

The Rewilding Institute

POB 13768, Albuquerque, NM 87192 *
TRI@rewilding.org www.rewilding.org

April 17, 2006

Dr. John Morgart
Mexican Wolf Recovery Coordinator
US Fish and Wildlife Service
2105 Osuna NE
Albuquerque, NM 87113

Dear John:

Thank you for this opportunity to comment on the completed 5-year review document and its recommendations.

First, The Rewilding Institute commends the Interagency Field Team (IFT) for producing a comprehensive technical assessment of the project's progress and results through calendar year 2003; and the Adaptive Management Oversight Committee (AMOC) on producing a comprehensive compilation of the 5-year review process, results, and recommendations.

We note that the AMOC acknowledges that the Project's legally mandated objective is "to help recover the Mexican wolf pursuant to the ESA..." (ARPCC-15, #43.); that "recovery requires growth in the wild population." (ARPCC-84, #310); and that "AMOC's intent is to further recovery of the Mexican wolf, pursuant to the ESA..." (ARPCC-197, #26). Actions to date do not portray a compelling commitment by AMOC to the success of the reintroduction project and to recovery as the primary legally mandated objective.

Given AMOC's acknowledged understanding of its legally mandated objective pursuant to the ESA, it is unfortunate and inexcusable that in the two years spent conducting and completing the 5-year review the wild population of Mexican wolves has consistently declined. Official population count figures for 2003 (the last year covered in the 5-year review), 2004, and 2005 are: 55; 44-48; and 35-49. In addition, the number of breeding pairs has declined to only five at the end of 2005. The March 2006 Monthly, which I realize is not intended to be a complete population estimate. Project Status Report confirms the existence of only about 25 wolves. In contrast, objectives set forth in the FEIS for this point in the project (end of year 8) were a population of 83 wolves with 15 breeding pairs.

Following a comprehensive review of the document, an overarching concern is that the recommendations are long on process and procedure and short on immediate actions to increase survival and population expansion of the reintroduced population of Mexican wolves. Of 37 recommendations put forth in the review, not a single one will increase the odds of survival and persistence in the wild for a Mexican wolf for the next 2-3 years or longer. In light of the documented population decline over the past two years, the recent disclosure that only five breeding pairs can be documented in the present population, and Terry Johnson's acknowledgement at the Silver City MWAMWG meeting that the population "is not moving forward", it is clearly time for the AMOC to advance recommendations and make decisions that will promote the growth and persistence of the Blue Range population of Mexican wolves immediately. Mexican wolves presently alive in the wild represent a substantial investment and invaluable assets in the recovery account for this endangered subspecies. It would be unconscionable, in our opinion, to allow this investment of living wild-adapted wolves to waste away further for the sake of more needless process when we know what needs to be done.

As an example, we note that Recommendation #14 calls for the AMOC to complete a detailed plan between now and the end of 2006 for the next Reintroduction Project Review. Another review is of little value and a waste of precious project resources until changes are implemented to address the results and recommendations of previous reviews and monitored to determine their effectiveness. We are astonished that the AMOC assigns a higher priority for planning the next review (December 15, 2006) than to drafting a recommendation for a rule change that would actually improve the chances for reintroduction success (Recommendation 1; March 31, 2007). This suggests seriously misplaced priorities and a recipe for continued failure to meet reintroduction objectives. Simply put, an average annual failure rate of 64% will result in continued population decline until the root causes of the failure rate are rectified. The high failure rate and recent population declines should be a "wakeup call." Thus, removing the "boundary" rule and exploring and implementing measures to reduce wolf/livestock conflicts and reduce "take" authorized by the rule and/or program SOPs should be the highest priorities of the AMOC at the moment.

The Rewilding Institute requests and urges the USFWS to charge the AMOC to review and revise the 37 recommendations in the 5-year review in such a way that immediately addresses known project failures to bring the project into compliance with the ESA.

