

December 5, 2013

Jeff Dolphin, IFT Leader
Arizona Game and Fish Department
Phoenix, Arizona

JDolphin@azgfd.gov

Subj.: Interagency Field Team: Mexican Wolf Blue Range Reintroduction Project Replacement Release and Translocation Proposal for 2014

Dear Mr. Dolphin:

I appreciate the opportunity to submit the following comments on the IFT's Mexican Wolf Blue Range Reintroduction Project Replacement Release and Translocation 2014 Proposal. Combining two federal proposed rules concerning wolves in the public comment period with the fact that southern Arizona ranches might soon be impacted by introduced wolves that are given full protection of the Endangered Species Act, and the fact that management decisions made within the Blue Range Wolf Recovery Area may set a precedent for future actions affecting our own membership, SACPA is very concerned that our members and our elected governmental representatives were never officially notified of this proposal.

A. General Comments

Issue 1: IFT Proposed Action Requires an Environmental Assessment: This is a federal action, vis-a-vis, the IFT; i.e., there is a federal nexus). This federal action must be done under an EA or an EIS because it does not qualify to be a Categorical Exclusion for the following reasons: The translocation proposal admits to effects that may have impacts on the human environment. Such an action cannot be taken without an analysis, disclosure and public participation. If the proposal is not disclosing impacts, it's not in compliance with NEPA that includes the following.

a. The Council on Environmental Quality's *Forty Most Asked Questions*, #36a. *Environmental Assessments (EA) is a concise public document which has three defined functions. (1) It briefly provides sufficient evidence and analysis for determining whether to prepare an EIS; (2) it helps to identify better alternatives and mitigation measures; and (3) it facilitates preparation of an EIS when one is necessary. (Section 1508.9(a).*

#37b. *A. Public review is necessary, for example, (a) if the proposal is a borderline case; (b) if it is an unusual case, a new kind of action, or a precedent setting case; (c) when there is either scientific or public controversy over the proposal; or (d) when it involves a proposal which is or is closely similar to one which normally requires preparation of an EIS. (Sections 1501.4(e) (2), 1508.27).*

b. In addition, the Council on Environmental Quality's *Citizen's Guide to the National Environmental Policy Act (NEPA): Having Your Voice Heard* states that:

- *This guide has been developed to help citizens and organizations who are concerned about the environmental effects of federal decisionmaking to effectively participate in Federal agencies environmental reviews under the National Environmental Policy Act (NEPA).*
- *Two major purposes of the environmental review process are **better informed decisions** and **citizen involvement**, both of which should lead to implementation of NEPA's policies.*
- *The purpose of an EA is to determine the **significance** of the environmental effects and to look at alternative means to achieve the agency's objectives.*

Because the EA serves to evaluate the *significance* of a proposal for agency actions, it should focus on the *context* and *intensity* of effects that may "significantly" affect the quality of the human environment

(40 CFR 1508.27). CEQ 40 CFR 1508.27 (a) *Context* states that must be analyzed to include affected interest and localities, including site specific proposed actions.

This IFT proposed action warrants an Environmental Assessment due to the *context* as well as *intensity* (highly uncertain to the effects on the quality of the human environment; the degree to which the effects on the quality of the human environment are likely to be highly controversial; significance exists if it is reasonable to anticipate a cumulatively significant impact on the environment; and, whether the action is related to other actions with individually insignificant but cumulatively significant impacts; and, the degree to which the action may adversely affect districts, sites, highways, structures). CEQ 40 CFR 1508.27(b)

The IFT currently recommends that if these animals are captured outside (alone or with another uncolored wolf) of the boundary during the helicopter capture efforts that they are translocated to the Gila Flat, Meason Flat or MeOwn site(s) and hard released. These sites are currently unoccupied by Mexican wolves (Figure 2), and would allow for single wolf or pair of wolves to be translocated to an unoccupied site. This is an example of a new site specific significant effect because it is now a new site that may have significant effects, per 40 CFR 1527.8. Furthermore, there is not an acceptable pair of wolves that are available for translocation in captivity, and thus we are not planning a translocation of a pair of wolves into the Secondary Recovery Zone during 2014.

