The Honorable Ken Salazar
Secretary of the Interior
Stewart Lee Udall Department of the Interior Building
1849 C St., N.W.
Washington, D.C. 20240

March 29, 2012

Copy via e-mail: feedback@ios.doi.gov.

Re: Request to Resume the Stalled Reintroduction of Mexican Gray Wolves (*Canis Lupus Baileyi*) through Releasing a Significant Number of Wolves to the Wild, and Enacting a Long-delayed Change in the 1998 Reintroduction Rule – and Taking Both Actions this Year.

Dear Secretary Salazar,

This is to call your attention to -- and request your personal intervention to reverse -- the slow-down and near-cessation of releases of endangered Mexican gray wolves from captivity to the two southwestern national forests comprising the Blue Range Wolf Recovery Area, which is the only region in the world inhabited by a population of free-ranging Mexican wolves.

The lack of wolf releases reflects opposition by the livestock industry and lack of support on the part of state game agencies. In response, the U.S. Fish and Wildlife Service has ceased fulfilling its statutory and ethical responsibility to conserve and restore the Mexican wolf.

This letter recounts a decade of unheeded scientific warnings and the dire, still-unfolding consequences of the Fish and Wildlife Service's failure to act. We show that this agency under your jurisdiction rarely utilizes its present authority to release Mexican wolves into the wild, and we recount its unending delay in completing a simple rule-change that would broaden current authority to release wolves by expanding the pool of animals eligible to be released into New Mexico.

The stalled releases and the separately stalled rule-change are both needed to combat ongoing genetic problems that are now besetting the wild wolf population and are likely to worsen.

The government's slow-down in releasing wolves to the wild appears to signal a sputtering, unannounced end to the central, definitional reintroduction component of a reintroduction program that is intended to build a population of at least 100 wolves, as a first step toward eventual recovery, and was projected to achieve that number including 18 breeding pairs by 2006.[1] However, federal trapping and shooting, and illegal shootings, coupled with paralysis at the Fish and Wildlife Service, has prevented this population from reaching that interim objective.

Instead, the population has oscillated and was counted this past January at just 58 wolves including only six breeding pairs. That low number contributes to genetic inbreeding that is lowering wolf litter sizes.

[1] U.S. Fish and Wildlife Service. 1996. Final Environmental Impact Statement on Reintroduction of the Mexican Wolf Within its Historic Range in the Southwestern United States. Albuquerque. Available on-line at http://www.fws.gov/southwest/es/mexicanwolf/pdf/MW_EIS.pdf. Table 2-2, p. 2-8. The table projects 102 wolves including 18 breeding pairs by end of 2005, but bases that on wolf releases beginning in 1997. Releases commenced in March 1998, hence the table's projections should be regarded as a year too early.

Scientists warn that the lack of timely releases of wolves to the wild jeopardizes the recovery of this unique subspecies of the gray wolf and may doom it to extinction. On the other hand, releasing a sufficient number of wolves from captivity in 2012 would slow the ongoing loss of genetic diversity and increase the reproductive success of the wild wolves. It would make a real difference.

As described and supported in detail below, the undersigned conservation, animal-protection and sportsmen organizations, representing tens of thousands of members, and wildlife biologists, implore you to ensure that your Fish and Wildlife Service undertakes two measures this year to prevent further irretrievable losses of the genetic heritage of the Mexican gray wolf and provide a basis for its recovery in subsequent years: Release two dozen or more eligible wolves to the wild in Arizona and New Mexico, and issue a draft and final environmental assessment and rule, tiered to the detailed analysis that the Fish and Wildlife Service already conducted in designating a recovery area for the Mexican wolf, allowing release of wolves that have not yet set paw in the wild into the Gila National Forest in New Mexico (the majority of the recovery area), which contains the best unoccupied wolf habitat in the Southwest.

The Mexican gray wolf is a beautiful, intelligent, social animal that is adapted to arid woodlands and grasslands and is vital to restoring the balance of nature in the Southwest. In the face of inaction by the Fish and Wildlife Service, your decisive exercise of authority can save the famed "lobo" of southwestern campfire lore from extinction. We ask you to do so, on behalf of an animal whose reintroduction was supported by 69% of New Mexico residents and 77% of Arizona residents polled in 2008,[2] and whose worth and value to future generations is incalculable.

I. *Unnecessarily Complicated Policy and Lack of Agency Will Have Kept Wolf Releases Anemically Low*.

The 1998 federal rule authorizing Mexican gray wolf reintroduction[3] established the Blue Range Wolf Recovery Area, consisting of the 1.1-million-acre Apache National Forest in east-central Arizona and the adjoining 3.3-million-acre Gila National Forest in west-central New Mexico. The recovery area is a landscape of towering pines and firs, rolling grasslands, wooded draws and shaded creeks, and is home to elk, deer, javelina, jackrabbits, beavers and other wildlife on which wolves prey. But that ecosystem is divided administratively, largely along the Arizona-New Mexico state line. The story of that line and its destructive effects goes back to the outset of the reintroduction program, and continues to the present day.

