and others argue that wild horses do not need to be taken care of. Consequently, one approach to reducing the number of horses in the Placitas area is to adopt out the abandoned horses and let the free-roaming bands take care of themselves.

Regardless whether the horses are wild or feral, federal and state agencies have regulations to facilitate adoption of horses found on their lands. Similarly, San Felipe is willing to work with people interested in adopting feral horses abandoned on its land.¹²⁹

The New Mexico Livestock Board, which currently has the responsibility of placing unclaimed or unowned horses, does not actively facilitate the adoption of horses due to limited financial and staff resources. However, the NMLB will cooperate with individuals and organizations that are willing to assist in the adoption process. When the NMLB impounds unowned horses, it contacts the nine state-licensed horse rescue operations. Currently, only three are taking additional horses. If a rescue organization cannot take in new animals, the NMLB sells estray horses at the weekly public auctions. As noted previously, 63 horses were purchased at NMLB auctions by Placitas Animal Rescue; all or most are currently available for adoption.¹³⁰

Obstacles exist to finding adoptive homes for horses. The organization WHOA opposes population management by adoption of wildlife. Many of the animals are wild and untrained. Potential owners must be willing to invest time and money to 'gentle' the horses, and some of them are simply not suited for domestication. Horses can live over 20 years, so adoption is a long-term commitment. Placitas community member Clea G. Hall described this challenge. "You have to have really special people who have patience, time, and funds to take care of them."¹³¹

SUPPORT FOR NM HORSE RESCUE

There are at least two funds in New Mexico that help finance emergency care for horses.¹³²

NM Horse Shelter Rescue Fund

In 2014, the NMLB established the NM Horse Shelter Rescue Fund to help care for abandoned and neglected horses. Any horse rescue or retirement facility registered by NMLB can apply for a grant. Grants can be used to defray feeding and care expenses for horses that have been placed in the facility by the NMLB or other government agency. Individuals and organizations can contribute to the fund on their tax form when filing their state taxes. Donations directly to the fund are accepted at any time.¹³³

Equine Protection Fund

Animal Protection of New Mexico, in partnership with the New Mexico Community Foundation, provides financial assistance to individuals and organizations through their Equine Protection Fund. Funds can be used for emergency feed, gelding, humane euthanasia, and veterinary care.¹³⁴

¹²⁸ (Ortiz, 2014)

¹²⁹ (Ortiz, 2014)

¹³⁰ (Baca R., 2014)

¹³¹ (Hall, 2014)

¹³² In addition to the projects above, experimental programs may provide different options. For example, the Cowboy Up! program in Springer, NM pairs incarcerated veterans with unwanted and abandoned horses.

¹³³ (21.32.6 NMAC, 2014)

¹³⁴ (Animal Protection of New Mexico)

Suggestions Regarding Adoption

SUGGESTION 16: PROMOTE HORSE ADOPTION

Full Suggestion	Type of Solution	Advantages	Challenges	Polling Results ¹³⁵
In order to humanely relocate some horses, actively promote their adoption and extend the time for holding them (so they may be gentled and better prepared for a domestic home).	Mid-term	<ul style="list-style-type: none"> This solution allows for more placement opportunities for horses. It decreases the number of horses on public lands and their environmental impact. Adoption could become one element of a comprehensive management plan. 	<ul style="list-style-type: none"> The cost and labor of owning a horse is more expensive and demanding than some people can handle. Some horses are more difficult to place than others (i.e., unused to being handled, too young). The volunteer time and effort to promote horse adoption is demanding. 	Level of support: 81% (strongly: 46%, moderately: 35%) Total votes: 46

SUGGESTION 17: FUND THE CARE OF THOSE HORSES ALREADY CAPTURED

Full Suggestion	Type of Solution	Advantages	Challenges	Polling Results
In order to care for the horses already corralled in the community, but not adoptable, create a community fund that will contribute to the support of these horses.	Long-term	<ul style="list-style-type: none"> This provides financial support for horses currently corralled in the community. 	<ul style="list-style-type: none"> The timeframe for financial support could be up to 20-30 years, depending on age of the youngest horse. 	Level of support: 81% (strongly: 55%, moderately: 26%) Total votes: 47

¹³⁵ At the public forum in May 2014, participants selected between three options: strongly support; moderately support/support with caveats; do not support. Participants were urged to list their caveats on their comment sheet. See Appendix B.

