

## What Happens When You Call the Forest Service About Cows on your Property?

We will take your information, Residence, Phone number, Name.

Other Information that we will need is how many Cattle, What Brand, What Color of Ear tag, when did you first see them, How long have they been in there, Did you call the owner. We may or may not ask these questions first and may go to Question 1 below.

Then we will ask a few questions.

1. Is your Property Fenced?
  - a. Yes – What Kind of Fence? i.e. Barbed wire, Pole fence, Chain link etc. And is it capable of holding out cattle? And is it a legal Fence?
    - i. Yes – Then an inspection of the fence may be warranted. The proper authority for this would be the Cattle Inspector (New Mexico Livestock Board) since it is on private property but FS personnel may do so to give the landowner advice.
    - ii. No – It is up to the landowner to maintain the fence.
    - iii. Note – if apparent malicious intent to deface the property (fence) is suspected then the Cattle inspector would need to be brought in.
  - b. No – New Mexico is a “Fence out State” which means that if a landowner does not want livestock on their property, it is up to them (landowner) to fence livestock out.
2. Do you know who’s livestock they are?

*Note- If the owner is a permittee of the National Forest we would go onto more questions. If not then we have no jurisdiction in the matter and would direct you to the Cattle Inspector.*

- a. Yes – Have you tried to contact them?
  - i. Yes – This would open up a dialog as to what kind of response you received.
  - ii. No – We would contact the permittee out of courtesy and inform them of the situation.
- b. No – Did you see any marking that would identify the livestock
  - i. Yes – We would do our best based on this information to identify the live stock and make a courtesy call.
  - ii. No – At this point we may not have enough information to do much and

### **77-16-1, NMSA 1978. [Necessity for fence.]**

Every gardener, farmer, planter or other person having lands or crops that would be injured by trespassing animals, shall make a sufficient fence about his land in cultivation, or other lands that may be so injured, the same to correspond with the requirements of the laws of this state prescribing and defining a legal fence.

**77-16-4. NMSA 1978. [Barbed wire fence; specifications.]**

When fences are constructed of barbed wire and posts they shall be built substantially as follows: posts set firmly in the ground and [and] projecting above the ground not less than four feet, said posts to be not less than two inches in diameter at the smaller end, and to be set not over thirty-three feet apart; four barbed wires to be strung firmly and securely fastened to said posts, the bottom wire to be placed approximately twelve inches from the ground, the second wire to be approximately twelve inches above the bottom wire, the third wire to be approximately twelve inches above the second wire and the fourth wire to be approximately twelve inches above the third wire; and between each two posts there shall be placed approximately equidistant apart three stays to be securely fastened to said wires for the purpose of holding the wires in position. Any four-wire fence greater or equivalent to said fence in strength and resisting power shall be considered a legal fence.

Here are some of the most common Question or complaints we get

Are the permittees responsible for their cattle?

Why Are the Cowboys allowed to graze anywhere they want when they want?

Are the Permittees responsible for maintaining fences?

Are permittees responsible for keeping their cows off of the highway?

What happens when a cow gets hit on the highway?