

The Rewilding Institute

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March 15, 2005

U.S. Fish and Wildlife Service
New Mexico Ecological Services Field Office
2105 Osuna Road NE
Albuquerque, NM 87113
ATTENTION: Mexican Wolf Project: Five-Year Review

Re: Comments on Mexican Gray Wolf Project Five-Year Review

The Rewilding Institute (TRI), a conservation think tank, welcomes the opportunity to comment on the U.S. Fish and Wildlife Service's (FWS) draft 5-year review of the Mexican Wolf Reintroduction Project. We compliment the FWS for the detailed analyses and comprehensive assessments presented in the three documents that collectively represent the 5-year review of this ESA-mandated recovery program. Our comments on each of the three primary review documents follow.

Mexican Wolf Recovery: Technical Component of the Five-Year Program Review and Assessment

With some exceptions as noted below, TRI generally agrees with the four recommendations in the technical report for improving the Mexican wolf reintroduction project: 1) modify the current non-essential experimental population rule to allow wolves to colonize suitable habitats throughout the Southwestern Gray Wolf Distinct Population Segment (SWDPS) where they do not conflict with livestock or humans; 2) translocate wolves with wild experience after their first removal; 3) improve project databases; and 4) fund more research.

We strongly agree that there should be no restrictions to wolf movements throughout the geographic scope of the SWDPS or the geographic scope of the 1978 gray wolf listing rule, whichever rule currently applies. However, we strongly disagree with the part of recommendation number 1 that would exclude areas from wolf occupation where wolves "conflict with livestock and humans." Most of the SWDPS comprises areas where wolves may come into conflict with livestock or humans. The report documents that 47% of the radio-collared wolves released into the Blue Range Wolf Recovery Area (BRWRA) were involved in at least one confirmed depredation incident and an additional

11% were removed for engaging in human-nuisance behavior. The report does not document how many individual wolves came into conflict with humans, but we assume it was more than the number of wolves removed from the wild for this reason. Wolf recovery goals (yet to be established by the Recovery Team) in the SWDPS may not be achievable if “conflict with livestock or humans” excludes areas from wolf recolonization. Thus, in areas within the SWDPS with high potential suitability for wolves (not considering conflict potential), innovative solutions for conflict resolution that do not result in the removal or exclusion of wolves from the area may be necessary for the achievement of SWDPS recovery goals and the goals of the current Mexican wolf reintroduction project. We request that the language of recommendation 1 be revised to indicate that while conflicts with livestock and humans must be addressed and resolved, they will not automatically preclude wolf recovery in a given area.

We strongly recommend that the experimental population rule be revised to allow initial releases of wolves anywhere in the Blue Range Wolf Recovery Area (BRWRA), Fort Apache Indian Reservation, and any other Native American or private lands within Mexican wolf historic range where the owners have entered into agreements to support wolf recovery. Data from the review document fully support this recommendation. To date there have been only 8 successful dispersals, only 3 of which were “natural.” Only 9 of 17 translocated (for depredation) wolves reproduced in the wild. Few, if any, suitable release sites remain in the primary wolf recovery zone because the area is mostly occupied by existing wolf packs. Large areas of the secondary wolf recovery zone (currently off limits to “direct” releases) remain unoccupied or sparsely occupied by wolves. Releases in New Mexico (secondary zone) have been more than twice as successful as releases in Arizona. The failure rate (mortality + removal) of radio-collared wolves is high (62%) and more releases are needed to meet population growth objectives. Wolves should be released in places that offer the greatest chances of success. There is no science-based reason to exclude from direct releases of wolves any part of the BRWRA or nearby areas where wolf recovery is authorized.

