

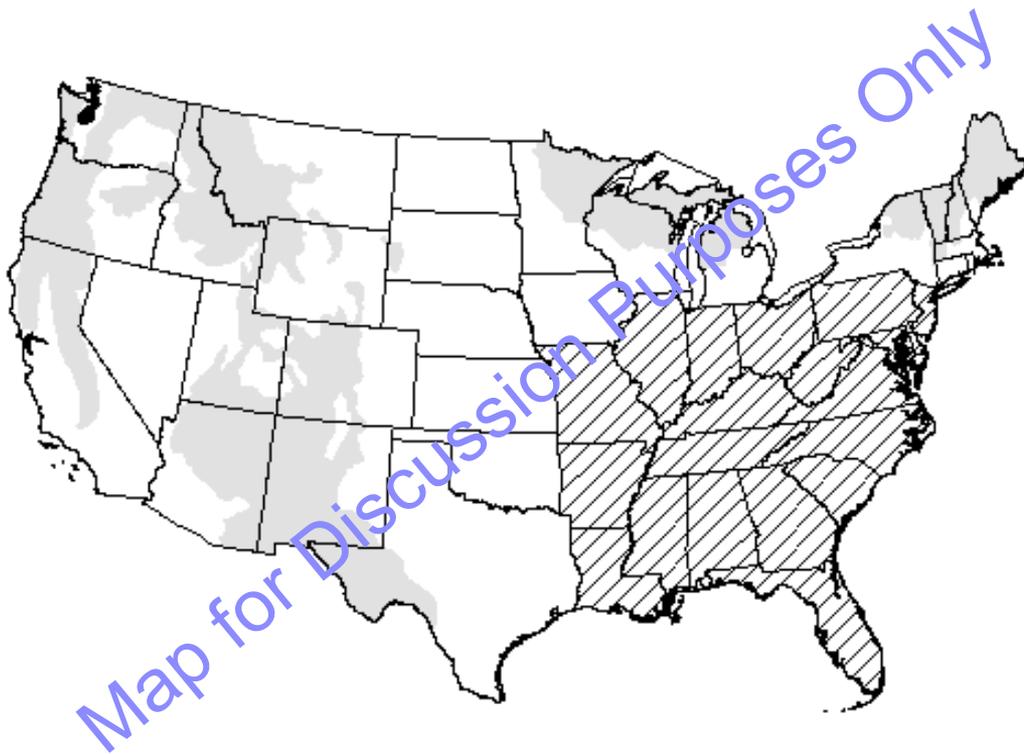
August 2010 SDM Workshop

What we want to attempt

- Suppose the ESA had just been enacted and we were evaluating wolves under the Act for the first time
 - Today's biological status
 - Today's understanding of the law
- How would we proceed?



Some Questions



- Where can wolves exist?
- Where *should* wolves exist? What does the ESA require? What does the public want? What can the public tolerate?
- Which areas have sustainable populations at the current time?
- Which populations need active recovery and which simply need continued protection?

Broad Framework

- Identify geographic units for assessment (FOCUS of workshop)
 - What taxonomic or sub-taxonomic units (sp, ssp, or DPS) make sense in terms of assessing wolf status as it pertains to ESA requirements, public interests, our capability for conservation, and other objectives?

- Status assessments
 - What is the current status of wolves in those units, and how should each be classified under the ESA?

- Listing/reclassification/delisting decisions
 - Promulgate one or more rulemakings to implement this understanding.

- Recovery planning
 - Proceed with recovery planning for any listed entities.



Purpose

- Identify a set of geographic units that reflect the taxonomy and population biology of wolves, and which
 - Conform to the ESA
 - Promote an comprehensive vision for wolf recovery in the lower 48, as it relates to North America
 - Allow delisting to proceed with the same units as listing
 - Capture other relevant objectives
 - Have the support of stakeholders, particularly those with a cooperative management role



Summary for Deputy Director:
Wolf Structured Decision Making Workshop
August 23-27, 2010
National Conservation Training Center
Shepherdstown, WV

This summary is intended to provide a brief overview of the activities that occurred during the above referenced workshop. A separate detailed report is being prepared for the administrative record.

Participants – Representatives from 14 State Wildlife Agencies (WA, WY, UT, ND, AZ, NM, WI, MI, MN, MA, NY, NH, VT, ME) and 7 US Fish and Wildlife Service (FWS) regions (see attached participant list) participated. Five State Wildlife Agencies (OR, ID, MT, CO, and SD), 1 Tribal Commission (Great Lakes Indian FWC) and 1 Tribe (Penobscot) declined our invitation. We did not receive responses from 4 Tribal Commissions (Affiliated Tribes of Northwest Indians, Montana Tribal FWC, and Great Plains Indian FWC) or the 2 Southwest Tribes (San Carlos and White Mt Apache) we invited.

Workshop Purpose – Identify a set of potentially listable entities (assessment units) that spans the lower 48 and Mexico within which it is necessary and appropriate to assess the status of wolves under the ESA.

Expected Outcomes – (1) Recommendation(s) on the appropriate identity of potentially listable entities to use in assessing status of wolves in North America under the ESA. (2) Preliminary discussion on how to proceed with subsequent steps: status assessment, rulemaking, and recovery planning (where needed).

Reviewed Assumptions – The following assumptions were presented to the workshop participants.

Goals –

- Proper classification facilitates recovery and delisting.
- The set of assessment units should provide complete coverage of potential range in the lower 48 States and Mexico (within the context of existing wolf populations in North America).
- The units are assessment units, not necessarily listing units.
- Potential listing units should equate to intended delisting units.

Discretion –

- Where valid ssp. are identified, FWS has discretion to list at sp. or ssp. level. If in addition, valid DPSs can be identified, FWS has discretion to list DPSs at sp. or ssp. level.
- Where DPSs can be identified, FWS has some discretion to lump them.
- If an entity meets the criteria for both a ssp. and a DPS, FWS has discretion to use either, although ssp. is preferred default.
- FWS has discretion to use or not use international boundary to define DPSs

Taxonomy –

- The Chambers *et al.* review provides a synthesis of the best available information. This has not yet been finalized nor adopted by the FWS.
- Key conclusions of review: (1) *C. lupus*, *C. lycaon*, *C. rufus* are separate species, and (2) *C. l. baileyi*, *C. l. occidentalis*, and *C. l. nubilus* are valid ssp.

Caveats –

- All boundaries are rough approximations at this stage, and may have to be refined at rulemaking.
- With regard to ssp., boundaries may or may not be designated at the rulemaking stage. Regardless, we must be clear about expectations and intent for recovery.
- Historic subspecific range lines are approximate and malleable because of intergradations. Unit boundaries can extend beyond these, in recognition of natural mixing processes.

Articulated Objectives/Organized Objectives into Hierarchy - Participants initially separated into 6 small facilitated working groups, each comprised of FWS and State participants, to brainstorm and identify objectives for the analysis. Several full group discussions were interspersed with smaller breakout group work in an effort to build a single common hierarchy of fundamental objectives. The six primary fundamental objectives identified by the participants were:

- 1) Promote and Sustain Wolf Recovery
- 2) Legal Defensibility
- 3) State Management
- 4) Tribal Management
- 5) Public Values
- 6) Efficiency

Identified Individual Assessment Units and Alternative Sets of Assessment Units - FWS staff delivered 3 presentations intended to inform the development of potential assessment units. Presentation topics included: (1) listable entities under the ESA (sp, ssp, DPS) and the DPS policy, (2) the primary recommendations from the Chambers *et al.* taxonomy synthesis, and (3) wolf habitat suitability. In addition, FWS hosted a 2.5 hr evening discussion, utilizing a question and answer format, on wolf taxonomy.

Workshop participants took part in a mapping exercise intended to explain the process of identifying individual assessment units. Participants then broke up into 3 facilitated regional teams (Western, Southwest, and Eastern) in order to: (1) craft a series of alternative sets of assessment units for the individual regions and (2) identify which objectives are at play in the individual regions. Participants later regrouped in plenary to share the regional team work. From this discussion participants identified objectives that required measureable attributes.

Developed Measureable Attributes - Participants convened in 4 facilitated breakout groups in order to develop measureable attributes for the identified objectives. Each group was comprised of

representatives from each of the 3 regional groups. Participants then regrouped in plenary to review and refine the measurable attributes.

Analyzed How Each Alternative Set Achieved the Fundamental Objectives – Participants reconvened in the 3 regional teams in order to evaluate their regional alternatives. This included utilizing the measurable attributes to score each regional alternative. In addition, decision-makers (FWS ARDs, WO Division Chief, and State counterparts) weighed the objectives. These weightings were applied to the scores and used to identify each decision-makers regional preferred alternative. Results were reviewed in the regional teams. Where agreed to, modifications were made to an alternative and that alternative was re-scored by the team.

Created the preferred Alternative(s) – Workshop participants regrouped in plenary to report out on the regional team’s preferred regional alternative(s). Regional preferred alternatives were compiled into a single map, although the Eastern team identified 3 preferred alternatives, in order to illustrate the national preferred alternative to the group and facilitate discussion of a national vision. The workshop concluded with a discussion of next-steps and provided an opportunity for each decision-maker to share their thoughts with the entire group. We received positive comments from each State decision-maker for undertaking this process and including them in the effort.

Recommended next steps for FWS –

- Begin taking steps in near-term and regularly communicate progress (milestones) to States.
- Resolve taxonomy.
- Prepare and circulate draft narrative report and provide participants opportunity for comment.
- Engage remaining affected States and Tribes.
- Articulate comprehensive approach and determine the individual regulatory actions needed to get there and their relative timeframes.
- Involve States in next steps, including status assessment stage.
- Engage Mexico and Canada.
- Meet with environmental and hunting organizations.

Measurable Attributes (8/26/2010)

Objective 1. Promote and Sustain Wolf Recovery

2 measurable attributes:

1.a. Biological Integrity: Within Units -

Unit Size	Connectivity	Unit Score
Small	no connectivity	0
Small	with connectivity	1
Medium	no connectivity	1
Medium	with connectivity	3
Large	no connectivity	2
Large	with connectivity	4

Size: occupied or suitable habitat, taking into account geographic distribution, to support

Small = fewer than 10 packs, ballpark 5000 – 10,000 mi²

Medium = 10 – 30 packs, between

Large = > 30 packs, ~70-100,000 mi²

When evaluating at regional level, score = mean of unit scores

1.b. Biological Integrity: Across Units -

Proportion: Count the number of “Bailey Ecoregion Provinces” with wolf potential (i.e., suitable habitat)

contained within assessment units in a region. Divided by the number of provinces in that region within suitable habitat.

Objective 2.a./b. Legal Defensibility

What should be the criteria for making a judgment? Number of controversial issues and the seriousness of the issues –

- DPS – including but not limited to: Boundaries, size, multiple sp/multiple ssp., Discreteness/Significance, Existence of a population
- Science – including but not limited to: Taxonomy
- Consistency with previous FWS statements
- Consistency with prior case law

Measure is probability of a successful rule –

0 – Very low chance of successfully being defended (likely fatal flaw)

1 – Somewhat low (one or more significant issues or many minor issues)

2 – Moderate chance of success (no significant issues but several minor issues)

3 – Very high chance of success (no significant issues and few to no minor issues)

Objective 3.c. State Management

Two measurable attributes:

3.c.i. Long-term: When can states gain management authority; consider time to delisting and space

Time to delist:

0-3 years (1)

3-6 years (.3)

More than 6 (.1)

Area: Number of states with sizable population divided by total number of states in the unit

Average across units: [Time + Area for each unit]

3.c.ii. Short-term: Based on the potential for complex management

1 potential status per state (state undivided) =1

2 + potential statuses per state (state divided) =0

Metric: Sum across states. (ranges from 0 to # of states in the region)

Objective 5.a. Minimize public burden –

Impact on Producers – costs are associated with constraints of wolves being managed under ESA

Why measure this? There is a direct economic cost to producer/cost to state/cost to public tolerance/biological cost to wolves. We are scoring the set of units.

Relative scale given the alternatives:

1 = Alternative with the least impact on producers

5 = Alternative with the greatest impact on producers

Remaining alternatives are ranked 1-5 relative to your least/greatest alternatives

Objective 5.c.ii. Public Values - Understandable, Elegant Units

- Fundamental assumption that we have full coverage
- Then, we have a combination of the following:
 1. Something that conforms to wolf biology and wolf recovery.
 2. Easily definable boundaries that can be easily understood and communicated to people.

