

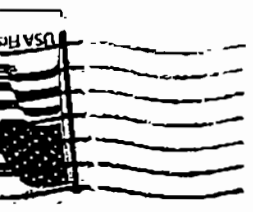
Mr. Milsap

Please support Mexican Wolf recovery by allowing the direct release of wolves from the captive population into the Gila National Forest.

Thank you
Merrill Sapp
1024 Organ View Dr
Las Cruces, NM 88005

4711341001 8051
Attn: Mexican Gray Wolf NEPA Scoping

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



Merrill Sapp
1024 Organ View Dr
Las Cruces, NM 88005

✓
TO: BRIAN MILLAP
U.S. FISH AND WILDLIFE SERVICE

12-1-07

SUBJECT: MEXICAN WOLF RECOVERY

1. ALLOW WOLVES TO ROAM OUTSIDE THE BLUE RANGE WOLF RECOVERY AREA.
2. RELEASE CAPTIVE WOLVES ANYWHERE IN THE RECOVERY AREA.
3. INCLUDE WSMR AS A WOLF RECOVERY AREA.
4. ALLOW MORE WAYS TO HARASS NUISANCE WOLVES AND THOSE THAT ATTACK LIVESTOCK AND PETS ON PRIVATE, PUBLIC, AND TRIBAL LANDS.
5. CHANGE RULES THAT DON'T ALLOW PEOPLE TO KILL WOLVES ATTACKING DOGS ON PRIVATE AND TRIBAL LANDS.
6. CLARIFY DEFINITIONS OF SUCH TERMS AS BREEDING PAIR OR DEPREDATION INCIDENT AND IDENTIFYING IMPEDIMENTS TO RE-ESTABLISHING WOLVES.

SINCERELY,
Bob Young
505-382-9462

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

1105 Circle Dr.
Las Cruces, NM 88005
December 3, 2007

Dear Mr. Milsap:

Please accept my comments regarding the Mexican Gray Wolf.

1. The wolves are literally being managed to death. More flexibility in management is imperative particularly with individuals whose bloodlines/genetics are irreplaceable and are therefore crucial to the success of the program. Handling of other individuals and removal from the wild should be minimized until the population has recovered. Scare tactics and other techniques can be used in place of capture and removal.
2. The wolves are not being given enough room to roam. Boundaries for recovery should be broadened and restrictions relaxed.
3. In order to reduce conflict with wolves management of cattle should be improved and increased. Management techniques can include:
 - better herding and observance of cattle
 - the use of guard dogs
 - temporary penning of calves
 - removal of livestock carcasses
 - increased education
 - voluntary grazing retirements

Sincerely,



Tim McKimmie

John W. Waugh
4470 Codorniz
Las Cruces, NM
88007



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

Attn: Mexican Gray Wolf NEPA Scoping



Dear Mr. Millsap,
I'm sending you my comments in support of the Mexican Gray Wolf recovery effort in SE Arizona and SW New Mexico. Some things I feel should be changed are the 3 strikes policy. Also, allowing wolves to move freely even outside the recovery boundaries. I also feel that the Mexican Gray Wolves should be re-designated as an endangered species, and their recovery and restoration in the wild as a priority for USFWS. sincerely, John W. Waugh

17-5-07

Comments:

If anyone in the Interior Dept. is afraid of being fired for doing their best work (including criticizing supervisors (all the way to the White House), then find another job outside the federal government. * I have lived during the reign of 10 presidents and reviewed those before (to T. Roosevelt), and I have no doubt the Bush-Cheney administration is the most anti-environment of the other 10+. Shame!

Jack David Scurlack

* One USFL ^(last night) implied that fear of such was a motive in impeding the Mexican Wolf Recovery Project.

Defenders and other conservation organizations advocate for the following changes to the Mexican wolf program:

- Allow wolves to roam beyond the current artificial boundaries to find suitable habitat and prey.
- Resolve livestock-wolf conflicts in ways that keep wolves in the wild and achieve progress towards reintroduction objectives.
- Revise the Fish and Wildlife Service's 25-year-old recovery plan.
- Allow for opportunities to expand wolf reintroduction to other appropriate areas in the future.

stand up to the Bush-Cheney anti-science/anti-environment policies!

Name: David Scurlack

Street: 2215 1/2 S. Solano

City, State, Zip: Las Cruces, NM 88001

Tape closed with address on outside, and add a stamp.

DO NOT STAPLE
Thank you for your input!

Kathy Steele
3300 Eagle Ridge Drive
Las Cruces, NM 88012

December 11, 2007

Dear Mr. Slown:

I just read the article in the Bulletin changes in the wolf re-introduction. I would like to voice my opinion.

I currently live in Las Cruces, but, will be moving up to Catron County, in Datil in the very near future. I read where a grey wolf was found in Datil, someone had shot it. I also saw on the news that a family whom has just moved up to Reserve video taped 2 wolves hanging out in his back yard during the day. He was very concerned since his 2 children play out there. Recently on the web site for Catron County they are asking for reports of wolf sightings or attacks. There were graphic pictures of wolf attacks on wild life and domestic animals. This is very disturbing to me. I will not feel comfortable having my young grandchildren and my dog out on the property with these wolves coming into areas where people live.

Please think carefully about re-entering any more of these wolves. You need to be concerned with safety of human, domestic animals and livestock. I think the wovles are beautiful wild animals, however, I hope to never have to come face to face with one.

Thank you for giving me a chance to express my concerns.

Kathy Steele



DEPARTMENT OF AGRICULTURE
STATE OF NEW MEXICO

MSC 3189, Box 30005
Las Cruces, New Mexico 88003-8005
Telephone: (505) 646-3007

BILL RICHARDSON
Governor

I. MILEY GONZALEZ, Ph.D.
Secretary

December 17, 2007

John Slown, AICP
Mexican Wolf Planner
U.S. Fish and Wildlife Service
New Mexico Ecological Services Field Office
2105 Osuna Road NE
Albuquerque, New Mexico 87113-1001

RECEIVED
DEC 26 2007
USFWS-NMESFO

Dear Mr. Slown:

The New Mexico Department of Agriculture (NMDA) would like to thank the U.S. Fish and Wildlife Service (FWS) for the opportunity to comment on the proposed changes to the Mexican wolf reintroduction project. We would like to make it very clear from the beginning that NMDA opposes any program or project that negativity affects farmers or ranchers in New Mexico. Part of our goal is to ensure a safe and secure food supply and a uniform and fair market place, and protect natural resources and the environment. NMDA has been a part of the Adaptive Management Oversight Committee from its inception and has helped shape the standard operation procedures that now govern the project. The biggest hurdle to reintroduction has been the lack of firm recovery goals to work toward. Until firm numbers are established for the Mexican wolf recovery, all efforts to quantify success will be meaningless.

As part of recovery, the reintroduction project has required a steep learning curve, and the cost to ranchers and farmers has been high. The actual cost to government has also been high. Changes to the project are long overdue.

NMDA makes the following recommendations:

1. Do not change the 10J rules until the recovery objectives are set. NMDA recommends 100 total wolves for Arizona and New Mexico combined.
2. Do not change the 10J rule until a working interdiction and depredation payment program is in place and functioning. This action alone will relieve most of the friction within the project and free up project personnel to track wolves.
3. Change the project boundaries to encompass all of New Mexico and Arizona. Any artificial boundaries could cause hardship to citizens as wolves cross outside those boundaries where harsher rules will be applied.

Mexican Wolf Reintroduction Project

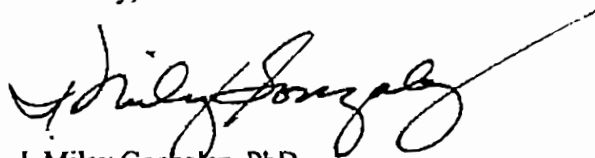
December 17, 2007

Page 2

4. Abolish primary and secondary release zones. Release zones should be scattered throughout both states and established only where federal allotments are vacant and ample prey exists.
5. Allow maximum harassment of wolves by ranchers and farmers, including the use of rubber bullets. Furnish citizens with telemetry equipment as needed to help track problem wolves. Train county officials to use harassment tools and telemetry to protect citizens on public property.
6. Domestic pets should be protected. Shooting wolves on private property to protect domestic pets must be allowed.
7. Expand the wolf holding facilities at Sevilleta National Wildlife Refuge to meet expanding needs. Pens should also be established at or near release sights to facilitate recapture efforts as needed. Do not use holding pens as zoo facilities. Establish firm guidelines for disposal of problem animals.
8. Require Arizona and New Mexico to have approved state wolf management plans before the existing reintroduction project is expanded.
9. Map all possible release sights in both states as part of the final environmental impact statement.
10. Establish a FWS Safe Harbor program for landowners who are willing to maintain wolves on their land.
11. Ensure the economic impact analysis addresses the total impact to all citizens of each state. Include a section that addresses in detail the impacts to the ranching and farming communities. Ranchers are taking most of the impact nationwide. In New Mexico the total acres where prey exist is small compared to the total acres ranches. This leaves vast areas with no prey species except livestock. Livestock numbers far exceed prey numbers in New Mexico and therefore ranchers are left exceedingly vulnerable. This risk must be analyzed.

Once again, thank you for the opportunity to offer comments to this process. If you have any questions, please contact Mr. Bud Starnes at (575)646-8005 or bstarnes@nmda.nmsu.edu.

Sincerely,



I. Miley Gonzalez, PhD.
Director/Secretary

IMG/jm/ws



NEW MEXICO FARM & LIVESTOCK BUREAU

P.O. Box 20004 • Las Cruces, New Mexico 88004 • (505) 532-4700 • FAX (505) 532-4710

RECEIVED December 20, 2007

DEC 26 2007

USFWS-NMESFO

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

RE: 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 the New Mexico Farm & Livestock Bureau (NMF&LB) and our 14,000 family members I would like to comment on the "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")."

First and foremost I must emphasize that NMF&LB policy is and has been opposed to the reintroduction of the Mexican Wolf from the start. We realize that this program is mandated by law to occur and therefore in the spirit of cooperation would like to make these comments to try and help improve the program, so that it will be less burdensome on our producers within the Wolf recovery area.

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 and reasonable option to this process should be the termination of the program. We would recommend that this be a viable alternative.

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 subarea 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.

We would challenge the USFWS to prove to us that this has not occurred. According to our sources who are living with wolves your population of 100 Mexican Wolves has been closely met if not exceeds that number. Given your lack of ability to track and verify un-collared wolves, lose wolves every year and cannot give an accurate count on the actual number of wolves in the MWEPA we cannot see how you can justify this action in any way. (See wolf location maps, acquired at www.wolfcrossing.org).

We would like a description on how exactly do you determine the number of wolves within the MWEPA? Do you only count collared wolves or just those with collars and any other wolves with them? We believe that the USFWS had failed to take into consideration that there are many offspring that have survived and are not collared in the MWEPA. Many reports we have seen there have been numerous times that you have failed to find offspring from collared wolves. Do you automatically declare them dead and out of the population? We believe that many have survived and a better accounting of these wolves needs to be addressed.

What is the prey base out side of the BRWRA to support wolf populations? Reliable sources within the New Mexico Department of Game & Fish (NMDGF) indicate that New Mexico's largest wildlife prey base for predators lies within the Gila National Forest, anything outside of that would not be able to support any significant amount of wolf packs. What will wolves released or venturing outside the Gila rely upon for food sources? What are the deer and elk populations in the full expanse of the recovery area?

In the original environmental impact statement (EIS) deer were envisioned as the primary food source. Has that assumption been documented and verified in the wolf reintroduction program in either the three- or five-year reviews? What impacts have the reintroduced wolves had on deer populations in the BRWRA and how will that extrapolate to an expanded reintroduction area? What impacts have the reintroduced wolves had on other wildlife including elk, turkeys, or any other major prey base within the BRWRA? What impacts have they had on other predators, also?

In the original EIS livestock impacts were assured to be at a very minimal amount. In actuality, there has been tremendous impact to the individual ranching operations in the reintroduction area. What data has the U.S. Fish & Wildlife Service (FWS) accumulated

as to the actual impacts on the ranching industry? Not only the loss of livestock, but income and physiological affects 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 will you better deal with these problems you already have? Especially, if staff and money is not increased comparatively.

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 will expanding the boundary address any of these issues?

Also a big concern expanding the area will increase Wildlife Services (WS) workload (depredation investigation/removal) without any budget offset. This detracts from other WS predation damage management throughout the state. Wolves over a larger landscape will limit WS and private applicator use of M-44's and the Livestock Protection collar (by EPA use restrictions) and increased coyote predation as a result could easily put remaining sheep producers in NM out of business. In areas where wolf presence is confirmed, WS will end up having to check coyote traps on a daily basis, effectively limiting the amount of equipment they could have out at any one time. There will likely be additional non-wolf livestock predation that they can not effectively deal with. What actions will be taken to offset these problems?

Until there is an effective compensation/interdiction/incentive program 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 be allowed. The captive wolf population is huge. Why are there additional problems being created by releasing known problem animals? There is a current bottleneck in the NM holding pens at Sevilletta NWR and Ladder Ranch, at least partially because there are several animals that cannot be released because of three strikes. It is our understanding that USFWS is attempting to use a reversible vasectomy technique to attempt to create space. They should either find space in a captive breeding facility (all already full) 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 (made mostly of horse meat, see enclosed pictures) 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.

If genetics are to be a reason for translocation, then all the genetic information available should be included in the upcoming EIS including but not limited to: *Pedigree Analysis Of Captive Population Of Mexican Wolf*, Phillip S. Miller, Arizona State University, 1994
Correspondence, Roy McBride / Dave Parsons 1997.

(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 we whole heartedly agree if there is no prey base and the area is not sufficient in size, there should not be any releases done. 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. However we firmly believe that the same logic needs to be applied recovery area-wide.

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.

The amending of the of 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 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. Once more, we emphasis that the agencies need to stop habituating these animals to humans by many of their own management practices!

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). 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), 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.

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 for livestock owners or their agents needs to be added that would allow a take (including kill or injure) on any wolf engaged in the act of killing, wounding, or biting livestock 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: 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). 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 PRESENT LIVESTOCK: should be defined as livestock occurring where the owner has beneficial use of water rights.

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 the removal of carcass's killed by wolves and the cost associated with that needs to be determined. Ed Bangs with USFWS as been widely been quoted as saying "*The idea that wolves eat a dead cow, think beef tastes great, 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/>)*

(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 was petition for rulemaking filed by the NMF&LB, NMCGA, NMFLC, NMWGI, GLA, and ACGA filed in May 2006 not considered as a part of this scoping process, if other petitions such as the one mentioned above were made a part of the scoping? The petition is attached and all parts are hereby submitted as scoping issues, its requests and comments are incorporated by reference,

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;

We would insist on 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.

We are adamant that livestock production in the release and recovery area is not 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 effect of wolves depredating on livestock we would also like to know how wolves are impacting elk herds and the effects those herds are having on agricultural lands within and outside the boundary areas. NMDGF is currently working on a model to determine some of these effects. The data collected for this model is only one year worth of data (see attached letter from Director Bruce Thompson) and by no means gives us enough information on elk/wolf interactions. We believe this to be an integral part of wolf management and must be addressed in the EIS.

We are also very concerned with the effects on Wildlife Services resources and funding that 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;

We've mentioned some of our concerns above on this issue already and don't think they bear repeating.

We do want to include one thing in this category that doesn't pertain to other wildlife but we have some concerns on the treatment of the wolves as pertaining to NM laws on animal abuse (see attached statute). We feel that if a private pet owner was doing what USFWS is doing to the wolf that private owner would be held accountable to NM law. These wolves have been raised in zoos and breeding facilities for well over 30 years and have lost the ability to survive in the wild. They have been habituated to humans and associate humans with a means of food, in those facilities and because of your

management practices in the wild as well. Given this statement we would request that you look at the state Statute and assure us that you are not in violation of them as stated.

