

1208 Vista Verde Ct.
Santa Fe, NM 87501

November 18, 2007

RECEIVED
NOV 26 2007
-W.S. REC

ATTN: MEXICAN GRAY WOLF NEPA SCOPING

Brian Millsap, State Administrator
U.S. Fish and Wildlife Service
New Mexico Ecological Services Field Office
2105 Osuna NE
Albuquerque, NM 87112

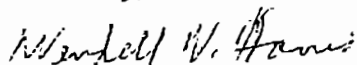
Dear Sir,

It is well known that there are sound ecological reasons for the introduction and maintenance of wolves in New Mexico. It is also well known that ranchers have always expected the government to exterminate any animal that might pose the slightest problem for them.

The U.S. Wildlife Service is supposed to act on behalf of the American people and the ecological health of the environment of this country, not a special interest group like the ranch owners, however wealthy and vociferous such a group may be.

SUPPORT THE RECOVERY OF WOLVES IN NEW MEXICO. NOT SPECIAL INTERESTS.

Sincerely,



Wendell V. Harris

6 Fortuna Rd
Santa Fe, NM 87508

November 29, 2007

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

Attn: Mexican Gray Wolf NEPA Scoping

Dear Mr. Millsap,

I want to express my unequivocal support for the rights of wolves in both Arizona and New Mexico. I do not believe that there should be any restraints placed on these animals and most particularly on public lands. I support complete withdrawal of all grazing permits on public lands as I believe this will eliminate perceived conflicts by those who are completely intolerant of any other interests than their own. I also believe the "three strikes your out rule" should not apply to wild animals. I think we are smart enough to know that this isn't something they are going to understand. Until this happens we will continue to see conflicts and renegade counties trying to eliminate all the wolves in our State.

Wolves contribute to healthy ecosystems and we all know the earth needs a shot of that right now. Please work to replace the self interests of a few with the interest of the majority and support healthy wolf populations.

Thank you for your consideration.

Sincerely,



Lori Colt

From: Gary Cascio <design@latenitegrafix.com>
Subject: Mexican Gray Wolf NEPA Scoping
Date: November 30, 2007 1:36:19 PM MST
To: R2FWE_AL@fws.gov
Cc: tom.udall@mail.house.gov, ask.heather@mail.house.gov, senator_domenici@domenici.senate.gov, scheduling@richardsonforpresident.com, letters@snewmexican.com, kwatz@abqjournal.com, editor@sreporter.com



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

Dear Sir:

In case you were not alerted to this, please read the following carefully:

Governor Richardson has instructed the Director of the Department of Game & Fish and members of the State Game Commission to work with the state's partners in the Mexican Gray Wolf Recovery Program to review and revise standard operating procedures related to the control of nuisance (non-depredating) and problem (depredating) Mexican wolves. The Governor has also called for the immediate suspension of the use of Standard Operating Procedure 13 (SOP 13) procedures in New Mexico pending these revisions.

"I strongly support the effective recovery of endangered Mexican wolves in the Southwest, done in a responsible and sensitive way," said Governor Bill Richardson. "Changes must be made to the protocol for the wolf re-introduction program."

From the head of our state government, Bill Richardson, to a vast majority of New Mexico citizens, we all seem to be saying the same thing . . . your government agency's handling of the wolf reintroduction in New Mexico is unacceptable. In polls, time and time again, we New Mexicans have stated we were FOR wolf reintroduction in New Mexico. We don't want to see endangered wolves destroyed for killing a few cattle, who, last time I checked, were no where near being listed on the Endangered Species List.

But, in the case of the Aspen Pack removal, it sounds like the US Fish and Wildlife Service is conducting business as usual.

So, my question to you is, *exactly whose wishes are you carrying out by proceeding as usual and what are you doing to comply with Governor Richardson's, and a majority of New Mexican's, stated wishes?*

I await your response.

Sincerely;

Gary Cascio

P.S. And if you haven't figured it out by now, you can add my name to the list of New Mexicans who are against the way you are currently running this program. We demand you run this program FOR WOLF RECOVERY and not kowtow to a minority group of activists ranchers.

Late Nite Grafix, Inc.
3600 Cerrillos Road • Suite 729 A
work (505) 984-0941
fax (505) 471-2861
Santa Fe, NM 87507
www.latenitegrafix.com



Northern New Mexico Group - Rio Grande Chapter

~~1472 St. Francis Drive~~, Santa Fe, NM 87505 • (505) 983-2703

1807 Second Street
#45
Santa Fe, NM 87505

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

Re: Gray Wolf Scoping Comments

Dear Mr. Millsap:

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

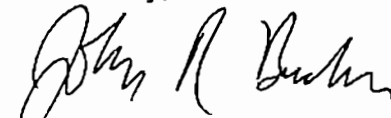
The Apache-Gila wolf population is obviously essential to recovery and should be so designated.

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

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

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

Yours truly,



John Buchser, Chair

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DEC 8 2007
USFWS-NMESFO



United States Department of the Interior



BUREAU OF LAND MANAGEMENT
New Mexico State Office
1474 Rodeo Rd.
P.O. Box 27115
Santa Fe, New Mexico 87502-0115
www.nm.blm.gov

IN REPLY REFER TO:

8600 (93000)

December 5, 2007

Mr. Brian Millsap
State Administrator
U.S. Fish and Wildlife Service, NMESFO
2105 Osuna NE
Albuquerque, NM 87113

Dear Mr. Millsap:

The New Mexico Bureau of Land Management (BLM) is providing comments to the New Mexico Fish and Wildlife Service in response to the Federal Register Notice (August 7, 2007; 72 FR 44065) 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.

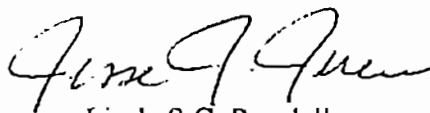
It is difficult for the New Mexico BLM to provide substantive comments without knowing what BLM lands could be involved if wolves were allowed to establish territories outside the boundaries of the Blue Range Wolf Recovery Area. Similarly, it is difficult to comment on the definition of the White Sands Wolf Recovery Area without knowing which BLM lands might be affected.

Depending on how much public lands are involved, our concern is about impacts of livestock depredation to permittees, how the Service will interact with permittees, and the role of the New Mexico BLM in those interactions.

Regarding the potential expansion of the White Sands Wolf Recovery Area, there are significant public lands bordering the White Sands Missile Range, and we agree that the area lacks an adequate prey base to support another predator in that general area.