Issue 2: Lack of proper notification of the affected parties is a major concern. SACPA appreciates the comment extension period till December 6, 2013 although we still have never received notification of this proposal from AZGFD or USFWS, nor have our local Natural Resources Conservation Districts been notified. We only are aware of this proposal through word of mouth. Our efforts on December 6 to find any trace of this proposal online failed to produce any information. To avoid problems in the future, we strongly encourage you to coordinate with affected local governments, as stipulate in the *Local Government Coordination with Federal Government Act*, ARS Title 9, Chapter 4, and Article 8. Local governments include counties, municipalities, and natural resource conservation districts.

Issue 3: Assumptions: The proposal is based on assumptions about specific outcomes of pending proposed rules about the Mexican wolf (EIS, listing designation, 10-J). This means:

- a. The outcomes of the pending proposed rules are already known; or
- b. This proposal fails to address alternatives for the various potential outcomes.

Issue 4: This proposal fails to justify the need to replace “illegally shot” wolves. Given that “wild”, uncollared wolves are suitable for capture, breeding and release into the wild, it is logical that these wolves should be included in the 100 head-count Mexican wolf goal threshold. Without a count that includes these wild wolves, there is no way to know that the proposed replacement release and translocation is necessary or beneficial to the wolves within the release area. Affected parties must be given a full and accurate wolf count before any IFT decisions are made or decide on the FWS on the 10-J rule.

Issue 5: Replacement Release Objective:

- a. This proposal fails to address New Mexico Department of Game and Fish guidelines even though it proposes translocation sites in New Mexico.

- b. The IFT development of sites mentioned second release objective is “primarily relative to dispersing wolves outside the BRWRA boundary”. It is not clear whether this means the current BRWRA boundary or a future expanded boundary.
- c. The grammar of the phrase “primarily relative to dispersing wolves outside the BRWRA boundary” is such that it is not clear whether “dispersing” is meant to mean the program’s translocation actions or the wolves’ own physical movements.
- d. The Mexican Grey wolf program has consistently failed to provide data to the public on the genetic makeup of the wolves it manages. Given that all Mexican Grey wolves within the program are presumably descendents of the same three foundation wolves, it is unclear what “maximizing genetic diversity” of the wild wolf population could be.
- e. Furthermore, genetic information regarding the Bluestem pack is not provided, so that it is impossible to determine the value of a concern about the potential for negative genetic characteristics on the Mexican wolf population.

Issue 6: This proposal only addresses replacement of three identified wolves that have been unlawfully shot within Arizona, one in 2011 and two in 2012. As a finite and specific replacement and translocation proposal, the term “since 2011” should be deleted and replaced with the specific timeline parameters. “Since 2011” creates an open-ended proposal:

- a. A necropsy cannot determine whether a wolf was lawfully or unlawfully killed, only the cause of death.
- b. The third paragraph of “Translocation Strategies” erroneously refers to an outline of contingency plans. No such outline of contingency plans is provided.

Issue 7: Habituated wolves. This proposal fails to address the problem of creating new habituated wolves. The IFT Preferred Alternative Associated Management Action calls for the capture of two juvenile wolves in 2014. If these are “wild” wolves, i.e. uncollared, then their genetics cannot be known prior to capture. Therefore many wolves will have to be captured and held in captivity while their genetics are analyzed. Furthermore, if the selected wolves do not bond and breed then new wolves will have to be paired. Thus all of the captured male wolves will have to be kept in captivity while it is seen whether the goal of both pairs to form a bond and breeding actually occurs. This may take months. Because of the proximity to humans over several months’ time, all the male wolves have the opportunity to become habituated. Habituated wolves are known to become problem wolves that threaten and/or cause physical harm to humans, livestock and pets.

Issue 8: Failure of Disclosure. This proposal fails to disclose what will happen to the captured males that are not part of the bonded breeding pairs.

Issue 9: Genetics Unknown. The female wolves in captivity that have been identified as candidates for the bonding have been selected without pre-knowledge of the genetic factors of males that are captured. This proposal does not disclose what parameters will be used to determine suitability for breeding, or what will happen in the event that no captured male will provide sufficient “genetic diversity”.

Issue 10: Depredation History. If the wild wolves are truly wild and have not been collared, it cannot be known whether or not they had a history of depredations.