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

We firmly believe that this program is having a disproportionately high and adverse impact on minority's and low income populations within the Mexican wolf recovery area. Our research has showed that Catron County is one of the poorest in the nation (see attached documentation of NM stats). 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.

(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 which 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?

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 over population 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. 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.

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

Respectfully,



Joel A. Alderete
Regional Director
New Mexico Farm & Livestock Bureau

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

David Pengelley
3307 West Street
Las Cruces, NM 88005

December 20, 2007

RECEIVED
DEC 28 2007
USFWS-NMESFO

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

Subject: Mexican wolf reintroduction EIS

Dear U. S. Fish and Wildlife Service,

I am writing about the Mexican wolf reintroduction program and EIS.

In recent years, this program has been very unsuccessfully managed by USFWS. It almost seems now that more wolves are being killed or removed by the USFWS than are being introduced or left alone, and the trend in numbers, packs, and reproduction is very disturbing. Is the Service merely repeating the eradication of the wolf in the earlier 20th century?

The problems are, amazingly, not due to biological difficulties, but rather political ones. Unfortunately the USFWS has ignored its mandate to reintroduce the wolf successfully under the Endangered Species Act, and has instead essentially handed decisions about the program over to a few local ranchers and selected congressional representatives who are against wolf reintroduction. The reintroduction program is mandated by law, so this effective abrogation of the program to those few who wish to stifle it politically is unlawful and reprehensible.

The extent to which the USFWS program has been politically hijacked even within the Service is graphically indicated by the response form you distributed recently at your scoping hearings. There are two photos on the form. One shows some open grassland and forest. The other shows a cattle corral with a cowboy rounding up cattle. Where is the wolf in the pictures? There is no wolf, only cattle. This overt message from within USFWS itself is that your program is now about cattle, not wolves. What a travesty that you have been completely diverted from your lawful mission.

A complete change of direction is required. The wolf recovery must be considered "essential", not "experimental", control of the program must be wrested back from ranchers and politicians who are trying to kill it, wolves must be released more widely, and allowed to range much more widely, and some cattle depredation must be accepted as natural. Depredation has in fact been absolutely minimal, and is blown totally out of proportion by those who would kill off the wolves again. I urge you to redesign the program for the success of



DEPARTMENT OF AGRICULTURE
STATE OF NEW MEXICO

MSC 3189, Box 30005
Las Cruces, New Mexico 88003-8005
Telephone (505) 646-3007

Bill Richardson
Governor

I. Muley Gonzalez, Ph.D.
Secretary

December 20, 2007

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DEC 20 2007

John Slown, AICP
Mexican Wolf Planner
U.S. Fish and Wildlife Service
New Mexico Ecological Services Field Office
2105 Osuna Road, NE
Albuquerque, New Mexico 87113-1001

USFWS-NMESFO

Dear Mr. Slown:

The New Mexico Department of Agriculture (NMDA) would like to thank the U.S. Fish and Wildlife Service (FWS) for the opportunity to comment on the proposed changes to the Mexican wolf reintroduction project. We would like to make it very clear from the beginning that NMDA opposes any program or project that negatively affects farmers or ranchers in New Mexico. Part of our goal is to ensure a safe and secure food supply and a uniform and fair market place, and protect natural resources and the environment. NMDA has been a part of the Adaptive Management Oversight Committee from its inception and has helped shape the standard operation procedures that now govern the project. The biggest hurdle to reintroduction has been the lack of firm recovery goals to work toward. Until firm numbers are established for the Mexican wolf recovery, all efforts to quantify success will be meaningless.

As part of recovery, the reintroduction project has required a steep learning curve, and the cost to ranchers and farmers has been high. The actual cost to government has also been high. Changes to the project are long overdue.

NMDA makes the following recommendations:

1. Do not change the 10J rules until the recovery objectives are set. NMDA recommends 100 total wolves for Arizona and New Mexico combined.
2. Do not change the 10J rule until a working interdiction and depredation payment program is in place and functioning. This action alone will relieve most of the friction within the project and free up project personnel to track wolves.
3. Change the project boundaries to encompass all of New Mexico and Arizona. Any artificial boundaries could cause hardship to citizens as wolves cross outside those boundaries where harsher rules will be applied.

4. Abolish primary and secondary release zones. Release zones should be scattered throughout both states and established only where federal allotments are vacant and ample prey exists.
5. Allow maximum harassment of wolves by ranchers and farmers, including the use of rubber bullets. Furnish citizens with telemetry equipment as needed to help track problem wolves. Train county officials to use harassment tools and telemetry to protect citizens on public property.
6. Domestic pets should be protected. Shooting wolves on private property to protect domestic pets must be allowed.
7. Expand the wolf holding facilities at Sevilleta National Wildlife Refuge to meet expanding needs. Pens should also be established at or near release sights to facilitate recapture efforts as needed. Do not use holding pens as zoo facilities. Establish firm guidelines for disposal of problem animals.
8. Require Arizona and New Mexico to have approved state wolf management plans before the existing reintroduction project is expanded.
9. Map all possible release sights in both states as part of the final environmental impact statement.
10. Establish a FWS Safe Harbor program for landowners who are willing to maintain wolves on their land.
11. Ensure the economic impact analysis addresses the total impact to all citizens of each state. Include a section that addresses in detail the impacts to the ranching and farming communities. Ranchers are taking most of the impact nationwide. In New Mexico the total acres where prey exist is small compared to the total acres ranched. This leaves vast areas with no prey species except livestock. Livestock numbers far exceed prey numbers in New Mexico and therefore ranchers are left exceedingly vulnerable. This risk must be analyzed.

Once again, thank you for the opportunity to offer comments to this process. If you have any questions, please contact Mr. Bud Starnes at (575)646-8005 or bstarnes@nmda.nmsu.edu.

Sincerely,



I. Miley Gonzalez, PhD.
Director Secretary

IMG:jm ws



Cooperative Extension Service

Range Improvement Task Force
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DEC 26 2007
USFWS-NMESFO

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

December 21, 2007

Dear Mr. Millsap:

The Range Improvement Task Force (RITF) at New Mexico State University believes that the greatest opportunity for addressing Mexican Wolf Recovery Program (MWRP) issues outlined in the Notice of Scoping (50 CFR Part 17) by the U.S. Fish & Wildlife Service (FWS) is through applied science. Socially or politically oriented policy and management decisions are likely to lead to continued struggles to establish a viable population. Further, such management and policy actions are often difficult if not impossible to support with science. Biological and sociological issues associated with the MW management program will be best addressed through adaptive management strategies based on applied science and monitoring, and integrated with effective outreach.

Specifically, we have been asked by our stakeholders to provide a scientific perspective on the MWRP and would like to address "Issues Related to the Scope of the Non-essential Experimental Population (NEP)" contained in the current scoping effort:

- (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.* To our knowledge, no analyses have been made public that indicate the current policy needs to be changed because removing Mexican wolves that leave established boundaries inhibits "re-establishing a viable, self-sustaining population of at least 100 Mexican [gray] wolves." (U.S. Fish and Wildlife Service 1982 p. 23). Analysis of current data, applied research, and monitoring can be used to determine if the current policy is having detrimental effects to Mexican wolf recovery.
- (b) *Current management stipulations allow for initial Mexican gray wolf releases from captivity only into the primary recovery zone of the BRWRA.* Prior to

changing this aspect of the 1998 NEP final rule, FWS should demonstrate the need for such a change through documentation, data analysis, open communication, and research that upon completion is made available for public and professional peer review. Indeed, currently there is a perception that “problem” wolves are making matters worse due to selection of secondary zone release locations. By making available all records of wolves released into New Mexico and their depredation history prior to their release much of the “misperception” might be addressed. Failure to do so suggests that these are not, in fact, “misperceptions”. If a change in the 1998 NEP final rule provides FWS with authority to directly release Mexican wolves from captive breeding, FWS needs to establish and maintain an adaptive management monitoring program to collect data and determine the impact such a program has on wolf recovery and how this change may impact affected individuals and communities in and adjacent to the recovery area.

- (c) *The definition of the White Sands Missile Range, which is within the MWEPA, as the White Sands Wolf Recovery Area.* Substantial research would be necessary to document the suitability of White Sands Missile Range (WSMR) as a recovery area either independent to other efforts or as an alternate location for recovery. Areas adjacent to WSMR are populated and actively involved in production agriculture where wolves pose a potential threat livestock and rural livelihoods. Further, introduced wild bovids, a bighorn sheep population, potential prey densities, and WSMR’s military mission would require scientific analysis and consideration in relation to wolf introduction.
- (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.* Objectives of harassment management should be stated. Efforts to harass and interdict Mexican wolf depredations on privately owned animal assets and family pets should be monitored to determine their effectiveness in reaching the stated management objective. If harassment practices are determined to be ineffective or inefficient, in human effort or economically, then new management approaches should be developed, monitored, and implemented. Explicit guidelines need to be developed and workshops conducted so the public is aware of the potential liabilities as well as their rights in protecting their private property, animal assets and family pets.
- (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.* Objectives and provisions for allowing legal “take” of wolves in the act, immediately prior to, or after an attack on family pets, working animals, and livestock on private, public, and Tribal Trust lands should be clearly stated. Monitoring methods to assess results should be outlined and implemented. FWS should consider adding each and every encounter and “take” (and depredation) to a database that can be used for adaptive management purposes.

Protocols should minimize the potential for an “anti-wolf” stigma or threat of being treated with suspicion when reporting a wolf “take” (or depredation).

- (f) *Among other issues, the need to clarify definitions of: “breeding pair,” “depredation incident,” and “thresholds for permanent removal.”* Defining each of these terms or phrases is encouraged. Further, communication regarding the reasoning and science behind each definition should be openly shared with the public and professionals at Land Grant Universities in states that bound the recovery area to improve communication and education. Further this section states, *“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.”* Removing livestock carcasses to reduce the probability of wolf depredation on livestock is a hypothesis and requires further scientific investigation, specifically in the Southwest. Removal of carcasses from rangelands has been suggested to reduce wolf predation on livestock by limiting the attractiveness of an area to wolves (Shivik 2004). It is unclear whether carcass disposal is truly beneficial (Mech et al. 2000). Bradley and Pletscher (2005) found no evidence in which disposal of livestock carcasses was related to depredation problems. Research into the influence of livestock carcass removal on wolf-livestock interactions should be conducted in the Southwest prior to implementation of any policy requiring livestock operators to remove carcasses on public lands. Research specifically investigating effects of livestock carcass removal on the probability of wolf depredation on livestock, degree that wolf scavenging of livestock carcasses leads to wolf depredation of livestock, and the ability to determine individual wolves that have and have not scavenged on livestock carcasses and their resultant probability to depredate on livestock needs to be investigated in the Mexican wolf recovery area. Revisiting the “threshold for permanent removal” rule and its implementation through SOP13 is encouraged. The FWS should implement applied research that specifically investigates and documents the consequences of SOP13 on Mexican wolf recovery and on individuals whose livelihood relies on livestock production prior to making any policy changes. We encourage the FWS to look to science when reviewing the validity of statements made by individuals or groups that are proponents or opponents to wolf recovery.

New Mexico stakeholders have voiced concern over the pervasive economic, social, and ecological impacts of the MWRP on their rural community and the natural resources in the recovery area on which they rely. The RITF recommends using applied science and research to better understand influences of Mexican wolves on elk populations and their distribution, livestock depredations, effective wolf-livestock management practices mitigating wolf depredations, and socio-economic impacts on affected rural individuals and communities. Extrapolation and management implementation from wolf research and management practices outside the Southwest is only a beginning, and appropriate research and monitoring methodologies need to be in place to evaluate their effectiveness for the Southwest. For example, southwestern ranching practices differ from northern ranching practices in important

ways that create unique challenges for southwestern ranchers living with wolves. In the North, most livestock depredations occur during a relatively short summer grazing season (Fritts et al. 2003) because livestock are typically moved to relatively small supplemental feed grounds during winter months. In the milder climate of the Southwest, livestock are grazed and rotated through large pastures year-round with no substantive period of relative confinement in which intensive human presence is necessary. Wolves are willing to live in close proximity to humans (Fritts et al. 2003). This trait may increase the potential for interaction among wolves and livestock.

The Mexican wolf recovery program has a reputation of being shrouded in secrecy where open interactions with the public, other natural resources agencies, and the scientific community appear to be avoided. If data is being collected from the program, seemingly, it is not being shared with stakeholders or third party groups. Peer scientific reviews need to be conducted and made public. It is the responsibility of the FWS and affiliated agencies to take the first steps in building positive, trust-based relationships with directly impacted rural individuals and their communities. Development of effective management practices needs to occur as a collaborative effort among local communities, county governments, agencies, and Land Grant institutions within affected states. Cohabitation with introduced wolves will only occur when directly impacted rural individuals and communities are given equal voice and an active role in management decisions and are able to protect their interests in multiple use landscapes.

Considerations to release Mexican wolves in the United States began in earnest in 1982 with the completion of the Mexican wolf recovery plan (USDI-FWS 1982). Recognition of potential problems with reestablishment efforts were noted in the Mexican wolf recovery plan (USDI-FWS 1982) and the final Environmental Impact Statement (USDI-FWS 1996). These documents acknowledged that rural and agricultural stakeholders were likely to experience substantive difficulties with re-establishment of a Mexican wolf population. However, specific mechanisms outlined to resolve or mitigate potential conflicts were not detailed in these documents. Research directed towards answering specific problems could advance management practices that eliminate or reduce conflicts. These oversights should be addressed during this Environmental Impact Statement development with good science, peer-reviewed publications, and sound logic.

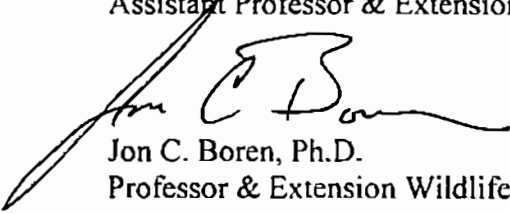
Wild ungulates are important to the culture, economy, and ecology of western New Mexico. Concerns remain about the potential impacts Mexican wolf recovery may have on local populations of wild ungulates. Research suggests that wolf predation combined with recreational hunting may decrease elk populations (White and Garrott 2005). Creel and Winnie (2005) reported that combined effects of wolf predation and human harvest could reduce elk herd size creating management challenges in regulating predator and prey populations (Eberhardt and Peterson 1999). Information regarding these impacts specific to the MWRP does not currently exist and would provide valuable information in co-managing wild and domestic animals.

Knowledge gaps prevent development of effective management strategies to manage Mexican wolf recovery. These knowledge gaps should be addressed through multidisciplinary applied research and adaptive resource management protocols administered by Land Grant Universities

in the states which Mexican wolf recovery is occurring. This will minimize negative impacts to New Mexico's citizens as the Recovery Program moves forward. As New Mexico's Land Grant University, we have a statewide responsibility to improve the lives of New Mexico's citizens through research and outreach. Therefore, in support of the citizens most directly affected by Mexican wolf recovery, RITF encourages and supports applied research into effective Mexican wolf recovery management, implementation, and outreach.



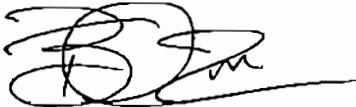
Samuel T. Smallidge, Ph.D.
Assistant Professor & Extension Range Specialist



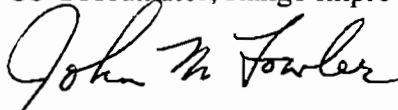
Jon C. Boren, Ph.D.
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Nick Ashcroft
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Terrell T. Baker, III, Ph.D.
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John Fowler, Ph.D.
Co-Coordinator, Range Improvement Task Force

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

December 24, 2005

RECEIVED
DEC 28 2007
USFWS-NMESFO

Re: Mexican Gray Wolf NEPA Scoping:
Need for Rule Change in Flawed Wolf Reintroduction Program

Dear Mr. Slown:

I address my remarks to all of you within the U.S.F.W.S. and the U.S.D.A./U.S. Forest Service who have the power and the courage to eliminate the deep flaws in the management choices and rules now governing the Mexican Gray Wolf Recovery Program.