Thank you for the opportunity to comment. If you have any questions, please contact Vicki Herren, Wildlife Biologist, at 505-438-7516.

Sincerely,


for Linda S.C. Rundell
State Director

MARION SEYMOUR
2300 W. ALAMEDA ST. D2
SANTA FE, NM 87507

ES

j

**Benjamin Tuggle, Regional Director
US Fish and Wildlife**

Dec.7, 2007

Dear Mr Tuggle,

The following is a letter I submitted to the Albuquerque Journal for publication. I am in full support of the reintroduction of the Mexican Grey Wolf into the Gila Wilderness area. I would appreciate A response from your department.

I commend the Albuquerque Journal for printing the article by Dave Parsons on The Mexican Grey Wolf and its reintroduction into the Gila Wilderness. I traveled with him on a recent trip to learn about this amazing part Of New Mexico

You also printed an article on Dec 2 "Wolf-Proof Shelters Ordered".

It is distressing that so much fear is being promulgated around wolves in the wild and their danger to humans.

The facts do not substantiate these fears.

People driving while under the influence of drugs and alcohol pose a far greater threat.

What is the message we are giving to our children?

Are they also learning about the ecological benefits that wolves bring to the environment.

In Yellowstone National Park, where wolves have been reintroduced, a resurgence of diverse plant and animal life has been observed.

Wolves prey on Elk and keep that population in check. Elk eat young willows and cottonwood which if left to grow to maturity are home to birds. Beaver have returned due to these trees.

I intend to send my comments to the

U.S. Fish and Wildlife Service. They need to be taking a broad view of the situation, and not be swayed by "the fear factor".

Mr. Tuggle,

I hope you will indeed take into consideration the value of Reintroducing the Mexican Grey Wolf. The culture of fear Must not be allowed to prevail and be passed on to succeeding Generations. Your department has a responsibility to Educate the public.

Marion Seymour

Marion Seymour 2300 W. Alameda St Santa Fe NM 87507

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DEC 10 2007

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December 10, 2007

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

Re: Mexican Grey Wolf NEPA Scoping

Dear Mr. Millsap:

I am writing to express my concerns regarding the reintroduction of the Mexican Grey Wolves in the Blue Range Recovery area. I am strongly in favor of protection for the wolves and the reintroduction should be a priority of the USFW. The wolves were here long before we were, and they are entitled to our best protections. Instead, they are being trapped, shot, killed, and their social units destroyed. We now know that these influences cause severe emotional and psychological trauma in animals as well as humans, and we are therefore culpable.

Moreover, the reintroduction of wolves in Yellowstone has demonstrated that wolves are an integral and essential part of the ecological system, particularly in aspects that were completely unanticipated. Wolves (and other predators) keep the ungulates moving, and prevent degradation of the grasslands. As a result, willows and other plants have been able to regenerate in areas that were previously degraded. Wolves play an essential role in the evolutionary dynamic, culling prey that is weak, old and sickly. They are thus indispensable to environmental health in the region.

Surveys have shown repeatedly that the general American public is strongly in favor of wolf reintroduction. The interests of a few backward-looking locals who believe their own interests to be superior to the wolves and the rest of the public should not be allowed to eradicate this endangered species. The rest of the public is also tired of a few ranchers running roughshod over our public lands, and continuing to devastate and degrade the forage and watersheds for the sake of a few cattle. If they choose to graze cattle on public lands, they should do so with the full knowledge and acceptance of the fact that they may lose a few of those cattle to predators. The hysteria of the few people who are opposed to the wolves is also based upon deception and distortion of the facts. There are literally millions of people who visit Yellowstone each year, and there have been absolutely zero human casualties related to wolf attacks, even though there are several hundred wolves in Yellowstone. There have been a total of zero human casualties due to wolves in the last century. The remaining few wolves in the Blue Range Recovery area (less than 20 remaining now?) hardly pose any real threat to humans.

December 10, 2007

The USFW is now in a position to correct some of the mistakes we have made in the past, and afford necessary protection to this endangered species as required by law. It is time for the USFW to step up and perform on its mandate to protect this endangered species, and that means applying proper priorities to the competing interests of livestock grazing and the survival of the wolves. In short, if we as the species at the top of the food chain do not act with compassion and empathy to protect those beneath us, then there may be no hope for the planet.

Thank you for your attention and consideration..

Sincerely,

Lynda Larsen

Ramona Mitchell
37 Cuesta Rd
Santa Fe, NM 87508

Brian Millsap
State Administrator
U S Fish & Wildlife
2105 Osuna NE
Albuquerque, NM 87113

13 Dec. 2007

Att: Mexican Grey Wolf NEPA Soping

Dear Brian,

I was unable to attend the meeting sponsored by the Fish & Wildlife Service concerning the future of Mexican grey wolves in New Mexico; hence this letter.

At this time we have a chance to correct the mistakes made in the past and allow a magnificent symbol of the wild landscapes of the South West to recover. It is crucial to know that there is no record of any person having been killed by a wolf in a very, very long time. A superstition clings to the wolf as it does to sharks. I have been with wolves and with sharks; the stories that still grip many are not correct. More people have been killed by cattle, by dogs and even sheep, so why the terror of wolves? In my experience this is a most intelligent and wonderful creature, and a very necessary animal to ensure balance in nature. I want to see the lobes protected and brought back from the edge of extinction. There are only 25 wolves left, which is disgraceful, as is the paranoia of ranchers. The wolves have a place in nature. A few individuals should not be allowed to determine to destroy what is part of our national heritage and on our public land. The human spirit finds healing in the wild beauty of nature and we need to protect our wilderness to keep our souls whole. It is my hope that our

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Human intelligence is higher than our outmoded fear of wolves and that we can ensure the recovery of the lobos. It is a future that will allow our children and grandchildren to experience the magnificence of these creatures.

I expect the Fish and Wildlife Service to change the the outmoded rules and stand up to protect the wolves and our national heritage.