SANCTUARY AND SAFETY

There are many different types of government land parcels surrounding the Placitas area. Some community members hope that these lands could be home to a future sanctuary for free-roaming horses. In every strategy outlined below, ownership of the affected horses would have to be established, together with detailed management plans. One factor that several task force members considered an essential management element is the genetic viability and diversity of horse populations, which rely on a number of factors, including herd size.¹³⁶ There are multiple proposals for use of government land to create sanctuaries for horses, some of them summarized below.

Placitas Open Space Sanctuary

The City of Albuquerque's Open Space Division (Open Space) manages a parcel of land in Placitas called the Placitas Open Space. Open Space holds a "land patent" from the BLM to the property. As patentee, Open Space effectively owns the property, but BLM retains certain rights. These rights include the review and administration of a development plan and the right to take back the property if the development plan is not followed. The BLM also retains ownership of the property's mineral rights. The development plan stipulates the Placitas Open Space can be used as an undeveloped natural and low-impact recreational site.¹³⁷

The design for the 560 acres calls for limited development for parking and access to a trail system, which accommodates hiking, jogging, dog-walking, and foot traffic. Some trails are large enough for bicycle and horseback riding. In February 2014, the property was fenced with gates to provide recreational access.¹³⁸ The space was not intended as a horse preserve, and the BLM patent does not permit grazing. John Brenna from BLM indicated that the only grazing permits allowed on federal rangeland are for cattle, not horses.¹³⁹

If an exception could be made by BLM to the development plan, Open Space might be willing to allow a very small band of horses to roam free on the parcel. However, Open Space would want the option to relocate the horses when needed

to achieve their erosion, vegetation, and wildlife management goals for the parcel.¹⁴⁰ Rangeland preservation would be a priority. See page 12 for additional information on horse/range ratios.

Pueblo Sanctuary

Both the Pueblo of Santa Ana and the Pueblo of San Felipe have submitted proposals to acquire a parcel of land called the Buffalo Tract from BLM. Both tribes hold ancestral claims on the land. The U.S. Congress may approve a transfer, because the BLM has found the parcels problematic to manage. Although valuable gravel can still be extracted there, Placitas residents and tribal members object to future mining once existing contracts expire.¹⁴¹

The Pueblo of Santa Ana has made a strong commitment to preserve the land as a wildlife corridor between the Jemez and Sandia mountain ranges to maintain traditional wildlife (e.g., small mammals, elk, deer, antelope, turkey, quail, etc.). The tribe does not consider horses to be traditional wildlife, because horses were introduced by Europeans after the initial extinction of the species in North America. The tribe acknowledges it will have to do some reclamation work and water development to promote land recovery and attractiveness to wildlife. Currently the land is overgrazed and many plant species have disappeared from the rangeland east of the river. There is a lot of bare soil as well as invasive weeds and non-palatable shrubs. The Pueblo of Santa Ana would prefer to remove all the free-roaming horses, but if this becomes the issue for non-support, the tribal government may choose to manage a very small number of horses and control the population through sterilization. The tribe would remove any trespassing horses that are not part of the original group adopted.¹⁴²

¹³⁶ (National Academy of Sciences, 2013, pp. 143-174)

¹³⁷ (Schmader, 2014)

¹³⁸ (Schmader, 2014)

¹³⁹ (Brenna & Kimball, BLM, 2014)

¹⁴⁰ (Schmader, 2014)

¹⁴¹ (Harper, 2014)

¹⁴² (Harper, 2014)

