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THERESA ESTRADA
PROBATE JUDGE

STATE OF NEW MEXICO

CATRON COUNTY

RESERVE, NEW MEXICO 87830

LOYD ALLEN LAMBERT
COMMISSIONER, DISTRICT NO. 1

ED. WEHRHEIM
COMMISSIONER, DISTRICT NO. 2

HUGH B. MCKEEN
COMMISSIONER, DISTRICT NO. 3

ORDINANCE NO. 001-2007

COMMISSION OFFICE
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BILL AYMAR
COUNTY MANAGER

AN ORDINANCE SETTING FORTH WOLF-HUMAN INCIDENT EMERGENCY PROTECTIVE MEASURES

WHEREAS, on February 15, 2006, the Catron County Commission passed *Resolution No. 33-2006, Declaration of Catron County State of Economic and Agricultural Emergency*; and,

WHEREAS, on January 24, 2007, the Catron County Commission passed *Resolution 036-2007, Emergency Wolf-human Incident Protective Measures*; and,

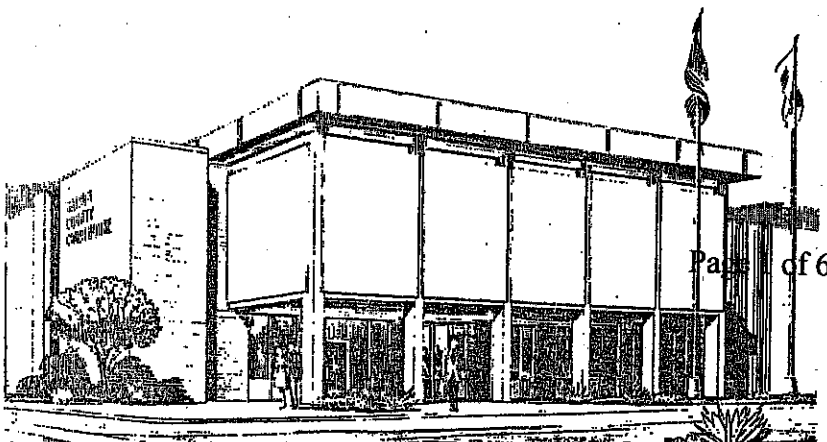
WHEREAS, NMSA 1978, § 4-37-1 provides the power to the county to make and publish ordinances to provide for the health and safety of its inhabitants; and,

WHEREAS, NMSA 1978, § 4-37-2 provides that county ordinances are effective within the boundaries of the county, including privately owned land or land owned by the United States; and,

WHEREAS, the Catron County Commission finds and determines that the re-introduction and existence of the Mexican Gray Wolf within the boundaries of Catron County, New Mexico, is injurious, detrimental and damaging to the County and its inhabitants; and, human interactions with habituated wolves have increased within the last twelve months; and, the reasonable man would view this as an imminent threat to human safety and welfare.

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF CATRON COUNTY, NEW MEXICO:

SECTION 1. Procedures are hereby established for immediate removal of habituated wolves that have caused or have a high probability of causing physical and/or psychological damage to children or other defenseless persons; and, additional procedures are hereby established for the permanent removal of wolves that are habituated wolves, whether or not they have threatened persons.



SECTION 2. The Catron County Wolf Interaction Investigator (hereinafter referred to as "CWII") shall assume the following actions in response to incidents involving habituated wolves in proximity to humans or human use areas.

- 2.1 Notify and document the notification to US Wildlife Services and Catron County Sheriff's Office to respond to incident.
- 2.2 Confirm presence of wolf.
- 2.3 Identify and document wolf.
- 2.4 Make an initial observation for obvious physical and/or psychological effects on humans.
- 2.5 If a wolf or wolves are still present, the CWII will respond by using following stalking, threatening, attacking or assaulting behavior interruption methods:
 - a. Hazing/Harassing
 - b. Guarding
 - c. Trapping

SECTION 3. If evidence of physical effects on a human is visible, the CWII shall:

- 3.1 Identify physical effects to determine if there are injuries or harm.
- 3.2 Provide comfort and apply first aid.
- 3.3 Contact EMS and County Sheriff to treat and investigate as necessary;
- 3.4 Inspect and document physical effects.
- 3.5 Photograph all scenes where physical effects occurred.
- 3.6 Measure canine spread in millimeters.
- 3.7 Take DNA samples.
- 3.8 Retain clothing for DNA testing and further investigation.
- 3.9 Document physical effects and harm, after conferring with EMS and/or medical doctor.

