



Chairman, Conservation Affairs Committee
New Mexico Chapter of the Wildlife Society
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Chairman Paul Kienzle III, New Mexico Game Commission
New Mexico Department of Game and Fish
P.O. Box 25112
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We respectfully submit our comments concerning proposed changes to the Bear and Cougar Rule as stated on the New Mexico Department of Game and Fish (Department) website dated August 4, 2015. <http://www.wildlife.state.nm.us/commission/proposals-under-consideration/>

We understand that the proposal will be discussed at the Commission meeting August 27 at 8:30 PM at the Santa Fe Community College Jemez Rooms, located at 6401 Richards Avenue, Santa Fe, New Mexico. We will primarily provide our comments concerning the Bear Rule with only a few comments concerning the Cougar Rule.

Background – We were asked to provide our review of the proposed changes by the Department and met with Department personnel June 29. After the meeting, the Department revised their proposal and posted a final version on line August 4. We reviewed the information that was provided. Our Conservation Affairs Committee (CAC) is composed of seven professional members and addresses wildlife issues in New Mexico. The CAC represents the New Mexico Chapter which has over 150 members. www.drupal.wildlife.org/nm/. This committee also contributes to a national conservation network throughout North America. The Wildlife Society's mission is to represent and serve the professional community of scientists, managers, educators, technicians, planners, and others who work actively to study, manage, and conserve wildlife and its habitats worldwide.

Bear Rule - Summary of proposed Rule changes – Rule changes are considered every four years and is open in 2015.

Changes being considered for Bear Management are –

- Increase and decrease in harvest limits in specific Bear Management Zones (BMZ)
- Move Game Management Unit (GMU) 48 from BMZ 3 to BMZ 4
- Add GMUs 39 and 40 to BMZ 6

- Modifications to season structure and restricting proportions of total harvest limits to specific hunt timeframes

The Wildlife Society supports science-based management decisions using the most current technologies. We appreciate and thank the Department for their use of updated habitat models, and bear census techniques such as DNA hair analysis, camera traps, trap and recapture studies, GPS movement studies, historic bear census, bear kill locations and harvest data. The application of site specific regulations, such as stopping harvest when an area has reached it's limit, is an excellent management tool.

Concerning bear management, our primary suggestion is to use the most up-to-date technologies and scientific studies to formulate management. We assume that this is the case for these proposed changes. If the most current studies are not used, then we suggest changes be postponed. In addition, since habitat and bear populations change over time, monitoring and data analysis should continue, along with adjustments in bear management. Any change in regulations should be accompanied by studies to assess their effectiveness.

From our discussion during the meeting on June 29, the Department goals for bear management are to ensure that bears persist in New Mexico and to provide bear hunting. Very little information has been provided that ensures the survival of bears. At the meeting it was stated that the Department is taking a more conservative approach to harvest limits than other nearby states. Apparently New Mexico is allowing only 10% take of the population whereas other state allow 14%. We appreciate the state taking a conservative approach, but we recommend that a model be developed for New Mexico bears and analysis confirm that bears will survive using New Mexico data. For example, does a 10% take result in a stable population? Should the goal be a stable population, a declining population, or an increasing population? Has there been a determination of a minimum viable bear population for New Mexico? We recommend that measures be included that will ensure that the bear population and individual bears are healthy and contribute to a healthy ecosystem.

Specific comments follow.

Concerning bear census, have all the newly identified bear habitat areas been censused? It would seem prudent to know the resident population before recommending harvest. Updated density estimates are not available for all of the major areas/mountain regions that contain primary bear habitat. The Department indicated at our meeting they are not extrapolating the updated density values beyond the areas for which they were developed in Matt Gould's study (Gould et. al 2015). However, the updates of values in BMZ's 1, 6, 7, 9 and 10 that are proposed seem to fall outside the areas sampled. On page 93 of Costello et al. 2001, it states "Direct extrapolation of these density values to all areas of bear habitat would not be realistic." We encourage the Department to pursue updated density estimates for the remaining unsurveyed areas - e.g. Bootheel (BMZ 10), Gila Complex (BMZ 10), Zuni Mountains (BMZ 9), Mt. Taylor (BMZ 9), San Juan Complex (BMZ 1), eastern portion of Sangre de Cristo Complex (BMZ 7).

