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DEADLY WAIT

**How the Government's 30-year Delay in
Producing a Recovery Plan is Hurting
Mexican Gray Wolves**



EXECUTIVE SUMMARY

More than three decades after the U.S. Fish and Wildlife Service (“Service”) initiated its legally mandated effort to devise a recovery plan for endangered Mexican gray wolves, they remain one of the most critically endangered mammals in North America, with an estimated population of only 83 wolves and five breeding pairs, falling far short of even modest goals set by the agency.

A review of documents and internal memos details the Service’s repeated failed efforts to develop a recovery plan and reveals an agency that repeatedly solicited, then ignored, the recommendations of top scientists. As a result, recovery of the Mexican gray wolf has limped along for 32 years without a legally valid plan to guide recovery, directly contributing to its precarious status.

In 1982, the Service issued what was described as a temporary recovery plan, which guided management of a captive breeding program and called for the reintroduction of Mexican wolves into the wild in the southwestern United States. This limited proposal, however, did not meet the legal requirements for a recovery plan, lacking among other things, a recovery target establishing population goals that stipulate when Mexican wolves could be considered recovered.

Since release of the 1982 temporary strategy, the Service has convened three different recovery teams to prepare the much-needed recovery plan. In all three cases, recovery teams consisting of expert scientists were formed and near-final drafts of the plan were completed, only to have the Service at the last minute pull the plug on publishing the plan.

This repeated failure to produce a recovery plan has severely hamstrung efforts to recover Mexican wolves. In 1998, Mexican wolves were reintroduced to the Blue Range Wolf Recovery Area, which includes a small area of eastern Arizona and western New Mexico

centered on the White Mountains and Gila Wilderness. The goal was to reach a population of 100 wolves, including 18 breeding pairs, by 2006. Sixteen years into the program, however, the population stands at 83 wolves and five breeding pairs. The lack of a recovery plan has directly contributed to the Service’s failure to reach the population goal in the Blue Range Recovery Area and to obtain broader recovery, leaving Mexican wolves teetering on the brink of extinction.

The most recent effort to develop a recovery plan was quashed by the Service in 2012 and documents obtained through the Freedom of Information Act demonstrate this was done at the behest of the states of Arizona, Colorado and Utah, which did not want to see Mexican wolves recovered to more of the Southwest. A draft recovery plan produced by the team called for establishing two additional populations, one centered on Grand Canyon National Park and another in the southern Rocky Mountains of New Mexico, with an overall goal of establishing a total population of 750 wolves with movement between the three sub-populations. This was determined by the team of experts to be absolutely essential to ensuring the long-term viability of the Mexican gray wolf.

Despite the Service’s mandate to rely on the best available science and implement a recovery plan for the highly endangered Mexican wolf, the Service gave in to the state’s demands, halting the recovery planning process, cancelling the last recovery team meeting and never publishing the draft recovery plan. Throughout the process the Service has deceptively fostered a public perception that release of a recovery plan is imminent while internally foiling the plan’s completion. Internal documents show that the Service promised the states that no plan will be released without their input and that this stipulation ultimately stymied completion of the plan. While the Service continues to delay and impede completion of the recovery plan, the fate of the Mexican gray wolf hangs in the balance.

I. INTRODUCTION

The Mexican gray wolf is considered one of the most endangered mammals in North America.¹ By the time the Mexican gray wolf was added to the list of endangered species under the Endangered Species Act in 1976, Mexican wolves were believed to have been nearly extirpated from the United States. 41 Fed. Reg. 17,736 (Apr. 28, 1976).² Between 1977 and 1980, five wolves were captured in Mexico that were later used for a captive breeding program.³ All of the Mexican gray wolves in the United States today come from a founding stock of only seven captive individuals from three lineages.⁴

In 1979, the Mexican Wolf Recovery Team was formed to prepare a Mexican Wolf Recovery Plan, as required by the ESA. In 1982, a “recovery plan” was completed and released, but the Service itself admitted that the 1982 document did not fulfill the Endangered Species Act’s requirement for recovery planning and was intended only as a temporary, stopgap measure.⁵ The primary objective of the plan was to maintain a captive breeding program and re-establish a viable, self-sustaining population of at least 100 Mexican wolves in the wild.⁶ The team emphasized, however, that even if reached, this population objective would be insufficient to achieve recovery necessary for delisting and further noted that delisting may never be possible.⁷

The Service recognized upon release of the 1982 Recovery Plan that it was “far from complete, lacking specifics and cost estimates for the later stages of the propagation and release projects.”⁸ Due to such omissions, the Service recognized that “[l]ater amendment of the plan is obviously required for its realistic completion.”⁹ Despite this acknowledgement, often repeated by the Service, more than 30 years later, the Service has failed to amend the plan or draft a new one.¹⁰ Even with the formation of several recovery teams and the preparation of several draft recovery plans, all attempts at drafting an updated plan have fallen short of completion. This unreasonable delay has hampered efforts to recover the Mexican gray wolf in numerous respects, perhaps most notably by the failure of the Mexican gray wolf population in the southern United States to ever reach even this interim population objective of 100 wolves. For this reason, on Sept. 10, 2014, the Center for Biological Diversity and Defenders of Wildlife, represented by Earthjustice, filed a Notice of Intent to Sue to remedy this violation of the ESA and have a filed a complaint in federal court concurrent with release of this report.

Furthermore, the 1982 Recovery Plan - even as outdated as it is - has never been fully implemented. For example, in order to reach the minimum population objective, the Recovery Plan found it necessary to protect wolves from predator-control efforts and ensure that there are methods to handle livestock depredation by wolves other than killing offending wolves.¹¹ Even today, however, livestock owners are allowed to kill wolves in a variety of situations. Failure to follow the plan in place has further hindered the ability to recover Mexican gray wolves in the United States and highlights the need for a new plan based on new data and improved scientific research.

II. CURRENT STATUS OF THE MEXICAN GRAY WOLF POPULATION IN THE UNITED STATES.

After surviving from near-extinction in the 1970s, the Fish and Wildlife Service in cooperation with the Association of Zoos and Aquariums has maintained a captive population and breeding program from which wolves have been released into the southwestern United States. The wild population, however, is struggling. A Mexican Wolf Conservation Assessment completed in 2010 found that the current population faces a number of threats that are putting the population at risk of failure.¹² “[M]anagement and regulatory mechanisms, illegal shooting, and inbreeding are identified as threats that are hindering the growth and fitness” of the current population.¹³ It noted that “[c]ombined sources of mortality and removal are consistently resulting in failure rates at levels too high for unassisted population growth,” and “identified threats to the population, coupled with its biological attributes, is putting the population at risk of failure.”¹⁴ Lack of an up-to-date recovery plan was specifically identified as a factor that is further hindering the progress of the population and the recovery program.¹⁵

A preliminary draft of the recovery plan completed in 2013 determined that a minimum of 750 Mexican gray wolves spread across three different populations with effective migration between populations would be necessary for recovery. At the end of 2013, however, the Mexican gray wolf population in the southwestern United States numbered only 83 individuals, far from the recovery goals of the 2013 recovery plan, and failing to reach even the temporary goal of 100 wolves set under the emergency plan over thirty years ago.

