

November 7, 2019

Joanna Prukop, Chair
Roberta Salazar-Henry, Vice-Chair
Jimmy Bates, Commissioner
Gail Cramer, Commissioner
Tirzio Lopez, Commissioner
David Soules, Commissioner
Jeremy Vesbach, Commissioner
New Mexico State Game Commission

Michael Sloane, Director
New Mexico Department of Game and Fish

Victor Reyes, Legislative Director for Governor Lujan Grisham
Office of the Governor

via Electronic Mail

Dear Director Sloane, Chair Prukop, members of the New Mexico Game Commission, and Mr. Reyes,

On behalf of TrapFree New Mexico, a coalition of non-profit conservation and animal protection organizations that have been working to reform trapping and furbearer species policy in New Mexico for 11 years, and each organization's members and supporters in New Mexico, we respectfully submit these comments on the New Mexico Department of Game and Fish's (NMDGF) most recent set of proposed changes to the Trapping and Furbearer Rule, dated August 29, 2019 ("Proposal").

Overall, the Proposal represents an inadequate effort to protect native wildlife, public lands, and companion animals, and one which various members of NMDGF and the Commission have stated publicly is intended to "preserve the future of trapping" despite opposition from the majority of New Mexicans. A ban on commercial, recreational, and unrestricted private depredation trapping across all of New Mexico's public lands is the most effective way to align wildlife policy with the will of our state's citizens, the best available science, and a 21st century ethic of coexistence, whether through administrative rulemaking or legislation.

Animal Cruelty

The American Veterinary Medical Association and the American Animal Hospital Association oppose routine trapping primarily because of the injuries, trauma, and suffering inflicted upon trapped animals.¹ Eight states have prohibitions on leghold traps, 14 have prohibitions on Conibear body-gripping traps, and 21 have prohibitions on snares. New Mexico's neighboring state of Arizona prohibits all of these devices on public land,² and northern neighbor Colorado prohibits them statewide.³

¹ American Veterinary Medical Association, 2017. Trapping and Steel-jawed Leghold Traps. <https://www.avma.org/KB/Policies/Pages/Trapping-and-Steel-jawed-Leghold-Traps.aspx>; American Animal Hospital Association, 2014. AAHA position statements and endorsements, leghold traps. <https://www.aaha.org/about-aaha/aaha-position-statements/leghold-traps/>

² Arizona Game and Fish. (2019). Arizona game and fish commission rules. www.azgfd.gov/

Despite numerous modifications, most traps can cause serious injury and suffering, including broken legs, dislocated shoulders, lacerations, torn muscles, cuts to mouths and gums, broken teeth, fractures, amputation of digits, and death.⁴ An animal trapped on land may suffer from psychological stress and/or pain, starvation, dehydration, predation, or exposure to severe weather.⁵ If captured in aquatic traps, animals adapted to swimming and diving for long periods such as beavers and river otters can slowly suffer from hypoxia even if they struggle before drowning.

Conibear traps, intended to kill animals instantly by snapping the spinal column at the base of the neck, often mis-strike, and injured animals frequently escape from them. Studies show that Conibear traps generally kill less than 15 percent of trapped animals instantly and more than 40 percent usually die slow, painful deaths as unintended body parts such as abdomens, heads or limbs are smashed and crushed between the trap bars.⁶

The nature of animal suffering caused by traps differs from traditional hunting practices, in which a hunter is present to identify his or her target (and can discriminate between the target and non-targets) and uses skill to take precise aim at the animal in order to minimize suffering.

The Department of Game and Fish is citing trapping "Best Management Practices" (BMPs) in its presentations about trapping. These recommendations are not based on unbiased science, but instead based on voluntary reports and anecdotes from trappers and trapping advocates alone. The parameters used to judge animal suffering are arbitrary, and BMPs continue to allow terrible suffering as acceptable. BMPs were developed in response to the threat from the European Union to prohibit the importation of pelts from trapped animals because of significant concerns about animal welfare. But the very devices that the EU sought to prohibit were then conveniently found by those involved in the research to be acceptable after all. The BMP program has been criticized by independent scientists, wildlife professionals, and animal advocacy organizations as unscientific, self-serving, non-transparent, and designed to simply make trapping palatable to the broader public.⁷

Upon discovery by a trapper, wildlife can be killed in horrific manners in part to preserve fur and pelt intactness. Commonly used methods include strangling, drowning, bludgeoning and chest stomping.