As recommended by the FWS report, existing boundaries limiting Mexican wolf recovery to the BRWRA must be removed. These boundaries were politically motivated and are not supported by sound science or FWS policy or practices for other endangered species. The greatest cause (36%) for removing reintroduced Mexican wolves from the wild has been their movement outside the established recovery boundaries. Sixty-eight percent of lone wolves have moved outside the boundary at least once; and 28% of all pack home ranges are partly outside the recovery area. Obviously, these boundaries are not recognized by the wolves. Removal of these wolves is unnecessarily slowing recovery and adding to recovery costs. Long-term recovery of wolves in the Southwest will require multiple populations connected by linkages that are suitable for the movement of wolves among the core populations. Existing boundaries are counterproductive to both short- and long-term recovery goals for wolves in the Southwest and are not supported by science or ESA policy.

We are deeply concerned by the conflict that exists between wolf recovery and livestock production on the public lands within the BRWRA and its effect on recovery success. On

average, for every confirmed depredation incident, a wolf is removed from the wild or translocated. Nearly half of all monitored wolves eventually were involved in confirmed depredation incidents, which usually trigger a management response of removal from the wild or translocation. Wolves have the opportunity to learn to prey on domestic livestock nearly everywhere within the BRWRA. Rates of wolf removal exceed mortality rates and the combination of these rates (62%) is not sustainable. Under current rules, land use priorities, and management practices, we believe that self-sustained population growth achieving the project objective of at least 100 wolves will not occur without continued releases of wolves. Figure 3 clearly shows that population growth is heavily subsidized by continued releases of wolves to offset unsustainable failure (mortalities + removals) rates. Indeed, the EIS predicted that releases would not be needed beyond the year 2002, after which the population would be self-perpetuating (i. e., reproductive success would exceed failure rate). However in actual practice, releases have continued through 2004. This is not yet a “recovery” scenario. The report adds that removals of wolves for reasons of livestock depredation are not likely to decline. Given the near-ubiquitous distribution of livestock within the BRWRA, we view this as a serious impediment to wolf recovery. In our opinion, the restored population has not yet reached a “source” status, and we question whether it ever will under current rules. Many conservation biologists believe that large core areas capable of supporting viable “source” populations are key to recovery success. Unpublished research by Dr. Carlos Carroll has shown that the BRWRA has the potential to support a source population of wolves, but his analysis did not account for the high level of “management” removals in response to livestock depredations that are currently occurring and projected to continue in the BRWRA. The FWS report states that “[t]he overall pattern of source-sink dynamics within the BRWRA suggest that a large area may be required to maintain a viable population of wolves within the southwestern United States....” We agree.

We recommend that the revised rule prohibit the removal or lethal control (aversive harassment should continue to be encouraged) of wolves for engaging in livestock depredation within the currently defined BRWRA. Wolf recovery should be established as at least a co-equal (to livestock grazing) priority on the approximately 7,000 square miles of public lands within the BRWRA. We recognize that this is potentially a very controversial recommendation; and we are not recommending forced elimination of grazing privileges within the BRWRA. What we are recommending are innovative solutions that are fair to all interests and that promote wolf recovery. For example, these solutions may take the form of compensatory incentives to implement new livestock husbandry and management practices that minimize wolf-livestock conflicts and are compatible with wolf recovery objectives or voluntary grazing allotment retirement programs where permittees who choose to participate are generously compensated for the permanent retirement of their grazing allotment. Such approaches have been recommended elsewhere and bills pending in Congress proposing voluntary buyouts of grazing privileges on public lands have broad support from both livestock and conservation interests. If approached correctly with the involvement of key stakeholders, this need not be a controversial or adversarial recommendation. We believe it is essential to successful wolf recovery in the Southwest.

Having not done a legal analysis, it is not clear to us whether the above recommendation can be accomplished under the current “non-essential experimental population” classification. We believe that the current level of “take” of wolves authorized and accomplished through the provisions of the existing non-essential experimental population rule is unsustainable and violates the provision of section 10(j)(2)(A) of the ESA requiring that releases of listed species under section 10(j) provisions must “further the conservation” of the species. If the above recommendations cannot be accomplished under a revised non-essential experimental population classification, then we recommend that the revised rule reclassify this population as either “essential experimental” or fully endangered. In the latter case, the rule would be rescinded rather than revised.