III. THE FAILURE OF FWS TO PREPARE A REQUIRED RECOVERY PLAN FOR THE MEXICAN GRAY WOLF.

A. THE SERVICE'S FIRST ATTEMPT TO PREPARE A RECOVERY PLAN

Recounting that the 1982 Recovery Plan had been an interim measure that had become outdated, in 1995 a new Mexican Wolf Recovery Team drafted a revised plan.¹⁶ Led by David Parsons from the Service, the team included Dr. Steven Fritts, Chief Scientist on Gray Wolf Recovery; Peter Siminski, the Coordinator of the Mexican Wolf Species Survival Plan; Greg Schmitt, the Endangered Species Biologist from the New Mexico Department of Fish and Game; Terry Johnson, the Nongame and Endangered Wildlife Coordinator from the Arizona Game and Fish Department; Larry Allen, the Regional Wolf Coordinator for the Coronado National Forest; Michael Phillips, the Wolf Restoration Project Leader for Yellowstone Center for Resources focused on Yellowstone National Park; Dr. Phil Hedrick, a professor from the Department of Zoology from the Ullman School of Life Sciences at Arizona State University; and Javier de la Maza, a biologist from Mexico.¹⁷ The team also included two liaisons from Texas and a separate genetics committee.¹⁸

In reviewing the newest science and data on Mexican gray wolves, the team crafted a new draft recovery plan with updated goals for the Mexican wolf. The Draft 1995 Plan covered 10 years, with twin goals of establishing a captive Mexican wolf population of at least 240 animals and at least 17 breeding pairs, and establishing a wild population of at least 100 wolves consisting of ten or more breeding pairs within the United States.¹⁹ The plan also set long-term goals for downlisting the Mexican gray wolf from endangered to threatened, and for eventual delisting.

In order to downlist the Mexican gray wolf, the plan called for a captive population of at least 240 animals and 17 breeding pairs as well as the establishment of a metapopulation of two separate wild populations, each with 10 or more breeding pairs and at least 100 animals within the Mexican wolf historic range.²⁰ This goal was to be maintained for a minimum of five years with a target completion date of 2025.²¹ In order to delist the population, the plan required establishment of a metapopulation consisting of three separate wild populations, each with 10 or more breeding pairs and at least 100 animals, within the Mexican wolf historic range.²² The plan projected recovery could be completed by 2040.²³

The 1995 plan was a major shift from the 1982 plan, most notably because the 1982 plan goal of reestablishing 100 wolves in one area of at least 5,000 square miles would be expanded to include at least three wild populations, each containing a minimum of 10 breeding pairs and 100 wolves, within historic range in the United States and Mexico.²⁴ The 1995 plan concluded that “[t]his [new goal] is based on population viability analyses and expert opinion on minimum population needs of the species.”²⁵ In other words, the new goal was based on the best scientific data available at the time.

The plan identified five potential release areas within the historic range of the Mexican wolf, including four areas in Arizona and one in New Mexico: the Blue Range area; the Chiricahua Mountains area; the Galiuro and Pinaleno Mountains area; the Atascosa, Patagonia, and Huachuca Mountains area in Arizona; and the White Sands Missile Range area in New Mexico.²⁶ In evaluating the areas, the recovery team determined that the White Sands Missile Range area and the Blue Range area were the two most promising areas for initial reintroduction efforts.²⁷ The plan also identified Big Bend National Park in Texas and the San Carlos and Fort Apache (White Mountain Apache) Indian Reservations in Arizona as potential release areas that had not yet been evaluated.²⁸

Although the Plan seemed to be in near-final format, without much explanation it was abandoned and never issued for public review. Based on an account from David Parsons, the Mexican Wolf Recovery Coordinator from 1990 to 1999, the Service abandoned the recovery planning effort in favor of completing a NEPA process for reintroduction of wolves into the wild, as required per a settlement agreement with conservation groups (including Wolf Action Group, which was later folded into the Center).²⁹ In short, the Service failed to dedicate the staff and budget to complete both the reintroduction plan and recovery plan, so the recovery plan fell by the wayside.³⁰

Nevertheless, there were hints that despite the stalled 1995 plan, the Service planned to move forward with recovery planning. In April 1996, The World Conservation Union's Species Survival Commission circulated a draft report of the Mexican Wolf Population Viability Analysis exercise that had been conducted during a recovery team meeting the previous October.³¹ Phillip Miller, the Union's Program Officer, requested revisions and indicated that he believed the report would “be a useful contribution to the updated Mexican Wolf Recovery Plan.”³² If the Service had already



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made plans to forego the 1995 Plan, it is clear that not everyone was aware of that decision. Nevertheless between the time the 1995 Plan was drafted and 2003, no recovery plan moved forward.

B. THE SERVICE'S SECOND ATTEMPT TO PREPARE A RECOVERY PLAN

In April 2003, the Service reclassified the gray wolf from endangered to threatened in portions of the lower 48 while simultaneously establishing three Distinct Population Segments, including the Southwestern DPS under which the Mexican gray wolf fell and which retained endangered status.³³ Notably, the exterior boundary of the Southwestern DPS defined in this rule encompassed Arizona, New Mexico, southern Utah, southern Colorado, western Texas and western Oklahoma.³⁴

Shortly thereafter, in August 2003, the Service convened a group coined the Southwestern Gray Wolf Distinct Population Segment Recovery Team to take a second stab at revising the outdated 1982 Mexican Wolf Recovery Plan.³⁵ The Service indicated that the new plan would include “collaboration with Mexico and will contain biologically-based recovery goals and objectives, downlisting/delisting criteria, and a description of necessary actions to achieve recovery of the gray wolf in the Southwest DPS.”³⁶ Although a recovery team meeting had been held on Oct. 21 and Oct. 22, 2003 in Albuquerque, the Service noted that then-Mexican Wolf Recovery Coordinator Brian Kelly had accepted another position within the Service, and therefore the agency would have to fill the recovery coordinator role.³⁷ The agency anticipated hiring a

recovery coordinator by early 2004 and completing a new recovery plan by the end of 2005.³⁸

The Service's 2004 Annual Progress Report demonstrated that the recovery team was making progress in completing a new recovery plan.³⁹ The vacant coordinator position was filled in November 2004 by Dr. John Morgart who had an impressive scientific background, though no direct experience working with Mexican wolves.⁴⁰ The recovery team met four times in 2004 and began to work through several significant issues regarding the scope of the recovery planning effort, including “(1) the relevance of new genetic information to our understanding of the historic range of gray wolves in the Southwestern United States; (2) opportunities for bi-national collaboration between the United States and Mexico in achieving recovery goals and management of wolf populations; and (3) habitat suitability in the Southwestern United States and Mexico.”⁴¹ The Service also indicated that the recovery team had begun developing draft recovery criteria, and it would begin drafting the recovery plan in 2005.⁴²

But the plan was never completed. In 2005, the Service once again abandoned recovery planning efforts after two separate U.S. District Courts vacated the 2003 reclassification of the gray wolf, essentially nullifying and voiding the three DPSs, and gray wolves once again became the listed entity under the Endangered Species Act. See *National Wildlife Fed'n v. Norton*, 386 F. Supp. 2d 553 (D. Vt. 2005); *Defenders of Wildlife v. Sec'y, United States Dept. of the Interior*, 354 F. Supp. 2d 1156 (D. Or. 2005). Following the rulings, the Service put an immediate halt to the completion of a

recovery plan, concluding that “its charge to develop a recovery plan for the SWDPS was no longer valid since the DPS no longer existed.”⁴³ Although the Department of Interior issued a statement on Dec. 16, 2005 indicating that it would not appeal the U.S. District Court decisions, the Southwest Region “was unable to make any decisions to continue, discontinue, or redefine the purpose of the Recovery Team and the recovery planning effort because clear guidance at the national level had still not been obtained.”⁴⁴

These rulings, however, did not require the Service to stop recovery planning efforts. Indeed, the Service recognized the need for a recovery plan long before the 2003 Rule. And in fact, in Nat'l Wildlife Fed'n, plaintiffs challenged the Fish and Wildlife Service's decision to proceed with three different recovery plans for gray wolves, including a recovery plan for Mexican gray wolves in the southwestern U.S. and Mexico. 386 F. Supp. 2d at 567-68. The court, however, found that the Service had not violated the law by proceeding with these three separate plans, essentially giving the agency the green light to continue down this path and proceed with recovery planning efforts for the Mexican gray wolf. Id. at 568 (holding that “the Secretary's decision to proceed with three recovery plans for the gray wolf rather than one comprehensive national plan must be afforded . . . deference.”)