We strongly disagree with Recommendation #11, in which the AMOC recommends a cap of 125 wolves in the Mexican Wolf Experimental Population Area (MWEPA). The MWEPA is substantially larger than the BRWRA, which has an established objective of "at least" 100 wolves, with no stated cap. And AMOC is exploring the idea of expanding the MWEPA boundaries to some unspecified extent. Theoretical analyses based on the estimated prey biomass of the BRWRA suggest that it, alone, could support 213-468 wolves (see TC-18). Expanding a reintroduction goal that can and should be met within the BRWRA to the much larger MWEPA is inappropriate and not supported by the ESA or any authorized project document. Recommendations regarding population size fall

clearly within the purview of the Recovery Team, not AMOC. Furthermore, a population of 125 Mexican wolves would most certainly have an effective population (N_e) size of <50 wolves, likely much less. Conservation biologists would agree that an effective population this small would have a high probability of extinction (i.e., not be viable over the long term) and would not be an appropriate recovery goal. Does anyone on the AMOC disagree with this assessment?

In light of the gross inappropriateness of Recommendation #11 on policy, procedural, and scientific grounds, we formally request that AMOC rescind this recommendation.

Recommendation #11 provides a clear illustration of the failure of AMOC to apply sound science within the adaptive management process. The Rewilding Institute commented on the misapplication of the adaptive management process by AMOC in our comments on the draft 5-year review. We found no response to our comment in the final document. However, we note that Recommendation #16 establishes a science and research advisory group with a project review mission. We sincerely hope (and strongly recommend) that AMOC will use this group to ensure that the adaptive management process is founded on sound science.

The 5-year report states on page AC-42 that “[c]ompliance with applicable rules and mandates is a continuing responsibility of all cooperating agencies in the AMOC. And in many places within the report it is clearly stated that the AMOC is bound by the legal provisions of the ESA. Section 10(j)(2)(A) of the ESA states that the release of an experimental population of an endangered species must “further the conservation” of such species. Nowhere in the 5-year review document does the AMOC acknowledge this ESA mandate. And, clearly, declining population and breeding pair trends over the past two years and the wide gap between predictions in the FEIS and results on the ground demonstrate that the conservation requirement is not being met. The Rewilding Institute raised this issue in its comments on the draft 5-year review and recommended that if the conservation mandate cannot be accomplished under the experimental non-essential classification (which it currently is not) that a revised rule be issued that reclassifies the BRWRA population of Mexican wolves as either “experimental essential” or “endangered.” Rather than offering a fact-based assessment of our claim that the conservation mandate was not being met, the AMOC simply responded that “[n]one of the AMOC Lead Agencies support such an action.” Lack of support for a particular remedy to bring the project into legal compliance with the ESA is not a technically or legally sufficient response. How does AMOC propose to immediately reduce the level of take currently occurring to bring the project into compliance with the conservation provision of section 10(j) of the ESA?

We formally request that the AMOC immediately address this issue and consider emergency provisions that will substantially reduce or eliminate the take of Mexican wolves until such time as the population reaches the 100-wolf objective for at least two consecutive years.

These provisions should be combined with an intensive effort to devise and implement measures to reduce wolf-livestock conflicts or to provide incentives for the same purpose. Manpower formerly directed to controlling wolves could be redirected to proactive endeavors for protecting livestock.

We believe these measures are fully justified by the facts at hand and would spawn much needed innovation to resolve the most pressing problems that are currently precluding re-establishment of Mexican wolves in the BRWRA.