Sincerely,

R. Mitchell

ed

Kirsten Lear
219 Anita Place
Santa Fe, N.M. 87505
Dec. 20, 2007

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DEC 28 2007
USFWS-NMESFO

Mr. Brian Millsap, State Administrator
"Attn: Mexican Gray Wolf NEPA Scoping"
U.S. Fish and Wildlife Service
New Mexico Ecological Services Field Office
2105 Osuna NE
Albuquerque, N.M. 87113

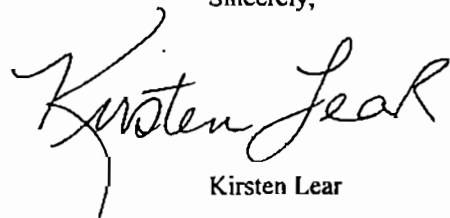
Dear Mr. Millsap,

This letter addresses whether wolves and other wildlife should be protected on our National Forest and BLM lands. I grew up in Northern New Mexico and my father was a cattle rancher. We ran cattle as did the whole valley on National Forest and BLM land. Throughout my childhood I watched and listened as bear, mountain lion, beaver, porcupines and people's pets were shot, leg trapped or poisoned if someone felt their cows were going to be harmed. One could argue that the ranchers on their own land are allowed to do this but that wasn't the case. They were doing this on National Forest and BLM land which belongs to all of us and is a haven for the wildlife they were killing. I vividly remember a cattle roundup when I was thirteen on National Forest Land just above our ranch. A mother bear and her two cubs were spotted near us. From a ledge high above them I watched them frolic and nuzzle each other. Then a volley of bullets rained down killing all three. The hoopla that followed their demise would forever change my feelings on our rights over wild creature's lives.

Since then I have watched as riparian zones are destroyed and the wildlife that depend on them disappear. Grasses are eaten down to nothing in years where there wasn't enough rain, leaving the ground bare of wildflowers and vegetation for the elk, deer and other wildlife that have to survive there. From a belief that state lands are their cow's pastures, the ranchers feel entitled to shoot wolves that have been reintroduced. I do believe that cows need some areas open to them, but immense tracts of land must be put aside for only wildlife. Wolves and other predators represent something that is being lost in our state. They need areas where they can exist and not be shot for being themselves. The Fish and Wildlife Service must be free to do their job of protecting the animals they represent. Removing cow carcasses is a rancher's responsibility, as cows are not bred to survive in wild spaces as buffalo can. Ranchers should be paid if a wolf enters their land and kills a cow or pet. But on our National Forest land, pets should be monitored, and if killed, shouldn't be the responsibility of the state. I have dogs that I love and yet this would also apply to them. Domesticated animals (cows and pets) are just that- animals that rely on us to protect them. To leave them by themselves and expect a predator not to try to kill them is absurd.

After nearly ten years of management under 1998 rules, only 60 Mexican wolves exist in the wild. A new approach is needed to sustain a healthy population. Allowing wolves to expand their range by keeping lands free from cows in certain areas will benefit all. We must learn from past failures and assure a long-term future for these magnificent animals. I support you as you protect our fish and wildlife. Thanks.

Sincerely,



Kirsten Lear

December 23, 2007

Brian Millsap, State Administrator

U.S. Fish and Wildlife Service

New Mexico Ecological Services Field Office

2105 Osuna, N.E.

Albuquerque, N.M. (87113)

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DEC 26 2007

USFWS-NMESFO

Dear Sir:

I am 100% in favor of doing everything in our power to prevent the second extinction of the Mexican Gray Wolf.

I believe that ranchers "using public lands" should be required to remove livestock carcasses that die from disease or starvation, as they actually "teach wolves" to have a taste for cattle as food.

I want the wolves to stay and make a full recovery in our "wild lands" without interference from ranchers by enticing them.

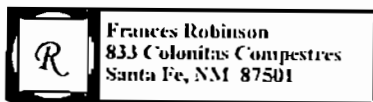
Very sincerely yours,

Frances H. Robinson

833 Colonitas Compestres

Santa Fe, New Mexico

(87501-1133)



Mr. Brian Millsap

U.S. Fish & Wildlife Service

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DEC 27 2007

USFWS-NMESFO

Beverly Post

305 Vera Drive

SF NM 87501

12/24/07

Dear Mr. Millsap,

I feel very strongly that we need to support Mexican Wolves' recovery in the wild. I urge you to work to change the classification for Mexican Wolves to "fully-endangered species," & to allow them to roam outside the Blue Range Wolf Recovery Area. Capturing and relocating wolves that roam outside this invisible boundary stresses the individual animals as well as the small wild wolf population.

Captive wolves should be able to be released in New Mexico as well as Arizona. We must stop killing and removing wolves! Wolves are a beneficial part of the New Mexico biotic community.

Thank you for your concern.

Beverly M. Post

December 25, 2007

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

Dear Mr. Millsap,

I strongly support Mexican gray wolf reintroduction in Arizona and especially in New Mexico where the program has fallen behind stated goals. I support the presence of an ecologically significant, essential, protected, and directly reintroduced population of wolves in New Mexico. Wolves are an essential component of healthy western ecosystems and I support the reintroduction as part of the restoration of western landscapes.

The biological components of successful reintroduction appear to be in place. There are sufficient land and elk to support the number of wolves stated in the goals. However, despite years of captive breeding and some reintroduction, the Mexican gray wolf remains one of the rarest mammals in North America. The Mexican gray wolf has already been subject to near extinction and the species desperately needs to rebuild its genetic stock.

It would appear that human behavior is the most serious obstacle to the reintroduction program. Many decades of ranching and overuse of public lands seem to have produced a malignant, violent and all-consuming sense of entitlement among some public land users. Although wolf predation on livestock poses no significant threat to ranching, pathological hatred of the wolf and stubborn resistance to reintroduction remain. Efforts must be made to bring public land users into compliance with the program. We can not allow a few bad actors to jeopardize this program.

Healthy wolves strenuously avoid human contact and pose little direct threat to people. Efforts to reduce wolf habituation to humans and cattle should be strenuously enforced. Ranchers who persist in leaving cattle carcasses to rot on Federal land must be fined and compelled to clean up their messes. Cattle carcasses should not be allowed to be a habituation liability for the wolf or a financial liability for the tax payer. Public land users who fail to act as good stewards should have their privileges revoked. Outlaw behavior, in the city or on the range should not be tolerated for any reason. The United States has spent millions of dollars and decades of effort on wolf recovery. Ranchers who actively or passively sabotage the wolf recovery program must be prosecuted. No individual or narrow minded interest should ever be allowed to jeopardize the success of the program.