Despite judicial backing to continue with recovery planning efforts, the Service put preparation of a recovery plan for the Mexican gray wolf on hold once again. In the meantime, the agency initiated a process to compile and assess the data generated by past recovery efforts to put together a Mexican Gray Wolf Conservation Assessment, described as a non-regulatory document containing a synthesis and summary of data generated during all previous recovery planning efforts for the Mexican wolf.⁴⁵ Preparation of the conservation assessment began in April 2008, and a draft of it was released for public and peer review in 2009.⁴⁶ FWS believed that “[t]he data presented in the Conservation Assessment should streamline future recovery planning for the Mexican wolf.”⁴⁷

Also in 2008 and throughout 2009, the Service convened a team of biologists, led by experts in structured decision making from the United States Geological Survey, and administrators in the affected regions undertook a comprehensive evaluation of a suite of alternative gray wolf listing classifications.⁴⁸ The agency also convened experts on Mexican wolf biology and management to apply a DPS or subspecies tradeoff analysis to the Mexican wolf.⁴⁹ Although

the team failed to reach consensus for wolf listing nationwide by the end of 2009, the team “generally agreed . . . that the Southwest qualifies as a listable entity at either the Mexican wolf subspecies level, or as a DPS, and is a desired part of the distribution of wolves in North America.”⁵⁰

In 2010, the Service finished the Conservation Assessment.⁵¹ The Southwest Distinct Population Segment Recovery Team contributed to the conservation assessment, which was meant to encompass some of the scientific concepts and information the team had discussed before the Service put the recovery planning effort on hold in 2005.⁵² The purpose of the conservation assessment is to provide an unbiased account of the best available science and literature, and thus “may provide background information needed for future recovery planning . . .”⁵³ The document makes no recommendations, however, and is solely to be used as a source of information.⁵⁴ But importantly, the conservation assessment stressed the need for an up-to-date recovery plan for conservation and recovery of the Mexican gray wolf to move forward, and even seemed to question why recovery planning efforts had not yet resumed.⁵⁵ It stated:

Although substantial progress in implementing the 1982 Mexican Wolf Recovery Plan has been achieved, a revised recovery plan has never been developed to establish recovery criteria specific to the Mexican wolf subspecies or the gray wolf in the Southwest Region. Thus, other than the population objective for the reintroduced Mexican wolf population in Arizona and New Mexico, the gray wolf recovery effort in the Southwest operates without any guidance in terms of the number and distribution of wolves considered adequate for recovery and delisting. A recovery team was convened by the Southwest Region in 2003 to revise the 1982 plan, but the Service put the effort on hold in 2005 as it determined how to respond to several court cases related to gray wolf reclassification and delisting. Although the Service has resolved these issues and moved forward with delisting gray wolves in the Northern Rockies and Great Lakes, the recovery team has not been reconvened.⁵⁶

Thus, in the conservation assessment, the Service itself recognized the dire need for a recovery plan and questioned the agency's foot-dragging related to its preparation.

C. THE SERVICE'S THIRD ATTEMPT TO PREPARE A RECOVERY PLAN

1. Preparation of the September 2011 Preliminary Draft Plan.

Throughout most of 2010, little progress was made towards development of a recovery plan.⁵⁷ Fed up with the delay, conservation scientists began urging the Service to reinitiate recovery planning for the Mexican gray wolf.⁵⁸ Finally, in December 2010, the Service sent letters inviting participants to the new Mexican Wolf Recovery Team, which would include four subgroups: Science and Planning, Tribal Liaisons, Stakeholder Liaisons, and Agency Liaisons.⁵⁹

Coincidentally, on the same day the Service sent letters inviting participants to the new recovery team, several members of Congress sent a letter to Interior Secretary Ken Salazar urging the agency to take several measures to protect the declining reintroduced Mexican wolf population, including convening a scientific recovery team to draft a new Mexican wolf recovery plan.⁶⁰ The letter suggested that the team draft a recovery plan as soon as January 2011 and that the Southwestern Regional Director should sign off on the plan by the end of February 2011.⁶¹ The congressional members also emphasized that this recovery planning effort should be undertaken concurrently with moving forward on a modification to the 1998 10(j) reintroduction rule,⁶² suggesting that “a draft rule should be submitted for public notice immediately after the regional director signs the recovery plan in February 2011, and a final rule approved by the end of August 2011.”⁶³

Secretary Salazar responded to this letter on Jan. 12, 2011, responding to each Congressional member who signed the December letter separately with identical letters that addressed each point raised.⁶⁴ His letter noted that the Service had selected a science recovery team and had sent invitation letters to prospective members, and that the first meeting of the new Mexican Wolf Recovery Team was planned for February 2011.⁶⁵ He noted that the February meeting “will initiate our efforts to draft a new Recovery Plan for the Mexican Wolf.”⁶⁶

In February of 2011, Western Watersheds Project staff member Greta Anderson drafted letters requesting information on the Mexican Wolf Recovery Team.⁶⁷ Joy Nicholopoulos, then acting regional director for the New Mexico office, responded by letter dated March 15, 2011.⁶⁸ Ms. Nicholopoulos described the composition of the recovery team, which was to be

led by Peter Siminski, including its sub-groups and liaison groups.⁶⁹ Although she noted that recovery team meetings were not open to the public, she assured that the public would be kept apprised of the recovery planning process, and seemed to indicate that recovery planning was moving forward:

We are committed to producing a recovery plan that is consistent with the best scientific information and that provides clear, objective, and practical recommendations for recovery actions. Public and peer review will occur when the draft is complete.⁷⁰

And recovery planning efforts did begin to move forward again. The recovery team produced an internal draft Mexican Wolf Revised Recovery Plan dated Sept. 16, 2011.⁷¹ Similar to the draft 1995 Recovery Plan, this draft 2011 plan recommended goals for downlisting and for delisting. The draft plan suggested that “[d]ownlisting to threatened status would be appropriate when three populations, each with a census population of at least 100 individuals, had been maintained in the wild for 2 successive generations (8 years) along with a stable or increasing trend in census size over the same period.”⁷² Additionally, for downlisting to occur, the criterion for maximum human-caused mortality rate would also need to have been met, which as of the time of this draft was not yet fully determined, but the team expected completion of the analysis within a month.⁷³ The draft plan suggested that a criterion that specifically addresses human-caused mortality was appropriate because of the great threat that human-caused mortality rates had on recovery, including high rates of removal from the wild due to Service management activities.⁷⁴

For delisting, the Service determined that “[a] metapopulation of at least 750 individuals that has persisted for 2 successive generations (8 successive years), containing a minimum of 3 subpopulations in the wild, each with a census population of at least 200 individuals that has been maintained for 2 successive generations (8 successive years), with a stable or increasing trend in the census size of the metapopulation over the same period” would be necessary.⁷⁵ Additionally, before delisting could occur, there would have to be demonstrated “[c]onnectivity between these subpopulations at an average rate (over a period of 2 generations [8 years]) of at least 4 census migrants per generation or 1 genetically effective migrant per generation (4 years) into each subpopulation.”⁷⁶ The criteria leaves room for alternatives that would rely upon lower dispersal levels

but a larger metapopulation size, or more than three subpopulations with greater connectivity or census metapopulation size.⁷⁷