For each unit on a map we compute a score based on the following, then average across a map

RANK: (most to least important, with score)

6 = DPS species (hard boundary)

6 = DPS subspecies (hard boundary)

4 = Subspecies (units are full subspecies where found)

3 = Species (units are full species where found)

1= DPS (where found)

1= DPS multiple species (all hard boundaries)

Objective 6.a. Efficiency

Minimize money and time spent by people for wolf recovery (State, Tribes and Feds)

– Care about the workload (= years spent) and money (= \$ spent). So, we measure in:

Time (years) x complexity (\$/year)

NB/ Assume cost is the \$ spent on recovery per year (and recovery includes depredation control)

For today's purpose, we do not have expertise and information available, so are just looking at complexity

Scale for time –

0-3 (1.5) yr

3-6 (4.5) yr

6-10 (8) yr

10-20 (15) yr

20+ (30) yr

Scale for cost/yr -

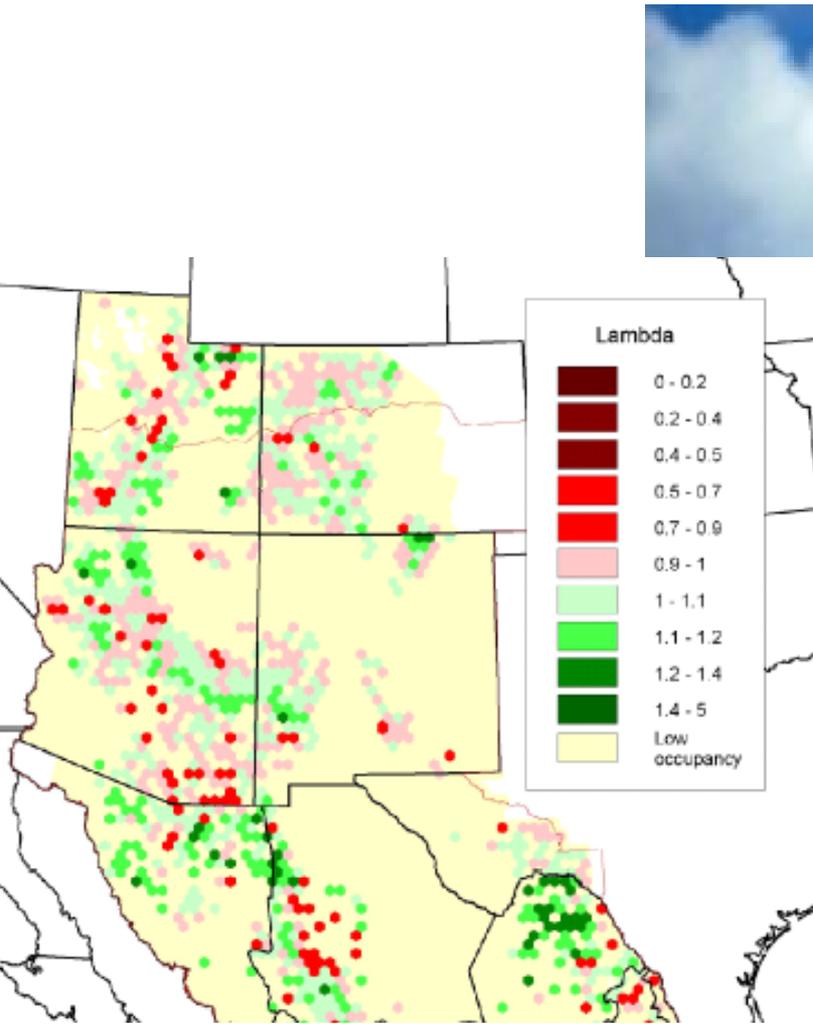
1 = Least complex situation to administer

2 = Moderately complex situation to administer

3 = Highly complex situation to administer

NB/ Again, do this unit by unit and average across a map.

Southwest



ALT 1

Subspecies *C. l. baileyi*
"where found"



C. l. baileyi Where Found

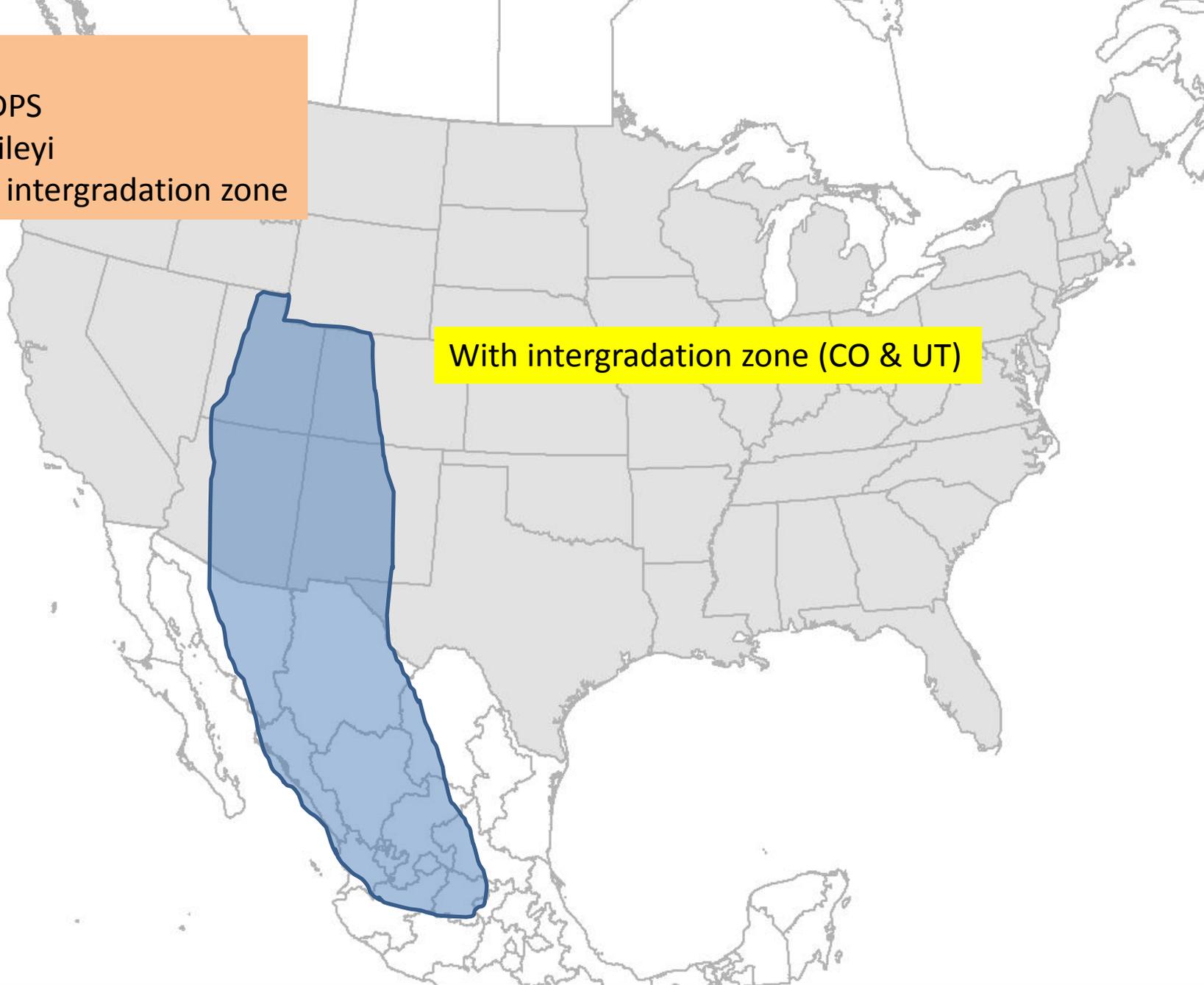
ALT 2

Single DPS

C. l. baileyi

Include intergradation zone

With intergradation zone (CO & UT)



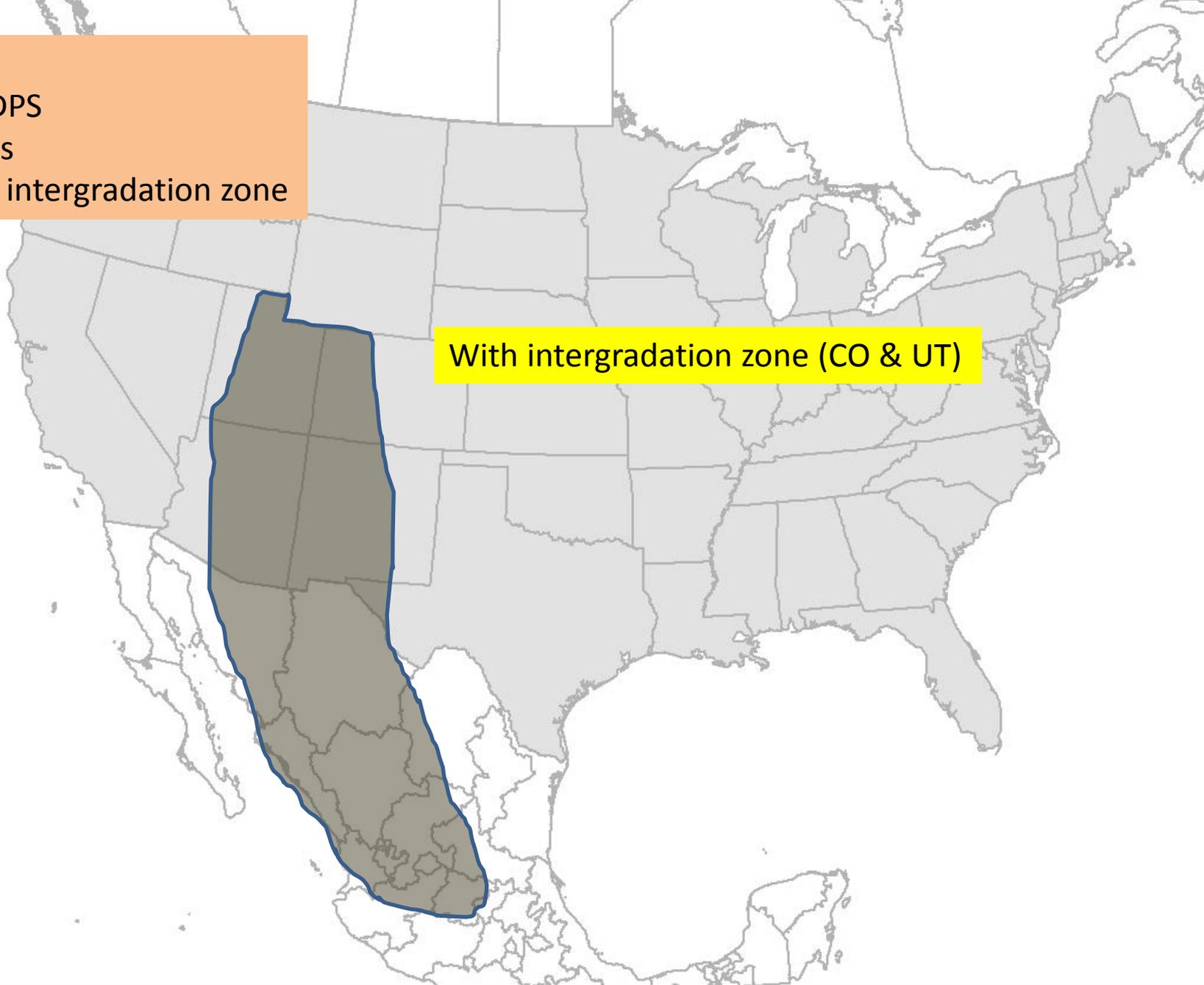
ALT 3

Single DPS

C. lupus

Include intergradation zone

With intergradation zone (CO & UT)



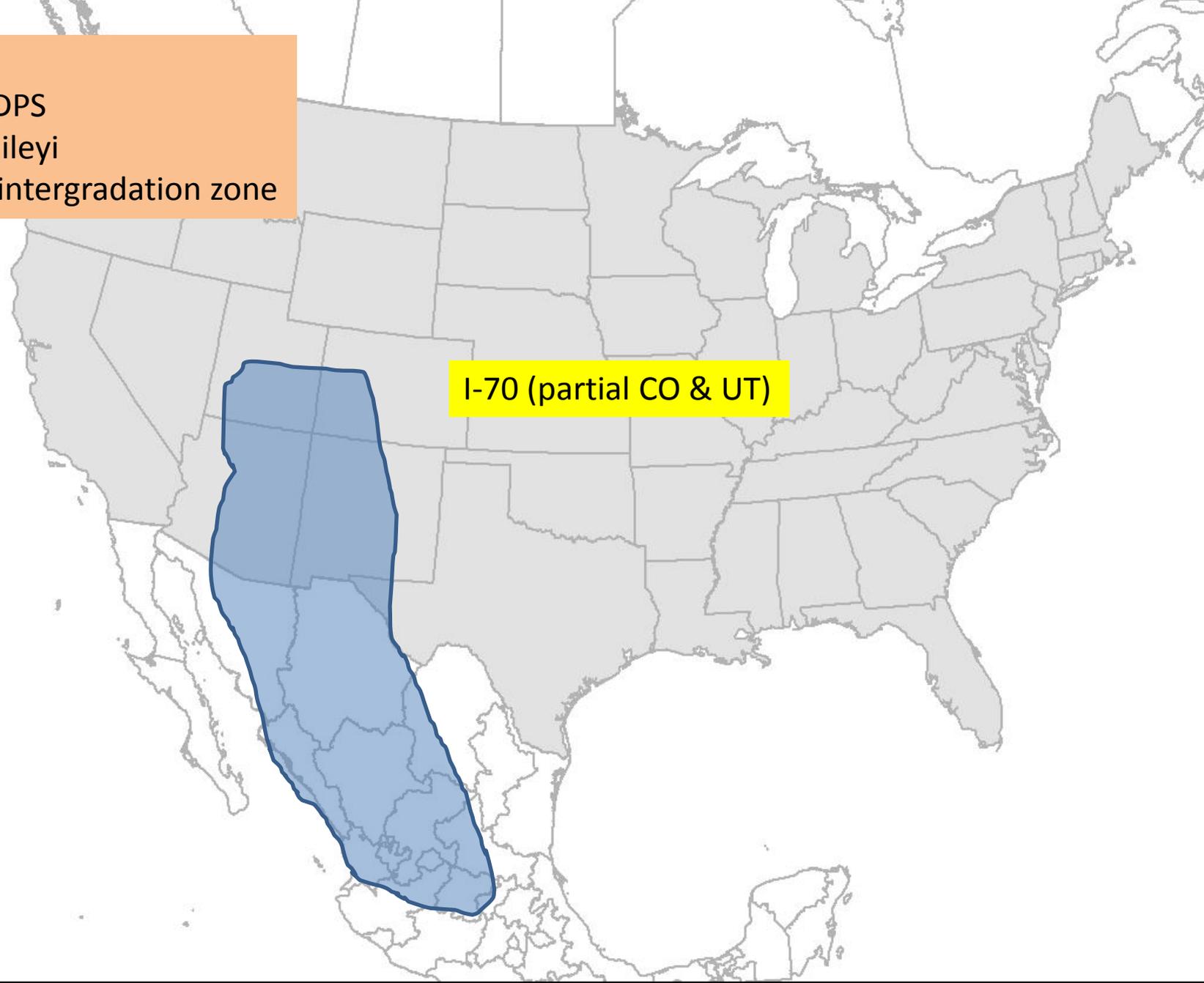
ALT 4

Single DPS

C. l. baileyi

Partial intergradation zone

I-70 (partial CO & UT)

A map of the United States with a blue shaded region in the western part of the country, primarily covering Colorado and Utah. A yellow label 'I-70 (partial CO & UT)' is placed over the shaded area. The rest of the map is light gray with black outlines for state boundaries.