I am really angry with you. We were all so hopeful in 1998 as the wolf reintroduction began. It started pretty well, in spite of some glitches. But then it all went wrong. According to the American Society of Mammologists, your predator control program has made the Mexican Gray Wolf "one of the most imperiled mammals in North America." Under your shortsighted management, the government has shot 11 wolves, and trapped and permanently removed more than 24 others, all from the wild. Additionally, 20 wolves died when you recaptured them from the wild. Indeed, under your mismanagement, so many wolves have been killed, trapped, and recaptured that the wild population is in dramatic decline. It is only being propped up by your continued release of new wolves from the captive breeding population. In addition, some 11 to 13 wolves have been killed by unknown persons, and still others have recently disappeared. This is not the way to run a viable recovery program.

By now, we should have over 100 wolves in the wild instead of a mere 55. By now, we should have some 18 breeding pairs. Instead, we have perhaps 4 or 5. You have broken up viable packs and breeding pairs. All this, in spite of the fact that cattle depredations caused by wolves is very limited in scope, and ranchers are being compensated by Defenders of Wildlife for wolf-related depredations.

The scientists of the Paquet Commission told you what would likely happen if you continued this approach, and you promised course correction. Then you ignored your own promise and all the science to appease the vocal but tiny ranching minority.

Your program, far from establishing and securing the Lobo once again in the wild, is mired in underhanded politics in which your agencies are unduly influenced by Rep. Steve Pearce and certain government bureaucrats at the behest of a few misguided public lands ranchers. These public lands ranchers are making money grazing their animals at below market subsidies on our public lands. If they cannot be good stewards and live with wolves, they should not be allowed to graze their animals on our public lands.

How can the Mexican Gray Wolf survive against such an assault from your agencies? I would argue that you are killing the Program. You are extirpating the Lobo. Indeed, you are acting like your 20th century agency precursor, the Biological Service, which killed every last Lobo in the United States. That is not a model to be proud of.


The vast majority of New Mexicans want the recovery to work. Will you not support the voice of the people, and the conservation biology? Now is the time to make this Recovery Program truly work, to show some backbone, to embrace the science and the advice from conservation biologists that must underly any successful recovery program. Otherwise, when we look back, we will say that we lost the Mexican Gray Wolf not because the wolves were unable to reinhabit the Southwest, but because your agencies failed to take the steps necessary to make this recovery program work.

The Wolf Recovery Program is suffering from certain underlying policy flaws that must be changed. To

give the wolf a fighting chance to survive, we need these Rule and policy changes:

- 1. Having acknowledged that dispersal is the wolf's way, you currently manage under rules that contradict this biological imperative, and prevent the wolves from spreading out into the wildlands that would support them. Instead, let the wolves roam freely, as you have allowed the Yellowstone packs to do. Allow them to disperse and establish territories outside the too-restrictive and arbitrarily-defined Blue Range Wolf Recovery Area.
- 2. You currently hamstringing the recovery by preventing direct reintroduction of wolves from the captive breeding program into New Mexico, and into the very suitable Gila National Forest and Gila Wilderness whose large size and best habitat would let the wolf flourish. Instead, introduce wolves from captivity directly into New Mexico, into both the Gila National Forest and the Gila Wilderness.
- 3. Require ranchers to dispose of livestock carcasses to prevent potential wolf habituation to livestock.
- 4. Get rid of the predator control program that is imperiling wolf recovery.
- 5. Retire grazing permits in critical recovery areas to eliminate wolf-livestock conflicts.
- 6. Change the status of the Mexican gray wolf reintroduction population from "experimental-experimental" to "essential". This should be done to focus management policy on wolf recovery and the paramount importance of the wolf population rather than on a few anti-wolf ranchers.

Please make these and other critical changes to the rules to ensure the success of the Recovery Program.

Thank you.

 Pat Penfield
 3307 West St.
 Las Cruces, NM 88005

Cc: Senator Jeff Bingaman, Senator Pete Domenici, Rep. Tom Udall, Rep. Heather Wilson, , Governor Bill Richardson, Rep. Steve Pearce

How to Submit Comments

Written comments accompanied by name and address will become part of the formal record of the scoping process. While you may provide your ideas verbally during the meeting, we want to make sure your input is formally captured in your own words. You may submit written comments in three ways:

- Fill out the comment portion of this brochure and leave it in the drop box
- Take the brochure with you and return it by mail
- Provide comments via e-mail. For your convenience, you can do that here at the computer station, or visit www.mexicanwolves.org
- Faxed comments may be sent to (505) 346-2542

Please note: In order to be considered part of the formal record, your comments must include your name and address. Comments may be submitted through December 31, 2007.

Before including your address, phone number, e-mail address, or other personal information in your comment, you should be aware that your entire comment--including your personal information--may be made publicly available at any time. While you can ask us in your comment to withhold your personal information from public review, we cannot guarantee that we will be able to do so.

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DEC 31 2007

USFWS-NMESFO

Comments: I am very concerned and disappointed with the slow rate of population increase of the reintroduction of the Mexican wolf in the BRWA. We believe the BRWA should be enlarged to include a larger area of the Gila National Forest. The White Sands Wolf Recovery Area should be considered as viable release area (e.g. ample food available - jackrabbits, muledeer neonate oryx etc) Mexican wolves should be allowed to disperse to adjacent public lands - not be returned to captivity.

Use of fladry, rubber bullets and other non-lethal methods should be developed and employed to minimize wolf-livestock conflicts and habituate humans. Removal or treatment of livestock carcasses (unpalatable to wolves etc. should be a requirement and strictly enforced (e.g. fines & loss of grazing leases etc.) Wolf genetic diversity should be highlighted and maximized. Provision for illegal killing of wolves should be mandatory with sharp minimum penalties. I was very favorably impressed with John Morgan's comments and responses to questions at the Las Cruces public meeting. Management flexibility is essential but breeding pairs and adult females with pups should be protected whenever possible. Recruitment should exceed mortality - Mexican wolf management should be the main objective. SOPs should be liberalized or eliminated (allowed but not mandatory) Dispersal of wolves outside of BRWA should be allowed to encourage a viable regional population within a reasonable time span. Concerns of unpermitted hunters about wolf predation on elk in the RHP can be minimized.

Name: S.P. Scherman
Choirmen Southwest Consolidated
Springer
Street: 8105 Donna Ave Rd

City, State, Zip: Las Cruces, NM
88007

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visit www.mexicanwolfeis.org

- Faxed comments may be sent to (505) 346-2542

Please note: In order to be considered part of the formal record, your comments must include your name and address. Comments may be submitted through December 31, 2007.

Before including your address, phone number, e-mail address, or other personal information in your comment, you should be aware that your entire comment--including your personal information--may be made publicly available at any time. While you can ask us in your comment to withhold your personal information from public review, we cannot guarantee that we will be able to do so.

more experimental, essential, non-essential" to more protection. As it stands, they are NOT being recovered.

- Eliminate all restrictions to wolf dispersal and movement
- Expand the area for initial releases to anywhere within the Blue Range Recovery Area
- Keep all grazing off public lands - buy grazing rights from ranchers - the best way to resolve conflicts
- Stop killing and removing wolves
- Revise the recovery plan to include objectives for full recovery of Mexican gray wolves
- Place no cap on the number of wolves in the wild population
- Do not include provisions in the amended rule that would limit of Mexican gray wolf recovery

Name: Rossana Salleneave
Street: 5055 Moon Shadow Place
City, State, Zip: Las Cruces, NR 88011

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DEC 9 2007

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Tape closed with address on outside, and add a stamp.

DO NOT STAPLE
Thank you for your input!

How to Submit Comments

Written comments accompanied by name and address will become part of the formal record of the scoping process. While you may provide your ideas verbally during the meeting, we want to make sure your input is formally captured in your own words. You may submit written comments in three ways:

- Fill out the comment portion of this brochure and leave it in the drop box
- Take the brochure with you and return it by mail
- Provide comments via e-mail. For your convenience, you can do that here at the computer station, or visit www.mexicanwolf.org
- Faxed comments may be sent to (505) 346-2542

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I THINK THE
DEVELOP AN ALTERNATIVE TO WOLVES
RANKINGS. CLEARLY, MEXICAN GRAY WOLVES A SUCCESSFUL AND
SERVATION STRATEGY THAT OFFERS A SUCCESSFUL AND
LONG-TERM RECOVERY. LARGE AREAS FOR RECOVERY AND
ANIMALS THAT REQUIRE CARE WITHIN BOUNDARIES

HABITATS OBVIOUSLY CAN NOT STAY WITHIN THE EXCLUSION

THAT ARE DRAIN ON ANIMALS. REMOVE

OF CERTAIN GRAY WOLVES' EXCLUSION FROM CERTAIN
AREAS AND EXPAND THE AREA FOR RELEASES
WITHIN THE RECOVERY AREA. ALSO, IN ORDER TO SUSTAIN
A VIABLE WOLF POPULATION, THE "TAKE" OF WOLVES
MUST BE REDUCED AND ~~REMOVED~~ ON THE NUMBER
OF WOLVES. NO CAP SHOULD BE SET

RANCHERS SHOULD BE RESPONSIBLE FOR REMOVING DEAD
LIVESTOCK FROM PUBLIC LANDS JUST LIKE ANY OTHER
BUSINESS WOULD HAVE TO REMOVE THEIR GARBAGE
PUBLIC LAND DOES NOT JUST
BELONG TO THE RANCHERS.

Name: B. LEINHAUER

Street: 5055 MOON

STADOL PL.

City, State, Zip: LAS CRUCES,

NM 88011

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DEC 9, 8 2007

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add a stamp.

DO NOT STAPLE
Thank you for your input!

Peter M. and Jean C. Ossorio
1251 Southridge Drive
Las Cruces, NM 88005
575-647-1362
December 28, 2007

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DEC 31 2007

USFWS-NMESFO

Brian Millsap, Ph.D.
Mr. John Slown
U.S. Fish and Wildlife Service
New Mexico Ecological Services Field Office
2105 Osuna NE
Albuquerque, NM 87113
R2FWE_AL@fws.gov

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")*.

Dear Dr. Millsap¹:

Thank you for the opportunity to comment on the changes needed to salvage nearly five years of disastrous mismanagement of the Mexican gray wolf reintroduction program.

As a preliminary matter we call to your attention the conceptually – and possibly legally – defective content of the notice published in the Federal Register. The Service specifically lists several issues upon which it is actively seeking comment regarding proposed amendment of the nonessential experimental population (NEP) final rule. (72 FR 44066) While not excluding comments on other subjects, the solicitation totally ignores the most important issue impeding recovery of the Mexican wolf: The failure of the Service to use the management authority entrusted to it under the present rule to promote recovery. In light of the management-created stagnation and decline in breeding pairs since 2003 and given the public admission (MWAMWG meeting April 26, 2006, Pinetop, AZ) of the Adaptive Management Oversight Committee (AMOC) Chair that the reintroduction program can not achieve its objective under current management practices, the U.S. Fish and Wildlife Service ("Service") should have specifically solicited suggestions about whether the current rule should be

¹ These comments are being addressed to you to ensure strict compliance with the official guidance published at 72 FR 44065, Aug. 7, 2007. From attending several of the public scoping meetings, it is our understanding that Mr. John Slown is responsible for the actual processing of these comments.

amended to reclassify the Mexican wolf as fully endangered or at least experimental essential (EE). This omission gives the appearance of a pre-existing decision by the Service not to give serious consideration to either of these other statutory alternatives.

This bias against even considering other classifications appears to be long-standing. In 50 CFR § 17.84(14) the Service stated that it “foresees no likely situation” in which it would attempt to change the NEP designation. While the need for such a change may have seemed unlikely in 1998, before the beginning of reintroduction and the subsequent political manipulation of the program in 2003, the present unwillingness of the Service to accept responsibility for its management failures indicates that it has begun this rule-making process with a refusal to even considering reclassifications which would reduce its discretion.

In contrast, the suggestion, implied by highlighting as one of seven enumerated “issues,” that the Service would permit allowing members of this critically endangered subspecies to be killed by individuals supposedly protecting domestic dogs is ludicrous. There is absolutely no scientific evidence that the Service can kill its way to recovery. To elevate such a proposal to “issue” status for comment is simply one of many demonstrations that the Service has lost sight of its mandate, has lost control of the program, and has become a captive to wolf opponents – some of whom have repeatedly demonstrated a willingness to violate the law by killing wolves or baiting them and then using the Service as their agent to trap or kill them.

The second overarching problem (conceptually and legally) with the scope of the solicitation of suggestions for amending the current rule, is the failure of the Service to provide a legally sufficient recovery plan before considering rule changes which could have a significant impact on the prospects for recovery. After over 20 years, the Service grudgingly recognized the inadequacy of the 1982 Recovery Plan by convening a two-pronged recovery planning team in 2003. Unfortunately, in 2005, the Service, pending litigation over division of the country into Distinct Population Segments (DPS), suspended the recovery planning process into which many people had invested two years of time, effort and uncompensated travel. Faulty as that suspension decision may have been, once the litigation had been resolved the Service demonstrated not simply bad judgment but bad faith and a disregard for its statutory mandate by failing to reconvene the recovery team. Therefore, any amendments to the current rule which do not clearly and demonstrably contribute to recovery of the subspecies or amendments which limit recovery planning by establishing a “cap” on the number and location of Mexican wolves in the future – or which would authorize “take” for reasons not specifically mandated in the Endangered Species Act itself – are without legal justification.

Before returning to the above systemic defects, we will comment upon the specific areas upon which you have asked for a response by the public.

1. Permitting Mexican wolves to establish territory outside the Blue Range Wolf Recovery Area (BRWRA) is clearly essential to both reintroduction and, ultimately, recovery.

We emphatically support this proposal. Even if the Service does not change the Mexican wolf's NEP status to fully endangered or EE, it is a waste of scarce resources to trap and relocate wolves solely because their natural selection of territory ignores artificial administrative boundaries. One of the clear lessons learned since reintroduction began in 1998 is that *under current management* the BRWRA is not large enough to support the territorial needs of the 100 wolves which are the modest, and initial, objective toward eventual recovery. This uncontroverted recommendation made by experts in the periodic reports mandated under the present rule, in 2001 and again in 2005, represents a confluence of science and common sense. That the Service failed to initiate formal consideration for almost seven years suggests a deliberate policy of delay and is the antithesis of the meaning of "adaptive management" – which the Service has used as a shibboleth to justify trapping and removing genetically valuable individuals and entire packs. **After seven years it is long overdue for the Service to lift this damaging artificial restriction which has been imposed on no other endangered species.**

2. Permitting direct releases into the BRWRA.

This too is a recommendation long backed by scientific expertise and common sense. There being absolutely no scientific evidence to the contrary, if the Service were to ignore this recommendation, its decision would not be entitled to the substantial deference that is normally afforded an executive agency when deciding between competing scientific evidence. Interestingly, amending the rule to permit the Service to release wolves directly into any portion of the BRWRA would also address one ostensible concern by wolf opponents: Wolves released in New Mexico are supposedly "problem wolves" who have already demonstrated a propensity for livestock depredations or other objectionable behavior. A more cogent reason to incorporate this provision is that it would permit the Interagency Field Team (IFT) to practice true adaptive management by selectively releasing individual wolves and family groups into locations where there would be the best chance for favorably influencing genetic diversity and testing the viability of specific areas to support both pack formation and healthy dispersal behavior. **Increasing the Service's management flexibility to permit direct releases is one of the most logical and biologically sound changes that can improve the program's chances for success.**

3. Eliminating the White Sands Missile Range as a wolf recovery area.

We do not favor this suggestion – without empirical research into whether the oryx on White Sands would provide an adequate prey base. While we do not have any specific data on whether White Sands truly lacks sufficient size and prey density to function as an independent recovery area, we note that White Sands presently actually has a surfeit of oryx. After initial introduction of this exotic species for hunting, the oryx population has grown to become a nuisance – requiring among other things extensive and expensive fencing to keep them out of the White Sands National Monument. We do know from the Service's own research, that despite their smaller physical size and relatively small pack composition, Mexican wolves have shown themselves to be adept at taking far larger animals, specifically elk, than their historic prey of Coues whitetail deer. **Unless and until wolves are systematically monitored interacting with oryx we believe that it would be premature to totally eliminate the White Sands reintroduction option,** even if it appears to be less favorable than other possible sites such as the Grand Canyon or the Sky Islands of Arizona. Consistent with suggestion 1, *supra*, any wolves which naturally disperse into the present White Sands Wolf Recovery Area should not be removed.