A bifurcated ecosystem. The 1998 reintroduction rule allows the U.S. Fish and Wildlife Service to release any Mexican gray wolf into the southern-central (majority) portion of the Arizona extent of the recovery area. (In addition, the White Mountain Apache Tribe in Arizona carries out Mexican wolf releases in the 1.7-million-acre Fort Apache Indian Reservation, adjoining the Apache National Forest, which the rule also permits.) However, the rule restricts wolf releases into New Mexico (and in the northern and southernmost portions of the Apache

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[2] Rene Romo, "'Large Margin' Supports Wolf; Survey: 69% Back Reintroduction," *Albuquerque Journal*, 6/17/2008, p. C4.

[3] 63 Fed. Reg. 1752-1772, Jan. 12, 1998; on-line at http://www.fws.gov/southwest/es/mexicanwolf/pdf/10(j)_Final_Rule.pdf.

National Forest) to animals that were previously in the wild but were captured for management purposes – i.e. translocations, or the transport of organisms from one field locale to another -- whether the capture and release happen successively or separated by days, months or years.[4]

One consequence of the bifurcation of release authority by state line is that in January of this year, as has been the case since reintroduction began, more wolves (32) were counted living in Arizona's smaller portion of the recovery area and adjoining areas than in New Mexico (26), where the Gila National Forest is half a million acres larger than the Apache National Forest and Fort Apache Indian Reservation combined.

Mexican wolves continue to be illegally killed year after year. Furthermore, government trapping and shooting of wolves between 1999 and 2007 prevented sustained population growth, and unfortunately a federal predator-control agent shot another wolf in 2011. Given these larger-than-anticipated losses to the population, an adaptive approach to management would entail releasing more wolves to the wild. Nonetheless, relatively few wolves were released in the first years of the reintroduction in both Arizona and New Mexico (compared for example to the successful wolf reintroduction program in Yellowstone National Park and central Idaho in 1995 and 1996), and as losses to the population grew, releases remained stagnant and in recent years have ground almost completely to a halt.

Eligible wolves, excellent habitats. Though 146 Mexican wolves were removed from the wild at Fish and Wildlife Service's orders over the last fourteen years,[5] and over 30 of them remain alive in captivity, many genetically valuable and in sound health, over the past five years just eleven captured wolves have been released after extended captivity, most into New Mexico. Only one wolf from the captive breeding pool (i.e. never before in the wild, thus only releasable in Arizona) has been released during the same span -- in 2008. These numbers pale in comparison to the need, as evident in the Fish and Wildlife Service's failure to achieve the modest 100-wolf objective of the reintroduction program. (Independent scientists calculated that the elk and deer in the recovery area alone, not counting habitat available on the Fort Apache Indian Reservation and not counting other potential wolf prey animals, could support 468 wolves.[6])

Last year, the reintroduction project's interagency field team ranked 32 potential wolf release sites in the Blue Range Wolf Recovery Area, based on a formula accounting for the results from past releases of wolves at some sites, and for all sites their proximity to residences, towns, livestock, the recovery area boundary and other territorial wolves (all inversely correlated to likely release success), and higher densities of elk and deer (positively correlated). The three top-ranked sites were all in the Gila Wilderness within the Gila National Forest in New Mexico.[7] Releases of wolves into New Mexico can enhance the genetics of the wild population while

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[4] Ibid., pp. 1764-1765, 1772.

[5] Hedrick, P. W. and R. Fredrickson. 2010. Genetic rescue guidelines with examples from Mexican wolves and Florida panthers. Conserv Genet 11:615–626, p. 624. This paper cites 144 wolves "removed from the population because of rules that require removal for depredation of livestock and straying beyond designated boundaries," to which we add the trapping removal of M1049 on 2/2/2011 and the federal shooting of F1105 on 12/14/2011.

[6] Paquet, P. C., Vucetich, J., Phillips, M. L., and L. Vucetich. 2001. Mexican wolf recovery: three year program review and assessment. Prepared by the Conservation Breeding Specialist Group for the United States Fish and Wildlife Service. 86 pp., on-line at http://www.fws.gov/southwest/es/Documents/R2ES/Mexican_Wolf_3_Year_Biological_Review.pdf; p. 48.

[7] Mexican Wolf Blue Range Reintroduction Project Initial Wolf Release Proposal for Arizona 2011**,** Draft: May 18, 2011; distributed at Arizona Game and Fish Department meeting in Alpine, Arizona on 5/23/2011.

minimizing the likelihood of conflicts between released wolves and already-established territorial wolves, or between wolves and people and their animals.

Releases of wolves to Arizona can boost the bi-state population through selection of wolves based on desirable genetic and behavioral traits from a larger pool of approximately 300 captive-born wolves that have not previously lived in the wild and are thus ineligible for release into New Mexico.

