

----- Forwarded by Magdalena Etemadi/R2/FWS/DOI on 01/23/2008 02:23 PM  
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mcbobaz@aol.com

01/08/2008 10:33 AM To  
R2FWE\_AL@fws.gov  
cc

Subject  
Fwd: Mexican Gray Wolf NEPA Scoping  
- Comments from the Sonoran Audubon  
Society

Hi John

It has been brought to my attention that Sonoran Audubon's address was left off our comments.

Sonoran Audubon Society  
P.O. Box 8068  
Glendale AZ 85312-8068

623-939-1681

Thanks  
Bob McCormick  
President  
Sonoran Audubon Society

-----Original Message-----

From: mcbobaz@aol.com  
To: R2FWE\_AL@fws.gov  
Cc: bbickel@ecoisp.com  
Sent: Mon, 24 Dec 2007 11:05 am  
Subject: Mexican Gray Wolf NEPA Scoping - Comments from the Sonoran Audubon Society

December 2007  
Attn: Mexican Gray Wolf NEPA Scoping  
U.S. Fish and Wildlife Service  
New Mexico Ecological Services Field Office

2105 Osuna NE  
Albuquerque, NM 87113

Dear John Slown,

Please accept the following comments on the Mexican gray wolf EIS scoping process on behalf of the members of the Sonoran Audubon Society in central Arizona:

Sonoran Audubon members value Arizona's wildlife, birds, and natural ecosystems. We are strongly supportive of the reintroduction of Mexican gray wolves. Wolves are considered a keystone species, since they influence the presence and abundance of many other species, while their absence may cause a decline in the function of the entire ecosystem.

As you know, studies in Yellowstone are showing that interactions between the gray wolf and its prey are affecting riparian plant communities and the diverse array of species dependent on them. Woody browse species including cottonwood and willow, once heavily browsed by elk, are returning in greater abundance to riparian corridors. Riparian and wetland areas in Arizona provide critical habitat to birds and other wildlife species, and Arizona has lost much of its healthy riparian areas. In addition to their role in restoring riparian areas, wolves balance other aspects of the ecosystem, including coyote populations. We believe that Mexican gray wolves have a vital role to play in restoring healthy ecosystems in Arizona and New Mexico, and support the following measures to ensure the successful recovery of Mexican gray wolves to ecologically effective levels.

Include a Conservation Alternative that will change the classification to "experimental, essential" or "endangered". The current "experimental, nonessential" classification is not resulting in successful recovery. This population of wolves is essential to the long-term recovery of Mexican wolves.

Eliminate all restrictions to wolf dispersal and movements. Current rules require the capture of wolves that disperse outside the arbitrary boundary. This has resulted in wolf injuries and disruption of pack relationships. It also wastes valuable time of the Recovery Team, and prevents wolves from occupying high quality habitat outside the artificial boundary. Also consider allowing wolves to disperse and/or direct releases into high quality habitat within the Grand Canyon Ecoregion.

Expand the area for initial releases to anywhere within the Blue Range Recovery Area. This would allow biologists to release wolves based on considerations such as existing pack territories and genetic variability, rather than on political constraints.

Resolve wolf-livestock conflicts in ways that keep wolves in the wild and achieve progress towards reintroduction objectives. Ranchers who enjoy the privilege of grazing livestock on public lands must take responsibility for their livestock, including removing or rendering inedible livestock that have died of other causes before wolves scavenge on them.

Stop killing and removing wolves. Currently, the wolf population is heavily subsidized by continued releases, while limited by excessive "take". The revised rule must allow less "take" to allow population recovery.

Revise the recovery plan. The Recovery Plan has not been revised for 25 years and does not include objectives for full recovery.

Place no cap on the number of wolves in the wild population. A self-sustaining population of 100 wild wolves is a minimum for successful recovery. No maximum should be set through this rule change.

Include nothing in the amended rule that would preclude future recovery options. This rule should not include any provisions that would limit future options for recovery of Mexican gray wolves anywhere outside the current boundaries of the BRWRA.

Thank you for the opportunity to participate in this important recovery effort. Please keep us informed of future opportunities to participate.

Sincerely,

Robert McCormick, President  
Conservation Chair  
Sonoran Audubon Society  
Society

Bettina Bickel,  
Sonoran Audubon

More new features than ever. Check out the new AOL Mail!(See attached file: SAS\_wolf\_scoping\_comments.wps)

To whom this may concern,

The attached comments and supporting information on Mexican Gray Wolf Scoping is submitted on behalf of Mr. Jim Chilton, Chairman, Federal Lands Committee, Arizona Cattle Growers' Association, 1401 N. 24th St., Suite 4, Phoenix, Arizona 85008. Mr. Chilton will also fax a copy of these comments and supporting information to you as well. Please acknowledge receipt of this email. Thank you.

Sincerely,

Dennis Parker,  
Attorney at Law

representing Mr. Jim Chilton(See attached file: Jim Chilton -- Mex. wolf scoping comments, Dec. 31, 1007.doc)(See attached file: Mexican Wolf, McBride letter, etc., DC\_250 A2150.pdf)

*Jim Chilton, Chairman  
Federal Lands Committee  
Arizona Cattle Growers' Association  
1401 N. 24<sup>th</sup> St., Suite 4  
Phoenix, Arizona 85008*

***Via Email, Facsimile to follow***

December 31, 2007

Mr. Brian Millsap, State Administrator  
U.S. Fish & Wildlife Service  
Ecological Services Field Office  
2105 Osuna NE  
Albuquerque, NM 87113

***Re: Comments on Notice of Scoping Meetings and Intent to Prepare an Environmental Impact Statement (EIS) and Socio-Economic Assessment for the Proposed Amendment of the Rule Establishing a Nonessential Experimental Population of the Arizona and New Mexico Population of Gray Wolf (“Mexican Gray Wolf”)***

Dear Mr. Millsap,

On behalf of our membership, the Arizona Cattle Growers’ Association (ACGA), I thank you for the opportunity to comment on the above-captioned action. At the outset, we first wish to point out to you that NEPA requires your consideration of all reasonable alternatives to this proposed action – including the analysis of termination of this program as an alternative to its expansion. (*See: Pacific Coast Federation of Fishermens’s Associations v. National Marine Fisheries Service*, 482 F. Supp. 2d 1248 (W.D. Wash. 2007); *Hells Canyon Preserve Council v. U.S. Forest Service*, 2003 U.S. Dist. LEXIS 26581 (D.Ore. 2003); *Sierra Club v. Marsh*, 872 F.2d 497 (1<sup>st</sup> Cir. 1989)).

Here, the Fish & Wildlife Service is required by NEPA to evaluate termination of the introduction program for the “Mexican gray wolf” because substantial evidence exists that the animals being used for introductive purpose by the Service and its cooperators are not Mexican grey wolves but, rather, are, in fact, wolf-dog hybrids. According to Mr. Roy T. McBride, the foremost recognized expert on the Mexican wolf, the animals being used by the Service for introduction purpose are not “Mexican wolves” but are, in fact, wolf/dog hybrids. (*See: McBride letter to Parsons*, attached). Moreover, genetic analyses, performed by researchers under contract with the Service and/or its cooperators, are inadequate to establish the genetic purity of these animals, contrary to the Service’s allegations to the contrary. (*See: treatments of captive lineages*, attached).

As a result, because the amendment proposed for EIS analysis here – expansion of the areas into which the Service may release its captive-bred, alleged Mexican wolves -- raises substantial questions of irreversible environmental harm by its very real potential to compromise the genetic integrity of the entire gray wolf recovery program (*See: Mc Bride letter*, attached), the Service must consider termination of this program as a reasonable alternative to its expansion under NEPA.

In doing so, the Service must explain its reasons for taking the particular action it proposes within the context of the alternatives explored and evaluated. This means that, to remain in compliance with NEPA, the Service must provide the detailed information it has regarding the genetic integrity of the animals it wishes to introduce and guarantee that this information is made available to the public before preparing an EIS on this subject matter. (*See: 40 C.F.R. Sec. 1508.18*). Such information, however, remains unavailable at this point from the Service. Therefore, we hereby request receipt of all the information, detailed or otherwise, that

the Service has regarding the genetic integrity of the animals it alleges, represents, and proposes to release as true “Mexican gray wolves” at your earliest possible convenience.

This information must necessarily include all reports, studies, publications and communications pertinent to the genetic integrity of the animals the Service is representing as pure “Mexican gray wolves,” the names of the researchers who performed such work, the names of all entities and government agencies that funded any and all of the reports, studies and publications relied upon by the Service, and, a detailed explanation of the peer review process utilized by the Service to verify the conclusions reached. By necessity, the latter also includes provision of the names and affiliations of the persons who performed peer review of any of those genetic studies for the Service.

Second, expansion of the introduction zone for captive-bred, alleged “Mexican gray wolves” south of Interstate 10, as the Service proposes, will have substantial international implications, both socio-economically and environmentally, on the citizens and environment of northern Mexico. In particular, the citizens of both Chihuahua and Sonora stand to be particularly impacted by this proposal in substantial ways. Moreover, true, wild Mexican wolves also stand to be detrimentally and irreversibly impacted by the release of captive-bred animals south of I-10. As a result, input regarding this introduction proposal must be solicited by the Service at Scoping in order to remain in compliance with NEPA’s intent.

Accordingly, and at the least, to be in compliance with NEPA, the Service must solicit input regarding this proposal from the various livestock growers, Ganadero Unions, and/or Cattle Growers’ Associations of northern Chihuahua and northern Sonora immediately. Additionally, the input of our Ambassador to Mexico, as well as Mexico’s Ambassador to us, must also be solicited by the Service at this point in the Scoping process to ensure that the purposes of NEPA are actually being served here.

Third, for the sake of brevity, we also incorporate by reference to herein the many, excellent comments submitted to you by Ms. Caren Cowan of the New Mexico Cattle Growers’ Association on this subject matter. Those comments, consistent with these, emphasize the need for the Service to fully comply with NEPA by evaluating all of the environmental and human community impacts its proposal here entails. By necessity, such evaluation also includes consideration of termination of this program as a reasonable alternative to expanding it.

Thank you again for the opportunity to comment on the Service’s intent to prepare an EIS and Socio-economic assessment for its proposed amendment of the rule establishing a nonessential experimental population of the “Mexican gray wolf.” We will be awaiting your prompt response to our request for the information specifically requested from you herein.

Sincerely,

Jim Chilton, Chairman,  
Federal Lands Committee,  
Arizona Cattle Growers’ Association

cc.: Mr. C.B. “Doc” Lane, Executive Director, Arizona Cattle Growers’ Association; Ms. Caren Cowan, Executive Director, New Mexico Cattle Growers’ Association

----- Forwarded by Magdalena Etemadi/R2/FWS/DOI on 01/23/2008 02:56 PM  
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Michael Robinson  
<michaelr@biologicaldiversity.org>  
To: R2FWE\_AL@fws.gov  
01/01/2008 12:01 AM  
cc:  
Subject: Mexican Gray Wolf NEPA Scoping

Brian Millsap, State Administrator  
U.S. Fish and Wildlife Service, New Mexico Ecological Services Field Office  
2105 Osuna NE  
Albuquerque, NM 87113

By e-mail: R2FWE--AL@fws.gov in the body of this email and as a PDF attachment to this email. (Please note the attached PDF document retains important footnotes that may not be readable in the text of the body of this message, below).

Re: Mexican Gray Wolf NEPA Scoping: Federal Register: August 7, 2007 (Volume 72, Number 151), Pages 44065-44069. Notice of Scoping Meetings and Intent To Prepare an Environmental Impact Statement and Socio-Economic Assessment for the Proposed Amendment of the Rule Establishing a Nonessential Experimental Population of the Arizona and New Mexico Population of the Gray Wolf ("Mexican Gray Wolf")

Dear Dr. Millsap,

Introduction. Thank you for the opportunity to comment on the scope of the EIS, pertinent issues the Fish and Wildlife Service should address, and alternatives that should be analyzed. The Center for Biological Diversity has been intimately involved in Mexican gray wolf recovery, in several organizational incarnations, since suing in 1990 as plaintiff organization Wolf Action Group in the pioneering lawsuit that led to the 1993 settlement agreement whereby the Fish and Wildlife Service committed to reintroduction. The Center has served on the Southwest Gray Wolf Recovery Team, and has led an active program of education about Mexican wolves, including organizing a children's art contest and putting on 123 slide presentations about the Mexican wolf for thousands of people. The Center was a plaintiff in the successful lawsuit to rescind the April 1, 2003 gray wolf reclassification rule that created a southwestern distinct population segment of gray wolves that would have undermined the recovery of the Mexican gray

wolf. In 2004, the Center petitioned under the Administrative Procedures Act for implementation of the recommendations of the 2001 Mexican Wolf Three Year Review (Paquet Report), and in 2006 we filed suit to ensure a substantive respond to our petition. We are pleased the Service finally has a process underway for changing the Federal Register rule governing Mexican wolf reintroduction.

Changing the legal definition of the Mexican gray wolf population may not be accomplished illicitly. As a preliminary matter, we point out that the Service has undertaken to change the legal definition of the reintroduced Mexican gray wolf population on the sly, through the title of the present advanced notice of proposed rule-making and with no invitation to comment. The title of the present notice, 72 FR 44065, is:

Notice of Scoping Meetings and Intent To Prepare an Environmental Impact Statement and Socio-Economic Assessment for the Proposed Amendment of the Rule Establishing a Nonessential Experimental Population of the Arizona and New Mexico Population of the Gray Wolf ('Mexican Gray Wolf')

Yet the legal description of the reintroduced Mexican wolf population that was established in 1998 pursuant to 63 Fed. Reg. 1752, is described differently in the title of that notice: "Establishment of a Nonessential Experimental Population of the Mexican Gray Wolf in Arizona and New Mexico." The 1998 notice, still in effect today, established a population of the Mexican gray wolf, not the gray wolf generically, pursuant to a statement in the 1978 reclassification of gray wolves, 43 FR 9607, that the Service "can offer the firmest assurance that it will continue to recognize valid biological subspecies for purposes of its research and conservation programs." The 1978 rule, which consolidated several gray wolf subspecies listings into just two listings, was undertaken because "the taxonomy of wolves is out of date, wolves may wander outside of recognized subspecific boundaries, and some wolves from unlisted subspecies may occur in certain parts of the lower 48 states." In large part, the purpose of the 1978 reclassification was to provide protection for wolves:

There still are some places in the lower 48 States, such as Washington and North Dakota, where wolves may occur and where they are not under Federal protection. Moreover, because of the confusing taxonomy of wolf subspecies, and because wolves may wander across recognized subspecific boundaries, difficult law enforcement problems may arise.

And: "The rule making will extend Endangered status to those few wolves that may be in the region that are not already listed, and would simplify law enforcement and conservation measures."

The assurance, reiterated in the 1978 rule, to recognize and conserve valid subspecies was to ensure that the increased protections offered to wolves through the reclassification, and the simplification of conservation, would not come at the cost of conserving (meaning recovering) subspecies. By renaming the reintroduced experimental non-essential population from Mexican gray wolf to gray wolf, the Service signals it will violate that pledge – a reflection of and attempted legal cover for having placed recovery planning for the Mexican wolf in abeyance since January 2005. Instead, if the Service intends to back away from recognizing and conserving valid subspecies, it should state that intention plainly as a proposal, take public comment, and make a decision. (Such a course is not merited but would at least follow proper procedures.)

It is no excuse for surreptitiously changing the legal status of the Mexican gray wolf to state in the present notice that:

Due to its previous status as a subspecies, the Service has continued to refer to the gray wolves in the southwestern United States as the

“Mexican gray wolf.” . . . However, because the 1998 NEP final rule referred to the NEP as the “Mexican gray wolf” we will continue to use the term throughout the remainder of this document for ease of reference.

Contrary to the implication of the phrase “previous status as a subspecies,” the Mexican gray wolf is still a biologically valid subspecies, subject to the assurances formally proffered by the Service in 1978. The phrase “ease of reference” serves to denigrate the Mexican wolf’s taxonomic identity and falsely insinuates the name is merely a colloquialism.

The Mexican gray wolf is a valid biological subspecies. The Mexican gray wolf is a mammal in the order Carnivora, family Canidae, genus *Canis*, species *Canis lupus*, and subspecies *Canis lupus baileyi*. The Mexican gray wolf was first identified as a unique subspecies from a male killed at 6,700 feet elevation in the mountains of Chihuahua, Mexico by two biologists for the U.S. Bureau of Biological Survey, predecessor agency to the Fish and Wildlife Service. Edward W. Nelson, later to be chief of the Survey, and Edward A. Goldman collected the animal during an 1899 expedition. Three decades later and with 64 more specimens having become available for their examination, they published a description of the creature in a 1929 *Journal of Mammalogy* article, classified it as a subspecies, and named it for fellow Survey employee Vernon Bailey (Nelson and Goldman, 1929).

“In southeastern Arizona and southwestern New Mexico, *baileyi* intergraded with *mogollonensis*,” Goldman later wrote. “Although wolves are known to wander over considerable distances, the transition from *baileyi* to *mogollonensis* is remarkably abrupt” (Young and Goldman, 1944:471). E.

Raymond Hall confirmed *baileyi* as a subspecies (Hall and Nelson, 1959; Hall, 1981). U.S. Fish and Wildlife Service taxonomist Ronald M. Nowak (1986) suggested “accept[ing] *baileyi* as a separate subspecies as originally delineated,” explaining: “I have long been impressed by the tendency to small size shown by gray wolves of Mexico and the border region. A complete gray wolf skull found at a late Pleistocene site in Nuevo Leon is the smallest of any adult North American *C. lupus* that I have seen” (Nowak, 1986).

The genetic record confirms the Mexican wolf’s uniqueness and also that it intergraded with gray wolves to its north. Wayne et al. (1992) found that *C. l. baileyi*’s DNA is markedly different from that of all other North American wolves. Garcia-Moreno et al. (1996:384) further confirmed the subspecific uniqueness of the Mexican wolf, concluding that “the three captive lineages are the most distinct grouping of North American wolves, supporting their designation as an endangered subspecies.” Purity of the three captive lineages of Mexican wolves was confirmed through molecular genetic analysis (Hedrick et al., 1997). Leonard et al. (2004) identified a southern clade of gray wolves, including the Mexican gray wolf. A Great Plain wolf, *C. l. nubilus*, within that southern clade, killed in the southern San Luis Valley on the New Mexico/Colorado border near the southwestern extent of Goldman’s delineated range for *nubilus*, was closely related genetically to members of *C. l. baileyi*. Thus genetic analysis corroborates the findings of phenotypic taxonomists that Mexican wolves intergraded with northern wolves. No peer-reviewed literature states that the Mexican wolf is not a subspecies.

The Mexican gray wolf is a valid biological subspecies, and thus the Service must follow through on its 1978 assurance to conserve it as such.

The reintroduced population no longer qualifies as experimental, non-essential, and should be upgraded to fully endangered.

Even as the title of the present notice surreptitiously seeks to strip the Mexican wolf of its right to continued conservation as a subspecies, the notice admits that the Service already decided not to upgrade the population's status as experimental, non-essential to fully endangered:

On July 24, 2006, the acting Southwest Regional Director issued his determination in a letter to the Chair of the AMOC that "the Mexican [gray] wolf Reintroduction Program will continue with modifications as generally outlined within the recommendations component of the 5-Year Review. Furthermore, the Service will work with the cooperating agencies and the AMOC to begin the process of developing a new 10(j) proposed rule and associated NEPA analysis" (Tuggle 2006, p. 4).

The present notice goes beyond mentioning this predecisional course in quoting the acting Southwest Regional Director, to incorporating it into the framework for decision-making under the subtitle, "Issues Related to the Scope of the NEP." Aside from the sloppy grammar – it is not the scope of the population but rather of the rule-making that generates issues – this subtitle subsumes other issues into the general rubric of creating a new non-essential, experimental population rule – improperly ruling out promulgation of a new fully-endangered population rule (or experimental, essential rule).

There is compelling reason to upgrade the legal status of the Mexican wolf population to fully endangered. The Service is only authorized to designate a population as experimental non-essential if in fact it is not essential to the continued existence of the species. In the case of the reintroduced Mexican gray wolf population, prior to the reintroduction it was reasonable to believe that despite the absence of wolves in the wild, the captive-breeding population would ensure the continued existence of the Mexican gray wolf. But today the captive population can no longer serve as such a guarantee. The captive population is itself likely to be undergoing evolutionary degradation due to the selection for traits that are adaptable in captivity, but adverse in the wild. Such traits have been documented in a variety of taxa, including birds, amphibians, plants and many species of fish and insects. This inevitable process not only lowers survival and recruitment rates in future reintroduced populations, it also results in permanent loss of genetic diversity in precisely the alleles that are more adaptive for life in the wild.

The severity of genetic adaptation to captivity partially depends on the number of captive generations (Frankham, 2007). In the case of the Mexican wolf, in which three years can be considered the span of a generation (Mech & Seal, 1987), some lineages date to fifteen or more generations old (a wolf captured in 1959 and first bred in captivity in 1961, and possibly wolves in the Aragon Zoo whose wild progenitors have been lost to history). Frankham (2007) shows that fifty generations in captivity has resulted in a population containing a relative fitness in the wild environment of only 14% of that of a wild population; recovery to 70% fitness of the wild population was achieved after twelve generations back in the wild, but the original fitness was not fully regained (Frankham).

Because the Mexican wolf has already lost significant genetic diversity, fifty generations in captivity would prove catastrophic and well beyond the point at which recovery from captive stock is still possible; it is likely, given the Mexican wolf's genetically depauperate condition stemming from the captive population's exceedingly low number (seven) of founding animals, that 25 or fewer generations in captivity would prove beyond the point of no return.

With one or two of the three founding Mexican wolf lineages already over fifteen generations in captivity, there is an approaching limit, even if the date cannot be ascertained precisely, to the point at which further releases from captivity to the wild will no longer retain efficacy at rescuing the wild population from inbreeding depression. In fact, after significant changes resulting from genetic adaptation to captivity, the creatures still in captivity – aside from their inability to survive in the wild – will in crucial respects no longer constitute Mexican wolves; they will have morphed into something more akin to domestic dogs.

The 1982 Mexican Wolf Recovery Team calls for reintroduction to establish two viable populations of Mexican wolves in the wild. But according to the response to a Freedom of Information Act request we submitted to the Fish and Wildlife Service, the agency has conducted no planning for a second reintroduction. The Service suspended meetings of its Southwest wolf recovery team, charged with revising the Mexican Wolf Recovery Plan, in January 2005. If the reintroduced Mexican wolf population of the Blue Range Wolf Recovery Area were to become extirpated, the Mexican wolf would eventually go extinct in captivity. Therefore, the reintroduced population is essential to the Mexican wolf's continued existence; it no longer qualifies as an experimental, non-essential population. It should be redesignated as fully endangered, accordingly.

Allow wolves to establish territories outside the boundaries of the Blue Range Wolf Recovery Area. Both the Mexican Wolf Three Year Review and the Mexican Wolf Five Year Review recommended that the Service rescind the requirement in the 1998 rule that wolves that establish territories wholly outside the boundaries of the recovery area and outside of private and tribal lands where they are specifically permitted, be captured from the wild. This provision, which applies to no other terrestrial animal managed by the Service, inhibits establishment of a viable Mexican wolf population. Its effects are most evident in the permanent loss of several wolves, including one inadvertently killed through being run down by helicopter in November 2001 for being outside the boundary, and the loss and probably death of a reported pup or pups of the San Mateo Pack who were never located when their parents were trapped in August 2004 for living in the Cibola National Forest instead of the Gila National Forest.

Even in circumstances in which wolves are not killed directly as a result of removal due to establishing territories outside of permitted areas, translocation of such wolves may precipitate events which result in their deaths or further removal from the wild. For example, the alpha male of the San Mateo Pack was shot by the USDA Wildlife Services predator control branch in February 2007 for depredating on livestock that he encountered in the region to which he had been translocated. Translocation of the Campbell Blue Pack for boundary reasons in January 2001 resulted in the alpha female breaking her leg in captivity, and after release the pack splitting apart (a frequent response to translocation), and both alpha animals scavenging on and eventually depredating on livestock – which led to the pack's capture and destruction.

The Five Year Review concluded that wolves that are translocated are more likely to successfully reproduce after translocation than are wolves released directly from captivity. Yet this metric fails to compare the total number of litters and successfully raised pups between the two groups (of translocated versus initially-released wolves), and thus does not account for the two litters of pups from the first Pipestem Pack [1] and the Francisco Pack[2] that were largely destroyed as a result of capture operations for translocation; in other words, it measures reproduction as a yes/no proposition rather than quantifying litters and pups successfully produced and raised.

The yes/no standard is too gross a measurement, and fails to identify the nuances of cause and effect that must be examined in particular when a small sample size (such as that used in the Five Year Review) increases the chances of erroneous conclusions. For example, it does not properly account for the demise of the nine-member Lupine Pack that were initially released (and not translocated) within the territory of another pack, which attacked them, ultimately causing loss of the entire pack.[3] The Five Year Review analysis tallies these nine initially-released animals as not having bred following their release, as if their initial release was a biological factor in their failure to subsequently reproduce, thus skewing the analysis due to a factor that is only incidentally (because animals released from captivity must be released in Arizona according to the rule) germane to the circumstances of their unhappy fates. Because nine animals is relatively large in the Five Year Review's small sample size, this and other idiosyncratic incidents helped

lead to the erroneous conclusion that translocating wolves actually contributes to their success in reproduction. To the contrary, capture for translocation is contributing to the Mexican wolf population's suppression, and a major cause of translocation is the provision requiring capture of wolves outside the boundaries.

No boundaries should trigger a requirement that wolves be captured. All the deleterious impacts of the current boundary rule would be duplicated should the Service impose any new boundary on the population (such as the boundary of the experimental population area). Wolves should be allowed to roam at will and should not be captured on the basis of lines on any map.

Owners of livestock utilizing the public lands should be required to remove or render inedible in a timely manner the carcasses of stock that are not killed by wolves. Such measures would prevent wolves from being attracted to carcasses, scavenging on them, remaining localized in areas where additional, live domestic animals may be particularly vulnerable (where there are dead cattle, sheep or horses there are often weakened such animals), and/or becoming habituated to preying on livestock.

The Three Year Review recommended requiring livestock owners to take responsibility for carcass removal disposal, noting that "At least 3 packs were removed from the wild because they scavenged on dead livestock left on national forest lands. Such scavenging may predispose wolves to eventually prey on livestock." And such predation has led to many wolves being removed by government.

The Five Year Review did not recommend this measure. However, its cursory analysis of the correlation between wolves scavenging and subsequently depredating is flawed. The Administrative Component of the review (pp. AC-27-33, 57) understates the incidents in which wolves first scavenged on livestock carcasses and subsequently depredated on livestock. First, this analysis is based merely on visual observations of wolves scavenging; it should have also included scavenging instances documented from necropsies performed on dead livestock. Second, the limited (once or twice a week, for the most part) monitoring of the wolves almost certainly missed other scavenging incidents, many of which would have preceded the depredations; it is inappropriate to assume that only those events documented actually occurred.

Third, record-keeping has been haphazard. As examples of the failure of consistent record-keeping, Nick Smith of New Mexico Department of Game and Fish informed me that the Gavilan Pack scavenged on a dead cow prior to that pack's killing of cattle in New Mexico in January 2000, but this was never put in writing. More recently, personnel who wished to remain anonymous in some of the agencies participating in the reintroduction program have informed us that for a period of approximately a year from spring 2004 to spring 2005, during which we (the Center for Biological Diversity) were publicly pointing out the correlation between wolves that scavenge and those that subsequently depredate, USDA Wildlife Services systematically failed to document for the field team instances in which their personnel investigated dead livestock fed upon by wolves except in the cases that wolves caused the deaths.

The example of wolf F592, shot and killed by the Service on May 27, 2003, is misrepresented in the Five Year Review chart (p. AC-57) of depredating wolves. As evidenced in documents that we obtained from the Service via FOIA (and provided the AMOC in our comments on the draft of the Five Year Review), F592 scavenged on livestock in March 2001 prior to beginning to depredate<sup>[4]</sup> (and she ended up traversing dozens of miles to finally depredate precisely where she had first scavenged two years previously – an indication that scavenging and depredating are strongly tied). The Five Year Review chart erroneously states that F592's first depredation, on 4/18/2001, preceded her scavenging (which the chart wrongly says began on 5/1/2001). And the chronology regarding wolf F511's depredations and scavenging incidents is also incorrect; this wolf too began depredating subsequent to scavenging.