4. Permitting private individuals to harass wolves by means which may cause death or injury on both private and public/tribal lands for among other things “nuisance behavior” or “attacking domestic pets.”

The framing of this topic demonstrates the Service's addiction to appeasing a vocal minority at the expense of recovery. Significantly, it makes no distinction between harassing wolves on private or public/tribal lands.

This is not just some minor technicality. The entire engine fueling opponents of Mexican wolf reintroduction is an attempt to deprive the public of control of public lands and to enshrine encroaching property “rights” and county supremacy. Few would argue that domestic pets should be considered more important than livestock operations as one of multiple uses of public lands. Yet even regarding this long-standing, economic use, the Supreme Court and lower courts have consistently held livestock grazing on *public* lands is a *privilege* and not a right. (The livestock industry already receives many subsidies, one of which is a ridiculously below-market rate for grazing on public lands. This subsidy – sometimes alleged to be justified by the hazards attendant public lands grazing – is augmented by the Service's consistent record of supporting the U.S. Forest Service (USFS) when allocating so much of the forage on national forests that it is a minor miracle that there are any deer and elk left for the public to hunt and view.) For the Service to suggest any proposed increase in injuring wolves on *public* lands because an owner chooses not to control his dogs shows just how badly the Service has capitulated to every interest except recovery.

The Mexican wolf, unlike the gray wolf elsewhere, has no source population. Captive breeding facilities, despite their remarkable record in saving the Mexican wolf from total extinction do not constitute an acceptable source population within the meaning of the Endangered Species Act (ESA). Recent papers by Fredrickson *et al.* (2007) and Frankham (2007) underline the folly of relying on captive breeding to rescue the Mexican wolf from extinction in perpetuity. Over 95% of the BRWRA belongs to the public – and the additional area in which wolves are permitted to establish territories belongs to tribal authorities. **Measures which *might* under certain circumstances be justified on *private* land should not be automatically assumed to be appropriate for multiple use management of public (or tribal) land.**

Even if the Mexican wolves are not reclassified as fully endangered (or EE), there is no justification for permitting *private* individuals to injure wolves on *public* lands. If opportunistic, non-injurious harassment is insufficient, any more stringent measures should be implemented by IFT personnel – and then only as part of a comprehensive program of adaptive management including insistence on first using non-injurious, proactive preventative measures. Years of illegal poaching, supplemented by recent evidence of illegal baiting, demonstrate that too many private individuals can not be trusted to follow the law with its criminal sanctions, let alone regulations loosely enforced by the Service. Without divulging confidential sources, we know of – and know that the Service has been made aware of – multiple instances of negligent husbandry that have adversely impacted some of the most genetically valuable individual wolves and breeding pairs. Having demonstrated an inability to enforce existing regulations and achieve even the overly modest year 2007 work-plan goal of a 10% increase in numbers or increase of one breeding pair, the Service lacks either the ability or the will, or both, to prevent liberalized harassment from becoming simply another tool for wolf opponents to harm Mexican wolves, interfere with their complex social structure, and subvert their reintroduction.

Simply stated, we urge the Service to restrict possibly injurious and non-opportunistic harassment on public (and tribal) lands to IFT experts in wolf behavior and biology.

Harassment of wolves by private individuals on either public or private land as a method of increasing public acceptance for reintroduction by the diehard reintroduction opponents is an appealing theory, embraced and often asserted by the Service, that has yet to be proven and for which the Service offers no scientific evidence. There is however, one method which is not currently permissible for private use that should be *considered* for use on *private* land: Paintballs. Their potential for injury and death has yet to be documented by the Service. *If* the Service conducts a competent literature search or its own research and finds that the potential for fatal or crippling effects is sufficiently low, *e.g.* velocity, energy, and lack of penetration of specific projectiles at specific distances, there *might* be a basis for using paintballs – not as a compensatory

substitute for outright slaughter but only as one of a combination of proactive measures to protect livestock and the immediate vicinity (500 yards) of habitations. Permission to use paintballs by private persons would need to be accompanied by measures to insure *individual accountability* for use (or abuse) and clear restrictions on when and how they could be used, as well as a requirement for prompt reporting all shootings (e.g. within 24 hours). Any evidence that paintballs were being used to deliberately injure wolves or disrupt denning or social structure should be grounds for immediate suspension of paintball privileges and require a referral for criminal investigation by Service law enforcement agents.

In addition to the possible use of paintballs, **any proposed provisions that permit private persons to harass wolves, even on private land, must be evaluated for their susceptibility for abuse.** The sad fact is that during the last nine years at least 38 Mexican wolves have been illegally shot, killed in hit-and-run vehicle collisions, or have disappeared under suspicious circumstances. There is evidence that others have been illegally taken by capture. One such incident was brazenly boasted about in a letter to the editor of the *Albuquerque Journal* by Jinx Pyle of Magdalena, NM, on July 7, 2002. Yet despite this public admission of illegal taking, the Service turned a blind eye and did nothing to enforce the law.

Recently published admissions of baiting wolves to manipulate the Service into killing or removing them are only the most recent evidence that some reintroduction opponents will not only abuse any Service policy but violate the law to achieve their aims. It takes less than a minute to find wolf lure widely available at low cost (about \$1.00 per ounce in quantity) on the internet; it is also advertised openly in magazines. The recent public relations theater of building a "wolf-proof shelter" at a school bus stop by reintroduction opponents may be a precursor to further publicity after using scent lures to illegally attract wolves and further "prove" their habituation.

For the last seven years, since 2000, the Service has not even issued a citation, let alone secured a conviction, for any of these criminal violations. It has permitted the five-year statute of limitations to expire on most of the poachings, thereby conferring immunity on up to a score of lawbreakers, without ever demanding an investigation by a federal grand jury. The Service has given the appearance that it "sees no evil" and "hears no evil." It clearly "speaks no evil": When the Catron County Commission officially issued an ordinance that unquestionably violated federal law, the Service took no action. Therefore, **even ostensibly benign individual measures to affect wolf behavior that in the abstract and in a law-abiding area might make sense must be screened against the real world reality of officially sponsored lawlessness and a lack of law enforcement by the Service.**

5. Permitting the take of wolves attacking domestic dogs.

The Service should be ashamed to even suggest that killing Mexican wolves to protect domestic dogs has any place in a rule that is legally required to promote recovery of a critically imperiled sub-species. Domestic dogs are at far greater risk from coyotes, mountain lions, bears, and other dogs than they are from wolves. People who really care for their domestic animals protect them – and if they choose not to keep them indoors or in shelters accept some risk of loss. (At least one non-governmental organization has helped at least one rancher do just that. After a non-fatal encounter with a wolf by a family pet, the rancher received funds to construct a pen to prevent further conflicts. This is the responsible and rational way to deal with the issue.)

Aside from its staggering lack of relation to recovery, the Service should immediately reject such a proposal as an inherent invitation to illegal killings. The Service is well aware that some public lands grazing permittees may be willing to sacrifice their own livestock to manipulate the Service into removing wolves; there should be no doubt that unscrupulous wolf opponents would scour animal shelters for stray dogs to bait wolves on their private property.

6. The need to “clarify” definitions and identify other impediments to establishing wolves.

This omnibus topic has several disparate components that should be addressed individually:

Clarifying the definition of “breeding pair.” (50 CFR § 17.84(k)) **We oppose any change.** The present definition of “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” is abundantly clear and an objective measure – one of the few to provide rigor in evaluating the Service’s progress – or lack thereof. Despite recent attempts by the Service to lower the bar by trying to include adult animals which did not sire or whelp the two surviving pups, the definition is an easily understood measure of the ability of specific wolves, with specific genetic lineages, to conceive and rear pups in the wild. Only someone seeking to evade criticism for systemic failures could claim that “adoption” of pups by unrelated adults is relevant in a supposedly scientific, genetics-based, program. **The suggestion that this definition needs to be “clarified” should be recognized for what it is – another attempt by the Service to minimize the deleterious effects of abdicating its authority and mismanaging the reintroduction program since 2003.**

Clarifying the definition of “depredation incident.” **We oppose defining this term in any formal rule.** We note the related term “depredation” is already

clearly defined in the current rule – but should be modified to exclude counting as a depredation any otherwise qualified “depredation” that occurs within one (1) year after a wolf scavenges a carcass that has not been removed or rendered inedible so it was unlikely to attract wolves. (See discussion of “problem wolves” *infra*)

Placing the definition of “depredation incident” in a call for suggestions on rulemaking is an unnecessary waste of time. The current rule defines “depredation,” but contains no definition of “depredation incident.” That term appears only in a Service-sanctioned, discretionary document created to appease wolf opponents – SOP 13.0, page 7, ¶ 2.d. Thus, **if the Service really thinks that a revision of the definition is appropriate, it already has the authority to do so without seeking the imprimatur of the years-long process of formal rule making.** This conflating of the current rule and the Service’s self-imposed SOPs continues the Service’s attempt to evade responsibility for permitting, promoting, and pursuing management procedures which are antithetical to Mexican wolf reintroduction and recovery. Since its inception, the Service has surrendered to the vigilante threat of “shoot, shovel, and shut up” if it fails to “deal” with livestock depredations by killing or permanently removing wolves – regardless of the genetic value of the wolves or the past history of problem allotments with poor husbandry practices or refusal to employ proactive preventive measures. In fact, Service spokesperson Elizabeth Slown was recently quoted admitting: “The genetic mix of a pack does not enter into our decisions to remove animals.” (*High Country News*, 2007).

Rather than using the rule making process to delay changing the definition of “depredation incident,” **the Service should enforce the plain-language of the existing rule** that defines “depredation” as the killing or wounding of “lawfully present” domestic livestock. When a cow was killed in a location where it had no right to be under U.S. Forest Service regulations, the Service hid behind the USFS’s distinction between areas where cattle are never authorized and areas where they were previously authorized for a specific period but had overstayed. If the Service believes that overstaying a permitted use is “lawful” the Service should volunteer to reimburse every member of the public who receives a parking ticket. **It is the Service’s willingness to interpret (or accept the interpretation of other agencies) existing regulations in a manner that impedes wolf recovery that needs to change.**

Clarifying “thresholds for permanent removal.”

We oppose the implicit premise of this suggestion – that wolves should be permanently removed based on **any** inflexible, mechanistic, punitive-modeled criteria and not on a case-by-case basis that provides full transparency and accountability for each removal decision. The Service, through its multi-headed creation, the AMOC, has already established thresholds for permanent removal that have prevented the reintroduction from succeeding and which now threaten

overall recovery. There is no need for public suggestions and formal rule-making before the Service can begin true adaptive management by withdrawing its approval for management procedures which are based more on criminal sentencing than biological science.

We support changing the rule to prohibit permanent removals, except for immediate threats of bodily injury to humans or for essential genetic management, until the original, modest, first step toward recovery of a self-sustaining population of at least 100 wolves and eighteen breeding pairs is reached. Much of the human conflict over Mexican wolf reintroduction arises from the fact that since 2003 the Service has limited the growth of the population so severely that any particular removal poses a significant threat to the viability of the entire program. If the Service would use its existing authority under the current rule to “get it over with” and rapidly meet the original goal, the impact of removing any individual wolf or pack would diminish markedly and more frequent take, to include permanent removals, might be both justifiable legally and supportable biologically.

Identifying other impediments to establishing wolves, such as the carcass issue identified in the Paquet report.

We fully support – as six years overdue – the 2001 recommendation that livestock permittees who exercise the privilege of grazing on public lands should be required to take some responsibility for disposing of carcasses in a way that will prevent attracting (and possibly habituating) wolves.

The scoping notice suggests that this elementary precaution may be incorporated in definitions of “nuisance wolves” and “problem wolves.” The current rule does not define nuisance wolves—only problem wolves. The Service, through its approval of SOP 13.0 has an elaborate scheme of classifying wolves as “nuisance” wolves even when they do not meet the rule’s requirements for being classified as “problem” wolves. (SOP 13.0, pp 5-6, Table 1) The current rule makes only a passing reference to wolves who are a nuisance, 50 CFR § 17.84(k)(3)(ix), apparently leaving to the Service any detailed definition. Therefore, **despite the implication of the scoping notice, there is no reason for the Service to wait for a multi-year rule making process and extend its six-year delay before modifying its procedural definition of “nuisance” to require responsible husbandry on public lands as a factor in management decisions about wolves.**

In addition to urging the Service to immediately require carcasses to be removed or rendered less likely to attract wolves, **we support a revision in the rule which would either recognize that wolves themselves are not problems and totally eliminate a fixed definition of “problem” wolf or which would at least preclude classifying as “problem wolves” wolves who, within the previous one (1) year period were attracted by – whether intentionally, negligently, or**

as a result of unavoidable circumstances – and scavenged upon any carcass not confirmed to have been killed by wolves. (While one might argue that a responsible rancher should not suffer from the practices of her neighbor, the more compelling argument is that a critically endangered subspecies should not suffer from the practices on “problem allotments.”)

7. The issues raised in a petition for rulemaking in March 2004 by the Center for Biological Diversity

We support each of the three issues raised.

The Service should have the intellectual honesty to acknowledge that it would never have even suggested comment on redefining nuisance and problem wolves and making livestock producers take some responsibility for their carcasses if it had not been for the Center for Biological Diversity’s (CBD) lawsuit over the Service’s delay in responding to the CBD’s petition for rulemaking. Three recommendations contained in the 2001 Paquet Report were that the Service *immediately* begin the process of changing the present rule to (1) permit direct release of Mexican Wolves into New Mexico, (2) allow wolves to establish territories outside the Gila and Apache National Forests and (3) require livestock producers to take some responsibility for their carcasses. After waiting nearly three years to see how the Service responded to recommendations for *immediate* action, in 2004, the CBD filed a petition for rulemaking requesting that the Service promulgate regulations on all three of these issues.

For more than another three years the Service refused to act. In fact, in 2006 the Service clearly signaled not just inaction but its affirmative rejection of the third request. It adopted the recommendations of its proxy, the Adaptive Management Oversight Committee (AMOC), accompanying the Five-year Review which the Service was required by the current rule to produce. Recommendation #12 flatly prejudged and excluded any possibility of seeking a regulation which would impose any requirements on livestock producers to deal with their carcasses. Instead it posited voluntary procedures which would possibly be induced by a further lowering of the already well below market fees for grazing on public lands. (Five-Year Review, pp. ARC5/6; *see also* our comments on this issue in our comments on the Five Year Review which are incorporated by reference and electronically appended to these comments.)

Having ignored the uncontroverted scientific recommendations for over five years – and having clearly prejudged and rejected making livestock producers take responsibility for their carcasses – the only reason that the Service now has inserted into the scoping notice any reference to redefining “nuisance” and “problem” wolves and carcass management is the legal certainty that, if it did not do so, it would lose the lawsuit filed by CBD over the refusal of the Service to act on its petition in a timely fashion. The only reason that the Service now has even mentioned defining nuisance and

problem wolves to exclude animals that scavenge on the carcasses of livestock that died of non-wolf causes is that is precisely the third issue contained in CBD's 2004 petition. **The chronology of this issue affords little confidence that it will receive an unbiased evaluation:** In 2001 non-affiliated biological experts hired to make a required report recommended the Service act; in 2004, the CBD petitioned the Service to act; in 2006 the Service accepted and approved a recommendation that excluded any mandatory carcass control; in 2007, it purports to solicit comments on a proposal that it sat on for five years before expressly rejecting it last year. **Despite substantial doubts grounded in the Service's demonstrated previous prejudging of the issue, we hope the Service in 2008 will act in good faith – and based upon the best available science (and common sense that wolves are attracted to and remain near carcasses) – when considering the carcass attractant issue as part of the legally required rulemaking process.**

8. Issues related to evaluation of the direct, indirect, beneficial, and adverse environmental impacts that would be caused by amending the current Rule

a. & f. Floodplains, wetlands . . . or ecologically sensitive areas and other species of wildlife . . .