While lamination, offsets, swivels, and anchors may offer incremental improvements, these and other changes in the Proposal ultimately will not sufficiently change the likelihood of suffering in leghold traps, nor can the Proposal adequately ensure that Conibear traps actually instantly kill animals. The Proposal also continues to allow trappers to kill trapped animals in unimaginably cruel ways.

Public Safety on Public Lands

³ Colorado Parks and Wildlife. (n.d.). Furbearers and small game, except migratory birds; Article I – General provisions. www.cpw.state.co.us/Documents/RulesRegs/

⁴ Phillips, R. L., et al. 1990. Leg injuries to coyotes in three types of foothold traps. *Wildlife Society Bulletin* 18: 166-175.

⁵ Iossa, G., C. D. Soulsbury, and S. Harris. 2007. Mammal trapping: a review of animal welfare standards of killing and restraining traps. *Animal Welfare* 16: 335-352

⁶ H. C. Lunn. "The Conibear Trap—Recommendations for its Improvement," Humane Trap Development Committee of Canada, Canadian Federation of Humane Societies. 1973.

⁷ Fox, Camilla, 2009. Trapped in Debate. Animal Welfare Institute quarterly letter <https://awionline.org/awi-quarterly/2009-summer/trapped-debate>; Harrop, S.R. 2000. The trapping of wild mammals and attempts to legislate for animal suffering in international standards. *Journal of Environmental Law*, 12:333-360

Only ~175,000 acres, or 0.5 percent of public lands in New Mexico, would be affected by the four closures proposed. That is a miniscule amount of the total land on which New Mexicans hike, bike, fish, hunt, camp, and watch wildlife. Department staff say that these are “high recreation use areas,” but have provided no data to differentiate these areas from the countless other public lands across the state that New Mexicans use. Moreover, there is no data to suggest that these areas are actually more prone to negative trapping incidents than others.

While the Proposal’s closures may assuage the concerns of *some* urban New Mexicans that don’t venture far from home, they leave countless others vulnerable to encounters. Many New Mexicans and tourists alike enjoy utilizing public lands outside of the closure areas.

New Mexico’s growing outdoor recreation economy—reliant on our amazing public lands—is among our state’s greatest sustainable economic drivers and a priority of Governor Michelle Lujan Grisham. The creation of the Division of Outdoor Recreation is a step towards maximizing and promoting that financial resource. Our antiquated trapping rules are a threat to that economy. Maimed and killed companion animals and gruesome encounters with trapped, suffering wildlife are a blight on our reputation as a destination for outdoor recreation.

The increased setback around trailheads is welcome, but the omission of trails themselves is unconscionable. Department staff say that “trapper behavior” indicates that trappers won’t utilize trails because of the increased setback. Again, no data is provided to support this claim. If this claim is true, there is absolutely no reason that trails should not be closed entirely. At the same time, numerous incidents in past years where the public has found wildlife languishing in traps or experienced their dog caught in a trap have happened down-trail, miles beyond the trailhead.

If, as implied by closure areas and trailhead setbacks, traps represent a danger and a threat on New Mexico’s public lands, the real solution is a closure of all public lands. Closing some areas while leaving others unprotected is an inconsistency that favors some New Mexicans and leaves others exposed to the dangers and trauma imposed by traps.

Traps are Indiscriminate

Traps are indiscriminate. This fact has been born out across the world, the country, and in New Mexico. Approximately 40 endangered Mexican gray wolves have been caught by non-government traps since 1998. Non-target animals including ravens, black bears, ungulates, javelinas, cougars (including spotted kittens), ground dwelling birds, protected squirrels and of course domestic dogs have been caught—sometimes injured, and sometimes killed—in New Mexico. Clarifying in the Proposal that it is unlawful to take certain species does not actually represent a change in outcome in the field.