The Mule Pack's history is similarly misrepresented in the Five Year Review chart, which classifies M190 as "feeding on a carcass that was a direct result of a depredation" and lists

M190's first scavenging and depredation incident on 5/11/2001, despite another record indicating his first scavenging incident occurred on 1/6/2000.[5] And the Pipestem Pack's scavenging and depredation history is also misrepresented in the Five Year Review chart, which lists three members of the pack as "feeding on a carcass that was a direct result of a depredation" on 4/4/1999, despite the fact that such was not established.[6]

In other instances, the chart is misleading in implying that depredations preceded scavenging, when in fact the depredated stock and the scavenged stock were discovered at the same time, in the same area, and chronology was never established. The Gavilan Pack's experience in Arizona is one such instance.

There are many means by which carcasses may be removed or rendered inedible: They can be dragged away by backhoe or behind a vehicle. They may be soaked in gasoline and burned. They can be dumped into a pit and covered with soil and rocks. They can be exploded into tiny, inedible portions by dynamite. They can be treated with lime. While some of these methods are not feasible or appropriate in all circumstances (such as dragged by vehicle in a roadless area, or burned during periods of fire hazard), some method may be made feasible no matter what.

While it may require additional work to locate and dispose of such carcasses prior to wolves scavenging on them, the process of looking for them should be part of the responsibilities incumbent on those permitted to use public lands for grazing. Furthermore, livestock owners who spend time looking for carcasses are more likely to find sick or injured stock that may still be saved. The requirement to remove or destroy such carcasses may incline stock owners to avoid placing excessive numbers of animals in areas in which low food or water availability makes the stock more vulnerable. The time spent on finding and disposing of carcasses could easily be offset by the benefits of improved husbandry.

There are several possible means of enforcing such a requirement. The Service's rule establishing an experimental non-essential population of wolves in the northern Rocky Mountains regulates "attractants" including livestock carcasses, even though it does so loosely and with poor enforcement. One means would be to define a "depredating wolf," a "problem wolf," or a "nuisance wolf" (or all three) as an animal that has preyed on livestock and is reasonably anticipated to do so again, but that has not fed upon any carcass (or portion of a carcass) of livestock that died of a non-wolf cause. Thus wolves that scavenge would be exculpated and held blameless for any and all subsequent depredations – providing a powerful community incentive not to create such wolves immune to legal take. The following proposed language could aid in enforcing such a requirement:

Feeding of wolves or attracting them with food is prohibited.

Livestock carcasses on lands managed consistent with a federal or state lease, agreement or contract shall be removed or rendered inedible (through lime, fire, explosives or other authorized means consistent with public safety). Improperly disposed livestock carcasses located in the area of depredation will be considered attractants. Incidents of wolves in the vicinity of or scavenging on attractants shall be recorded and maintained. No take of wolves shall occur in areas where attractants have attracted wolves.

No take of wolves that are not depredating wolves [or problem wolves] shall be authorized for livestock protection purposes and no take of wolves shall be authorized in the vicinity of attractants, including livestock carcasses, unless such attractants are specifically being used in the take operation.

Another means of requiring and enforcing livestock carcass removal would be to fold such requirements into the permits granted by land management agencies to authorize grazing. The Supreme Court in *U.S. vs.*

*Light* (1911) ruled that livestock grazing on public lands is a privilege and not a right and that “The United States can prohibit absolutely or fix the terms on which its property may be used.” The Supreme Court has twice reaffirmed its 1911 ruling, most recently in a unanimous decision in *Public Lands Council vs. Babbitt* (2000). Therefore, such a requirement would not face any legal obstacle, contrary to statements in the Five Year Review.

Putting a requirement to dispose of livestock carcasses into grazing permits would be facilitated by reclassifying the Mexican wolf population from experimental, non-essential to fully endangered (as we request above) or to experimental essential – both of which would trigger ESA Section 7 consultation for federal actions that might adversely affect the species.

Such consultation could specify that requirements for livestock removal are reasonable and prudent measures to avoid jeopardy.

The Five Year Review is negligent not only in misrepresenting the impacts of making livestock carcasses available to wolves and habituating them to livestock, but also in failing to identify what level of predator control ultimately caused by such scavenging the Mexican wolf population can sustain in perpetuity while still meeting demographic goals. It is evident that predator control must be reduced substantially to enable the reintroduced population to survive and increase, and requiring carcass removal or destruction is one important component of allowing more wolves to survive in the wild.

Division of the recovery area into primary and secondary zones with differing management is inappropriate. The Service should have the authority to release wolves from the captive breeding pool anywhere in the Blue Range Wolf Recovery Area, not just in Arizona. This too was a recommendation of both the Three and Five Year Reviews. The aforementioned Lupine Pack, released in June 2001 and destroyed by causes precipitated by intraspecific strife shortly thereafter, could only be released into Arizona because of the existing ban on initial releases into New Mexico (the secondary zone). However, the New Mexico portion of the recovery area had (and has) vast areas without territorial wolf packs – and Arizona did (and does) not. Had the Lupine Pack been allowed to be released into New Mexico, it would not have been destroyed due to intraspecific strife.

Rescission of the ban on initial releases into New Mexico is vital for genetic reasons. The wild Mexican wolf population has begun to show the signs of inbreeding depression, such as smaller size, reduced fertility and lower litter sizes – including suspected infertility in some males (Fredrickson & Hedrick, 2002; Fredrickson et al. 2007). Inbreeding depression not only threatens to reduce recruitment to the population, but also threatens future fitness, viability and resilience. By increasing the number of wolves from the Ghost Ranch and Aragon lineages, genetic rescue can be achieved. But that entails finding locales for initial releases that are not already claimed by resident, territorial packs – which would require authorizing such initial releases into New Mexico.

The White Sands Wolf Recovery Area should be approved for releases of wolves and for wolf occupancy. It has already undergone NEPA review. The position that it is insufficiently large and lacks sufficient prey density for wolves only applies if wolves were to be expected to stay within its boundaries – a discredited notion. In fact deer densities may be quite similar to prey availability in other Chihuahuan desert environments in which Mexican wolves evolved; wolves survived in such locales by roaming vast home ranges to find sufficient prey. In addition, nobody can know for sure whether Mexican wolves may be able to prey on vulnerable oryx that have been introduced to White Sands. If they can, such predation would serve an additional important ecological function in limiting the increasing distribution and impact of this non-native herbivore, and thus would benefit vegetation, soils and waters. The White Sands Wolf Recovery

Area can serve as a locale for initial releases of genetically valuable wolves, and can serve as part of a metapopulation that interacts genetically with wolves in the Gila National Forest and the Ladder Ranch (which welcomes wolf recolonization). The 1996 EIS on reintroduction (FEIS:v) specified that future decision making about using the White Sands Wolf Recovery Area for wolves would depend, in part, on whether it is “necessary to achieve the recovery objective of re-establishing 100 wolves; that is, it would be used if it appears that the initial introduction in the BRWRA will not achieve a total population of 100 wolves.” Now, a year after the Blue Range Wolf Recovery Area was projected to reach over 100 animals, it has not done so. Therefore, use of White Sands is appropriate and should be authorized.

**It is inappropriate to authorize any additional circumstances for injurious or lethal take of wolves.** The Service’s failure to achieve the Blue Range Wolf Recovery Area objective of at least 100 wolves by the end of 2006 is largely due to take authorized in the current (1998) rule. That take was premised on the notion that it would:

make reintroduction compatible with current and planned human activities, such as livestock grazing and hunting [and] is also critical to obtaining needed State, Tribal, local and private cooperation. The Service believes this flexibility will improve the likelihood of success.

In fact, the opposite has occurred. High levels of authorized take may have even emboldened opponents of wolf recovery. According to an article in the most recent issue of *High Country News*, opponents have skillfully exploited the rules governing authorized take, in conjunction with baiting of wolves with vulnerable livestock, to ensure the removal of a wolf; this may be the tip of the iceberg. In addition, the rate of poaching of Mexican wolves has been higher than in any other wolf recovery program or even any other endangered species recovery program.

Wolves have also been killed in significant numbers by automobile collisions without reporting of the incidents as required in the current rule – another indication that liberal take provisions are being abused. It is no longer reasonable to assume that increasing legal take improves the likelihood of the reintroduction project’s success, when the opposite is evident.

Few domestic pets have been killed or injured by wolves – far fewer than those hurt or killed by other wildlife, not to mention by vehicles -- and there are many means of protecting pets from wolves other than authorizing additional injurious or lethal take.

Provisions for increased injurious or lethal take would further depress wolf numbers, make it difficult for law enforcement to distinguish between legal and illegal take (which may only be identified through the unknowable intentions of a person that takes a wolf), and create significant additional hurdles for successful prosecution of illegal take.

**Removal of wolves from the wild for any and all reasons must be dramatically reduced in a new rule.** Authorized take of wolves is the primary cause of the population’s failure to reach objectives and projections, and such authorized take should, at the very least, be curtailed if not ended entirely.

**Expansion of the Experimental Population Area will undermine Mexican wolf recovery.** The recommendation in the Five Year Review to possibly expand the experimental population area is phrased dishonestly and is designed to accomplish the opposite of what it explicitly states is its intent. The recommendation calls for consideration of expanding the current Mexican Wolf Experimental Population Area’s (MWEPA) outer boundaries to enable the wolf population “to exist within a metapopulation context consistent with Leonard et al. 2005 and Carroll et al. *in press*.” In subheading C, the recommendation also calls for allowing “wolves to disperse throughout the MWEPA, subject to management consistent with current Blue Range Reintroduction Project SOPs.” Yet, expanding the MWEPA and establishing a metapopulation conflict and cannot be reconciled. And subjecting wolves throughout that expanded MWEPA to management consistent with current Blue Range Reintroduction Project SOPs would exacerbate the mismanagement that would preclude such a metapopulation.

Leonard et al’s study indicates that more wolves must be allowed to survive, and must be restored to much broader regions, for true recovery to take place: “We suggest restoration goals might be

reconsidered so as to better restore wolves to past population sizes and enable them to significantly influence the Rocky Mountain ecosystem.” The authors make clear that they consider the Rocky Mountain ecosystem very broadly, to include “more open habitats” that contrast with “forested and mountain areas” (p. 7). They also make clear that past population sizes were on the order of several hundred thousand to two million wolves throughout North America.

The Carroll et al study makes clear that wolves in other parts of New Mexico or Arizona will have lower densities, and thus expanded home range requirements, than those in the Blue Range Wolf Recovery Area, while at the same time road densities are higher in other parts of these two states. In fact, Carroll et al rate most of the region south of the current MWEPA as too arid, and therefore insufficiently productive of wolf prey animals, to allow for wolf breeding within a standardized wolf territory size of 504 square kilometers (pp. 9, 14). However, Mexican wolves were originally found throughout these regions; thus, their territory sizes originally were, and would have to be once again significantly larger than Carroll et al use in their analysis (and which they stress “should be viewed with caution” (p. 25)). As a result, wolves would be even more likely to encounter livestock, and the livestock carcasses that often lead them to habituate to livestock, in the areas most likely to be targeted for expansion of the MWEPA.

Current management, and especially SOP 13 which requires removal and/or killing of wolves according to a rigid formula based on depredations, has led to a declining wolf population in the Blue Range Wolf Recovery Area. Yet, as shown, wolves outside the current recovery area will encounter livestock, and adverse ranching practices, more often than those within the recovery area. For wolves to survive elsewhere in these two states, there must be a lower mortality/removal rate (or a higher recruitment rate) than for them to survive in the Blue Range Wolf Recovery Area.

Instead, they will face higher rates of removal and government killing. Thus, Carroll’s study, along with experience from the last nine years of reintroduction, indicates that adopting management consistent with that in the Blue Range Wolf Recovery Area will not allow for creation of a wolf metapopulation, especially if the MWEPA is expanded southward. In fact, adopting current management in particular in more arid regions, and those with higher road densities and higher livestock densities, will preclude survival and reproduction of wolves; it will prevent establishment of a metapopulation.

Even without adopting management consistent with current Blue Range Reintroduction Project SOPs into an expanded MWEPA, the expansion alone would preclude establishment of a metapopulation. Carroll et al’s study indicates that wolf management in more arid areas with higher road densities will have to be more conservative (ie. lenient on the wolves) in order to enable wolf survival and reproduction. This would require either the government not killing as many wolves or private individuals not killings as many. To accomplish the latter, roads would have to be closed to provide for greater habitat security. Forest Service and BLM management plans do not call for significant road closures; thus, the mechanism to accomplish this would have to be critical habitat designation – which is precluded in experimental population areas.

To accomplish the former, wolves that prey on livestock would have to be allowed to survive in the wild, or husbandry measures would have to be adopted such as consistent removal of livestock that wolves don’t kill prior to their locating and scavenging on them, to significantly reduce depredations. Yet, again, experimental populations have never received that level of forbearance; the stated purposed of designating them is precisely to allow for killing of depredating wolves and to avoid land use restrictions – including regulations concerning grazing on public lands. No matter what management is adopted from within the range of legal and bureaucratic possibilities, expansion of the MWEPA will preclude wolf survival and reproduction in a larger area, and thus preclude establishment of a metapopulation.

In contrast, allowing wolves to establish territories outside of the Blue Range Wolf Recovery Area but without expanding the MWEPA holds promise of contributing to creation of a metapopulation consistent with Leonard et al and Carroll et al.

Even if the logic of this recommendation was not pretzel-shaped and untenable, the recommendation's purview extends beyond responsibility for the Blue Range Wolf Reintroduction project and is properly categorized under recovery planning for the Mexican wolf – the bailiwick of a recovery team. It is simply inappropriate for inclusion in the present review. No matter how the historic range of the Mexican wolf is interpreted, and especially if the Service adopts Leonard et al's recommendation to prioritize "ecological rather than genetic heritage" (p. 7) in guiding places for future reintroductions, areas in Arizona and New Mexico north and south of the current MWEPA boundaries will be central to Mexican wolf recovery. By suggesting that significantly larger reaches of these two states than are already designated as the MWEPA will become part of the MWEPA, the review is infringing on key decisions of a recovery team in its creation of a recovery plan; these are not responsibilities related to success of reintroduction project goals in the Blue Range Wolf Recovery Area.

For example, the recovery team may decide that designation of critical habitat will be necessary for recovery. Yet, as noted above, critical habitat would be precluded and preempted in areas covered by expansion of the MWEPA. Even without critical habitat designation, the recovery team might conclude that full protection of Mexican wolves to be reintroduced in Mexico should be afforded to those that cross over into the United States. Again, such protection would be precluded by expansion of the MWEPA.

There is no need to expand the MWEPA in order to promulgate and finalize a rule change allowing wolves to roam outside of the Blue Range Wolf Recovery Area. In the northern Rocky Mountains, wolves roam in areas where they are designated as experimental, non-essential and in areas where they are not so designated – and the Service has no rule requiring removal of wolves that cross any jurisdictional boundaries. The Service should categorically reject this recommendation in its entirety.

**The goal of at least 100 wolves in the Blue Range Wolf Recovery Area should not be changed.** The recommendation in the Five Year Review to take this goal and apply it to a much larger area aggravates the destructiveness of the recommendation to expand the experimental population area. The demographic goal of the Mexican Wolf Reintroduction Project for the Blue Range Wolf Recovery Area is a minimum of 100 wolves. The 1982 Mexican Wolf Recovery Plan calls for establishing two viable wolf populations in the wild as a necessary but not sufficient step toward recovery. Whether or not the MWEPA is expanded in size, transferring the population goal for the Blue Range Wolf Recovery Area to the much larger MWEPA amounts to diluting the number of wolves per acre, or conceived in a slightly different frame, lowering the demographic bar for the Blue Range Wolf Recovery Area. But the Five Year Review notes that the Blue Range Wolf Recovery Area could support 213 wolves based on elk biomass, and 468 wolves based on the biomass of all wild ungulates (TC-18). So there is no reason to lower the minimum number from 100 wolves, except as a means of avoiding necessary and overdue reforms that would enable the Blue Range Wolf Recovery Area to grow to (and beyond) this minimal goal. Furthermore, it is clear that 100 wolves does not comprise a viable population.

**The Service incorrectly depicts the range of the Mexican wolf in its "virtual public meeting" Web site at <http://www.mexicanwolfeis.org> and in a display at the scoping meetings.** While it is correct that "results from recent genetics examining historic Mexican gray wolf specimens collected in 1916 and earlier (Leonard et al. 2005, pp. 10, 15) suggest that Mexican gray wolves genetically intergraded with more northern subspecies well into Colorado and Utah," as the present notice states, such intergradation is not evidence of Mexican wolves themselves located "well into" these states, but of genetic material that originated in Mexican wolves -- perhaps from many successive matings between neighboring wolves. The closest

evidence of strong intergradation in Leonard et al is of a single wolf in the San Luis Valley on the New Mexico/Colorado border; other intergradation is more attenuated.

**The final delisting notice for the Western Great Lakes gray wolf population on Feb. 8, 2007 incorrectly lists the wolf in Mexico as off the endangered species list.** This should be expeditiously corrected.

We also incorporate by reference the comments of the Rewilding Institute on the present notice, and endorse such comments except in any instance in which they are at odds with our own comments, above. Finally, we incorporate by reference the Center for Biological Diversity's comments on May 30, 2006 on the Five Year Review, pursuant to the Federal Register notice of May 15, 2006 (Volume 71, Number 93) on Mexican Gray Wolf Blue Range Reintroduction Project Five-Year Review.

Thank you again for the opportunity to comment.

Sincerely,  
(signed)

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## **MEXICAN GRAY WOLF NEPA SCOPING**

**Comments to Federal Register Vol. 72, No. 151, 8/7/2007, pgs. 44065-44069**

### **Re: Preparation of an Environmental Impact Statement (EIS) for the Amendment of the 1998 Non-essential experimental population (10j) rule for Recovery of the Subspecies, Mexican Gray Wolf, in Arizona and New Mexico**

As a supporter of scientifically based wolf management, I am commenting to urge the US Fish and Wildlife Service to take a more proactive and balanced approach to Mexican gray wolf recovery efforts in the Southwest. Below are my comments:

There are seven issues (a thru g) identified in the Federal Register:

1. Issues a and c: Areas where wolves are permitted to establish territories.

Comment: Wolves have established outside the primary and secondary recovery zones and successfully survived and reproduced with little to no livestock depredation (examples: San Mateo, Frisco, Nantac and Saddle packs). Because the biology has proven itself, **amend the rule to permit any successful establishment of wolves within the MWEPA.** Also, because of its limited habitat and prey, the White Sands Missile Range should not encompass any primary recovery zone.

2. Issue b: Initial wolf releases into secondary recovery zones are currently not permitted.

Comment: The current restriction to only release wolves within the primary recovery zone is artificial and is impacting genetic diversity. Because the current restrictions are political, and not biological, initial wolf releases must be permitted in the secondary zones. Do **NOT** hold public meetings on each and every wolf release. Release for wolf recovery went through the NEPA process in the preparation of the original Environmental Impact Statement. Currently meetings are being held on wolf releases. These meetings are not productive or helpful. The meetings become merely grandstanding about wolf recovery, which has already been addressed. In addition, employees of the interdisciplinary field team endure much unnecessary insults and maltreatment.

3. Issues d and e: Response to ‘nuisance’ behavior by wolves, including “take” of wolves when they attack dogs on private or tribal lands.

Comment: Under the Endangered Species Act, the Mexican gray wolf, as part of the “non-essential, experimental population,” is to be treated as “proposed endangered” in terms of effects. As such, and in order to recover wolves, the prohibitions against “take” and harm should remain firmly in place including on private and tribal lands. Harassment is currently permitted and it may be appropriate to expand what entails “harassment”, such as permitting use of paint balls or use of pepper spray (although, use of pepper spray may need study to determine the pack’s reaction to a wolf incapacitated temporarily by the spray, since weakened animals can be attacked by other wolves). Expansion of harassment regarding protection of dogs should be within the limits whereby “take” or harm of the wolf should not occur (instances of wolf attacks on dogs have been limited, and all have been compensated by Defenders of Wildlife. These instances have rarely resulted in serious injury to the dog). Ranchers should have **NO** harassment privileges on public lands over what any other member of the public has; Special privileges to ranchers is the root of much of the wolf reintroduction problems, i.e., special considerations and catering to public land ranchers has fostered a belief, on their part, that their desires trump that of every other member of the American public. The greater context for ‘nuisance’ wolf behavior is knowledge-- the knowledge about how to react to wolf presence (e.g., hiking with dogs) and how humans create problem situations (e.g., dog food available). Of the outreach and public information currently underway through the wolf recovery effort, only a small component is for the general public (campers, hikers, interested conservation groups, etc). The program is under staffed, but essentially all current efforts are directed toward ranchers, including continual phone contacts with ranchers where no wolf ‘nuisance’ or depredation is occurring. This practice of special privileges with ranchers **MUST** discontinued.

4. Issue f: Clarify definitions of “breeding pair,” “depredation incident” and “thresholds for permanent removal”.

Comment: Any and all changes to definitions must facilitate **wolf recovery**, and outweigh the excess of standardized, repetitious complaints and demands by public lands ranchers and counties. Depredation or nuisance/problem incidences should only count against '**lawfully present livestock**' which, by Forest Service rules and regulations, means more than just possessing a term grazing permit. As part of the term grazing permit, the where, when and numbers of livestock grazing is specified annually. To be out of these prescriptions is to be out of authorization, and is subject to adverse permit action or extra graving fees. As such, wolves **MUST** not be penalized for public land ranchers' failure to follow the 'terms and conditions' that permit them the privilege to use a public resource for fees well below the market value of the resource. (Note: The US Supreme Court has ruled that public lands grazing is a 'privilege', not a 'right', on three separate occasions). SOP 13.0: Control of Mexican Wolves, #3, c: The phrase "lawfully present" in the definition of 'problem wolves' and 'depredation' does not clearly define what "lawfully present" means. For clarification and consistency the definition in SOP 13.0 **MUST** be the same as the Forest Service definition. Regarding livestock carcass management: If indeed every dead livestock is a drastic blow to the public land rancher's economic viability, the rancher should be frequently checking their livestock and will know of every dead animal. It is then easy, costing little, to render carcasses unpalatable to all scavengers by applying lime. Under Section 8 of the term grazing permit, the Forest Service has the authority to require carcass management. Biologically, wolves scavenge, so wolves that scavenge on livestock carcasses (that died of reasons other than their own depredation) **MUST** not be considered "nuisance" or "problem" wolves.

##### 5. Issue g: Center for Biological Diversity 2004 petition

Comment: No information is given in order to respond to this item. However, there are some discrepancies apparent between Arizona (Apache National Forest) and New Mexico (Gila National Forest) which are clearly affecting wolf recovery between the primary and secondary zones and need to be addressed; examples are: At or above 7,000 feet in elevation there is essentially no winter/spring grazing in Arizona. However, at these elevations there is grazing in New Mexico during the winter/spring (spring is also denning time for wolves). In fact, one New Mexico grazing allotment at 8,000 feet in elevation was only grazed in the summer/fall, but currently is grazed yearlong. In Arizona, cattle are not present in every pasture at all times while this appears to be the case in New Mexico (hence greater opportunity for livestock-wolf encounters in New Mexico). Recent born calves are seen in Arizona only during the spring but they are seen yearlong in New Mexico; any University extension agent will note that this is a poor livestock production practice that will limit the number of calves per cow over her lifetime and will limit the subsequent economic returns to the rancher. There are some areas that never have livestock in Arizona, such as flowing rivers and creeks, and high elevation spruce forests, but livestock are always seen in these areas in New Mexico. Between approximately 1997 and 2006 above "normal" drought conditions occurred in eastern Arizona and western New Mexico; Arizona made adjustments in livestock grazing over this period but New Mexico did little. It appears that grasses and rangelands have come through this drought period in a much healthier condition in Arizona than in

New Mexico. Better habitat conditions benefit the wolves' wild prey which in turn benefits wolves.

## Additional issues for consideration during the NEPA process for the upcoming EIS

### A. Revision of SOP 13.0 Control of Mexican Wolves.

Comment: The removal, or killing of 59 wolves over the course of reintroduction. This has clearly hindered, in fact stalled, wolf recovery. The provision for removal (lethal or otherwise) after three livestock depredations is **NOT** a tool for recovery, but rather a management tool after establishment of a population. This approach was not used during establishment of the Northern gray wolf and it makes even less sense for the Mexican gray wolf where there is no potential for any other means of population recovery. There is no biological basis for three "strikes and out", therefore SOP 13.0 **MUST** be revised to reflect scientific, biological operating procedures for wolf removal. Three "strikes" is also applied to sheep but in terms of forage needed, grazing fees and AUMs, five sheep are equivalent to one cow; hence, by definition, 15 sheep should equate to three cows in terms of depredation. The captive wolf facilities across the country are overflowing with removed wolves, another reason to drastically limit removals and increase releases. Packs with wild born pups **MUST** never be removed due to the horrible impact of captivity on captured and removed wild born animals.

B. Twenty five wolves have been shot and killed (with one self defense determination and only one prosecution). Three wolves have currently disappeared, and there have been openly admitted actions by a public land ranch manager with the objective to entice nearby wolves to depredate their livestock, whereby acquiring a third "strike" (while creating "post traumatic stress syndrome" in one of his own family members).

Comment: Federal law enforcement **MUST** do a better job. Even the self-defense case was questionable, but was one of the first futile efforts to make wolf recovery acceptable to the general public. It appears that enforcement of laws and regulations for wolf recovery is not a priority, for political (?) or poor budget reasons(?).

C. Payments to public lands ranchers for wolf depredations or injury to livestock or other animals.

Comment: This is entirely within the purview of a private group (example: Defenders of Wildlife) but where payments are made to public lands ranchers who are unwilling to make adjustments or unwilling to live with wolves, it fails to meet the objective for which the program was developed, i.e., acceptance of wolves. Payment to public land ranchers made by the federal government, as is being currently proposed, is wrong in that the Endangered Species Act is the **LAW** of the land. If ranchers own need to improve livestock husbandry and economic return, along with the already very minimal fees for

grazing on American's public lands, and the countless assistance ranchers receive as tax write-offs for agricultural producers—if all this does not make the presence of wolves more tolerable, **neither** will any additional payments from the public coffers. Currently ranchers receive assistance from the county to pay Wildlife Services to handle predator problems, The State of Arizona pays ranchers for open space, ASCS pays ranches for feed and other drought assistance, etc, etc, etc.

D. Recovery of wolves on public lands resulting in ranchers inability to continue ranching, selling their private land ranches, impacting county economy, and detriment to all wildlife.

Comment: Each aspect of the above statement is unfounded and unsubstantiated general perceptions that are accepted by most people without critical evaluation. In fact, there have been substantial changes in livestock management, numbers and grazing seasons in the primary recovery zone in Arizona and these have not resulted in loss of one ranching operation in Arizona. Economic analyses by the Forest Service show that the percent of return to the local economy and county, both directly and indirectly, are miniscule in Arizona and limited in New Mexico. Any selling and subsequent subdividing of private ranch lands will not come about because of what happens to grazing permits but will come about due to the **economic value** of the private lands in the primary and secondary recovery zones, especially as compared to the returns generated by the best and most economical public lands ranching operations. Comments stating that the presence of wolves has a negative impact on big game animals (e.g. elk and deer) are also unfounded. Arizona Game and Fish, as well as the New Mexico Game and Fish, have both publicly acknowledged that big game populations have been minimally impacted. It is time to stop citing these non-facts as bases for compensation or for hoped-for wolf-tolerance payments.

E. Adaptive Management Oversight Committee's composition of every agency director, and naming the Arizona Game and Fish as the lead agency early in the recovery effort.

Comment: No other species under an Endangered Species Act recovery effort has this multi-agency political oversight. Arizona Game and Fish, as the lead field agency has not facilitated wolf recovery; notably: providing ranchers wolf radio receivers that create fear and chaos every time a wolf walks through the area (this practice is not done with other predators e.g. bears and lions, because it would create the same fear and chaos) and micro management through each level of the Arizona Game and Fish for every action considered by the field team. The field team consists of biologists with many years of knowledge and experience, but AMOC continues to disregard biological recommendations from the field team, and make decisions based on politics. The lead field agency **MUST** be given to the US Fish and Wildlife Service, and AMOC **MUST** be utilized solely as an advisory committee, with no decision-making authority.