Although most of the Science and Planning Subgroup agreed on the recovery criteria as presented in this draft plan, Jim Heffelfinger of Arizona Game and Fish Department filed a dissenting opinion.⁷⁸ Mr. Heffelfinger's major concern was criteria that would potentially utilize areas in Arizona, which he argued were outside of the historical range of the Mexican wolf. Mr. Heffelfinger continued to push back on the recovery criteria over the next year, until in December 2012 he finally resigned from the Science and Planning Subgroup.⁷⁹

The months following the September draft recovery plan were met with a firestorm of letters and meetings. On Sept. 21, 2011, just five days after the date of the draft plan, the state of Utah's Division of Wildlife Resources and Department of Natural Resources sent a letter to Service Director Dan Ashe taking exception with many of the recovery criteria in the draft plan, which had been presented by the science team subgroup to the full Mexican Wolf Recovery Team.⁸⁰ The letter focused on keeping wolves out of Utah and requested assurances that Utah would be in charge of managing any wolf that entered Utah.⁸¹ The Governor of Utah, Gary Herbert, wrote a letter to Secretary Salazar echoing these concerns the following day.⁸² The Service replied to these letters, emphasizing that "[t]he comments and perspectives of the affected States are crucial to the Service as we determine how to proceed with management of the Mexican wolf under the Endangered Species Act (ESA)."⁸³ The agency also noted that it would conduct a more frank discussion on Nov. 10, when Division Director James Karpowitz was scheduled to meet with Southwest Regional Director Benjamin Tuggle and his staff.⁸⁴

In mid-October, Colorado Parks and Wildlife, an Agency Liaison Group of the Mexican Wolf Recovery Team, submitted comments to Tracy Melbiness, the Mexican Wolf Recovery Team Manager, regarding the draft 2011 plan.⁸⁵ Like Utah, Colorado expressed concern about the geography of recovery, asserting that the Mexican gray wolf recovery area should not include Colorado.⁸⁶ Colorado also argued that human-caused mortality was an inappropriate factor for downlisting because it "is an indirect measure of population change."⁸⁷

On Nov. 10 the Service held a meeting with Utah officials, with Colorado representatives attending by phone.⁸⁸ At the meeting, the Service clarified that even if the historical range of the Mexican wolf did not extend into Colorado and Utah, "nothing in the ESA talks about historical habitat."⁸⁹ Rather, "[t]he range of a species constricts and expands" and habitat essential to the conservation of the species constitutes "[w]hat



is needed is to sustain a species into the future.”⁹⁰ The Service noted that “it’s difficult to say that Utah and Colorado are not integral” to recovery of the Mexican wolf, but representatives from Utah, along with their attorney, continued to argue throughout the meeting that Utah should not be included in the recovery area.⁹¹ The Service did offer the state representatives reassurance, however, when Mr. Tuggle “committed to talking to states before moving the recovery plan forward.”⁹² Furthermore, he noted that the Service would need Utah support - support that clearly was lacking - to have recovery of Mexican wolves in Utah.⁹³

There was no indication this “necessary support” would be forthcoming any time soon. Just a month after the November meeting, Washington County Officials in Utah wrote a letter to the Service after having learned of the Sept. 16, 2011 draft recovery plan, characterizing the potential introduction of the Mexican Wolf into southern Utah northward to Interstate 70 and westward to Interstate 15 as “a most alarming and drastic measure.”⁹⁴ The Service responded to Washington County’s letter, assuring it that the draft recovery plan was preliminary and likely to change, and that the recovery criteria outlined in the draft did not represent the Service’s position because the plan was not approved and signed by the director.⁹⁵ The Service also noted that were it to consider introducing wolves to Utah, it would do so under a Nonessential, Experimental Population designation, and any such rule making “would be at least several years from now and would take several more years to complete.”⁹⁶ It seemed as though the agency’s desire to placate the states, and specifically Utah, was leading the agency to make pre-decisional promises that were more politically-based than science-based.

On Dec. 2, in an apparent effort to continue seeking support for Mexican wolf recovery by the states, Service officials met with the Arizona Game and Fish Commission.⁹⁷ Although the commission indicated that it planned to continue to support Mexican wolf conservation in Arizona, it asserted during this meeting that it planned to withdraw support for future release of wolves until a revision to the Mexican Wolf Recovery Plan, a revision to the Section 10(j) Rule, and an accompanying EIS were completed.⁹⁸ The Service assured the commission that they were moving “expeditiously forward” with a revision to the 1982 Recovery Plan and that the “Recovery Plan will provide the foundation for a revision to the 10(j) rule, both in terms of boundaries and management.”⁹⁹ Mr. Tuggle indicated that all three processes - the recovery plan, the 10(j) rule, and NEPA - were expected to be

completed by 2016.¹⁰⁰ Despite efforts to convince the commission to support continued releases of Mexican wolves in Arizona while these processes were ongoing, Arizona officials insisted on clarification in writing as to the geography of recovery boundaries.

Despite wavering support from the states, recovery planning efforts were moving forward. At the end of 2011, the Service predicted that a draft version of a new recovery plan was expected in November, 2012 for public and peer review.¹⁰¹ It also predicted that a final plan may be completed by the end of 2013.¹⁰²

By letter dated April 4, 2012, Mr. Tuggle wrote to Gov. Randall Vicente of the Pueblo of Acoma tribe to update affected tribes on the status of the recovery planning efforts.¹⁰³ In this letter, Mr. Tuggle noted that the timeline to publish a draft plan had been pushed back slightly. Although just a month earlier Mr. Tuggle had noted that a draft would be completed in late 2012 with a final plan in 2013, he now predicted that a draft plan would be published in early 2013 and finalized in late 2013 or early 2014.¹⁰⁴ There was no explanation as to why these dates got pushed back.

While grappling with the states, the Service was simultaneously trying to engage Mexico in the process. Mexican Wolf Recovery Coordinator Sheryl Barrett had formally invited Oscar Ramirez, Director, from Mexico to attend the November 2011 recovery team meeting in Albuquerque to discuss bi-national collaboration on Mexican wolf recovery between Mexico and the United States.¹⁰⁵

By twin letters dated Feb. 3, 2012, Ms. Barrett invited Dr. Jorge Servin, professor in the Department of Man and His Environment from Universidad Autonoma Metropolitana-Xochimilco, and Oscar Ramirez, to attend recovery team meetings in Albuquerque scheduled for Feb. 14-15 and April 17-19, 2012.¹⁰⁶ Ms. Barrett again indicated that the team would be discussing opportunities for bi-national collaboration on Mexican wolf recovery. B the meetings were never held.¹⁰⁷

On March 5, 2012, the Service wrote a letter to Ramirez to seek clarification on the role of Mexico in the development of the Revised Mexican Wolf Recovery Plan.¹⁰⁸ In that letter, Mr. Tuggle noted that the Service was still on schedule to publish a draft plan in late 2012 and a final Plan in 2013.¹⁰⁹ Mr. Tuggle offered up three different scenarios for bi-national collaboration in the letter, asking Mr. Ramirez to choose the degree of bi-national cooperation as he

saw fit.¹¹⁰ Mr. Tuggle requested an answer so that he could inform the team at its April meeting.¹¹¹ It does not appear as though any response from Mexico was forthcoming.

