

# Laws and Policies Governing Wild and Feral Horses



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The College of Agricultural, Consumer and Environmental Sciences is an engine for economic and community development in New Mexico, improving the lives of New Mexicans through academic, research, and extension programs.

# Definitions

- **“Wild horses”**- Wild unbranded horse running at large on any of the public land or ranges (1959 Public Law 86-234)
- **“Wild free-roaming horses”**- unbranded and unclaimed horses on public lands of the United States. (1971 WFRHBA)
- **“Wild horse”**-Unclaimed horse on public land, not an estray. (2007 NMSA 77-18-5)
- **“Unwanted Horse”**- “Horses which are no longer wanted by their current owner because they are old, injured, sick, unmanageable, fail to meet their owner’s expectations (e.g., performance, color or breeding), or their owner can no longer afford them.” (American Association of Equine Practitioners)



## Wild Horse Annie Act of 1959

- Prohibit use of aircraft or motor vehicles to hunt certain wild horses or burros
- Prohibit polluting of any watering hole on public land for the purpose of trapping, killing, wounding or maiming wild horses or burros

PUBLIC LAW 86-234



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A landscape photograph of a dry, open field with a windmill and a herd of horses. The windmill is a classic wooden structure with a circular fan of blades. In the foreground, a herd of horses of various colors is grazing. The background shows rolling hills under a clear sky.

# Wild Free-Roaming Horse and Burro Act

## Findings and Purpose

- “...living symbols of the historic and pioneer spirit...”
- Contribute to
  - Diversity of life forms
  - Enrich the lives of the American people
- Policy of Congress
  - Protected from capture, branding, harassment, or death
  - Where presently found, an integral part of the natural system of the public lands



# Wild Free-Roaming Horse and Burro Act

## Definitions

- “Wild free-roaming horses and burros” -
  - unbranded and unclaimed horses and burros on public lands of the United States
- Range-
  - land necessary to sustain an existing herd, not to exceed their known territorial limits
  - devoted principally, but not necessarily exclusively to their welfare and in keeping with the multiple-use management concept
- Public Lands-
  - any lands administered by the Secretary of Interior through the Bureau of Land Management or by the Secretary of Agriculture through the Forest Service




# Wild Free-Roaming Horse and Burro Act Management

- As components of the public lands
- To achieve and maintain a thriving natural ecological balance
- Consultation with wildlife agency of the State
- Activities shall be at the minimal feasible level
- Overpopulation
  - May order old, sick, or lame animals destroyed in most humane manner
  - Captured and removed for private maintenance



# Wild Free-Roaming Horse and Burro Act

- Stray from public land onto private owned land
  - Owner informs Federal Marshal or agent of Secretary
    - Who shall arrange to remove the animals
  - Nothing prohibiting landowner from maintaining wild free-roaming horses or burros
    - Not willfully be removed or enticed from the public lands
    - Shall notify appropriate agent
- Not authorized to relocate wild free-roaming horses or burros to areas of public lands where they do not presently exist



# Wild Free-Roaming Horse and Burro Act

- Criminal provisions
  - Willfully remove or attempt to remove a wild free-roaming horse or burro without authority
  - Convert wild horse to private use, without authority
  - Maliciously cause death or harassment
  - Process into commercial products the remains of wild horses
  - Sell horses or burros maintained on private land





# Federal Lands and Policy Management Act 1976 (FLPMA)

- may use or contract helicopters or, for the purpose of transporting captured animals, motor vehicles.
  - public hearing and
  - under the direct supervision of the Secretary
  - Act of September 8, 1959 shall not be applicable
  - shall be in accordance with humane procedures



# Public Rangeland Improvement Act of 1978 (PRIA)

- certain amendments are necessary thereto to avoid excessive costs... and
- to facilitate the humane adoption or disposal of excess wild free roaming horses and burros because
  - they exceed the carrying capacity of the range,
  - pose a threat to their own habitat, fish, wildlife, recreation, water and soil conservation, domestic livestock grazing, and other rangeland values



# Public Rangeland Improvement Act of 1978 (PRIA)

- inventory and identify current public rangeland conditions and trends as a part of the inventory process required by FLPMA
- inventory of wild free-roaming horses and burros
  - make determinations as to overpopulation
  - whether action should be taken to remove excess animals
  - determine appropriate management levels