F. Known wolf predation since 1998 of 110 head of livestock.

Comment: Because of the limited costs associated with grazing livestock on public land, many public lands ranchers do not spend as much time checking livestock's well-being as do ranchers with a greater investment in their herds; as such, wolf predation could be 2-3 times higher but this is unlikely given the continual tabs the interagency field team keeps on wolves and their constant search for uncollared wolves. Even if the loss was 350 livestock, almost all are compensated for and the number comes to only 35 livestock killed per year for the past 10 years of wolf reintroduction; that number also represents, at most, 1% of all the livestock on public land in the primary and secondary recovery zones—hardly enough to halt the wolf recovery effort in spite of the individually relatively high reported losses to a few marginal livestock operations, one manager of which openly admits to enticing wolves to predate on the ranch owner's livestock.

G. It has been asked “What values do we as individuals in society place on wolves and how much are we willing to tolerate them on the landscape?” (Morgart).

Comment: The vast majority of individuals in this society have placed a high value on restoring wildlife being lost and have done so through passage of the Endangered Species Act. No law affects everyone equally, but our laws still reflect societal values. More than every effort has been made to reduce impacts to those who feel most affected by recovery of the Mexican gray wolf; it is time to stop futile efforts to make the wolf palatable to the few who are the most vocal and who have vowed to never accept the wolf in spite of what the law requires, and it is time to start truly recovering the wolf through sound biological management.

The November 1 – 31, 2007 Mexican Wolf Monthly Update states that there are 24 wolves with functional collars in the wild. Just in 2007, by my count, there were two lethal removals (San Mateo AM796 and Durango AF924), seven permanent removals (Saddle M1007, AM732 & AF797, Rim M1043 and Aspen AM863, F1046 & AF667), eleven removals, with the possibility of translocation (Saddle pups x 7, Meridian F1028, and Aspen pups x 3), five missing (Aspen AM512, Saddle f1016 and Durango AM973, Durango F1047 & one uncollared pup), and four found dead (Rim AM991, Single m1041, Single m925 and Rim F1048). There are a total of 29 wolves removed from the wild population during 2007, that's more than the current wild collared population. Except for the five missing and four found dead, all the other wolves were removed for political reasons, not biological reasons. Of the eleven wolves removed, with the possibility of translocation only Meridian F1028 has any experience as a wild wolf. The Saddle and Aspen pups, if translocated, will enter the wild population as naive wolves. Positive changes that favor wolf biology, and not politics, **MUST** be made to the current wolf management if the goal of recovery is to ever be achieved.

In closing, I feel that the Mexican gray wolf **MUST** be “uplisted” to experimental essential status if recovery is to become a reality. After ten years of effort it is apparent that recovery is not possible under the experimental non-essential status.

Thank you for the opportunity to comment.

*/s/ Barbara Romero*

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December 27, 2007

Re: Notice of Scoping Meetings and Intent To Prepare an Environmental Impact Statement and Socio-Economic Assessment for the Proposed Amendment of the Rule Establishing a Nonessential Experimental Population of the Arizona and New Mexico Population of the Gray Wolf (??Mexican Gray Wolf??)

Dear Mr. Millsap,

Below are the issues as listed in the Federal Register, then our comments in red. Additional comments follow.

Issues Related to the Scope of the NEP

(a) Current management stipulations that require wolves that establish home ranges outside the Blue Range Wolf Recovery Area (BRWRA) to be removed and re-released into the BRWRA or taken into captivity.

This stipulation stemmed from the intention in the 1998 NEP final rule that wolves would not be reestablished throughout the entire Mexican Wolf Experimental Population Area (MWEPA), but only within the BRWRA, which is a sub area of the MWEPA. However, analysis indicates that removals for boundary violations due to wolves dispersing or establishing territories outside the BRWRA are not conducive to achieving the reintroduction project objective of ??reestablishing a viable, self-sustaining population of at least 100 Mexican [gray] wolves?? (U.S. Fish and Wildlife Service 1982, p. 23). In other words, change in this aspect of the 1998 NEP final rule would provide the Service with the authority to allow wolves to establish territories outside the boundaries of the BRWRA.

During the 1994-95 process biologists and wildlife managers felt there was sufficient prey and space for 100 animals in the BRWRA despite beliefs of experienced residents and animal professionals. Since initial wolf releases in 1998, the program has been fraught with problems anticipated by the livestock industry and other local

citizens: habitation to residences, attacks on dogs, other pets and livestock, lack of realistic compensation, hampered or totally altered ranch management ability, undue emotional stress, to name a few. Additionally, wildlife experts have expressed concerns over a lack of or dwindling native prey base.

The program currently does not have sufficient personnel or money. How will these strapped resources be able to cover a larger area? The problems inside the BRWRA will only expand to the new areas. Have these areas been evaluated through the NEPA process? What about the prey base? During the Potential Mexican Wolf Reintroduction Areas in Arizona process the Galiuro/Pinaleno Mountains and the Chiricahua Mountains were eliminated, partly because of the human populations, higher road densities and less Wilderness/more fragmentation, but they will be included now. One to two wolves have all ready traveled almost to those areas, but they returned. However, putting wolves in areas far away from humans, as alluded to in the document was impossible even in the so-called "low human density" Blue Range and quickly became a "non-issue" to the program, but a major one to residents.

(b) Current management stipulations allow for initial Mexican gray wolf releases from captivity only into the primary recovery zone of the BRWRA.

Management experience has demonstrated that this stipulation in the 1998 NEP final rule sets impractical limits on available release sites and wolves that can be released into the secondary recovery zone, limits the Mexican Gray Wolf Reintroduction Project's (Project) ability to address genetic issues, and results in a misperception that the secondary recovery zone is composed largely of "problem" animals that have been translocated to the secondary zone after management removal due to livestock depredation events. In other words, a change in this aspect of the 1998 NEP final rule would possibly provide the Service the authority to release Mexican gray wolves from the captive breeding population into New Mexico.

Would this be allowed with the county ordinances that were passed disallowing the initial releases of wolves into those counties? Wasn't that why they weren't released there in the first place? Many of the translocated wolves were problematic elsewhere or members of packs involved in killings, frequenting homes, etc and were removed from Arizona and then re-released into New Mexico.

(c) The definition of the White Sands Missile Range, which is within the MWEPA, as the White Sands Wolf Recovery Area.

However, the White Sands Wolf Recovery Area is not of sufficient size nor does it have sufficient prey density to function as an independent recovery area.

Does that mean, then, that it would be a further extension of the project area, adding on to the BRWRA through the elimination of the boundary rule? Would this designation "allow" for initial releases of wolves?

(d) Limited provisions for private individuals to "harass" wolves engaged in nuisance behavior or livestock depredation, or which are attacking domestic pets on private, public, or Tribal lands. Current provisions in the 1998 NEP final rule allow for "opportunistic, non-injurious harassment" of wolves by private individuals; that is, individuals are not allowed to harass wolves in such a manner as to even potentially result in bodily injury or death of a Mexican gray wolf. Management experience in the BRWRA, as well as the Northern Rocky Mountain DPS gray wolf recovery program, suggests

that a variety of harassment methods could provide an effective deterrent to problem Mexican gray wolf behavior, as well as increasing public acceptance of Mexican gray wolf recovery. All possible alternatives and remedies need to be explored.

Yes, all possible alternatives and remedies need to be explored. Any means to instill even a small amount of fear of humans in the wolves would be good. However, the chances of even seeing wolves attacking domestic animals, let alone be able to do something about it, is rather small, frequently happening at night or out of sight.

(e) Current provisions in the 1998 NEP final rule that do not allow for "take" of wolves in the act of attacking domestic dogs on private or Tribal Trust lands.

However, domestic dog injuries and mortalities have occurred within the BRWRA due to interactions between wolves and dogs, primarily near people's homes. Lack of take authority in instances where take may have been warranted has resulted in substantial negative impacts on some local residents and visitors to the BRWRA.

Agree. Being able to defend your dog would not lead to overt killing of wolves. Private individuals and Tribes currently have the ability to kill wolves in the process of attacking livestock on private or Tribal land, but not one person has "taken advantage of" this ability.

Most attacks are at night or otherwise out of sight, hit and run.

(f) Among other issues, the need to clarify definitions of: "breeding pair," "depredation incident," and "thresholds for permanent removal."

In addition, there is a need to identify other possible impediments to establishing wolves, such as the livestock carcass management and disposal issue identified in the 3-year review of the project (Paquet et al. 2001, p. 69). The authors of this report recommended that the Service "require livestock operators on public land to take some responsibility for carcass management/disposal to reduce the likelihood that wolves become habituated to feeding on livestock." In other words, if a new final rule is promulgated that incorporates this recommendation from the 3-year review, it may result in redefining "nuisance wolves" and "problem wolves" so as to exclude animals that scavenge on the carcasses of livestock that died of non-wolf causes.

Another definition or clarification needed is for legally present livestock. With the common occurrences of gates being left open or knocked down, trees falling on fences or elk knocking them down, etc cattle could be in the wrong pasture or even on the wrong allotment, but they are still "authorized" to be on the forest. Then there was the case of permitted cattle that the wolves chased over on to another allotment and killed; Defenders of Wildlife would not pay saying the cattle were in the wrong place. They were still authorized cattle owned by a Forest Service permittee.

A peer reviewed report, "Assessing factors related to wolf depredation of cattle in fenced pastures in Montana and Idaho" by Elizabeth H. Bradley and Daniel H. Pletscher "found no relationship between depredations and carcass disposal methods, calving locations, calving times, breed of cattle or the distance cattle were grazed from the forest edge." Their study covered 1994-2002, was published in 2005 and was funded by the National Fish and Wildlife Foundation, Turner Endangered Species Fund (TESF), Defenders of Wildlife and US Fish & Wildlife Service, with support from Mike Phillips with TEF and Ed Bangs, USFWS, among others. More likely causes of depredations, they

felt, were forests or places with a high percentage of vegetative cover, within a wolf den area and where there was native prey use in the same pasture or locale. One recommendation was that if wolves denned near livestock sometime after the denning season the den be ?filled in subsequent years to encourage denning elsewhere.? That was done in Montana in 2001; the wolves moved to Yellowstone National Park, away from the cattle.

If the carcass removal recommendation is moved forward, this would go against your Step #4 in the Federal Register, ?Review available information that pertains to the management and habitat requirements of this species, including material received during the public comment period?? We realize that you don?t have to accept what is submitted, but this has been taken from a scientific, peer-reviewed report, funded by your agency. Requiring ranchers to remove or dispose of carcasses out on the range is also totally impractical and virtually impossible to accomplish. The likelihood of finding a carcass in a timely fashion in remote, rugged terrain is very slight. Frequently it takes several hours to return home, then to pack lime and plastic onto another horse and go back out to the carcass could take another day, if you have the supplies on hand, longer if you don?t. If you try to burn the carcass it takes a lot of wood and you have to try building the fire under the animal as much as you can, since building it on the carcass is not very effective. During fire season this would most likely not be allowed. Burying is not an option if equipment like a backhoe cannot be used. Trying to bury a 1000 pound animal by hand with a shovel is unrealistic.

(g) The issues addressed in this scoping process include issues addressed in a petition for Rulemaking dated March 29, 2004 provided to the Service by the Center for Biological Diversity. This Notice, and the subsequent public notice and comment period, will provide the public an opportunity to comment on the issues provided in the Center for Biological Diversity?s Petition for Rulemaking.

Why is no mention made of the Petition for Rulemaking provided to the Service by New Mexico and Arizona Cattle Growers, et al? Some of the issues are covered here, but not some significant ones.

Defining ?Adaptive Management?: Adaptive management incorporates research into conservation action. Specifically, it is the integration of design, management and monitoring to systematically test assumption in order to adapt and learn.

A reasonable compensation program with no strings attached or expectations other than honesty that is guaranteed to continue, not disappear, is needed. AZ Game & Fish Department has recently started a program that helps ranchers purchase hay to use if and when they bring their livestock onto private property in an effort to avoid wolf depredations out on the range. Right now it covers a portion of the actual costs; receipts are submitted to show costs incurred. It is an acknowledgement by AZGFD of the costs over and above normal expenses that ranchers endure under the wolf program. Maybe funding could be directed to the AZGFD program, since it is all ready in place and working. Another way funding could be beneficial is to help with fence repair costs, particularly when permittees are given the option to use a pasture on another allotment if wolves are denning or being released particularly where young calves would be. Frequently these allotments are ones that haven?t been used or maintained for a number of years, making fence repair a nightmare and usually taking several days or weeks to get it up in good shape.

Issues Related to Evaluation of the Environmental Impacts. We are seeking comments on the identification of direct, indirect, beneficial, and adverse effects that might be caused by amendment of the 1998 NEP final rule that established the current NEP of Mexican gray wolf. You may wish to consider the following issues when providing comments:

- (a) Impacts on floodplains, wetlands, wild and scenic rivers, or ecologically sensitive areas;
  - (b) Impacts on park lands and cultural or historic resources;
  - (c) Impacts on human health and safety;
  - (d) Impacts on air, soil, and water;
  - (e) Impacts on prime agricultural lands;
  - (f) Impacts to other species of wildlife, including other endangered or threatened species;
  - (g) Disproportionately high and adverse impacts on minority and low income populations;
  - (h) Any other potential or socioeconomic effects; and
  - (i) Any potential conflicts with other Federal, State, local, or Tribal environmental laws or requirements. We will give separate notice of the availability of the draft EIS when completed, so that interested and affected people may comment on the draft and have input into the final decision.
- Impacts to other species of wildlife were never fully addressed in the beginning, so it has become even more serious now in this phase.

Wolves in Unit 27 of Arizona have had enough impact on the elk herd that permit numbers have been lowered. Deer numbers had all ready been decreasing since the 1980s and we expressed our concern when the wolf program was started in earnest in the 1990s. Predator (mountain lions, coyotes, black bears) numbers were at high levels also and continue to be significant problems to not only ranchers. Over the past few years the incidences of these predators going into towns and even Phoenix, Tucson & Flagstaff have increased. The drought, humans moving into the animals habitat and lack of food have been cited as the reasons why, but no mention that they are also being pushed out by other predators, including by the wolves, territorially and for food.

Would this be allowed with the county ordinances that were passed disallowing the initial releases of wolves into those counties?

Wasn't that why they weren't released there in the first place? Many of the translocated wolves were problematic elsewhere or members of packs involved in killings, frequenting homes, etc and were removed from Arizona and then re-released into New Mexico.

Does that mean, then, that it would be a further extension of the project area, adding on to the BRWRA through the elimination of the boundary rule? Would this designation allow for initial releases of wolves?

Yes, all possible alternatives and remedies need to be explored. Any means to instill even a small amount of fear of humans in the wolves would be good. However, the chances of even seeing wolves attacking domestic animals, let alone be able to do something about it, is rather small, frequently happening at night or out of sight.

Agree. Being able to defend your dog would not lead to overt killing of wolves. Private individuals and Tribes currently have the ability to kill wolves in the process of attacking livestock on private or Tribal land, but not one person has taken advantage of this ability.

Most attacks are at night or otherwise out of sight, hit and run. Another definition or clarification needed is for legally present livestock. With the common occurrences of gates being left open or

knocked down, trees falling on fences or elk knocking them down, etc cattle could be in the wrong pasture or even on the wrong allotment, but they are still "authorized" to be on the forest. Then there was the case of permitted cattle that the wolves chased over on to another allotment and killed; Defenders of Wildlife would not pay saying the cattle were in the wrong place. They were still authorized cattle owned by a Forest Service permittee.

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If the carcass removal recommendation is moved forward, this would go against your Step #4 in the Federal Register, "Review available information that pertains to the management and habitat requirements of this species, including material received during the public comment period?" We realize that you don't have to accept what is submitted, but this has been taken from a scientific, peer-reviewed report, funded by your agency. Requiring ranchers to remove or dispose of carcasses out on the range is also totally impractical and virtually impossible to accomplish. The likelihood of finding a carcass in a timely fashion in remote, rugged terrain is very slight. Frequently it takes several hours to return home, then to pack lime and plastic onto another horse and go back out to the carcass could take another day, if you have the supplies on hand, longer if you don't. If you try to burn the carcass it takes a lot of wood and you have to try building the fire under the animal as much as you can, since building it on the carcass is not very effective. During fire season this would most likely not be allowed. Burying is not an option if equipment like a backhoe cannot be used. Trying to bury a 1000 pound animal by hand with a shovel is unrealistic.

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acknowledgement by AZGFD of the costs over and above normal expenses that ranchers endure under the wolf program. Maybe funding could be directed to the AZGFD program, since it is all ready in place and working. Another way funding could be beneficial is to help with fence repair costs, particularly when permittees are given the option to use a pasture on another allotment if wolves are denning or being released particularly where young calves would be. Frequently these allotments are ones that haven't been used or maintained for a number of years, making fence repair a nightmare and usually taking several days or weeks to get it up in good shape.

Human health and safety, disproportionately high and adverse impacts on minority and low income populations and other potential or socioeconomic affects will be combined here. Naturally we do not believe they have ever been adequately address or recognized, to the point of practically being dismissed as inconsequential. Some of the financial issues were documented for the 5 year review, but some things are difficult to put into measurable terms, but we're trying to improve that. Sociologically, though, no evaluations had been done until 2006, when psychologist, Dr. James Thal did a preliminary study of the Psychological Impact of Wolf Reintroduction, reviewed by psychiatrist, Dr. Julia Martin. Moderate to severe stress was evident in many individuals. About half of the interviewees were ranchers or members of ranching families with the remainder having no agricultural connection. It verified what many all ready knew ? feeling helpless, demoralized and depressed, worried about the inability to do anything to protect your family and animals, fears of losing a cherished way of life and diminishing quality of life, nightmares, etc. All of this has a negative effect on the cultural & historic aspects of these communities.

There could be a potential conflict with Federal environmental laws or requirements. Wolves and dogs have crossed in the Mexican wolf program, the resulting hybrid puppies being euthanized. Red wolves and coyotes have crossed, the resulting hybrid puppies being euthanized. Past Mexican wolf samples showed coyote alleles and residents near the Mexican border talked about the crosses years ago being ?bad news?. A biologist speaking about the Red wolf problem was concerned, saying they won't always be there to ?clean up? the genetics. Some were worried about purity, while others considered the crossing as ?evolution?. This was a problem, is currently a problem and will continue to be a problem. Numerous knowledgeable individuals have seen animals that were not obviously wolves or coyotes in Arizona and New Mexico. What effect will this mongrelization have on wolves in regards to the Endangered Species Act?

In previous documents there were graphs explaining how many people lived per square mile, but we would like to see a map showing that people live in current and potential wolf habitat. The public believes the areas are huge tracts of land devoid of human habitation.

Many disease and parasite problems or possibilities besides rabies and other canid related sicknesses have been pointed out by doctors and scientists. The ability of these to affect livestock, pets and even humans must be considered and analyzed fully.

During the last process, the alternative for terminating the program was purposefully not included, however, this should always remain an option. Therefore, we would like to see this added into the new EIS.

During the 3 year review Dr. Paul Paquet said "no wolves" should be an alternative.

The scope of the economic impact analysis should focus mainly on the individual ranchers and other private citizens affected by the program, local communities and counties. Regional or national or larger analyses should only be used to demonstrate the similarities with other areas across North America or around the world that also have wolves.

Cumulative effects should also be examined closely, but not only on wolf impacts. Most of these areas have also been impacted by wilderness management, multiple Threatened, Endangered or Sensitive (TES) species such as loach minnow, Gila and Apache trout, Mexican spotted owls, and other animal, plant and aquatic species. These issues have never been properly addressed in any of these processes.

If you need clarification or have any questions, please contact me. I appreciate the opportunity to submit comments for our organization.

Sincerely,

Barbara Marks  
Legislative Co-Chairman  
December 31, 2007

Brian Millsap, State Administrator  
U.S. Fish & Wildlife Service  
New Mexico Ecological Services Field Office  
2105 Osuna NE  
Albuquerque, NM 87113  
R2FWE\_AL@fws.gov

RE: Mexican Gray Wolf NEPA Scoping  
RIN 1018-AV40 (EIS for Mexican Gray Wolf)

Dear Mr. Millsap:

Thank you for the opportunity to offer comments to the above captioned rule. I believe that my family who has lived in the BRWRA and has had over numerous packs on our allotment in the forest, is offering a few comments based on experience. Our comments are in red relating to a-g. We also at the end have offered other issues to be addressed in the EIS.

**Issues Related to the Scope of the NEP**

**(a) Current management stipulations that require wolves that establish home ranges outside the Blue Range Wolf Recovery Area (BRWRA) to be removed and re-released into the BRWRA or taken into captivity. The original EIS of 100 has created the situation to force the boundaries to be expanded beyond the BRWRA. Keep the original boundaries and let the recovery be a natural number that is flexible. If the new EIS sticks to 100 as a base line, than only wolves naturally born in the BRWRA should be allowed to habitat beyond the boundaries. The natural born will expand for more prey**

base as future siblings are born. It has been proven over the last 10 years that captive born released wolves travel to travel, looking not only for prey base but habitation of humans.

(b) Current management stipulations allow for initial Mexican gray wolf releases from captivity only into the primary recovery zone of the BRWRA. Since 1998 the wolves have been released as experimental and now, over the next 3 years as the EIS is written, more wolves will be released, however the program has seen the flaw in prey base numbers and territory size needed for the packs to naturally expand. The program should experimentally not release in wolf pack territories over the next 3 years as the EIS is written and evaluate the growth of population. Recommendation is that release sites be flexible to adjust to pack territories, climate adjustments (ie-drought, flooding, fires) , and population growth of residents, part-time residents and recreationist. EIS should adjust to the new forest plan revisions and road management revisions.

c) The definition of the White Sands Missile Range, which is within the MWEPA, as the White Sands Wolf Recovery Area. Take it out if it doesn't fit, but how can you say this area will not work for a small pack that naturally moves into the territory.

(d) Limited provisions for private individuals to "harass" wolves engaged in nuisance behavior or livestock depredation, or which are attacking domestic pets on private, public, or Tribal lands. Nuisance wolves should be removed immediately, it is not the call of activist groups but the local residents. Nuisance wolves create bad wolves. We must trust a person to drive a vehicle, play the lottery and harass a wolf that threatens the economic livelihood, or recreational opportunity of a person.

(e) Current provisions in the 1998 NEP final rule that do not allow for "take" of wolves in the act of attacking domestic dogs on private or Tribal Trust lands. Many dogs are not only the cowboy or employee of a rancher, the grandchild of a family member, the security of an elderly or a child's playmate in rural America. A dog is a dog and no created definition is necessary, yet it is the right of a person to own and protect that dog and it is not the right of someone outside of the Recovery area deciding it is just a "dog", or soon we will not value human property and rights. This new EIS should state that a person has a right to protect its property on private, state and federal lands, whether it be a cat, bird, livestock, dog or any other legal specie.

(f) Among other issues, the need to clarify definitions of: "breeding pair," "depredation incident," and "thresholds for permanent removal." What is a definition to a local person vs a person outside of the recovery zone can be very misleading. A congress women from Virginia asked me what a depredation is? I said killing of an animal by a predator. She said say it that way then, not the fancy government words. Do not be creating rules and definitions that can not be lived with. The BRWRA has so many different type of people, landscape, watersheds, endangered species and governmental agencies with different agendas that one set definition will not work. Be flexible.

(g) The issues addressed in this scoping process include issues addressed in a petition for Rulemaking dated March 29, 2004 provided to the Service by the Center for Biological Diversity. This Notice, and the subsequent public notice and comment period, will provide the public an opportunity to comment on the issues provided in the Center for Biological Diversity's Petition for Rulemaking.

All the meetings, all the years that the residents in the BRWRA has participated at their own expense and time, whether it be members of livestock associations, outdoor recreationist groups, hunting clubs, home associations, governmental agencies, legislative groups, we find the same activist preaching the same thing that was misinterpreted at meaning meetings. Those of us who live with the wolves have tried flexible methods to adjust to preventing wolf conflicts and have succeeded, yet have not been acknowledged or rewarded for the efforts.

This EIS should consider :

1. the effects the wolves have on an entire watershed, including current diseases and potential diseases.
2. the current effects of increasing population of AZ & NM as the fastest growing states for residents and part-time residents
3. economic and social impact to the rural residents and local governments
4. the huge cost of the program documented for the government
5. the huge cost of the program not documented for the residents
6. not this programs problem to resolve the overcrowding of all the captive wolves in the zoo
7. no more translocating problem wolves and no more translocating into natural born packs territory
8. understand that if the FAIR leaves the program, than the program has to adjust immediately
9. program should accept that the forest is multi-use and livestock grazing should be supported, it is an economical tool used for weed control and fire management
10. stop the politics from managing this program
11. expansion should be evaluated for size vs management availability
12. amending the rule to protect residents from habituated animals
13. have residents become part of the program, they have managed the land and other species over the years and it is time to trust them to manage this specie along with the other endangered species
14. understand and adjust flexibility into the new EIS, making a take acceptable if necessary, not until 100 is reached
15. better education material on the real facts of what is actually happening on the land, picture of a sick wolf, pictures of dead prey base, facts that more wolves maybe present, actual manpower cost vs number of wolves....acknowledging the program will have faults like hybrids, more roads-more deaths, increased fire takes habitat, pairs split and economic cost have occurred. It is okay to have a program succeed in a slow process and it is okay to have a program discontinued if necessary.
16. EIS should address other game specie development programs, ie- bighorn sheep, pronghorn antelope if it expands the boundary
17. EIS should address the cost to attend meetings and other methods of communication
18. TRUST needs to be included, not personal gain management
19. Definitions: Depredation should include missing calves
20. Definition: Carcass should include food killed by other predator species

Thank you for reading our comments and best of luck on the new EIS development to improve a program in needs of repair.

Sincerely,

The Ely Family  
Gary, Darcy, Cary and Wes.  
39401 Upper Eagle Creek Rd

Clifton, AZ 85533  
darcyely@aol.com

December 31, 2007

Attn: Mexican Gray Wolf NEPA Scoping

Dear Mr. John Slown and other respected Fish and Wildlife Officers,

I know I don't need to tell you that the fate of the Mexican Gray Wolf appears to have become a political issue as much as a management issue. I attended the public scoping meeting in Socorro and talked with you, and other groups attending that day. I see the controversy and I see the structural dilemma. I believe we cannot allow the BRWRA reintroduction project to fail. Since it's likely that the project goal (100 wolves and 18 breeding pairs) would have been reached by the end of 2006 had the wolves not been removed by wildlife agencies or killed by poachers, the rules governing territory and dealing the project must change. It's my understanding that the stats now show 40 mature wolves with less than 7 breeding pairs.

Here is what I support: A balance for ranches (but not poachers) and new boundaries, less disruption for the Mexican Gray wolf.

1. Allow the wolves to expand their territory. Eliminate restricting their movements (with exception to proximity of ranches) so that packs aren't as easily disrupted. They need to expand further into their historic range. For example, the San Mateos Mountains look fine to the wolf because of their high elk population and there is no major highway to stop them, and, it would seem they look fine to FWS as well because it is sparsely populated by humans. If wolves are allowed to expand AWAY from the controversial Catron County ranches, perhaps progress in increasing population numbers of the Mexican Gray can be met (or at least positive progress in their numbers could be made which might keep the project alive). Since a healthy wolf has a natural fear of man, we must not discourage packs from moving into new areas (even if they are outside boundary lines). A healthy wolf is a well fed wolf (on elk please) with an intact pack.
2. Change the classification of the wolf to experimental, essential. Congress has provided this classification so we must use it if it will help protect the wolf and save it from hanging from some unforeseen beaurocratic loophole in the future. It will make it harder for wolves to be killed under most circumstances so this might present a hardship for some agencies, however, if other areas of management improve, this could help with increasing numbers.