Issue 11: Already too many wolves: We recommend that new releases of Mexican wolves not be considered due to:

- a. As existing Mexican wolf packs expand so will their existing territorial range.
- b. It is difficult to understand what the point of creating a translocation proposal when it is stated several times in the document that the wolves are not expected to stay where they are released.
- c. Direct release of Mexican Gray wolves translocated into the Gila Wilderness is a failure because the scientific record shows that all the previous wolves released into the Gila Wilderness vacated the wilderness and went to human use areas. Of the 550,000 acres of Gila Wilderness, only 5% was used by wolves as occupied territories. All future wolves translocated to the Gila Wilderness will continue to go to human use areas, to occupied homes; confront people at close range; kill pets and livestock.
- d. The prime objective of the 1982 Mexican Wolf Recovery Plan and the 1998 final rule of 100 wolves and 6 breeding pairs in the Blue Range Wolf Recovery Area will be met this year if the USFWS makes an all out effort to count all pups born in 2013 and un-collared wolves free ranging in the BRWRA. There is no need for direct release because the goal will have been achieved.
- e. Translocation of problem wolves will be used to artificially expand the Mexican wolf population in New Mexico and Arizona and start Mexican wolf colonies in the MWEPA beyond natural dispersals. Hence, there should be no interstate translocation between Arizona and New Mexico. Also, all translocations of problem Mexican wolves must be confined to within 10 miles of the incident/conflict area.
- f. Existing Mexican wolves have the ability to disperse throughout Eastern Arizona and western New Mexico and if proposed rules are passed to allow it, throughout all of Arizona and New Mexico, and across the Mexican border.
- g. New captive released Mexican wolves will go to occupied residences and approach/confront people at close range, which constitutes a "Human Safety Hazard", as described in the ESA. SACPA is deeply concerned that these new captive released wolves will confront children at close range.

A. Comments on IFT Alternatives for Replacement Release in Arizona:

Issue 1: Comments on the IFT Alternative 1 – Capture of Two Wild Wolves (preferably male) for Pairing with Two Naïve Wolves and Subsequent Hard Release in the Northern Portion of the Primary Recovery Zone.

- a. Alternative 1 fails to describe why "minimal" livestock depredation history (as compared to no livestock depredation or high livestock depredation) is a favorable attribute.
- b. Alternative 1 states that the release of two wolves that are unrelated to the existing wild wolf population would improve overall genetic diversity. However, given that a) all Mexican wolves are supposedly descended from the same foundation animals; and, b) the males of both pairs would have been captured from the same BRWRA that they were released into, this is a false favorable attribute.
- c. We oppose the release of "naïve" wolves which are in fact, habituated wolves that seek out humans and human use areas, lacking avoidance response that was historically typical of wild wolves. We contend that these wolves are habituated and pose a human safety hazard.

Issue 2: Comments on the IFT Alternative 2 - Cross Fostering of Wolf Pups Produced in Captivity into the Bluestem and/or Maverick Pack

- a. The cross breeding of wolves to foster wolf pups into dens of free ranging wolves is indicative of existing wolves to produce offsprings with vigor. This will also put at risk the lives of translocating wolf pups from one mother to another mother because the recipient female wolf has a probably of killing the foreign pups. We have concerns that the Mexican Gray wolf recovery has evaded science by going to "adaptive science" rather than adaptive management of sound science.
- b. Alternative 2: No information is provided on cross-fostering, i.e. the history including any past success or failure, or any scientific studies on this action.

c. Alternative 2 is so wildly different a proposal as to provide no basis for comparison to the other alternatives. It appears to have been included only to make the IFT Preferred Alternative look better.

Issue 3: Comments on Alternative 3 – Hard release of a pair of naïve wolves in the Northern Portion of the Primary Recovery Zone

a. Our concern about any “naïve” wolf raise in captivity with no wild experience will lack what were historically typical wild wolf characteristics. This will continue to foster habituated wolves coming to occupied residents, approaching children at close range and thus, are human safety hazards. An example of this is the male wolf # 1188 that was released in AZ and came to NM, and went to 9 occupied homes, confronting families at close range. Habituation is further exacerbated by the fact that wolves are learning through experience of repeated inconsequential encounters with humans—and teaching their young— that humans are not to be feared.

b. Alternative 3 also appears to have been included only to make the IFT Preferred Alternative look better. The release of a naïve pair is bound to cause problems with livestock and increase the incidences of human/wolf interactions.

c. Alternative 3 fails to disclose the local government and citizen opposition to release of wolves in the BRWRA.

Sincerely,

James Chilton

President, Southern Arizona Cattlemen’s Protective Association