Reform of the 1998 reintroduction rule, as the Fish and Wildlife Service identified as necessary in 1999 and repeatedly pledged to accomplish, would grant the agency authority to release wolves from the broader captive-breeding pool into New Mexico as well. For over a decade, agency representatives have proffered an array of explanations for delaying this rule-change, and since 2005 officials have similarly explained why wolf releases under existing authority are few and far between, in part by promising to release more wolves in the future. But the years of unfulfilled promises have cost the Mexican wolf and its diminishing genetic legacy dearly. This endangered subspecies cannot afford additional delay. Below, we describe how this crisis evolved and spun out of control, necessitating your present attention.

II. *Release Wolves into the Wild Through Exercising Your Present Authority.*

Resuming releases of wolves into the wild would help address ongoing genetic problems afflicting the sole wild Mexican gray wolf population which exists in and around the Blue Range Wolf Recovery Area. The small size of the wild population and the close relatedness of many of the wolves to each other exacerbates the genetic "bottleneck effect" from the previous era of wolf extermination.

Mexican wolf numbers were reduced to just five animals caught alive in Mexico between 1977 and 1980. Three of these wolves were successfully bred in captivity, and their descendants were later bred with wolves stemming from four other, previously-caught wolves (two separate pairs, which ultimately became separate captive lineages), for a total of just seven breeding animals in three lineages that served as founders of the present captive and wild populations. No Mexican wolves were known to survive in the wild until reintroduction began in the United States in 1998.

Inbreeding depression and genetic rescue. Today, some of the descendants of those last seven reproducing survivors (now long-since deceased), living in the wild in Arizona and New Mexico, suffer from inbreeding depression. That term means reduced fitness due to loss of genetic diversity. In 2007, a peer-reviewed scientific article correlated inbreeding among Mexican gray wolves in the wild with fewer observed pups, suggesting a genetic basis for how many pups are born and/or survive in the wild population.[8]

Prior to reintroduction, a key effort to stave off genetic problems consisted of the 1995 reproductive merger of the three separate lineages of Mexican gray wolves, which resulted in temporarily increased fitness and was termed "genetic rescue." But the fruits (or pups) of that successful endeavor have largely been squandered. Experts on the Mexican wolf concluded in 2010 that "mainly because of non-scientific considerations, further releases [to the wild] were

[8] Fredrickson, R. J, Siminski, P., Woolf, M. and P. W. Hedrick. 2007. Genetic Rescue and Inbreeding Depression in Mexican Wolves. Proc. R. Soc. B, 274:2365–2371.

greatly reduced in the 4-year period 2005–2008 to only a total of five wolves. At this point, both the reintroduced population and the program of genetic rescue are presently at great risk because of the low growth rate of the wild population."[9]

It didn't have to be so. In an August 2004 memorandum to fellow members of the Southwest Gray Wolf Recovery Team, copied to the Fish and Wildlife Service, referencing the previous month's federal shooting of a genetically irreplaceable wolf, Philip Hedrick of Arizona State University urged timely release of more genetically important wolves:

> Genetic factors may be very significant threats to the reintroduced Mexican wolf population in both the short and long term. Crossing the three lineages produced animals with low inbreeding coefficients. Reducing (or managing) the inbreeding level in the wild population has already become an important factor. Also the McBride lineage [originating from the wolves caught from 1977-1980] was founded from only 3 individuals. Combining the lineages increased the numbers of founders to 7 (two from each Ghost Ranch and Aragon). For success of a reintroduction program, having low inbreeding and high genetic diversity (as many founders as possible) are quite important factors. In my opinion, USFWS should act to overcome these potential problems as soon as possible by incorporating ancestry from both the Aragon and Ghost Ranch lineages.[10]
> .

Despite having released a "new" (i.e. never free before) pack of five wolves from the captive-breeding pool into Arizona the month before Dr. Hedrick's memo, and that same month releasing another pack of seven, previously-captured wolves (i.e. translocating them) in New Mexico, the Fish and Wildlife Service did not release additional new wolves in 2004.

Politically-derived moratorium on releases. In 2005, the Fish and Wildlife Service proposed a year-long moratorium on release of new wolves to the wild, in response to demands issued by wolf opponents at two private meetings convened in February 2005 with senior officials of the agency's Southwest regional office at the request of Rep. Steve Pearce (R-N.M).[11] The Associated Press reported that Mexican wolf recovery coordinator John Morgart "doesn't believe the moratorium would hamper the program because releases of captive-reared wolves have all but stopped already and because there is a pool of wolves with wild experience now in captivity that could be released" [i.e. translocated]. The AP quoted Dr. Morgart: "'I don't see it as a huge inhibition to our program at all,' said John Morgart, wolf program coordinator. 'Yes, it puts some constraints on us that we wouldn't ordinarily have. It also makes an important statement.'"[12]

In 2006, Fish and Wildlife Service released a pack of four new wolves in Arizona. In 2007, biologists identified as a "possible" goal one or two "initial releases,"[13] but that year they did not end up releasing any wolves from the captive-breeding pool and not previously in the

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[9] Hedrick and Fredrickson, 2010, p. 621.

[10] P. Hedrick e-mail to recovery team, "Mexican wolf ancestry," 8/2/2004.