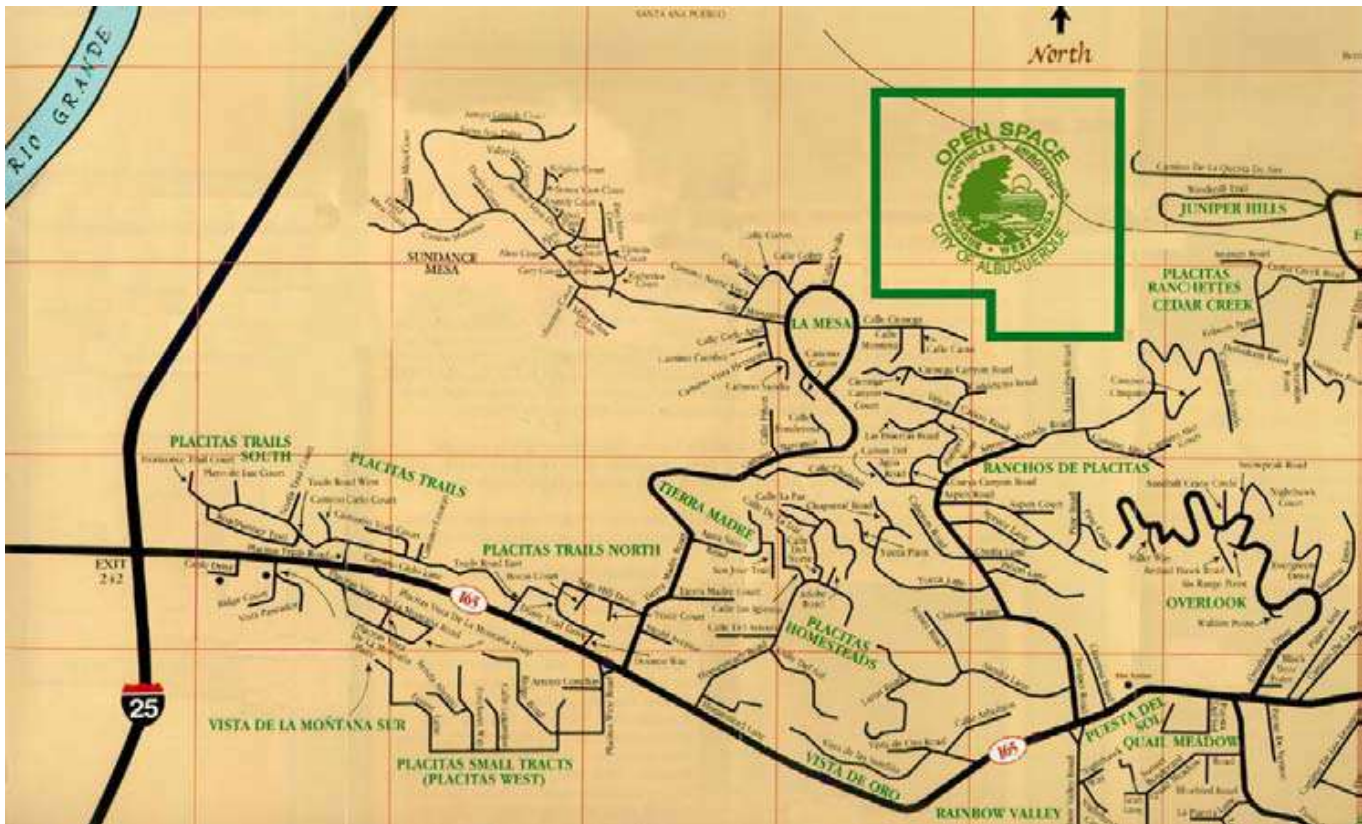


Figure 2: Map of Placitas with Open Space

The Pueblo of San Felipe has indicated an interest in managing some of the horses on open rangeland. WHOA has supported the Pueblo of San Felipe's claim to the land, because of their stated horse management policy. As outlined in the population control section of this report, the tribe is beginning a horse contraception plan using PZP.