Some specific comments on the technical report follow.

On page 70, the description of “event 1” is not entirely accurate. The dog was not “in camp” when it was attacked by the wolf, and the wolf was not “in camp” when it was shot. These events took place some distance away from the actual “camp” site.

Page 97, Comment #49: *Scientists and administrators involved in the program need to have a high level of sensitivity to the political factors, operating at various levels, that seek to influence the program and resist purely politically motivated solutions to problems.*

We strongly agree with this comment and note that the current short-comings of the Mexican Wolf Reintroduction Project stem directly from politically-motivated project components incorporated into the initial project design and non-essential experimental population rule. We strongly recommend a science-based revision of the current rule and science-based implementation of the project from this point forward.

Page 101, Comment #66: The primary author of this review is a member of the SWDPS Recovery Team and has no knowledge of a “population/habitat viability analysis of the wild population in the BRWRA” being conducted by the Recovery Team. Even if this statement by the FWS was true at the time this document was written, this action cannot now be categorized as “being implemented,” because activities of the SWDPS Recovery Team have been placed on indefinite hold, pending FWS interpretation of a recent litigation decision nullifying the validity of the 2003 rule that established the SWDPS as a listed entity under the ESA.

Mexican Gray Wolf Reintroduction Project Five-Year Review - Section B - Administrative Component

The *Introduction* section of this document fails to mention the turn-over in the Mexican Wolf Recovery Project Leader position and the long lapses of time during which the position remained vacant.

On page 10, this document states that “the Regional Director has stated that in order to revise the rule, the Service must first have a unified, consensus recommendation from the

SWDPS Recovery Team, including both the Technical and Stakeholder sub-groups.” Anyone familiar with the makeup of the Recovery Team would conclude that this requirement is extremely unrealistic. Some members of the Recovery Team are also members of organizations that have twice sued the FWS in attempts to kill the reintroduction project and have all wolves removed from the wild. The Regional Director may as well require that “pigs fly.” As noted above the SWDPS Recovery Team’s status is currently “on hold,” and the Team is not currently active. The FWS recently cancelled the Recovery Team meeting scheduled for April and stated that no further meetings were scheduled.

The FWS has an affirmative responsibility and a mandate under the ESA to recover endangered species. That responsibility cannot be transferred to a non-government entity like the Recovery Team. Plus, as noted above, the Team's current and future status is uncertain. Furthermore, the nullification of the 2003 gray wolf listing rule does not obviate the FWS’s mandate under the ESA to continue to recover the Mexican gray wolf. Rather, the mandate reverts to the 1978 listing under which Mexican wolf recovery was conceived and implemented. The FWS has no legitimate excuse or reason to delay actions necessary for the recovery of the Mexican wolf. Indeed, it has every reason to expedite these actions.

Beginning at the bottom of page 12, the report states the following: *“A modification to the rule to address the boundary has larger implications than allowing direct releases of wolves into the SRZ. The establishment of the SWDPS requires the Service to view recovery from a large-scale perspective encompassing the entire DPS, not just the BRWRA. As such, the Service needs to carefully consider how a rule modification for the BRWRA fits into the broader picture of delisting the SWDPS, including established recovery goals and objectives to be defined within the Recovery Plan. As discussed above in #4 however, the Service will not seek to modify the rule unless the Service receives a recommendation from the Recovery Team. After weighing the considerations from the Recovery Team and this Five-Year Review, the Service will be prepared to proceed with any necessary actions if altering the BRWRA boundary is determined to be a necessary outcome to recover the gray wolf in the SWDPS.”* Please apply comments in the paragraph above to this section of the report, as well. In addition, it should be abundantly clear to the FWS and to the Recovery Team that successful recovery of gray wolves in the SWDPS depends upon and is advanced by successful recovery of the BRWRA population. Clearly, changes that will improve chances for the success of the BRWRA reintroduction project will contribute to and expedite the achievement of the ultimate objective of the SWDPS recovery plan, if such a plan is ever prepared. Such changes are clearly necessary to achieve the objectives of the project under review here. As mentioned above, recent litigation decisions do not absolve the FWS of its responsibility or authority to recover gray wolves under the ESA. The authority and mandate for advancing the recovery of the Mexican gray wolf derives, for the foreseeable future, from the 1978 listing document. Furthermore, the controlling objective for the BRWRA reintroduction project derives from the formally approved Mexican Wolf Recovery Plan. Thus, the existing Mexican Wolf Recovery Plan remains the controlling recovery document for this action. It is inappropriate and an abrogation of ESA responsibility for