SECTION 4. If evidence of psychological effects on a human is present, the CWII shall:

- 4.1 Provide comfort and aid.
- 4.2 Utilize *Catron County Wolf-Human Interactions Complaint Form* to document the incident.
- 4.3 Submit Complaint Form document to mental health professionals for evaluation.
- 4.4 If the mental health professional confirms and documents that there are psychological effects, CWII shall immediately notify Catron County Commission.

SECTION 5. If evidence of physical and/or psychological effects is/are present on a human as documented by medical and/or mental health professionals, the CWII shall:

- 5.1 Notify the Catron County Commission.
- 5.2 After notification by the CWII and a vote of approval by the Catron County Commission, the Commission shall issue a Dispatch Order and demand the immediate removal of the identified wolf from the Mexican Gray Wolf Recovery Program. The demand notice to US Wildlife Service, US Fish and Wildlife Service, New Mexico Department of Game and Fish, and Mexican Wolf Adaptive Management Oversight Committee (AMOC) of the identified wolf shall be via

phone or email, to be followed up by registered US Postal Service mail with return receipt requested.

- 5.3. If the identified wolf is not removed within 24 hours, the Catron County Commission shall direct the CWII to remove the animal immediately through the Dispatch Order. The Dispatch Order shall permit the CWII to pursue the wolf until it is permanently removed from Catron County. Permission to enter private property shall be obtained from the property owner.

SECTION 6. If evidence of physical effects on a human is not visible, the CWII shall:

- 6.1 Upon completion of the investigation, notify the Catron County Commission of the wolf-human incident.
- 6.2 Upon CWII notification, Catron County Commission shall demand the immediate removal of the wolf identified as habituated from the Mexican Gray Wolf Recovery Program. The demand for removal to US Wildlife Service, US Fish and Wildlife Service, New Mexico Department of Game and Fish, and Mexican Wolf Adaptive Management Oversight Committee (AMOC) shall be via phone or email, to be followed up by registered US Postal Service mail with return receipt requested.
- 6.3 After three such incidents and separate notification regarding the same habituated wolf, and if the above agencies have not acted within 24 hours of the third notification to remove the wolf from the Mexican Gray Wolf Recovery Program, the Catron County Commission may issue a Dispatch Order for that wolf.

SECTION 7. Definitions

Avoidance Response: A form of escape behavior in which the subject evades an aversive event. An avoidance response can be due to anxiety or due to a frightening situation and is a commonly expected response to negative or aversive events. Related to flight zone, the area surrounding an animal which, when encroached upon, will cause alarm and escape behavior. Wild animals generally have very large flight zones.

Child: As used in the Children's Code (NMSA 1978 § 32A-1-1) "child" means a person who is less than eighteen years old.

Dispatch Order: Direction issued by the Catron County Commission for permanent removal of a wolf by lethal means within the borders of Catron County. The Dispatch Order is the means to ensure that the identified wolf is permanently removed and that the threat and/or harm is eliminated and it will not re-enter the boundaries of Catron County.

Domestic Animal (non-livestock) Attack: Engagement of a wolf in the pursuit of and/or grasping, biting, attacking, wounding, or feeding upon human-controlled animals which are alive.

Domestic animals are human-controlled, that is, normally within proximity of humans or human-use areas because they are fed, watered and otherwise cared for and their movement is

controlled by humans; these include but are not limited to household pets (dogs, cats, etc.), hunting dogs, barnyard poultry, horses and other equines, large birds such as emus and ostriches, 4-H project animals, etc.

Fearless Wolf: A bold-acting wolf which displays no fear of a human or human use areas. A wolf that will approach within a close distance of humans. See Habituated Wolf.

Food Conditioned Wolf: A wolf which associates people with the presence of food. See Food Conditioning.

Food Conditioning: A food-related experience in which a wolf associates humans with a source of food. This initially occurs when a wolf discovers a food source with human scent, sight or sound of humans. A single experience may be all that is necessary for the wolf to become conditioned to associate humans with food. Once wolves have been successful in obtaining human associated foods, absent any negative experience, they may develop new behavior patterns and may continue to seek food at human use sites.