Placitas Wild Fund

Four task force members created a proposal and found pledged funding to form a nonprofit organization called Placitas Wild to take on the management of the free-roaming horses. This proposal depends on the support and authorization of the local, state, federal, and tribal governments to allow the nonprofit to act as conservators of a set number of free-roaming horses. "Our desire is to manage the free range horses as part of a multi-species wildlife corridor," said Joan Fenicle.¹⁴³

The nonprofit would administer contraception, provide supplemental feeding and water when necessary, and adjudicate grievances. The organization's expectation is that horses would remain on a mix of private, public, and tribal lands. The proposed organization is exploring a horse management plan similar to that of the Corolla Wild Horse Fund in North Carolina, with the herd size to be determined based on sustainability research.¹⁴⁴

New Mexico State Park

In 2013, capital outlay funding was pursued in the New Mexico State Legislature to create a Free-Roaming Horses State Park. The legislation would fund the purchase of the 3,400-acre BLM "Buffalo Tract" parcel. Objections included: lack of community consensus for the project, no involvement of the NM Parks and Recreation Department, no comprehensive final plan submitted, and estimated costs for developing and maintaining the park.¹⁴⁵

¹⁴³ (Fenicle, 2014)

¹⁴⁴ (Fenicle, Hull, Johnson, & Robbins, 2014)

¹⁴⁵ (Clifton, 2014)

Suggestions Regarding Permanent Shelter for Horses

SUGGESTION 18: ESTABLISH A LOCAL HORSE SANCTUARY

Full Suggestion	Type of Solution	Advantages	Challenges	Polling Results ¹⁴⁶
Establish a sanctuary for the protection of free-roaming horses, and actively manage the horses in balance with what the land can support. The sanctuary could be organized by a private individual, nonprofit, or tribe. Land would be transferred for this purpose by BLM, Open Space, private landowners, or some combination.	Very long-term	<ul style="list-style-type: none"> This solution would provide long-term protection for a limited number of free-roaming horses. It would establish clear ownership for the horses and protect private lands. A sanctuary could provide an opportunity to build public awareness and financial support for free-roaming horses. 	<ul style="list-style-type: none"> There is limited rangeland available. Herd size and other factors would need to be considered, if genetic viability is a goal. This solution requires significant upfront and recurring financial investment. 	Level of support: 89% (strongly: 56%, moderately: 33%) Total votes: 46

SUGGESTION 19: ESTABLISH A FREE-ROAMING HORSE STATE PARK

Full Suggestion	Type of Solution	Advantages	Challenges	Polling Results
Establish a state park for the protection of free-roaming horses, and actively manage the horses in balance with what the land can support. Land for the park could be acquired from BLM or other landowners by either Sandoval County or the state of New Mexico.	Very long-term	Same as above.	<ul style="list-style-type: none"> Same as above. This solution would require significant coordination with the NM Parks and Recreation Department. 	Level of support: 58% (strongly: 34%, moderately: 24%) Total votes: 41

¹⁴⁶ At the public forum in May 2014, participants selected between three options: strongly support; moderately support/support with caveats; do not support. Participants were urged to list their caveats on their comment sheet. See Appendix B.

SUGGESTION 20: ESTABLISH A MULTI-JURISDICTIONAL RANGE AND HORSE MANAGEMENT AGREEMENT

Full Suggestion	Type of Solution	Advantages	Challenges	Polling Results ¹⁴⁷
Tribal and government entities should establish a multi-jurisdictional agreement for a long-term range management plan. The plan could: <ul style="list-style-type: none"> Specify the most appropriate rangeland for protecting each herd Assign ownership or custodianship, including responsibility for each herd Authorize the use of approved population controls (i.e., contraception) Set goals for the size of herds in balance with size and quality of rangeland Outline funding responsibilities and provisions for funding assistance 	Long-term	<ul style="list-style-type: none"> Such an agreement could bring together many of the previous suggestions into one comprehensive plan. The agreement could clarify lines of authority and responsibility. It could potentially decrease community divisiveness and lawsuits in the future. Such an agreement could be integrated with tribal and private sector efforts to protect wildlife corridors. Placitas community members have developed a preliminary plan for a nonprofit that could provide the day-to-day management. (See p. 30.) 	<ul style="list-style-type: none"> No tribal or government entity has the authority to dictate what the others can or cannot do, so the agreement would be voluntary. Success might rely on an Attorney General opinion (see p. 10) being completed first, in order to clarify jurisdiction, approved policies, and definitions. Political elections could alter the makeup of participants or reverse the direction of government entities. Changes to county ordinances might be required. 	Level of support: 91% (strongly: 58%, moderately: 33%) Total votes: 45

¹⁴⁷ At the public forum in May 2014, participants selected between three options: strongly support; moderately support/support with caveats; do not support. Participants were urged to list their caveats on their comment sheet. See Appendix B.

