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 November 3, 2017

Federal court ruling allows challenge to cougar trapping to proceed

ALBUQUERQUE, N.M.— A federal judge has rejected New Mexico’s second request to dismiss a lawsuit that asserts the state Department of Game and Fish’s 2016 decision to open a cougar trapping season on public lands—for the first time in almost 50 years—violates the Endangered Species Act.

The ruling came just one day after the start of the 2017-2018 cougar trapping season. Judge William P. Johnson issued a ruling in favor of local wildlife advocates, The Humane Society of the United States and Animal Protection of New Mexico, which filed the lawsuit in federal court in New Mexico against New Mexico State Game Commissioners and the director of the state’s Department of Game and Fish.

In his written order, Judge Johnson declared that the defendants are not absolutely immune from liability for the killing and injuring of endangered Mexican wolves caught in traps set for cougars pursuant to the state’s authorization of the new trapping season. The lawsuit will now proceed, with the Court examining whether the Cougar Rule poses an unacceptable risk to the survival of Mexican wolves.

The Commission’s 2016 Cougar Rule radically expands cougar trapping on more than nine million acres of public trust land, including key Mexican wolf habitat, as well as expanding opportunities for trapping on private land. The risk of a cougar trap injuring or killing a Mexican wolf is high due to the similarity in size and habitat preference between the species.

Jessica Johnson, chief legislative officer for APNM said: “As New Mexicans brace for this year’s five-month season when cougar traps will litter our public lands and endangered Mexican wolf habitat, today’s ruling gives us cautious hope. We are grateful to continue the fight to stop this unprecedented, unacceptable expansion of indiscriminate harm to native wildlife, endangered species, companion animals and anyone enjoying the great outdoors.”

This federal lawsuit accompanies a separate but related state court suit filed by APNM, The HSUS and several New Mexico citizens earlier this year. That suit challenges the decision to allow cougar trapping and hunting despite the NMDGF’s admitted lack of an accurate estimate of the cougar population in New Mexico, and the unacceptable risk cougar traps pose to search and rescue animals, pets and nursing cougar mothers and their kittens. A report issued by HSUS earlier this year reveals that American trophy hunters over the last three decades have shot and killed more than 78,000 cougars, and protecting this species from further persecution is essential.


Anna Frostic, senior wildlife attorney for The HSUS, said: “We are pleased that the Court rejected the State’s efforts to use state law acknowledging that Mexican wolves are endangered as a shield from liability under federal law, and we will continue to vigorously prosecute both of these cases to protect cougars and wolves.”

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If either legal challenge succeeds, it will not prevent otherwise lawful hunting of cougars, nor will it affect ranchers' or state officials' ability to kill particular cougars who are threatening or attacking farm animals.

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Animal Protection of New Mexico is the premier animal protection organization in New Mexico, advocating for animals by effecting systemic change and working towards the humane treatment of all animals since 1979. For more information on the lawsuits and APNM's ongoing fight to protect New Mexico cougars, please visit <http://www.stopcougartrapping.org>

The Humane Society of the United States:

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The Humane Society of the United States

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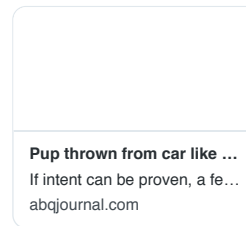
smiller@humanesociety.org

The Humane Society of the United States is the nation's largest animal protection organization, rated most effective by our peers. For 60 years, we have celebrated the protection of all animals and confronted all forms of cruelty. We are the nation's largest provider of hands-on services for animals, caring for more than 100,000 animals each year, and we prevent cruelty to millions more through our advocacy campaigns. Read more about our 60 years of transformational change for animals, and visit us online at humanesociety.org

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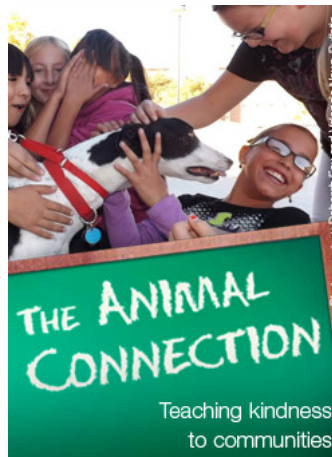
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