

EXECUTIVE ORDER 2010-029

TEMPORARY BAN OF TRAPPING IN THE BLUE RANGE WOLF RECOVERY AREA

WHEREAS, the Mexican Gray Wolf is the smallest, rarest, and most genetically distinct subspecies of the Gray Wolf;

WHEREAS, the Mexican Gray Wolves that once widely roamed New Mexico, Arizona, Texas, and the Republic of Mexico are now nearly extinct, suffering from the results of human development, reduction in habitat, and hunting;

WHEREAS, the Mexican Gray Wolf was listed as endangered under the federal Endangered Species Act in 1976, and all known wild Mexican Gray Wolves were caught and put into a captive breeding program;

WHEREAS, the Gray Wolf species, of which the Mexican Gray Wolf is a subspecies, was listed as endangered under the New Mexico Wildlife Conservation Act in 1976;

WHEREAS, in 1998, the U.S. Fish and Wildlife Service reintroduced the Mexican Gray Wolf to a portion of its historic range in New Mexico and Arizona within the Blue Range Wolf Recovery Area (“Recovery Area”), which is comprised of the Gila and Apache National Forests;

WHEREAS, the U.S. Fish and Wildlife Service’s goal was to restore at least 100 free-roaming Mexican Gray Wolves in the Recovery Area by 2005, but as of 2010, only 39 individual Mexican Gray Wolves are surviving in the wild;

WHEREAS, pursuant to the New Mexico Wildlife Conservation Act, the State Game Commission has enacted rules which make it unlawful for any person to take (defined as harass, hunt, capture, kill, or attempt to do so) any threatened or endangered species or subspecies in the State of New Mexico;

WHEREAS, under the New Mexico Wildlife Conservation Act endangered species may only be removed, captured, or destroyed with prior authorization by permit given by the Director of the Department of Game and Fish (“Department”) where necessary to alleviate or prevent damage to property or to protect human health;

WHEREAS, trapping and snaring activities occur in New Mexico within the Recovery Area even though such activities are negatively impacting the Mexican Gray Wolf, as traps and snares do not discriminate between Mexican Gray Wolves and the game animals intended to be taken;

WHEREAS, Mexican Gray Wolves may suffer injury or death while caught in a trap or snare due to dehydration, exposure to weather, or predation by other animals;

WHEREAS, in the last eight years, in the Recovery Area located in New Mexico, there have been six confirmed and three probable Mexican Gray Wolves that have been trapped, five of which have sustained injuries from traps or snares, including two Mexican Gray Wolves that had injuries severe enough to result in leg amputations;

WHEREAS, missing toes, claws, or other injuries can inhibit the Mexican Gray Wolves' ability to catch prey and may actually increase the risk of livestock predation, as domestic livestock are easier to capture than native prey such as elk or mule deer;

WHEREAS, Mexican Gray Wolves require adequate prey and freedom from indiscriminate traps and snares to thrive in the Recovery Area; and

WHEREAS, tourism for watching the Mexican Gray Wolf has had almost no chance to develop in New Mexico, because the Mexican Gray Wolf population has not grown as planned.

NOW THEREFORE, I Bill Richardson, Governor of the State of New Mexico, by virtue of the authority vested in me by the Constitution and the laws of the State of New Mexico, do hereby order the Department of Game and Fish to carry out the purpose of the New Mexico Wildlife Conservation Act, which requires endangered species, including the Mexican Gray Wolf, be protected and direct the Department of Game and Fish to temporarily ban trapping in the portion of the Blue Range Wolf Recovery Area located in New Mexico. The ban shall:

1. Prohibit trapping by persons licensed to trap pursuant to NMSA 1978, Section 17-5-5 and youth under the age of twelve years. This prohibition should not affect the right of a resident to trap animals in order to protect livestock, domesticated animals, or fowl. The ban shall be in effect for six months starting on November 1, 2010, while the two studies described below are completed.
2. Prohibit all methods of capturing a furbearer on land or in water, including leg-hold traps, neck and leg snares, Conibear kill traps, body-crushing traps, natural and man-made cubby sets, and other methods of trapping specified in 19.32.2.10 NMAC. The New Mexico Department of Game and Fish and the government of the United States and its agencies are exempted from this closure if the Mexican Gray Wolves require capture for medical treatment, monitoring, or relocation.

I further direct the Department to undertake a study of the various types of traps and snares allowed in New Mexico and to determine the level of risk to the Mexican Gray Wolf associated with the various traps and snares. The Department shall then pursue appropriate regulations to allow trapping within the Recovery Area only by use of traps and snares that pose minimal risk of harm or injury to the Mexican Gray Wolf.

I further direct the Department of Tourism to undertake a study on the potential economic benefits of ecotourism related to recovery of the Mexican Gray Wolf in the Recovery Area.

THIS ORDER supersedes any other previous orders, proclamations, or directives in conflict. This Executive Order shall take effect immediately and shall remain in effect until such time as it is rescinded by the Governor.