The most disturbing and destructive human behavior comes in the form of deliberately provoking wolf attacks on livestock. Please see the feature article "Last Chance for the Lobo" in High Country News, December 24, 2007 (http://www.hcn.org/servlets/hcn.Article?article_id=17419). The article reports extremely disturbing behavior by an individual in Catron County intent on killing wolves. The individual, Mike Miller, has proudly admitted to deliberately provoking a wolf attack and in doing so has damaged an essential Federal program. The incitement of wolf predation and the cultivation of lethal conflict is criminal behavior and should be regarded and prosecuted as such.

Officials in Catron County, NM have not distinguished themselves with good judgment or a regard for Federal law. Threats of violence against State and Federal agents persist. There is no room for this behavior. This kind of flagrant abuse will destroy the program. The Durango pack has apparently been subject to an unofficial but highly effective extermination effort. Will this behavior be tolerated or prosecuted? Many reintroduced wolves are subject to illegal destruction. Some 25 wolves have been

lost this way. This is a serious threat to the genetic stock of the species. These disappearances must be rigorously investigated. We can not allow another species to be lost down a black hole of hatred and ignorance.

Grazing on public land is a Federally subsidized privilege and should be regarded as such by all parties. Grazing privileges should be immediately suspended in reaction to malfeasance by public land users. Grazing allotments should be bought out and permanently retired where possible, appropriate, and necessary. The number of cattle on Federal land must be reduced. Year-round grazing serves to endanger both cattle and wolves by creating continuous habituation pressure that encourages wolf predation upon cattle. Delaying the reduction of cattle is likely to result in the continued decline of western ecosystems and the propagation of lethal conflict with wolves.

Without genuine regard for biological realities and enforced provisions for them, wolf recovery is unlikely to succeed. We must move beyond the destructive, genocidal behaviors of the past. We must all realize that wolves need habitat away from, and unmolested by, human activity. Humans should no longer assume that they can go anywhere and do anything with utter indifference and impunity. It has become painfully obvious that ecosystems will not bear this treatment. The weight of industrial, extractive human civilization has pushed wolves to the brink of extinction and the assumptions that created that outcome must be changed.

After many decades of efforts to exterminate Mexican gray wolves we appear to be making some progress toward restoring wolves to the western landscapes they historically inhabited. However, Mexican gray wolves are still highly endangered and require a high degree of protection. We must continue to encourage the Mexican gray wolf to increase it's population and begin again to play a biologically significant role in the ecosystems of New Mexico and Arizona.

I understand that there exist individuals who possess a hatred of wolves and offer intractable resistance to the wolf recovery program. When faced with this kind of resistance some basic questions arise: Should a few bad actors be allowed to derail an essential reintroduction program? Should we be satisfied to allow ecosystems to continue to decline? If we don't protect and rehabilitate these ecosystems now, then when? The answers to these questions clarify my resolve to continue to support the program. The recovery program must persist and it must succeed.

The long era of ranching interests taking all the resources and all the consideration appear to be gone. It is time to restore western ecosystems that have been historically and chronically abused. The successful reintroduction of the Mexican gray wolf will help to restore damaged western ecosystems and must be made to succeed. The political will is here to stay.

Sincerely,

A handwritten signature in black ink that reads "Charles Fox". The signature is written in a cursive, flowing style.

Charles Fox
1320 San Jose Avenue
Santa Fe, NM 87505



RECEIVED
DEC 31 2007
USFWS-NMESFO

December 27, 2007

Brian Millsap and/or 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 and Environmental Impact Statement and Socio-Economic Assessment for the Proposed Amendment of the Rule Establishing a Nonessential Experimental Population of the Arizona and New Mexico Population of the Gray Wolf ("Mexican Gray Wolf")*

Dear Dr. Millsap and/or Mr. Slown:

Thank you for providing us with a chance to comment on the above referenced proposal to revise the current Endangered Species Act (ESA) Section 10(j) rule, which established and governs the management of Mexican gray wolves in the Blue Range Wolf Recovery Area (BRWRA). These comments are submitted on behalf of Forest Guardians and our 3,500 members, who care about, and are affected by, the management of Mexican gray wolves in the Southwest.

Forest Guardians is a non-profit public interest organization dedicated to preserving the wildlands and wildlife of the American Southwest. Forest Guardians has a long history of interest and involvement in the U.S. Fish and Wildlife Service's (FWS's) management of endangered species, including, but not limited to, the Mexican gray wolf (*Canis lupus baileyi*). The members and staff of Forest Guardians have recreational, scientific, spiritual, educational, aesthetic, and other interests in a viable, healthy population of Mexican wolves in the BRWRA.

FWS should consider these comments as supplemental to the scoping comments of The Rewilding Institute (TRI comments), which were separately submitted but fully endorsed by Forest Guardians. We hereby incorporate by reference the TRI comments in their entirety. We write separately to elaborate on four points we feel deserve extra support and/or clarification. These four points are addressed below.

FWS Should Immediately Commence Recovery Planning

While we applaud the FWS's much-needed reassessment of the Mexican gray wolf management scheme, we sincerely caution FWS from creating a new management paradigm before developing a current recovery plan for this subspecies. The 1982 Mexican gray wolf recovery plan is totally obsolete and provides no direction for present day management of wolves within the BRWRA. Not only is this plan drastically out of date, it was never- even in its original form- adequate under federal law.

ESA §§ 4(f)(1)(B)(ii) and (iii), 16 U.S.C. §§ 1533(f)(1)(B)(ii) and (iii), require that FWS “incorporate in each plan... objective, measurable criteria which, when met, would result in a determination, in accordance with the provisions of this section, that the species be removed from the list; and... estimates of the time required and the cost to carry out those measures needed to achieve the plan’s goal and to achieve intermediate steps toward that goal.” The 1982 Mexican gray wolf recovery plan incorporates no such criteria, but instead, identifies only the very vague objective of establishing a viable, self-sustaining population of at least 100 Mexican gray wolves in the wild. This objective has never been identified as an indicator of subspecies recovery nor a threshold for delisting, as such identification is accepted universally as improper.

Without first identifying objective, measurable criteria and benchmarks for recovery, as well as detailed strategies for achieving those criteria and benchmarks, FWS has no framework within which to create a new management scheme for the Mexican gray wolf. This is because FWS cannot possibly determine how to best manage wolves in the BRWRA to meet the goals of recovery without knowing what those recovery goals are. While we are in no way dissuading FWS from rethinking the current Mexican wolf management scheme, if FWS continues to undertake this restructuring without first setting measurable recovery goals and benchmarks for the subspecies, we can only assume that FWS is not, in fact, interested in managing this population in order to further its conservation or recovery.