Mexican wolves benefit the habitat and restore its balance. Achieving even the modest reintroduction goals of the present rule – which are clearly insufficient for recovery – may have some of the same effect on the landscape as has the reintroduction of the gray wolf in the northern Rockies. Although 100 may be too few, an ecologically effective Mexican wolf population would become the top canid predator.

By reducing meso-predators, especially coyotes, an increased number of wolves may actually reduce the net loss of livestock. As in Yellowstone Park, the presence of wolves can be expected to affect ungulate behavior – making elk and deer more wary and less likely to remain in riparian and other sensitive vegetative areas.

Again based on preliminary research on the effect of a different, but analogous, larger wolf population, **an effective Mexican wolf presence would likely improve and increase the biological diversity of its habitat.** Although larger numbers of wolves would have some impact on game species, the take of the most vulnerable individuals preferred by the wolves (young and/or weak) would complement rather than compete with the numbers of older trophy animals prized by hunters.

It is true that some hunters would have to exert greater effort to track and find game that would no longer congregate so freely in large numbers in pastures and near roads. However, **the reintroduction of 100 wolves would have far less impact on the availability of game animals than even a slight modification**

of the stockage levels permitted by USFS. One of the many reasons for reclassifying the Mexican wolves as fully endangered is that this would compel other federal agencies to consult with the Service before taking actions that threaten recovery. Any demonstrated decrease in hunting success could be easily remedied by reducing the competition for forage by livestock on the public lands allotments that comprise over 95% of the BRWRA. *In short, the main impediment to successful hunting and healthy herds of game animals is not wolves but livestock.*

c. Impacts on human health and safety.

Like any wild animal, wolves present some danger to humans. Despite the recent verdict of a group of Canadian laypersons when presented with conflicting expert opinions, **there has been – at most – only one confirmed human fatality caused by a healthy wolf in the entire North American continent in the last century.** Rabid wolves, like other canids, do exist and can pose a threat to human safety, but are rare, and will likely remain much rarer than rabid skunks, foxes, and other animals. (A friend of the authors was actually bitten by a rabid fox within the boundaries of the BRWRA during 2007. He took his shots like a man and didn't call for the extermination of foxes!)

Unlike the wolves found in Alaska, Canada, or even Yellowstone National Park, Mexican wolves are much smaller and typically travel in much smaller packs. A typical Mexican wolf weighs about the same as a small Labrador retriever or small German Shepard; a typical pack contains no more than 4 adults – whereas the packs in Yellowstone have been documented to include more than five times that number. Throughout the nine years of Mexican wolf reintroduction, despite allegations by wolf opponents of habituation to humans, **there has never been a human physically harmed, let alone killed, by a Mexican wolf.**

The ESA provides an inherent right to kill any endangered species—even one that is classified as fully endangered—in defense of human life. Reclassifying the Mexican wolf as fully endangered will not change this protection for humans.

In an apparent attempt to decrease opposition to wolf reintroduction, sometime prior to the April 23, 2004, MWAMWG meeting at Morenci, AZ, the Service began providing telemetry equipment and (perhaps inadvertently) associated frequency data to selected residents in the BRWRA. The theory apparently was that this would reduce complaints that residents are unable to take appropriate precautionary measures if they are not aware that wolves are in the immediate vicinity. **The unintended consequences of this practice, however, have been to (1) make residents hypersensitive to the presence of wolves who would otherwise often be unlikely to be seen or even heard and (2) provide some reintroduction opponents with an unerring targeting system for locating and baiting, trapping or killing wolves.**

Until other members of the public protested, the Service also provided detailed flight location data for wolves to governmental “partners” unequivocally opposed to wolf reintroduction, but not to the general public. By so doing, the Service permitted these wolf opponents to become the gatekeeper for data acquired by public funds – so that only the flight information which they wanted to disclose was placed on their web site at a time of their selection. The Service, subsequent to requests from the larger public for direct access to the flight data, now posts the flight data on the Arizona Game and Fish Web Site, thus reducing but not eliminating its preferential release of data for selected BRWRA residents. The Service apparently does not regard persons camping – exposed in tents – or backpacking or outfitting or hunting or fishing in the BRWRA as requiring the same telemetry equipment and frequency data it provides to selected residents. *By perpetuating the dividing of humans in the BRWRA into “first class” and “second class” citizens, the Service itself has exposed the fallacy of providing any telemetry equipment and frequencies to anyone present in the BRWRA.* As frequent tent-campers and hikers in the BRWRA who enjoy watching wildlife and looking for their tracks in all seasons, but who also sometimes bring a dog, we have at least as much need for detailed wolf locations as people surrounded by electric fences and solid walls. At certain times of the year we actively seek to avoid bringing dogs anywhere near the wolves; at other times of the year we enjoy camping in areas where it may be possible to hear wolves howl or find their sign. Yet the Service not only withholds telemetry equipment from us and other wildlife watchers, it has recently begun refusing to make outreach personnel available to even demonstrate telemetry techniques to conservation groups when they visit the BRWRA.

If the Service really believed that wolves present any serious risk of harming humans in the BRWRA, it would make every effort to provide telemetry equipment, or at least periodic visits from outreach personnel and other IFT members who have telemetry equipment to every campground and readily accessible campsite as part of the IFT’s daily activities. **In reality, the Service knows that wolves present little threat to anyone in the BRWRA and provides a telemetry placebo to those who complain the loudest.** Unfortunately, by compromising wolf frequencies and locations, the Service is also facilitating the illegal baiting and killing which it should be preventing and punishing. This disparate, preferential treatment is not in any way required by the present rule. **The Service’s providing telemetry equipment and/or frequencies to anyone but the IFT endangers wolves, should be eliminated, and is yet another example of why the Mexican wolf should be reclassified as fully endangered.**

Wolf opponents attempt to portray a local population suffering the mental health effects of post-traumatic stress disorder. These claims are either bogus or induced by hysteria intentionally generated by individuals and groups who seek to control the public lands that comprise almost all of the BRWRA. The only

studies presented to the public have been biased by conflicts of interest among the sponsors, "investigators," and subjects and have never been tested by the basic scientific process of peer review and publication in a mainstream scientific journal. The sincerity of wolf opponents' allegations of fear are highly suspect and/or the result of cynical inflammatory remarks by organizations seeking to eliminate any federal regulation over public lands. **Anyone genuinely concerned about children waiting at bus stops would long ago have built shelters against mountain lions, bears, coyotes, and feral dogs. To the extent that there may be instances, especially among impressionable young people, of adult-induced stress, they – like all Americans – should be provided with adequate and effective mental health service and child protective services.**

For the record, we assert that the presence of Mexican wolves, even as rare and elusive as they currently are, significantly enhances our mental well-being and quality of life. We have deliberately traveled to and tent-camped in the BRWRA over 40 times since the beginning of reintroduction. During all that time, encompassing between 140 and 160 nights alone or in small, sometimes all female, groups we have seen only 24 Mexican wolves (counting pups). **We have never been afraid in the BRWRA – except of unknown humans.** Throughout our experience wolves have never shown signs of being "habituated." Even a pack of seven which had been "howled in" by hunters a few days before showed no interest in a corned beef hash breakfast being cooked about 150 meters away. While demonstrating the intelligence and curiosity for which wolves are known, no individual has ever approached closer than 120 meters. For the most part they have been aloof and self-absorbed or visibly wary and "skittish." We do not bait wolves, nor attract them with sounds, scents, carcasses or domestic dogs. We do not let dogs run loose nor take them to the BRWRA during mating season. In short, **we comply with the final rule and common sense and have never had a problem with a wolf nor found one to be a "nuisance."**

The actual, subjective beliefs of people can be difficult to determine. Forensic mental health professionals accept that where there is a personal incentive to portray a particular state of mind it can be very difficult to detect malingering. **Rather than attempting to quantify the prevalence, if any, of non-physical ailments associated with Mexican wolf reintroduction, the Service should simply take the position that such allegations are difficult to evaluate, have not been confirmed, and therefore are not an appropriate basis for influencing a record of decision.**

g. Disproportionately high and adverse impacts on minority and low income populations

Opponents of Mexican wolf reintroduction allege that they are poor, rural folk whose likelihood will go the way of logging after protection of the spotted owl. (Given the high proportion of Caucasians, about 76%, they can scarcely claim minority status and rely primarily on economic arguments.) The truth is far more complex. **Part of the reason that some counties in the BRWRA have a relatively low annual reported income is the prevalence of a barter economy that evades normal economic measurement.** Further, cash income in rural areas is a problematic way of comparing quality of life with urban dwellers. Many of the people in the BRWRA have reduced heating costs because of ready access to firewood and receive subsidized prices for diesel fuel.

Another reason for low incomes is a lack of actively promoting tourism of any kind – let alone the proven economic benefits of wolf-related tourism documented in the Yellowstone area. While bemoaning a lack of income, the prevailing official governmental attitude and that of many individuals is insular and unwelcoming of any outside contact. **The Service has actively contributed to this problem.** For years it has ignored or rejected citizen proposals to bring more people into the BRWRA as volunteers to assist the IFT – and enable the Service to make more effective use of scarce resources. It has never advertised or promoted wolf-related tourism on a regional or national level. It never followed up on the one wolf tourism workshop, sponsored by a regional conservation organization, over four years ago. (Despite this “black out” we are aware of people from the Mid-West who have been willing to pay \$2,000 simply for the pleasure of camping in the BRWRA and viewing whatever wildlife it contains.) In recent years, the Service has openly, intentionally and progressively curtailed “outreach” to any groups or citizens other than full-time residents of the BRWRA. Their views on wolves, both pro and con, are well-known to the IFT and the Service, deeply entrenched, and the least amenable to change. Thus, **for whatever reason, the Service has made a conscious decision to concentrate 75% of its “outreach” on the minuscule, most-opinionated segment of more than 300,000,000 Americans.**

A final confounding factor which was never acknowledged by the Service in its Five-Year Review of the program is that **several of the people who are permittees of the most problematic allotments are millionaires, if not billionaires.** Since 1998, 20% of the trapping and killing of wolves by the Service (USDA Wildlife Services takes the wolves acting on the orders of the Service) was for alleged depredations on just two allotments and associated private land controlled by a non-US citizen, reported billionaire. In its Five-year Review, the Service refused to disclose the identity of the problem allotments that claimed the bulk of livestock depredations. This deprived the public of any meaningful opportunity to comment on whether livestock depredations were having a disproportionate impact on low-income people or whether many depredations are an insignificant “cost of doing business.” (See

also our comments on the Five Year Review which are incorporated by reference and appended electronically to these comments.)

The Service, if not the general public, is well aware that a civic-minded, socially responsible, non-governmental conservation organization has – whenever notified and requested – compensated every confirmed wolf depredation of lawfully present livestock, no matter how rich the permittee and how poor his/her husbandry practices. In recent years, that same organization has given 50% compensation for even probable wolf depredations. Further, the rate of compensation is full fall market value. In other words, the livestock producer is relieved of the risk that had the livestock not been killed when it was it might well have died of other causes before the producer could send it to slaughter in the fall. The Service is also well aware that even after claiming monetary compensation certain livestock producers have insisted that the Service blindly follow its self-imposed policy of removing depredating wolves no matter how valuable they were to the reintroduction program and ultimate recovery of the sub-species.

In short, the Service knows that in many instances the impact of wolf depredations is far less than wolf opponents claim and a public lacking full information might think.

i. Potential conflicts with other Federal, State, local, or Tribal environmental laws or requirements

There are two main issues that would result from designating the Mexican wolf as fully endangered. The first requires respectful accommodation to tribal authority. The second requires that the Service do a better job of educating local governments on the supremacy clause of the U.S. Constitution – and then adhering to it.

Because the White Mountain Apache Tribe permits wolves to exist on the Fort Apache Indian Reservation under a negotiated agreement with the Service, any amendment to the present rule should provide that the Service may modify the rule as part of a joint agreement with the tribe – and may modify the rule as part of a joint agreement with any additional tribal authorities.

The more problematic issue is the Service's repeated reluctance to enforce the ESA by educating local governments that they lack legal authority to pass local ordinances that purport to supersede or control the provisions of federal (and state) law and by seeking civil injunctions and criminal sanctions against governmental and individual violators. Catron County's Ordinance 001-2007 is a prime example. Under no circumstances should the Service permit an attempt by local authorities to take any endangered species, contrary to the ESA and federal rules, to go unchallenged. Given the county's some 21 attempted usurpations by ordinance of federal authority – dating back the early 1990s

(*High Country News*, 2007) – it can be expected that anything other than a complete extirpation of the Mexican wolf will result in future challenges at the county level. **Rather than encouraging official lawlessness by ignoring unconstitutional attempts to usurp power over public lands, the Service should vigorously act whenever counties attempt to ignore and subvert the U.S. Constitution.**

9. Need to amend the rule to Fully Endangered status

Without faulting the dedicated individuals in the field, the truth is that the Service has failed to detect, investigate effectively, and prosecute repeated, flagrant, serious criminal violations. The Service is well aware of its own figures that show at least 26 illegal killings during the program's existence; in other words; if not for these poachings the Mexican wolf population would be approximately 50% greater than it is and would have reached three-quarters of the population projected by the Environmental Impact Statement (EIS) that accompanied the present rule. Even more shocking is the fact that despite these illegal killings the Service chose to kill or permanently remove approximately 59 wolves during the same period – even though nothing in the present rule required it. (The current rule does require removing wolves which set up residence outside the BRWRA, but such wolves are eligible for translocation/subsequent release and need not be permanently removed.) This deliberate decision alone demonstrates **the Service can not be trusted to use the flexibility of a NEP designation to promote wolf recovery, the remaining wolves in the wild have become essential to recovery, and must be reclassified as fully endangered. If the Service had recognized the vigilante conspiracy for what it is and had simply refused to kill or remove wolves except to protect human life, there can be little doubt the reintroduction target of 102 individuals and 18 breeding pairs would have been achieved on time – by the end of 2006!**

Initial opposition to reintroduction was so violent the first year that all of the remaining wolves in the wild were taken into “protective custody” before being re-released. For the next few years, unauthorized killings were sporadic and not far from the level projected in the EIS. In 2003, the number of individuals and breeding pairs estimated in the wild coincided almost exactly with the projection contained in the EIS.

In 2003, in response to political pressure from wolf reintroduction opponents, the Service created a multi-agency committee, the AMOC, which has proven to be the executive agent of the Service's mismanagement that has encouraged and emboldened wolf opponents. Over the AMOC's four-year span, the Service permitted local governmental wolf opponents to be “partners” in the management process while these same entities refused to accept reintroduction and continued to sue the Service and enact anti-wolf legislation. At public meetings AMOC and Service representatives informed

the public that they were not proponents of reintroduction but merely "neutral" and did not speak out when other members of the committee took the same public position. Without any authoritative legal opinions by states' attorneys general, without even providing the names of faceless "counsel" who supposedly advised them, Service representatives accepted AMOC representations that state laws prohibited federal agencies from requiring amelioration of carcass attractants on public lands. Formal challenges in public comments to the Five-Year Review to this "pitiful giant" excuse for failing to use federal law and regulations to reduce wolf removals were never refuted – nor even answered with any legal citation to a decision by any court.