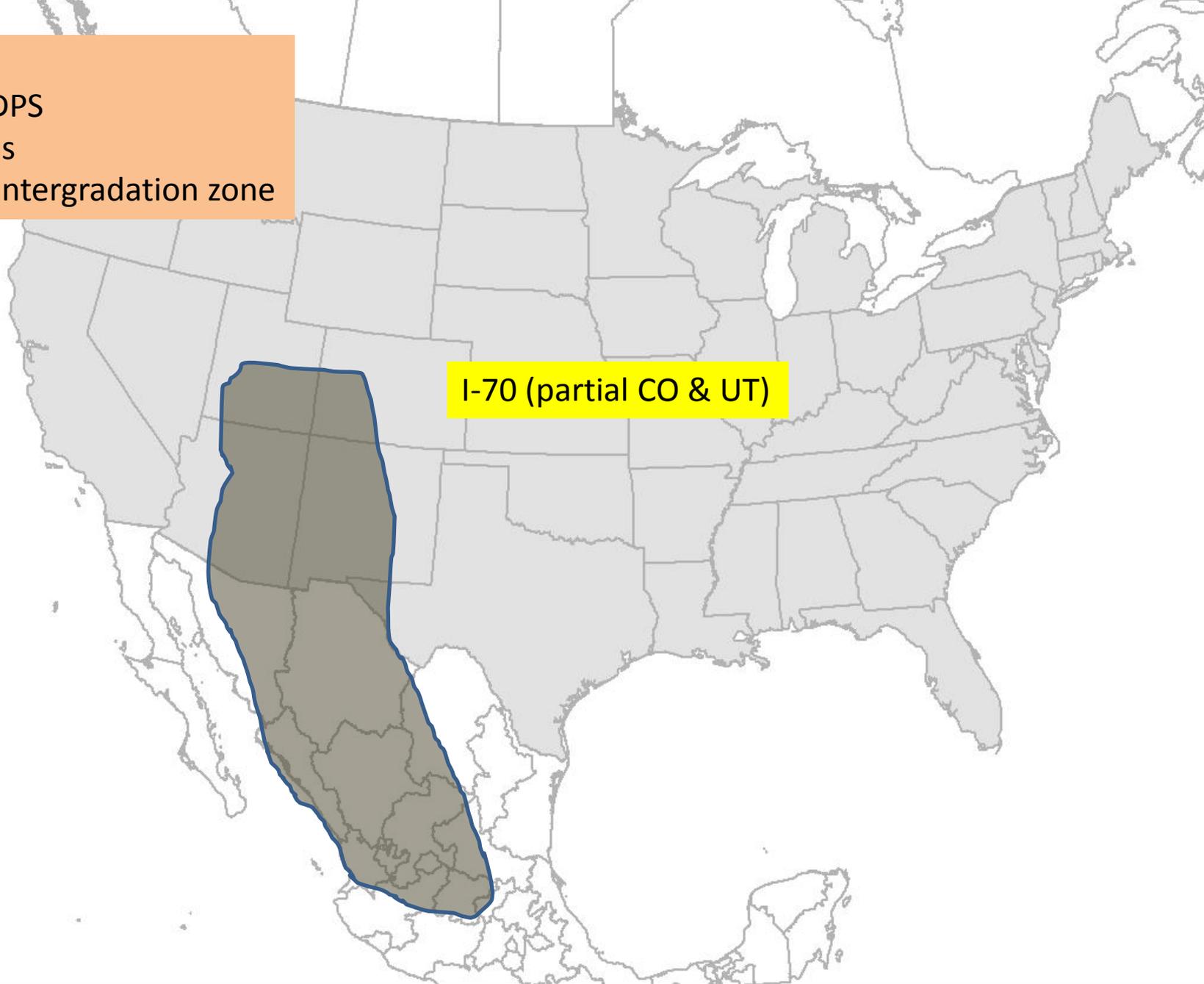
ALT 5

Single DPS

C. lupus

Partial intergradation zone

I-70 (partial CO & UT)

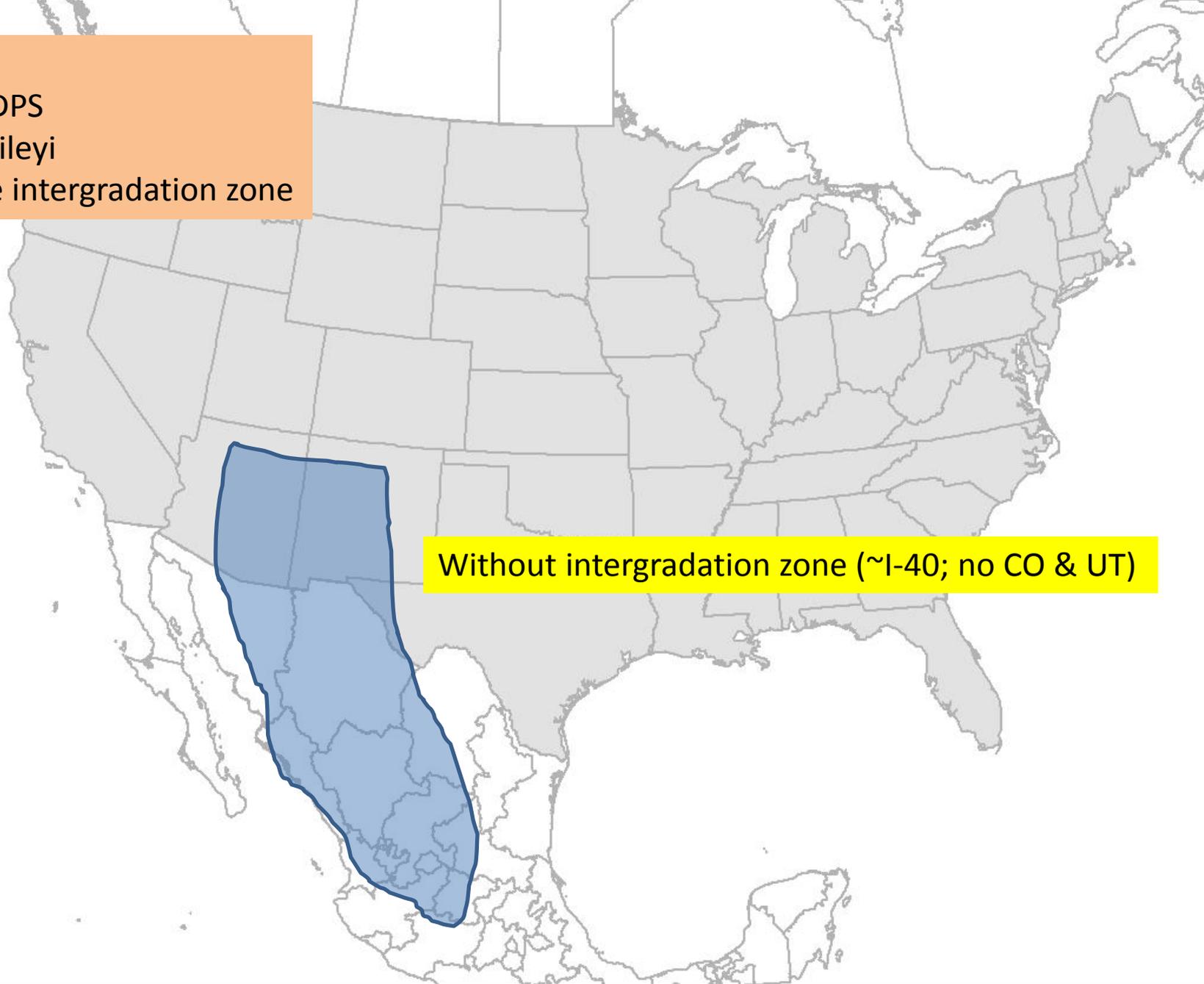


ALT 6

Single DPS

C. l. baileyi

Exclude intergradation zone



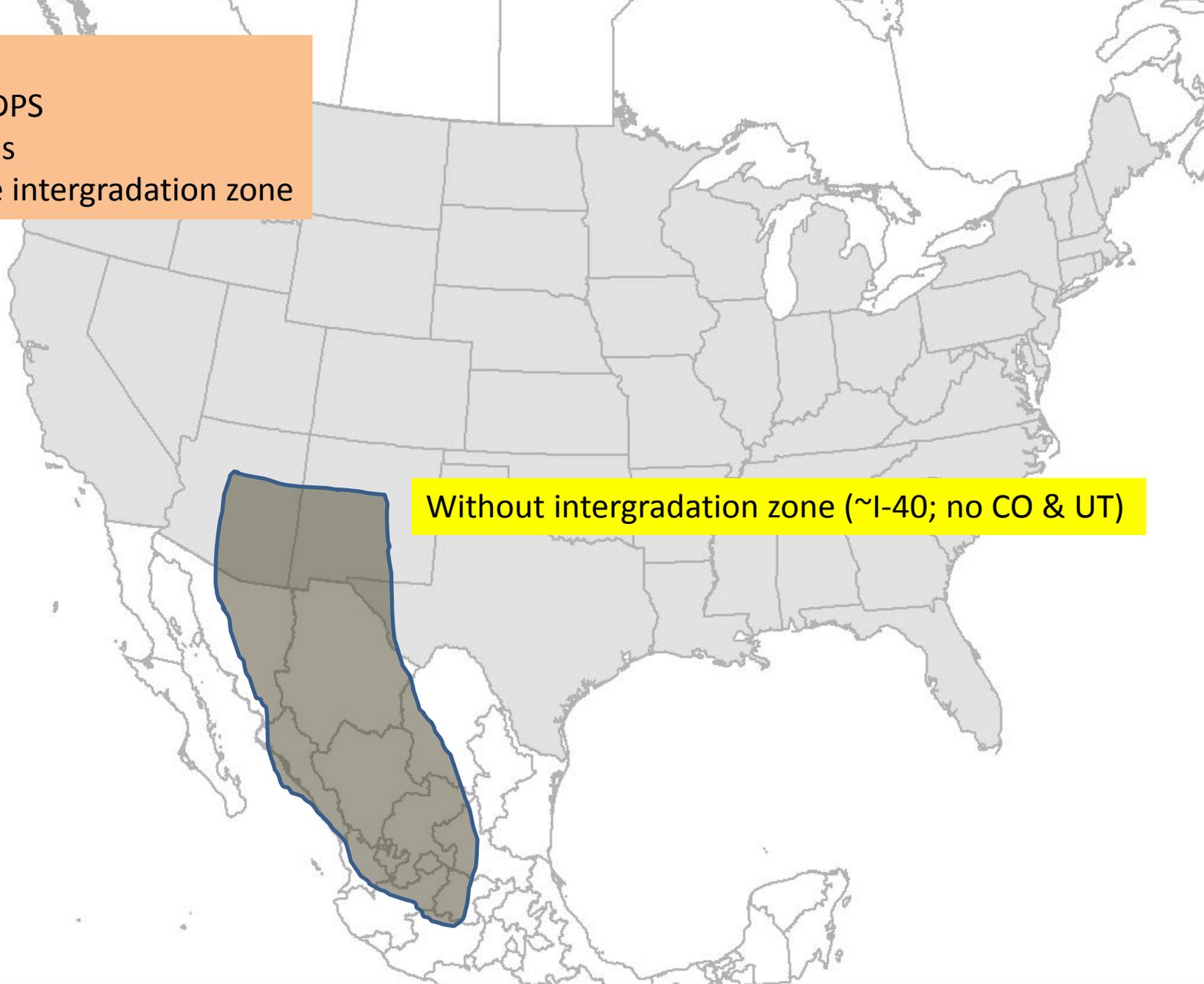
Without intergradation zone (~I-40; no CO & UT)

ALT 7

Single DPS

C. lupus

Exclude intergradation zone



Without intergradation zone (~I-40; no CO & UT)

