

David Bernhardt, Secretary
Department of the Interior
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Certified mail
Return receipts requested

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Copies via email: RDLueders@fws.gov, brady_mcgee@fws.gov

Re: Request for a science-based and humane ‘preferred alternative’ in upcoming Mexican gray wolf management rule-making.

Dear Secretary Bernhardt, Acting Director Everson, Regional Director Lueders, and Recovery Coordinator McGee:

On March 31, 2018, the Federal District Court in Tucson ruled that the U.S. Fish and Wildlife Service’s 2015 Mexican wolf management rule, 80 Fed. Reg. 2512 (January 16, 2015), violates the Endangered Species Act by failing to conserve the endangered Mexican gray wolf and not relying on the best available science. The Service has until May 17, 2021 to revise the rule. This letter from 48 organizations representing hundreds of thousands of members, and 32 scientists, requests that, in rewriting the rule, the Fish and Wildlife Service (“Service”) adopt an entirely new approach to management and recovery of Mexican wolves – an approach based on science, acknowledgement of past shortcomings, humaneness, and a precautionary approach to management of a genetically unique and genetically depleted regional subspecies.

The Service’s loss in court was the latest flashing-red warning light for these highly endangered wolves. The invalidated 2015 management rule replaced a 1998 reintroduction rule that itself was revised as a consequence of litigation after the Service failed to meet its own demographic predictions for population growth.¹ And in the four-and-a-half years since promulgation of the

¹ The Service projected 102 wolves in the wild and 18 breeding pairs by 2005; see U.S. Fish and Wildlife Service, Reintroduction of the Mexican Wolf within its Historic Range in the Southwestern United States Final Environmental Impact Statement (Nov. 6, 1996), p. 2-8. However, it was not until 2014 that 102 wolves roamed the

2015 rule, which was intended in large part to improve the genetic diversity in a wolf population that under previous management had become dangerously inbred, genetic diversity has declined further.²

We urge the Service to engage in a robust, fully-participatory, and democratic National Environmental Policy Act process in revising the management rule. We request that the process include a scoping period, development of a wide range of management alternatives based on the best science, thorough exploration of those alternatives in a draft environmental impact statement (EIS), and public comment periods and public hearings accessible to a broad range of the public throughout the Southwest, before finalization of the EIS and promulgation of a final rule.

We request that the “preferred alternative” in the EIS embody the approach and incorporate the elements that we outline below. That approach would go beyond cross-fostering to include the release of wolf families into the wild together in the same way that these social mammals were first successfully reintroduced. It would establish benchmarks to measure short-term success in ameliorating the genetic crisis, requiring the recurring releases of family packs until those benchmarks are met. Equally important, our requested preferred-alternative would provide stringent on-the-ground protections for the wolves. That approach contrasts sharply with the Service’s long-term policies and management that have consistently minimized the number of wolves released into the wild and provided multiple opportunities to remove wolves.

One of the fundamental changes that we request is that the Service designate the wild U.S. population as experimental-*essential* instead of non-essential.³ Whatever the status of the U.S. population when first reintroduced in 1998, complete loss of the same population during the present era would likely doom this unique subspecies to extinction. The population would never be reconstituted and could never be replaced, while habitat and a prey base for the remaining wolves in Mexico is likely not sufficient to sustain a genetically-resilient population with no connectivity to U.S. wolves. That precious U.S. wild population must be designated as essential to afford it greater protections to prevent its loss. After over two decades of uneven demographic growth, slower than the Service’s repeated projections, and after more than two decades of declining genetic health, essential designation is key to reversing the U.S. wild population’s deterioration and ensuring overall survival in the wild and recovery of the Mexican wolf.

Our requested ‘preferred alternative’ as outlined below addresses four areas of Service authority in wolf management: (1) Releasing wolves from captivity, (2) removing wolves from the wild, (3) protecting wolves from killings and injuries, and (4) preventing wolf predation on livestock. Our suggested approach offers a science-based road map for establishing a viable Mexican wolf population through reversal of the Service’s management philosophy and practices that it has followed since 1998. For a new era that will begin in May 2021, we request incorporation of the

Southwest and the Service has still not documented 18 breeding pairs on the landscape; see <https://www.fws.gov/southwest/es/mexicanwolf/pdf/pop.estimate.web.98-17.pdf>.

² Mexican Wolf Experimental Population Area Initial Release and Translocation Proposal for 2017 (Feb. 2, 2017), p. 1; Mexican Wolf Experimental Population Area Initial Release and Translocation Proposal for 2019 (Sept. 30, 2018), p. 2.