The Service was well aware of the physical threat to the Mexican wolf exacerbated by its failure to forcefully advocate for its own reintroduction program and punish criminal violations. In 2005, a wide range of conservation organizations and individuals warned the Service that by permitting the AMOC to implement SOP 13.0, the reintroduction would be crippled by Service-sanctioned killing and trapping of wolves for readily manipulated behavior that violated the ESA and final rule regarding illegally attracting and/or deliberately baiting wolves.

The Service, through the AMOC and its designated representative on the AMOC, did nothing. It mechanistically assessed "strikes" for alleged depredations without even reviewing the specific information upon which Wildlife Services "confirmed" depredations and the identity of the allegedly depredating wolves. To use terminology consistent with the punitive criminal model embodied in SOP 13.0, **the Service willingly permitted Wildlife Services to be the investigator, the judge, and the executioner of an increasing number of wolves.** When wolf opponents complain of the cost of the reintroduction program, they never speak of the tens of thousands of dollars wasted by the Service and Wildlife Services in killing or capturing wolves which may have killed three livestock for which full compensation was available. (We personally are aware of one "removal" operation that took two aircraft, at least four vehicles, and at least six federal employees at least four days to locate and kill one wolf.)

Between 2003 and 2007, the number of illegal killings subsided. Rather than indicating a law enforcement success, however, the numbers show that wolf opponents became adept at manipulating the Service into removing wolves under the Service's self-imposed SOP, thereby avoiding even the slight chance of detection and arrest for doing the killing themselves. Once the Service killed and removed enough wolves, the remaining ones would become vulnerable to a sudden surge of illegal killings. The Service knew this. **In 2006 we personally warned the Regional Director that as the number of wolves, and especially the number of breeding pairs, decreased below a certain level caused by Service removals, overt illegal killings were likely to increase so rapidly that the Service could not compensate through new releases.**

In 2007, David R. Parsons and Jean C. Ossorio presented a paper that documented the “put and take” by the Service since 2003. On the one hand, the Service removed far more wolves than projected under the original EIS for alleged depredations assessed by Wildlife Services without independent review by the Service; on the other hand, the Service artificially pumped up the number of wolves in the wild through continuing direct releases after they should no longer have been necessary. One of the indisputable effects was that by the end of 2006, without a steady infusion of new wolves over the previous three years the estimated population in the wild would have been only about 45% of that projected in the original EIS. (The full presentation is appended to these comments and incorporated herein.)

This presentation was also presented in poster form to the American Society of Mammalogists on June 9, 2007. Immediately afterward, approximately 600 members present unanimously voted to petition the Service to “(1) expedite a revision of the 25-year-old Mexican Wolf Recovery Plan, prior to finalizing a rule change . . . (2) suspend all predator control directed at Mexican gray wolves at least until the interim 100-wolf goal of the current reintroduction program has been achieved; (3) protect wolves from the consequences of scavenging on livestock carcasses; (4) ensure the recovery and sustainability of populations of Mexican gray wolves; and (5) allow wolves to roam freely throughout the Southwest.” Despite this gathering of national scientists in the Service’s regional headquarters city (Albuquerque, NM) no member of the Mexican wolf AMOC or IFT was observed attending, let alone presenting or commenting on these vital issues.

In 2007, the detrimental effects of SOP 13.0 and the Service’s failure to curb the impunity of illegal county acts and illegal baiting and poaching by individuals coalesced in the loss of 26 wolves between January 1 and December 25, 2007. Of these, twenty (20) were trapped or killed at the behest of the Service (including one in defiance of a governor’s directive to postpone action), one (1) was poached, and five (5) have been “lost to follow up” for at least eight (8) weeks of aerial telemetry flights. This surge in losses was both predictable and predicted.

The totality of these circumstances described above in our comments – as well as the comments of several conservation organizations – demonstrates that **while the designation of a non-essential, experimental population may have been appropriate in 1998, since 2003 the Service has squandered any claim to being trusted to use the management flexibility of a NEP designation to reintroduce and eventually recover the Mexican wolf. It has delegated excessive authority – in the form of permission to promulgate standard operating procedures – to an unwieldy committee that accepts as “partners” county governments that completely and sometimes illegally oppose reintroduction. It has attempted to abdicate to that same committee its statutory responsibility to ensure that every management action and every operating**

procedure contributes to the success of reintroduction and promotes recovery. It has repeatedly claimed that unless it kills and removes wolves with no consideration of livestock husbandry practices nor the importance of the wolf – and **with no limit** on the number of killings and removals **to avoid totally eliminating all reintroduced wolves** – the vigilantes will take the law into their own hands. The similarity to the Viet-Nam War claim “we had to destroy the village to save it” is eerie. Predictably, rather than appeasing vehement and sometimes criminal wolf opponents, this hand wringing has created the precise crisis about which the Service was repeatedly warned.

The only way to recover the Mexican wolf is to preserve and rapidly expand the population in the BRWRA until it reaches the original intermediate plateau of 102 wolves and 18 breeding pairs. This population is essential because, as the courts have ruled (e.g. regarding salmon in the Northwest), captive breeding can not be considered a substitute for endangered species in the wild. There are no other Mexican wolves in the wild except for the dwindling number in the BRWRA. There is no reservoir in the wild to draw upon in case of disease, habitat destruction, deliberate killings or any of the other factors which under the ESA must be considered in listing/delisting endangered species. (Ironically, the gray wolves in Yellowstone, Montana, and Idaho – which were classified as experimental non-essential because of the tens of thousands of wolves in a “source” population in Canada – actually have *more* protections under their reintroduction rule than do the Mexican wolves in the BRWRA.)

As experts and a variety of conservation organizations have documented in uncontroverted research, the existence of the Mexican wolf is threatened by inbreeding depression caused by an imbalance of one of the three founding lineages (McBride) and the time available to achieve a better balance in the wild through appropriate pairings and releases of multi-lineage animals is short. Because of the Service’s misuse of the flexible authority provided under the present rule, it can not be trusted to resist recovery opponents in formulating broad management policies. **To achieve reintroduction before time runs out, the wolves require maximum protection and minimum “management” for anything other than genetic diversity.**

Because of the Service’s unwillingness to create a recovery plan that complies with current requirements under the ESA, it is trying to steer a ship toward recovery without a chart or a rudder. If the Service insists on going forward with this rule making process before completing a legally sufficient, updated plan for recovery to replace the inadequate one that is 25 years old, **it should provide fully endangered protection in the interim.** Anything less puts the cart before the horse by prejudging, precluding, and preventing parameters, policies and procedures that should shape the overall plan for recovery.

10. Improving law enforcement and compliance with the ESA.

Other than upgrading the Mexican wolf to fully endangered (or at least EE) and implementing the three recommendations from the Paquet report from 2001 to eliminate artificially created reasons for removals by the Service, **the next most urgent need for successful reintroduction and recovery is effective law enforcement.** Accordingly, we suggest a number of measures that should be incorporated in an amended rule – regardless of the classification of the Mexican wolf population.

a. Turn the Service's present "put and take" into "take illegally and the Service will put" to deter unlawful baiting and killing and increasing genetic diversity in the wild

There are currently approximately 300 Mexican wolves in captivity. For a variety of reasons, not all of them are appropriate candidates for release in the wild. However, if the Service took appropriate measures, within two breeding seasons, the approximately 47 captive breeding institutions could provide all of the release-suitable wolves necessary to replace any wolves poached, crippled or otherwise rendered unable to be part of the effective population in the wild. The Service would have to show leadership and commitment in using available pre-release facilities and possibly expand existing ones. This is a challenge which the conservation community of zoos, captive breeding facilities, non-profit organizations and the public at large would support if properly informed of the need.

The Service should incorporate in the amended rule that any illegal take will not only be investigated and vigorously prosecuted, but that appropriate releases in numbers to not only replace but increase the effective population in the wild will be given priority over any other management actions except preservation of human life.

b. Provide better incentives for concerned citizens to cooperate with law enforcement agencies and better publicize those incentives

Over the years the Service has periodically publicized the penalties for illegally taking wolves and a reward for information about such acts. However, it has failed to keep the public informed of the full amount of the reward being offered and of the fact that this is not just a federal initiative but has the support of states, non-profit organizations, and private individuals. A \$10,000 reward does not buy any vehicle which is useful in the BRWRA and is not likely to make an otherwise concerned citizen risk the wrath of potentially violent neighbors. The current total reward of around \$45,000, which varies slightly between New Mexico and Arizona, would buy a rugged truck and might encourage people to come forward – if they only knew how much it is.

Given the tens of thousands of dollars which the Service has spent to remove wolves for reasons not compelled under the current rule and given its failure to

catch any violators since 2000, the Service should increase the federal reward to \$50,000 and routinely publicize not just that amount but the current total amount from all sources. If the FBI had a 1 for 26 record of prosecuting bank robberies, kidnappings – or even petty fraud – there would be a new director and new managers up and down the supervisory chain. The Service should publicly support its law enforcement agents and actively encourage people to speak up if they learn of criminal violations.

Any amended rule should include in the section that states what actions are and are not permitted both the punishment possible upon conviction for violations and the amount of the federal reward and the fact that additional reward money, whose specific amounts may vary by state and over time, is available from other sources.

c. Compile and disclose for Congressional oversight, statistics on problem allotments, problem permittees, and refusals to cooperate with the Service

Despite the questionable claim by the Service that it can not let the public know where depredations occur and the identities of the permittees who have been privileged to raise livestock on these public lands, **the Service's own sanitized records demonstrate that the majority of problems occur in a few specific places, on "problem allotments."** Investigating alleged depredations and other problems consumes public officials' time and taxpayer money and is an appropriate topic for Congressional inquiry. Congress has an important and legitimate role in reviewing whether permittees should be allowed by the banking system to count "their" allotments as assets when borrowing money; it has an important and legitimate role in reviewing the activities of Wildlife Services in general and its role and the actions of specific agents in Mexican wolf reintroduction in particular; it has an essential role in deciding whether using public money to promote the retirement of certain grazing allotments would assist truly lower income rural populations in adjusting to the rigors of global warming, world trade, and an increasingly concentrated beef producing industry; it has an essential role in determining whether public lands grazing should continue to be subsidized by charging below market rates when this money-losing process accounts for only about 2-3% of the beef raised in the United States; it has a national sovereignty and security interest in reviewing the extent to which foreign nationals exert influence and possibly control over large areas of public land. Above all, Congress has a legitimate need to provide oversight as to how well the Service is using appropriations to accomplish its goal of initial reintroduction followed by successful recovery of the sub-species.

Any amended rule should require the Service to report – without divulging grand jury or on-going law enforcement investigative information – upon the request of any congressman or senator the annual number of "problem allotments" and the nationality of "problem permittees" by number and

type of incident and the cost to the Service of any investigation and/or response to that incident.

d. Ensure that the Service does not undercut other governmental and non-governmental entities that provide proactive or compensatory measures to reduce the incidence and impact of conflicts between wolves and people and their animals.

Over the years Service representatives often have stood silent when wolf opponents criticized non-profit organizations – sometimes to their face and sometimes behind closed doors in their absence – that try to reduce conflict and provide compensation where conflict can not be prevented. The Service has ordered the killing or permanent removal of wolves when one or more of their alleged depredations was compensated (or would have been if reported and the Wildlife Services' confirmation report had been submitted). The Service has killed or removed wolves at the same time that non-profit organizations have been in negotiations with livestock producers over proactive, preventative measures. In short, the Service has actively undercut private efforts to prevent and mitigate conflict. For this reason, any amended rule should contain measures to ensure the Service supports other governmental and non-governmental efforts to prevent and reduce conflict rather than actively rewards obstructionist and sometimes illegal behavior.

Any revised rule should state that regardless of the management action otherwise applicable, unless necessary to prevent imminent danger to human life, wolves will not be taken for any acts for which the complaining party (1) refused to cooperate with the Service or any other governmental or non-governmental agency that offered proactive, preventative measures or (2) refused to apply for compensation – at market value and from any available source – for confirmed depredations.

11. Incorporations by reference

a. On April 11, 2006, Jean Ossorio submitted 12 pages of comments on the Mexican Wolf Five Year Review and Recommendations to Dr. John Morgart, Mexican Wolf Recovery Coordinator.

b. On April 12, 2006, Peter Ossorio submitted 45 pages of comments and attachments A-D as comments on the Mexican Wolf Blue Range Reintroduction Project Five-Year Review to Dr. John Morgart, Mexican Wolf Recovery Coordinator.

c. On May 28, 2006, Jean Ossorio submitted 5 pages of additional public comments on Five Year review and recommendations to Dr. John Morgart, Mexican Wolf Recovery Coordinator.

For considerations of economy, the 12 pages of comments dated April 11, 2006, the 45 pages of comments, with attachments A through D, dated April 12, 2006, and the five pages of additional comments dated May 28, 2006, are not physically enclosed with the present comments. Because, among other things, they set out additional examples of the Service's mismanagement and/or abuse of discretion afforded under the present rule's designation of the Mexican wolves as a NEP, they are relevant to our present comments regarding the need to amend the present rule to permit direct releases into New Mexico, permit wolves to establish territory outside the BRWRA, requiring livestock operators to take at least some responsibility for their carcasses and the reasons why it is no longer appropriate to afford the Service the discretion permitted under the present rule. **We request that you incorporate these previous submissions – which should be part of the Service's official records – by our reference to them in these comments and without forcing us to incur the expense and effort of physically submitting them again.** We have attached electronic versions of the three sets of comments, minus the attachments. If, however, you are not willing to incorporate both the electronically provided comments and the attachments which have previously been physically provided to the Service by reference, we request that you so inform us and we will send you another copy. (Unless we receive a specific request from you, we will assume that you will consider them and incorporate them in the files supporting any record of decision which the Service subsequently issues regarding amending the present rule.)

12. Final Thoughts

It is painful for us to criticize agencies of this wonderful country. We have tried to be accurate in the facts which have forced us to conclude that the Service, the USFS, and USDAWS have repeatedly ignored their legal and moral obligations and chosen a path of expedience and appeasement. If any of the facts recited above are incorrect, we welcome correction and citation to authoritative sources. So many individuals in these agencies have come and gone as we have observed the struggle of the Mexican wolf that no specific person bears all of the responsibility for the present debacle. However, a basic premise throughout the Departments of the Executive Branch is that those entrusted with statutory authority and responsibility are ultimately accountable for everything that their organization accomplishes or fails to accomplish – and that although they may delegate authority and resources, they can not delegate nor abdicate responsibility for the results. **Our greatest hope is that the Service will use the present scoping process to focus on recovery and find the courage to follow that path.**


Peter M. Ossorio


Jean C. Ossorio

13. References Cited

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Frankham, R. 2007. Genetic adaptation to captivity in species conservation programs. *Molecular Ecology: Online Early Articles* Published article online: 2-Aug-2007 doi: 10.1111/j.1365-294X.2007.03399.x

Fredrickson, RJ, P Siminski, M Woolf, and PW Hedrick. 2007. Genetic rescue and inbreeding depression in Mexican wolves. *Proceedings of the Royal Society B* 274:2365-2371.

Parsons, DR and JC Ossorio. 2007/ *Mexican Wolf Reintroduction: Put and Take Wolf Recovery?* Oral presentation at 19th Annual North American Wolf Conference, Flagstaff, AZ; and poster presentation at 87th Annual Meeting of American Society of Mammalogists, Albuquerque, NM.

Attachment:

Mexican Wolf Reintroduction: Put and Take Wolf Recovery?