Both leghold traps and Conibear traps have a high potential for capturing and/or killing non-target animals. Field studies of the Conibear 120 Magnum (used to trap small animals such as minks and pine martens) have shown that non-targeted species constitute more than 73 percent of all captures. Other information shows that between 2 and 10 non-targeted animals are trapped for every target animal captured. Still other studies found that non-targeted animals constitute between 56 percent and 76 percent of leghold trap captures.⁸

⁸ G. Proulx and M. W. Barrett. “Field Testing the C120 Magnum for Mink” Wildlife Society Bulletin 21 (1993): 421–426.

The only way to ensure that non-target animals—including endangered, threatened, non-game, and domestic animals—are not caught in traps is to eliminate traps from the landscape except when used or overseen by scientific professionals.

Decimation of Native Wildlife for Commercial and Private Profit

The NMDGF supports the continuation of trapping native species without sufficient population data on furbearer species. Instead, NMDGF relies on faulty methods to gauge population health. In their presentations about population health, Department staff has insinuated that high bobcat mortalities implies a healthy population, but an increase in swift fox mortalities would be cause for concern—this is a baffling inconsistency. “Catch per unit effort” is cited by the Department as being acceptable for bobcats, but this data is only gathered from successful bobcat trappers which creates an inherent bias that compromises this assertion—there is no accounting for the number of unsuccessful trappers that never report this data. As a result, the primary pillar on which the Department bases its knowledge—and the subsequent broad lack of bag limits and annual kill limits—is the opinion of trappers. The NMDGF is catering to trappers’ wishes by relying on those same trappers to inform its understanding of how native species populations are faring.

Without any actual, scientific studies on furbearer populations, we cannot know that trapping is not or will not harm these populations. We are living through the sixth mass extinction event in Earth's history. In New Mexico’s fragile ecosystems, drought and other climate change implications will possibly make native species’ existences that much more difficult. Biodiversity (both within populations and among different species) is key to the resilience of our ecosystems. There is no publicly available data to suggest that trapping is not harming that biodiversity and resilience.

Moreover, the persecution of native carnivores can have negative consequences for the biome. A study in the Henry Mountains of Utah found that jackrabbits were the main source of competition with cattle for fodder. Intensive culling of coyotes, the main predator of jackrabbits, to supposedly benefit cattle has implication for the vegetative community that underpins ecosystem health and productivity.⁹

The North American Model of Conservation, which is often cited by wildlife managers and policymakers, expressly seeks to eliminate markets for wildlife.¹⁰ Yet the purpose of commercial trapping is for private trappers to profit from the sale of trapped animal pelts. Another tenet declares that science is the proper tool for the discharge of wildlife policy, yet scientific data about the population densities, trends and effects of trapping are largely lacking when it comes to the species in New Mexico exploited for their fur. In short, commercial and recreational trapping is inherently at odds with the North American Model.

The Department should have thorough, scientific, peer-reviewed studies on all native furbearer species populations if it is going to allow harvest of those species. Until that precautionary principle is satisfied, commercial and recreational trapping should cease.

Furbearer “Management”

Trapping has been touted by Department staff as a “legitimate” and “valuable” wildlife management tool. However, the type and scope of trapping has not been specified nor are the reasons stated for its necessity.

⁹ Ranglack, Dustin H, et al. [J Appl Ecol](https://doi.org/10.1111/1365-2664.12386). 2015 Apr; 52(2): 467–474. Published online 2015 Jan 26. doi: [10.1111/1365-2664.12386](https://doi.org/10.1111/1365-2664.12386)

¹⁰ https://en.wikipedia.org/wiki/North_American_Model_of_Wildlife_Conservation

There are no management plans for any trapped species, no stated goals, and no monitoring whether goals are being met, particularly for trapping by private individuals. New Mexico does not know the locations nor the number of traps set each year. Recreational and commercial trapping meets no known definition of the term "management" at all. Moreover, the majority of species trapped in New Mexico are self-regulating—populations are kept balanced by biological carrying capacity, social structures, and the establishment and defense of territories.