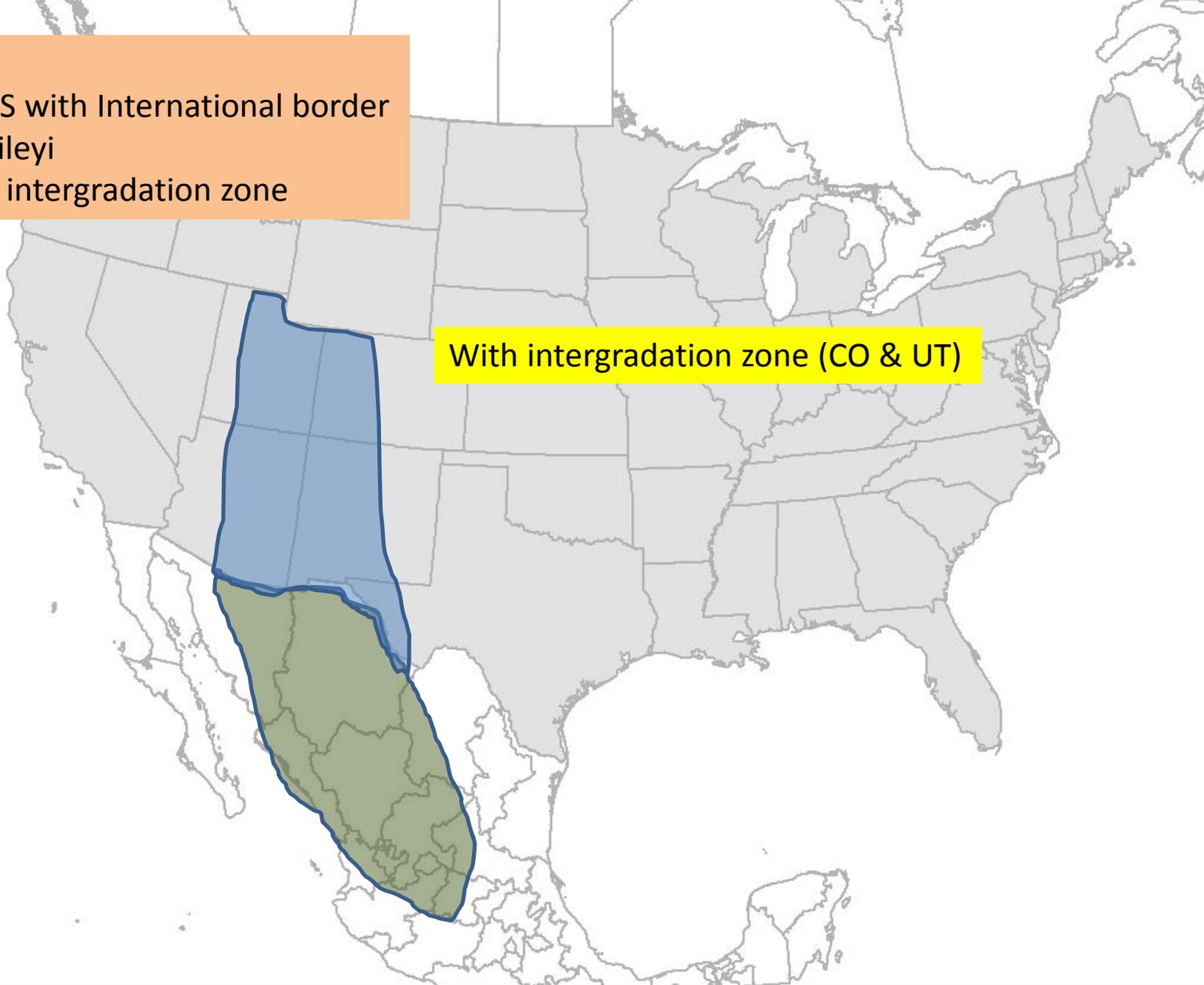
ALT 8

Two DPS with International border

C. l. baileyi

Include intergradation zone

With intergradation zone (CO & UT)

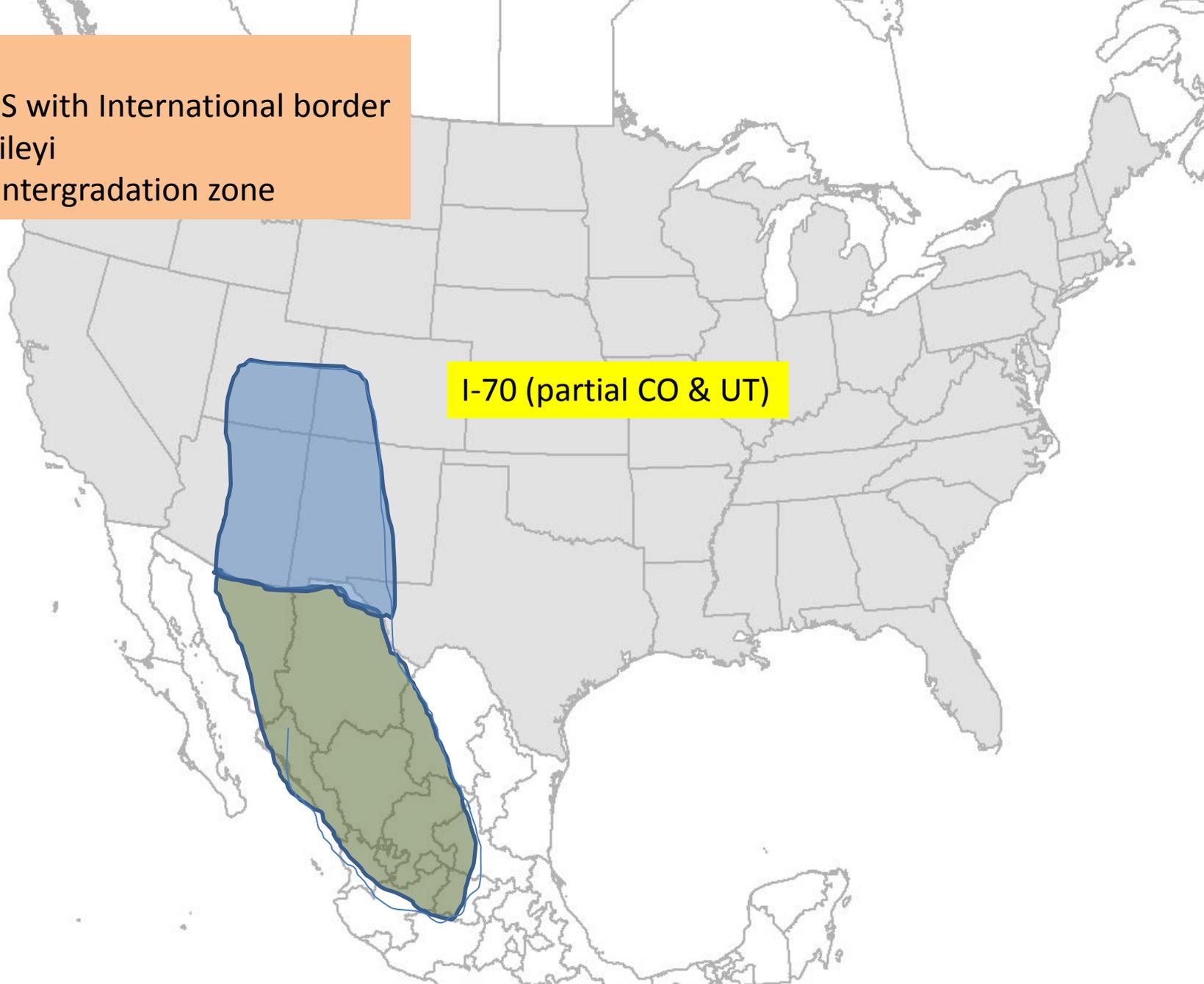


ALT 9

Two DPS with International border

C. l. baileyi

Partial intergradation zone



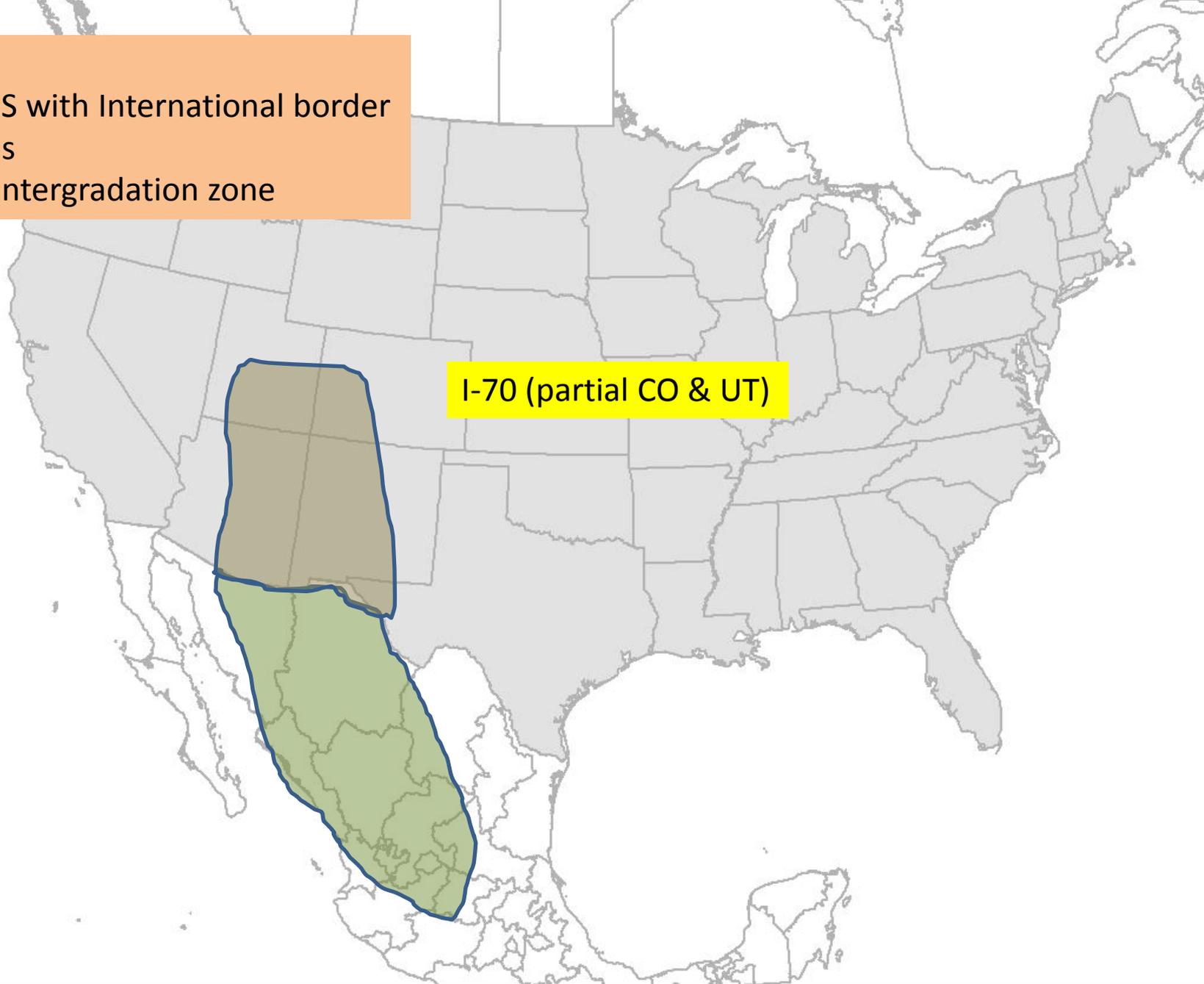
I-70 (partial CO & UT)

ALT 10

Two DPS with International border

C. lupus

Partial intergradation zone



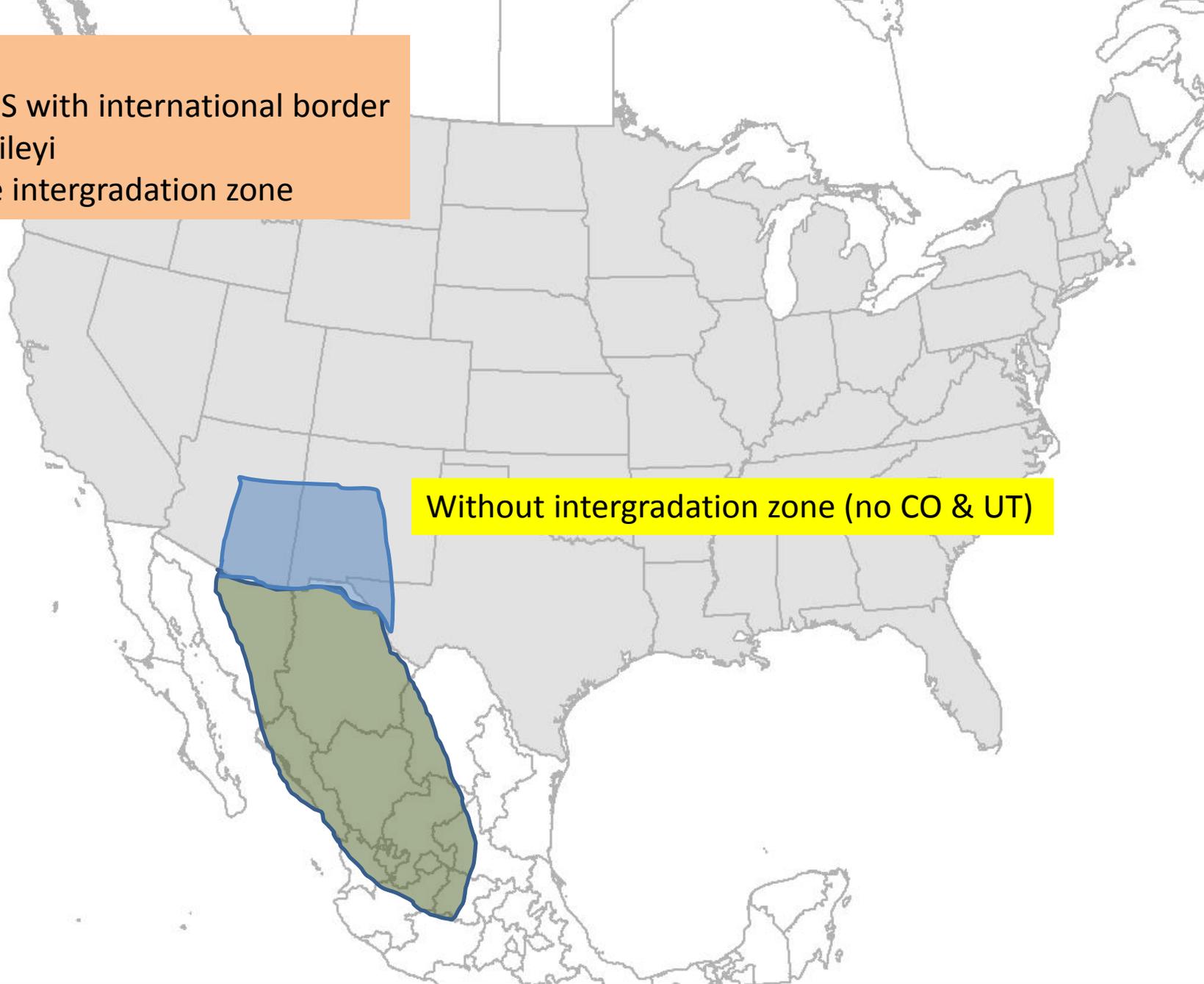
I-70 (partial CO & UT)