19th Annual North American Wolf Conference

Flagstaff, Arizona

April 24-26, 2007

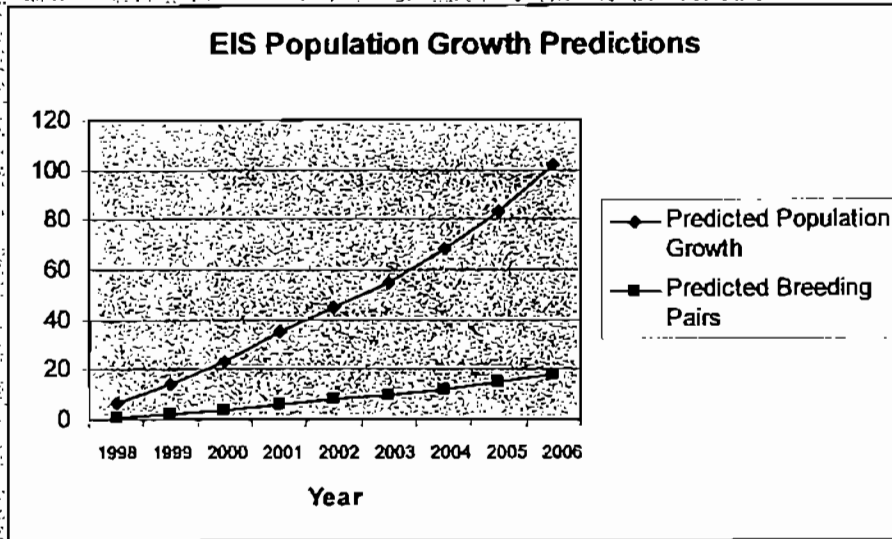
David R. Parsons and Jean C. Ossorio

1. Hawk's Nest Release Photo

Releases of captive reared Mexican wolves into Blue Range Wolf Recovery Area began in 1998 and have continued through 2006.

The Blue Range reintroduction objective is to establish a population of at least 100 wolves

2. Chart of EIS Predictions.



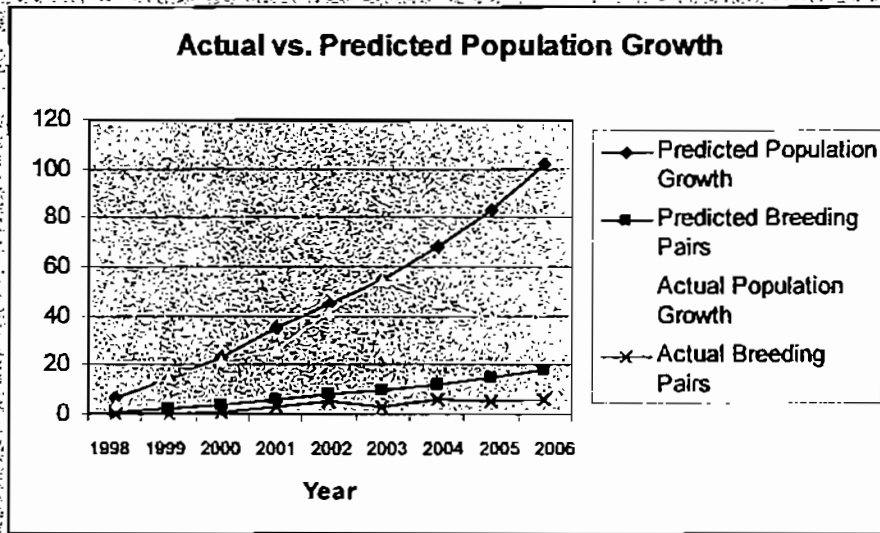
Predictions were made in the EIS that by the ninth year following initial releases (end of 2006) there would be:

102 wolves
18 breeding pairs

A “Breeding Pair” is 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 their birth year.

Year	1998	1999	2000	2001	2002	2003	2004	2005	2006
Predicted Releases	15	15	15	15	6	0	0	0	0
Predicted Population Growth	7	14	23	35	45	55	68	83	102
Predicted Breeding Pairs	1	2	4	6	8	10	12	15	18
Actual Releases	13	21	16	15	9	8	10	3	4
Actual Population Growth	4	15	22	26	42	55	46	38	59
Actual Breeding Pairs	0	0	1	3	5	3	6	5	6
Pop. With No Releases After 2002	4	15	22	26	42	50	36	29	45

3. Chart Comparing Predicted and Actual Population Status.



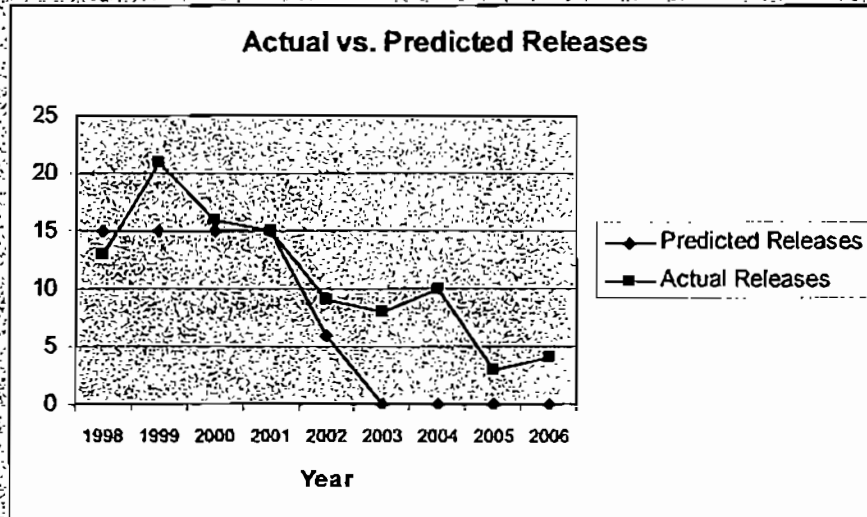
Actual population status at end of 2006:

59 wolves

6 breeding pairs - using strict interpretation of breeding pairs

Note: One of these breeding pairs has been eliminated by a lethal control action in 2007.

4. Chart Showing Actual and Predicted Releases.

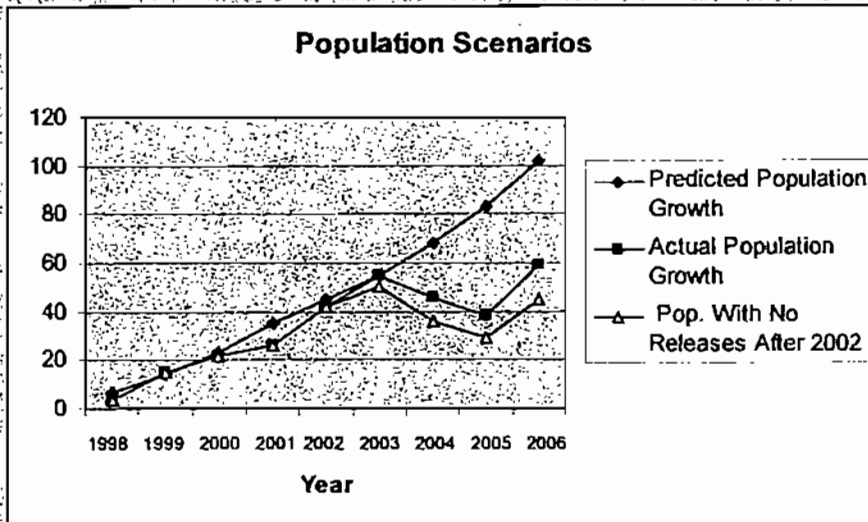


The EIS predicted that about 66 wolves would need to be released from 1998 through 2002 to reach a point where the wild population would be capable of increasing with no further supplementation.

Actual releases have totaled 99 wolves (we count wild-conceived, captive-born wolves as new releases) and have occurred every year of the project, to date.

Data on population and breeding pair trends do not support a conclusion that the population will steadily increase to 100 wolves without further supplementation.

5. Chart Showing Population Trend had Releases Ended in 2002.



Under actual conditions with releases continuing through 2006, the population increased steadily to an estimated 55 wolves at the end of 2003, declined in 2004 and 2005 to a mean estimate of 38 wolves, then increased in 2006 to an estimated 59 wolves. The estimated population has grown by only 4 wolves over the past 3 years.

Since today's population is not significantly different from the population at the end of 2003, we thought it would be an informative exercise to construct a hypothetical population trend as if new releases ceased after 2002, as was initially expected. This allows the analysis of 4 years of actual project performance under a no-release scenario with a starting population very similar to the predicted population at the end of 2002 (42 vs. 45). By the end of 2002, 74 wolves had been released (vs. 66 predicted).

We tracked the fates of individual new-release wolves and their wild-born offspring from 2003-2006. Since the fates of only "known" wolves can be determined, our data represent a minimum estimate of the number of wolves in the current population deriving from new releases over the past 4 years.

Had no releases occurred after 2002, the current estimated population would be no more than 45 wolves. We made no attempt to estimate the number of breeding pairs.

The difference of 14 wolves comprises 8 post-2002 new releases and 6 wild-born offspring of these wolves.

6. Release Photo

What can we conclude about the “put” side of our “put and take” assertion?

7. Bullet Chart with “Put” results.

- >Actual releases (99) exceed predicted releases (66) by 150%.
- >Wolves released after 2002 and their offspring comprise 24% of the 2006 population.
- >Absent continued releases, the population would have increased by no more than 3 wolves (42 to 45) since the end of 2002.
- >The release of 25 new wolves during 2003-2006 accounted for 82% (14 of 17 wolves) of the population increase over this 4-year period.
- >The population increase since 2002 is heavily “release subsidized”

8. Photo of Dead Wolf

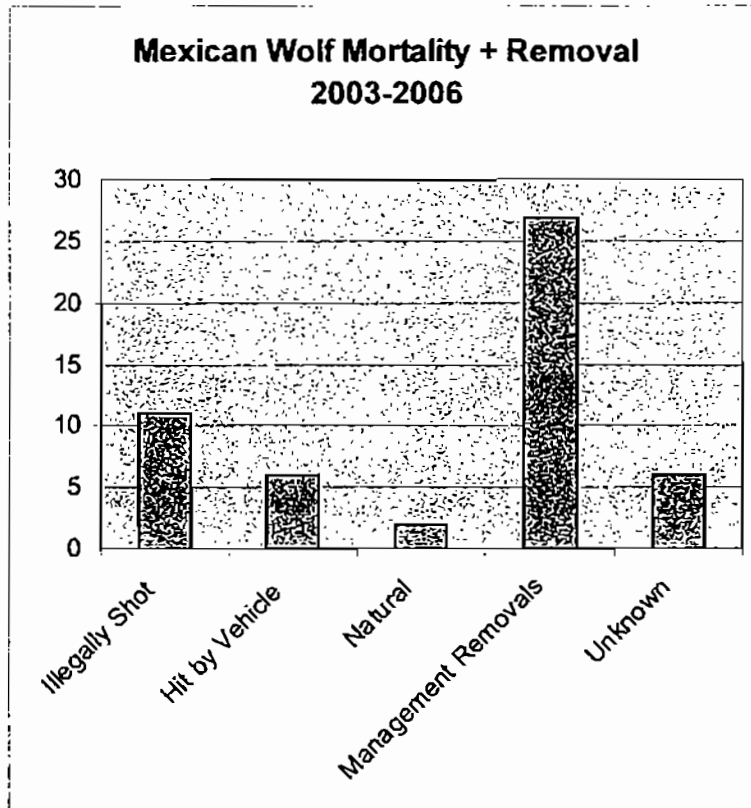
Now let’s evaluate the “take” side of the equation. We have limited this analysis to the years 2003-2006 to reflect contemporary data and trends.

Mexican Wolf Mortality + Removal

Year	2003	2004	2005	2006	Total	% Total
Cause of Death/Removal:						
Illegally Shot	7	1	3	0	11	21.0%
Hit by Vehicle	4	1	0	1	6	11.5%
Natural	0	1	0	1	2	4.0%
Management Removals*	2	1	7	17	27	52.0%
Unknown	1	1	1	3	6	11.5%
Total	14	5	11	22	52	100.0%

* Includes: Lethal control, management removals, and capture-related mortalities.

9. Bar Chart of Mortality and Removal Factors



Note: Our total for management removals is substantially lower than the number reported by the FWS in Table 6 on their website (27 vs. 61). We report only permanent removals not reflected in the end of year counts. If a removed wolf is later returned to the wild, we did not count it as a removal. Our analysis is limited to wolves with known fates. We have not accounted for missing wolves that fall in the category of “lost to follow-up”, because their fates cannot be known.

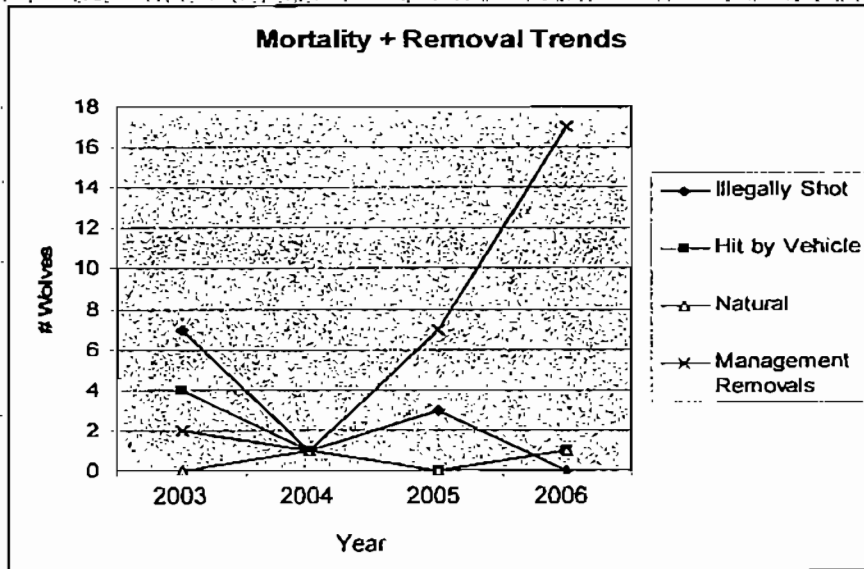
Management-related removals account for 52% of all known mortalities and permanent removals over the last four years.

Illegally shot wolves account for an additional 21%

Thus, nearly 3/4ths of all known-fate failures for the past 4 years were caused by either management removals or illegal killing. The “good news” in these data is that these are causes that the managing agencies have the capability to address and reduce. Little can be done to reduce vehicular, natural, and unknown mortalities.

10. Mortality + Removal Trend Chart

“As the Reintroduction Project moves forward, we expect removal rates for causes other than boundaries to stabilize or decrease.” AMOC 5-Year Review

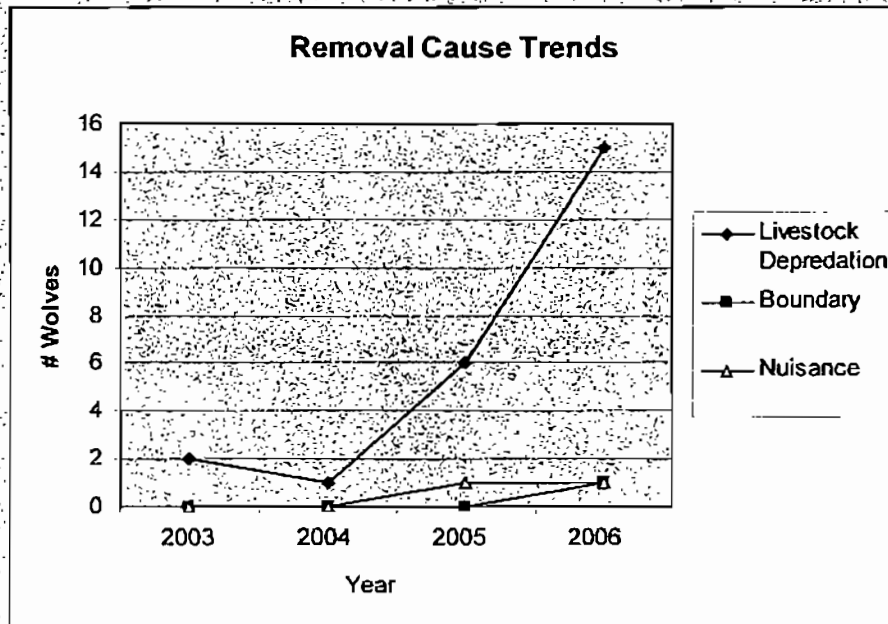


Of particular concern to us are the trends of mortality and permanent removal causes over the past four years.