TRI's specific comments on each of the 37 recommendations follow:

1. This recommendation should be AMOC's highest priority. We recommend a deadline of no later than September 30, 2006 for a draft revised rule. Furthermore, we are concerned that the language of the recommendation presumes that nonessential experimental remains the appropriate classification and that the experimental population area will be redefined. We argue above that nonessential experimental is not the appropriate classification for the Blue Range population of Mexican wolves unless the level of take can be reduced such that population growth and recovery can be achieved. Based on the failure of the nonessential experimental population rule to achieve reintroduction objectives, TRI is opposed to any expansion of the experimental population boundary.
2. We recommend a deadline of no later than October 31, 2006.
3. TRI agrees that the reintroduction project should be continued.
4. We agree that White Sands Missile Range is not suitable as a "reintroduction" zone. We disagree that it should be specifically excluded as a Mexican wolf "recovery" zone. We believe and recommend that there be no recovery zone boundaries and that Mexican wolves be allowed to colonize areas of their own choosing. White Sands Missile Range may be an important "stepping stone" habitat for wolves dispersing to other suitable habitats. One major advantage of White Sands Missile Range is that wolves would be highly protected there.
5. We believe that the priority decision AMOC should be addressing is whether or not to remove the recovery area boundary rather than whether or not to expand the experimental population area boundary. Results to date strongly suggest that the recovery area boundary should be removed and that the reintroduced population may need to be reclassified as "endangered" to make adequate progress toward recovery as mandated by the ESA. An expansion of the experimental population area is not necessary to enable an expanded Mexican wolf metapopulation throughout its historic range. What appears to be clearly needed is the removal of recovery area boundaries and increased protection of the reintroduced population—actions clearly supported by information presented in the technical component of the 5-year review.

6. We recommend this recommendation be eliminated. The objective of at least 100 wolves has been clearly established and approved in other project documents. The objective applies to the defined Mexican Wolf Blue Range Recovery Area, not the experimental population area, and not to any future expanded experimental population area.
7. This recommendation should be implemented regardless of the context of recommendation 5.
8. The AMOC should limit its involvement to the current reintroduction project and is not the appropriate administrative body to issue prohibitions on releases outside the BRWRZ. Recovery planning is the appropriate process for determining the need and scope of future reintroductions.
9. The logic behind this recommendation is not evident from its content. Clearly, this recommendation overrides and predetermines the outcome of the adaptive management process. It reaches a decision without any discussion or justification. We recommend that it be eliminated.
10. TRI can support the issuance of permits for the non-lethal and non-injurious harassment of Mexican wolves engaged in nuisance behavior or attacking livestock or pets. We cannot support, nor does the 5-year technical review support, the issuance of permits to take (i.e., kill) Mexican wolves in the act of attacking dogs. We believe this is another glaring example of the failure of the adaptive management process. The technical component of the 5-year review clearly shows that more wolves need to survive in order to make progress toward the reintroduction population goal, the two most recent annual reports document a declining population, and, incredibly, the AMOC (the *Adaptive Management Oversight Committee*) is recommending measures that will further reduce the survival of wolves.
11. This recommendation is inappropriate and outside the purview of AMOC and should be eliminated. See the discussion in the text of the letter on this issue.
12. TRI generally agrees with this recommendation provided it is not limited to the topics listed. We believe that incentive programs should be coupled with livestock husbandry or management practices that result in reduced take of wolves. TRI recommends that AMOC also consider incentives for eliminating wolf-livestock conflict, such as fair compensation to willing permittees for retiring grazing allotments in high conflict areas, as part of the completion of this recommendation. We also recommend that the deadline be extended to provide adequate time for identifying, considering, and recommending innovative and effective incentive programs.