FWS Should Abandon the “Experimental, Nonessential” ESA § 10(j) Designation

The current designation for the Mexican gray wolf population in the BRWRA of “experimental, nonessential” (ENE) under ESA § 10(j), U.S.C. §1539(j), is wholly inappropriate and should be immediately abandoned. The Mexican gray wolf is the smallest, rarest, and most genetically distinct of the gray wolf subspecies. Even though FWS has identified it as “the most endangered mammal in North America,” FWS maintains the Mexican wolf’s endangered species listing under the umbrella of the gray wolf species (*Canis lupus*). It is solely by this listing design that FWS is able to justify its ENE designation of the one and only remaining population of wild Mexican gray wolves on Earth. Because pragmatically the fewer than 50 remaining wild Mexican wolves are incredibly essential to the survival and recovery of *Canis lupus baileyi*, this listing design is authorizing a gross abuse of Section 10(j) never intended by Congress, which must, therefore, be inherently flawed.

ESA § 3(6), 16 U.S.C. § 1532(6), defines “endangered species” to mean “any species which is in danger of extinction throughout all or a significant portion of its range...” Under ESA § 3(16), “species” includes any subspecies of...wildlife...” Because the Mexican gray wolf is in imminent danger of extinction throughout all of its former range, the ESA authorizes- and indeed requires- FWS to list *Canis lupus baileyi* as separate and distinct from *Canis lupus*, thereby properly affording this subspecies with the full protections of the Act.

ENE designations, on the other hand, are reserved for populations of endangered species that are “wholly separate geographically from nonexperimental populations of the same species.” See ESA § 10(j)(1). Because there are *no* nonexperimental populations of Mexican gray wolves, the ENE designation now governing the population of wolves in the BRWRA is hardly rational. It is only by denying the well-documented biological uniqueness of this subspecies in lieu of generic, bulk listing that FWS could introduce the ENE designation in 1998.

Though never “based on the best available information,” ten years into a failed program, justification for this ENE designation continues to wear thin. See ESA § 10(j)(2)(B). That FWS would choose to maintain the ENE designation for the Mexican gray wolf, which continues to quite literally teeter on the brink of extinction, is laughable. FWS must immediately abandon the ENE designation, less it finds itself responsible for the second effective extinction of the very subspecies it is charged with conserving.

FWS Should Examine and Adopt a “Conservation Alternative”

The National Environmental Policy Act (NEPA) requires federal agencies to consider alternatives to their proposed actions, and examine the environmental impacts of those alternatives. This requirement implements NEPA’s environmental policies. It requires federal agencies to consider whether they can carry out their proposed action in a less environmentally damaging manner, and whether alternatives exist that make the action unnecessary. In fact, the Counsel on Environmental Quality (CEQ) has described the alternatives requirement as the “heart” of environmental review. See 40 C.F.R. § 1502.14. Courts have been correspondingly emphatic, calling the alternatives requirement the “linchpin” of the environmental impact statement (EIS). See *Monroe County Conservation Council, Inc. v. Volpe*, 472 F.2d 693 (2nd Cir.1972).

Importantly, even before the development of an EIS, the alternatives requirement also applies to the preparation of an environmental assessment (EA). See *e.g. Greater Yellowstone Coalition v. Flowers*, 359 F.3d 1257 (10th Cir.2004). NEPA § 102(2)(E), 42 U.S.C. § 4332(2)(E), requires all agencies to “study, develop, and describe appropriate alternatives to recommended courses of action in *any* proposal which involves unresolved conflicts concerning alternative uses of available resources” (emphasis added). The CEQ regulations require that an EA include “brief discussions of the need for the proposal, of alternatives as required by [NEPA § 102(2)(E)], [and] of the environmental impacts of the proposed action and alternatives.” 40 C.F.R. § 1508.9(b). Courts, too, have stressed the importance of the alternatives requirement in the development of EAs. In so doing,

they have required federal agencies “to study alternatives to any actions that have an impact on the environment, even if [it is ultimately determined that] the impact is not significant enough to require a full-scale impact statement.” See *City of New York v. United States Dep’t of Transp.*, 715 F.2d 732 (2nd Cir.1983), *appeal dismissed*, 465 U.S. 1055 (1984).

Some courts have concluded that the duty to discuss alternatives in an EA under NEPA § 102(2)(E) is *at least as broad and may be broader* than the duty to discuss alternatives in an EIS. For instance, the Fifth Circuit has held that NEPA § 102(2)(E) is “supplemental and more extensive” than the alternatives requirement of an EIS. *Environmental Def. Fund. Inc. v. United States Army Corps of Eng’s*, 429 F.2d 1123 (5th Cir.1974); *accord Bob Marshall Alliance v. Hodel*, 852 F.2d 1223 (9th Cir.1988). That court further stated that the purpose of NEPA § 102(2)(E) is “to insist that no major federal project would be undertaken without intense consideration of other more ecologically sound courses of action, including shelving the entire project...” *Id.*

The range of alternatives to be set forth in an EA or EIS is governed by the “rule of reason,” and defined by the “purpose and need” of the action itself. See 40 C.F.R. § 1502.13. Here, the CEQ requires FWS to present in comparative form all reasonable alternatives to the proposed action identified in its forthcoming NEPA documents. See 40 C.F.R. § 1502.14. A proper alternatives analysis should “rigorously explore” and “objectively evaluate” these alternatives, which means it should “devote substantial treatment to each alternative considered in detail- including the proposed action- so that reviewers may evaluate their comparative merits.” *Id.* See also CEQ, “Forty Most Asked Questions Concerning CEQ’s National Environmental Policy Act Regulations,” 46 Fed. Reg. 18026, 18027, 18028 (1981).

Certainly, FWS need not consider an infinite range of alternatives; but it must seriously consider all reasonable and feasible alternatives for fulfilling the project purpose. Because the underlying purpose of reworking the management structure of any endangered species must be furtherance of the conservation of that species, incorporating a “conservation alternative” into FWS’s NEPA documents concerning this issue most definitely falls within the “rule of reason.” An appropriate conservation alternative was set forth in the TRI comments. We reiterate the request made in those comments to evaluate and ultimately adopt such alternative, and further assert that doing as much is the legal obligation of FWS.

