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January 12, 2017

### Federal judge rules challenge to cougar trapping may proceed

A federal magistrate judge is allowing a lawsuit that asserts a state wildlife agency's decision to open a cougar trapping season on public lands violates the Endangered Species Act to proceed. The cougar trapping season, which began Nov. 1, 2016 and ends March 31, 2017, is the first in nearly 50 years and will almost certainly kill and injure endangered Mexican wolves in violation of the Endangered Species Act.

Judge Lourdes A. Martinez issued a ruling in favor of local wildlife advocates, The Humane Society of the United States (The HSUS) and Animal Protection of New Mexico (APNM), 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.

The Commission's new regulation radically expands cougar trapping on more than nine million acres of public trust land, including key Mexican wolf habitat. 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.

Anna Frostic, senior wildlife attorney for The HSUS, said: "With fewer than 100 Mexican wolves left in the wild, it is of critical importance that the state of New Mexico's broad expansion of recreational cougar trapping be strictly scrutinized. We are grateful that Judge Martinez will let wildlife advocates have their day in court."

In denying the State's motion to dismiss, Judge Martinez found that the Plaintiffs' allegation "that licensing cougar trapping in and adjacent to the wolf recovery area will cause wolves to be subjected to taking that is specifically prohibited by the special wolf rule because cougar traps cannot be used with due care ... to avoid injury or

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death to a wolf” was credible and sufficient to state a violation of the Endangered Species Act.

Jessica Johnson, chief legislative officer for APNM said: “This ruling will allow New Mexicans to continue fighting to stop this unprecedented expansion in cruel cougar trapping. The vast majority of New Mexicans understand that trapping is an indiscriminate and unacceptable threat to native wildlife, 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.

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>*

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*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](http://humanesociety.org)*

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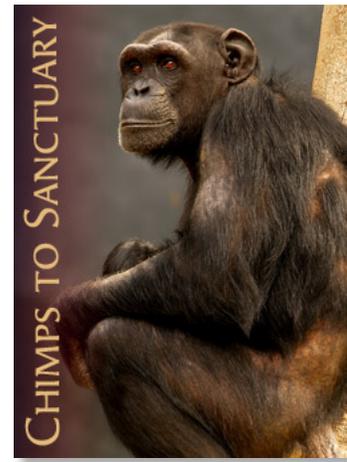
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