We suggest the Department consider different minimum suitable areas for bears in different parts of the state to account for the variation in bear density. Based on Costello et al. (2001), the 300 km² area needed to support 50 bears from the original habitat model was based on the higher density from their northern study area; it didn't account for the fact that densities were lower in the Gila and are likely to be

different in different mountain ranges/major patches of suitable bear habitat. Matt Gould's study (2015) further confirms that there is variation in bear densities across the state- with densities in the southern part of the state appearing to be lower than those in up north.

We fully support the work that Matt Gould et. al (2015) accomplished and the Department's interest in acquiring updated density estimates. However, the success rate for identifying individuals was pretty low and thus capture/recapture rates were fairly low - potentially leading to slightly higher density estimates and certainly leading to decently wide confidence intervals. Given this (and only if Matt Gould and his committee agree that it is appropriate) we encourage the Department to consider a conservative application of the new density estimates. Since the 95% confidence intervals for all of Matt Gould's study sites (2015) either overlap - or nearly overlap for the northern Sangre de Cristo Mountains - the density values previously used for these mountain ranges (Costello et al. 2001) could be used OR use the lower end of the range of values associated with the confidence intervals (e.g., 17.5 for northern Sangre de Cristo Mountains; 13.0 for the southern Sangre de Cristo Mountains, etc). We have faith in Matt Gould and his committee's call on this – if they feel that using the mean density values is appropriate then that's fine.

We appreciate the map in the summary of a recent study (Gould et. al 2015). We assume the entire area was surveyed that was encompassed by each of the colored polygons.

It would be helpful to include a map in one of the write-ups or the proposed rule change document that shows how the BMZ's overlap the primary habitat/areas surveyed (Gould et. al 2015) and highlighting which BMZ values are being updated.

19.31.11.10 section A of the proposed changes – Does this mean that any known mortalities through motor vehicle collisions with bear or cougar; depredation related take; and take of cougar in bighorn sheep ranges are not included in the mortality count for a given BMZ/CMZ?

Section B – the last sentence for cougars is confusing- it makes it sound like you could potentially request authorization for additional cougars above the 4 that are possible (2 initially and 2 more pending authorization for an appropriate CMZ).

Section F – it is unclear as written whether all hunting of bear and cougar is not permitted during September bow hunts OR if just use of hounds for such hunts is not permitted.

Section O should probably be revised to indicate that there are times when it is lawful to hunt bears in Sugarite Canyon State Park (see section B in 19.31.11.11).

Cougar Rule – summary of proposed changes –
Changes that are being considered are:

- Allow use of traps and snares to harvest cougars
- Prohibit the use of hounds during deer and elk archery seasons
- Move GMU 18 from Cougar Management Zone I to CMZ H
- Allow licensed deer and elk hunters on specific State Wildlife Management Areas who possess a cougar license to hunt cougars with the same weapon type as their license during the period of their hunt

Section P - The proposed changes states that -

"....may use traps and/or foot snares to harvest cougars on State Trust Land, or private deeded land with written permission from the landowner". However, the statement in Section Q suggests that traps and/or foot snares are legal for only State Trust Land. Also, is "private deeded land" the same as "private land"?

We are concerned that other animals besides cougar could be trapped (called bycatch or incidental take). Perhaps the Rule can contain language that would address newly identified sensitive species ranges where trapping would be modified or removed. We are especially concerned that the Mexican wolf may be taken in their range. An investigation by the U.S. Geological Survey in 2011 provided some insights into trapping (U.S. Geological Survey 2011). The researchers concluded that rubber-padded foothold traps and properly set snares should allow the release of caught wolves. The abstract for that article can be found at the end of this letter.