2. Internal Release of the May 2012 Preliminary Draft Plan.

In May 2012, the recovery team internally released another preliminary draft plan for recovery team review.¹¹² The draft identified Arizona, New Mexico, extreme western Texas, southern Colorado and southern Utah as potential areas for establishing Mexican wolf populations.¹¹³ The draft also included recovery criteria for both downlisting and delisting. Specifically, the Mexican gray wolf will be downlisted from endangered to threatened when 1) three populations, each with a census population of at least 100 individuals, had been maintained in the wild for 2 successive generations (8 years); 2) the overall population trend of Mexican wolves is stable or increasing over 8 years, as measured by a statistically reliable monitoring effort, and 3) the estimated rate of human-caused losses during an 8 year period, as measured by a statistically reliable monitoring effort, is less than 17 percent.¹¹⁴

For delisting, the draft plan required an adequate population size under three different scenarios:

Option 1: A metapopulation of at least 850 individuals containing a minimum of 4 populations in the wild, that have persisted for 2 successive generations (8 successive years) at or above the following sizes: three primary core populations each with a census population of at least 200 individuals, and a total population size of at least 750, and a secondary core population with a census population of at least 100 individuals.

Option 2: A metapopulation of at least 750 individuals containing a minimum of 3 primary core populations in the wild, that have persisted for 2 successive generations (8 successive years) with a census population of at least 200 individuals each. Individuals in excess of the number required for the 3 primary core populations to reach the size stated above may occur as part of any of the 3 primary core populations.

Options 3: A metapopulation of at least 750 individuals containing a minimum of 3 primary

core populations in the wild, that have persisted for 2 successive generations (8 successive years) with a census population of at least 250 individuals each.¹¹⁵

In addition to reaching an adequate population size, the draft plan contained four additional criterion required for delisting. First, there would have to be adequate population connectivity, which would consist of:

[i]mmigration into each of the 3 primary core populations via natural dispersal at a rate not less than 0.5 genetically effective migrants per generation, averaged over a period of 2 successive generations (8 successive years), as measured by a statistically reliable monitoring effort. If the metapopulation as a whole is equal to or greater than 850 individuals in size, immigration into one of the three primary core populations may be less than 0.5 genetically effective migrants per generation.¹¹⁶

Additionally, a stable population trend would be necessary, as indicated by “[t]he overall population trend of Mexican wolves throughout the range is stable or increasing over 8 years, as measured by a statistically reliable monitoring effort.”¹¹⁷ Post-delisting monitoring and adequate state management plans along with post-delisting regulatory protection would also be necessary for delisting.¹¹⁸

Although there was near consensus on the recovery criteria as presented in the 2012 draft, Jim Heffelfinger of Arizona Game and Fish Department once again took issue with the draft plan.¹¹⁹ According to the Arizona Game and Fish Department, the recovery criteria were flawed for several reasons, most of which centered on the numerical recovery criteria and additional recovery areas in Arizona.¹²⁰

In June, Mr. Ramirez finally responded to Mr. Tuggle’s letter.¹²¹ Although the translated version of the letter is somewhat difficult to understand, Mr. Ramirez seemed to express concern that developing a bi-national plan that meets the legal requirements of both countries would cause a delay in the process, noting Mr. Tuggle’s original assertion that a plan would be finished in 2012-2013.¹²² Mr. Ramirez noted that a plan was already in place in Mexico that established aims and goals for the short and mid-term, to move towards recovery of the species.¹²³ In order to not delay the development of recovery criteria that may have direct effects on the listing or downlisting of the Mexican gray wolf, Mr. Ramirez urged the Service

to continue on its path towards development of the plan and Mexico would consider providing support through a Letter of Intent or a Memorandum of Understanding.¹²⁴ Mr. Ramirez also suggested that the Service include in the plan achievements made in Mexican territory regarding establishment of wild populations, and suggested three people the Service could contact for more information and to help out with problems the recovery team was discussing.¹²⁵

Despite Mr. Ramirez's request that the Service continue with developing the recovery plan, Mr. Tuggle canceled the recovery meeting scheduled for June 6, 2012 with the stated reason being that there was a need for a more complete evaluation of wolf habitat in Mexico and a need to include Mexico in preparing a Bi-national Recovery Plan.¹²⁶ Many that had been anticipating the already long-overdue release of a recovery plan expressed their frustration about this sudden cancelation, including members of the recovery team itself. Peter Siminski, for example, drafted a letter to Mr. Tuggle expressing frustration about the decision and requesting a teleconference with the Science and Planning Subgroup to discuss the cancelation, to which Mr. Tuggle acquiesced.¹²⁷ In a follow-up letter, Mr. Tuggle acknowledged Mr. Siminski's "frustration" and his "desire to maintain the momentum of the Team during this critical phase of recovery plan development," but nevertheless stood by his decision to postpone the meeting, referencing the need for the Science and Planning Subgroup ("SPS") to strengthen findings before discussion with the full team, upcoming meetings with colleagues in Mexico, and a new contract with a company hired to help the group articulate their findings and resolve issues with the one team member who did not support the criteria proposed under the 2012 draft (Mr. Heffelfinger of Arizona).¹²⁸ Mr. Tuggle also ensured that a meeting with the full Team would be rescheduled for discussion of the draft recovery criteria.¹²⁹

Other groups closely watching the development of the recovery plan also expressed frustration and concern. Eva Sargent of Defenders of Wildlife, for example, drafted a letter expressing concern about the canceled meeting.¹³⁰ Mr. Tuggle responded with a letter similar to the one he sent Mr. Siminski, additionally declining to release the draft plan at that time but noting that the recovery team would be meeting in the fall to discuss opportunities for early peer review of portions of the draft recovery plan.¹³¹

Also in response to the cancelled recovery team meeting, the American Society for Mammalogists, the

Society for Conservation Biology, and the Society for Ecological Restoration wrote a letter to Director Ashe offering assistance and scientific expertise to complete the recovery plan, noting that the recovery planning effort had reached "an impasse."¹³² Furthermore, they offered to conduct an expedited peer review of the latest draft recovery document.¹³³

Then-Acting Regional Director Joy Nicholopoulos responded to this letter, assuring that there was no "impasse" in the development of the recovery plan, and that the team was continuing to move forward with its development.¹³⁴ Ms. Nicholopoulos also mentioned that there was "a diverse array of recovery partners from the United States and Mexico" on the recovery team, and noted that "the Recovery Team's plan will have to be biologically defensible and provide innovative ways of restoring the wolf to a working landscape occupied by people with diverse expectations of the land and its resources."¹³⁵ She further expressed that she was supportive of the preliminary recovery criteria as presented in the May 2012 draft, but that such criteria were still in the development stage and that any peer review would be "premature."¹³⁶ And through this communication, the Service revealed new dates for completion of a recovery plan, once again pushing back the release: a recovery plan would be completed and released for public and peer review in 2013, and a final recovery plan would be completed in 2014.¹³⁷

Not surprisingly, some groups applauded the sudden delay. Several Arizona hunting groups, for example, sent a letter to the Arizona Game and Fish Department supporting the postponement, once again voicing their concern about more wolves potentially being released in or near Arizona.¹³⁸

In mid-August, several Service employees and members of the recovery team traveled to Mexico City to learn more about recovery efforts in Mexico.¹³⁹ Experts presented a great deal of information on the areas selected for Mexican wolf reintroduction, habitat quality, and prey availability.¹⁴⁰ The group also reviewed results from the release of six wolves in the fall of 2011 and spring of¹⁴¹ 2012. Of the five wolves released in October 2011, four were confirmed dead, and the fifth lost signal in May 2012.¹⁴² The single wolf released in March 2012 was confirmed dead within several days of release.¹⁴³ At least some, if not all of the wolves, died as a result of poisoning, and testing showed the wolves likely ingested poison from different sources in different areas.¹⁴⁴ It did not appear as though reintroduction efforts in Mexico were going to be met with much success.