[11] Mexican Wolf Blue Range Reintroduction Project Adaptive Management Oversight Committee, "DRAFT Proposal on a response to public issues raised at recent meetings sponsored by Congressman Pearce at Glenwood and Socorro, New Mexico," 4/26/2005.

[12] Associated Press, "Fish and Wildlife proposes restrictions for wolf program," *Silver City Sun News*, 4/28/2005, p. 6A.

[13] Mexican Wolf Reintroduction Project 2007 Interagency Field Team (IFT) Annual Work Plan (1/11/2007), p. 2, posted on-line at http://www.azgfd.gov/w_c/wolf/documents/MWAnnualWorkPlanfor2007.AllAgencies.Final.pdf.

wild. In January 2008, citing the genetic evidence published the previous year, the Association of Zoos and Aquariums, which oversees the captive breeding program, urged the Fish and Wildlife Service to continue releasing wolves from the captive population.[14] That November, a captive-bred, new wolf was released into Arizona, as noted, the last such initial release to take place.

A lost option to reinvigorate a moribund reintroduction program. In March 2009, Rich J. Fredrickson of the University of Montana, who along with Dr. Hedrick is the foremost expert on the subject of Mexican gray wolf genetics, wrote the Fish and Wildlife Service:

> There continues to be an unacknowledged disconnect between the USFWS management of the BRP [Blue Range population] and the establishment of a genetically diverse population. Currently the BRP has a narrow genetic base with descendents of the former Bluestem and Aspen packs dominating the ranks of the alpha wolves. Bluestem is especially overrepresented. If not dealt with, this will serve to increase inbreeding and reduce fitness in the BRP in future generations. There is also either a lack of concern, acceptance, or understanding that the best biological opportunity to broaden the genetic base, increase fitness, and accelerate population growth of the BRP is closing with the aging of the F1 [first cross-lineage] generation of captive-bred wolves. Likewise, opportunities are now also limited for using backcross wolves (MB x F1) for genetically augmenting the BRP. In the case of the BRP time is opportunity, and the costs of lost opportunity are high. Over the last five years the USFWS has through inaction lost one of its best options for reinvigorating the moribund reintroduction program.[15]

However, these comments evidently had no short-term effect on management; although two captured wolves had been released (translocated) in 2009 prior to Dr. Fredrickson's comments, no more were released that year.

In 2010, a single captured wolf was released in January, while, again, no new wolves were released from the captive-breeding pool. A recovery program progress report for calendar year 2010 stated that "lack of appropriate initial releases and successful translocations from captivity" contributed to "fewer known adult wolves available for pair formation." This acknowledgment was accompanied by a pledge to "replac[e] the individual animals lost through initial releases and translocations."[16]

Nevertheless, in 2011 the Fish and Wildlife Service released just two previously-captured wolves (and no new wolves) to replace the eight wolves known to have died or gone missing in 2010. Failure to replace enough lost wolves set the stage for one of those two released wolves to breed with a dog, and later to consort with another dog. The Fish and Wildlife Service eventually had the wolf shot on Dec. 14, 2011, further undercutting recovery.

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[14] Letter of Steve Olson to Dr. Benjamin Tuggle, Duane Shroufe and Bruce Thompson, 1/2/2008.

[15] R. J. Fredrickson, Comments on the "Draft Mexican Wolf Conservation Assessment," submitted to Fish and Wildlife Service, 3/9/2009.

[16] U.S. Fish and Wildlife Service, Mexican Wolf Recovery Program: Progress Report #13, January 1 – December 31, 2010, on-line at http://www.fws.gov/southwest/es/mexicanwolf/pdf/2010_progress_report_final.pdf; p. 29.

Last chance before importing northern gray wolves. In 2010, professors Hedrick and Fredrickson published a sobering prognosis about the effects of delay on Mexican gray wolf recovery:

> Finally, there may not be a second chance for genetic rescue here because none of lineages are still maintained separately in captivity. Although semen was collected from one Aragon and six Ghost Ranch wolves from 1996 to 2000, the efficacy of artificial insemination using frozen semen from strongly inbred wolves is uncertain. It was assumed that the increase in fitness from lineage crossing would be used expeditiously to enhance the numbers of wild wolves and that a second round of crosses would not be necessary. However, mainly because of non-scientific reasons, the cross-lineage wolves were not incorporated into the reintroduced population in a timely manner and this opportunity may have been lost. If the reintroduced population does not increase soon, it may be necessary to consider extraordinary measures, such as introducing northern gray wolves, a closely related subspecies (Leonard et al. 2005), into the reintroduced Mexican wolf population.[17]

The two scientists wrote:

> Unfortunately, this evaluation also suggests that some aspects of genetic rescue should have been carried out in a more timely manner and that for Mexican wolves, the recovery of the reintroduced population is now in jeopardy, partly because of poor implementation of genetic rescue management.[18]

Significant extinction risk. The same year, 2010, in a new "Mexican Wolf Conservation Assessment," Fish and Wildlife Service acknowledged the wild population's precarious status, and that captive wolves are not intended to replace the wild population if it were to be lost – confirming that the imperiled Blue Range population is essential to conservation of the Mexican gray wolf:

> Qualitatively, the population faces significant, although unquantified, extinction risk from demographic stochasticity due to the sheer fact that the population numbers only 42 wolves. The captive population, while critical to the reintroduction, is not intended to serve as a safety net for extirpation of the Blue Range population. The ability of the population to increase rapidly in size and outgrow this susceptibility is constrained by several factors, including the low reproductive and/or recruitment rate and high levels of mortality and removal.[19]

As seen, the low reproductive and/or recruitment rate was linked to inbreeding depression identified in the wild population. The Fish and Wildlife Service noted that the window of time to meaningfully ameliorate this condition was closing:

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[17] Hedrick, P. W. and R. Fredrickson, 2010, p. 622.
[18] Ibid.
[19] U.S. Fish and Wildlife Service. 2010. Mexican Wolf Conservation Assessment. Albuquerque, on-line at http://www.fws.gov/southwest/es/mexicanwolf/pdf/Mexican_Wolf_Conservation_Assessment.pdf; p. 67.

> [I]nbreeding has the potential to threaten, or at least hinder, the Blue Range population by negatively affecting the growth rate of the population. That is, the release of cross-lineage wolves has the potential to increase the fitness, growth rate, and genetic variation of the Blue Range population (Fredrickson et al. 2007). Results from the captive population, however, suggest that the fitness increase observed among F1 wolves [cross-lineage wolves] wolves may be largely lost in two to four generations.[20]

That year, officials announced intentions to release a new wolf pack in Arizona but did not follow through, delaying release of the pack to 2011.[21] Last year, that pack was experimentally fed an emetic substance embedded in cattle carcasses, intended to determine whether such aversive conditioning might deter wolves from depredating cattle. Nonetheless, neither this pack nor any other new wolves were released in 2011, and just two previously-caught wolves were translocated. No wolves have yet been released in 2012, either. The Fish and Wildlife Service, despite its belated acknowledgment of the urgency of releasing significantly more wolves, has so far proved unwilling to do so. Thus, we ask you to compel the agency to act.

III. *Amend the 1998 Mexican Wolf Reintroduction Rule so as to Allow Release of Wolves that Have Not Yet Been in the Wild into New Mexico.*

During the fourteen-year course of the Mexican gray wolf reintroduction program, and even before it began, independent scientists, citizens, and the U.S. Fish and Wildlife Service itself have pointed to a glaring management flaw written into the 1998 reintroduction rule, and with growing frustration over the years, suggested fixing it. Now, the Mexican wolf's genetic implosion makes this reform even more imperative. Yet, despite repeated pledges to do so, the Fish and Wildlife Service has not issued the draft and final environmental assessments and rules necessary to effect this important but simple administrative modification, even though a draft environmental assessment has reportedly been written and just requires release to the public for comments. We ask you to instruct the agency to do so.

As described above, the reintroduction rule authorizes releases of wolves from the captive-breeding population that were not previously in the wild, only into Arizona, while authorizing translocations of wild-caught wolves into both Arizona's and New Mexico's portions of the Blue Range Wolf Recovery Area.[22] This provision inhibits growth of the wild population by restricting initial releases of captive-bred wolves (of which there are approximately ten times more than those captured from the wild and still alive in captivity) to a region amounting to less than a quarter of the total recovery area (not counting the Fort Apache Indian Reservation under White Mountain Apache Tribe's sovereign jurisdiction).

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[20] Ibid., p. 60.

[21] "Anticipated Release of Mexican Wolves Delayed until 2011," Fish and Wildlife Service Region 2 press release, 10/8/2010.

[22] This national precedent in dividing endangered species management by state border is an unhappy artifact of the New Mexico State Game Commission's 1980s and 1990s opposition to releases into the Gila National Forest – reflecting livestock industry opposition. In contrast, the Arizona Game and Fish Commission did not unequivocally oppose releases in Arizona.

An anticipated snafu that duly arrived. Two years before the first Mexican gray wolves were released to the wild, in its 1996 response to a public comment on the draft environmental impact statement, the Fish and Wildlife Service anticipated possibly "propos[ing] an amendment to the experimental population rule to establish release sites elsewhere in the designated wolf recovery areas," given the possibility of "aggressive, even fatal, encounters between wolves . . . if future releases were conducted in areas already occupied by previously established wolves."[23] (Such intraspecific aggression did occur in precisely the envisioned circumstances, in 2001, contributing to the destruction of the short-lived, nine-member Lupine Pack released in Arizona in an area occupied by resident wolves.)