FWS Should Earmark Project Funds for Voluntary Grazing Permit Buyout

Unquestionably, the ubiquity of cattle grazing in and around the BRWRA has retarded the Mexican gray wolf program to the point of barring recovery of the subspecies. Because the BRWRA is a seamless patchwork of grazing allotments where neither the U.S. Forest Service (FS) nor its permittees make room for wolves, wolf-livestock conflicts, which are to some extent necessarily inevitable, have been encouraged and even induced. Moreover, FWS’s past and present “top down” approach to “resolving” such conflicts, *i.e.* removing “problem” wolves, has legitimized FS apathy and fueled local intolerance.

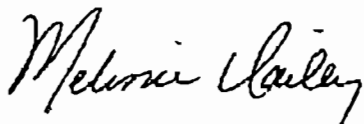
FWS simply cannot kill its way to Mexican wolf recovery. Instead, FWS must adhere to the conservation mandate of the ESA by participating in “bottom up” approaches to conflict resolution. These include engaging short term solutions, such as working with grazing permittees to implement proactive strategies for better avoiding conflicts before they occur. Importantly, these also include engaging long term solutions like reducing the number of cattle with which wolves may eventually conflict. FWS can effectively do this by fiscally supporting the voluntary permanent relinquishment of grazing permits.

FWS has shown a willingness to earmark program funds for conflict resolution, as evidenced by its recent Interdiction Program proposal. Unlike programs that overly and unduly further compensate permittees for continuing to use public lands for private enterprise, grazing permit buyout compensates permittees for voluntarily giving up their privilege to graze before their permit term ends, and thus frees up the public land for other, non-consumptive uses. Also unlike other compensation programs, because voluntary grazing permit buyout eliminates cattle from the landscape, buyout leaves no room for participants to continue to acquire “strikes.” Rather, permittees who participate in buyout forever exit the system, leaving their allotment as a place of species recovery—not predator control.

The past decade has shown that in the BRWRA, where permittees graze large, unattended allotments, wolf-livestock conflicts present the number one hurdle to successful wolf recovery. Permanently removing wolves as the only means of dealing with these conflicts is ineffective and unacceptable. FWS must engage in long term solutions to better avoid wolf-livestock conflicts. Fiscally supporting voluntary grazing permit buyout is the preferred way of achieving this goal. This is because buyout is a *permanent* and *guaranteed* means of avoiding conflicts, which engages only *willing* participants who seek to exit the grazing game *financially whole*. Supporting buyout imposes nothing on uninterested permittees. Supporting buyout does, however, promote a win-win solution for grazing permittees and Mexican wolves.

Thank you in advance for your consideration of these comments. We intend to stay engaged with FWS throughout the NEPA process, and we look forward to your adoption of a better, more biologically based Mexican wolf management scheme.

Respectfully submitted,

A handwritten signature in black ink that reads "Melissa Hailey". The signature is written in a cursive, flowing style.

Melissa Hailey, Esq.
Forest Guardians
312 Montezuma Ave., Suite A
Santa Fe, NM 87501
505.988.9126 x1159
mhailey@fguardians.org

Dec. 28, 2007

MR. BRIAN MILLSAP, STATE ADM.,
US FISH & WILDLIFE SERVICE
N.M. ECOLOGICAL SERVICES FID. OFF.
2105 OSUNA NE
ALBUQUERQUE, NM 87113

DEAR MR. MILLSAP:

RE: THE MEXICAN WOLF ATTN: MEXICAN GRAY WOLF NEPA SCOPING
ENCLOSED PHOTOS ARE OF UNWARRANTED KILLING! (slaughter)

- ① WOLVES MUST BE LISTED AS "CONSERVATION ALTERNATIVE" LEADING TO "FULLY-ENDANGERED" CLASSIFICATION.
- ② WOLVES MUST BE ALLOWED TO ROAM OUTSIDE THE BRWRA BOUNDARIES BECAUSE SUITABLE HABITAT DOES EXIST BEYOND THEM.
- ③ WOLVES NEED TO BE ALLOWED TO BE RELEASED DIRECTLY INTO N.M. TO NOT DO SO LIMITS FLEXIBILITY OF MANAGERS & IT LIMITS THE GENE POOL FOR THE N.M. POPULATION.
- ④ TO REDUCE LIKELIHOOD OF PREDATION, PERMITTEES WHO GRAZE CATTLE ON PUBLIC LANDS SHOULD BE REQUIRED TO PROACTIVELY ENGAGE IN PRACTICES THAT MITIGATE THE OPPORTUNITY WOLVES HAVE TO PREY ON THEIR LIVESTOCK.
- ⑤ THE AGENCY SIMPLY MUST STOP KILLING & REMOVING WOLVES!!
- ⑥ THE NUMBER OF WOLVES IN THE WILD NEEDS TO REACH A MINIMUM OF 100 ANIMALS WITH 18 BREEDING PAIRS. THERE SHOULD BE NO MAXIMUMS!
- ⑦ THE RECOVERY PLAN IS 25 YEARS OUT OF DATE & NEEDS TO BE REVISED SO THAT RULES CAN REFLECT THE DEFINITION OF RECOVERY. ALSO, ANY RULE CHANGES NEED TO INCLUDE A PROVISION THAT DOES NOT LIMIT FUTURE RECOVERY OPTIONS.

THE TIME IS NOW!

Mary Dykton

Bertrea M. Bratcher

Ms. Mary Dykton
1824 Arroyo Chamiso
Santa Fe, NM 87505

Bertrea Bratcher
1824 Arroyo Chamiso
Santa Fe, NM 87505

RECEIVED

DEC 29 2007

USFWS-NMESFO

December 29, 2007

Mr. Brian Milsap
 State Administrator, US Fish & Wildlife Service
 New Mexico Ecological Services Field Office
 2105 Osuna, NE
 Albuquerque NM 87113

Fax: (505) 346-2542

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

Dear Mr. Milsap:

Thank you for the opportunity to offer scoping comments and issues on the above captioned rule.