3. Expand the area for initial releases to anywhere within the BRWRA vs. releases from the captive population only in Arizona. The existing rule really limits agencies' options for meeting the 100 wolves self-sustaining population goal. Genetically, the New Mexico population could be enhanced with new blood which could enhance the existing population, and, provide agency managers with better "biological insurance" for self-sustainability.
4. I understand how entrenched Catron County ranchers are in their stance against the wolf, and I support their right to earn a living (this is why I also support FWS desire to keep ranches viable), but I do not believe that their rights supercede the rights of others to use public lands. Especially, when only about 10 cows a year have been killed in the BRWRA (March 1998-October 2007) out of approximately 35,000 head that roam largely unattended.
5. Regarding controversy in Catron County: does FWS know anything about the practices of ranches NOT affected by livestock killing or carcass scavenging? Can any common threads be identified that are keeping wolves away from their operations (other than poaching)? Are these ranchers more government friendly or is there better herd management within their own operations? What are they doing differently?

I know your job is not an easy one, and I want to thank you for your time spent serving wildlife. I want this project to succeed because I don't want this beautiful animal to vanish again from New Mexico's wild landscape. If the ranchers and rural communities of Yellowstone have been able to foster an environment that works for them and the wolf, I have to believe that it is possible for New Mexico and the Mexican Gray Wolf too. Please do what you can to improve upon the existing rules governing the program. I thank you and I believe other future generations would thank you too.

Sincerely,

Phoebe Cook, 6256 Stipa St NW, Albuquerque, NM 87120

Please find attached comments from New Mexico Department of Game and Fish regarding the review of the Mexican Wolf 10(j) scoping process. Note these comments have also been submitted via fax and will be submitted in hard copy format.

Thank you,

John Slown  
31 December 2007  
Page -36-

Matthew Wunder, Ph.D.  
Chief; Conservation Services Division  
New Mexico Department of Game and Fish  
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**GOVERNOR**  
**Bill Richardson**



**DIRECTOR AND SECRETARY**  
**TO THE COMMISSION**

**Bruce C. Thompson, Ph.D.**

**Robert S. Jenks, Deputy Director**

**STATE OF NEW MEXICO**  
**DEPARTMENT OF GAME & FISH**

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**Hobbs, NM**

---

31 December 2007

John Slown  
U.S. Fish and Wildlife Service  
New Mexico Ecological Services Field Office  
2105 Osuna NE  
Albuquerque, NM 87113

Re: New Mexico Department of Game and Fish Comments on the January 12, 1998 Final 10 (j) Rule under the Endangered Species Act for Establishment of a Nonessential Experimental Population of the Mexican Gray Wolf in Arizona and New Mexico – 31 December 2007 Comment Deadline.

Dear Mr. Slown:

On 7 August 2007, the US Fish and Wildlife Service announced intent to prepare a Draft Environmental Impact Statement and socioeconomic assessment in conjunction with a proposed

rule to amend the 1998 Final Rule authorizing the establishment of an “experimental nonessential population of the Mexican gray wolf in New Mexico and Arizona under section 10(j) of the Endangered Species Act. This process included 12 public meetings to disseminate information and elicit comments from the public, scientific community, interested governmental agencies, Tribes, and other interested parties regarding the scope of the EIS, pertinent issues to address, and alternatives to assess. The New Mexico Department of Game and Fish, as a cooperating agency in the reintroduction program, has worked actively in support of the recovery effort. Despite the intensive combined efforts of the US Fish and Wildlife Service, New Mexico Department of Game and Fish, the Arizona Game and Fish Department, U.S. Department of Agriculture (USDA) Animal and Plant Health Inspection Service--Wildlife Services, USDA Forest Service and the White Mountain Apache Tribe, the reintroduction program has not achieved planned objectives. The 1998 10(j) rule establishing the nonessential experimental population of Mexican gray wolves identifies and mandates how the population will be managed. While many of the provisions of this rule have proven useful and acceptable, there are substantive shortcomings that impose hardships on the citizens of New Mexico, limit management flexibility, and result in unsustainable losses in the wolf population. New Mexico Department of Game and Fish believes that changes in the original 1998 10(j) rule are necessary to ensure success of this program. It is especially important to embed flexible conservation actions into the program and to shift from a focus on individual problem events to a focus on proactive efforts that maximize keeping wolves on the ground in suitable habitat.

#### Key Points

- **Redefine the Blue Range Recovery Area** to be one component of a larger meta-population incorporating noncontiguous areas of suitable habitat within the nonessential Experimental Population Area. Wolves are long range dispersers and are capable of moving among areas of potential habitat distributed throughout southern New Mexico and the Southwest. The Blue Range Wolf Recovery Area (BRWRA) may be the single largest area of high quality contiguous wolf habitat in the Mexican Wolf Experimental Population Area (MWEPA). However, the wolves' historic range incorporates large areas of variably suitable and productive habitat. Wolf populations may have comparatively higher densities in alpine coniferous forests that support larger populations of elk and deer than in dryer lower elevation areas. Historically, they also survived as lone wolves, temporary associations, and breeding packs of variable size throughout their historic range. This area extended from western Arizona through southern New Mexico, the plains of west and central Texas and as far south through central Mexico to points south of Mexico City. Given this extensive range incorporating vast areas of lowland desert, shrubland, and grasslands, the existing reliance of the Reintroduction Program on one limited area of alpine mountain habitat is unrealistic. Mexican wolves should be allowed to naturally disperse to and move among suitable habitat throughout the MWEPA, with appropriate conservation and management actions applied, and with the MWEPA extended to include all of New Mexico south of I-40.
- **Expand the reintroduction area to include additional public land within the MWEPA in New Mexico.** Designation of the Apache Sitgreaves and Gila National Forests as the Recovery Area limits the wolves to a politically defined area with no underlying biological

significance. To a highly mobile species like the wolf, boundaries at the scale of the BRWRA are meaningless. To the agencies tasked with implementing this program, the boundaries constitute a constraint that inflicts burdensome management requirements, stimulates unnecessary conflicts, and leads to unsustainable wolf population losses. Thus, the area designated as allowable for occupation by the reintroduced wolf population should be extended to a larger and more ecologically realistic area. For clarity, it may be appropriate to change terminology from Recovery Zone to Reintroduction Area.

- Revise section (k)(9) to **permit initial releases in parts of New Mexico**. The existing rule restricts initial releases to the “primary recovery zone.” This limitation reduces opportunities to release captive-reared wolves, as part of the Reintroduction Project, that can be more timely and functional parts of the wolf population in New Mexico. Such a provision will expedite putting effectively functioning wolves on the ground and will provide greater flexibility in the program to address specific conservation and management needs.
- **Describe a specific wolf population objective in the rule** to enhance clarity and provide dimension to reintroduction efforts. Such an objective should be described in terms of overall numbers, breeding pairs, packs, distribution, allowable densities, duration, and other meaningful biological, ecological, and demographic features. Such a description should not focus on single numbers, but rather on reasonable ranges of values within biologically meaningful time frames that are consistent with the abilities of wildlife managers. New Mexico Department of Game and Fish is especially willing to assist in efforts to provide such a description.
- **Provide for more realistic “threshold of action” rather than the seeming mandate for action** with respect to depredation by wolves. Current provisions regarding 3 depredation incidents have been interpreted too strictly and have developed some unrealistic expectations about specific outcomes. The revised rule should provide for flexibility in actions associated with depredation incidents that is consistent with the circumstances, location, wolves involved, livestock management practices involved, people involved, and other salient factors. Three depredation incidents can remain the triggering threshold for responsible action, but not a departure point for single definitive outcome. This approach will be consistent with more focus on proactive conservation practices and less focus on individual depredation events, thus being more efficient in use of time among project personnel.
- There needs to be explicit understanding in the rule that **wolves should be expected to occupy private land** as is the case with any other wildlife species. The presence of wolves should not, in and of itself, constitute a problem. Rather, the actions of specific wolves should determine the need for management action on the part of the Reintroduction Project.
- The strict application of an **overly broad definition of “problem wolves”** unreasonably stigmatizes pups and yearlings and sets the stage for undesirable levels of removal through management actions. The definition of “problem wolves” should be restructured to focus only on those individuals clearly initiating undesirable behaviors that become routine

- or chronic. Wolf pups may be, but are not necessarily, more likely to depredate on livestock as a result of having been fed from livestock killed or scavenged. There is no evidence that sporadic, opportunistic, infrequent feeding pups on meat from livestock predisposes these pups to be more likely to attack/kill livestock when they mature. A refined definition of “problem wolves” will reduce the burden of pack behavior on these wolves and help to keep more wild born wolves on the land.
- **Describe take permit provisions** so that non-injurious hazing by individuals includes a broader range of actions available to the public (throwing objects at, shooting in the direction of, and a more liberal definition of acceptable projectiles for use in hazing. This is especially important to provide a greater range of options for people who feel a need to do something to protect domestic animals other than livestock.
  - **The definition of breeding pair should be tightened** to specify that the specific pair have actually mated and produced pups. Currently, “**Breeding pair** means an adult male and an adult female wolf that have produced at least two pups during the previous breeding season that survived until December 31 of the year of their birth.” Under the current definition, there is the possibility that pairs could be created through translocation or release. If a sole surviving member of a breeding pair, with pups, joined up with another wolf dispersing, translocated, or released then the pair could be considered a breeding pair when they have yet to mate and produce pups. This existing definition is subject to enough interpretation so that critical population parameters could be inaccurate.
  - **Ensure adequate recognition of the importance of responsible livestock management** as a factor in wolf conservation decisions. Livestock operator tolerance of livestock illness and injury can lead to the presence of weakened livestock on the range. Old, weak, sick, or injured livestock are more likely than healthy livestock to elicit attack by wolves and other predators and thus may constitute an undesirable attraction relative to the wolf reintroduction program. Subsequent natural death and carcass abandonment on public land may stimulate wolves to scavenge on dead livestock, further stimulating wolves to view livestock as prey. The Reintroduction Program cannot, without the support of the USDA Forest Service, force livestock operators to better manage their livestock. However, where there is evidence that obviously vulnerable livestock, carcass abandonment, or other livestock-related materials in an area has led to depredation/scavenging by wolves, an elevated threshold for livestock depredations should be applied in conjunction with intensified wolf management to discourage this behavior. This recognition that certain livestock management practices will result in higher thresholds should provide incentives to livestock operators to improve livestock management to avoid depredations.
  - Preliminary results from ongoing livestock depredation studies in the Blue Range Recovery Area indicate that mountain lions are a significantly greater source of livestock depredation than are wolves. In cases where wolves have been shown to depredate on livestock and other predators are also active in the area, the program with the concurrence of the Agencies of Jurisdiction, should have the flexibility to **respond to wolf depredations with site specific adaptation**. Such adaptation could include an overall predatory animal management strategy, instead of individual focus on wolves,

John Slown  
31 December 2007  
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- The existing 10(j) rule refers to population targets developed in the 1982 Mexican Wolf Recovery Plan. An updated recovery or “**conservation**” **plan** is needed to rigorously examine what would constitute recovery for the species. A credible plan could provide affected states and the Service with a realistic goal that would incorporate existing information on the status of wolves in the intermountain west, southwest, and Mexico.

Sincerely,

s/BT

Bruce Thompson  
Director

Cc: Governor Bill Richardson (Attn: Sarah Cottrell)  
All members of State Game Commission  
Robert Jenks, New Mexico Department of Game and Fish  
Luke Shelby, New Mexico Department of Game and Fish  
Matt Wunder, Chief, New Mexico Department of Game and Fish  
Benjamin Tuggle, United States Fish and Wildlife Service  
Duane Shroufe, Arizona Game and Fish Department  
Jeff Green, United States Department of Agriculture Wildlife Services  
Corbin Newman, United States Department of Agriculture, Forest Service  
White Mountain Apache Tribe  
Terry Johnson, Chairman, Adaptive Management Oversight Committee  
I. Miley Gonzalez, New Mexico Department of Agriculture (Attn: Bud Starnes)  
Caren Cowan, New Mexico Cattle Growers' Association  
Joe Alderete, New Mexico Farm and Livestock Bureau  
John Horning, Forest Guardians  
Michael Robinson, Center for Biological Diversity  
Eva Sargent, Defenders of Wildlife  
Kevin Bixby, Southwest Environmental Center  
Paul Gutierrez, New Mexico Association of Counties  
Posted to New Mexico Department of Game and Fish website under “Conservation Tab”

Attached are my input comments for the Mexican Gray Wolf NEPA Scoping.  
Thank for this opportunity to input the Recovery Program changes.

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Jan & Woofs

*Attn; Mexican Gray Wolf NEPA Scoping 12/31/07 – Jan Ravenwolf*

*This process would have had greater scope and perspective if we could have added in the 2007 count data.*

Why the Huge Difference? The gray wolf reintroductions in Yellowstone and central Idaho are tremendous successes, the Great Lakes states adapt to coexistence with

growing wolf populations, and the Red Wolf Recovery Program is doing very well, while the Mexican Wolf “Recovery” Program keeps taking 2 steps back.

Yellowstone National Park, a huge chunk of public land teeming with wolf prey and devoid of cattle and private landowners, has the 2 commonly agreed upon prime prerequisites for wolf survival: adequate prey and protection from humans. Remote, sparsely settled central Idaho’s Frank Church—River of No Return Wilderness is similarly endowed.

So does relative isolation from humans define the difference?

The 1.7 million acre Red Wolf Restoration Area in North Carolina encompasses 3 National Wildlife Refuges (one donated by an insurance company for this project). But it’s spread over 5 counties, and 60% of the recovery area is privately owned. While this Restoration ran into its share of difficulties, it’s well on its way, with approximately 120 red wolves on the ground (*International Wolf*, Winter 2007, page 5).

Here in the Southwest, there is adequate prey and 95% of the “Recovery” Area is publicly owned National Forest. You’d think this would make it as amenable to wolf restoration as NC, especially with only 5% of the land privately owned. Could the difference be that this 5% appear so much more hostile to the wolves than the NC citizens on their privately owned 60%? And that this 5% can wield power over the Program way out of proportion to its 5% land ownership in the “Recovery” area?

The proposed objective is to “recover” our wolves. Yet the number of wolves shot or otherwise removed for depredation has skyrocketed from 1 in 2004 to 15 in 2006, while the number of wolves on the ground has declined from 55 (2003) to 46 (2004) to 38 (2005), and “back up” to 59 in 2006 (“Mexican Wolf Reintroduction: Put and Take Wolf Recovery?”, D.R. Parsons & J.C. Ossorio, 19<sup>th</sup> Annual North American Wolf Conference, Flagstaff, AZ, 4/14-16, 2007). So while population numbers plummeted 31% from ‘03 to ‘05, then crept back up a whopping 7% (4 wolves) in ‘06, permanent management removals of wolves for depredation increased by a factor of 15!!! (Ibid.) It certainly is NOT because there are 15 times more wolves out there!!!

Adding the recent recapture of the Aspen Pack, it just looks more and more like FWS is more committed to the mission of those 5% to tank the Program, than to its own ESA charter of recovering endangered Mexican gray wolves!

*Attn; Mexican Gray Wolf NEPA Scoping 12/31/07 – Jan Ravenwolf – page 2*

The meteoric rise in wolf removals for depredation coincides with implementation of SOP 13. Even if SOP 13 did not spring fully formed from the forehead of Congressman Pearce and exclusive, clandestine meetings, it still has the appearance of implementation before full consideration by all participants in the Recovery Process. And it’s wreaking havoc (by intent?) upon the wolves.

This has got to stop! The “Recovery” Program appears to have degenerated into a taxpayer financed, glorified canned hunt, with our genetically invaluable, carefully reconstituted, easy-access radio-collared Mexican gray wolves as the very expensive targets for “Wildlife Services” agents (ADC by any name still operates the same) and poachers alike!

The effect of this SOP is total disruption of pack/family structure. Wolves are as strongly family-oriented as humans. The focus of the pack is the pups. SOP 13 pretty consistently removes a wolf parent. When you reduce a family to a single parent, why would you expect a wolf to behave any differently than a human single parent in using whatever is available to maximize the chances for their children’s survival?

Two 55 – 85 pound Mexican wolves can succeed in taking down an elk. Unless at winter’s end, one has about as much chance as a single 90 - 120 pound timber wolf has against a moose. Alaskan Native Americans regularly found battered and broken, terminally injured wolves who lost out to a moose (A. Murie: The Wolves of Mount McKinley, 1944, University of Washington Press 1985, p.186 ).

Add in that cows are continually shoved in the faces of the wolves on public lands that should be theirs to roam at least as freely as the cows and ranchers themselves do on our public subsidies. Not rendering cows dead from many other causes unavailable for consumption could be as intentional a draw as the recently-surfaced allegations of active wolf-baiting (*High Country News*, December 20, 2007). Emotionally- and energetically-stressed single parents will go to a soup kitchen to keep their kids alive. Quite a promising way to set up a wolf to go after less labor- and danger-intensive prey.

So the bottom line problems remain: (1) failure to render carcasses unavailable; and (2) so much pack disruption that packs can’t even maintain their integrity, let alone accumulate wild prey hunting experience, which a multigenerational complex pack would make possible (D. Smith, “10 Years of Yellowstone Wolves 1995-2005,” *Winter 2005 Yellowstone Science*, page 15) to keep them off cows, even with an alpha removed.

And, in my view, (3) all members of AMOC represent human interests; no one speaks for the wolf from the wolf’s perspective, interpreting their behavior in terms humans can understand, rather than as just evil, to get a better handle on how to deal with these situations.

*Attn; Mexican Gray Wolf NEPA Scoping 12/31/07 – Jan Ravenwolf – page 3*

For example, wolves don’t sit around the campfire discussing the best and latest ways to inflict suffering. A lot of it is just common sense. We know wolves can’t live on salad. So, since they can’t dash into WalMart and pick up pre-wrapped, pre-trimmed, pre-killed meat, their strategy for survival has to minimize their chances for injury and maximize

energy conservation while getting a family meal. Not too different from us, really. Especially when you remember that the pre-wrapped, pre-trimmed meat at WalMart was killed by some human. Not to mention that death by slaughterhouse can be just as traumatic as death by predator, despite our wish to believe in humane treatment at these facilities.

Assuming FWS wants to pull the Program up from its Titanic nosedive into the abyss of re-extinction in the wild, several things need to change:

(1) Upgrade the status of the wolves to “experimental essential.” This retains management flexibility, but requires consulting with other agencies about how proposed actions would impact the wolves. With 23 illegal shootings and only 1 person charged (“Mexican Wolf Reintroduction: Put and Take Wolf Recovery?”, D.R. Parsons & J.C. Ossorio, 19<sup>th</sup> Annual North American Wolf Conference, Flagstaff, AZ, 4/14-16, 2007), the disappeared Durango 3, the questionable execution of AF924, plus accusations of active baiting leading to her demise and perhaps to snatching up the Aspens, your argument that “experimental nonessential” status is required to promote cooperation with ranchers is in as big a shambles as the “Recovery” program itself. *It’s not working!!!*

Wolf advocates have tried to work with those 5%. I and many others have been contributing to Defender’s depredation compensation fund for as long as there’s been one because we want to help ranchers stay in business and stay on the land. Their pay back is poaching, passively--perhaps even actively—baiting, disappearing the wolves, and laying dramatic guilt trips on us with bus stop cages and PTSD for their children (see below).

(2) Actually implement the changes recommended in the 3 Year Review as FWS agreed to at that time. If you had, we’d already have fewer carcasses and less pack disruption, and maybe this Program would actually be achieving its proclaimed goal: Mexican Gray Wolf Recovery.

(3) Stop disrupting packs. Only 11 pups were observed among 5 packs in 2007. Continually plucking wolves from the wild because they cross boundaries that only exist in human minds, plus SOP 13, are undeniable mega-disruptors of pack integrity, and of recovery efforts. How can any rational person deny that continued implementation of SOP 13 is killing not only wolves, but the recovery program as well? SOP 13 must be killed itself. And no new reasons to kill wolves must be permitted.

Even if wolves could read maps, they would snort at arbitrary, biologically meaningless boundaries. Survival trumps politics. Wolves frequently demonstrate that plans humans devise are not, as claimed, in the best interests of the wolves. Quite often they’re right,

*Attn; Mexican Gray Wolf NEPA Scoping 12/31/07 – Jan Ravenwolf - page 4*

since these plans usually turn out to be more for the convenience of humans, than beneficial through the eyes of the wolves.

(4) The wolves need to go where their instincts indicate maximum survival opportunities, rather than following the dictates of partially informed humans (all of us fall into this category!). There are millions of acres of public land in the Apache and Gila National Forests. Let there be wolves in those areas. Crossing an abstract line on an abstract map should not end up being a terminal offense. I recall that New Mexico was declared a secondary release zone under wolf-hostile Governor Johnson and an accordingly wolf-hostile Game & Fish Commission. If Governor Richardson hasn't reversed that ruling yet, it must be because he hasn't been offered the opportunity.

(5) Resolve that big sticking point, livestock-wolf conflicts, in ways that keep wolves in the wild and make progress towards the professed Program goal of restoration of wild populations. Ranchers using public lands must make livestock carcasses unavailable for scavenging, or allow others to do so. A trial period of pardoning wolves that scavenge on livestock carcasses and then go on to depredate on public lands could be informative regarding whether human-caused removals a/o deaths decline.

(6) Genetic diversity carefully teased out from the tiny founding population must be maintained to avoid a genetic bottleneck. Inbreeding effects may be occurring already. The Red Wolf Recovery Program successfully utilized “**pup fostering**” (*International Wolf*, Winter 2007, pages 7, 25, 28), introducing genetically valuable pups into litters in the field. When I mentioned this at our scoping meetings, fears were expressed that this could disrupt packs and cause mothers to abandon their pups. Apparently this didn't happen to any significant degree with the red wolves. Besides, it's hard to imagine it could be any more disruptive than SOP 13, which the “Recovery” Program employs without hesitation. Natural selection is the agent that increases diversity. It can only act on populations out in the wild; by action and definition, it does not occur in captive populations, which, despite best efforts, can stagnate and make recovery impossible.

(7) Regarding harassment, wolves have the brainpower to figure out that anything used repetitively for more than a few weeks is phony. Randomly rotating several different forms of harassment—fladre, those light-flashing noise-making collar-activated boxes, recordings of territorial wolf howls, and whatever other non-lethal mechanisms ranchers and wolf-advocates far more ingenious than I can create and try out--has a far greater chance of working. (Umbrellas unpredictably popping open can be pretty scary!) A single guard dog has little chance; adequate numbers of dogs and adequate training are necessary for their effectiveness (S.H. Fritz, R.O. Stephenson, R.D. Hayes, & L. Boitani, “Wolves and Humans,” in *Wolves: Behavior, Ecology and Conservation*, ed. L.D. Mech & L. Boitani, University of Chicago Press, 2003, p. 312). Has anyone tried Anatolian shepherds? Perhaps Defenders of Wildlife might offer assistance.

(8) This rule change should not contain any provisions that would limit in any way future options for recovery of Mexican gray wolves anywhere outside the current boundaries of the Blue Range Wolf Recovery Area.

(9) I strongly believe that adding a position to AMOC for someone who speaks for the wolves from the wolf's perspective--a wolf behavior interpreter?--could help iron out at least some of the difficult issues. It would be an appreciated gesture towards balance. Would it hurt to try?

(10) It would definitely be useful to clarify definitions so that everyone understands their meanings. Any time communication can be maximized, misunderstandings can be minimized.

(11) As a devoted companion animal lover, I see the predicament of wanting to save my animals, but not wanting to be in the position of having to decide between my fur kids and wasting the life and genes of a rare wild creature. So I would suggest doing as I already do now, adequately containing my companion animals so that they are neither in danger, nor presenting a danger or a nuisance to others.

(12) Fear of habituated wolves has been expressed. According to the International Wolf Center, habituation doesn't spontaneously appear. "...[T]he majority of these "problem wolves" aren't actually normally-behaving wild wolves at all; they are products of human behavior." ("Habituated, Hybrid and "Domestic" Wolves on the Lam," Jess Edberg, Information Services Director, International Wolf Center, email, 12/13/07) Even when human contact with wolves at breeding facilities is minimized, they still hear and smell humans, and food-bearing pick-up trucks, and have ample opportunity to associate them with food. Repeated capture and release can't help but accustom wolves to humans. What could overcome the thong-tailed, curled-into-a-trembling-ball aversive training I was told they endured before release? Maybe baiting, active or passive, is going on here too. Did those people just watch AM973 and take videos of his visits, or did they harass and chase him away?

(13) If this world were made just for humans, there wouldn't be all these other species on it. The lesson is to learn to share, and to appreciate and celebrate diversity, not a monoculture of humans. If the 5% of private landowners in the BRWRA refuse to share, retirement of grazing allotments should be the next step in satisfying the recovery requirement for protection from humans. If not, put into motion a proposal for establishing a Desert Wolf National Wildlife Refuge, or a National Park of the Southwest. This way, not only the wolves, but all Americans could enjoy the spectacular ruggedness and mystical beauty and tranquility of the Southwest, and take refuge themselves from this crazy human-generated thing we call civilization.

(14) Perhaps the Huge Difference referred to in the first paragraph above can be explained in part by this: "Retrieving animals because they wander outside the primary Attn; *Mexican Gray Wolf NEPA Scoping 12/30/07 – Jan Ravenwolf - page 6*

recovery area is inappropriate because it is inconsistent with the Service's approach to recover wolves in the southeast, Great Lakes states, and the northern Rockies" (p. 65 of the 3 Year Review). And maybe it's partly because "Neither the Great Lakes nor the Northern Rockies recovery programs are saddled with such devastating and politically motivated limits on wolf recovery." (Center for Biological Diversity webpage)

One aspect of the Mexican Wolf Recovery Program *has* been a resounding success: it has conclusively and overwhelmingly proved again that the 2 requirements for successful wolf recovery are most certainly adequate prey and protection from humans. It's beyond unfortunate that the wheel had to re-invented yet again, this time at the expense of at least 100 genetically invaluable, wild-survival-approved, rare and magnificent living breathing beings. Not to discount the human dollar cost, the price these wolves paid is far too high.

Regardless of the causes, failure of this program is tragic for the wolves, for all who support their right to be complete wild wolves, and for those in the Program who want to help the wolves recover, and with heavy hearts end up acting on the realization that they can be more effective outside the Program. It's baffling to be where there's no willingness to share with creatures of the public domain the lands the public shares with private individuals. It's devastating to be in a world where the right of all life to exist is not only contested, but trashed and flung into the darkness. And it's pure anguish that my own species has spawned the perpetrators.

A final comment: I've not heard reports of wolf-based PTSD in children, nor of wolf-proof bus stop cages for them, in other reintroduction areas. Children may "naturally" be cautious of wild animals and other things they have no personal experience with, but they are not as a rule terrified unless they pick it up from another human. I have personal experience with parentally instilled terror and PTSD. It never goes away. Therapy helps us learn to cope and to work around the constellation of fear based behavior patterns it leaves with us, but the fear is always there. I imagine these parents think they're ultimately helping their kids by terrifying them for the short term. But they are in fact saddling them with a fear that will haunt them all their lives, keeping them from discovering their full potential. In reality, the statistics of childhood abuse show that children have a far greater chance of being harmed by another human than by a wolf.

Long before non-indigenous 2-leggeds showed up, the howls and the green fire maintained ecosystem balance. Isn't it your ESA mandate to keep blind hate from extinguishing them again? Thank you for this opportunity to input this cautiously hopeful process for change, and for your patience in reading and hearing our many, many words on this important issue.

Jan Ravenwolf  
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Sandia Park, NM 87047-0399  
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John Slown  
31 December 2007  
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Please find attached comments regarding revising the final rule for the Mexican gray wolf population.

Thank you.

Tami Williams  
Conservation Specialist  
Wolf Haven International  
(360) 264-4695 x213  
cell: (360) 280-6752  
December 31, 2007

Brian Millsap  
U.S. Fish and Wildlife Service  
New Mexico Ecological Services Field Office  
2105 Osuna NE  
Albuquerque, NM 87113

RE: RIN 1018-AV40 Advanced Notice of Proposed Amendment of the Rule  
Establishing a Nonessential Experimental Population of the Mexican Gray Wolf in  
Arizona and New Mexico

Thank you for the opportunity to comment. Wolf Haven International is a small non-profit wolf sanctuary and conservation organization located in Washington state. We have been a member of the Mexican Wolf SSP since 1995 and we are one of the three U.S. pre-release facilities for the recovery program. Both the original Hawks Nest pack and the Cienega pack were acclimated at our facility.