ALT 11

Two DPS with international border

C. l. baileyi

Exclude intergradation zone



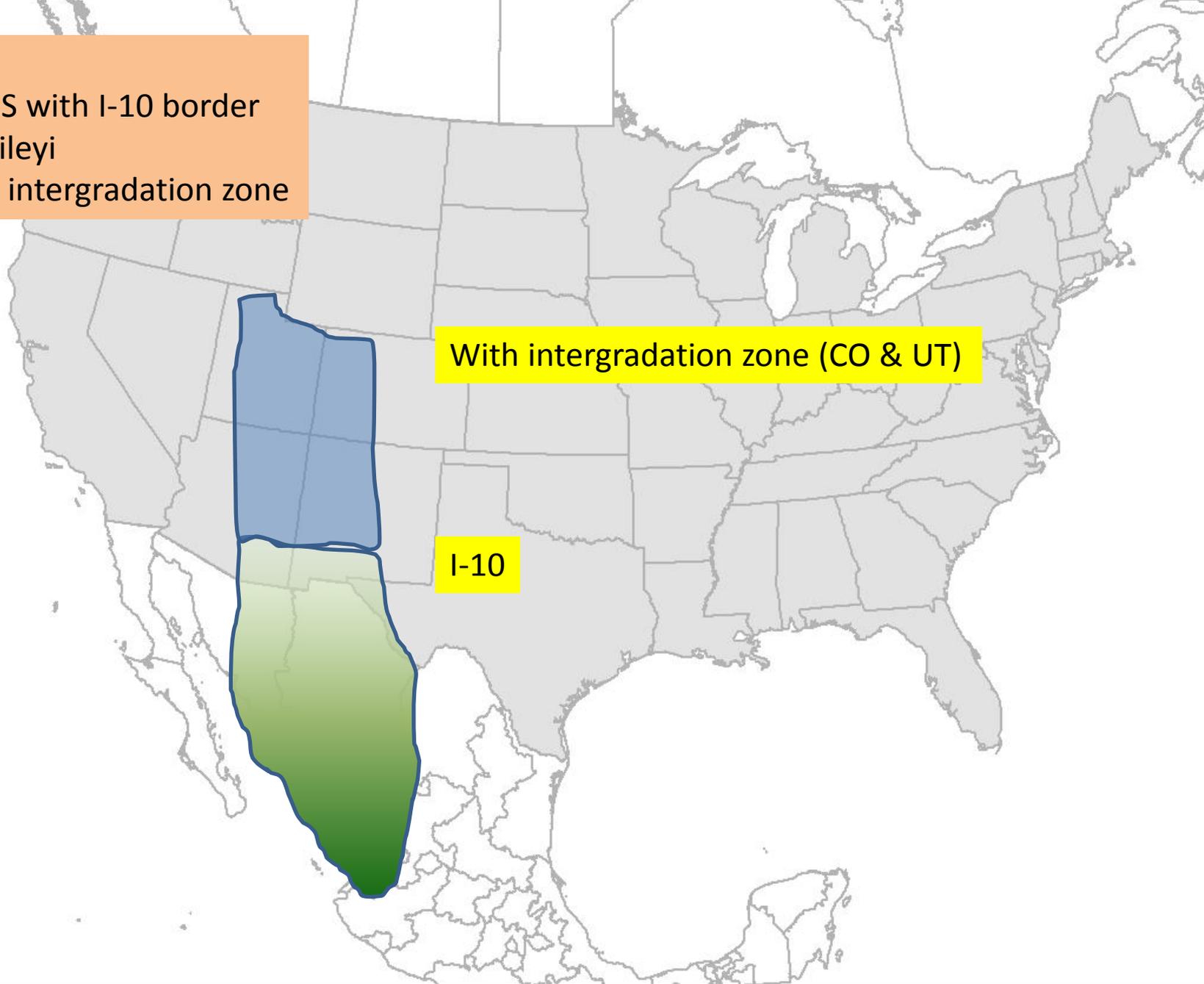
Without intergradation zone (no CO & UT)

ALT 12

Two DPS with I-10 border

C. l. baileyi

Include intergradation zone



With intergradation zone (CO & UT)

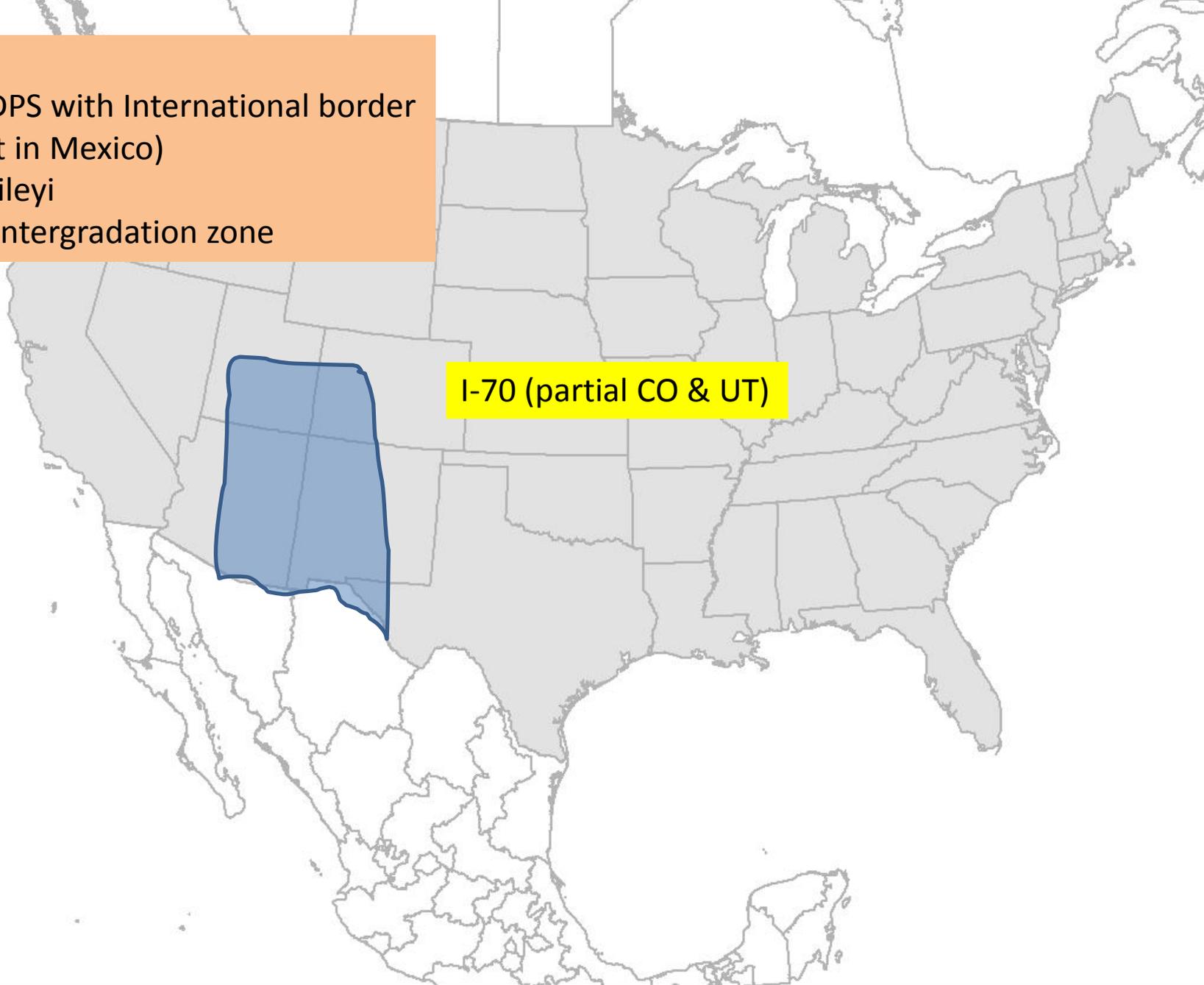
I-10

ALT 13

Single DPS with International border
(no unit in Mexico)

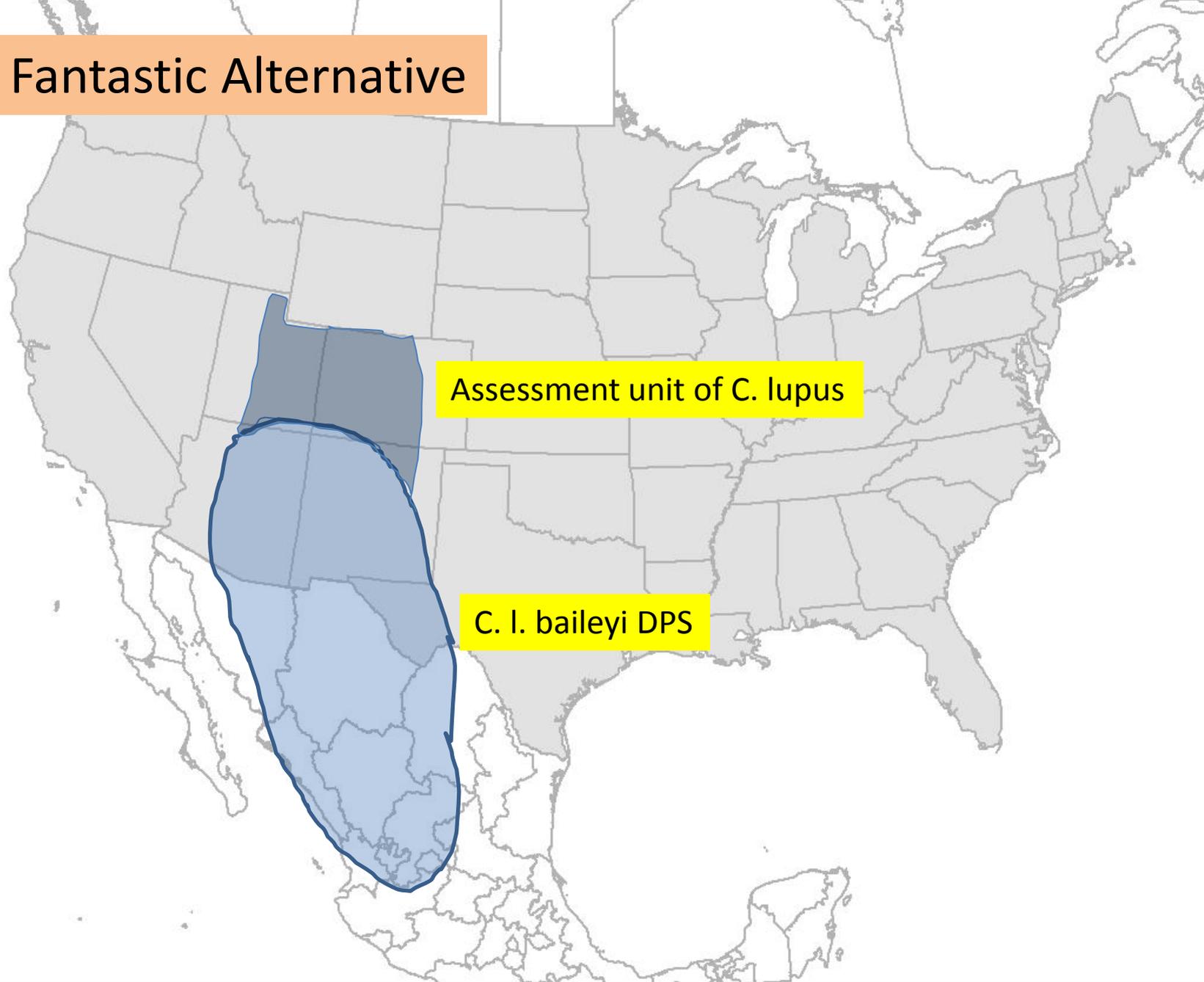
C. l. baileyi

Partial intergradation zone



I-70 (partial CO & UT)