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

1. Disclosure of the full social, cultural and economic impacts on rural residents and local governments to include the loss of tax revenue and increased government operation costs due to presence of introduced wolves. Appropriately recognize and mitigate impacts to pastoral communities and individuals affected by introduced wolves.
2. Full investigation into the efficacy of livestock carcass removal including the increased cost to livestock operations.
3. Discontinuance of the practice of translocating problem wolves.
4. Prompt control, lethal and non-lethal, of problem wolves.
5. Improve monitoring of wolves to insure that residents of the release areas are informed when wolves are in close proximity and to facilitate documentation of predation on livestock.
6. Amending the 10(J) rule to include the authority to harass Mexican wolves for purposes of scaring them away from people, buildings, facilities, pets and livestock. Specific language is needed to state a person may kill or injure a wolf if threatened by a wolf or in defense of another who is threatened, and may, kill a wolf that is not responding to harassment and is consistently in populated areas frequented by people and demonstrates desensitization to human encounters.
7. Amending the 10(J) rule to allow harassing or humanely dispatching of wolves by federal, Tribal or state agencies when wolves exhibit fearless behavior or become habituated to humans and pose a demonstrable threat to human safety. This provision should include providing a federal take permit for local county law enforcement personnel to allow them to lethally take a wolf for immediate protection of human safety.
8. Amending of the 10(J) rule to allow serious and affective methods that will immediately stop wolf attacks on dogs and stop wolves from coming into private property and areas where people live. This should include public education practices that teach people how to deal with habituated wolves and give them the tools to do it. **Also necessary is the need to issue take permits to those who are suffering these types of territorial challenges by Mexican wolves at their homes.**
9. The 10(J) rule should document that people reside in current and potential wolf habitat. The general public has been given the mistaken impression that people do not reside in the wolf release and recovery areas.
10. Maintenance of the livestock production in the release and recovery area.
11. The effects of wolves on watersheds, spread of disease and domestic and wild animal populations.
12. An allowance in the rule for livestock owners or their agents may take (including kill or injure) any wolf engaged in the act of killing wounding or biting livestock on federally administered lands (see definition change) allotted for grazing anywhere within the Mexican wolf Experimental population area, including within the designated wolf recovery areas.
13. The need for definition changes in the new rule and management plans as well as any SOPs, such as:
BREEDING PAIR: an adult male and an adult female that are firmly mated and have the potential to breed and raise a litter of pups in the upcoming breeding season
ACTIVE PACK: two (2) or more wolves that are attached to each other and exhibit pack behavioral

characteristics.

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

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

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

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

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

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

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

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

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

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

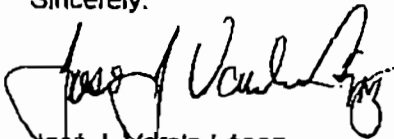
15. Takings implications assessments must be planned for and implemented in scoping rulemaking and management planning in order to determine the scope of compensation necessary to private property owners for depredation and losses caused by the program.

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

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

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

Sincerely,



José J. Varela López
PO Box 15921
Santa Fe, NM 87592

JAMES A. MCGRATH
P.O. Box 6452
SANTA FE, NEW MEXICO 87502
505 / 473-4759

30 Dec 07

Brian Millsap
US Fish & Wildlife Service

In the northern Rocky Mountains, Gray Wolves have been shown to greatly benefit the biotic community at every level. Their presence causes herbivores to move frequently, improving forage and providing more nesting opportunity for songbirds. Wolves limit the number of coyotes and this can benefit species from smaller carnivores to ground nesting birds to mule deer. It is right that they be allowed to return home to the wilds of New Mexico. Don't let them be exterminated a second time.

For more information, contact Mary Katherine Ray
(575) 772-5655, mkscri@mkitcarson.net.

—Mary Katherine Ray

I could not say what I feel is
The truth — to support our gray
Wolves in New Mexico.

gray wolves have a right —
perhaps more of a right —
to live their lives in
security in New Mexico — as
much of a right as we as "recent"
new citizens of New Mexico.

"Don't let them be exterminated
a second time."

letter

I thank you for reading my
James McGrath

GOVERNOR
Bill Richardson



DIRECTOR AND SECRETARY
TO THE COMMISSION

Bruce C. Thompson, Ph.D.

Robert S. Jenks, Deputy Director

STATE OF NEW MEXICO
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Hobbs, NM

31 December 2007

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

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

Dear Mr. Slown:

On 7 August 2007, the US Fish and Wildlife Service announced intent to prepare a Draft Environmental Impact Statement and socioeconomic assessment in conjunction with a proposed rule to amend the 1998 Final Rule authorizing the establishment of an "experimental nonessential population of the Mexican gray wolf in New Mexico and Arizona under section 10(j) of the Endangered Species Act. This process included 12 public meetings to disseminate information and elicit comments from the public, scientific community, interested governmental agencies, Tribes, and other interested parties regarding the scope of the EIS, pertinent issues to address, and alternatives to assess. The New Mexico Department of Game and Fish, as a cooperating agency in the reintroduction program, has worked actively in support of the recovery effort. Despite the intensive combined efforts of the US Fish and Wildlife Service, New Mexico Department of Game and Fish, the Arizona Game and Fish Department, U.S. Department of Agriculture (USDA) Animal and Plant Health Inspection Service--Wildlife Services, USDA Forest Service and the White Mountain Apache Tribe, the reintroduction program has not achieved planned objectives. The 1998 10(j) rule establishing the nonessential experimental population of Mexican gray wolves identifies and mandates how the population will be managed. While many of the provisions of this rule have proven useful and acceptable, there are substantive shortcomings that impose hardships on the citizens of New Mexico, limit management flexibility, and result in unsustainable losses in the wolf population. New Mexico Department of Game and Fish believes that changes in the original 1998 10(j) rule are necessary to ensure success of this program. It is especially

important to embed flexible conservation actions into the program and to shift from a focus on individual problem events to a focus on proactive efforts that maximize keeping wolves on the ground in suitable habitat.