ANIMAL WELFARE

Most of the recommendations in this report focus on how to address the current herds of free-roaming horses in Placitas. However, tougher animal welfare laws discouraging owners from abandoning horses in the first place might have kept the population at a more naturally sustainable size. For this reason, many task force members believe that horse protection efforts need to include a long-term focus on preventing future animal cruelty and abandonment.

A new study from the Animal Legal Defense Fund ranked New Mexico in the five states with the weakest animal cruelty laws. There are no provisions for veterinarians to report suspected abuse, and there are ineffectual punishments for animal abusers.¹⁴⁸ Per current state statute, abandoning or failing to provide necessary sustenance to an animal that is under a person's custody is considered animal cruelty and is a misdemeanor.¹⁴⁹

Punishment is less than one year and/or a fine of less than \$1,000.¹⁵⁰ "New Mexico's animal cruelty laws are so lax, that even if you saw someone dumping their animals, they'd just get a slap on the wrist," said Cid Morgan from the USFS. Punishment in other states is more severe, she pointed out, "and all animals have to be identified, whether by microchip, brand, or tattoo. Ownership can be traced, making it more risky to dump an unwanted horse on public or private land."¹⁵¹

In addition to advocating tougher animal cruelty laws in the future, the task force's health and medical committee strongly encouraged increased enforcement of existing laws prohibiting abandonment of horses.¹⁵²

¹⁴⁸ (KOAT-TV; Mendis, Tanya, 2013)

¹⁴⁹ (National Agricultural Law Center, 2010, p. 3)

¹⁵⁰ (Springsteen, E.R; National Agricultural Law Center)

¹⁵¹ (Morgan, 2014)

¹⁵² (Fenicle, Ortiz, Robbins, & Sandoval, 2014)

Suggestions Regarding Animal Welfare Laws and Policies

SUGGESTION 21: STRENGTHEN ANIMAL WELFARE LAWS AND POLICIES

Full Suggestion	Type of Solution	Advantages	Challenges	Polling Results ¹⁵³
Deter people from releasing horses on tribal and public lands by toughening state and county animal welfare laws and increasing penalties for abandoning or mistreating horses.	Long-term	This solution imposes stronger legal consequences for animal owners who abandon their ownership responsibilities and may act as a deterrent.	<ul style="list-style-type: none"> • This requires a change in state law. • It may be difficult to enforce. 	Level of support: 96% (strongly: 74%, moderately: 22%) Total votes: 46

¹⁵³ At the public forum in May 2014, participants selected between three options: strongly support; moderately support/support with caveats; do not support. Participants were urged to list their caveats on their comment sheet. See Appendix B.

CONCLUSION

The challenges facing the Placitas community are complex. Most people agree that top priorities include clarity on the legal status of the horses and (presuming at least some of the animals remain free-roaming in the community) authority for administration of contraception. Those are not the only issues, however. This report offers a slate of suggestions that will contribute to healthy dialogue and constructive decision-making. In drafting this report, the authors – with support of the task force – attempted to present the pros and cons of each option objectively. We have attempted to honor the values, emotions, and priorities of the community members, while presenting practical options for moving forward. The community of Placitas, in partnership with government and tribal neighbors, must decide what comes next.



A band of horses grazes near Placitas. (Source: Clea G. Hall.)

APPENDIX A

Proposed Contraception Plan for Free-Roaming Horses in Placitas Area

*The following document was developed as a result of a March 12 meeting of state, county, land grant and tribal government representatives with authority or interest in PZP. **This is a draft document** and does not affect current rules, regulations or requirements. See p. 16 for information on horse contraception.*

GOAL: Provide contraception (PZP) to all female free-roaming horses in the Placitas area, including those located on county, tribal, and federal lands.

WHY: Attempt to control the size of the horse population while the Placitas community researches and explores long-term options for the animals.

THE PROBLEM: The free-roaming horses have been caught in a Catch-22. The understanding of state law was that a horse could not be administered the contraception PZP unless its owner authorized it. Since the horses are free-roaming, they have no owners. Consequently, the herd size continues to grow. (The exception was if the animal was captured, turned over to the NM Livestock Board, and declared “estrays” – a process that removed it from the wild and put it in public auction.)