13. TRI recommends that this recommendation be eliminated. We believe that stakeholder groups can be effective when tasks are explicitly and narrowly defined and program goals are universally accepted by participating stakeholders. However, we have observed that stakeholder processes used within the context of the Mexican Wolf Recovery Program have not worked well, resulting in little meaningful progress and unacceptable delays in implementing important management actions or policy changes. We believe that this is due in large part to the strong, and mostly irreconcilable, clash of values that exists among stakeholder participants. Additionally, we believe this recommendation is inappropriate because the task it proposes to delegate to a stakeholder group will be undertaken as part of the NEPA review of the proposed rule revision.
14. This recommendation should be eliminated. A properly conducted, science-informed adaptive management process with a robust monitoring component should eliminate the need for additional formal project reviews. Existing annual reports should provide pertinent and adequate information for guiding the adaptive management process. The three- and five-year reviews conducted to date have been excessively lengthy in terms of time, excessively costly in terms of financial and staff resources, and generally unproductive in terms of adopted recommendations that will serve to improve the success of the program.
15. TRI agrees with recommendation, provided it does not impede the expedited implementation of recommendation 1.
16. TRI agrees in principle with this recommendation, especially if it enhances scientific input into the adaptive management process. We note that, as presented, it sets forth a very tall order for a presumably volunteer advisory group.
17. TRI supports the refinement of improved techniques for estimating the size of the BRWRZ wolf population, but we are unclear as to the meaning of “refine its annual population (management) objective estimates.” We are not aware of the prior existence of annual population objectives except as presented in Table 2-2 of the Final EIS for the reintroduction project. If this recommendation intends to revise the annual population targets in Table 2-2, then we are opposed to this recommendation and request that it be eliminated.
18. We recommend that this recommendation be revised to state that the AMOC can approve additional initial releases in response to unforeseen events that justify additional releases occurring during the year.
19. TRI recommends that the AMOC review all project SOPs for the purpose of making revisions that cause fewer wolves to be removed from the wild population and more wolves to survive and remain in the wild. As stated above, we are greatly disappointed by the complete lack of recommendations to immediately address and reverse the unsustainable high failure rate documented in the

technical component of the 5-year review and the population decline documented in the 2004 and 2005 annual reports. Existing “purposes of adaptive management” demand such revisions.

20. TRI is not opposed to this recommendation provided it does not impede the implementation of more important recommendations that will reduce take and increase survival of wolves.
21. See response for recommendation 20.
22. TRI agrees with this recommendation.
23. TRI is not opposed to this recommendation, provided outreach efforts are designed to contribute to an overall goal of reducing take and increasing survival of wolves.
24. TRI is not opposed to this recommendation, provided outreach efforts also provide a balanced, objective perspective on positive and negative aspects of multiple-use patterns, policies, and decisions on wolf survival and long-term viability and ESA mandates for conserving endangered species.
25. TRI agrees with this recommendation but does not believe it rises to the level of a specific recommendation. This recommendation is an expected component of any wolf reintroduction project and a normal output of the adaptive management process.
26. TRI strongly endorses this recommendation.
27. While we believe this recommendation may have merit, we recommend that it be given a low priority. Post-release survival and breeding success has been adequate to date to promote population growth. The greatest problems have been excessive management-related take and illegal killing. Solving these problems should receive the highest priority
28. TRI agrees with this recommendation.
29. TRI agrees with this recommendation.
30. TRI agrees with this recommendation.
31. TRI agrees with this recommendation.
32. We believe this is one of the more important recommendations and that it should rank relatively high in priority. We believe that the proposed completion date of 2010 is far too late to be of value to the adaptive management process.

33. TRI agrees with this recommendation.
34. TRI is not opposed to this recommendation, but we are generally displeased with the number of recommendations that add complexity to the process compared to the paucity of recommendations that will aggressively address the problems causing population decline and failure to meet reintroduction objectives.
35. TRI agrees with this recommendation and notes that AMOC has strayed from this recommendation in this document.
36. TRI is opposed to this recommendation because we believe that it serves to foster more process. We believe that the current ratio of process to action is excessive and is retarding project success.
37. TRI agrees with this recommendation and further recommends that the request for federal funding include sufficient funds for fairly compensating willing grazing permittees to permanently retire grazing allotments.

Thank you for this opportunity to comment.

Sincerely,

[signed]

David R. Parsons
Carnivore Conservation Biologist