The Wildlife Society has a standing position policy for **Traps, Trapping and Furbearer Management**. The introduction states:

"Internationally accepted principles of natural resources conservation stipulate that resource management activities must maintain essential ecological processes, preserve genetic diversity, and ensure continued existence of species and ecosystems. Government regulated trapping in North America is consistent with all three criteria and is a versatile, safe, effective, and ecologically sound method of harvesting and managing furbearers."

The policy contains eleven statements concerning trapping. The policy in full is at the end of this letter and can be obtained at -

http://wildlife.org/wp-content/uploads/2015/04/SP_TrapsTrappingandFurbearerManagement1.pdf

We appreciate the Department asking for our input into bear and cougar management in New Mexico. The request demonstrates the Department's desire for quality management of wildlife in the state. Let us know if we can assist you further.

Respectfully,

Brian Hanson, Chairman

Conservation Affairs Committee, New Mexico Chapter of the Wildlife Society

References

Gould, M.J., J. W. Cain III, G. W. Roemer, W. R. Gould, and S. G. Liley. 2015. Estimating density of American black bears (*Ursus americanus*) in New Mexico using noninvasive genetic sampling-based capture-recapture methods. Study submitted to the New Mexico Department of Game and Fish, Santa Fe.

Costello, C. M., D. E. Jones, K. A. Green Hammond, R. M. Inman, K. H. Inman, B. C. Thompson, R. A. Deitner, and H. B. Quigley. 2001. A study of black bear ecology in New Mexico with models for population dynamics and habitat suitability. New Mexico Department of Game and Fish, Santa Fe.

Turnbull, T, J.W. Cain III, and G.W. Roemer. Evaluating trapping techniques to reduce potential for injury to Mexican Wolves. U.S. Geological Survey Open-file Report 2011-1190, 11 p. Funded by New Mexico Department of Game and Fish.

Abstract for “Evaluating Trapping Techniques to Reduce Potential for Injury to Mexican Wolves”

Increased scrutiny of furbearer trapping has resulted in more regulation and even prohibition of common trapping methods in some States. Concerns regarding the potential negative impacts of regulated furbearer trapping on reintroduced Mexican gray wolves (*Canis lupus baileyi*) led now former Governor Bill Richardson to issue an executive order prohibiting trapping in the New Mexico portion of the Blue Range Wolf Recovery Area (BRWRA). This ban was to last for at least 6 months and required an evaluation of the risk posed to wolves by traps and snares legally permitted in New Mexico. We reviewed various threats to wolves in the BRWRA, including threats posed by regulated furbearer trapping. Seventy-eight Mexican wolf mortalities were documented during the reintroduction effort (1998-2010). More than 80 percent of documented mortalities were human-caused: illegal shooting (47.4 percent), vehicle collisions (15.4 percent), lethal removal by the U.S. Fish and Wildlife Service (USFWS) (14.1 percent), nonproject-related trapping (2.6 percent), project-related trapping (1.3 percent), and legal shooting by the public (1.3 percent). The remaining 17.9 percent of mortalities were a result of natural causes. An additional 23 wolves were permanently removed from the wild by USFWS. Of 13 trapping incidents in New Mexico that involved trappers other than USFWS project personnel, 7 incidents resulted in injuries to wolves, 2 wolves sustained injuries severe enough to result in leg amputations, and 2 wolves died as a result of injuries sustained. Rubber-padded foothold traps and properly set snares would most likely reduce trap-related injuries to Mexican wolves; however, impacts caused by trapping are outnumbered by other, human-caused impacts.”