Wolf Haven has commented extensively in the past on Mexican wolf recovery and the reintroduction project. Changes to the rule managing the project are long over-due and we commend USFWS for starting the process to make those changes. We will reiterate some of the comments we have made in the past as well as comment on specific concerns associated with a potential rule change and issues specifically addressed in the Advanced Notice of Proposed Rulemaking (ANPR).

The two most obvious changes to be made with a new rule are the issues of allowing wolves to disperse outside the BRWRA boundary and allowing for initial releases into the New Mexican portion of the BRWRA. From our comments on the 5-year review:

***Immediately modify the final rule to allow wolves that are not management problems to establish territories outside the BRWRA***

*One of the most consistent recommendations for modifying the Final Rule – aimed at the overall success of the program - has been to remove the restriction requiring non-problematic wolves that linger outside the BRWRA to be captured. The technical section of the 5-year review reiterates this point: “Thus, we recommend that the project modify the final non-essential experimental rule to allow wolves to occur in areas within the*

*southwestern distinct population segment (SWDPS) of the gray wolf where they do not conflict with livestock or humans.”*

*The proposed change has been discussed extensively in program literature and documents. The technical section points out that dispersal outside the BRWRA will increase with a larger wolf population and with more wild-born pups achieving the age when many wolves disperse. One telling statistic suggests that if a lone (dispersing) wolf travels the average distance noted, and starts at the center of the BRWRA, 66% of the time it will end up outside the BRWRA boundaries.*

*The administrative section reiterates two of the biggest concerns: “...it hinders the natural dispersal and recolonization of wolves into new areas, thereby slowing recovery” and “...presents serious logistical and staffing concerns since it necessitates the IFT to spend numerous hours and resources removing otherwise non-problematic wolves”.*

***Immediately modify the final rule and develop authority to conduct releases in the Gila National Forest.***

*Like the BRWRA boundary restriction, this issue has had a consensus from experts, almost since the inception of the program, some of which the administrative portion of the 5-Year Review outlines:*

*“The Gila National Forest makes up approximately 75% of the BRWRA and contains much of the best wolf habitat due to the existence of some areas with low or no road densities, good populations of large native ungulates (primarily elk), and no permitted livestock. Currently, the Service is limited to releasing (translocating) only wolves that have had previous wild experience into New Mexico. This restricts the pool of available release candidates and limits the Service’s ability to release wolves for management purposes, such as replacement of lost mates or genetic augmentation. The ability to genetically augment the wild population with wolves that are genetically underrepresented is important in order to increase the overall fitness of the population, thereby aiding recovery of the species.”*

Another issue that has been consistently commented on for this reintroduction are concerns that livestock carcasses are being left on public land and causing wolves to habituate to eating livestock, thus increasing the chances that they will start to depredate on livestock. Again from our 5-year review comments:

***Require livestock operators on public land to take some responsibility for carcass management/disposal to reduce the likelihood that wolves become habituated to feeding on livestock.***

*According to the Service’s numbers, while about 50% of depredations are caused by scavengers, about 90% of scavengers become depredators. Therefore, to say that “clear trends either way are difficult to determine”, based on the 50% figure, seems to be very*

*misleading. Is it possible that those 22 wolves that scavenged on livestock carcasses would have never become depredators had they not had the chance to scavenge first? While we accept that management of livestock herds on large grazing allotments can be challenging, shouldn't permittees be required to be good stewards of public land? In reality, without a change in the law, permittees do not have an incentive to deal with carcasses.*

We assume that the recommendations put forth by the AMOC associated with the 5-year review and later approved by USFWS will also be taken under consideration and possibly incorporated into the new rule. Some of our comments from the AMOC recommendations portion of the 5-year review:

***Number 10: Issue permits to private individuals to use authorized non-lethal means to harass wolves engaged in nuisance behavior or livestock depredation, or attacking domestic pets.***

*Wolf Haven supports non-lethal harassment under the specified conditions with the addition that any incidents are reported to program officials within a specified time. Allowing lethal take of wolves in the act of attacking a dog is an understandable desire. It is an option, however, that as written, could easily be abused. If lethal take of wolves is to be allowed under these circumstances, prompt reporting, a thorough investigation and physical evidence must be required.*

***Number 11: Allowing take under a variety of circumstances once the wolf population has reached 125 for at least two sequential years.***

*We see a range of problems with this recommendation. Using the number of individual wolves to determine the vitality of the population rather than judging population stability by the number breeding pairs or even the number of packs may be inappropriate. There is a good reason that most wolf management decisions in the U.S. have been predicated by breeding-pair numbers rather than number of individual wolves. If, for instance, primarily alpha wolves are removed from the population due to depredations or to help wild ungulate populations, even though the numbers of wolves could initially remain above "management objectives", pack cohesion and breeding success could be significantly impacted. Future success of the population may be imperiled if **breeding-pair** numbers are not sustained at a certain level.*

***b.*** *Allowing "private individuals to take as many wolves as necessary" is a highly subjective statement and open to a wide array of interpretations. This part of the recommendation also does not specify on what type of land "take" will be allowed, i.e. private or public or if "take" must be by landowners, permittees or their agents. This section needs significant clarification before comments can be made.*

***c.*** *Needless to say, "unacceptable impacts" needs to be well defined before any significant comment can be made on this recommendation.*

*The leniency of management outlined in this recommendation was not allowed in the Northern Rocky Mountain wolf population until the wolf population had almost doubled well-specified **recovery** goals and of a sub-species that, while endangered in the region, is well represented in North America. Due to the rarity of the Mexican wolf sub-species, any loss of genetic diversity may be permanent. The limited success of this program has, so far, not shown any room for liberal lethal control. The recommendations in this section seem premature considering the lack of an up-to-date Mexican Wolf Recovery Plan that includes well-defined population recovery goals.*

***Number 12: Regarding financial incentives to address nuisance and depredating wolves.***

*Compensation for depredation has been a key component to the success of wolf recovery in the United States. Wolf Haven strongly encourages this investigation with particular attention paid to the issue of dealing with carcass discovery, monitoring, removal, burial and/or destruction as there has been a strong correlation with scavenging activities and subsequent depredations. We are also in favor of possible compensation to landowners and permittees with documented presence of wolves and those that employ ranching techniques designed to deter predation. Without getting into the grazing issue, however, we are flatly against any modification of grazing fees to buy tolerance or to compensate for “undocumented losses” in the entire MWEPA.*

In a past comment, Wolf Haven stated that we were in favor of an expansion of the nonessential experimental zone. Given the low success of the reintroduction project as a whole, we have come to believe that expanding the nonessential experimental zone is inappropriate. Allowing Mexican wolves to disperse and the population to expand into habitat deemed suitable by the wolves themselves is more appropriate for this population than the Northern Rocky Mountains wolf population where unlimited dispersal outside the nonessential experimental area is allowed. Unfortunately, this reintroduction project is not endowed with a large, central protected area such as the Rockies population has in Yellowstone National Park or the vast, relatively inaccessible wild lands of central Idaho. The Mexican wolf population needs the ability to seek out and occupy appropriate territory and remain fully protected while doing so.

One issue that has not been addressed enough in the management of this program is the genetic status of Mexican gray wolves – both as an inbred population and as a rare subspecies. It is particularly obvious that the U. S. Fish and Wildlife Service is not taking recovery of this subspecies seriously. Coming from only seven founding individual wolves, this population must be managed carefully. There are many efforts going on to recover some genetic diversity for the Mexican gray wolf. These efforts will be rendered useless if there is limited opportunity to release wolves bred for that purpose or they are removed for management reasons. While the level of control practiced over the captive population is not possible in the wild, the genetic status and lineage of wild wolves should be carefully considered before management decisions are made. Recent genetic analysis of the population has shown that fitness is dependent on lineage. Genetically valuable wild wolves have been removed or lethally controlled under the auspices of SOP

13. Given the distinct and rare genetic make-up of this subspecies of gray wolf and with the rare opportunity to change the final rule that manages the species reintroduction, reverting their listing back to **endangered at the sub-species level** would be appropriate.

Some of the language in the ANPR, including the title, minimizes the distinctness of this subspecies and the efforts made, both in captivity and by everyone associated with the current reintroduction project, to restore this genetically rare subspecies. While it was probably the case that there was a gradual blending of subspecies across their historic range as they came into contact, Mexican wolves were separated from the northern subspecies as gray wolves were eliminated from the contiguous United States. Their fate as a distinct subspecies was sealed when they were brought back from the edge of extinction by McBride and the early efforts of the Mexican Wolf Recovery Team. This subspecies is no longer simply “the gray wolf in Arizona and New Mexico”. We envision a time when the historic scenario may happen again – when wolves exist in the U.S. from the Canadian to the Mexican border with a gradual blending between the subspecies. At this time, however, Mexican wolves are distinct and should be treated as such.

While we believe that this rule change is vital to the survival of this reintroduction, reconvening the Mexican Wolf Recovery Team and producing an updated recovery plan may be vital to the future of the species as a functioning part of the American southwest. The ideal scenario would be to have a full Mexican Wolf Recovery Team be involved in the drafting of a new final rule in conjunction with an updated recovery plan. However, time is of the essence for this struggling reintroduction and the BRWRA boundary issue, New Mexican primary releases, livestock carcass handling and the genetic issues should be dealt with as soon as possible.

Thank you again for the opportunity to comment.

For Wolf Haven International,

Tami Williams  
Conservation Specialist

William Marks  
Greenlee County Cattle Growers Association  
PO Box 78  
Blue, Arizona 85922

Brian Millsap  
US Fish and Wildlife Service  
New Mexico Ecological Services Field Office  
2105 Osuna, NE  
Albuquerque New Mexico 87113

[R2FWE\\_AL@fws.gov](mailto:R2FWE_AL@fws.gov)

Re: Notice of Scoping Meetings and Intent To Prepare an Environmental Impact Statement and Socio-Economic Assessment for the Proposed Amendment of the Rule Establishing a Nonessential Experimental Population of the Arizona and New Mexico Population of the Gray Wolf (“Mexican Gray Wolf”)

Dear Mr. Millsap,

We appreciate this opportunity to comment on the Mexican wolf EIS.

During the 1994-95 process biologists and wildlife managers felt there was sufficient prey and space for 100 animals in the BRWRA despite beliefs of experienced residents and animal professionals. Since initial wolf releases in 1998, the program has been fraught with problems anticipated by the livestock industry and other local citizens: habitation to residences, attacks on dogs, other pets and livestock, lack of realistic compensation, hampered or totally altered ranch management ability, undue emotional stress, to name a few. Additionally, wildlife experts have expressed concerns over a lack of or dwindling native prey base. The program currently does not have sufficient personnel or money. How will these strapped resources be able to cover a larger area if the boundaries are expanded? The problems inside the BRWRA will only expand to the new areas. Have these areas been evaluated through the NEPA process? What about the prey base? During the Potential Mexican Wolf Reintroduction Areas in Arizona process the Galiuro/Pinaleno Mountains and the Chiricahua Mountains were eliminated, partly because of the human populations, higher road densities and less Wilderness/more fragmentation, but they will be included now. One to two wolves have all ready traveled almost to those areas, but they returned. However, putting wolves in areas far away from humans, as alluded to in the document was impossible even in the so-called “low human density” Blue Range and quickly became a ‘non-issue’ to the program, but a major one to residents. There are numerous small but growing communities to the west of the area, like Show Low, Pinetop-Lakeside and Heber-Overgaard, and as ranchers have been put out of business for multiple reasons, the properties have been subdivided, from Nutrioso, Arizona to Pie Town, New Mexico.

Would initial releases into some New Mexico counties be allowed with the county ordinances that were passed disallowing the initial releases of wolves into those counties? Wasn’t that why they weren’t released there in the first place? Many of the translocated wolves were problematic elsewhere or members of packs involved in killings, frequenting homes, etc and were removed from Arizona and then re-released into New Mexico.

Does redefining White Sands mean, then, that it would be a further extension of the project area, adding on to the BRWRA through the elimination of the boundary rule?

Would this designation “allow” for initial releases of wolves?

All possible alternatives and remedies need to be explored to deal with wolves engaged in nuisance behavior or livestock depredation, or which are attacking domestic pets on private, public or Tribal lands. Any means to instill even a small amount of fear of humans in the wolves would be good. However, the chances of even seeing wolves attacking domestic animals, let alone be able to do something about it, is rather small, frequently happening at night or out of sight.

Being able to defend your dog would not lead to overt killing of wolves. Private individuals and Tribes currently have the ability to kill wolves in the process of attacking livestock on private or Tribal land, but not one person has “taken advantage of” this ability. Most attacks are at night or otherwise out of sight, hit and run.

Another definition or clarification needed is for legally present livestock. With the common occurrences of gates being left open or knocked down, trees falling on fences or elk knocking them down, etc cattle could be in the wrong pasture or even on the wrong allotment, but they are still “authorized” to be on the forest. Then there was the case of permitted cattle that the wolves chased over on to another allotment and killed; Defenders of Wildlife would not pay saying the cattle were in the wrong place. They were still authorized cattle owned by a Forest Service permittee.

Although livestock carcass removal was mentioned in the 3 Year Review, a peer reviewed report that has since come out, “Assessing factors related to wolf depredation of cattle in fenced pastures in Montana and Idaho” by Elizabeth H. Bradley and Daniel H. Pletscher ...”found no relationship between depredations and carcass disposal methods, calving locations, calving times, breed of cattle or the distance cattle were grazed from the forest edge.” Their study covered 1994-2002, was published in 2005 and was funded by the National Fish and Wildlife Foundation, Turner Endangered Species Fund (TESF), Defenders of Wildlife and US Fish & Wildlife Service, with support from Mike Phillips with TESF and Ed Bangs, USFWS, among others. More likely causes of depredations, they felt, were forests or places with a high percentage of vegetative cover, within a wolf den area and where there was native prey use in the same pasture or locale. One recommendation was that if wolves denned near livestock sometime after the denning season the den be “filled in subsequent years to encourage denning elsewhere.” That was done in Montana in 2001; the wolves moved to Yellowstone National Park, away from the cattle.

If the carcass removal recommendation is moved forward, this would go against your Step #4 in the Federal Register, “Review available information that pertains to the management and habitat requirements of this species, including material received during the public comment period...” We realize that you don’t have to accept what is submitted, but this has been taken from a scientific, peer-reviewed report, funded by your agency. Requiring ranchers to remove or dispose of carcasses out on the range is also

totally impractical and virtually impossible to accomplish. The likelihood of finding a carcass in a timely fashion in remote, rugged terrain is very slight. Frequently it takes several hours to return home, then to pack lime and plastic onto another horse and go back out to the carcass could take another day, if you have the supplies on hand, longer if you don't. If you try to burn the carcass it takes a lot of wood and you have to try building the fire under the animal as much as you can, since building it on the carcass is not very effective. During fire season this would most likely not be allowed. Burying is not an option if equipment like a backhoe cannot be used. Trying to bury a 1000 pound animal by hand with a shovel is unrealistic.

Why is no mention made of the Petition for Rulemaking provided to the Service by New Mexico and Arizona Cattle Growers, et al, but the one from The Center for Biological Diversity is? Some of the issues are covered here, but not some significant ones, some of which follow.

Defining "Adaptive Management": Adaptive management incorporates research into conservation action. Specifically, it is the integration of design, management and monitoring to systematically test assumption in order to adapt and learn.

A reasonable compensation program with no strings attached or expectations other than honesty that is guaranteed to continue, not disappear, is needed. AZ Game & Fish Department has recently started a program that helps ranchers purchase hay to use if and when they bring their livestock onto private property in an effort to avoid wolf depredations out on the range. Right now it covers a portion of the actual costs; receipts are submitted to show costs incurred. It is an acknowledgement by AZGFD of the costs over and above normal expenses that ranchers endure under the wolf program. Maybe funding could be directed to the AZGFD program, since it is all ready in place and working. Another way funding could be beneficial is to help with fence repair costs, particularly when permittees are given the option to use a pasture on another allotment if wolves are denning or being released particularly where young calves would be. Frequently these allotments are ones that haven't been used or maintained for a number of years, making fence repair a nightmare and usually taking several days or weeks to get it up in good shape.

Impacts to other species of wildlife were never fully addressed in the beginning, so it has become even more serious now in this phase. Wolves in Unit 27 of Arizona have had enough impact on the elk herd that permit numbers have been lowered. Deer numbers had all ready been decreasing since the 1980s and we expressed our concern when the wolf program was started in earnest in the 1990s. Predator (mountain lions, coyotes, black bears) numbers were at high levels also and continue to be significant problems to not only ranchers. Over the past few years the incidences of these predators going into towns and even Phoenix, Tucson & Flagstaff have increased. The drought, humans moving into the animals habitat and lack of food have been sited as the reasons why, but no mention that they are also being pushed out by other predators, including by the wolves, territorially and for food.

Human health and safety, disproportionately high and adverse impacts on minority and low income populations and other potential or socioeconomic affects will be combined here. Naturally we do not believe they have ever been adequately address or recognized, to the point of practically being dismissed as inconsequential. Some of the financial issues were documented for the 5 year review, but some things are difficult to put into measurable terms, but we're trying to improve that. Sociologically, though, no evaluations had been done until 2006, when psychologist, Dr. James Thal did a preliminary study of the Psychological Impact of Wolf Reintroduction, reviewed by psychiatrist, Dr. Julia Martin. Moderate to severe stress was evident in many individuals. About half of the interviewees were ranchers or members of ranching families with the remainder having no agricultural connection. It verified what many all ready knew – feeling helpless, demoralized and depressed, worried about the inability to do anything to protect your family and animals, fears of losing a cherished way of life and diminishing quality of life, nightmares, etc. All of this has a negative effect on the cultural & historic aspects of these communities.

There could be a potential conflict with Federal environmental laws or requirements. Wolves and dogs have crossed in the Mexican wolf program, the resulting hybrid puppies being euthanized. Red wolves and coyotes have crossed, the resulting hybrid puppies being euthanized. Past Mexican wolf samples showed coyote alleles and residents near the Mexican border talked about the crosses years ago being “bad news”. A biologist speaking about the Red wolf problem was concerned, saying they won't always be there to ‘clean up’ the genetics. Some were worried about purity, while others considered the crossing as “evolution”. This was a problem, is currently a problem and will continue to be a problem. Numerous knowledgeable individuals have seen animals that were not obviously wolves or coyotes in Arizona and New Mexico. What effect will this mongrelization have on wolves in regards to the Endangered Species Act?

In previous documents there were graphs explaining how many people lived per square mile, but we would like to see a map showing that people live in current and potential wolf habitat. The public believes the areas are huge tracts of land devoid of human habitation.

Many disease and parasite problems or possibilities besides rabies and other canid related sicknesses have been pointed out by doctors and scientists. The ability of these to affect livestock, pets and even humans must be considered and analyzed fully.

During the last process, the alternative for terminating the program was purposefully not included, however, this should always remain an option. Therefore, we would like to see this added into the new EIS. During the 3 year review Dr. Paul Paquet said “no wolves” should be an alternative.

The scope of the economic impact analysis should focus mainly on the individual ranchers and other private citizens affected by the program, local communities and counties. Regional or national or larger analyses should only be used to demonstrate the

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similarities with other areas across North America or around the world that also have wolves.

Cumulative effects should also be examined closely, but not only on wolf impacts. Most of these areas have also been impacted by wilderness management, multiple Threatened, Endangered or Sensitive (TES) species such as loach minnow, Gila and Apache trout, Mexican spotted owls, and other animal, plant and aquatic species. These issues have never been properly addressed in any of these processes.

Again, thank you for the opportunity to comment. If you have any questions, please contact us.

Sincerely,

William Marks  
President  
[bmarks@frontiernet.net](mailto:bmarks@frontiernet.net)

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31 December 2007  
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Attached are comments & recommendations to the Mexican Gray Wolf recovery program. We are also faxing a copy.

Jerold & Heidi Collings  
Mule Creek, NM

No virus found in this outgoing message.

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12/29/2007

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(See attached file: D\_.doc)

Dripping Springs Ranch  
P. O. Box 30  
Mule Creek, NM 88051  
575.535.2515

December 30, 2007

To: Brian Millsap, State Administrator, U. S. Fish and Wildlife Service  
New Mexico Ecological Services Field Office  
2105 Osuna, NE  
Albuquerque, New Mexico 87113

Re: Mexican Gray Wolf NEPA Scoping

Sent via: E-mail & Facsimile

Comments by: Jerold & Heidi Collings  
160 Brushy Mountain Road  
P.O. Box 30  
Mule Creek, NM 88051  
575.535.2505  
[jmilliron@starband.net](mailto:jmilliron@starband.net).

**Basis for Comments:**

Large private landholdings and USFS Grazing Allotments on the Gila National Forest, Mule Creek, NM

Privately own and operate largest known conservation breeding program of endangered strain of Wilbur/Cruce Colonial Spanish Horses.

## **Personal Comment**

As people whose lives have been profoundly affected by the wolf reintroduction program, the most difficult part of preparing and submitting the USFW Service requested comments regarding changes to the rules governing the project, is forcing ourselves to maintain a positive attitude. As usual, a good many of the changes being evaluated strongly suggest that we locals can expect that important aspects of our rural way of life will continue to be sacrificed at the bloody altar of the sacred wolf.

### **Overview:**

Proponents of the wolf program appear to expect the released wolves to behave as something they are not, and perhaps cannot be again – wild! At fault is reliance upon prerelease studies of truly wild wolves that were expected to predict the behavior of the habituated wolves designated for release into the Primary Recovery Zone. The result of this flawed research is that expectations for the program are not now being met. Supporters of the program are not pleased with current results. Worse, the unfortunate few humans who happen to live within the Recovery Areas, have been subjected to what amounts to a federally imposed form of terrorism that has shattered lives and harmed rural economies.

### **Local Support**

It has been expressed that the Fish and Wildlife Service has been somewhat surprised and disappointed in the lack of support shown by the local populace within the Recovery Areas. Please understand that while we are not necessarily against the wolf, we do feel victimized by the manner in which the reintroduction has been thus far handled. The sacrifices demanded by this program have been disproportionately placed upon our doorstep. It is our lives that have been adversely impacted on what has become an almost daily basis. Our livestock has been killed and mutilated; our working dogs and pets drug off our porches and eaten; our properties left devalued (and in some cases virtually unsaleable); and our children left in fear for their lives. We have been given little or no compensation for the depredation that has occurred, even though such depredation is much greater than was predicted when the prerelease data was originally presented to us. We are disallowed by law from protecting our livestock in any effective manner, and are expected to allow our animals to be savagely attacked and eaten by federally protected predators. We have heard no discussion concerning just compensation for our losses in property value as a result of wolves depredating on our ranches. (I know of no one who is looking to buy a ranch for the express purpose of feeding wolves.)

If we are offered, what has been touted as an opportunity for our complaints to be heard, we are typically treated as one would treat a whining child and sent home with nothing more to show for our efforts to be heard than a few store bought cookies and a pat on the head. It is as though we are being publicly shamed for not fully recognizing and appreciating what a fine gift these wolves really are. In effect we are told, “You good ol’ boys just head right on back to old home place and cowboy up.”

Additionally, some members of our local communities have been unfairly targeted by overzealous enforcement agents of the U.S. Fish and Wildlife Service, while others have been intimidated to the point that they now so fear official sanctions, that it is doubtful they would even attempt to defend their own lives from a wolf attack! Should it come as a surprise that local support is “thin?”

## **Proposed Modifications**

Resolve livestock-wolf conflicts in ways that keep the wolves wild.

Some have suggested that ranchers be required to quickly remove or render inedible all carcasses of livestock that die on grazing allotments. While this may seem a reasonable requirement to those unfamiliar with remote, low density ranching, it would be totally impractical for many operations. Some ranches cover 25,000 acres or more, and are located in extremely rugged terrain with very limited, if any, vehicular access. Even if, on the remote chance that the rancher should find a carcass before the scavengers arrive, there is often no practical way of removing it. Rendering carcasses inedible would be at the expense of a multitude of other species that feed on same; some of which may also be protected. This whole idea smacks of “blaming the victim for the crime” which seems to be a favorite ploy of some of the prominent radical environmental groups. Another suggestion one hears emanating from these groups is one requiring calving to take place in one location, or preferably, only on private land. This proposal is totally impractical on the one hand and self-defeating on the other. While it is an impractical livestock management practice, it would also result in the wolves being drawn onto private lands to depredate on calves thus increasing their exposure to the only private legal lethal take now allowed! How silly is that?

## **Conservation Alternative**

There exists some support for changing the classification from “experimental, non-essential” to “experimental, essential” or even to “endangered” to give the wolves additional protection. Such a change would almost certainly not find favor in those communities currently most adversely affected by wolf reintroduction. If the wolf is to survive long term, changes need to be implemented that will provide the most affected parties a louder voice in the decision making process. Denying affected rural people a prominent place at the planning table, and failure to adequately address, or in many instances even acknowledge their concerns, has fostered feelings of distrust and alienation that can result in unintended consequences that could eventually threaten the entire recovery program. Affording even more protection to animals, whose behavior is more akin to that of a pack of feral dogs than to the behavior of truly wild wolves, would seem to be a huge step in the wrong direction. If these wolves are to survive and coexist with the human population in the manner of truly wild wolves (which is my understanding of how this program was initially conceived) those “problem wolves” need to be removed, not granted a federal pardon which makes them tacitly unaccountable for any future transgressions - no matter how dissimilar the behavior to that of a truly wild *Canis lupus baileyi*.

## **Altering the Program to Make it Work Better for the Wolf**

The following modifications will make it better for the wolf by reducing the opportunity for human-wolf interaction by spreading the population over a much larger area, reducing the number of interactions, and spreading the wolf impact over a much wider area, but at a much reduced level:

- 1.) Keep 100 wolf experimental population goal but expand the primary recovery areas to include other, smaller, geographically dispersed, Primary and Secondary Recovery Areas in Arizona, New Mexico, Nevada, southern Colorado, and southern Utah. Examples include White Sands Missile Range, Grey Ranch area of Hidalgo County, San Mateo Mountains in New Mexico, Carson National Forest, Mesa Verde, San Juan Mountains, Arches/Canyon Lands/Kiaparowits Plateau, Sheldon National Wildlife Refuge, Escalante, Grand Canyon National Park, Kofa GameRange, Sierra Anca Mountains, and areas of the Coronado National Forest. New areas should be remote from one another, contain little or no private land, and should not be located near highways or major secondary roads.
- 2.) Reduce the size of the Secondary Recovery Zone in the BRWRA by removing those areas that are close to significant amounts of deeded land, highways, and

major secondary roads.

3.) Wolves that establish home ranges outside of a Primary or Secondary Recovery Zone should not be recaptured or removed if the home range is not close to significant amounts of deeded land, highways, or major secondary roads.

4.) Increase the opportunity for wild wolves to be truly wild by reducing the handling of wolves by humans to an absolute minimum. Eliminate tagging, vaccinations, and collars and do not supplement feed. (Using pack animals to deliver road kill is an especially bad policy.) Reduce or eliminate regular monitoring, and further reduce the necessity for recapture by allowing re-release only in Primary Recovery Areas and taking the steps set forth above.

**5.) Comments from strident NGO's commonly known to oppose ranching as an essential part their mission, should not be given a full measure of consideration.** Such organizations as Center for Biodiversity, Defenders of Wildlife, Forest Guardians, and others, whose avowed agenda is to eliminate ranching on public lands are notoriously prone to use the ESA in ways that advance their own "special agenda" and not necessarily to the benefit of a specific species. Comments such as those recommending "removal of carcasses," "weekly riding," and "single pasture calving," are merely thinly veiled attacks on public lands ranching. The primary purpose of such "comments" is to make it extremely difficult (hopefully impossible) to continue to raise cattle on public lands. The wolf is only being *used* as an efficient tool, and any benefit that may accrue to him is incidental.

6.) The USFWS needs to do a better job of reaching out to local communities in order to keep those residents better informed about all aspects of wolf recovery. Better lines of communication would help allay fears and counter rumors that may, over time, prove detrimental to the recovery program.

## **Altering the Program to Make it More Acceptable or Tolerable to Us**

The following modifications will make it better for me by reducing the sense of alienation and hopelessness that I experience under the current policies.

1.) Allow "take" of wolves when attacking domestic animals, including dogs and horses, wherever those encounters may occur.

2.) Allow "take" of all wolves on deeded land.