# Public Rangeland Improvement Act of 1978 (PRIA)

- Excess animals (definition added)-
  - Animals have been removed by the Secretary pursuant to applicable law
  - Must be removed to preserve and maintain a thriving natural ecological balance and multiple-use relationship
- Manage, maintain and improve the condition of the public rangelands



# Public Rangeland Improvement Act of 1978 (PRIA)

- removal or destruction of excess animals or other options- order and priority
  - Shall order old, sick, or lame animals to be destroyed in the most humane manner possible
  - Shall humanely capture and remove for private maintenance and care for which adoption demand exists
  - Shall, where adoption demand doesn't exist to be destroyed in the most humane and cost efficient manner possible



# Omnibus Parks and Public Land Management Act of 1996

- Amendment to Wild Free-Roaming Wild Horse & Burro Act
  - Use motor vehicles, fixed-winged aircraft, or helicopters in management of horse & burro on National Parks
  - Enter into agreement with Missouri Wild Horse League for management of horses in Ozark National Scenic Riverways.
    - Not more than 50 head



# Consolidated Appropriations Act, 2005

- Amendment to Wild Free-Roaming Wild Horse & Burro Act
  - Sale of excess animals- more than 10 years of age; or offered unsuccessfully for adoption at least 3 times.
  - sale without limitation and until— all are sold; or the appropriate management level is attained in all areas occupied by wild free-roaming horses and burros.
  - Effect of sale - no longer be considered to be a wild free-roaming horse or burro



# Annual Appropriation Bills

- 1983, 1986, 1989
  - Death Valley National Monument for removal of feral burros and horses.
- 1986
  - Defense installations for removal of feral burros and horses.
- 2001, 2003, 2004, 2005, 2007
- Sheldon and Hart National Wildlife Refuges capturing and transporting horses and burros





# Annual Appropriation Bills

- 1989 - 2017
  - Provided, That appropriations herein made shall not be available for the destruction of healthy, unadopted, wild horses and burros in the care of the Bureau of Land Management or its contractors.
- 2005 - 2017
  - none of the funds made available in this Act may be used to pay the salaries or expenses of personnel to inspect horses under section 3 of the Federal Meat Inspection Act



# Annual Appropriation Bills

- **2012 CONTRACTS AND AGREEMENTS FOR WILD HORSE AND BURRO HOLDING FACILITIES** (Consolidated Appropriations Act, 2012 - 16 U.S. Code § 1336)
  - may enter into multiyear cooperative agreements
  - for the long-term care and maintenance of excess wild free roaming horses and burros
  - may not exceed 10 years, subject to renewal at the discretion of the Secretary.

# NMSA 77-18-5

## 2007

- Definitions
  - Public Land
    - Does not include BLM, Forest Service, or State Trust Land
  - Range
    - Amount of land necessary to sustain a herd of wild horses, not exceed its known territorial limits
  - Spanish colonial horse
    - Wild horse, descended from horses of the Spanish colonial period
  - Wild horse
    - Unclaimed horse on public land, not an stray
    - Estray
      - Livestock found running at large upon public or private lands
      - Owner is unknown, or branded with a brand not on record
      - (NMSA 77-2-1.1)

# NMSA 77-18-5

- Wild horse capture on public land
  - Determine if Spanish colonial horse
    - Relocated to state or private wild horse preserve
  - Not a Spanish colonial horse
    - Returned to the public land
    - Relocated to public land or wild horse preserve
    - Put up for adoption by the agency (land captured on)
- Museum of Southwestern Biology (UNM) mammal division
  - Determine when wild horse herd exceeds number of horses to preserve genetic stock of herd & preservation of range
  - May cause control through birth control
  - Humanely captured and relocated to other public land
  - Adoption
  - Euthanized- veterinarian determination of crippled or otherwise unhealthy

# Definitions

- **Public Land** – Such lands as are subject to sale or other disposition by the United States, under general laws. (1914 Bouvier's Law Dictionary)
- **Public Lands**- any lands administered by the Secretary of Interior through the Bureau of Land Management or by the Secretary of Agriculture through the Forest Service. (1971 WFRHBA)
- **Public Lands** means any land and interest in land owned by the United States within the several States and administered by the Secretary of the Interior through the Bureau of Land Management, without regard to how the United States acquired ownership (1976 FLPMA)
- **Public Land** -Does not include BLM, Forest Service, or State Trust Land. (2007 NMSA 77-18-5)

# Questions



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