

Public Comment for Upcoming Commission Meeting

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Comments:

As a resident of Ranchos De Placitas for over 30 years, I am in favor of the wildlife feeding ordinance. Feral horses have overrun our community, causing traffic hazards, severe damage to soil and grasses, flies, and hazards to pedestrians and cyclists. As an attorney, however, I have concerns about this ordinance withstanding legal challenge as it is currently drafted., There are no factors that have to be considered by the P& Z director in determining whether to grant, deny, or renew a feeding permit. The ordinance just says that the director "may" grant a permit and that applicants "may" request renewal of a permit. And there is no appeal provision when a permit is granted, or denied.

The ordinance needs to include mandatory considerations, including impact on traffic safety (a neighbor feeds horses on a blind curve on Arroyo Venada Road), the nature of the area, impact on other wildlife, impact on pedestrians and other users of the area of the proposed feeding, public notice of an application and opportunity for neighbors to object to it. There has to be an "articulable basis" for the agency's action on the permit application.

Also, in section 14-42, the phrase "or other nutrients" is used but not defined. What's a nutrient? If I recall correctly, water is considered a nutrient. So is it unlawful to provide water without a permit? It should be, and it should clearly list "water" in the list of "nutrients" so that there is zero ambiguity. One trough of water that is provided consistently will bring horses in daily, even if there is no food provided. One trough of water provided by a resident whose property abutted the Placitas Open Space allowed a herd of 14 to reside on, and destroy much of the ecosystem on, the Placitas Open Space over a period of two years (2012-2014).

There is also a potential problem with how this ordinance would apply to things like quail blocks. Horses love quail blocks. The ordinance should be written to prohibit the placing of any food or water that has the effect of attracting horses. If a person wanted to do an end run around this ordinance as drafted, they could just place a bunch of quail blocks or bird seed on the ground "for the birds" and claim that they were not trying to feed horses. Same goes for watering troughs "for the birds."

With appropriate changes this ordinance could be very good.