3.) Allow private individuals to more aggressively “harass” wolves engaged in nuisance behavior or livestock depredation on private, public or tribal lands.

4.) Remove from consideration suggestions to remove carcasses and implementing “single pasture calving.” It is highly unlikely that implementing either of these suggestions will produce a positive result for the wolf, but they most assuredly create additional hardship for the rancher. (Refer above for further explanation.)

5.) Issue hunting permits to land owners and allotment permittees, which may be resold to hunters to eliminate problem wolves and excess wolf populations. This is not a new concept and as worked well with other animal populations.

6.) Pay private landowners and allotment permittees a “use and acceptance fee” based upon the number of wolves that live in or regularly visit their lands.

7.) **Provide incentives for people (especially those owning property in recovery areas) to live with wolves.** Such incentives can take many forms, but at minimum, should provide an improved program allowing claimants to receive immediate and just compensation for loss of revenue from their livestock operations resulting directly, or indirectly, from the presence of wolves. (The current Defenders of Wildlife program is little more than a publicity ploy and addresses only a small fraction of actual losses.)

8.) It is recommended that the USFWS assume primary responsibility for paying for livestock depredation, and such payments should become a budgeted item within the Wolf Recovery Program itself. Much clearer rules need to be established as to how depredations are reported and counted. Such rules should be developed by arriving at consensus between property owners, local officials, and the USFWS.

9.) For purposes of reimbursement, abandonment of the practice of specific identification of wolf kills should be encouraged. Use of a statistically based method for determination of calf and cattle losses, should prove to be a more equitable approach. At present, only a small percentage of losses are recognized, and even fewer result in fair compensation. Of special concern are “working ranch dogs” which are valuable ranch assets not easily replaced. Such dogs can easily have more value than several cows and require many months of specialized training. Present rules disallow adequate protection and provide no compensation for loss by wolf predation.

10.) **There exists, at present, no program which addresses (or even recognizes) the catastrophic loss in value of real property that can result when a mated pair of wolves decides to reward your lifetime of stewardship by choosing the family ranch as the location of choice to raise its family** Such an honor may provide an initial thrill, but this will quickly vanish as reality sets in. One has a greater chance of getting fair market value out of a mansion surrounded by crack houses than he does from selling a cattle ranch with a resident pack of habituated wolves; at least the crack houses are not protected by the full force of the federal government! A fair and just “escape

John Slown  
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mechanism” must be instituted for those who find themselves, through no fault of their own, in this most unfortunate circumstance. **If one “takes” a wolf there are consequences. If wolves “take” a ranch there should also be consequences.**

Please confirm you have our address and contact information on all appropriate distribution lists for public communications regarding the wolf recovery program.

---

Jerold L. Collings

---

Hila M. Collings

Owners/Operators:  
Dripping Springs Ranch  
Pine Cienega Ranch  
Jackson Ranch  
Dripping Springs Spanish Barbs  
Dripping Springs Land & Cattle

"Bob Benne"

<pvrancher@wildbl  
ue.net>

To

<R2FWE\_AL@fws.gov>

12/31/2007 07:57

cc

AM

Subject

Wolf Reintroduction Scoping

Letter

Please see the attached regarding scoping comments concerning Wolf Reintroduction. (See attached file: Doc1.doc)

December 31, 2007

**John Slown**  
U.S. Fish and Wildlife Service  
New Mexico Ecological Services Field Office  
2105 Osuna NE  
Albuquerque, NM 87113

Via E-mail

**Re: Notice of Scoping Meetings & Intent To Prepare Environmental Impact Statement & Socio-Economic Assessment for the Proposed Amendment of the Rule Establishing a Nonessential Experimental Population of the Arizona & New Mexico Population of the Gray Wolf (“Mexican Gray Wolf”)**

Dear Mr. Slown:

Although the text of this letter may have been received by your office before, I believe it is so important that I am taking the liberty of duplicating it. As a citizen I absolutely agree with these comments and encourage you to give them full consideration. Thank you for the opportunity to offer scoping comments and issues on the above captioned rule.

I believe that the following issues should be included in the scope of analysis:

1. Disclosure of the full social, cultural and economic impacts on rural residents and local governments to include the loss of tax revenue and increased government operation costs due to presence of introduced wolves. Appropriately recognize and mitigate impacts to pastoral communities and individuals affected by introduced wolves.
2. Full investigation into the efficacy of livestock carcass removal including the increased cost to livestock operations.
3. Discontinuance of the practice of translocating problem wolves.
4. Prompt control, lethal and non-lethal, of problem wolves.
5. Improve monitoring of wolves to insure that residents of the release areas are informed when wolves are in close proximity and to facilitate documentation of predation on livestock.
6. Amending the 10(J) rule to include the authority to harass Mexican wolves for purposes of scaring them away from people, buildings, facilities, pets and livestock. Specific language is needed to state a person may kill or injure a wolf if threatened by a wolf or in defense of another who is threatened, and may, kill a wolf that is not responding to harassment and is consistently in populated areas frequented by people and demonstrates desensitization to human encounters.
7. Amending the 10(J) rule to allow harassing or humanely dispatching of wolves by federal, Tribal or state agencies when wolves exhibit fearless behavior or become habituated to humans and pose a demonstrable threat to human safety. This provision should include providing a federal take permit for local county law enforcement personnel to allow them to lethally take a wolf for immediate protection of human safety.
8. Amending of the 10(J) rule to allow serious and affective methods that will immediately stop wolf attacks on dogs and stop wolves from coming into private property and areas where people live. This should include public education practices that teach people how to deal with habituated wolves and give them the tools to do it. **Also necessary is the need to issue take permits to those who are suffering these types of territorial challenges by Mexican wolves at their homes.**
9. The 10(J) rule should document that people reside in current and potential wolf habitat. The general public has been given the mistaken impression that people do not reside in the wolf release and recovery areas.
10. Maintenance of the livestock production in the release and recovery area.
11. The effects of wolves on watersheds, spread of disease and domestic and wild animal populations.

12. An allowance in the rule for livestock owners or their agents may take (including kill or injure) any wolf engaged in the act of killing wounding or biting livestock on federally administered lands (see definition change) allotted for grazing anywhere within the Mexican wolf Experimental population area, including within the designated wolf recovery areas.

13. The need for definition changes in the new rule and management plans as well as any SOPs, such as:

BREEDING PAIR: an adult male and an adult female that are firmly mated and have the potential to breed and raise a litter of pups in the upcoming breeding season

ACTIVE PACK: two (2) or more wolves that are attached to each other and exhibit pack behavioral characteristics.

DEPREDAATION: the confirmed killing or wounding of a domestic animal by one (1) or more wolves.

INCIDENT: the killing or wounding of a domestic animal by one (1) or more wolves.

ENGAGED IN THE ACT OF KILLING, WOUNDING OR BITING LIVESTOCK: to be engaged in the act of grasping, biting, attacking, wounding, or feeding upon livestock that are alive or were alive within the past 24 hours.

LIVESTOCK: any animal routinely contributing to the ability of a small businessman to earn a livelihood including but not limited to cattle, horses, goats, burros, llamas, chickens, stock dogs, guard dogs, hunting dogs and other domestic animal to which value is attached and the loss of which would prove to be a financial hardship and result in the takings of private property (pursuant to the Fifth Amendment of the U.S. Constitution).

PUBLIC LAND: lands available for dispersion into private ownership under general land laws to which no claim or rights of others has attached.

FEDERAL LAND: lands in which the United States retains a proprietary interest and prior claims and rights are attached.

TAKE: to harm, hunt, shoot, wound or kill.

UNAVOIDABLE OR UNINTENTIONAL TAKE: take which occurs despite reasonable care and is incidental to an otherwise lawful activity, and is not done with purpose. Taking a wolf by trapping will be considered unavoidable or unintentional if the wolf is released and the capture is reported within 24 hours. Taking a wolf will be considered unavoidable or unintentional if the wolf is taken during a legal hunting activity, is non-negligent and is reported within 24 hours.

LEGALLY PRESENT LIVESTOCK: should be defined as livestock occurring in the boundaries of a grazing allotment where the owner has beneficial use water rights on Federal land. (see federal land definition)

14. Retaining definitions that do not warrant changes or additions from the current rule include the following:

Occupied Mexican Wolf Range, Opportunistic, Non-injurious harassment, Primary recovery zone, Problem wolves, Rendezvous site, Secondary recovery zone, Wolf recovery area. Specifically, the definition of problem wolf should not be gerrymandered to move the goalposts associated with management of problem behavior.

15. Takings implications assessments must be planned for and implemented in scoping rulemaking and management planning in order to determine the scope of compensation necessary to private property owners for depredation and losses caused by the program.

16. Implementation a federally funded pilot program aimed at compensation and interdiction to be run by ranching interests who are the experts in the field of livestock depredation causes and interdictions.

John Slown  
31 December 2007  
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17. Change the current methodology for determining a depredation to the more reasonable Minnesota version which allows missing calves to be confirmed as wolf kills under certain circumstances.

18. Analyzing the alternative of discontinuing the program, including the costs and benefits of the program thus far.

Sincerely,

Robert Benne  
POB 113  
Young, AZ 85554

RTanner249@aol.co  
m

To 12/30/2007 05:30 R2FWE\_AL@fws.gov  
PM

cc

Subject Mexican Gray Wolf NEPA Scoping

Dear Mr. Slown:  
Attached are my comments regarding the reintroduction of wolves in Eastern Arizona and Western New Mexico (The Wolf Recovery Program). I would prefer my personal contact information not be made a part of the public record.

Sincerely,  
Ray Tanner

John Slown  
U.S. Fish and Wildlife Service  
New Mexico Ecological Services Field Office  
2105 Osuna NE  
Albuquerque, NM 87113

Dear Mr. Slown:

It was not a good idea in the beginning to reestablish wolves and is another example of irresponsible extreme environmentalism. Approximately 70 of 129 introduced wolves (or their offspring) have been removed because of killing domestic animals including horses, cattle and pet dogs. The guidelines the Fish & Wildlife Service uses does not remove a wolf until it has killed three times. On this basis these wolves killed 210 domestic animals at an estimated economic value of \$150,000 to \$250,000. For that amount of money these same wolves could have been fed in a zoo for years.

This estimate is probably quite low since it is usually hard to identify specific wolves involved in a kill since most kills are not witnessed and the easiest prey for the wolves are the youngest animals, such as calves, which often times aren't found but simply have disappeared. In many cases the entire animal has been consumed as all canines have digestive systems with high enough acid content to digest even bones. Some would complain that ranchers are at fault because they do not remove dead livestock. What these folks do not realize, or choose to ignore, is this area the "Blue Range" is rough country with only a few primitive roads and you don't just drive up to a 1200 pound dead cow, load it into the truck and drive off, in addition most animals are found days after they have died and by then the stench is so bad the toughest of cowboys would puke to get to close. Some of these wolf kills have been horses and pet dogs killed within sight of the front yard of residents of "The Blue". It is grossly unfair that a citizen of this country is not allowed to protect his own property. Pet dogs are personal property but in wolf country a person is prohibited from killing a wolf attacking his dog. The wolf reintroduction program in "The Blue" is clearly a dismal failure and should be abandoned before we have a human casualty (possibly someones child or grandchild). The issue is not about preservation of a species, wolves have done well in zoos and other compounds where their contact with humans and domestic animals can be controlled. Let's continue to preserve the wolves in zoos. Bringing wolves back into areas where there is a chance they may come into contact with humans or domesticated animals is irresponsible for one four letter word - they KILL. Wolves are not big furry bright eyed dogs they are killers and spend most of their waking hours hunting for the next kill. They are more dangerous than mountain lions or even bears because they travel in packs sometimes numbering eight or ten or more. Even a strong but unarmed man has little chance of fighting off an attack by a wolf pack.

It is not uncommon to hear of domestic dogs attacking children. If we continue to reestablish wolves in our rural areas it will not be uncommon to hear of attacks by wolves on children. Reestablishment of wolves in our countryside is another example of irresponsible extreme environmentalism not unlike the same misguided mentality that brought us the Rodeo Chediski Fire.

Sincerely,  
Ray Tanner  
5727 N. 7th St. #405  
Phoenix, AZ 85014  
"Erin Brannon"  
<ebrannon@email.a

John Slown  
31 December 2007  
Page -68-

To rizona.edu>  
Sent by: R2FWE\_AL@fws.gov  
byrdgrrl@gmail.co  
cc m  
Subject Mexican Gray Wolf NEPA Scoping  
12/30/2007 03:26  
PM

Erin Brannon

3073 w. Desert Glory Drive  
Tucson, AZ 85745(See attached file: Wolf Comment.txt)

Mexican wolves are an integral and necessary part of a top-down trophic cascade that affects the all of the ecosystems in the Arizona-New Mexico high country. The reintroduction of wolves has allowed those ecosystems to return to a more secure and balanced state. Without wolves, deer and elk populations have been artificially inflated and in some cases, like on the Kaibab Plateau in the early 1900s, populations increase far beyond carrying capacity and severe damage to the ecosystem results. Effects like loss of seed banks in the soil and reduced recruitment of new trees and soil erosion are damages that take decades to fully repair. Some times the damage cannot be fully repaired, and the ecosystem capacity is reduced. Aldo Leopold discussed this fact in his essay "Thinking Like a Mountain" when he said that a mountain "lives in mortal fear of its deer." The loss of wolves is not only deleterious to deer and elk. Other species as diverse as beaver and willow flycatchers are affected by the changes in their ecosystems wrought by the loss of wolves. The trophic cascades that wolves are involved in have been documented over and over again in the Greater Yellowstone Ecosystem, which is now seeing recruitment of willow and aspen, and the return of neotropical migrating birds and beaver to their former ranges.

Wolves also help buffer the effects of climate change in ecosystems that they inhabit. Wolf kills help provide scavengers, especially scavengers with strong seasonal tendencies, with a necessary food source at the end of warming-induced short winters. By providing a steady source of food, wolves are helping to maintain the biodiversity of the communities in which they live. Communities with higher biodiversity generally prove to be more resistant to outside pressures.

Mexican wolves are a vital and necessary part of the forest and range ecosystems of high country Arizona and New Mexico. The desires of a few individuals should not be allowed to trump the health and well-being of the ecosystems and by extension, all of us. Wolves must remain on the landscape.

John Buchser  
<jbuchser@comcast

John Slown  
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To .net>  
r2fwe\_al@fws.gov  
12/30/2007 06:23  
cc PM "Dexter Coolidge"  
<dextercoolidge@yahoo.com>,  
"Norma McCallan (E-mail)"  
<nmccallan@mindspring.com>  
Subject Gray Wolf Comments from Northern  
Group, Rio Grande Chapter,  
Sierra Club

Sirs,

Please find attached comments from the Northern Group of the Rio Grande Chapter of the Sierra Club on the Gray Wolf Scoping Comments. They were also mailed yesterday via US postal service.

Thank you in advance for your consideration of these comments.

Thanks,

John Buchser  
Chair(See attached file: wolf.doc)

Northern Group  
Rio Grande Chapter  
Sierra Club  
1807 Second Street  
#45  
Santa Fe, NM 87505

Brian Millsap, State Administrator  
U.S. Fish and Wildlife Service  
New Mexico Ecological Services Field Office  
2105 Osuna NE  
Albuquerque, NM 87113

Re: Gray Wolf Scoping Comments

Dear Mr. Millsap:

John Slown  
31 December 2007  
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Long-term disappointing efforts to recover Mexican gray wolf populations must change direction, or at least the campaign must change rank. Wolves should rank at least on a par with livestock on our public lands rather than surrendering at every turn to a few ranchers' interests. A vast public wants wolves restored. (Our Group comprises 2000 of that public.)

The Apache-Gila wolf population is obviously essential to recovery and should be so designated.

Now, whenever a wolf eats a cow, no matter what killed the cow, the wolf loses. Ranchers are responsible for their stock: carcasses should be removed or made inedible.

There should be no restrictions on release sites within the Blue Range Recovery Area, and no restrictions on dispersal once released.

Restoration of the lobo is a moral duty for us all and a legal duty for FWS. Please treat the project as something that must succeed, rather than letting it sputter out because of complaints from a few.

Yours truly,

John Buchser, Chair

"Michelle Maese"  
<mamaese@cox.net>  
To 12/30/2007 01:58 PM <r2fwe\_al@fws.gov>  
cc  
Subject Mexican Gray Wolf Recovery  
Program

To the U.S. Fish & Wildlife Department:

The Mexican Gray Wolf should be allowed every opportunity to recover, roam, and flourish in ANY habitable areas, not just those within the

John Slown  
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Blue Range Wolf Recovery area, nor those designated as "safe" by the ranching industry. Capture & re-release is disruptive to the packs and killing should not be an option, except for in the most extreme cases (threat to human population). The wolves should be listed as a full endangered species and given all of the protections thereof, instead of the current listing of non-essential and experimental. Furthermore, the ranching industry should be held accountable for the proper disposal of cattle carcasses, to deter the wolves from ever developing a taste for beef, and thus discouraging them from attacking herds.

The public was in full support of this program 10 years ago and that support has not wavered; the Mexican Wolf belongs in the wild. The U.S. Fish & Wildlife Department needs to do the right thing here and protect the wolves, not pander to a small special interest group. The fees that ranchers pay for grazing rights does not entitle them to sole use of the land; it belongs to the public and to the Mexican Gray Wolf.

Sincerely,  
Michelle Maese  
927 E. Mohawk Drive  
Phoenix, AZ 85024  
(623) 594 - 2652

(See attached file: winmail.dat)

"Grand Canyon  
Wolf Recovery  
Project"  
To <paula@gcwoolfrecovery.org> <R2FWE\_AL@fws.gov>  
cc  
Subject 12/30/2007 09:20  
PM Mexican Gray Wolf NEPA Scoping  
Please respond to  
<paula@gcwoolfrecovery.org>

Dear John,

Please see attached comments for the Mexican gray wolf NEPA scoping process. If you have any questions, please feel free to contact me via this email address or at the below phone number.

John Slown  
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Thanks.

Paula

Kind Regards,  
Paula Lewis  
Coordinator, Grand  
Project PO Box 1594  
928-202-1325



Canyon Wolf Recovery  
Flagstaff, AZ 86002

paula@gcwoolfrecovery.org  
(See attached file: NEPA\_2007\_Comments\_GCWRP.doc)

December 30<sup>th</sup>, 2007

John Slown  
U.S. Fish and Wildlife Service  
New Mexico Ecological Services Field Office  
2105 Osuna NE  
Albuquerque, NM 87113  
[R2FWE\\_AL@fws.gov](mailto:R2FWE_AL@fws.gov)

Dear John Slown,

Re: Scoping Comments pursuant to Federal Register Vol. 72, No. 151, Pages 44065-44069: *Endangered and Threatened Wildlife and Plants; Notice of Scoping Meetings and Intent to prepare an Environmental Impact Statement and Socio-Economic Assessment for the Proposed Amendment of the Rule Establishing a Nonessential Experimental Population of the Arizona and New Mexico Population of the Gray Wolf* ("Mexican Gray Wolf")

The Grand Canyon Wolf Recovery Project is deeply concerned with the current existing rules, and it is clear that the U.S. Fish and Wildlife Service (USFWS) is *not* fulfilling its mandate under the Endangered Species Act (ESA) to "recover" Mexican gray wolves. Threatening to upset the essential role of large carnivores in regulating ecosystems, promoting biological diversity, and maintaining ecosystem health simply cannot be justified.

The Grand Canyon Wolf Recovery Project has been working to restore biodiversity and ecological integrity to the greater Grand Canyon region through recovery of its missing keystone species, the Mexican gray wolf. The Grand Canyon Region is one of largest and most diverse landscapes in Arizona, encompassing 36 million acres. The

area is bounded on the west by the Grand Wash drainage, on the east by the Little Colorado River watershed, and extends from the Mogollon Rim in central Arizona north to southern Utah's High Plateaus. Because of the critical ecological role wolves have in restoring and sustaining the biological diversity of this region, many environmental advocacy groups have joined our efforts to return the wolf to its former range. Our coalition members include the Grand Canyon Wildlands Council, Defenders of Wildlife, the Center for Biological Diversity, Animal Defense League of AZ, Northern AZ Audubon, Sierra Club/Grand Canyon Chapter, the Rewilding Institute, and the Phoenix Zoo.

We support the implementation of a "Conservation Alternative" plan to ensure long-term success of the Mexican gray wolf. Below, we outline the following recommendations for such a plan.

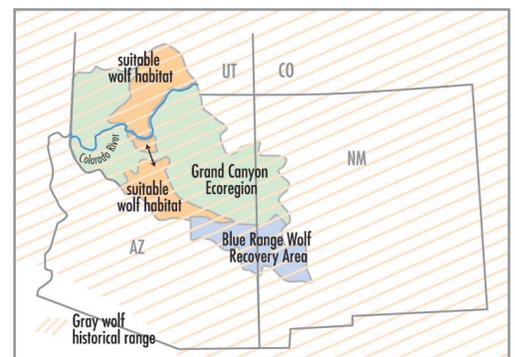
### **"Wolves Without Boundaries"**

#### **Grand Canyon Wolf Recovery Project's main Recommendation:**

Under the current rules, Mexican gray wolves must stay within the boundaries of the Blue Range Wolf Recovery Area (BRWRA). However, it has been generally noted by experts in the field that wolves need large land area requirements and this need is currently not being met. As such, wolves should be allowed to access suitable habitat found within their historic range, which the Grand Canyon Ecoregion provides. Currently, wolves that leave the BRWRA boundary are captured and relocated back into the Blue Range, which disrupts packs and thwarts the expansion and natural dispersal of the population. We recommend that USFWS eliminate all restrictions to wolf movements and dispersal. Such restrictions have proven to be large impediments to the USFWS recovery goals and broader conservation actions. Occupation of areas beyond the BRWRA, notably the Grand Canyon Ecoregion, will be required to achieve full recovery of Mexican wolves. Natural dispersal may be the most effective means of establishing Mexican wolves in new areas and will allow for unrestricted movement for core populations. Such movements will be essential to maintaining the genetic and overall viability of a recovered metapopulation of Mexican wolves. It is well worth noting that no other gray wolf recovery program has such restrictions on wolf movements.

#### ***Implications for Flagstaff-Grand Canyon Ecoregion:***

The Grand Canyon Ecoregion (GCE) has been identified by wildlife ecologists as offering extraordinary habitat for wolf recovery. The region contains vast expanses of undeveloped land in national parks, monuments, and forests, and contains ample food for wolves. Scientific research indicates that this vast region, extending from the Mogollon Rim all the way up to the high plateaus of southern Utah, can sustain at least 100-200 wolves.



Future recovery planning must consider the Grand Canyon Ecoregion in overall recovery objectives for the critically imperiled Mexican gray wolf.

If allowed to disperse from the BRWRA, wolves would be attracted to suitable habitats with abundant prey along the Mogollon Rim. These habitats form a connecting corridor between the BRWRA and the Grand Canyon Ecoregion. The movement of wolves into new parts of Arizona will likely be gradual; the first pair may be only fifty miles closer, and their pups may establish new territories closer than that. Wolves may not need reintroduction to eventually repopulate the southern portion of the Grand Canyon Ecoregion, which includes the southern rim of the Grand Canyon down to the Mogollon Rim.

A study by Paul Sneed ("Feasibility of gray wolf reintroduction to the Grand Canyon Ecoregion," Endangered Species Update, 18:4, [2001]: 153-158) concludes there is great potential for wolf recovery within the Grand Canyon Ecoregion. The study was based upon the biophysical and socioeconomic feasibility of reestablishing a top carnivore, the Mexican gray wolf, into the Grand Canyon Ecoregion. Vegetation cover, water availability, prey density, road density, and human dimensions are all thoroughly analyzed in Sneed's study. Using this data, Sneed provides projections of wolf populations that could exist within the area.

Sneed points out that water availability in this region is adequate and can support wolves as well as the current populations of large carnivores and prey species already present on the Kaibab Plateau, around Flagstaff, and along the Mogollon Rim. The availability of water is one of several key determinants of Mexican gray wolf abundance and distribution.

Another major element of suitability for the Mexican gray wolf to the GCE is prey population. The primary prey species in the GCE are mule deer, elk, prong horn sheep and big horn sheep. Based on other studies provided by the USFWS, it has been demonstrated that two to six mule deer per kilometer would support a Mexican gray wolf population. On the Kaibab Plateau, a high prey density of mule deer, ranging from eight to thirteen per kilometer is present. This figure does not include the Flagstaff area, the Coconino National Forest or Hualapai or Navajo reservations. Additionally, these numbers only show the prey density of mule deer and not elk, prong horn, or big horn sheep. Therefore, prey density is simply not an issue in the GCE region. The GCE can sustain a viable wolf population of approximately 100-200 wolves.

Sneed does consider that the road density in many parts of the GCE is somewhat higher than recommended in other studies. However, Sneed does state the following concerning the numerous roads in the ecoregion:

"[Roads in the] Ecoregion are tertiary or unimproved roads that could be eliminated on public lands with a vigorous road-closing program. Furthermore, the low human density numbers might indicate that these areas are favorable wolf recovery habitat despite the existence of relatively high unimproved road densities."

The Grand Canyon Wolf Recovery Project is working with other conservation groups to eliminate and/or reduce roads in the Grand Canyon region and foresees that this will help facilitate the safe dispersal of wolves to this region.

When the Mexican wolf population reaches a viable size in the wild—a feat heavily contingent upon changes made to the current rules—wolves from Blue Range Wolf Recovery Area will likely attempt to colonize the southeastern part of the GCE. Thus, it is imperative to support and not stifle the dispersal of the recovering, but still endangered, Mexican wolf into the Grand Canyon Ecoregion.

### **Greater Protection for Wolves:**

The Grand Canyon Wolf Recovery Project also recommends the following:

- Reclassify Mexican gray wolves from “experimental, non-essential” to “experimental, *essential*,” or “endangered” to give wolves more protection. Keeping populations captive will not safeguard Mexican wolves from extinction in the long-term.
- Expand the area for initial wolf releases to anywhere within the Blue Range Wolf Recovery area. A rule change that allows new releases throughout the BRWRA would give agency managers more management options for assuring the viability and self-sustainability of the BRWRA population of Mexican gray wolves.
- A revised rule must allow less “take” of wolves. We request that “take” provisions currently authorized by Section 17.84(k)(9)(iii), (k)(10), and (k)(11) be eliminated from any revised rule. The primary objective of the BRWRA reintroduction project was to establish a viable, self-sustaining population of at least 100 Mexican gray wolves and 18 breeding pairs by 2006 in the wild. These numbers are alarmingly lower than forecast. Currently, the wolf population within the BRWRA is estimated to be at 59.
- Resolve livestock-wolf conflicts in ways that keep wolves in the wild and achieve progress towards recovery objectives. A revised rule must require owners of livestock using public lands to clean up dead carcasses. Wolves are attracted to and scavenge upon dead livestock that die from starvation, disease, etc., which leads to habituation and potential future killing of livestock by wolves. Wolves that kill three head of livestock in a year have been killed or placed in captivity for the rest of their lives.
- Keep future recovery options open. Any rule change should not include any provisions that would limit in any way the future options for recovery of the Mexican gray wolf anywhere outside the current boundaries of the BRWRA or beyond such as the Grand Canyon Ecoregion.
- Revise the Recovery Plan. It appears that the current recovery plan is out of date. The USFWS needs to revise the recovery plan before or concurrent with any rule changes so that changes do not hinder future recovery actions.

It is rather clear that many elements of the wolf recovery program are simply not working. An adoption of a conservation alternative will give Mexican gray wolves the protection they need and deserve. In the end, one of the most important considerations

John Slown  
31 December 2007  
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to be made is how to best assist the wolf into the Grand Canyon Ecoregion thereby conserving this magnificent and ecologically essential carnivore!

Regards,



Paula Lewis,  
Coordinator  
Grand Canyon Wolf Recovery Project  
PO Box 1594  
Flagstaff, AZ 86001  
[www.gcwolfrecovery.org](http://www.gcwolfrecovery.org)  
[info@gcwolfrecovery.org](mailto:info@gcwolfrecovery.org)

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P.O. Box 86444 · Tucson, Arizona 85754  
windwalker@theriver.com

December 29, 2007

Mr. Brian Millsap, State Administrator  
U.S. Fish and Wildlife Service  
New Mexico Ecological Services Field Office  
2105 Osuna Road, NE  
Albuquerque, NM 87113

Dear Mr. Millsap,

I have followed, with interest, the progress of the wolf recovery/reintroduction program in east-central Arizona and in west-central New Mexico. I would consider myself an average citizen but with a keen interest and caring regarding our current and future environment and the preservation and continuity of the flora and fauna of this area.