³ While some of our organizations think that the U.S. wild Mexican wolf population should be fully protected with ‘Endangered’ status, we are asking here that you designate that population as ‘Experimental-essential.’

following elements into the preferred alternative in the draft EIS and their inclusion in the final rule:

Releasing wolves from captivity

- The Service and/or cooperating agencies shall annually release from captivity into the wild the maximum feasible number of well-bonded male/female Mexican wolf pairs with pups, until the average gene diversity has increased to halfway between that in the captive population and the wild population.⁴

Removing wolves from the wild

- There shall be no cap or maximum number of Mexican wolves allowed in the wild.
- Wolves shall not be removed from the wild for their predation on wildlife such as elk or deer.
- Authorization for either the government or private individuals to kill wolves is restricted to cases in which they pose a likely threat to human health or safety.
- Wolves shall not be removed from the wild for preying on livestock on public lands while the permittee or permittee's agent was not present on the grazing allotment in which such predation occurred, after the permittee was cognizant of the nearby presence of wolves.
- Wolves shall not be removed from the wild for preying on livestock where carcasses of non-wolf-killed livestock attracted the wolves to the vicinity of livestock.
- Any wolf that has previously fed on non-wolf-killed livestock shall not be removed from the wild due to subsequent predation on livestock.
- Wolves shall not be removed from the wild for preying on livestock south of Interstate Highway 10 in Arizona and New Mexico, in order to facilitate natural connectivity between wolves in the U.S. and in Mexico.
- Wolves shall not be removed from the wild as a consequence of breaching any specific geographic boundary, and in particular wolves shall not be removed from the wild for traveling into or inhabiting regions north of Interstate Highway 40.

Protecting wolves from killings and injuries

- The Service shall request that land-management agencies revoke livestock grazing permits of any permittee found guilty of the illegal killing or injuring of a Mexican wolf.
- Only employees of government wolf-management agencies, scientists engaged in scientific research, and persons under the supervision of such government employees or scientists shall have access to wolf-programmed telemetry receivers or the real-time information from GPS collars.
- To the extent feasible, every wolf that is found to have been or is reasonably presumed to have been killed unlawfully in the wild shall be replaced within a year through the release to the wild of a wolf born in captivity, selected so as to increase genetic diversity, in

⁴ The target level of gene diversity of 0.725 is half-way between projected levels in 100 years of the gene diversity in the wild population without releases (0.67) as compared to the projected level in the captive population (0.78). Geneticist Philip W. Hedrick, Ph.D. advised such a near-term metric in a declaration submitted on July 20, 2018 to the U.S. District Court in Tucson while the Court pondered the remedy in its finding that the 2015 management rule was illegal. It is vital that the Service institute objective, results-based benchmarks that determine action.

addition to the releases of well-bonded pairs as required in the section on “Releases from captivity” above.

Preventing predation on livestock

- To enhance cooperation and reduce conflicts in Mexican wolf recovery, management agencies shall proactively conduct outreach to and education of citizens, associations, local governments and tribal governments about wolf behavior, life history, ecology, non-injurious protection of domestic animals, and current distribution including on or near grazing allotments.
- The U.S. population of the Mexican wolf shall be designated as an experimental, *essential* population, and all federal actions within the experimental population area, including the issuance of public-land grazing permits, shall be analyzed for their effects on the survival and recovery of the Mexican wolf.
- All wolf-management agencies shall document every known instance of wolves feeding on livestock along with conclusions as to what killed such stock based on a necropsy and/or other evidence.
- All livestock permittees who lease public lands must remove or render inedible the carcasses of any of their livestock that die of non-wolf causes before wolves begin scavenging on such carrion and then persist near vulnerable livestock.⁵
- All livestock permittees with knowledge that wolves are on or near public lands that they lease must ensure the presence on each such grazing allotment at all times of a person equipped to chase and harass (but not injure or kill) wolves to deter hunting of livestock.

These provisions are based on science and in particular the importance of enhancing genetic diversity through wolf releases and through binational connectivity of wolf populations. In addition, through combining family-pack releases with stringent restrictions on wolf removals and common-sense measures to lessen the number of wolves killed illegally, our suggested approach is also humane.

The Mexican gray wolf is a beautiful, intelligent, social animal that is unique among gray wolves. Endemic to the southwestern United States and northern Mexico, Mexican wolves play a vital role in maintaining the natural balance in an arid landscape with different distributions of prey than found in more northern habitats. The Mexican wolf is beloved by millions of people in the U.S. and Mexico, many of whom have been thrilled by reintroduction programs in both nations but also gravely disappointed in the uneven pace of population establishment. Recovery of the Mexican wolf is a promise established by the U.S. Endangered Species Act and with it, conservation of the ecosystems on which Mexican wolves depend. Please do not keep going in the same fruitless direction that has not even met your own metrics, but instead chart a new path that will actually recover the Mexican gray wolf.

Thank you for your consideration.

⁵ Similarly, in reintroducing wolves to Yellowstone National Park and central Idaho, the Service required that “If livestock carrion or carcasses are not being used as bait for an authorized control action on Federal lands, it must be removed or otherwise disposed of so that they will not attract wolves.” 59 Fed. Reg. 60252 (Nov. 22, 1994).

Sincerely endorsed by,⁶

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