While illegal shootings, vehicle strikes, and natural mortalities have declined or remained low for the past four years, management related take has soared.

Quote from Five Year Review: “As the Reintroduction Project moves forward, we expect removal rates for causes other than boundaries to stabilize or decrease.” This expectation could be true if the majority of management removals were of wolves that crossed the boundary.

11. Removal Cause Trend Chart



A breakdown of the specific causes of permanent removals reveals good news and bad news. The good news is that removals for boundary infractions and nuisance behavior have resulted in the permanent removal of only three wolves in the past four years, and one of these was returned to the wild in 2007.

But the bad news is that removals for livestock depredations are rising steeply, accounting for the permanent removal of 24 wolves from 2003-2006—nearly 90% of all removals.

Of note here is that the AMOC began implementing SOP 13 in 2005. This procedure requires the removal of all wolves that accumulate 3 livestock depredations in the span of a year.

Year	2003	2004	2005	2006	Total	% Total
Cause of Management Removals:						
Livestock Depredation	2	1	6	15	24	88.9%
Boundary	0	0	0	1	1	3.7%
Nuisance	0	0	1	1	2	7.4%
Total	2	1	7	17	27	100.0%

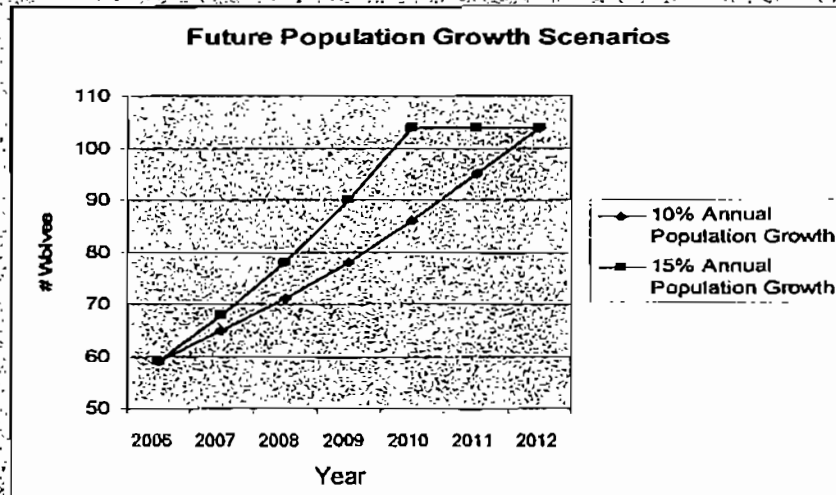
12. Bullet Slide of “Take” Results:

- Recruitment during 2003-2006 = 88-93 wild-born pups + 25 new-release wolves = **113-118**.
- Known off-take = 25 mortalities + 27 permanent management removals.
- Net result = population increase of 17 wolves—an **average increase of 4 wolves per year**.
- Management-related, agency-authorized “take” accounted for over half of documented mortalities and permanent removals during this period.
- Population growth is **“take limited”**.

The information we have presented should be used to guide AMOC through the adaptive management process in new directions that will result in steady population growth and reintroduction project success.

13. Chart of Population Growth Scenarios.

“The IFT management objective for 2007 is a 10% increase in the minimum wolf population counts and/or the addition of at least one breeding pair, while minimizing negative impacts of wolves.” IFT Annual Report for 2006



Quote from the 2006 Annual Report: “The IFT management objective for 2007 is a 10% increase in the minimum wolf population counts and/or the addition of at least one breeding pair, while minimizing negative impacts of wolves.”

We looked at two future growth scenarios (10% and 15% annually) to determine the remaining time required to meet the reintroduction project objective. Ignoring the “and/or” caveat, under the IFT’s modest 10% objective for 2007, if carried forward to succeeding years, it would take 6 more years to achieve the 100-wolf population objective.

A 15% annual increase would reach the objective in 4 years.

14. Closing Recommendations

- >We recommend that the AMOC adopt an objective, henceforth, of at least a 15% annual population increase, obtained substantially through wild reproduction, until the 100-wolf objective has been met, which would occur in no more than four years.
- >The need for new releases should be phased out by the end of 2007, except for special circumstances, such as genetic augmentation.
- >The most fruitful avenues for exploring policy and procedural changes should relate to the causes of management-related take, especially livestock depredation, and illegal killing. Twenty-three Mexican wolves have been shot and only one person has been apprehended and charged.
- >Seemingly endless process promoted by the AMOC must be replaced by swift and decisive actions that cause more wolves to survive, persist, and thrive in the BRWRA.
- >The currently conceptual livestock-wolf conflict interdiction program needs to be implemented yesterday. The primary emphasis of this program should be the preservation of wolves in the wild.
- >State and Federal agencies represented on the AMOC should fully embrace and support a program for voluntary grazing allotment retirement within the BRWRA.
- >The U.S. Forest Service must recognize and embrace its ESA mandate to carry out programs “for the conservation of” endangered Mexican wolves. The Gila National Forest’s recent proposal to increase the allotted AUMs on the T Bar Allotment (a depredation hotspot) by 148% is wrongheaded policy. The USFS must actively explore ways through policy changes and grazing permit conditions to reduce livestock-wolf conflicts.
- >The NEPA process for revising the existing rule should include an alternative that considers reclassification of the reintroduced population as either “essential experimental” under section 10(j) or “endangered” with the full protection of the ESA. This is fully supported by the evidence that the current “non-essential, experimental” designation has not sufficiently led to the ESA requirement for “conservation” of the species.
- >SOP 13 must be revised to achieve new population growth objectives and to bring it into compliance with the “conservation” requirement of section 10(j) of the ESA. In its present form SOP 13 could preclude recovery of Mexican wolves indefinitely, because it contains no threshold provisions based on population numbers or trends (i.e., measures of progress toward recovery) which would trigger a reduction or cessation of agency-authorized taking of Mexican wolves.

>State and Federal agencies represented on the AMOC should support and advocate for road closures within the BRWRA in the ongoing travel management planning process being undertaken by the U.S. Forest Service.

>Law enforcement activities should be thoroughly reviewed for ways to increase apprehensions and convictions of wolf killers.

Where the agencies see sunny days ahead, we still plenty of dark clouds on the horizon.

-----END--

✓

Thomas Schuster
602 Texas Ave
Las Cruces, NM 88001
schuster_thomas@yahoo.com
(575) 642-7156

John Slown
US Fish & Wildlife Service
New Mexico Ecological Services Field Office
2105 Osuna NE
Albuquerque, NM 87113

Mr. Slown:

I am writing in support of changes to the Mexican Gray Wolf Reintroduction Program that would help boost wolf populations in the Gila and Apache-Sitgreaves National Forests.

Evidence is mounting that wolves can have significant trophic cascade effects on their ecosystems. It has been recently demonstrated that a reintroduced population of wolves in Yellowstone has directly contributed to the first significant growth of aspen in the area in over fifty years.¹ The impact was largely due to a modification in the browsing behavior of elk, which did not feed in one place as long when in established wolf territory. This is important because the trophic cascade is not dependent on direct predation of the elk; even if elk numbers are not significantly affected by wolves, the positive ecological effects can still be realized. The impact on aspen was greatest in riparian areas, which are the most biologically diverse and most ecologically sensitive areas in the southwest.

This is good news for the ecological health of the Gila. However, the health of the reintroduced population of Mexican Gray Wolves is in question. USFWS data indicate that numbers increased steadily until 2003, and have been up and down since then. This recent population instability has caused the program to fail to meet its minimum goal of 100 individuals in 2006 by a margin of up to 41%. It seems that there are several key changes that could be made to the program that could get it back on track, including:

- *Reclassify the population to "experimental, essential".* The Mexican Gray Wolf is classified by the USFWS as the most genetically distinct subspecies of gray wolf in North America.² Given that this is the only existing wild population remaining, its current classification as "non-essential" seems inexplicable. Until a stable and healthy population is established, it should benefit from the full protections of the Endangered Species Act.

¹ Ripple, W.J. and Beschta, R.L. Restoring Yellowstone's aspen with wolves. *Biological Conservation* 138, June 2007: 514-519.

² <http://www.fws.gov/southwest/es/mexicanwolf/pdf/MexicanWolfFactSheet2006.pdf>

- *Reduce the number of wolves killed and relocated due to livestock predation.* Since compensation programs exist for lost livestock, their loss should not be a major concern. The loss of an endangered wolf is much more critical. Wolves should only be killed when posing an immediate threat to human life, which is an extremely rare occurrence.³ Under no circumstances should wolves be killed or removed for attacking pets, which should be kept under control by their owners.
- *Require ranchers to remove or destroy livestock carcasses on public lands.* These carcasses can attract wolves to areas where other livestock graze, and their removal may result in reduced livestock kills. Perhaps the carcass removal could also be compensated. If fewer "takes" are required as a result, the cost savings to the program might cover this compensation.

In addition, there are a number of actions that can be taken to improve the genetics of the population, the social health of the packs, and the overall likelihood of success for the program, including:

- *Eliminate restrictions on movement.* If a wolf leaves the recovery zone, it is subject to relocation, which is a dangerous and disruptive process. However, if it manages to also escape the experimental population area by crossing I-10 or I-40, it is "home-free" and subject to full ESA protections. This contradiction makes little sense.
- *Expand the initial release area.* Initial releases occur in the far-western portion of the recovery areas, meaning that if the wolves disperse to the west, they are immediately subject to relocation. Initial releases should be allowed in the central portion of the secondary recovery area, allowing for greater dispersal without harassment. It would also increase interbreeding between new and established wolves.
- *Define success as a self-sustaining population.* The minimum goal of 100 animals by 2006 has not been met, and should remain an immediate goal. However, a population of 100 individuals is not necessarily sustainable without further intervention. The ultimate goal of the program should be defined as one that remains stable without continuous introductions, rather than an absolute number of individuals.

It is expected that the reintroduction of a species that was intentionally eradicated will meet with significant obstacles. However, we understand much more now about the ecological importance of this top predator, as well as the genetic significance of this subspecies. I hope that we will not repeat the mistakes of the past, and that we give this program a chance to succeed.

Sincerely,



Thomas Schuster

BS, Environmental and Forest Biology

MS, Energy and Environmental Policy

³ Linnell, J.D.C., et al. 2002. The fear of wolves: A review of wolf attacks on humans. NINA Oppdragsmelding: 731:1-65.

Mr. Milsap,

I am writing to you in support of allowing the Mexican Gray Wolf to roam beyond the boundaries of the current recovery area. Diversity among their species is necessary to perpetuate the recovery effort. Wolves who are not posing problems to society should be allowed to roam freely outside the boundaries of the recovery area.

Sincerely,

Frank Crespin

4223 Superstition Dr.

Las Cruces, NM 88011

Please continue to reintroduce wolves (Mexico) to New Mexico. Biggest public problem is Livestock and fear. Providing easy compensation for livestock, Dead pickup service, public detection locations and education will assist the effort.

Line Leapley

line.leapley@us.army.mil

Line Leavy

2019 VIA TESORO

LAS CRUCES, NM

88005

Mr. Milsap,

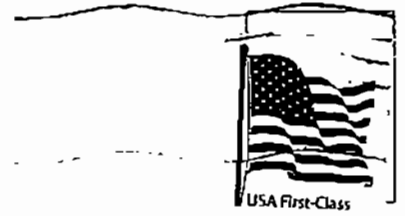
Why are ranchers being allowed to dictate the fate of the Mexican Gray Wolves in our area? These ranchers should be required to put their livestock in feedlots or relocate their operations to wolf-free areas if they are concerned about livestock-wolf conflicts. Obviously, research has shown the importance of wolves in our ecosystem, and these self-centered ranchers are more concerned with overgrazing the land to produce cattle that are a detriment to our planet, not only in the methane gas they produce to contribute to the global warming situation but also to the health of the people on the planet.

Jack Werbey
306 Bristol Ct.

Las Cruces, NM

88001

Line Leapley
2019 VIA TESORO
LAS CRUCES, NM
89005



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

Attn: Mexican Gray Wolf NEPA Scoping

87113910041051



Please continue to reintroduce wolves (mexican) to New Mexico. Biggest public problem is livestock and fear. Providing easy compensation for livestock, Dead pickup service, public detection locations and education will assist the effort.

Line Leapley

line.leapley@us.army.mil

✓
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Frank Crespín
4223 Superstition Dr.
Las Cruces NM 88011

How to Submit Comments

Written comments accompanied by name and address will become part of the formal record of the scoping process. While you may provide your ideas verbally during the meeting, we want to make sure your input is formally captured in your own words. You may submit written comments in three ways:

- Fill out the comment portion of this brochure and leave it in the drop box
- Take the brochure with you and return it by mail
- Provide comments via e-mail. For your convenience, you can do that here at the computer station, or visit www.mexicanwolfjeis.org
- Faxed comments may be sent to (505) 346-2542

Please note: In order to be considered part of the formal record, your comments must include your name and address. Comments may be submitted through December 31, 2007.

Before including your address, phone number, e-mail address, or other personal information in your comment, you should be aware that your entire comment--including your personal information--may be made publicly available at any time. While you can ask us in your comment to withhold your personal information from public review, we cannot guarantee that we will be able to do so.

Comments:

I may never see a wolf in the wild but just knowing they are there makes my life and the lives of others richer. Like music and art, it's hard to quantify their value in economic terms, but they have immense value in Yukon. I urge you to do all you can to provide them with a more positive, eliminate restriction on their movement, expand the area for their range, "reduce" taking, and the recovery

Plan to now it relevant for the 21st century, and work to resolve conflicts in a way that does not impede recovery of the wild wolf population now on in the future

Name: Wenda Trevathan

Street: 30 Loma Real

City, State, Zip: Las Cruces

NM 88011

Tape closed with address on outside, and add a stamp.

DO NOT STAPLE
Thank you for your input!

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Comments:

Revise the recovery plan.
Change the wolf classification to:
"experimental essential" or

"endangered"

Modify and require better
livestock management practices.

Name: Tim McKinnon

Street: 1105 Circle Dr.

City, State, Zip: Las Cruces, NM

88005

Tape closed with address on outside, and add a stamp.

DO NOT STAPLE
Thank you for your input!

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Comments:

Pet owners should be able to defend their pets. Property owners should be able to use less than lethal methods to harass problem wolves.

Name: Kathy Cooke

Street: 5341 Redman Rd

City, State, Zip: LC NM 88011

Tape closed with address on outside, and add a stamp.

DO NOT STAPLE
Thank you for your input!

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Comments:

- (1) We need to look at the Northern Rockies reintroduction program and learn from them and their rules because the Arizona New Mexico program is killing our competition. One person with a wildlife biology background should be designated as the spokesperson for the wolves and person for the wolves and everybody else. It is time for the being without a voice to have one and a unified voice at that.
- (2) Dead livestock needs to be removed ASAP and in estimates of the amount of the money being spent on the program.
- (3) The reintroduction program is a huge expense. We need to make sure we have a conservation program that will be successful. We need to make sure we have a program that will be successful. We need to make sure we have a program that will be successful.
- (4) The reintroduction program is a huge expense. We need to make sure we have a conservation program that will be successful. We need to make sure we have a program that will be successful. We need to make sure we have a program that will be successful.
- (5) The reintroduction program is a huge expense. We need to make sure we have a conservation program that will be successful. We need to make sure we have a program that will be successful. We need to make sure we have a program that will be successful.

- (1) Better understanding of wolves should be provided by monitoring one person with a wildlife biology background should be designated as the spokesperson for the wolves and everybody else. It is time for the being without a voice to have one and a unified voice at that.

Name: Thomas J Packard MD
Street: 5019 Madoc Trl
City, State, Zip: Las Cruces NM
88011

Tape closed with address on outside, and add a stamp.
DO NOT STAPLE
Thank you for your input!