Key Points

- **Redefine the Blue Range Recovery Area** to be one component of a larger meta-population incorporating noncontiguous areas of suitable habitat within the nonessential Experimental Population Area. Wolves are long range dispersers and are capable of moving among areas of potential habitat distributed throughout southern New Mexico and the Southwest. The Blue Range Wolf Recovery Area (BRWRA) may be the single largest area of high quality contiguous wolf habitat in the Mexican Wolf Experimental Population Area (MWEPA). However, the wolves' historic range incorporates large areas of variably suitable and productive habitat. Wolf populations may have comparatively higher densities in alpine coniferous forests that support larger populations of elk and deer than in dryer lower elevation areas. Historically, they also survived as lone wolves, temporary associations, and breeding packs of variable size throughout their historic range. This area extended from western Arizona through southern New Mexico, the plains of west and central Texas and as far south through central Mexico to points south of Mexico City. Given this extensive range incorporating vast areas of lowland desert, shrubland, and grasslands, the existing reliance of the Reintroduction Program on one limited area of alpine mountain habitat is unrealistic. Mexican wolves should be allowed to naturally disperse to and move among suitable habitat throughout the MWEPA, with appropriate conservation and management actions applied, and with the MWEPA extended to include all of New Mexico south of I-40.
- **Expand the reintroduction area to include additional public land within the MWEPA in New Mexico.** Designation of the Apache Sitgreaves and Gila National Forests as the Recovery Area limits the wolves to a politically defined area with no underlying biological significance. To a highly mobile species like the wolf, boundaries at the scale of the BRWRA are meaningless. To the agencies tasked with implementing this program, the boundaries constitute a constraint that inflicts burdensome management requirements, stimulates unnecessary conflicts, and leads to unsustainable wolf population losses. Thus, the area designated as allowable for occupation by the reintroduced wolf population should be extended to a larger and more ecologically realistic area. For clarity, it may be appropriate to change terminology from Recovery Zone to Reintroduction Area.
- **Revise section (k)(9) to permit initial releases in parts of New Mexico.** The existing rule restricts initial releases to the "primary recovery zone." This limitation reduces opportunities to release captive-reared wolves, as part of the Reintroduction Project, that can be more timely and functional parts of the wolf population in New Mexico. Such a provision will expedite putting effectively functioning wolves on the ground and will provide greater flexibility in the program to address specific conservation and management needs.
- **Describe a specific wolf population objective in the rule** to enhance clarity and provide dimension to reintroduction efforts. Such an objective should be described in terms of overall numbers, breeding pairs, packs, distribution, allowable densities, duration, and other meaningful biological, ecological, and demographic features. Such a description should not focus on single numbers, but rather on reasonable ranges of values within biologically meaningful time frames that are consistent with the abilities of wildlife managers. New Mexico Department of Game and Fish is especially willing to assist in efforts to provide such a description.

- **Provide for more realistic “threshold of action” rather than the seeming mandate for action** with respect to depredation by wolves. Current provisions regarding 3 depredation incidents have been interpreted too strictly and have developed some unrealistic expectations about specific outcomes. The revised rule should provide for flexibility in actions associated with depredation incidents that is consistent with the circumstances, location, wolves involved, livestock management practices involved, people involved, and other salient factors. Three depredation incidents can remain the triggering threshold for responsible action, but not a departure point for single definitive outcome. This approach will be consistent with more focus on proactive conservation practices and less focus on individual depredation events, thus being more efficient in use of time among project personnel.
- There needs to be explicit understanding in the rule that **wolves should be expected to occupy private land** as is the case with any other wildlife species. The presence of wolves should not, in and of itself, constitute a problem. Rather, the actions of specific wolves should determine the need for management action on the part of the Reintroduction Project.
- The strict application of an **overly broad definition of “problem wolves”** unreasonably stigmatizes pups and yearlings and sets the stage for undesirable levels of removal through management actions. The definition of “problem wolves” should be restructured to focus only on those individuals clearly initiating undesirable behaviors that become routine or chronic. Wolf pups may be, but are not necessarily, more likely to depredate on livestock as a result of having been fed from livestock killed or scavenged. There is no evidence that sporadic, opportunistic, infrequent feeding pups on meat from livestock predisposes these pups to be more likely to attack/kill livestock when they mature. A refined definition of “problem wolves” will reduce the burden of pack behavior on these wolves and help to keep more wild born wolves on the land.
- **Describe take permit provisions** so that non-injurious hazing by individuals includes a broader range of actions available to the public (throwing objects at, shooting in the direction of, and a more liberal definition of acceptable projectiles for use in hazing. This is especially important to provide a greater range of options for people who feel a need to do something to protect domestic animals other than livestock.
- **The definition of breeding pair should be tightened** to specify that the specific pair have actually mated and produced pups. Currently, “**Breeding pair** means an adult male and an adult female wolf that have produced at least two pups during the previous breeding season that survived until December 31 of the year of their birth.” Under the current definition, there is the possibility that pairs could be created through translocation or release. If a sole surviving member of a breeding pair, with pups, joined up with another wolf dispersing, translocated, or released then the pair could be considered a breeding pair when they have yet to mate and produce pups. This existing definition is subject to enough interpretation so that critical population parameters could be inaccurate.
- **Ensure adequate recognition of the importance of responsible livestock management** as a factor in wolf conservation decisions. Livestock operator tolerance of livestock illness and injury can lead to the presence of weakened livestock on the range. Old, weak, sick, or injured livestock are more likely than healthy livestock to elicit attack by wolves and other predators and thus may constitute an undesirable attraction relative to the wolf reintroduction program. Subsequent natural death and carcass abandonment on public land may stimulate wolves to scavenge on dead livestock,

further stimulating wolves to view livestock as prey. The Reintroduction Program cannot, without the support of the USDA Forest Service, force livestock operators to better manage their livestock. However, where there is evidence that obviously vulnerable livestock, carcass abandonment, or other livestock-related materials in an area has led to depredation/scavenging by wolves, an elevated threshold for livestock depredations should be applied in conjunction with intensified wolf management to discourage this behavior. This recognition that certain livestock management practices will result in higher thresholds should provide incentives to livestock operators to improve livestock management to avoid depredations.

- Preliminary results from ongoing livestock depredation studies in the Blue Range Recovery Area indicate that mountain lions are a significantly greater source of livestock depredation than are wolves. In cases where wolves have been shown to depredate on livestock and other predators are also active in the area, the program with the concurrence of the Agencies of Jurisdiction, should have the flexibility to **respond to wolf depredations with site specific adaptation**. Such adaptation could include an overall predatory animal management strategy, instead of individual focus on wolves,
- The existing 10(j) rule refers to population targets developed in the 1982 Mexican Wolf Recovery Plan. An updated recovery or **"conservation" plan** is needed to rigorously examine what would constitute recovery for the species. A credible plan could provide affected states and the Service with a realistic goal that would incorporate existing information on the status of wolves in the intermountain west, southwest, and Mexico.

Sincerely,

s/BT

Bruce Thompson
Director

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

John Slown
31 December 2007
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Eva Sargent, Defenders of Wildlife
Kevin Bixby, Southwest Environmental Center
Paul Gutierrez, New Mexico Association of Counties
Posted to New Mexico Department of Game and Fish website under "Conservation Tab"