Trapping has not been shown to effectively protect against or mitigate livestock depredation concerns and in fact can exacerbate depredation risk when the rigid social structure of canid packs is disrupted by trapping.¹¹ Arizona and Colorado have both *heavily* restricted trapping and livestock depredation is not shown to have increased.¹²

Despite allusions to disease control by NMDGF staff during a presentation on the Proposal, a study on the Department's own website states that "[t]he influence of trapping on the occurrence and spread of wildlife diseases has not been established definitively."¹³ According to the Centers for Disease Control, the National Academy of Sciences and the World Health Organization, as well as numerous other scientific, public health and veterinary organizations, there is no scientific evidence that trapping controls the spread of disease such as rabies.¹⁴

Because of social disruption, trapping can actually exacerbate disease outbreak as territories go up for grabs and the potential for physical contact caused by disputes between animals increases. The rabies outbreak in gray foxes in southwest New Mexico in 2008 followed an extremely high level of take by trappers. Over 1300 gray foxes were trapped and killed in Grant County alone in the 2007-2008 trapping season. It would appear that trapping not only didn't prevent the outbreak, but it may have instigated and worsened it. Uncoordinated, unplanned, and sporadic recreational and commercial trapping cannot be said to have value in mitigating wildlife diseases like rabies.

Furthermore, trappers do not prize animals culled naturally—typically the ill, aged, infirm, and very young—which can keep wildlife populations healthy. Instead, trappers work against natural selection by removing the healthiest animals with the best fur and discarding the unhealthy ones as by-catch.

Commercial and recreational trapping is not guided by science or driven by a goal. It doesn't follow a plan, and is not specific to any species or geographical region. Therefore, it cannot be characterized in the least as a legitimate wildlife management tool.

¹¹ Comelio, Randy. Spring 2018. Using Coyotes to Protect Livestock. Wait. What?

[Oregon Small Farm News: Vol. XIII No. 2](#)

¹² [https://wildearthguardians.org/historical-archive/livestock-losses/;](https://wildearthguardians.org/historical-archive/livestock-losses/)

https://www.aphis.usda.gov/animal_health/nahms/general/downloads/cattle_calves_deathloss_2015.pdf

¹³ <http://www.wildlife.state.nm.us/download/hunting/species/furbearers/Trapping-and-Furbearer-Management-in-North-American-Wildlife-Conservation.pdf>

¹⁴ "Control of Rabies," National Research Council, Subcommittee on Rabies, National Academy of Sciences, Washington, D.C., 1973. Choisy M. and P. Rohani. 2006. Harvesting can increase severity of wildlife disease epidemics. *Proc.R.Soc.B* 273: 2025-2034 "Controlling Wildlife Rabies through Population Reduction: An Ineffective Method," *The Rabies Monitor*, Vol. 4, No.1, Spring 1996.

Conclusion

We see no evidence that commercial and recreational trapping provides any benefit to wildlife. It is prohibited in many areas of New Mexico such as national parks and some monuments, the Valles Caldera and even Game Commission owned lands already without negative consequences. For this reason—and given concerns about animal suffering, public safety, and wildlife exploitation—we find it unacceptable anywhere in our state. But it is especially egregious when it occurs on public lands because of the conflict it creates with public use and values. For these reasons, we find the Proposal to be inadequate, and at a minimum urge that the use of traps and snares for private, commercial, or unrestricted depredation purposes be restricted to private lands only.

Thank you for your time and consideration.

Respectfully,

Mary Katherine Ray
Wildlife Chair
Sierra Club Rio Grande Chapter
Magdalena

Tre Graves
Field Representative
Endangered Species Coalition
Albuquerque

Chris Smith
Southern Rockies Wildlife Advocate
WildEarth Guardians
Santa Fe

Elisabeth Dicharry
Director
Wildlife Conservation Advocacy Southwest
Los Lunas

Jessica Johnson
Chief Legislative Officer
Animal Protection of New Mexico
Animal Protection Voters
Santa Fe

Kevin Bixby
Executive Director
Southwest Environmental Center
Las Cruces

Michael Robinson
Senior Conservation Advocate
Center for Biological Diversity
Pinos Altos

David R. Parsons, MS
Science Advisory Board
Project Coyote
Albuquerque

Joe Zupan
Executive Director
Amigos Bravos
Taos