New Fantastic Alternative

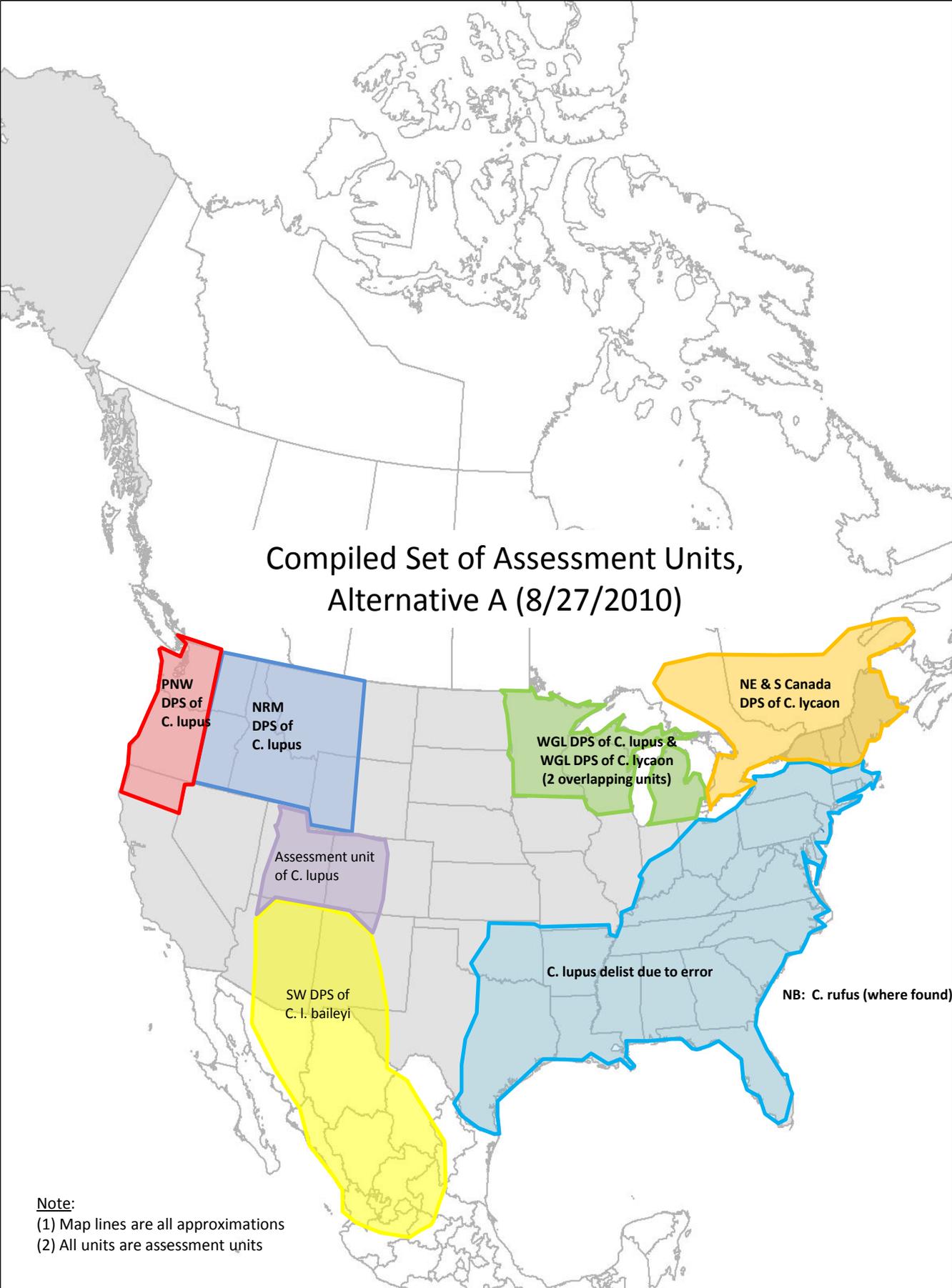


Assessment unit of *C. lupus*

C. l. baileyi DPS

New Alternative





Compiled Set of Assessment Units, Alternative A (8/27/2010)

PNW
DPS of
C. lupus

NRM
DPS of
C. lupus

WGL DPS of *C. lupus* &
WGL DPS of *C. lycaon*
(2 overlapping units)

NE & S Canada
DPS of *C. lycaon*

Assessment unit
of *C. lupus*

SW DPS of
C. l. baileyi

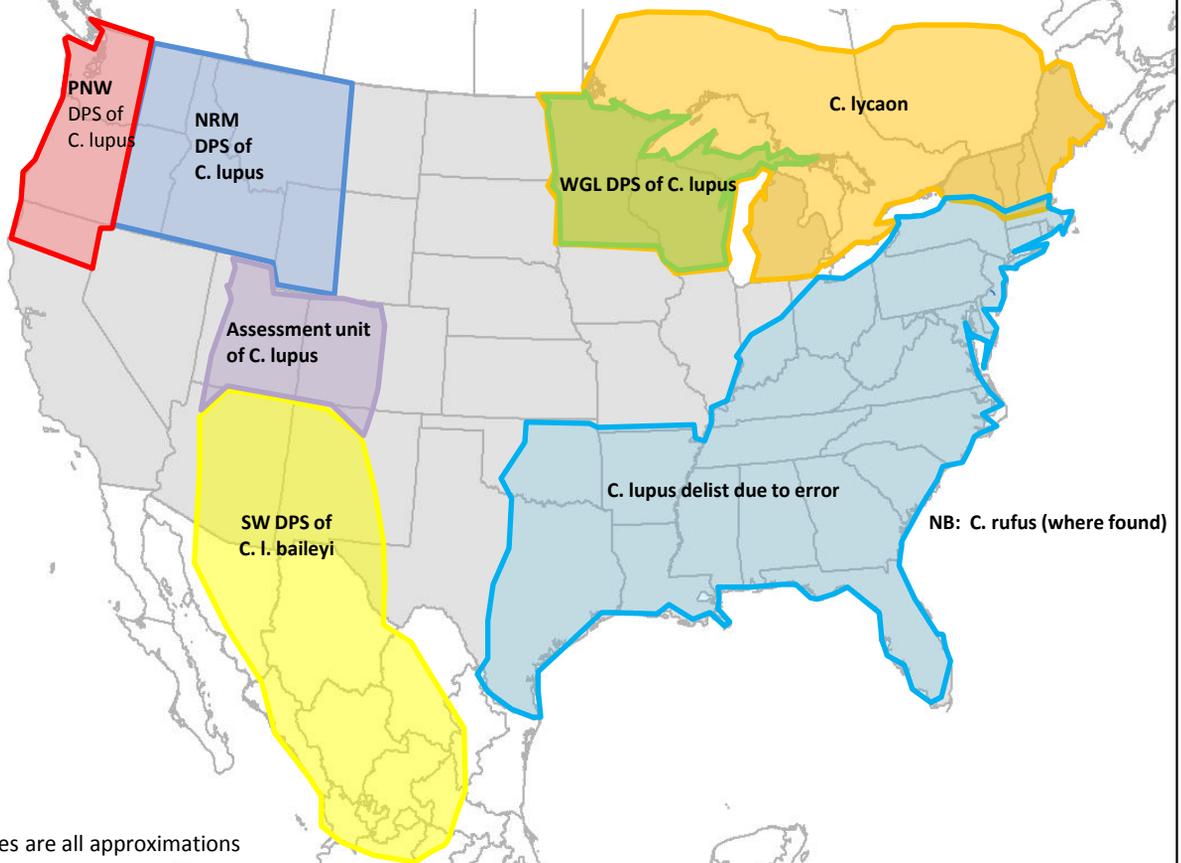
C. lupus delist due to error

NB: *C. rufus* (where found)

Note:

- (1) Map lines are all approximations
- (2) All units are assessment units

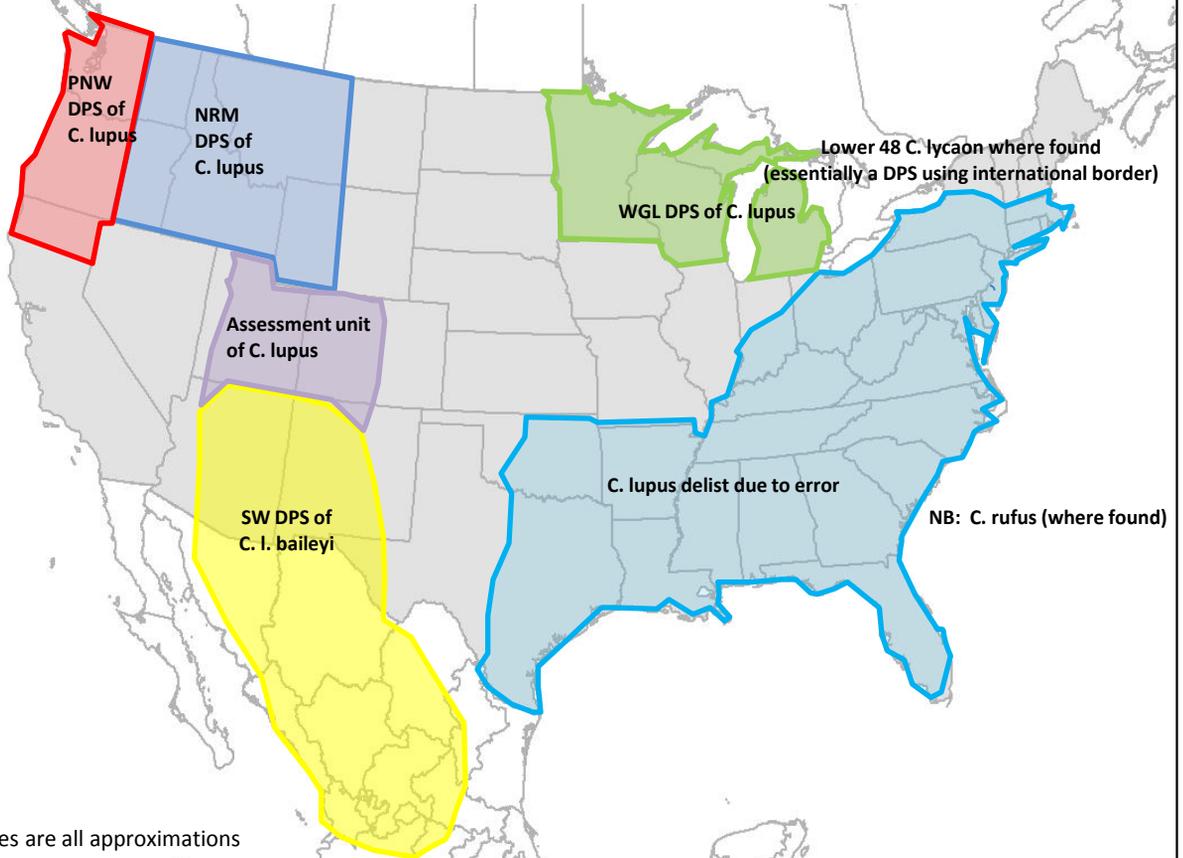
Compiled Set of Assessment Units, Alternative B (8/27/2010)



Note:

- (1) Map lines are all approximations
- (2) All units are assessment units

Compiled Set of Assessment Units, Alternative C (8/27/2010)



Note:

- (1) Map lines are all approximations
- (2) All units are assessment units

Steve W. – what might result in just having 1 alternative would be to have the process the Service would go through anyway is an assessment of lycaon across range with specific ref to assessing each of the component pieces. Just put this on map as alt.

Rick S. – remembering that 2 of the states did not have alt 1 as their preferred.

Mike R. – our decisionmakers didn't need to come to consensus on this so we will want to show the preferred alt for all decisionmakers from ROs and States.....Lets talk about the holes. White space in middle of country and CA/NV. All other areas we have been clear about our mechanism for assessing.

Margot – listed in error, extinct or recovered. In this case the areas are extirpated which is same as extinct.

Mike R. – we need to make argument about white spaces because they are part of historical range.

Massachusetts –map in North East needs to follow suitable habitat (portions of MA are in a unit in NE)

Kevin B. clarification - Northern Boundary for SW DPS – NW corner is CO River. NE up CO River through Lake Powell to the inlet of lake Powell to the San Juan R. down San Juan to the NM border. I-25 south from here. (check with RJ)

Wally – if wolves were restored in NY what is the likelihood of wolves following habitat into PA?

Gary F. – most of white space represents areas where wolves could not establish but CO/UT doesn't fit this well. We will need to do more work to explain the rational in our assessment.

Round robin for decisionmaker's to give opportunity to comment on where this analysis stands –

Where your thoughts are? What needs to happen next?

ME – Thanks Service for opportunity and enjoyed process. We have arrived at something that is workable. HE is ok.

NE – Very appreciative of opportunity. Service was obviously sincere in asking for input. This will be signif in getting wolf recovery to move ahead. **There is still some work to bring in other folks in future.**

VT – Thank you. Good prototype. Blocks are on map as construct. **Looks forward to systematic and comprehensive assessment to get us to something that can be done and is most defensible.**

NY – Thank you. Painful but still useful and worth while. Legal defensibility has figured high in all discussions. It would have been helpful to have a very focused discussion on where the law is today to get people to same understanding. Echo that in **NE there is a strong interest in having states involved in next step including the status assessment of lycaon.** Part goes to concern of legal def because outcome of assessment will have huge impact on legal def. We do have **Indian nations within our borders so his understanding is that at least some will be extremely involved in the wolf issue.**

MA – Thank you for letting us be here. **Want to have states involved in assessment stage.**

MI – Most imp consideration for the state when begun was fastest path to delisting. Their ability to construct some design that could hold up in court was their focus because they have a recovered population. To the extent that the outcome of this is the fastest way then they are good. Feels we are reconciling some issues that need to be addressed.

WI – Thank you. Impressive process. Learned a lot. Need more time to reread obj and think about how to address their situation so wants a little more time. Not sure the route to delisting is now shortened. **Still have concerns about timing of separate assessments for various genetic entities – concerned that they are on diff timescales. We are prob going to need more than 1 assessment for their area but wants them on same timeframe.**

ED – Thank you. Appreciates being involved. Would have been nice if we could have done this a few years ago. Thinking about obj and attributes – biology is good – maybe public ones could be better but probably fine – would have like to weigh legal def higher – overall good process

ND – Reiterate that Dakota's are not suitable habitat and happy that this was recognized. The only hope is that the "white space" on map is not forgotten about.

NM – Elegant map. Legal def is that his sense is that we need to sit down with leadership of those suing us so that they can understand and appreciate the work that has gone into in. **Tribes in SW need to be talked to. Wishes CO had been here.**

AZ – Thank you – terrific workshop – unique opportunity – wishes that all states had been involved including Tribes in SW – we were a little late on their involvement – **working with MX will be huge. Discussion can not wait until next Trilateral.** This is a great process – frustrating – but our map does convey cohesive strategy. We will have opposition to it due to restoration aspect so to the extent that the entire pkg can be articulated as more than adequate for recovery the better

UT – Thank you – Esp that Gary stayed through the entire process. Mike did great job. Laughed a little bit when map came up because we could have draw this map in first 2 hrs. Shows the value of process because the record will be a critical part of the process. That the end product makes sense validates process. Has been overbearing at times and was intentional but came with specific instructions to articulate that there is more than 1 path forward in order to accomplish recovery (not nec through ESA).

WY – Thank you and Gary/staff. Lots of effort from all. Unfortunate that we couldn't have had this dialogue 12 yrs ago. Lots of water under bridge. Feels better now about the progress that we have made. In WY there is sig opportunities to advance some ideas and hopes the Service and State are prepared to take advantage of this. Happy UT/ND got what they wanted.