Standing Position Statement The Wildlife Society

Traps, Trapping, and Furbearer Management

Internationally accepted principles of natural resources conservation stipulate that resource management activities must maintain essential ecological processes, preserve genetic diversity, and ensure continued existence of species and ecosystems. Government regulated trapping in North America is consistent with all three criteria and is a versatile, safe, effective, and ecologically sound method of harvesting and managing furbearers.

Trapping is part of our cultural heritage that provides income, recreation, and an outdoor lifestyle for many citizens through use of a renewable natural resource. Both trapping and hunting provide opportunities for fostering stewardship values and connecting to the out-of-doors. Trapping is often vital to the subsistence or self sufficiency of peoples in remote regions who have few other economic alternatives. It is also a primary tool of most wildlife damage management programs and an important technique in wildlife research. Regulated trapping is an important way for biologists to collect information about wildlife, including information about wildlife diseases such as rabies that can also affect people. Threatened and endangered species also benefit from regulated trapping. For example, foxes, coyotes, and nutria are trapped in certain locations in order to protect sea turtles, black-footed ferrets, whooping cranes and other rare species from predation or damage to their habitats.

Despite the values of trapping, portions of the public oppose it, or at least perceive problems with some aspects of it. Some object only to certain trapping methods, particularly foothold traps on land, but others have moral objections to killing animals. Much opposition to trapping is associated with urban-oriented cultures, particularly those dominated by tertiary (service-oriented) employment. Those who approve of, practice, or benefit from trapping are primarily from rural cultures or areas where primary (land-based) employment predominates. This dichotomy of lifestyles and values, combined with a general lack of objective information about trapping, creates barriers to understanding and resolving controversial issues associated with trapping.

The policy of The Wildlife Society in regard to trapping is to:

1. Support the use of regulated trapping for sustained harvest of some species of furbearers as an effective method of managing or studying furbearers.
2. Recognize the economic and recreational benefits of trapping.
3. Recognize that regulated trapping is an important component of the lifestyle of many people, including subsistence users and others, who desire to live close to the land, derive as much of their sustenance from the land as possible, and take personal responsibility for their uses of animals.
4. Recognize that regulated trapping is a safe, efficient, and practical means of capturing individual animals without impairing the survival of furbearer populations or damaging the environment.
5. Recognize that animals can be injured by some traps and trapping systems and that ethical trapping requires using traps that kill animals quickly or capture and restrain animals in systems that reduce or eliminate injuries. This can be accomplished through: (a) regulatory and educational programs, (b) research that evaluates and improves trap performance, and (c) implementing acceptable and effective improvements in trapping technology, further reducing injury to captured animals while maintaining acceptable trapping efficiency and safety to users.
6. Promote development of improved traps, trapping systems, and additional methods of taking furbearing animals. Support the development of Best Management Practices (BMPs) for trapping in the United States, under the auspices of the Association of Fish and Wildlife Agencies, and encourage state wildlife agencies to promote the use of BMPs in state furbearer management and trapper outreach programs. Support the sustainable use of furbearer resources in carefully regulated management programs.
7. Promote trapper education programs that cover appropriate trapping techniques, proper fur handling, and furbearer management.
8. Recognize that significant opposition to trapping exists, in North America and abroad. Advocate research on furbearers, trappers, trapping methods, and attitudes of publics toward trapping to advance understanding and facilitate resolution of controversial issues and problems associated with furbearer management.
9. Promote programs that inform the public, including trappers, about values and benefits of properly regulated, sustained use of renewable natural resources, including furbearers.
10. Encourage appropriate government regulation of trapping and rigorous enforcement of trapping laws by responsible agencies to assure that optimum furbearer populations are perpetuated and that trapping and furbearer management programs are compatible with or enhance the management of other species, including threatened and endangered wildlife.
11. Encourage international efforts, especially beyond North America, to improve the conservation and management of furbearer species, including the use and adoption of BMPs for capturing wildlife, and the training of trappers and professional biologists on state of the art developments in furbearer management.