Nevertheless, as collaboration with Mexico threatened to further stall recovery planning efforts in the United States, the states jumped on board to support the bi-national collaboration. The Arizona Game and Fish Department drafted a letter to Dan Ashe shortly after the August meeting, noting how “recent momentum in wolf recovery actions in Mexico is encouraging” as “[i]t makes little sense for the two countries to work separately toward the same goal.”¹⁴⁵ And as Mr. Voyles enthusiastically supported this newfound collaborative effort, he reiterated his belief that recovery should be limited to the wolf’s “historical range,” emphasizing that “a significant portion of historical range” lies in Mexico.¹⁴⁶

Several Arizona hunting groups -- Arizona Sportsmen for Wildlife Conservation, Arizona Deer Association, Arizona Desert Bighorn Sheep Society, and Arizona Antelope Foundation -- also sent a letter to Mr. Tuggle to voice their strong support for bi-national collaboration and the associated delay in recovery planning efforts.¹⁴⁷ Taking the opportunity to again make clear their desire to keep wolves out of Arizona, they expressed their belief that “the exclusion of Mexico as suitable habitat for Mexican gray wolves is as nonsensical as including areas north of the Grand Canyon as being suitable habitat for this subspecies.”¹⁴⁸ While discussing their request for a bi-national GIS-based evaluation, the groups failed to conceal their true intentions, openly thanking the Service for the “decision to delay the planned recovery team meeting.”¹⁴⁹

But not everyone in Arizona celebrated another delay of the recovery plan. White Mountain Conservation League, for example, drafted a letter to Mr. Tuggle expressing disappointment over the cancelation of the June meeting and urged “immediate resumption of the Mexican wolf recovery planning process and the most expeditious completion of that process.”¹⁵⁰ The Service responded, assuring the White Mountain Conservation League that “the recovery planning process for the Mexican wolf is not stalled,” noting that the Science and Policy Subgroup met in October 2012 and in December 2012 to continue the recovery planning process.¹⁵¹

Similarly, on Oct. 17, 2012, U.S. Rep. Raúl Grijalva from Arizona along with Congressman Jared Polis of Colorado sent a letter to Director Ashe requesting, among other things, that the Service release a timeline within 90 days for making a draft of the recovery plan available for public review and comment.¹⁵² In response, Ashe noted that a Science and Planning Subgroup meeting was scheduled for Dec. 12, and the team anticipated finalizing recommendations for

recovery criteria at the meeting, which would provide the basis for completing a draft recovery plan.¹⁵³ He reiterated the newest dates for recovery planning, with a draft plan out for public review in 2013 and a final recovery plan completed by 2014.¹⁵⁴

Unlike previous annual reports, however, the 2012 annual report did not include any anticipated dates for release of the recovery plan. Rather, the report simply noted that “[a] draft plan will be submitted for public and peer review prior to the publication of the final recovery plan.”¹⁵⁵ The Service’s unwillingness to even mention potential dates for release of the draft recovery plan created further apprehension among those monitoring the recovery planning process. And indeed, to date, a proposed recovery plan has not been released for public review.

3. Internal Release of the March 2013 Draft Recovery Criteria.

As promised, however, the Science and Planning Subgroup continued to develop and revise criteria for the Mexican wolf recovery plan, and in March 2013 the group put together a slide show to present its draft criteria to the whole recovery team.¹⁵⁶ After recounting the threats and difficulties facing the recovery of Mexican gray wolves in the wild, including the social and political extremes of support and opposition to recovery, the Subgroup proposed three options for recovery, all of which call for a minimum of 750 Mexican gray wolves spread across three different populations in the United States with effective migration between populations, with the possibility of one additional population in Mexico.¹⁵⁷ The group found several areas of suitable habitat within the U.S., including land in New Mexico, Arizona, southern Utah, southern Colorado, and Texas, though the land identified in Texas lacks connectivity to the other suitable habitat areas.¹⁵⁸

The subgroup also analyzed recovery challenges in Mexico, noting that there is low prey density, most suitable land is privately owned, there are high cattle densities which may lead to conflicts, and there is low connectivity.¹⁵⁹ Thus, while it may be useful to reintroduce some Mexican gray wolves in Mexico in an attempt to establish a population there, “[s]ites can only support small populations and expected population persistence is low.”¹⁶⁰ The group concluded that “[h]abitat in Mexico is inadequate for recovery due to lack of large protected areas and insufficient prey; thus, recovery needs to occur in suitable habitat in the United States.”¹⁶¹

The Science and Planning Subgroup briefed Director Ashe in Washington, D.C. on the subgroup's draft recovery criteria in March 2013 and reportedly completed another draft recovery plan in May 2013.¹⁶² The recovery team, however, was never reconvened to review this proposal. Without much explanation, not a single full recovery team meeting was held in 2012 or 2013.¹⁶³ According to the Service, “[a]s of summer 2013, Service staff tasked with recovery team oversight have been reassigned to high priority rule development, and will return to recovery planning upon completion of these rules.”¹⁶⁴

The Service once again quashed all the time and effort that had gone into recovery planning just when the team was on the brink of completing a plan. With yet another excuse, this time the Service says agency staff cannot complete both the recovery plan and the revisions to the 1998 10(j) rule -- revisions that were also long overdue and now required as a result of a settlement agreement.¹⁶⁵ But the Service itself had not long ago recognized that a recovery plan was necessary to guide the rule. To now move forward with the rule without the guidance of the recovery plan, especially when one was so close to completion, is nonsensical.

IV. RECOMMENDATIONS AND CONCLUSIONS

With so many failed attempts and so many alternate pretexts, the Service's delay of preparing a recovery plan for the Mexican gray wolf is significantly impacting the recovery chances for this species. More than 15 years after reintroduction, wolf numbers have not grown to a stable population or reached a desired number of breeding pairs necessary to even sustain minimum population goals. Furthermore, because all wolves released have come from such a small captive population, there are serious concerns as to how genetics will impact the species now and into the future. With the knowledge that the small population of Mexican gray wolves in the wild could be on the brink of collapse, the Service has nevertheless given in to political pressure instead of finalizing and releasing a desperately needed recovery plan. This delay is inappropriate, disappointing, and illegal, and could have significant impacts on the recovery of the Mexican gray wolf for years to come.

In order to immediately correct this delay, the Service must reconvene the recovery team and finalize a recovery plan for the Mexican gray wolf. This plan must be based on the best available science in all respects, including the range of recovery for the Mexican gray wolf and the recovery criteria necessary for downlisting and eventual delisting. The plan should be used to guide the 10(j) rule and all future management decisions for Mexican gray wolves.