WA – Thank you. State came with sole mission and failed miserably. From a standpoint that we could have generated this map in first 2 hrs but what is behind the map and the discussion/work will allow him to return to state to explain how we got to this (how he failed in his mission). Hopes that Service

understands WA concerns as well. This is a dialogue that needs to continue into the future for all species/issues. Nicely done. Very curious about next steps.

Wally – should we begin starting to our constituencies and when?

Mike – lets get back to that

R1 – Key to NW is that CA/OR/MT/ID not here. Will need to check in with them but thinks we might be ok. Service folks have expressed concern about size of PNW DPS and ability to reach recovery.

R2 – Thank you to States for coming. Appreciates time. All gained appreciation for others issues. Although map isn't too different than before it now reflects more interests and issues. Tribes, MX, and Canada need to be engaged sooner rather than later. Also, taking this to some of our other constituents needs to be done. Thanks to facilitation group.

R3 – Thank you States for time and facilitators too. Steps forward are important we have a ton of momentum so don't want to let it drop off. We need to engage the scary NGO portion. Glad to hear the States want to be involved in the status assessments.

R4 – Glad to be involved. If taxonomy takes a diff turn maybe they will. Glad that rufus stays as it was. Painful process but very valuable outcome. Will allow us to paint description of how we got to a rule.

R5 – Was concerned about policy issues that extended from the alternatives at the large scale. Glad to see that taking into account all of these issues even if we couldn't address them all

R6 – Thank you all for extreme level of engagement. Clearly disappointed by lack of rep of the intermountain west but we might need help from other states to get their involvement. To the extent that you saw value in this you may be able to help. This may not meet everyone's timeframe in getting done but hopefully it meets everyone's timeframe in staying done.

R9 – Thank you to everyone that came and especially skillful team of facilitators. Hope you can tell by looking around the room just how important this is to the FWS. State engagement is extraordinary but unfortunate that all states didn't come. Perhaps some kind words from you might help. If anyone has suggestions about how to engage NGOs we would be all ears.

Gary – Thank you to all. Two Steves. Thank facilitators team. Thanks to Mike.

This map and the things we've talked about provide a good road map for a step forward. We will engage others Tribes/NGOs – your help will be needed. Want to do this effectively would appreciate your thoughts. We will sit with Environmental/Hunting communities. Would appreciate your help with identifying who to reach out to in hunting community.

We have to resolve the issues of taxonomy – steves will polish paper and will move through process Service/AFWA have laid out – hopefully within the next month or 2 we will be able to make a decision on this.

Sig press activity about legislation that has been introduced to remove wolves from ESA via act of congress. Decision on NRM ruling – do we appeal. Real world realities of management (states). Working hard to find creative but defensible way to deal with this more near term issue. Well aware that we are reaching 2 yr mark and we know that changes in administration make wolf issues difficult. If we could resolve this by the end of the administration would be great but should not do this at risk of missing something.

We don't have a clear plan because we didn't know where we would be today. Any states ideas? How to work with Tribes? NGO's? Webinars? AFWA meeting is coming up this may be too complex for that but possible.

WA – Specific to NRM and PNW – OR/ID/WA have an upcoming tri-state meeting in 3rd week of Sept. Planning to go back and provide a download and briefing to WA Director but also will suggest to WA Director that he and Director co-present this at tri-state and that they have a closed door meeting with ID/OR (?).

Patty (NY) – AFWA has lots of credibility with other NGOs so may be able to provide opportunity for bridging us with National NGOs.

Terry – possibility of considering a series of regional tasks force consisting of State/Feds/Tribes not sure if NGOs could be part of that.

Gary – need to establish a global vision and individual actions that might be on diff timeframes.

Wayne L – Any thought about a broad scale national publication to explain the issue? May grease the skids?

Gary – could help us lay out the vision – cons that it is wolves and that it wouldn't be a vehicle for us to propose solutions etc. We do have a recent petition to develop a national recovery plan.

Seth – we need to do a 5 yr review for wolf

Kevin B. – in terms of maintaining engagement – there is a lot of work to be done – but they want to see something start to happen sooner rather than later. Once it is started need updates along the way – not a black box. Timeline not necessary (probably not possible) but milestones need to be provided.

Gary – could do 1 hr breakouts at AFWA or North American. What do you see as meaningful? We will be dealing with the taxonomy and engaging with the other communities but do we need to do something else soon?

Kevin B – need to manage expectations and articulating the steps that need to get done so that people can see that progress is being made. Email updates would be helpful.

Terry J. – Legal defensibility – could help for folks to have all of the legal cases. Terry would like cliff notes version of court opinions.

Gary – not sure if we can share out solicitors cliff notes, but will look into it

Ed B – Realizes that there will need to be more work. Will things be happening simultaneously or sequentially? Would prefer to the extent possible that some things can get started.

Gary – very cognizant of the window of opportunity we have to get to some decisions during this administration. We will do our best to get things resolved within the next 2 yrs. We don't have the luxury of time.

Mike – need some concrete thoughts about next steps – compiled record of this week. Final obj hierarchy, final assessments, what did we get to?

Gary – sometimes you get images in your head but when you have to write it up you might find issues. Gary wants us to make sure that we really do feel good about the outcome.

Mike – 2 ways to **write report** – show all quantitative steps – or more narrative – have objectives – have alternatives – with narrative interpretation explains our preferences. Assuming we will need some summary – for participants for their reflection and also as a vehicle for reaching out to the states/tribes that were not here. Any other thoughts about immediate things?

WA – Yes that record, **rpt is a very imp part of this – sooner rather than later – hopes it would be provided as a draft with opportunities for comments. Does need this vehicle in order to provide at tristate meeting.**

Mike – will need to figure out what the agencies need to do in order to make a document available to public.

Steve W – narrative report would make it easier for him to provide an effective explanation to others.

Gary – Mike were you thinking that this would be a report that each state owns? He was thinking would be Service's report of their interpretation.

Mike – this would be a better means of dealing with it in that it simplifies the review/approval process.

Meeting with States on SDM process for Mexican Wolf
June 16-17, 2011 – Colorado Division of Wildlife office, Grand Junction, Colorado

Opening remarks by Mike Runge:

We are seeking communication on listing with states; we are not seeking consensus, and we are not sharing decision making authority because can't do so under ESA.

We'll articulate objectives, then think through the science and analyses to arrive at the best course of action

Mike Runge summarized August 2010 workshop and what has happened since then.

Notes and minutes from this meeting will be part of the current status review for Mexican wolf. States can still submit formal comments if desired. We will provide notes from this meeting to participants to ensure that it's a fair reflection of what happened at this meeting. There is no formal comment period for a status review, so no closing date. However, we'd like to get as much scientific information up front before we write the rule, but we can accept comments/information up to time we submit. Best if we can receive information by August 2011.

June 2011 workshop – build a common framework, articulate individual agency perspectives using this common framework.

Terry Johnson: for AGFD, “constructive dialogue” is actual engagement throughout the process and understanding timelines. Commission is at end of its rope on cooperation with FWS due to reintroduction efforts and due to commitments in August workshop and lack of communication on what FWS was doing with information from that workshop. It will be problematic if the same sort of actions occur after this meeting. FWS handling of Chambers data and paper is unacceptable, especially since it's being used to shape this process. Timeliness of comment periods is unacceptable – they received output for southwestern part of Aug 2011 SDM workshop last week, which did not allow him to have conversations with others on content. Timeliness of surname process is problematic. He is “limited out” on hearing that FACA is a problem because it's held up differently in one region versus another. He doesn't buy that we can't reach a decision based on FACA. He thinks many decisions can be delegated to states with a section 6 agreement. The FWS outreach to the two Tribes on this has been pathetic. It's problematic for AGFD to put together reintroduction project in Arizona. When material comes out of SDM process and says States “support” says that states were in a decision making position. Status review – on behalf of AGFD publishing a request for State comment in the FR is insufficient. ** Wants formal request from AGFD for information. Wants courtesy of a letter or meeting. Courtesy should also be extended to Tribal partners. There is a special relationship between FWS and states through section 6, but they don't see it. This was the first time that he was offered opportunity to not attend this meeting by his agency – telling on where his agency is in regard to Mexican wolf recovery. Relationship in past with FWS was golden, engaged 7 days per week. Since then there has been a setback in that

relationship. There became a change at the RO in transparency in January 2007, change in philosophical approach. Decay of relationship.

Michelle: we do see this as an opportunity to gain information from the states. She would like for Terry Johnson to provide his 28 years of information in a productive way. This process allows participants to have a good debate on details which leads to a good decision. The decision may not be agreeable to all participants, but at least we know how we got to that decision.

Mike T: we plan on providing a synopsis of this meeting and provide it to participants for review. We need to know state's perspectives on proposal.

Eric Odell: they were not at August 2010 workshop, but webinar last week and summary today have been helpful.

Maricela gave a powerpoint presentation on recognizing Distinct Population Segments Under the ESA.

Maricela: It's not appropriate to have DPS of entire species or subspecies, it's not consistent with DPS policy and couldn't reach discreteness or significance. Could do a DPS of *lupus* and have management focus on *baileyi* Terry wanted to know if this is staff analysis of policy or legal analysis. AGFD wants policy vetted through solicitor. My relaying of conversation with Philip Kline is insufficient. **Terry wants a written solicitor opinion. ** Terry wants copies of the powerpoints by tonight.

Michelle: can't have DPS with same boundaries as subspecies,

Kevin: original DPS in NRM was struck down because boundaries needed to be restricted down to what is occupied.

Mike T: if we delineate DPS at international boundary, and no wolf population in Mexico, would have difficulty going through discreteness test. If entire subspp is delineated by DPS boundary, again, have difficulty going through discreteness test.

DPS of *lupus* that completely includes *baileyi* will work under DPS policy.

Similarity of appearance is a separate rule making. Could it be used outside of a DPS boundary? Not for the purposes of conserving that DPS, because any animal that walked outside of that DPS would not be listed. Could use it in conjunction with a listing as subspecies. Could use similarity of appearance inside a DPS for animals coming into the DPS

Mike R: can include in alternatives and address legal defensibility.

Listing under similarity of appearance is APA action, we can be petitioned to do so.

State updates:

Colorado: no known packs of wolves in CO. State has Commission resolution opposing wolves due to impacts of hunting. 1989. Recovery plans for species at that time did not state need for reintroduction. If the recovery plans require it, it can be reviewed. Need legislative approval for state or local agency to participate in reintroductions. Have management plan for wolves that migrate into the state. Manage to resolve conflicts. Benjamin Tuggle assured them that there will be no critical habitat or recovery goals in state of Colorado.

Utah: Their level of frustration is similar to that of AGFD. Level of tolerance is low. Have state management plan, which lets wolves come into State. If there are no conflicts, no problem with wolves being there. If 2 packs established, will write more formal plan to manage them. Policy of state to legally advocate to delist wolves and return management to the states. Wolf management Act - prevent the establishment of a viable population of wolves until delisted and management returned to state. At that time they could implement their state management plan. Wildlife Board has stated support for legislation to delist the wolf. Objective of state is to get management back to state, not to eradicate wolves. They believe that the state has better tools to manage conflicts. They recognize that the way to get state management is to recover wolves. So, state understands that at that time, they would need to keep viable populations. Not adequate resources for viable populations just within the state of Utah, they would need to rely on a broader area for viable populations.

Arizona: no question of law involved. Wolf management has been kept within the purview of the Commission, under Title 17. No specific regulations speaking to it, or Governor edicts. Evolution of Commission on wolf management - it escalated in 2007 and came to head in October 2008. At that time the Commission gave guidance on recovery and reintroduction and what elements needed significant progress. Have to provide updates on annual basis. In December 2010, the Commission advocated for legislative delisting of wolf, but they do not consider the wolf to be recovered. The Commission is frustrated by FWS gridlock. August 2009, concerned about release of wolves in Sonora. Of those elements, many still not addressed. Their commitment stands for wolf conservation, not interested in mindless and endless management. They want to know what recovery is and that their actions are leading toward recovery. Commission meets next week on whether to intervene on litigation for wolves and whether to initiate litigation of their own with regard to divergence from 1998 management plan and 10(j) rule. By October 2011, AGFD will have drafted a state management plan for the Mexican wolf for future. May be vetted and implemented or round filed. They are working with Tribes on wolf management. They may want to change arrangement for their role in reintroduction. NMDGF leaving project leaves them precarious, but also provides opportunities. Don't want wolf conservation to go like NRM where they have met recovery and can't get delisted. Benjamin's assurance to state of Colorado needs to be discussed. They hope to reconstruct level of collaboration that they had from 2003-2007. If they can, great things can be achieved. Some Commissioners want to follow New Mexico's lead. Ugly mess and the wolf didn't make it.

Objectives: Mike R. summarized the objectives from the August 2010 SDM workshop.

Terry J: have significant reservations about quantitative aspects of SDMs – taking qualitative information and assigning values. It doesn't talk about ecosystem upon which the wolf depends – in particular the

prey base, not just the vegetative structure. Prey base needs to be discussed in terms of population viability and management. Prey base is solid piece of wolf recovery and AGFD is directed to also manage elk and deer for recreation. And, without them, there won't be any wolves. There is a distinction between restoration and recovery (legal mandate for recovery, not restoration). Need to parse issue with hunters, with regard to bag limits etc. Need to reflect the importance of prey base.

Mike R: could reflect prey base in promoting wolf recovery. In beginning had objective to maintain hunting opportunities, but that got folded into objective 3.a.1.: provide full-spectrum of consumptive and non-consumptive wildlife availability for current and future generations. For Tribes, may also include subsistence. Also, in internal objectives, did have "ecosystems on which they depend." We could have it as broad category.

Mike T.: more element of recovery versus as part of assessment unit analysis. Also, thinks that suitable habitat includes prey, but we can be more explicit.

Terry wants it overtly captured in the objectives as part of acceptable and unacceptable impacts.