Reform tripped up by execution problems. In January 1999, in the wake of illegal shootings of several wolves in Arizona, and wolf attacks on domestic animals, Fish and Wildlife Service convened a Mexican wolf program review, "in which experts strongly recommended modifying the rule to gain authority to release wolves in remote areas (i.e. the Gila National Forest) in the NM portion" of the recovery area, to minimize the conflicts, according to a later review of the program.[24] In February 2000, in an environmental assessment that affirmed Fish and Wildlife Service's authority to translocate captured wolves into New Mexico, the agency announced its intent to propose an amendment to the reintroduction rule providing it authority for direct release of wolves from captivity into New Mexico.[25] The later review revealed that the agency had drafted language for that amendment by February 2000, intending to begin a National Environmental Policy Act (NEPA) process to solicit public comment. "However, it was never released," admitted the interagency group including Fish and Wildlife Service, reviewing the program in 2005, before providing a page and a half of explanations amounting to higher priorities, indecisiveness, and "execution problems."[26]

Ignoring independent scientists, stakeholders, written comments from the public, and New Mexico's leading newspaper. In 2001, another expert panel of independent biologists undertook a broader, scientific assessment of the Mexican gray wolf reintroduction program for the Fish and Wildlife Service, constituting a three-year review of the program that the final reintroduction rule had stipulated along with a five-year review. The panel issued the following recommendation (bold typeface in original):

> **Immediately modify the final rule (Parsons 1998) and develop the authority to conduct initial releases into the Gila National Forest.** Several releases conducted during the first 3 years of the reintroduction project resulted in wolves settling much of the primary recovery zone [i.e. within the Apache National Forest in Arizona] in the Blue

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[23] U.S. Fish and Wildlife Service, 1996, pp. 5-87 – 5-88.

[24] Mexican Wolf Blue Range Adaptive Management Oversight Committee and Interagency Field Team. 2005. Mexican wolf Blue Range reintroduction project 5-year review. Unpublished report to U.S. Fish and Wildlife Service, on-line at http://www.fws.gov/southwest/es/mexicanwolf/pdf/MW5YRAdministrativeComponent20051231Final.pdf; p. AC-15.

[25] Environmental Assessment for the Translocation of Mexican Wolves Throughout the Blue Range Wolf Recovery Area in Arizona and New Mexico. U.S. Fish and Wildlife Service, Albuquerque, 2/10/2000, available on-line at http://www.fws.gov/southwest/es/mexicanwolf/pdf/EAFNL.2000.pdf; p. 2.

[26] Mexican Wolf Blue Range Adaptive Management Oversight Committee and Interagency Field Team, 2005, pp. AC-15 – AC-17.

> Range Wolf Recovery Area. As work elsewhere ([Mike] Phillips unpublished data) has revealed, wolves should not be released in areas that support resident animals. Over time, it will become harder for the [Fish and Wildlife] Service to find suitable release sites in the primary recovery zone. The Service can best address this problem by obtaining the authority to conduct initial release in the secondary recovery zone, most notably the Gila National Forest. This recommendation was first made to the Service by a panel of experts (including [panel member Mike] Phillips) enlisted by the Service to review the reintroduction program in January 1999. Despite the Service's approval of the recommendation, they have taken no implementation action. This is by far the most important and simplest change the Service can make to the existing reintroduction project. The Gila National Forest is approximately 75% of the 4.4. million acre Blue Range Wolf Recovery Area. The Gila Forest includes about 700,000 acres that are roadless and free of livestock. Several high-quality release sites are available in the area. Using them is the best way for improving the cost-effectiveness and certainty of the reintroduction project. Accordingly, we strongly recommend that the Service immediately take whatever action is necessary to conduct initial releases of captive-born (and wild-born if appropriate) Mexican wolves to the Gila National Forest.[27]

The science panel also stated: "The number of free-ranging Mexican wolves at the end of third year is similar to that projected in the EIS. Survival and recruitment rates, however are far too low to ensure population growth or persistence. Without dramatic improvement in these vital rates, the wolf population will fall short of predictions for upcoming years."[28] As seen, in the absence of implementation of the panel's recommendations, that prediction has come to pass.

Shortly after release of this report in 2001, Fish and Wildlife Service and its federal and state agency partners held eleven "open houses" in Arizona and New Mexico, nine of which were in small towns and rural communities proximate to the recovery area, at which they accepted written comments from members of the public. Out of 364 written public submissions (each of which could address more than one issue), the single largest category of comments advising on specific program policies (as opposed to general support or opposition to wolf reintroduction) addressed releasing wolves from the captive breeding program directly into New Mexico. Eighty-three comments supported such releases, and only two opposed them.[29]

In August 2001, Fish and Wildlife Service convened an invitation-only, three-day "stakeholder workshop" to further refine recommendations for a rule-change, from which the following two proposed action items emerged among a multitude of others issued by six working groups: "Change the 10(j) management rule to allow direct releases of wolves anywhere within the Blue Range Recovery Area" and "Change rule to allow for possible release of wolves from captive population throughout recovery area."[30] None of the proposed action items are at odds with either of these two courses of action.

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[27] Paquet et al 2001, p. 65.
[28] Ibid, p. 27.
[29] U.S. Fish and Wildlife Service and IUCN/SSC Conservation Breeding Specialist Group, *Mexican Gray Wolf: Three Year Review: Open House Participant Comments*, unpublished 543-page briefing book provided to stakeholder workshop participants, Aug. 7-10, 2001.
[30] Kelly, B., M. Brown and O. Byers (eds.). 2001. *Mexican Wolf Reintroduction Program Three-Year Review Workshop: Final Report*. IUCN/SSC Conservation Breeding Specialist Group, Apple Valley, MN., available on-line at http://www.fws.gov/southwest/es/mexicanwolf/pdf/MW_Stakeholder_Workshop.pdf; pp. 52, 64.