I am totally confused and dismayed by what has been happening with this so-called "program". I have read various articles and documents outlining the program – but I have yet to see a “plan” for realistic recovery, and therefore eventual delisting, of the Mexican wolf.

I understand there was a recovery team in the beginning stages of the program but I see absolutely no evidence of a current recovery team or effort and am at a loss to understand exactly what the nature of the program really is. To an outside observer’s eye, it would appear that the whole project is nothing but a fiasco – and a tragic one at that. There appears to be little evidence of recovery, and the current program seems to be nothing more than a set-up for killing and/or removing wolves. The wolves might as well have targets tattooed on their sides.

It is my understanding that the Mexican wolf was listed as an endangered species in 1976 under the ESA. I do not see any evidence at all that they are being treated as such. The idea of them as



an “experimental 10(j) population” is pure balderdash. They are either endangered – or they are not. There is either a plan for recovery or there is not (and apparently, there is *not*).

Currently, I see the program as a waste of taxpayer’s money and a sad commentary on a so-called recovery and reintroduction project – because there appears to be no “plan” for which the wolves are paying dearly with their lives. Their dilemma has affected millions of people all over this continent and even other countries. What has happened to the sanity and rational thinking and behavior of the local folks and authorities involved?

I understand that there are serious and potentially dangerous situations for wildlife and U.S. Forest U.S. Fish and Wildlife (the "Service") personnel - especially when dealing with some local residents in New Mexico. It would appear that the Service has not been dealing with them effectively. I don’t think anyone wants something shoved down their throat so to speak, as the program has been incorrectly perceived, but these folks have the power and punch to get exactly what they want, when they want, and whom they want and the Service lets them. The Service has not provided an effective role model for responsible reintroduction of a native species.

Encouraging and modeling *tolerance* would be a powerful tool in creating positive values in learning to “live and let live” for the folks that have lived on that land and had their way - without governmental interference - for so many years. Excuse me – but I am a taxpayer and the Blue Range Wolf Recovery Area (BRWRA) for the most part, is public land – and the rest of the nation should be able to have a say in how it is used and enjoyed for multiple uses. I, for one, believe there is a great excess and abuse of allowing the BRWRA to be primarily used for cattle grazing as a priority over other uses. The BRWRA was originally part of historic lobo’s home range and they deserve to share it now.

If the inhabitants in the BRWRA would open their minds to see the big picture for the long haul and not be so focused on losing a cow here and there (to wolves, other predators, disease, natural disasters, etc.) but rather as part of the price of doing business, perhaps they too could learn to understand and respect the balance of the natural environment, which man is a part of, and the creatures that have allowed us to share it with them.

Many of the articles and stories I have read reveal irrational and unsubstantiated fear of wolves. But even more importantly there appears to be something like a "range war" going on. It sounds like its really over territory and property rights. The idea of ordinary folks encouraged by ill-informed authorities in Catron County to carry a gun – in self defense of a wolf - is absurd. In fact, it is absolutely *scary*. It bodes ill for the locals making them appear as fanatical skin-head survivalists or suffering from psychologically unstable personalities. I like to camp and hike – but now I am concerned about ever feeling welcome or safe (from humans) in that county. I try to give them the benefit of the doubt. Maybe they just feel threatened that their way of life is changing and they are losing (the illusion of) control. Many people are afraid and resistant to change. Perhaps helping them understanding that change is part of life – and that they can help create it themselves might give them a more positive take on personal power and something to be proud of.

I am deeply saddened to know that parents in these communities in the BRWRA are teaching their children fear (to the point of creating psychological trauma - or "emotional abuse"), hate, selfishness, unjustified arrogance, and intolerance of neighbors, especially of local and native the wildlife. They do not own the planet – or even those few thousands of acres. Catron County or the rest of New Mexico does not exist in a vacuum – they are part of the United States where we

all live and where there are checks and balances, give and take, and concessions we all have to make when needed. We need the lobo to help restore the beauty and balance of nature. What I, and millions of other people, see as important and want is important too.

But these folks also need to have respect for the laws of the land. If someone blatantly and deliberately harms another – human or wildlife (i.e. a wolf), they have to accept the consequences. It seems that the USFWS and other authorities have been allowing illegal behaviors ("shoot, shovel and-shut up" and sacrificing cows so that a wolf, or pack, may be assigned a third depredation incident and therefore, be removed permanently) and cow-toeing (literally and figuratively) to the vigilante types without holding them responsible. These fear mongers cannot continue to be allowed to take the law into their own hands.

Ranchers need to be a big part of the solution. For instance, removing dead livestock and using (legal) aversive actions to keep wolves from coming close to human habitations. Strict boundaries, and consequences enforced, need to be set for human behaviors. The wolf needs to be allowed to do its wolf-thing without constantly walking on eggshells around cattle and other livestock. Again, it doesn't appear to be about money – or the cash value of a cow or even the presence of a wolf. After all there are other predatory animals living in that county. It appears that "territory" and a "no change" attitude motivates the ranchers. Those motivators should offer clues to a successful approach to encouraging ranchers to understand and deal with their own irrational feelings and actions.

It has been fairly well shown that wolves can co-exist with ranchers and cattle and other wildlife and that they have had a positive impact on the environment – as has been shown in Yellowstone. But again it took looking at the big picture – and time - to understand their proper place in nature. Education, eliciting help from those folks who feel personally affected by the presence of wolves, and especially encouraging tolerance may help turn things around.

Again, there is either a plan or there isn't. There can no longer be the "in-between" stance. The wolves are either protected and allowed to recover – or they aren't. The notion that wolves have to live inside the dotted line is totally unrealistic, especially for a predator, and continues to set them up for failure and being killed or removed.

I look forward to seeing that a realistic, enforceable recovery/reintroduction plan is effected and enforced. And I look forward to utilizing the great passion and strengths that I know some of the ranchers and other folks possess to create and workable and satisfactory plan that they can – and will – commit themselves to live with.

Sincerely,

Gina King

December 10, 2007

Brian Millsap, State Administrator  
U.S. Fish and Wildlife Service  
New Mexico Ecological Services Field Office

John Slown  
31 December 2007  
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2105 Osuna NE  
Albuquerque, NM 87113

RE: Changes to Mexican wolf

Dear Mr. Millsap:

**The following are my comments on the proposed changes to the Mexican wolf XXX. First of all, I would like to comment on the scoping process that was conducted in both Arizona and New Mexico. Having been involved with the NEPA process for more than 20 years, I was not impressed with the public meetings that were held and were supposedly called “scoping meetings”. I attended the meeting held in Alpine, Arizona and found it to be nothing more than a Mexican wolf “open house”. Most of the people that I talked to at the meeting had no idea of the purpose of this meeting, nor did they know what the issues were as there was very little effort involved in explaining either. I am NEPA trained and have been involved, through my former work, with the entire process, having commented on numerous documents and actions for the Arizona Game and Fish Department. The scoping meetings that you conducted seemed nothing more than an attempt to say that you held the required meetings, while the content of the meetings bordered on absurdity. At some of the meetings that were held, there were various NGO’s with tables set up outside of the meeting area to actually explain to the public what was going on. Obviously, you have met the minimum requirements for this portion of the process, but that is all you have done, the minimum. The remainder of my comments will address the issues from the Federal Register.**

(a) Current management stipulations that require wolves that establish home ranges outside the Blue Range Wolf Recovery Area (BRWRA) to be removed and re-released into the BRWRA or taken into captivity.

These stipulations should either be changed or removed and allow the establishment of wolf home ranges outside of the BRWRA. Anyone in the field of wildlife should know that wild populations of animals cannot be contained (successfully) within arbitrarily established geo-political boundaries. This is even more of an issue with the establishment of a viable population of Mexican gray wolves. The recovery of this endangered species

John Slown  
31 December 2007  
Page -80-

Sincerely,

david.goerndt

December 27, 2007

Joe Delk  
PO Box 879  
Mesilla Park, NM 88047  
(575) 644-3082  
[idelk525@yahoo.com](mailto:idelk525@yahoo.com)

Brian Milsap  
c/o John Slown  
US Fish and Wildlife Service  
New Mexico Ecological Services Field Office  
2105 Osuna, NE  
Albuquerque New Mexico 87113  
[R2FWE\\_AL@fws.gov](mailto:R2FWE_AL@fws.gov)

**Re: Notice of Scoping Meetings and Intent To Prepare an Environmental Impact Statement and Socio-Economic Assessment for the Proposed Amendment of the Rule Establishing a Nonessential Experimental Population of the Arizona and New Mexico Population of the Gray Wolf (“Mexican Gray Wolf”).**

Dear Mr. Milsap,

I am compelled by principle to state that I have been opposed to the reintroduction of the Mexican Wolf from the very beginning of the program. I do recognize that there is federal law that mandates the program and in the spirit of cooperation I do have comments that I believe would help minimize the socio-economic impacts on the communities and livestock producers within the recovery area and in the long term would have an overall beneficial effect on the wolf recovery program.

***Issues Related to the Scope of the NEP***

***(a) Current management stipulations that require wolves that establish home ranges outside the Blue Range Wolf Recovery Area (BRWRA) to be removed and re-released into the BRWRA or taken into captivity. This stipulation stemmed from the intention in the 1998 NEP final rule that wolves would not be reestablished throughout the entire Mexican Wolf Experimental***

*Population Area (MWEPA), but only within the BRWRA, which is a sub area of the MWEPA. However, analysis indicates that removals for boundary violations due to wolves dispersing or establishing territories outside the BRWRA are not conducive to achieving the reintroduction project objective of "reestablishing a viable, self-sustaining population of at least 100 Mexican (grey) wolves" (U.S. Fish and Wildlife Service 1982, p. 23). In other words, change in this aspect of the 1998 NEP final rule would provide the Service with the authority to allow wolves to establish territories outside the boundaries of the BRWRA.*

The USFWS has not demonstrated to my satisfaction that they have either the resources or expertise to expand the program beyond the current recovery area boundaries.

Dr. Benjamin Tuggle, Regional Director of the United States Fish and Wildlife Service (USFWS) told us in Silver City, New Mexico on April 18, 2007 that the USFWS was underfunded and understaffed to manage the program at its current status. The New Mexico Department of Game and Fish (NMDG&F), Director, Bruce Thompson told us at the New Mexico State Game Commission meeting in Gallup, N.M. in July, 2007 that the NMDG&F did not have resources allocated in their budget to adequately address issues stemming from problem wolves or to properly assess the impact of wolves on elk in the Gila. Additionally, Wildlife Services had two hundred thousand dollars (\$200,000) stripped from their budget in the 2007 New Mexico Legislative Session.

So, please explain to me how the two main agencies entrusted with the responsibility of reintroducing the Mexican Wolf into Blue Range Wolf Recovery Area and managing the program to mitigate the impacts on livestock producers and rural communities here in New Mexico, can justify the expansion of the program by allowing wolves to establish themselves in areas outside existing recovery area without adequate funding and manpower to properly manage the program.

Also, how can we ask the already over-worked, underfunded and understaffed Wildlife Service's people to adequately deal with wolf depredations while leaving livestock producers in other areas of the state without their badly needed services?

Given your lack of ability to track and verify un-collared wolves, you cannot even give an accurate count on the actual number of wolves in the BRWRA. How can you propose to manage an even larger area?

In the original EIS, impacts on livestock were to be minimal. In actuality, there has been tremendous impact to the individual ranching operations in the reintroduction area. We have seen several ranches so severely impacted that they were forced out of business and had to sub-divide their deeded land to

recoup at least part of their investment. What data has the U.S. Fish & Wildlife Service (FWS) accumulated to determine the actual impacts on the ranching industry not only the loss of livestock, but added expenses and physiological effects of having to deal with the stress of depredating wolves?

Livestock producers outside the current reintroduction area are strongly opposed to boundary expansion fearing the carnage they have seen their fellow producers suffer within that area. However, there is little fairness in forcing those who are attempting to maintain livestock operations or live within the current reintroduction area to continue to suffer losses at the same or enhanced level.

How can you justify expanding the program to benefit wolf reintroduction while it would undoubtedly expand the impacts onto the ranching community as well? Would it not be better to make adjustments to the scope of the program to fit the existing BRWRA rather than to enlarge and expand the scope of the program into a larger area that you have neither the resources nor adequate personnel to manage without reasonable and probable expectations of conflict with people and their property?

The program has failed within the current reintroduction area, as evidenced by the number of wolves that have been repeatedly recaptured, lethally removed and not survived for various other reasons in addition to the tremendous impacts on local families, communities and governments. How can you justify expanding the boundary without addressing these issues?

Also, until there is an effective livestock compensation/interdiction/incentive program that addresses replacement costs and lost production administered locally, there should not be any expansion of the recovery area.

***(b) Current management stipulations allow for initial Mexican gray wolf releases from captivity only into the primary recovery zone of the BRWRA. Management experience has demonstrated that this stipulation in the 1998 NEPA final rule sets impractical limits on available release sites and wolves that can be released into the secondary recovery zone, limits the Mexican Gray Wolf Reintroduction Project's (Project) ability to address genetic issues, and results in a misperception that the secondary recovery zone is composed largely of "problem" animals that have been translocated to the secondary zone after management removal due to livestock depredation events. In other words, a change in this aspect of the 1998 NEP final rule would possibly provide the Service the authority to release Mexican gray wolves from the captive breeding population into New Mexico.***

There is no "misperception" that the secondary recovery zone is composed largely of 'problem' animals." The FWS's own news release on March 21, 2000 states: "An EA of

The translocation of previously released Mexican gray wolves within the BRWRA for management purposes was completed February 10, 2000.” What are the “management purposes” for which wolves have been translocated? While livestock depredation is most certainly not the only “management” issue involved, nuisance behavior such as habituation around communities, schools and homes as well as depredation on pets and domestic animals appear to be the only other “management” purposes that have been utilized in translocation.

Translocations or releases of known problem wolves (habituated or those with any history of livestock predation) should not ever be allowed. They should either find space in a captive breeding facility, zoo or euthanize these animals. If not, they will impact decisions regarding future removals because there is nowhere to put "bad wolves". There is also no known way to turn “bad wolves” into “good wolves.” Another alternative would be to use these animals to research rabies vaccination programs that are much needed within the program.

However, releasing “fresh” or inexperienced wolves may not be a solution either. The wolves released in Arizona initially were fresh or inexperienced, yet were translocated to New Mexico for “management purposes.” What were the management purposes? Are management agencies habituating these animals to humans by continued feeding of road killed animals, carnivore logs (horse meat from Mexican processing plants) or by trapping and handling in human settings then transporting them in camper shelled vehicles that cannot help but permeate human sent (see video Adobe Ranch <http://wolfcrossing.org/category/wolf-videos/>)? The affect of these management techniques must be analyzed in the overall context of wolf behavior.

I remember when the Durango pair was released directly into the Gila Wilderness on or about April 20, 2007. The female was within days of whelping yet it took only two days for the pair to travel forty or fifty miles to territory they were already familiar with (Adobe Ranch) and the rest is history. How many taxpayer dollars were spent as a result of this ill-advised decision? The USFWS certainly demonstrated their lack of judgment with the Durango fiasco. How can we trust the agency learned anything from this experience?

Only when the USFWS demonstrates that they can adequately manage the program under the current rules should we consider allowing them any latitude to broaden the scope of the program with regard to release sites.

***(c) The definition of the White Sands Missile Range, which is within the MWEPA, as the White Sands Wolf Recovery Area. However, the White Sands Wolf Recovery Area is not of sufficient size nor does it have sufficient prey density to function as an independent recovery area.***

The issue here is obvious and I agree if there is no prey base and the area is not sufficient in size, there should not be any releases even considered. The size of WSMR would never contain the wolves nor is there enough of a prey base to keep them within the boundaries of WSMR.

This same logic needs to be applied throughout the entire recovery area.

**d) Limited provisions for private individuals to “harass” wolves engaged in nuisance behavior or livestock depredation, or which are attacking domestic pets on private, public, or Tribal lands.** *Current provisions in the 1998 NEP final rule allow for “opportunistic, noninjurious harassment” of wolves by private individuals; that is, individuals are not allowed to harass wolves in such a manner as to even potentially result in bodily injury or death of a Mexican gray wolf. Management experience in the BRWRA, as well as the Northern Rocky Mountain DPS gray wolf recovery program, suggests that a variety of harassment methods could provide an effective deterrent to problem Mexican gray wolf behavior, as well as increasing public acceptance of Mexican gray wolf recovery. All possible alternatives and remedies need to be explored.*

I firmly believe that if the wolf reintroduction program is to ever see any measure of success, owners of property within any area where wolves are present should have the right to protect their property without fear of reprisal.

There should be an allowance in the rule for property owners or their agents to take (including kill or injure) any wolf engaged in the act of stalking, killing, wounding or biting livestock or pets either on private property or on federally administered lands allotted for grazing anywhere within the Mexican Wolf Experimental Population Area including the designated wolf recovery areas.

The 10(J) rule should be amended to authorize harassment of Mexican wolves for purposes of scaring them away from people, buildings, facilities, pets and livestock. Specific language is needed to state a person may kill or injure a wolf if they feel threatened by a wolf or in defense of another who is threatened, and may, kill a wolf that is not responding to harassment and is consistently in populated areas frequented by people and showing signs of being desensitized to human encounters.

The amendment should also include the harassing or humanely dispatching of wolves by the USFWS or other federal, Tribal or state agencies when wolves exhibit fearless behavior or become habituated to humans and pose a demonstrable threat to human safety. This provision should include providing a federal take permit, for local county law enforcement personnel, to allow them to lethally take a wolf for immediate protection of human safety.

The USFWS must cease all management practices which habituate these animals to humans! Habituation of the wolves to humans is the single most deterring factor in the acceptance of the program by the impacted community.

Mitigation of the false and misleading information that has been issued as public education during so called scoping meetings including the power point presentation as well as the contents of posters that contain faulty information on wolf removals, livestock, and depredations.

Another misconception that is prevalent in the USFWS and the environmental organizations is that wolves have never been documented killing anyone in North America. This is a false hood that is misleading the public and needs to be stopped. Wolves have been documented all over the world killing people and eating them ([http://en.wikipedia.org/wiki/List\\_of\\_fatal\\_wolf\\_attacks](http://en.wikipedia.org/wiki/List_of_fatal_wolf_attacks)). North America has its own documented cases. The recent killing of Kenton Carnegie and in many old news reports (see [http://www.aws.vcn.com/wolf\\_attacks\\_on\\_humans.html](http://www.aws.vcn.com/wolf_attacks_on_humans.html)), these falsehood statements need to be stopped.

The practice of utilizing helicopters and planes to dispense with depredating wolves must NOT be eliminated. This country is too large and rugged to lose this ability to

address or capture problem wolves. Elimination of these tools would hamper any ability to a quick and effective technique to wolf removals. In actuality it would probably increase the number of depredations that wolves are already doing.

Implementation of a federally funded pilot program aimed at compensation and interdiction to be run by ranching interests who are the experts in the field of livestock depredation causes and interdictions needs to be established.

Takings implications and assessments must be planned for and implemented in scoping rulemaking and management planning in order to determine the scope of compensation necessary to private property owners for depredation and losses caused by the program. In addition to losses for livestock, compensation should be given for losses of pets.

The current methodology for determining a depredation needs to be changed to the more reasonable Minnesota version, which allows missing calves to be confirmed as wolf kills under certain circumstances.

There is great need for the rules to distinguish the difference between "killing" and "eating". Only a percentage of actual wolf kills are consumed by wolves. I know of no available data on what that percentage might be but there is considerable evidence available in the Gila of many livestock and elk that were

killed by wolves in either a “spree killing” or “joy killing” activity and were never consumed. To lead the public to believe that wolves only kill what they need for sustenance is misleading at best.

And finally we believe that more intensive and widespread data should be collected on wolf diet using scat studies throughout the recovery area rather than one point and time that leads to incorrect conclusions that wolves’ diets mostly consist of elk (75%) as noted on a pie chart in the scoping and educational posters. This study is out of date and far too small to legitimately make this claim. There is also reason to believe that this data was collected in areas where livestock were not present during the analysis. Any NEPA analysis should provide for better information collection in a new rule.

***(e) Current provisions in the 1998 NEP final rule that do not allow for “take” of wolves in the act of attacking domestic dogs on private or Tribal Trust lands. However, domestic dog injuries and mortalities have occurred within the BRWRA due to interactions between wolves and dogs, primarily near people’s homes. Lack of take authority in instances where take may have been warranted has resulted in substantial negative impacts on some local residents and visitors to the BRWRA.***

An allowance in the rule to add a provision in the NEP to include domestic dogs in the “take” provisions of the rules is absolutely necessary. Livestock owners or their agents would be allowed to take (including kill or injure) any wolf engaged in the act of stalking, killing, wounding, or biting livestock or domestic dogs on federally administered lands (see change in definitions below) anywhere within the Mexican Wolf Experimental Population Area, including within the designated wolf recovery areas.

***(f) Among other issues, the need to clarify definitions of: “breeding pair,” “depredation incident,” and “thresholds for permanent removal.” In addition, there is a need to identify other possible impediments to establishing wolves, such as the livestock carcass management and disposal issue identified in the 3-year review of the project (Paquet et al. 2001, p. 69). The authors of this report recommended that the Service “require livestock operators on public land to take some responsibility for***

*carcass management/disposal to reduce the likelihood that wolves become habituated to feeding on livestock.” In other words, if a new final rule is promulgated that incorporates this recommendation from the 3-year review, it may result in redefining “nuisance wolves” and “problem wolves” so as to exclude animals that scavenge on the carcasses of livestock that died of non-wolf causes.*

The need for definition changes in the new rule and management plans as well

as any SOPs, such as:

**BREEDING PAIR:** considered an adult male and an adult female that are firmly mated and have the potential to breed and raise a litter of pups in the upcoming breeding season.

**ACTIVE PACK:** two (2) or more wolves that are attached to each other and exhibit pack behavioral characteristics.

**DEPREDATION:** the confirmed killing or wounding of a domestic animal by one (1) or more wolves.

**INCIDENT:** the killing or wounding of a domestic animal by one (1) or more wolves.

**ENGAGED IN THE ACT OF KILLING, WOUNDING OR BITING LIVESTOCK:** to be engaged in the act of grasping, biting, attacking, wounding, or feeding upon livestock that are alive or were alive within the past 24 hours.

**LIVESTOCK:** any animal routinely contributing to the ability of a small businessman to earn a livelihood including but not limited to cattle, horses, goats, burros, llamas, chickens, stock dogs, guard dogs, hunting dogs and other domestic animal to which value is attached and the loss of which would prove to be a financial hardship and result in the takings of private property (pursuant to the Fifth Amendment of the U.S. Constitution). We would also like to include any pets; dogs, cats, riding horses, etc. to this definition.

**PUBLIC LAND:** lands available for dispersion into private ownership under general land laws to which no claim or rights of others has attached.

**FEDERAL LAND:** lands in which the United States retains a proprietary interest and prior claims and rights are attached.

**TAKE:** to harm, hunt, shoot, wound or kill.

**UNAVOIDABLE OR UNINTENTIONAL TAKE:** take which occurs despite reasonable care and is incidental to an otherwise lawful activity, and is not done with purpose. Taking a wolf by trapping will be considered unavoidable or unintentional if the wolf is released and the capture is reported within 24 hours. Taking a wolf will be considered unavoidable or unintentional if the wolf is taken during a legal hunting activity, is non-negligent and is reported within 24 hours.

**LEGALLY (LAWFULLY) PRESENT LIVESTOCK:** should be defined as livestock occurring within the boundaries of a recognized grazing allotment where the owner has beneficial use water rights on federal land.

This would also include any occasion whereby livestock owned by one person may be unintentionally present on his neighbors' allotment. This is a common occurrence within any ranching community and should not ever be considered as illegally present livestock.

Retaining definitions that do not warrant changes or additions from the current rule include the following: Occupied Mexican Wolf Range, Opportunistic, Non-injurious harassment, Primary recovery zone, Problem wolves, Rendezvous site, Secondary recovery zone, Wolf recovery area. Specifically, the definition of problem wolf should not be gerrymandered to move the goal posts associated with management of problem behavior.

Full investigation into the efficacy of livestock carcass removal including the increased cost to livestock operations needs to be conducted. If this is to be considered, then the removal of carcass's killed by wolves and the associated costs also need to be determined. Ed Bangs with USFWS has been widely quoted as saying *"The idea that wolves eat a dead cow, think beef tastes great, and then start attacking cattle is mythology as eating carrion and killing prey is two totally different wolf behaviors. Wolves often scavenge all they can. Normal range practice out here makes it nearly impossible to find and bury [or blow up for human safety concerns as they do for G. bears issues and livestock carcasses along trails] every carcass so livestock carcass disposal is within 'normal' and traditional livestock husbandry practices, feeding on livestock carcasses is a very different thing than attacking livestock- one doesn't necessarily lead to the other. (See additional studies at <http://wolfcrossing.org/wolf-studies-scat-prey-habituation-disease-more-to-come/> )*

### ***Issues Related to Evaluation of the Environmental Impacts***

***We are seeking comments on the identification of direct, indirect, beneficial, and adverse effects that might be caused by amendment of the 1998 NEP final rule that established the current NEP of Mexican gray wolf. You may wish to consider the following issues when providing comments:***

**(a) Impacts on floodplains, wetlands, wild and scenic rivers, or ecologically sensitive areas;**

The effects of wolves on watersheds spread of disease on domestic and wild animal populations needs to be addressed. Many diseases need to be taken into consideration. Rabies is currently the utmost concern. Given the incidence of grey fox rabies in Catron County, we would like to know the vaccination status of the released wolves. It is our understanding that there are no licensed vaccines

approved for use in wolves, so it is not legal to vaccinate wolves with rabies vaccine in New Mexico.

There are several zoonotic diseases of concern, especially those that are shed in feces and urine. Some of these zoonotics would be sarcocystosis, echinococcus, ascariasis, cysticercosis and neospora caninum. These are parasites passed in feces that can cause disease in both humans and livestock. Neospora causes abortion in cattle and wolves have been shown to be an intermediate host to this parasite. Other viral and bacterial diseases of concern would be distemper, adenovirus, brucellosis and leptospira. Leptospirosis and brucellosis are both a concern for humans and livestock. Some of these parasites and diseases can be transmitted to pets then on to their owners. How does USFWS intend to address these concerns?

How has the introduction of the wolf impacted the migration of elk within the recovery area? Has it improved riparian areas as documented in Yellowstone?

**(b) Impacts on park lands and cultural or historic resources;**

A full disclosure of social, cultural and economic impacts on rural residents and local governments to include the loss of tax revenue and increased government operation costs due to presence of introduced wolves. We ask that a specific economic analysis on ranches that are being harmed be conducted and that individual rancher and at the most the county level economic impact be evaluated. That the cumulative impacts wolf reintroduction and recovery is analyzed using local, county developed information on jobs, poverty and economics.

An analysis that is national or regional in scope fails to depict the real impacts of wolf reintroduction.

Livestock production in the release and recovery area cannot be negatively affected by this program.

**(c) Impacts on human health and safety;**

Improvement of wolf monitoring to insure that residents in the release and recovery areas are informed when wolves are in close proximity is badly needed. There is a definite need to facilitate documentation of predation on livestock also.

The 10(J) rule should clearly document through appropriate mapping that people reside in current and potential wolf habitat. The general public has been feed misinformation on this account and a misconception has resulted that people do not inhabit wolf release and recovery areas.

An analysis of wolf occupancy of lands where domestic livestock are present, homes where children reside, and where domestic animals may contract a parasite or disease and spread it to humans or where wolves may directly deposit infectious material near residences needs to be conducted.

**(d) Impacts on air, soil, and water;**

An analysis of problems associated with epizootic disease carried by wolves and potentially carried in wolf feces needs to be done. The potential effects of these diseases on people, domestic animals including pets and working dogs, and other wildlife should be evaluated in the new EIS.

How has the reintroduction of wolves negatively impacted family ranches, putting them out of business and forcing them to subdivide their private property affecting the air, soil, and water in wolf recovery area?