Val Halstead / Wolf Haven International



(Endnotes)

- ¹ Carroll et al. 2014. Developing Metapopulation Connectivity Criteria from Genetic and Habitat Data to Recover the Endangered Mexican Wolf, 28 Conservation Biology 76, 77 (2014).
- ² FWS subsumed this listing into a nationwide, species-level listing of the gray wolf in 1978, although the Service retained its commitment to conserve the Mexican gray wolf as a separate subspecies. 43 Fed. Reg. 9607 (Mar. 9, 1978); id. at 9609.
- ³ U.S. Fish and Wildlife Service, Mexican Wolf Recovery Program: Progress Report 4 (Reporting Period: January 1 - December 31, 2001), at 1.
- ⁴ U.S. Fish and Wildlife Service. 2010. Mexican Wolf Conservation Assessment. Region 2, Albuquerque, New Mexico, USA, at 11.
- ⁵ U.S. Fish and Wildlife Service. 1982. Mexican Wolf Recovery Plan. U.S. Fish and Wildlife Service, Albuquerque, New Mexico. 103pp. (hereinafter, “1982 Plan”).
- ⁶ Id. at 23.
- ⁷ Id.
- ⁸ Id. at 1.
- ⁹ Id.
- ¹⁰ See, e.g., Endangered and Threatened Wildlife and Plants; Final Rule to Reclassify and Remove the Gray Wolf from the List of Endangered and Threatened Wildlife in Portions of the Conterminous United States; Establishment of Two Special Regulations for Threatened Gray Wolves, 68 Fed. Reg. 15,804, 15,811 (Apr. 1, 2003) (noting that the 1982 Mexican Wolf Recovery Plan was “preliminary” and “is focused more on assuring the survival of wolves in the Southwest and Mexico, rather than on recovering and delisting them.”).
- ¹¹ Id. at 31.
- ¹² U.S. Fish and Wildlife Service. 2010. Mexican Wolf Conservation Assessment. Region 2, Albuquerque, New Mexico, USA.
- ¹³ Id. at 11.
- ¹⁴ Id.
- ¹⁵ Id. at 14.
- ¹⁶ U.S. Fish and Wildlife Service. 1995. Mexican Wolf Recovery Plan (Draft). Albuquerque, NM. 108pp.
- ¹⁷ Id. at 11-13.
- ¹⁸ Id. at 13-15.
- ¹⁹ Id. at 7.
- ²⁰ Id.
- ²¹ Id.
- ²² Id.
- ²³ Id. at 9.
- ²⁴ Id. at 10.
- ²⁵ Id.
- ²⁶ Id. at 48.
- ²⁷ Id. at 49.
- ²⁸ Id.
- ²⁹ Email from David Parson to Michael Robinson (10-14-2014).
- ³⁰ Id.
- ³¹ Phillip Miller, Program Officer, The World Conservation Union, Mexican Wolf Population Viability Analysis Draft Report (April 18, 1996).
- ³² Id.
- ³³ 68 Fed. Reg. 15,804.
- ³⁴ Id. at 15,818.
- ³⁵ U.S. Fish and Wildlife Service, Mexican Wolf Recovery Program: Progress Report 6 (Reporting Period: January 1 - December 31, 2003), at 5.
- ³⁶ Id.
- ³⁷ Id.
- ³⁸ Id.
- ³⁹ U.S. Fish and Wildlife Service, Mexican Wolf Recovery Program: Progress Report 7 (Reporting Period: January 1 - December 31, 2004).
- ⁴⁰ Id. at 7.
- ⁴¹ Id. at 6.
- ⁴² Id. at 6-7.
- ⁴³ U.S. Fish and Wildlife Service, Mexican Wolf Recovery Program: Progress Report 8 (Reporting Period: January 1 - December 31, 2005), at 5.
- ⁴⁴ Id. at 6.
- ⁴⁵ U.S. Fish and Wildlife Service, Mexican Wolf Recovery Program: Progress Report 11 (Reporting Period: January 1 - December 31, 2008), at 6.

⁴⁶ Id.; U.S. Fish and Wildlife Service, Mexican Wolf Recovery Program: Progress Report 12 (Reporting Period: January 1 - December 31, 2009), at 4.

⁴⁷ U.S. Fish and Wildlife Service, Mexican Wolf Recovery Program: Progress Report 11 (Reporting Period: January 1 - December 31, 2008), at 6; U.S. Fish and Wildlife Service, Mexican Wolf Recovery Program: Progress Report 12 (Reporting Period: January 1 - December 31, 2009), at 4.

⁴⁸ U.S. Fish and Wildlife Service, Mexican Wolf Recovery Program: Progress Report 12 (Reporting Period: January 1 - December 31, 2009), at 4-5.

⁴⁹ Id. at 5.

⁵⁰ Id.

⁵¹ U.S. Fish and Wildlife Service. 2010. Mexican Wolf Conservation Assessment. Region 2, Albuquerque, New Mexico, USA.

⁵² Id. at 3.

⁵³ Id. at 5.

⁵⁴ Id. at 5.

⁵⁵ See, e.g., id. at 31 (“The Mexican wolf recovery program in the Southwest operates in absence of an up-to-date recovery plan that would situate the [Blue Range Wolf Recovery Area] population as an integral component of regional and national gray wolf recovery.”).

⁵⁶ Id. at 7-8.

⁵⁷ U.S. Fish and Wildlife Service, Mexican Wolf Recovery Program: Progress Report 13 (Reporting Period: January 1 - December 31, 2010), at 3-5.

⁵⁸ See, e.g., ltr. from Society for Conservation Biology to FWS, Comments by the Society for Conservation Biology - North America Section on 50 CFR Part 17 26086-26145 (RIN 1018-AX57) - Proposed Rule to Revise the List of Endangered and Threatened Wildlife for the Gray Wolf (*Canis lupus*) in the Eastern United States, Initiation of Status Reviews for the Gray Wolf and for the Eastern Wolf (*Canis lycaon*) (July 5, 2010) (noting SCB-NA submitted comments to FWS in November 2010 recommending initiation of recovery planning for the Mexican wolf).

⁵⁹ U.S. Fish and Wildlife Service, Mexican Wolf Recovery Program: Progress Report 13 (Reporting Period: January 1 - December 31, 2010), at 5.

⁶⁰ Ltr. from Members of Congress to Ken Salazar (Dec. 1, 2010).

⁶¹ Id.

⁶² Id. at 2.

⁶³ Id. at 2.

⁶⁴ Ltrs. from Secretary Ken Salazar, U.S. Department of the Interior to Members of Congress (Jan. 12, 2011).

⁶⁵ Id.

⁶⁶ Id.

⁶⁷ We do not have copies of the two letters from WWP.

⁶⁸ Ltr. from Jay Nicholopoulos, Acting Regional Director, FWS New Mexico to Greta Anderson, Arizona Director, Western Watersheds Project (Mar. 15, 2011).

⁶⁹ Id.

⁷⁰ Id.

⁷¹ U.S. Fish and Wildlife Service, Mexican Wolf Recovery Team, Draft Mexican Wolf Revised Recovery Plan: Sections I.g, III, and Appendix B (Sept. 16, 2011).

⁷² Id. at 19.

⁷³ Id. at 19, 38.

⁷⁴ Id. at 37.

⁷⁵ Id. at 18.

⁷⁶ Id.

⁷⁷ Id.

⁷⁸ See Ltr. from Larry Voyles, Director, Arizona Game and Fish Department to Benjamin Tuggle, Regional Director, FWS (Dec. 10, 2012).

⁷⁹ Id.

⁸⁰ Ltr. from James Karpowitz, Director, Utah Division of Wildlife Resources and Michael Styler, Executive Director, Utah Department of Natural Resources to Daniel Ashe, Director, U.S. Fish and Wildlife Service (Sept. 21, 2011).

⁸¹ Id.

⁸² Ltr. from Gary R. Herbert, Governor, State of Utah to Ken Salazar, Secretary, Department of the Interior (Sept. 22, 2011).

⁸³ Ltr. from Daniel Ashe, Director, FWS, to Michael R. Styler, Executive Director, Utah Department of Natural Resources (Oct. 28, 2011); ltr. from Daniel Ashe, Director, FWS to James Karpowitz, Director, Division of Wildlife Resources, Utah Department of Natural Resources (Oct. 28, 2011).

⁸⁴ See email from Maricela Constantino to Michelle Shaughnessy et al. with attached letter from Dan Ashe to Michael Styler, Executive Director, Utah Department of Natural Resources (Oct. 18, 2011).