BREAKTHROUGH: Newly released state regulations from the NM Department of Agriculture offer a fresh set of options. While the NM Livestock Board appears to remain the only agency authorized to administer PZP to unowned horses as a *vaccine*, an additional eight agencies/organizations (listed below) can be authorized to administer it as a *pesticide*. **(The dosage and process for medicating horses is identical under either classification.)** Consequently, entities attending New Mexico First’s March 2014 meeting tentatively agreed to adjust their interpretation of who can administer the medication. Rather than seeking authorization from the owner of the *horse* (as is required for the vaccine), authorization may be granted by the government or

nonprofit owner of the *land* on which the horse is located (under the classification of a pesticide).¹⁵⁴

PROPOSED STRATEGY:

1. San Felipe Pueblo will begin a pilot project of administering contraception to three bands of horses on their land (approximately 20 horses). They have already shown leadership by pursuing training, selecting the bands, purchasing materials, and developing a protocol for administering the medication.
2. The Humane Society of the United States (HSUS) holds New Mexico’s license to distribute PZP, but that license has not been renewed since 2012. The NM Attorney General’s office will contact the Humane Society, asking that the license be renewed immediately.¹⁵⁵
3. Entities administering PZP as a contraception agree to operate under the supervision of a licensed veterinarian, and to follow protocol to obtain proper licensure through the NM Department of Agriculture. Entities administering PZP are strongly advised to develop clear protocols for medicating and tracking the animals. (The contraception is ineffective unless administered correctly.) Protocols developed by San Felipe Pueblo and the Sky Mountain Sanctuary near Taos are possible examples.
4. Entities administering contraception will be asked to communicate with one another on the process, lessons learned and, possibly, cost-sharing strategies.
5. All organizations engaged in this work agree that contraception is one strategy, not the sole solution, for the free-roaming horse issue. Additional efforts to address public safety, environmental preservation, herd size, clarity in terminology and other matters must continue to move forward.

¹⁵⁴ The NMLB noted that PZP as pesticide is out of its jurisdiction. However, the board pointed out that it believes this course of action is ill-advised, given that only the NMLB has a process to ensure that horses are unowned. Theoretically, an owner could come forward and complain or sue that his/her horse was given contraception without consent. However, most attendees at the meeting believe this risk is minimal, given that the horses are roaming wild.

¹⁵⁵ HSUS renewed its registration for PZP in April, 2014

ENTITIES AUTHORIZED TO ADMINISTER PZP AS A PESTICIDE

National Park Service
Bureau of Land Management
US Fish & Wildlife Service
Department of Defense
US Department of Agriculture
NM Department of Agriculture
NM Livestock Board
NM Fish & Wildlife
Federally recognized Native American tribes
Public and private wild horse sanctuaries and reserves
Humane Society of the United States

ENTITIES ATTENDING THE MARCH 12, 2014 MEETING

NM Attorney General's Office
NM First
NM Livestock Board
Pueblo of San Felipe
Pueblo of Santa Ana
Sandoval County
San Antonio de las Huertas Land Grant

APPENDIX B

Feedback from participants at the public forum

During the public meeting that took place on May 3, 2014 (see description in introduction), participants were given a comment form on which to indicate the suggestions they preferred, any caveats that might temper their support of a

particular suggestion, or any additional comments they wished to offer. Comments are compiled in this appendix as follows: a table that tallies attendees' preferred options, caveats listed by suggestion, and miscellaneous comments.

Comments or caveats regarding specific suggestions from participants at the public forum.