the FWS to postpone currently authorized recovery actions for the Mexican gray wolf, pending some uncertain future decision or plan rendered by the now inactive SWDPS Recovery Team.

The comments above apply equally to the last paragraph on page 13 of the report. Furthermore, the existing EIS analyzes an alternative without boundaries. Any additional NEPA analysis required for a revised rule should require considerably less time than the original EIS. The fact that additional analysis will be required before the rule can be changed also argues for getting started sooner rather than later.

We believe the issue of livestock carcasses serving as attractants to wolves and possible catalysts for the onset of livestock depredation behavior by wolves must be addressed through revisions to the rule. Compelling evidence for this recommendation is contained within the FWS report. The report states that 91% of wolves known to have scavenged dead livestock carcasses were confirmed to have subsequently killed living domestic livestock at least once; and up to 68% of those engaged in additional livestock depredation activities. Removal of wolves for livestock depredation is a significant component of the high failure rate reported by the FWS and a continuing cause of the failure to meet population growth objectives when continuing annual releases are discounted. To date 27 wolves have been removed from the wild for depredation and an additional 24 have been translocated. The report fails to discuss the “attractant” aspect of livestock carcasses and the role carcasses may play in bring wolves into close proximity of living livestock.

Methodology for Evaluating Socioeconomic Impacts Associated with the Reintroduction of the Mexican Wolf

This evaluation should place livestock depredation by wolves in proper perspective by comparing this source of livestock mortality to all other sources of livestock mortality.

To be fair, the socio-economic assessment should address both the potential effects/conflicts of wolf recovery on the existing/future socio-economic landscape of the region and the potential effects/conflicts of the existing/future socio-economic landscape of the region on the success of wolf recovery efforts. Even though the FWS’s goal is to overlay wolf recovery onto existing land use practices, this analysis needs to remain open to the possibility that land use priorities on public lands may need to change (as discussed above) to accommodate wolf recovery at a meaningful level. One major difference between this and other gray wolf recovery projects is the lack of a large wild “core” recovery area where conflicts between wolf recovery and other land uses generally do not exist.

Additionally, this analysis must address the potential economic benefits to the region from wolf recovery as well as the potential costs.

Finally, we note that this is the third technical review of this project since 1999—all of which have recommend that the existing rule be revised. Also, in September of 1999, the

Regional Director and the Assistant Secretary of the Interior for Fish Wildlife and Parks authorized the FWS to carry out actions that would result in an expeditious revision of the rule. These recommendations have come from both external independent scientists and internal agency scientists and decision makers. The consensus opinion of the scientific experts is that the rule needs to be revised to enhance the prospects for recovery of the Mexican gray wolf. We set forth our recommendations for rule revisions in these comments. The FWS has now delayed this important decision for 5.5 years! Further delays cannot be justified.

The Rewilding Institute appreciates this opportunity to comment. These official comments of The Rewilding Institute are also endorsed by the individuals and organizations whose names appear below the signature block.

Sincerely,

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The following individuals and organizations endorse these comments:

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