⁸⁵ Ltr. from Rick D. Cables, Director, Colorado Parks and Wildlife to Tracy Melbihess, Mexican Wolf Recovery Team Manager (Oct. 17, 2011).

⁸⁶ Id. at 1-2.

⁸⁷ Id. at 3.

⁸⁸ Email communication from Sherry Barrett, Region 2, FWS to Maricela Constantino, FWS, summarizing November 10 meeting (Nov. 14, 2011).

⁸⁹ Id.

⁹⁰ Id.

⁹¹ Id.

⁹² Id.

⁹³ Id.

⁹⁴ Ltr. from Alan D. Gardner, Commissioner, Washington County, Utah to Dan Ashe, Director, FWS, et al. (Dec. 16, 2011).

⁹⁵ Ltr. from Benjamin Tuggle, Regional Director, FWS to Alan D. Gardner, Commissioner, Washington County, Utah (Jan. 19, 2012).

⁹⁶ Id.

⁹⁷ Ltr. from Benjamin Tuggle, Regional Director, FWS to Robert Woodhouse, Chairman, Arizona Game and Fish Commission (Dec. 9, 2011).

⁹⁸ Id.

⁹⁹ Id. (emphasis added)

¹⁰⁰ Id.

¹⁰¹ U.S. Fish and Wildlife Service, Mexican Wolf Recovery Program: Progress Report 14 (Reporting Period: January 1 - December 31, 2011), at 3.

¹⁰² Ltr. from Benjamin Tuggle, Regional Director, FWS to Alan D. Gardner, Commissioner, Washington County, Utah (Jan. 19, 2012).

¹⁰³ Ltr. from Benjamin Tuggle, Regional Director, FWS to Randall Vicente, Governor, Pueblo of Acoma (April 4, 2012).

¹⁰⁴ Id.

¹⁰⁵ Ltr. from Sheryl Barrett, Mexican Wolf Recovery Coordinator to Oscar Ramirez, Director of Conservation of Priority Species (undated).

¹⁰⁶ Ltr. from Sheryl Barrett, Mexican Wolf Recovery Coordinator to Dr. Jorge Servin, Professor, Universidad Autonoma Metropolitana-Xochimilco (Feb. 3, 2012); ltr. from Sheryl Barrett, Mexican Wolf Recovery Coordinator to Oscar Ramirez, Director of Conservation of Priority Species (Feb. 3, 2012).

¹⁰⁷ Id.

¹⁰⁸ Ltr. from Benjamin Tuggle, Regional Director, FWS to Oscar Ramirez, Director of Conservation of Priority Species (Mar. 5, 2012).

¹⁰⁹ Id.

¹¹⁰ Id.

¹¹¹ Id.

¹¹² U.S. Fish and Wildlife Service. 20xx. Draft Mexican Wolf Revised Recovery Plan. Region 2, Albuquerque, New Mexico, USA (May 7, 2012).

¹¹³ Id. at 68.

¹¹⁴ Id. at 100.

¹¹⁵ Id. at 100-01.

¹¹⁶ Id. at 101.

¹¹⁷ Id.

¹¹⁸ Id.

¹¹⁹ See ltr. from Larry Voyles, Director, Arizona Game and Fish Department to Benjamin Tuggle, Regional Director, FWS (Dec. 10, 2012) and attached Mexican Wolf Recovery Criteria, AZGFD Technical Review (Dec. 4, 2012).

¹²⁰ Id.

¹²¹ Ltr. from Oscar Ramirez, Director of Conservation of Priority Species to Benjamin Tuggle, Regional Director, FWS (June 7, 2012).

¹²² Id.

¹²³ Id.

¹²⁴ Id.

¹²⁵ Id.

¹²⁶ See Ltr. from Mark Bool, President, Arizona Deer Ass'n et al. to Larry Voyles, Director, Arizona Game and Fish Department (July 12, 2012).

¹²⁷ Ltr. from Benjamin Tuggle, FWS to Peter Siminski, Director, The Living Desert (Aug. 8, 2012).

¹²⁸ Id.

¹²⁹ Id.

¹³⁰ Ltr. from Benjamin Tuggle, FWS to Eva Sargent, Southwest Region Director, Defenders of Wildlife (Aug. 8, 2012).

¹³¹ Id.

¹³² Ltr. from Michael Mares, President, American Society of Mammalogists et al. to Dan Ashe, Director, FWS (June 20, 2012).

¹³³ Id.

¹³⁴ Ltr. from Jay Nicholopoulos, Acting Regional Director, FWS to Michael A. Mares, President, American Society of Mammalogists

(July 27, 2012).

¹³⁵ Id.

¹³⁶ Id.

¹³⁷ Id.

¹³⁸ Ltr. from Mark Bool, President, Arizona Deer Ass'n et al. to Larry Voyles, Director, Arizona Game and Fish Department (July 12, 2012).

¹³⁹ Habitat for Mexican Wolf Reintroduction and Recovery Prospect in Mexico, Mexico City, Mexico, Draft meeting notes (Aug. 15-16, 2012).

¹⁴⁰ Id.

¹⁴¹ Id.

¹⁴² Id.

¹⁴³ Id.

¹⁴⁴ Id.

¹⁴⁵ Ltr. from Larry Voyles, Director, Arizona Game and Fish Department to Dan Ashe, Director, FWS (Sept. 25, 2012).

¹⁴⁶ Id.

¹⁴⁷ Ltr. from Jim Unmacht, Arizona Sportsmen for Wildlife Conservation et al. to Benjamin Tuggle, Regional Director, FWS (Oct. 16, 2012).

¹⁴⁸ Id.

¹⁴⁹ Id.

¹⁵⁰ Ltr. from Russell Winn, President, White Mountain Conservation League to Benjamin Tuggle, Regional Director, FWS (Oct. 27, 2012).

¹⁵¹ Ltr. from Benjamin Tuggle, Regional Director, FWS to Dr. Russell Winn, White Mountain Conservation League (Dec. 19, 2012).

¹⁵² Ltr. from Rep. Raúl M. Grijalva, Ranking Member, House Subcommittee on National Parks, Forests and Public Lands and Jared Polis, Member of Congress to Dan Ashe, Director, FWS (Oct. 17, 2012).

¹⁵³ Ltr. from Dan Ashe, Director, FWS to the Honorable Raúl M. Grijalva, House of Representatives (Nov. 7, 2012).

¹⁵⁴ Id.

¹⁵⁵ U.S. Fish and Wildlife Service, Mexican Wolf Recovery Program: Progress Report 15 (Reporting Period: January 1 - December 31, 2012), at 5.

¹⁵⁶ Science and Planning Subgroup, Mexican Wolf Recovery Team, Recovery Criteria for the Mexican Wolf (Mar. 29, 2013).

¹⁵⁷ Id.

¹⁵⁸ Id.

¹⁵⁹ Id.

¹⁶⁰ Id.

¹⁶¹ Id.

¹⁶² U.S. Fish and Wildlife Service, Mexican Wolf Recovery Program: Progress Report 15 (Reporting Period: January 1 - December 31, 2013), at 5.

¹⁶³ Id.

¹⁶⁴ Id.

¹⁶⁵ FWS is in the process of revising the 1998 10(j) rule for the Mexican gray wolf. The revision process is in response to a rulemaking petition by the Center. Although the Service initiated rulemaking and conducted scoping in response to the petition in 2007, the process lay dormant for several years, until the Center filed a lawsuit to challenge the delay. The Service settled the Center's challenge on delaying revisions to the rule, and the settlement agreement requires the Service to complete the rulemaking by January 12, 2015.