**(e) Impacts on prime agricultural lands;**

Other than the obvious impact of wolves depredating on livestock, how are wolves impacting elk herds and what impacts are those herds having on agricultural lands within and outside the boundary areas? NMDGF is currently working on a model to determine some of these impacts. The data collected for this model is only one year worth of data and by no means gives us enough information on elk/wolf interactions. Data should also be collected from impacted ranchers and outfitters in the impacted areas. This is an integral part of wolf management and must be addressed in the EIS.

Again, I am very concerned with the impact the wolf reintroduction program is having on Wildlife Services. Their limited resources and funding is already affecting individuals across the state. The fact that they are not being fully funded to participate in the wolf program is causing hardship in other counties that are not in wolf country due to the fact that WS is pulling resources and staff to deal with wolf depredations when needed. There is a desperate need to fully fund WS for this wolf program.

Again, how is the subdivision of ranches, the loss of county taxes generated from the loss of livestock from these ranches affecting agriculture lands in the wolf recovery areas?

**(f) Impacts to other species of wildlife, including other endangered or threatened species;**

I believe that to release any habituated animal into the wild with any expectation that that animal will adapt into an ecosystem, without impacting that ecosystem in

a negative manner, will only undermine the true intent of the program and cause a disruption in the natural order of things.

**(g) Disproportionately high and adverse impacts on minority and low income populations;**

This program is having a disproportionately high and adverse impact on minority's and low income populations within the Mexican wolf recovery area. Research has showed that Catron County is one of the poorest in the nation. Any hardship, including wolves depredating on livestock affects the ability for many of producers to make a living. How many ranchers have been put out of business due to the reintroduction of Mexican wolves? This needs to be determined, and any denial that this is actually occurring needs to be brought to the forefront of these serious issues. Is it not required in NEPA that these determinations be made?

**(h) Any other potential or socioeconomic effects;**

Livestock kills as a result of wolf management rather than grazing cycles must be properly analyzed. Currently the IFT and other managers use subjective and speculative information to validate increased depredation problems. An example is the claim made in the scoping information education posters that a year round grazing causes more livestock depredation. Where is your scientific proof of this statement? Please provide us with documentation backing up that statement.

We would like to stress that the USFWS needs to commit to maintain the 10(J) status of the Mexican wolf program and add common sense approaches to managing problem wolves that are causing an economic burden on our producers in the MWEPA. SOP 13 needs to be kept and improved upon to help mitigate problem wolves. Arbitrarily assigning a strike to one wolf in a pack is not solving matters, but only making them worse. If a pack of wolves is involved in a depredation they are already becoming habituated. To arbitrarily pick one of them as the culprit does nothing to help the program. Given the overpopulation problems you are having in breeding facilities there is no excuse in trying to keep problem wolves on the ground. You have an adequate supply of them to release that are not habituated livestock killers.

Improved lethal and non-lethal control techniques needs to be established to help facilitate an improved program for wolf recovery.

We would also request that a study be incorporated to social study the impact the Mexican wolf recovery program has had to the children in the MWEPA. Given the recent psychological testimonies of local children, lock downs of public schools and the current erecting of bus cages to protect and give children a sense of

protection from habituated wolves, we think that this needs to be added to this process.

**(i) Any potential conflicts with other Federal, State, local, or Tribal environmental laws or requirements.**

Has the USFWS consulted with any of the Native American Tribes within the MWEPA? It is our understanding that the tribes (Navajo's) have not had any interaction with USFWS. Where is the consultation that is required by NEPA? Consultation with the tribes need to take place including but not limited to; Navajo Nation (including Alamo, Ramah, and Tohajiilee), Laguna Pueblo, Acoma Pueblo, Mescalero Apaches, Isleta Pueblo, Zuni Pueblo, and I would include these because of their close proximity to MWEPA; Sandia Pueblo, San Felipe Pueblo, Santa Ana Pueblo, Zia Pueblo, Jemez, Cochiti Pueblo, Santo Domingo Pueblo, and Tesuque Pueblo.

The NMDGF is currently trying to manage their own little wolf program in NM. They need to coordinate with the USFWS and quit doubling efforts and ideas that have already been given before as well as during the scoping process (see NMDGF Concept Statement). Many of these concepts are unacceptable to our producers and should not even be given any consideration.

Finally, on April 18, 2007 in Silver City, New Mexico, Dr. Tuggle admitted that the USFWS is understaffed and underfunded to properly manage the wolf reintroduction program and when asked what recovery should look like, he admitted that he did not know what recovery would look like only that it was his job to reintroduce wolves in the southwest.

I submit that this is unacceptable. An issue which must be included in the consideration of the rule change is whether or not the program is even feasible here in the southwest given what we have learned to date. We are ten years into the program and somewhere between \$15,000,000 and \$20,000,000 with only a fraction of the planned 100 wolves on the ground. We are experiencing severe habituation of wolves causing extreme conflict with people and communities resulting in great consternation between the agencies and the impacted communities.

Under the National Environmental Policy Act (NEPA), the alternatives analysis is the "heart" of the document. According to the courts, an agency must consider alternatives, even if they are not within the agency's jurisdiction or are not authorized by enabling legislation. Thus, as required by such case law, one legal

John Slown  
31 December 2007  
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and reasonable option to this process should be the termination of the program. This must be a viable alternative to be considered in the EIS.

Thank you for your time and the opportunity to provide input into the scoping process. We look forward to your timely responses to our questions and suggestions.

Respectfully,

Joe Delk

cc:  
Senator Pete V. Domenici  
Senator Jeff Bingaman  
Congressman Steve Pearce  
Congresswoman Heather Wilson  
Congressman Tom Udall  
Governor Bill Richardson

Mr. Millsap,

Previous email contained an incomplete version - please find correct version attached.

Thank you,

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December 29, 2007

**Brian Millsap, State Administrator**  
U.S. Fish and Wildlife Service  
New Mexico Ecological Services Field Office  
2105 Osuna NE  
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RE: Possible Changes to Mexican the Wolf Recovery Program

Dear Mr. Brian Millsap,

**The following are my comments and concerns for proposed changes to the Mexican Wolf Recovery Program.**

**First of all, I would like to comment on the scoping process that was conducted in both Arizona and New Mexico November through December 2007. Having been involved with the NEPA process for over 20 years, I was not impressed with the public meetings that were held and were supposedly called "scoping meetings". I attended the meeting held in Alpine, Arizona and found it to be nothing more than a Mexican wolf "open house". Many of the people that I talked to at the meeting had no idea of the purpose of this meeting, nor did they know what the issues were as there was very little effort involved in explaining either during the meeting and absolute no effort to clarify the issues prior to the commencement of these 12 "scoping" meetings. I am NEPA trained and have been involved, through my past career, with the entire Federally mandated process having commented on and written numerous documents on proposed actions for the Arizona Game and Fish Department. The scoping meetings that you conducted seemed nothing more than an attempt to say that you held the *required* meetings, while the content of the meetings bordered on absurdity. At some of the meetings that were held, there were various NGO's with tables set up outside of the meeting area to actually explain to the public what was going on and how to provide comments. Obviously, you have met the minimum requirements for this portion of the process, but that is all you have done - the *minimum*. Obviously, this is part of the "adaptive management" function adopted for this project. Adaptive management seems to be nothing more than a position whereby the agencies involved never make a decision and never take responsibility for their mistakes or place blame on those involved in the project for which they have no control over or support for.**

**As a retired Wildlife Manager for the Arizona Game and Fish Department stationed in Springerville, AZ, I had been intimately involved in the on-the-ground portion of the reintroduction effort since 1991. I have been involved in commenting on the original scoping documents, assisting in the release the first pair of wolves into the recovery area, hazing wolves, dealing with private landowners on wolf issues, and (after retirement) volunteering with the Interagency Field Team.**

**The remainder of my comments will address the issues from the Federal Register.**

(a) Current management stipulations that require wolves that establish home ranges outside the Blue Range Wolf Recovery Area (BRWRA) to be removed and re-released into the BRWRA or taken into captivity.

These stipulations should either be changed or removed to allow the establishment of Mexican wolf home ranges outside of the BRWRA. Anyone in the field of wildlife knows that wild populations of animals cannot be successfully contained within arbitrarily established geo-political boundaries. This is even more of an issue with the establishment of a viable population of top predators, such as Mexican wolves. The recovery of this endangered species will not be successful if you are relying on these animals to stay within your arbitrary boundaries. These animals are not the same as Apache Trout (also a 10j species) which stay within the limits of an aquatic habitat and

wolves should not be treated as such. This is a critical issue that should have been changed/expanded several years ago - not waiting nearly 10 years down the road when the population had been artificially restrained due to this arbitrary boundary.

(b) Current management stipulations allow for initial Mexican gray wolf releases from captivity only into the primary recovery zone of the BRWRA.

Again, these stipulations need to be changed. There should be no "primary" nor "secondary" recovery areas. There should be only one recovery area. Since the FWS caved in to the politics of not initially releasing wolves into New Mexico in the rush to start this project (yes, I am aware that the reintroduction was first conceived in the 1980's but you did not adequately assess the reintroduction to give it the highest chance for success) you are now in the situation of not being able to put enough animals on the ground to successfully achieve the genetic diversity or numbers needed for a successful recovery. The notice in the Federal Register states that the current situation "results in a misperception that the secondary recovery zone is composed largely of "problem" animals that have been translocated to the secondary zone after management removal due to livestock depredation events." I do not agree that this may be a misperception, as there is truth to it - a wolf or pack that is doing well (not depredating or being a nuisance) is not going to be selected for translocation as this would disrupt the pack dynamics and potentially set the pack up to depredate in now unfamiliar surroundings. Consequently, the only wolves that are translocated into New Mexico are those animals that have in fact depredated and/or been a nuisance (or even "perceived" to be a nuisance by those who do not want wolves "on them"). Therefore, the statement from the Federal Register is very disingenuous.

(c) The definition of the White Sands Missile Range, which is within the MWEPA, as the White Sands Wolf Recovery Area.

Why is this even an issue? Do you actually waste your time on such absurdities? Having lived in that part of New Mexico and having worked in a biological capacity on the Armendaris Ranch (which borders the White Sands Missile Range) I am completely familiar with the status of the prey base (i.e. large prey animals) in this region. Unless you want the wolves to start utilizing introduced species (e.g. oryx) as a substitute for indigenous prey species, the prey base is not adequate for the reestablishment of wolves in this area. This would cause the wolves to utilize the most abundant prey items which are domestic livestock and would exacerbate the situation that you are currently in with wolf/cattle conflict.

(f) Among other issues, the need to clarify definitions of: "breeding pair," "depredation incident," and "thresholds for permanent removal".

**I cannot believe that you people have not come up with definitions for "breeding pair", "depredation incident", and "thresholds for removal" after nearly 10 years of wolves being on the ground! This should have been accomplished *BEFORE* you**

released the first wolf. Attempting to do this at this time makes the general public think that you are a bunch of buffoons and thereby losing any credibility that you may have had. Obviously, this section is another example of the "adaptive management strategy". Let me help you, a "breeding pair" would be, by definition, a male and female wolf that have bred and produced pups (whether the pups survive or not is irrelevant - if the pups were killed by a vehicle, illegally poached, or succumbed to disease, etc.). A "depredation incident" would be time related, that is, a wolf killing livestock during a certain time period (a 24-hour period may be too long) no matter how many animals it kills during that time frame. For example, if wolf #XXX killed three calves on January 29, 2007, this would be considered one depredation incident. Perhaps if the Adaptive Management Oversight Committee would spend more time on the big issues instead figuring out 10 years later what obvious definitions will be and debating such menial things as whether or not it is appropriate to state that a Mexican wolf is approximately the same size as a German shepherd (which is for comparison purposes only - or suppose you could say a Mexican wolf is larger than a bread box?) as it might imply to people that wolves are breeding with dogs, which they have, or that wolves are dogs - they are however, in the very same family as dogs but have been genetically certified as pure "Mexican gray wolves - you could have already clarified these definitions. Or replacing all of the "Wolf Country" informational signs in the BRWRA because some people resent the literal interpretation of these signs that the country belongs to the wolves (suppose they have never seen the signs you are in Bear Country per AGFD and USFS or Beef Country?).

As for the issue of requiring ranchers to remove livestock carcasses from Federal Lands. Why do you need to create a new law when all you have to do is get the U.S. Forest Service to enforce the laws that they already have? Have you ever heard of the Code of Federal Regulations (CFR's)? Is there not a USFS representative on AMOC? They already have a CFR pertaining to removal of private property (this includes such things as abandoned cars, trash, and yes, even livestock) from USFS administered lands. As livestock are private property, this rule applies - it just needs to be enforced (as it is for the rest of the population of the United States who recreate/hunt on these lands) for livestock operators as well. As a former Law Enforcement Officer, I do not think that you need to come up with a new law, especially one that I doubt you will enforce. Another avenue, and this is not impossible, is to write "carcass removal" into the permittee's Annual Operating Instructions (AOI). Once again, this would require adequate enforcement and oversight, two areas where the USFS has a dismal track record.

In conclusion, I applaud you for finally opening up these issues for review. However, I really cannot understand why they have not been broached previously or even before the release of wolves. This has been the most haphazardly run reintroduction effort that I have ever been involved in or aware of. AMOC has been the most ineffectual group for a recovery effort that I have ever encountered. If you, or the other agencies, are really committed to recovering Mexican wolves (in which I have my doubts), then you should disband AMOC and replace them with a *real* recovery team and an actual recovery plan to try to salvage this debacle.

Sincerely,

David L. Goerndt

Mr. Sloan:

I attended the scoping meeting in Albuquerque, Nov 30, 2007. I want to thank you for the format of the meeting. I felt it was run professionally, with a great opportunity for information gathering from many different angles. By giving the attendees a format with which to provide input individually, I believe you will see ownership of the solution within a greater population. I feel this is an ideal method with which to revise the controversial 10(j) law.

It is obvious to all that there is a greatly polarized, adversarial relationship surrounding the wolf recovery project. What I would suggest below are possible ways to decrease the antipathy and show support for some of the concerns of the public. Please excuse my lack of knowledge of terms.

**Simplify the Law:** I gathered at the meeting that there is a formidable layering of regulations within the law which hobbles quick and clean efforts to manage. This effects response time and ability to work with ranchers having a problem. So, I would suggest thinning the bureaucracy and allowing problems to be dealt with simply, according to a pre-set formula, by employees of different agencies. Yes, they would have to file reports, but they wouldn't have to jump through hoops to respond to and take care of a situation.

**Protection/Aversion:** I believe the public should be better educated about wolf behavior, which would include information on how to cause and maintain fear of humans and how to protect oneself. The public needs to be able to use stronger methods to defend themselves. One should be able to hit a wolf with a rock or object, or carry some sort of nonlethal weapon- sling-shot, pellet gun, etc. This would give residents a sense of support and legalize what they might already be doing. I would suggest that the public should be encouraged to carry a pepper spray, this in itself may cause a sense of safety.

**Restructuring Incremental Goals:** I also picked up from the meeting that goals at this time are not clear and are cumbersome to work toward. I feel that a program with increments, and clear goals at each level should be formulated. Each incremental level would work toward moving into the next level once that goal is met. If all parties knew exactly what was expected of them at every step of the process, knowing how each stage would move along toward each definable goal, people could be able to deal with what is expected of them. If an increment isn't met, or isn't working, the project would revert to an earlier level, and a preset system would kick in to get the project back on track.

**Support for Ranchers:** Hopefully, with a new federal administration, more money will be freed up for environmental issues. In that case, I'd like to see an ability to study how much a rancher within the study area might lose to wolf predation, and a method to pay them that 10-15% off the top, so they may feel supported and could be encouraged to use it to help the recovery project and also protect their livelihood.

I learned at this meeting that part of the frustration of the ranchers is having to attend meetings, saying the same things and being told the same things. No wonder they would want to sell their land to ranchette developers, which is the very thing the project doesn't need. If every step of the process was defined, and everyone knew the goal, I think you'd find the simplification would help the public buy in.

**Widen the Recovery Area:** As far as the Mexican Wolf reintroduction, I am so sorry that we are dealing with such a small area. The problems are almost pre-given due to the limits. I read a few months ago about an idea to open wolf recovery to its original range over Arizona and New Mexico.

I initially thought that would be impossible, but after this meeting, I'm thinking it would be a good thing to aim for. If packs were introduced to BLM and other public lands, small groups could have their individual territories and become sustainable over a wide area. Yes, there would be interface and losses-- both to the wolves and the ranchers. And yes, packs would be split and would have to reform, but that is not an unnatural activity anyway.

I understand there is widespread distribution of wolves in the Wisconsin, Minnesota, Michigan area. There are complaints in that area as there are here, but it seems that there would be an understanding of their existence in some ways, as the population has been there for some time.

**Redefinition of Terms/Goals:** Considering some other situations, I see problems in definitions. I don't know if the 10(j) law applies to other species, but there is obviously a problem with the present grizzly situation. Residents believe it is time for grizzly hunting, but they are told it isn't clear whether the population is sustainable as yet. If the population has and is still increasing, perhaps this could be considered as acceptable sustainability. Also, there is concern about the wolves in the WI, MN, MI area becoming hybridized. I would believe that this needs to be considered. If the population becomes settled, can the good work of many biologists working toward genetic purity be turned away from, as the wolves may choose to mate other close breeds.

I would just like to say that I support the wolf recovery efforts. I believe we should try to rectify what damage we humans have done to this world. There will probably never be a fully peaceful coexistence regarding the wolf in that we are working with predators and the ancient and ongoing myths that surround them. But, though many parties would like to deny it, we are working toward a natural state, and the human culture is now part of it.

Thank you for your consideration,

Betty Gendron  
12120 Apache NE  
Albuquerque, NM 87112

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"Levi and Missy  
Klump"  
<klumpranch@hughe  
To s.net> <R2FWE\_AL@fws.gov>  
cc 12/31/2007 02:28  
PM  
Subject Scoping Comments

Dear Mr. Slown,

Please consider the attached letter to be my comments for the wolf scoping period.

Thank You,

Levi Klump (See attached file: wolf scoping.doc)

Levi Klump  
726 Horse Camp Drive  
Animas NM 88020

John Slown  
State Administrator, US Fish and Wildlife Service  
New Mexico Ecological Services Field Office  
2105 Osuna, NE  
Albuquerque New Mexico 87113  
[R2FWE\\_AL@fws.gov](mailto:R2FWE_AL@fws.gov)

12-05-07

Re: Notice of Scoping Meetings and Intent To Prepare an Environmental Impact Statement and Socio-Economic Assessment for the Proposed Amendment of the Rule Establishing a Nonessential Experimental Population of the Arizona and New Mexico Population of the Gray Wolf ('Mexican Gray Wolf')

Dear Mr. Slown,

It is becoming clear that people who live in wolf inhabited areas, especially those who have been subjected to habituated Mexican wolves have become fearful for their safety and the safety of their children. Even though it is said that the threat of wolves to human safety is low it has become a big issue to those who have experienced wolf presence. One of the major changes that should be considered in the Scoping

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process is to add Human Safety provisions in any new rule. For instance, wolves exhibiting fearless behavior or those becoming habituated to humans and posing a non-immediate but demonstrable threat to human safety should be harassed or humanely dispatched by the USFWS, other federal land management agencies, state or tribal conservation agencies, or designated agents of those agencies. This should include provisions for a federal take permit, for local county law enforcement personnel, to allow them to lethally take a wolf to enable immediate protection of human safety. Wolves that are a “demonstrable but non-immediate threat to human life or safety” should be removed by FWS, other federal land management agencies, state or tribal conservation agencies, or designated agents of any of these agencies. This should include provisions, including a federal take permit, for county agency, law enforcement personnel, to enable them to non lethally take a wolf to curtail the necessity for a human safety related lethal removal in the future. These provisions can be found in the Minnesota wolf plan

Livestock depredations should be counted as individual kills, one per cow or calf. The 24 hour regulation should be done away with. Any wolf involved or suspected to have been involved in the depredation should receive a strike. The regulation governing the number of strikes assigned to a wolf should stay the same. To increase the strikes to more than 3 per year is unfair and creates an undue burden on livestock producers.

Removal of carcasses is an undue burden to most livestock producers. It is punitive and serves no scientific purpose and should not be considered a valid scoping issue.

Thank you for this opportunity to comment,

Levi Klump  
726 Horse Camp Drive  
Animas, NM 88020  
klumpranch@hughes.net

December 31, 2007

Brian Millsap, State Administrator, U.S. Fish and Wildlife Service  
New Mexico Ecological Services Field Office  
2105 Osuna, NE  
Albuquerque New Mexico 87113

**Subject: Transmittal of Catron County Commission’s Scoping Comments  
Regarding the Mexican Gray Wolf Environmental Impact Statement  
and Proposed Rule Change**

Dear Sir:

The Catron County Commission submits the following scoping comments for the Mexican wolf Environmental Impact Statement (EIS) and proposed changes to the Mexican Wolf Nonessential Experimental Population (NEP) final rule. Our comments are based on several major areas of concern, which include but are not limited to the following:

- **Impacts on the safety, health and welfare of our families and particularly our children.** Catron County has investigated and confirmed direct wolf-human conflicts and habituated wolf sightings near children and families (see exhibit D). These have caused significant safety concerns for parents, schools, and community leaders.
- **Impacts on Economic stability,** particularly in the livestock industry which represents the county's largest business sector. For example, Catron County livestock producers have lost cattle, horses, etc. valued at \$500,000 dollars (see exhibit C).
- **Fiscal impacts on the Federal government.** The Mexican Wolf program has cost Federal agencies at least \$14 million dollars to date. An expansion of direct release areas and a generally broader geographical management area could drive that cost up exponentially.

- **Fiscal impacts on Catron County government.** As a protection measure to citizens, we have been forced to implement our own wolf management program, the cost for which has consumed a significant percentage of our total General Fund budget.
- **Ecological impacts on Forest indicator species.** It is suspected that Mexican wolf packs have impacted elk and deer populations in our area; study of actual ungulate population numbers is imperative. As these ungulates are major indicator species of forest health; initial indications of a lowering of population may constitute an indication that the natural system is out of balance. Additionally, adequate numbers of wild ungulates provides an important mechanism for keeping fine fire fuels in check, reducing the potential for catastrophic fire ignition.
- **Impacts on intergovernmental relations.** The failure of the U.S. Fish and Wildlife Service (FWS) to coordinate scoping and rule change activities with the Catron County Government worsens already strained relations created by the agency's failure to establish true management coordination. Given that the Catron County government and its residents have extensive direct experience with and are clearly impacted on a daily basis by both wild and habituated Mexican wolves, failure to utilize them as cooperators renders the intergovernmental adaptive management program meaningless. The burden of this failure is borne by the people and animals (wolves, livestock, pets, ungulate wildlife) of Catron County and adjacent areas.
- **Conflicts with or failure to address Catron County plans and ordinances.** On April 18, 2007, Catron County adopted Amended Ordinance 001-2007 (attached) that governs Mexican Wolf Management within our boundaries. This ordinance, in our view, is not respected or reflected in current federal Mexican wolf management plans or rules.

In addition, we adopted Catron County Ordinance 002-93: *An Ordinance Revising The Catron County Environmental Planning & Review Process & Repealing Ordinance No. 006-92*, which requires cooperation and consultation with Catron County Government and calls for mitigation of adverse impacts. This ordinance, in our view, is not being fully complied with.

Finally, the Catron County Comprehensive Plan, adopted in 1992, clearly outlines quality of life, endangered species, and wildlife issues that FWS must consider in its own plan and program development. These are not reflected in the current NEP final rule or the action/mitigation measures of its accompanying Environmental Impact Statement.

- **Impacts on social stability.** The mere presence of Mexican wolves (a non-essential experimental population), the harassment of people, pets and livestock by Mexican wolves, and the confirmed cases of injury to pets and livestock has

severely impacted the social stability of Catron County communities, neighborhoods, and residents. Recent studies (J. Thal, PhD, J Martin, MD - see Exhibit B), point to the following adverse effects: Insomnia, bed wetting, nightmares, chronic fear, clinical depression, borderline personality disorder, Post Traumatic Stress Disorder (PTSD). Program expansion through changes to the NEP final rule would, in the view of the Catron County Government, increase these impacts.

- **Impacts on civil rights.** According to an Initial Assessment Report (IAR) prepared by Catron County in 2007, the U.S. Fish and Wildlife Service failed to follow due process: *“The USFWS and the Mexican Wolf Adaptive Management Oversight Committee’s early notice public policy was not honored by the USFWS or the interagency field team. Those interviewed stated that agency staff often identify wolf locations that are old, inaccurate, or both.”*

The issue of agency due process compliance continues to be a problem expressed by those negatively effect by wolves; the issues include early notice, destruction of personal property, and not following AMOC rules. Because of these reoccurring problems, as part of the EIS, FWS should conduct a Civil Rights Impact Analysis, pursuant to US Department of Interior civil rights impact directive, utilizing the USDA, US Forest Service Civil Rights Impact Analysis methodology.

- **Impacts on Environmental Justice.** The above-referenced IAR (2007) notes a failure of FWS to comply with Executive Order 12898 on Environmental Justice requirements, inasmuch as FWS has not assessed the effects of this federal program on protected classes (ranching operations owned or operated by women and minorities).
- **Impacts on Property Rights.** A summary of these impacts is outlined in Exhibit C, and includes loss of livestock, domestic pets, and other personal property, loss of real property, and failure to provide fair compensation.
- **Impacts on Custom and Culture.** The custom and culture of Catron County has been severely damaged by the Mexican Wolf program. Expansion of the program through changes to the NEP final rule would increase the negative impact. These impacts include but are not limited to: loss or curtailment of ranching operations, family activities and gatherings on private property, hunting opportunities, wildlife viewing (particularly deer and elk), and outdoor activities (hiking, dispersed camping, etc.).

To address these areas of concern, we strongly urge you to consider and act on the following:

1. Each of these issue areas reflect significant and direct adverse impacts as a result of the NEP rule, proposed rule changes, and implementation of agency actions.

The consequential costs of identified impacts expose AMOC members and lead agencies such as FWS to legal and insurance liabilities. Therefore, we strongly recommend that these costs be included in the Environmental Impact Statement and Socioeconomic Assessment for the proposed NEP Final Rule change. Further, we urge, pursuant to 40 CFR Parts 1500-1508 and Catron County Ordinance 006-92, that you work with us to identify and implement mitigation measures. Further, our IAR (see exhibit C) has identified mitigation issues that we ask you to include and analyze in the EIS, pursuant to 40 CFR Part 1506.

2. Due to the social costs of the Program, it is imperative that the *Environmental Impact Statement* be conducted at a scale and rigor that provides full disclosure to the public about the rate and magnitude of social, economic, cultural and distributional impacts. Refer to Exhibit A, section A, which highlights the socioeconomic factors that should be analyzed, along with the Environmental Justice, Takings Implications Assessment and Fair Compensation factors that should be addressed.
3. The Catron County Commission position is that the biological, economic and social carrying capacities to support Mexican wolf populations have been far exceeded. Therefore, future wolf releases should not occur in Catron County, and existing populations should be removed to allow communities and natural ecological systems (e.g. prey species populations in wilderness areas) to come back into balance, beginning with problem and/or habituated wolves.
4. The EIS that accompanied the current NEP final rule failed to conduct adequate impact assessments on the human environment or involve the County, pursuant to 40 CFR 1506.2 as a cooperating local government agency.

The purpose of involving other government entities (Catron County) is to reduce duplication of effort and gain “local” expertise for a more comprehensive assessment and full disclosure of environmental affects. Therefore, we formally request that you address these shortcomings by involving Catron County in the preparation of the EIS as a cooperating agency, pursuant to 40 CFR 1506.2. Further, we request your compliance with the process outlined in the August 7, 2007 Federal Register Notice (Volume 72, Number 1511, pp. 44065-44069) and commence coordination with Catron County as an affected local government partner.

The remainder of our comments and supporting exhibits, which are hereby incorporated as part of the above comments, are attached. These attachments more specifically address the issues related to the proposed rule changes that affect Catron County and its residents.

John Slown  
31 December 2007  
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On behalf of the Catron County Commission, we urge your consideration and prompt attention to these comments for the relief of our rural communities, businesses and families.

Sincerely,

Ed Wehrheim, Chairman  
Catron County Commission