Food conditioning can contribute to habituation or habituation can lead to food conditioning, but either may exist in the absence of the other.

Habituated Wolf: A wolf which repeatedly approaches people and or repeatedly visits human use areas in the presence of people without displaying an avoidance response. Habituated wolves stand, look at people in a fearless manner, cannot be scared off by yelling, clapping hands, waving arms, throwing objects and/or discharging a firearm.

Habituation is a decreasing response to a repeated, non-consequential stimulus; the loss of a fear response to people which arises from frequent non-consequential encounters.

Human Exposure Evaluation: A component of risk assessment which describes the nature and size of a population exposed to a substance or circumstance, and the magnitude and duration of their exposure. The evaluation may include past exposures, current exposures or anticipated future exposures.

Human Health Risk: The likelihood (or probability) that a given exposure or series of exposures may already have caused or will cause damage to the health of individuals experiencing the exposures.

Human-Wolf Interaction: See Wolf-Human Interaction.

Investigative Approaches: A rapid approach, stop and retreat without threat display made by a wolf; occurs when wolf realizes subject of investigative approach is not prey.

Livestock Attack: Engagement of a wolf in the pursuit of and/or grasping, biting, attacking, wounding, or feeding upon livestock that are alive.

Non-habituated Wolf: A wolf which is wild. Such wolves approach people, then quickly retreat once the humans have been identified.

Nuisance or Problem Wolf: A habituated or fearless wolf; also a wolf which has been confirmed as a livestock predator.

Psychological harm or damage: Mental stress, wound, injury, or trauma) which may or may not be accompanied by physical damage.

Predation: Orientation towards the prey followed by: stalking, chasing, catching, biting, shaking the prey, carrying or dragging off. May be no prior threat display or vocalization. May continue attack on targeted prey, even with interference. Children are particularly susceptible to wolf predation on humans.

Threat: Any wolf-related circumstance or event with the potential for adverse physical or psychological impact upon a human. A wolf is considered to be a threat to a human any time the wolf demonstrates menacing or fearless behavior while in close proximity to a human. A wolf is considered to be a threat to a human without demonstrating menacing or fearless behavior when that wolf is in close proximity to a child or any human who could not reasonably be expected to be able to protect him/herself.

Wild Wolf: A wolf with wild characteristics; not tame or domesticated. A wild wolf is free ranging exclusively in the wild and has an avoidance response to humans and human use areas.

Wolf-Human Interaction: Any incident in which the behavior of a wolf has a direct physical or mental effect upon a human.

SEVERABILITY

If any section, subsection, sentence, clause, phrase or portion of this ordinance or the application thereof to any person is declared invalid or unconstitutional by the decision of a court of competent jurisdiction, the remainder of this ordinance shall be severed therefrom and shall remain in full force and effect.

ENACTMENT

NMSA 1978, § 4-37-7 provides that an ordinance dealing with a declared emergency of immediate danger to the public health and safety need not comply with rules of publication and public notification. Therefore, this ordinance shall become effective immediately upon approval by the Catron County Commission.

RECORDING AND AUTHENTICATION

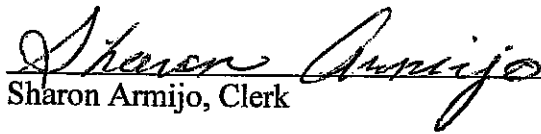
This ordinance shall be recorded in the books kept for that purpose and shall be authenticated by the signature of the County Clerk and shall take effect in accordance with the law.

Upon approval of this ordinance, *Resolution 036-2007 Emergency Wolf-human Incident Protective Measures* is no longer in force.

This Emergency Ordinance shall remain in effect until the immediate and long term threats are abated.

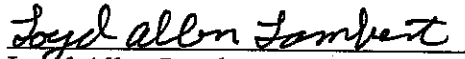
DONE, passed, approved and adopted this 7th day February, 2007

ATTEST:


Sharon Armijo, Clerk

**BOARD OF COUNTY COMMISSIONERS
CATRON COUNTY, NEW MEXICO**


Ed Wehrheim, Chairman


Loyd Allen Lambert, Member


Hugh B. McKeen, Member