

advent of Mexican wolf restoration in 1998. Some of the Mexican gray wolves that had been released in Arizona beginning in 1998 had dispersed onto lands within New Mexico, for at least brief periods of time, prior to wolves being translocated to the Gila Wilderness of New Mexico in April 2000.

The bill refers to wolves as being “inherently dangerous to any human beings they may randomly encounter”. Wolves may interact with humans on occasion, however documented cases of wolves attacking and killing or severely injuring people in North America are rare.

The bill states that “any human being or New Mexico citizen found responsible for the death or maiming of wolves shall be prosecuted by federal authorities”. The experimental population rule for Mexican gray wolf reintroduction into Arizona and New Mexico contains provisions for allowable take of Mexican gray wolves that may kill, wound, or bite livestock on private or tribal lands, or for Mexican gray wolves anywhere if necessarily as a result of a threat to human safety. Under this rule, any person taking a Mexican gray wolf under these circumstances is required to report the event, but has no further legal obligations or liabilities for take under the ESA. Similarly, the New Mexico Wildlife Conservation Act (17-2-37 through 17-2-46 NMSA 1978) prohibits the take of species listed as endangered under that Act, but allows take of state-listed species in situations involving an immediate threat to human life or property. Therefore, DGF believes that the above statement is inaccurate.

The bill has an emergency clause

FISCAL IMPLICATIONS

The DGF claims that based on the number of wolves presently in New Mexico, 24-hour surveillance for each wolf, and a minimum of 12 FTEs, will be required in order to ensure that Mexican gray wolves do not ever “migrate” off federal lands and onto state lands, or other properties. This does not include personnel and time required to maintain the records of DNA samples and respective identification numbers. Without any appropriation contained in this bill, these resources will have to be drawn from existing DFG programs and functions.

SIGNIFICANT ISSUES

Mexican gray wolves are listed as endangered under the Endangered Species Act (ESA), and gray wolves are listed as endangered under the New Mexico Wildlife Conservation Act. Mexican gray wolves were considered to be extirpated from the United States until on-the-ground restoration of Mexican gray wolves was undertaken, beginning with releases of Mexican gray wolves into the Blue Range of east-central Arizona in late 1997, as part of a Mexican wolf recovery program carried out under the ESA. Since that time, limited numbers of wolves have dispersed into New Mexico, or been released in New Mexico following translocation from Arizona for management purposes. Currently there are 3 wolf packs that are known to inhabit New Mexico in or around the Gila Wilderness, plus some other lone wolves or small groups that may occur within southwestern New Mexico. Public opinion surveys of New Mexico residents regarding Mexican wolves in both 1987 and 1995 found that a clear majority of the state’s residents surveyed expressed positive opinions toward reintroduction of Mexican gray wolves into the state. The 1995 survey also geographically divided the survey results to the counties of proposed Mexican wolf restoration, and found at least of 50% of respondents within these counties expressing moderate or strong support for the proposed Mexican gray wolf

reintroduction. However, some segments of the state's population, particularly livestock producers, have expressed opposition to Mexican gray wolf reintroduction based on concerns for wolves preying upon livestock and wildlife.

There could be adverse implications to the DGF and its ability to meet its established performance measures resulting from this bill, if enacted as written. DGF personnel participate in the Mexican gray wolf reintroduction program, under the broad guidance of the U.S. Fish and Wildlife Service which has primary responsibility for conservation and recovery of wildlife listed under the ESA, in an effort to implement Mexican wolf reintroduction in a manner that is as consistent as possible with the needs and desires of New Mexico citizens and New Mexico wildlife populations. If the interpretation of this bill were that DGF personnel, by virtue of participation in the implementation of Mexican gray wolf management, were required to comply with all provisions of this bill, then significant resources would have to be diverted from other programs in order to comply with these requirements.

The bill requires the DGF to euthanize a captured wolf for which there is no DNA on file. This will violate both the federal Endangered Species Act and the state Wildlife Conservation Act. It also appears that compliance with the provisions of this bill would violate the obligations of the DGF under the current reintroduction memorandum of understanding.

ADMINISTRATIVE IMPLICATIONS

The DGF will become responsible for administering a process to retain and track DNA samples for all Mexican wolves, along with unique identification numbers assigned to each sample. Additionally, DGF administrators will take on the added responsibility of ensuring that all personnel are in compliance with all provisions of this bill relating to Mexican gray wolves and their movements.

TECHNICAL ISSUES

The DGF provided the following:

The bill imposes liability if a wolf “threatens” however there is no definition of what constitutes a threat.

Beginning on page 4, those provisions under section B that refer to “persons charged under this statute with the duty to supervise, monitor and control any wolf” do not specify the extent of liability. In the case of DGF personnel it is unclear if the liability would apply only to the individual employee, or through the chain of command to the Director and the State Game Commission.

On page 6, sections B(7), B(8), and B(9) authorize taking of wolves in a manner that could be in conflict with federal law (ESA and the Mexican gray wolf experimental population rule) and the New Mexico Wildlife Conservation Act (17-2-37 through 17-2-46 NMSA 1978).

Beginning on page 11, section B(20)(f) would authorize taking of wolves in a manner that would be in conflict with federal law (ESA and the Mexican gray wolf experimental population rule) and with the New Mexico Wildlife Conservation Act (17-2-37 through

17-2-46 NMSA 1978).

On page 3, line 25 and page 4, lines 1-2, refer to the “knowing, premeditated and intentional unconstrained release of any inherently dangerous carnivorous predator” could be interpreted as applying to other wildlife such as black bears and mountain lions. The DGF utilizes black bear and mountain lion relocation as one available tool to resolve wildlife-human conflicts. Without defining an “inherently dangerous carnivorous predator”, if enacted this bill could impact the DGF use of its available tools for alleviating human-wildlife conflicts.

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