Michelle: "suitable habitat" map included density of prey base, roads, etc.

Kevin: but the map didn't include density of livestock, which is major limiting factor.

Terry: also need to address livestock herd husbandry, timing of calving, etc.

Wendy: looking for reclassification unit, but we don't have explicit level of detail at this time, but we do need to identify it as issue for recovery. We're not talking about recovery units in this meeting.

Terry: AGFD will oppose recovery in a non-recoverable unit. Don't want 200 years of undelisted wolves.

Mike T: If we designate a listing unit, can we also use it for delisting. Unit has to be able to stand on its own.

Mike R.: If we list a unit that's too small, can't achieve recovery. If too big, unnecessary regulatory burden on people.

Kevin: agrees that we are here to talk about assessment units, but depends on how you define assessment. 5-factor analysis doesn't bring in the elements that are key to states.

Mike R: but the analysis in listing does need to be the ESA 5-factor analysis.

Mike T: need to base listing on best available science, and if there is discretion, can see how to accommodate those concerns. Asked if we could collapse some of the objectives, but say what that objective is comprised of.

Terry: want to be sure that we are considering not only the adequacy of prey base but also the effects on the hunting opportunities.

Mike R: Livestock captured in objective 5.a – minimize regulatory burden induced by ESA: units support management at the landowner/producer level.

Mike R: concerns in legal defensibility with regard to compliance with policy.

Terry: doesn't think 10(j) is legally defensible and that it needs to be reconstructed. There are management components that are based on speculation, and things didn't work out the way anticipated. There are boundary issues that are contrary to recovery. Need reconstruction of the 10(j) rule. The 10(j) boundary needs to include all areas of wolf management in Arizona, and will help Arizona move toward recovery. Boundary should include all areas of the unit. Need to determine outer limits of boundary. This would address regulatory burden. Unit needs to include Mexico.

Mike R: 10(j) is part of recovery planning.

Maricela: so we need to ensure that all alternatives are large enough to encompass areas for recovery.

Mike T: need to ensure that the assessment unit is large enough to encompass a legally defensible 10(j) rule. Need to ensure unit is large enough to achieve recovery, which is where you would assess Mexico's inclusion or not.

Terry: doesn't believe that we have a recoverable entity if there are not at least 2 populations in Mexico.

Terry: 10(j) has impact on section 7, management flexibility.

Mike T: not relevant to boundary of unit, but rather the outcome. Maximize opportunity to use ESA tools to reduce regulatory burden. Sportmen (hunters, guides, and outfitters), scientists, affected on public lands; private landowners also affected.

Mike R: Administrative burden was addressed under objective 6, "minimize state, tribal, and federal resources needed to achieve wolf recovery."

Terry: taxonomic validity has been determined. Historic range clear, and anything less will be litigated. So, unclear as to need for SDM process.

Michelle: We're looking for discretion where there is gray area between subspecies and DPS designation. We're looking to see if there is information for an informed decision.

Terry: Colorado, San Juan, include Mexico, leave Colorado and Utah out as outliers.

Mike T: we not only need to justify what we did, we also need to explain why we didn't do something else. We can't be silent on Colorado and Utah. Do we need connectivity between Mx wolf and NRM wolf? Also, is there enough area? Difference between Colorado and Nebraska is that there is a lot of suitable habitat in Colorado and not in Nebraska.

Terry: There is suitable habitat in Colorado but no evidence of historical occurrence of Mx wolf there. DPS of *lupus* problematic because it opens door that Colorado and Utah were occupied by *lupus* but not

necessarily *baileyi*. We don't want Colorado and Utah issues to be an impediment to recovery and don't want Mx wolf recovery to be impediment to Colorado and Utah management.

Maricela: can we be open that the reason we listed as DPS rather than subspecies is so that we could have boundaries?

Marty: worst scenario: Mexican wolf listed as subspecies and then all wolves in state are listed under similarity of appearance (through citizen petition).

Seth: we have discretion on what APA petitions we address (e.g., prairie dogs).

Kevin: if part of state is listed, they can't participate in recovery.

Mike R: if states can participate in recovery, then we can achieve recovery faster.

Terry: with regard to Tribes, they want to be part of planning for wolf recovery. Sovereignty and economics are key aspects. They have issues of uncompensated livestock losses and impacts on trophy elk.

Alternatives:

Kevin: assessment unit. **Utah has asked for formal review of management plans to have justification to not include Utah and Colorado in DPS because they're providing adequate protections for the wolf through their state management plans. Do they provide enough protection for wolves to travel between AZ/NM and the NRMs. That genetic exchange does not need to be addressed through listing. **Want official response.

Mike R: the Colorado and Utah assessment unit was not for a DPS but rather to see if existing state management plans provide sufficient protection. If management plans are adequate, then alt 14 works, if not, then alt 3 would need to be in play.

Mike T: This scenario is similar to what we lost in NRM; can't delist on state basis, which is smaller than a DPS.

Michelle: We can't designate Colorado and Utah as a DPS, because there aren't wolves there now.

Seth: not sure we could approve the management plans under PECE policy, because there is no track record.

Kevin: need to first make case that genetic exchange between Mx wolf and NRM is essential to recovery.

Terry: Utah and Colorado are extraneous to recovery of Mx wolf

Michelle: literature shows that there is suitable habitat in Utah and Colorado. That is area where we are legally vulnerable.

Mike T: reviewing Utah's management plan is problematic because of the legal issue that it's not implementable until wolf is delisted, so there cannot be a track record.

Kevin: Would like to have a DPS that follows historical range of baileyi (Alt 7).

Terry: would not support historical range (Mogollon Rim/I-40 line), thinks that it goes up to the state line. Does not agree with alternatives 3 and 5, think they cloud the issue. A 200-mile dispersal distance gets you to the state line. He wants northern AZ as a passive dispersal area, not an active reintroduction area.

Kevin wants to include Alternatives 3 and 5 for the admin record.

Friday.....

Recovery potential

Wendy: we can write into preamble of listing that wolves occurring outside of prescribed range would be considered part of a different population (Idaho, Montana).

Kevin and Marty: Utah wants to manage wolves against other species. They are concerned that wolves will grow and ungulates will decline without the ability to do anything about it.

Wendy: we can address management issues through 10(j)

Kevin: can't imagine 10(j) in Utah because not part of historical range.

Terry: thinks that the habitat quality degrades for wolves as you move north out of core habitat.

Sherry: need to ensure that we have enough habitat for recovery. The number and location of wolves and their populations is still under debate by the Recovery Team. Southeastern AZ and southwestern NM, as well as Mexico have more limited prey abundance and will likely be affected by climate change.

Michelle: Recovery Team will inform where efforts should be focused, so fuzzy lines not as important.

Terry: more vague the listing, the more effort to expand the range through litigation to get protection for other areas. So, he's not a fan of vague boundaries. It's best to focus conservation dollars on most important areas.

Marty: Are Utah and Colorado necessary for genetic exchange or for core population.

Michelle: we don't know yet. The Recovery Team is working on those issues. We will get more information and a better understanding from the Recovery Team to inform the listing. If not enough time before proposal, the information could still be incorporated into the final rule.

Terry: Alternatives 1 and 4 are adequate. Arrows on Alt 1 should have gone more directions than just to north.

Maricela: Alt 1 doesn't have boundaries (where found).

Kevin: difference between subspecies and DPS is whether you are letting the animal tell you where it occurs or you are telling the animal where it occurs.

Wendy: we can still circumscribe where the animal is recovered through other ESA tools.

Kevin: Alt 3 would not allow Utah to allow wolves to establish packs in the gap between the Mx wolf DPS and the NRM DPS, which would be necessary to have true connectivity. Concerned that we're saying that if it's not listed under ESA then it's not protected. He wants it to instead be a discussion of who is protecting the wolves – Feds or State.

Seth: if gray wolf is delisted, and no Mx wolves yet found in Utah, how would Utah's law be enacted – does it address *baileyi*? Or just *Canus lupus*?

Kevin: Alt 1 is not really a big issue for them now, but it may be in future. It puts some uncertainty into issue that would be eliminated with a line. So, without Mx wolves in the state now, Utah law would allow them to manage for wolves from the north.

Wendy: lines can and have been successfully challenged. A subspecies is less subject to litigation.

Kevin: But if recovery team recommends recovery in Utah and Colorado, then Utah will sue us on the recovery plan.

Michelle: we would rather fight the lawsuit on the recovery plan than on the listing status. Judges give us deference on science. The DPS policy is not scientific, although we've tried to give it some science in policy.

Terry: what is the expected outcome of the SDM process? It's not a regulatory process. It all has to go through public process. If intent is to be open and transparent as possible, should go with Alt 1. Everyone can argue the other issues in next process.

Mike: The outcome is an agreed upon framework for evaluating the listable entities. We are assessing the pros and cons of various alternatives. Not trying to achieve consensus.

Michelle: Science that would help define a DPS would help us now. We wanted to get that information from the states up front. States should decide whether to provide formal comments on status as well.

Terry: He does not think that Utah and Colorado are part of historical range. Recovery of the Mx wolf should be focused under alt 4. No certainty on boundaries, but *baileyi* existed until the 60s as far north as northern AZ. If you take a dispersal radius to known locations, you get to northern AZ. Have to double dispersal distances to get into Utah and Colorado.

Mike R: 1.a. - uncertainties about how much land area needed.

2. Promote ecosystem health and integrity – not a driver for evaluating alternatives

3. Legal defensibility

Marty: if discreteness and significance arguments are based on protecting *baileyi*, does it make sense to go so far north?

Seth: if northern wolves come south, Alt 2 would undermine your efforts to protect *baileyi*.

Mike T: DPS vulnerability depends on direction of the lawsuit. Some are too small, some are too big.

Maggie: Alt 2 was developed because it addresses all of the suitable habitat.

Mike T: Alts 4 and 5 leave out suitable habitat on the landscape

Terry: the more you expand beyond the historical range, the more legally vulnerable you are with a DPS.

Mike T: defensibility of DPS is squishy, but easier than defending leaving suitable habitat out of national plan as suitable habitat. Arguments are made that it should be included as wolf habitat for some wolf. With subspecies, could delist Colorado and Utah from *Canus lupus* listing, but it would be included in *baileyi* subspecies listing as where found, if they eventually occurred there.

Kevin: do you want the states included as supporters or antagonists. Do you want the states as intervenors? The wolf that occurred there has been extirpated and scientifically it does not make sense to recover it for *baileyi*.

Eric: If listed as subspecies, what would happen if a wolf killed in southern Colorado?

Mike T: We would do an investigation to determine if Mexican wolf or NRM wolf.

Terry: but including it on a state list includes some level of regulatory burden under section, such as jaguarondi.

Sherry: but we have to my knowledge never done a formal or informal consultation on jaguarondi.

State Management:

Terry: with wolves, there are closures for wolf dens and wolf enclosures. Some inconveniences, but these issues don't really come into play in the assessment but rather later in structure of a 10(j).

Kevin: objectives 1, 2, and 3 all limit state's ability to manage wildlife. For example, states sometimes go in to remove a cougar population to facilitate growth of a population of a prey species.

Wendy: 10(j) provides flexibility to manage wolves to address prey reductions.

Kevin: thinks that similarity of appearance would invoke their law restricting their management authority.

Management Flexibility:

Michelle: could not do a 10(j) for all of Alt 2 because it would not be wholly separated from NRM.

Mike: to designate an entire DPS as non-essential may be problematic. May make a difference if *lupus* vs. *baileyi*. But you wouldn't have a 10(j) in Mexico.

Seth: 10(j) have to be wholly geographically separated. If endangered pop and 10(j) pop grow together, may invalidate the 10(j). We are arguing that movement is not enough to invalidate the 10(j), needs to be population comingling.

Terry: this is the argument that AGFD has had with the establishment of wolves in Mexico. Also, Alts 2 and 3 hurt AZ because if wolves are established in northern AZ, they would be restricted from going into southern Utah and Colorado.

Tribal management

Terry: states defer to Tribes on this issue.

Public Values

This objective is not distinguishing among alternatives. If there is a strong public value, it will appear in legal defensibility.

Efficiency

Terry: with Alt 5, you'll spend a lot of time defending why northern AZ not included.

Terry: line for Alt 4 is not specific, but rivers and canyons are defensible barrier – San Juan is more defensible than I-40.

Kevin: Alt 2,3, and 5 would take more time to recovery. Alts 2 and 3 would put Utah in position of Wyoming. It would be preferable to have DPS boundary.

Terry: for AZ, Alt 1 is the best for assessment, and Alt 4 is best for recovery. But for proposed listing, he supports Alt 4.

Next meeting – SDM webinar July 11:

Review of consequences table, updates, new interpretation

Balancing the tradeoffs

Decision makers from States may choose to sit in on webinar, so no need for another meeting with them in the next couple of months. But need a conversation between RDs and Directors before release of proposed rules. This could happen at WAFWA meeting in July or at AFWA in September.

As we are developing products, would have calls with Directors

Terry: RD should ask Governor if NMDGF could come to future meetings

Wrap up

Kevin: They will only not oppose Alt 4. Otherwise you're trying to recover a subspecies that never occurred in Utah. Still willing to go through weighting July 11. Kevin appreciates that we are considering their perspectives at this level and understands that there are other issues that we will consider.

Terry: They support Alt 4 based on science. They want to see impact on prey and on prey potential. Based on that information they get to Alt 4. Absent new data, doesn't think their position to change on July 11. Reasonable people can disagree, and he appreciates the face-face meeting. Helps him convince Director that they are part of the process. Disheartening that there has been so much time lost in litigation and bickering.

Eric: agrees with the other 2 states and supports Alt 4. **Again requests that they be able to have a surrogate at the recovery team meeting in August.

Mike T: appreciates states meeting with us. We'll look at best available science and recoverable entity. We are treating states with special purpose. Don't want to lose sight of the other management tools down the road.