SUGGESTION	COMMENTS/CAVEATS
Suggestion 1: Get an initial headcount	<ul style="list-style-type: none"> Needs to be done by impartial professionals. Establishment of management agreement should precede and inform headcount. To be valid, count must be conducted according to intended purpose of survey and professional standards. For instance, each of the following variables might require different methodologies and accuracy standards: a one point in time count; horse/soil/water/population/road demographics; horse identification; rate of growth/decline of the herd. Data could be used to trap or put horses at further risk. Not sure this will accomplish much.
Suggestion 2: Survey community members	<ul style="list-style-type: none"> Depends on who conducts the survey and how it will be done. All residents should be surveyed. Many residents do not have horses in their area.
Suggestion 3: Create an information-sharing website	<ul style="list-style-type: none"> Data could be used to trap or put horses at further risk. If surveys are to be made to establish rate of growth/decline of the herd, it must be accurate, perhaps +/- 2%.
Suggestion 4: Clarify government authority and regulations	No comments/caveats stated for this suggestion.
Suggestion 5: Enforce existing policies and regs	<ul style="list-style-type: none"> Law enforcement policies or regulations are not clear or enforced uniformly. Get all agencies together and designate one to take responsibility. Distrust government agencies to follow the laws.
Suggestion 6: Fund a sustainability study	<ul style="list-style-type: none"> Establishment of management agreement should precede and inform this step. Range assessment should only be done to determine how many horses per acre in a confined area.
Suggestion 7: Reduce or eliminate horse feeding and watering	<ul style="list-style-type: none"> Need a specific definition of "crisis" Need formal acknowledgment of when a crisis is in effect Establishment of management agreement should precede and inform this step.
Suggestion 8: Educate community members	<ul style="list-style-type: none"> Educate people on alternatives to round-ups. Education cannot be in the form of propaganda.
Suggestion 9: Approve contraception for mares	<ul style="list-style-type: none"> PZP should be administered by trained, community members.
Suggestion 10: Maintain fencing along roads and highways	<ul style="list-style-type: none"> Allow access to or provide water. Do not separate horses from water or forage.

Suggestion 11: increase horse signage on highways and roads	<ul style="list-style-type: none"> • Make sure horses have water and forage available.
Suggestion 12: Encourage private landowner fencing	<ul style="list-style-type: none"> • Horses need access to water.
Suggestion 13: Fence pueblo and federal public land	<ul style="list-style-type: none"> • Support only if all free-roaming horses are confined. • No fencing out – horses need access to range even in times of drought. • Make sure horses have access to water.
Suggestion 14: Relocate some of the horses	<ul style="list-style-type: none"> • Relocate horses to a safe environment. • If horses are taken away, more will return. • Support only if some of the horses remain free.
Suggestion 15: Restrict horses to “welcoming” areas of Placitas	<ul style="list-style-type: none"> • Support if private landowners who want the horses adopt and confine them. • Suggestion is confusing. • Genetic viability is not a huge issue with contraception.
Suggestion 16: Promote horse adoption	<ul style="list-style-type: none"> • Set up sensible contingencies. • Establishment of management agreement should precede and inform this action. • Support with funding for feed and training. • Adopt horses already confined and needing a home, not first rounding them up to then be adopted out.
Suggestion 17: Fund the care of those horses already captured	<ul style="list-style-type: none"> • The strain of feeding and watering them will fall on kindly people, often with very limited means, and this may not be sustainable. • Depends on who manages the fund and care. • Expand beyond private donations.
Suggestion 18: Establish a local horse sanctuary	<ul style="list-style-type: none"> • Penned-in lives will be very sad for current free-roaming horses. • A preserve for 30 or so horses is not viable. • Establishment of management agreement should precede and inform this action. • Depends how a local sanctuary would be managed. • Less bureaucracy to deal with is good.
Suggestion 19: Establish a free-roaming horse state park	<ul style="list-style-type: none"> • Penned-in lives will be very sad for current free-roaming horses. • A preserve for 30 or so horses is not viable. • Too much bureaucracy. • This has been tried twice, and failed both times. • Support if state park management proved to be better for the horses. • The state will not have horses’ best interest in mind. • Support if state park is in Placitas • Tamaya Resort brings tourists to Placitas to see horses already, indicating support for something like this.
Suggestion 20: Establish a multi-jurisdictional range and horse management agreement	<ul style="list-style-type: none"> • Support would depend on how such an agreement was set up. • Must include a competent, well funded, and diverse community nonprofit given authority to act in the horses’ benefit. • Legal agreements are not enforced here.
Suggestion 21: Strengthen animal welfare laws and policies	<ul style="list-style-type: none"> • Enforce the laws already in existence.

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