Before, during and after the 2001 tripartite review process, Fish and Wildlife Service officials expressed their intentions to act on the review's findings. For example, in June 2001 Mexican wolf recovery coordinator Brian T. Kelly was quoted in the *Silver City* [New Mexico] *Daily Press*: "This is an important time for communities to voice their issues with the program. In addition to the science, we need the local views and recommendations on what changes to make to the management plan."[31]

In March 2002, the *Albuquerque Journal* editorialized in favor of "direct releases into the Gila"[32] (a position the newspaper's editorial board reiterated with evident frustration two years later[33]).

That fall, in a joint 2002 statement to the Fish and Wildlife Service to serve as a review of the three-year review that had been requested by Congress,[34] the Arizona and New Mexico departments of game and fish stated that "the findings and recommendations of the Biological Review are scientifically valid."[35]

Disregarding agency partners, beginning but not completing rule-change. In March 2004, the Center for Biological Diversity petitioned Fish and Wildlife Service to change the reintroduction rule by allowing initial releases of wolves into the Gila National Forest, and enacting two other reforms that the 2001 scientific panel had advised.[36] The following month, the New Mexico State Game Commission, after hearing a day of overwhelmingly pro-wolf public testimony in Silver City, near the recovery area, endorsed initial release into the Gila and instructed the state game department to urge the Fish and Wildlife Service to undertake a rule-change enabling this and other reforms.[37] (The New Mexico Department of Game and Fish reiterated its support for direct release of wolves into the state, and other measures, three and a half years later, to no avail.[38])

In 2005, as part of the five-year review of the reintroduction project for the Fish and Wildlife Service, the interagency Mexican Wolf Adaptive Management Oversight Committee ("AMOC" -- consisting of Fish and Wildlife Service, USDA Wildlife Services, U.S. Forest Service, Arizona Game and Fish Department, New Mexico Department of Game and Fish, and White Mountain Apache Tribe) recommended allowing initial releases and translocations throughout the entirety of the Blue Range Wolf Recovery Area, as part of a broader restructuring of the reintroduction program.[39]

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[31] "Meetings set to discuss wolf reintroduction," *Silver City Daily Press*, 6/7/2001.
[32] "Open Gila Forest To Direct Release of Lobos, Albuquerque Journal, 3/30/2002, p. A8.
[33] "Wolf Program Reforms Must Be Implemented," *Albuquerque Journal*, 6/22/2004, p. A7.
[34] House of Representatives Report 107-103, Department of Interior and Related Agencies Appropriations Bill, 2002 (language inserted by Rep. Joe Skeen, R-NM).
[35] Arizona-New Mexico Review of the U.S. Fish and Wildlife Service's 3-Year Review of the Mexican Wolf Reintroduction Project, 9/30/2002, p. 18.
[36] Petition for rule-making, Center for Biological Diversity to Secretary of the Interior and Director of the Fish and Wildlife Service, 3/29/2004, on-line at http://www.biologicaldiversity.org/species/mammals/Mexican_gray_wolf/pdfs/APApetition_2004.pdf.
[37] Thomas J. Baird, "Pro-wolf sentiment dominates hearing," *Silver City Sun-News*, 4/8/2004.
[38] Bruce Thompson, Director of the New Mexico Department of Game and Fish, to John Slown, U.S. Fish and Wildlife Service, 12/31/2007.
[39] Mexican Wolf Blue Range Adaptive Management Oversight Committee and Interagency Field Team, 2005, on-line at http://www.fws.gov/southwest/es/mexicanwolf/pdf/MW5YRRecommendations20051231Final.pdf; p. ARC-4.

The interagency group noted that the Gila National Forest constitutes 75 percent of the recovery area with "much of the best wolf habitat, due to existence of areas with low or no road densities, good populations of large native ungulates (primarily elk), and few to no permitted livestock," adding that the prohibition on direct wolf releases into New Mexico "restricts the pool of available release candidates and limits AMOC's ability to release wolves for management purposes, such as replacement of lost mates or genetic augmentation. The ability to augment the wild population with wolves that are genetically underrepresented is important to increasing the overall fitness of the population, thereby aiding recovery of the species."[40]

In December 2006, the Center for Biological Diversity sued the Fish and Wildlife Service for not giving a substantive response to the non-profit group's 2004 petition for a rule-change. That lawsuit was dismissed as moot the following year when the Fish and Wildlife Service finally announced an upcoming NEPA process for changing the rule, explaining, in part, that "[m]anagement experience has demonstrated" that the restriction of initial releases from captivity to Arizona "sets impractical limits on available release sites and wolves that can be released into the secondary recovery zone [i.e. Gila National Forest], limits the Mexican Gray Wolf Reintroduction Project's (Project) ability to address genetic issues, and results in a misperception that the secondary recovery zone is composed largely of 'problem' animals that have been translocated to the secondary zone after management removal due to livestock depredation events." The Fish and Wildlife Service added: "In other words, a change in this aspect of the 1998 NEP [non-essential experimental population] final rule would possibly provide the Service the authority to release Mexican gray wolves from the captive breeding population into New Mexico."[41]

In 2007, the agency held twelve "open house" scoping meetings, and received 13,598 public comments for issues to examine in a future environmental impact statement.[42] Nonetheless, in the intervening years the agency still has not followed through; no environmental assessment or impact statement has been forthcoming.

