

# SUPPORT SENATE BILL 385

## Wild Horse Management

Senator Pat Woods & Senator Brenda McKenna



SB 385 overhauls current inadequate wild horse policy—to protect wild horses and provide for science-based management of wild horse range and horse herds, including on-range management and immunocontraception, and to promote humane collaborative efforts.

### WHAT THE BILL DOES

- It explicitly protects wild horses under the state animal cruelty statute.
- It refines and differentiates the definitions of “wild horses” and “livestock.” Clarifies how to differentiate wild horses from stray domestic horses; reflects that legal status and management options do not change depending on the land status on which the horse is captured.
- It codifies that wild horses cannot not be harmed, harassed, or sold for slaughter.
- It prioritizes humane on-range management when possible, and sets out placement options for wild horses removed from their range, including relocation to other adequate range, preserve, adoption.
- It removes and replaces outdated, unfeasible provisions—including a DNA test requirement that would allow Spanish colonial horse breeders to collect wild horses, and a range study ordered to be conducted by an entity that does not actually conduct such studies. It allows jurisdictions to have wildlife or habitat experts conduct land and wild herd studies that will inform successful wild horse management specific to that area.
- It provides a public process for state agencies, local governments, and political subdivisions to implement appropriate wild horse management. Communities served and impacted by wild horses will have a stake in management, with transparency in decision-making, and localities can arrange for strategies tailored to their area. The bill also clarifies prerequisites and placement options for the NM Livestock Board taking action to capture wild horses.
- It allows stakeholders to participate in developing and implementing common sense solutions to protect New Mexico's wild horses and resolve any public safety concerns, such as humane fertility control and measures to prevent traffic collisions.

Questions? Contact Jessica Johnson at [jessica@apvnm.org](mailto:jessica@apvnm.org)

## FREQUENTLY ASKED QUESTIONS

### ***Why is the New Mexico Livestock Board (NMLB) involved in the management of wild horses?***

The current wild horse statute (77-18-5) is administered by the NMLB. The New Mexico Court of Appeals, in 2015, affirmed that the NMLB has the responsibility to carry out duties, including enforcement and compliance with the wild horse law—but it cannot treat the wild horses like livestock ([read the opinion here](#)). There is currently not a better option for an agency to manage wild horses, and the creation of such an agency (which Animal Protection Voters supports) would require annual recurring funding and significant political will to create more infrastructure to help animals. In the meantime, SB 385 will ensure that the NMLB has clear boundaries within which they and local communities may work to administer the wild horse law.

### ***Can't all the wild horses simply be removed?***

Observational data and population modeling show that using roundup and removal as the primary management strategy for horses, without controlling the growth of the population, is ineffective and wasteful (*see the [National Academy of Sciences](#)*). When humans remove a number of horses from the land, it often causes compensatory reproduction, meaning the horses who are left behind (or horses who move into the habitat) have increased rates of reproduction within a herd, resulting in an increase in horses on the landscape over time. Stabilizing population growth of wild horses through safe, effective treatments like the immunocontraceptive PZP, as is already in use in some parts of New Mexico, is key to successfully managing many wild horse herds, especially as the land suffers the impacts of long-term devastating drought and climate change.

### ***Can we just leave wild horses alone?***

For hundreds of years, humans have dramatically altered the land, including developing and altering wild horse habitat and water sources, hunting the horses' few natural predators, and adding domestic animals to wild landscapes. Wild horses have been negatively impacted, sometimes even facing death from dehydration, starvation, and vehicle collisions. To protect and preserve wild horses and the land, some communities have found they must undertake responsible management of wild horses.

### ***Shouldn't local communities have a say in how wild horses are managed?***

Yes. Management of wild horses is effective and successful with long-term commitment and collaboration. In Sandoval County, local policymakers have used community input and expert support on a variety of areas of common concern, including to promote public safety measures, and to treat horses with PZP, helping prevent the births of horses that the land cannot sustain. SB 385 sets out how agreements could be successful for wild horse management in communities in New Mexico. It promotes collaborative efforts to manage horses while respecting and protecting the horses' ability to remain on the landscape whenever possible.

### ***Can wild horses be captured and removed from the land under SB 385?***

SB 385 sets out conditions for when a horse may be removed from the landscape under certain circumstances. SB 385 allows that a wild horse too unhealthy or injured to return to its range may be permanently removed; importantly, the bill also requires public investment, planning, and transparency, including the creation and implementation of a wild horse herd management plan, with consideration of placement options, including fiscal impacts and funding sources, prior to expanded horse removals taking place. SB 385 states that a wild horse permanently removed from its wild horse range shall either be:

- 1) Relocated to another wild horse range that has not exceeded its carrying capacity, as allowed by law;
- 2) Transferred to a horse rescue or retirement facility, licensed and inspected by the NMLB, for adoption or sanctuary; or
- 3) Relocated to a wild horse preserve.