We recognize that the Fish and Wildlife Service intends to review and overhaul the reintroduction rule in its entirety. However, that process remains on hold until the intended 2013 finalization of an updated Mexican wolf recovery plan. (Three times over three decades the Fish and Wildlife Service began updating the 1982 Mexican wolf recovery plan, which does not include required recovery criteria, but in 1995 and again in 2005 the agency suspended nearly-complete recovery revision processes without finalizing a new plan; a new recovery team was appointed in 2011.) Furthermore, such a broader rule-change requires development of an environmental impact statement to address a multitude of management reforms applicable to the Blue Range Wolf Recovery Area as well as rules for establishing new populations of wolves as per the future recovery plan. That could take additional years, particularly because it may authorize reintroduction to additional areas in the Southwest from which wolves were long-ago extirpated – entailing new controversy.

Modifying the reintroduction rule to allow for direct releases of captive-bred wolves anywhere in the Blue Range Wolf Recovery Area, including within New Mexico, need not and

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[40] Mexican Wolf Blue Range Adaptive Management Oversight Committee and Interagency Field Team, 2005, on-line at http://www.fws.gov/southwest/es/mexicanwolf/pdf/MW5YRAdministrativeComponent20051231Final.pdf; p. AC-15.

[41] 72 Fed. Reg. 44066, August 7, 2007.

[42] 72 Fed. Reg. 44065, August 7, 2007; Mexican wolf EIS: Public comment process and analysis for scoping phase, 5/22/2008, on-line at http://www.fws.gov/southwest/es/mexicanwolf/pdf/Mexican_Wolf_EIS_scoping_phase.pdf.

certainly should not wait for the completion of that broader review. As the Fish and Wildlife Service acknowledges, its 1996 environmental impact statement on reintroduction already analyzed in detail the impacts of wolves throughout the recovery area. A rule change to allow for direct releases in New Mexico would not alter the scope or scale of these impacts, would not lead to new significant impacts, and hence would only require an environmental assessment, just as an EA sufficed for a year-2000 rule-change that affirmed authority to conduct translocations of wolves into New Mexico.[43]

Analysis without action. In 2010, Fish and Wildlife wrote in its Mexican Wolf Conservation Assessment:

> The ability of management to address inbreeding depression in the Blue Range population is constrained by regulatory and discretionary management mechanisms that do not incorporate consideration of genetic issues yet result in limitation or alteration of the genetic diversity of the population. For example, initial releases of cross-lineage wolves may be constrained by lack of space (i.e., unoccupied territories) in the Primary Recovery Zone [i.e. the south-central portion of the Apache National Forest in Arizona].[44]

The Fish and Wildlife Service also wrote the following:

> The Blue Range population, although successfully established since 1998, is not thriving. . . . Threats hindering the biological progress of the population and success of the recovery program include management and regulatory mechanisms, such as regulations associated with the internal and external boundaries of the [wolf recovery area], and lack of an up-to-date recovery plan; illegal shooting; and inbreeding. . . . [T]he cumulative effect of these threats results in a consistently high level of mortality, removal, and reduced fitness that, when combined with several biological parameters, threatens the population with failure. The longer these threats persist, the greater the challenges for recovery, particularly as related to genetic fitness and long-term adaptive potential of the population.[45]

The so-called internal boundary of the recovery area refers to the proscription on releasing new wolves to New Mexico. Thus, the genetic problems stem not just from the Fish and Wildlife Service's reluctance to exercise its present authority to release new, captive-bred wolves in Arizona and to translocate captured wolves in New Mexico. They also stem from the agency's 13-year history of failing to follow through and broaden its authority in where to release which wolves, thereby through inaction not correcting a problem that, as seen, it first anticipated in 1996, and that several scientific and layperson assessments since that time have found should be rectified.

You as Secretary of the Interior should make the Fish and Wildlife Service do its job. Given this discouraging administrative history and the high stakes for the endangered

[43] U.S. Fish and Wildlife Service, 2000; p. 2.
[44] U.S. Fish and Wildlife Service, Mexican Wolf Conservation Assessment, 2010, p. 60.
[45] Ibid., p. 78.

Mexican gray wolf, we urge you to compel the Fish and Wildlife Service to issue the requisite draft environmental assessment to solicit public comment necessary to initiate and finalize a rule change this year -- and to release at least two dozen eligible Mexican wolves to the wild in Arizona and New Mexico this year as well, to ensure that administrative reforms do not arrive too late.

Thank you for your conscientious consideration.

Sincerely endorsed by:

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