

THE REWILDING INSTITUTE

Albuquerque, NM

December 9, 2013

Attn: FWS-R2-ES-2013-0056 / 78 FR 35719-35742

Division of Policy and Directives Management

U. S. Fish and Wildlife Service

4401 N. Fairfax Drive

MS 2042-PDM

Arlington, VA 22203

The Rewilding Institute (TRI) appreciates the opportunity to comment on the **Proposed Revision to the Nonessential Experimental Population of the Mexican Wolf** (*Canis lupus baileyi*). These comments supplement previous comments submitted by TRI.

These comments have been prepared by TRI's Carnivore Conservation Biologist, David R. Parsons. Mr. Parsons served as the U.S. Fish and Wildlife Service's (FWS) first Mexican Wolf Recovery Coordinator from 1990-1999 and was the primary author of the original rule that established a *Nonessential Experimental Population of the Mexican Gray Wolf in Arizona and New Mexico*, which will be replaced by this proposed rule revision. Mr. Parsons has continued to follow the progress of the Mexican wolf recovery program from his retirement from FWS in 1999 to the present day. Mr. Parsons holds B.S. and M.S. degrees in Wildlife Biology, served as a career wildlife biologist for FWS for 24 years, and has lectured nationally and internationally on wolf biology, ecology, and conservation.

I remain concerned that political considerations are overriding science in the FWS's decision process relative to this proposal. An example of this concern is the following letter from the Director of Arizona Game and Fish Department to Dan Ashe, Director of FWS:



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August 1, 2013

Mr. Dan Ashe
Director
U.S. Fish and Wildlife Service
1849 C Street, NW
Washington, DC 20240

Re: Proposed Revision to the Nonessential Experimental Population of the Mexican Wolf (*Canis lupus baileyi*) - Management of Mexican wolves dispersing beyond the Mexican Wolf Experimental Population Area

Dear Director Ashe:

I am writing to express my appreciation for the Service's involvement at the recent Western Association of Fish and Wildlife Agencies meeting in Omaha, Nebraska. I particularly want to thank Rowan Gould for his involvement at the Directors' ESA/SARA Working Group meetings where his clarification of several states' concerns was very helpful.

An inadvertent omission apparently occurred in the Proposed Revision to the Nonessential Experimental Population of the Mexican Wolf (*Canis lupus baileyi*) (Proposed Rule) published June 13, 2013. The omission, involving the management of Mexican wolves that disperse outside the Mexican Wolf Experimental Population Area (MWEPA), was of particular interest to the southwestern states. Among other important elements outlined in the Proposed Rule, this issue is of critical importance to the Arizona Game and Fish Department (Department), Utah Division of Wildlife Resources, and a number of other western state wildlife agencies.

Rowan confirmed our previous discussions with you and your staff, in which you had highlighted the U.S. Fish and Wildlife Service's (USFWS) direction on the major provisions of the Proposed Rule, assuring us that any Mexican wolf dispersing outside the MWEPA would be captured and returned to the MWEPA. More specifically, we understood your statements to convey that the capture and return provision would be included in the body of the Proposed Rule itself. We are pleased the provision is included in the explanation portion of the publication, but strongly believe it should also be included in the actual rule language. The *Management of the Experimental Population Area* section of the Proposed Rule publication notes that USFWS proposes to allow Mexican wolves to disperse naturally from the Blue Range Wolf Recovery Area to occupy the MWEPA to promote numeric and spatial expansion of the population, adding that "We intend to capture and return Mexican wolves originating from the nonessential experimental population that disperse outside of the MWEPA."

Dan Ashe letter - Mexican Wolf 10(j) Proposed Rule
August 1, 2013

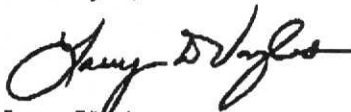
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Inasmuch as the Mexican wolf is proposed for listing as an endangered subspecies where found, any wolf that disperses outside the MWEPA will carry all the protections of the Endangered Species Act applicable to an endangered classification. Without the capture and return provisions in rule, dispersals outside the MWEPA will lead to population expansions beyond the subspecies historic range that can neither be managed nor controlled by USFWS or the affected states until delisting. History has proven that gray wolves under ESA protection can grow rapidly and significantly impact surrounding big game herds and livestock. The Mexican wolf concern lies primarily in the ESA's legal constraints that prevent active management of population growth and effectively enjoin federal and state action to balance population size with other vital state resource interests. Considering the diminutive portion of the wolf's historic range represented in the United States and the improbable recovery of the subspecies in Mexico, the Mexican wolf may potentially remain listed indefinitely. For this reason, it is of critical importance to Arizona and other western states that the USFWS's capture and return commitments reside in the body of the 10(j) rule as well as in its explanation.

This topic was discussed at the July 23, 2013 ESA/SARA Working Group meeting and the Nongame and Endangered Species Committee meeting during the WAFWA summer meeting in Omaha, Nebraska where Rowan Gould and Gary Frazer both acknowledged that the capture and return provision's absence from the rule was an oversight and that the final rule will direct the USFWS to capture and return any Mexican wolf that disperses outside the MWEPA. We greatly appreciate Gary and Rowan's frank acknowledgement and assurance that this matter will be corrected.

Again, this issue is of critical importance to the Department and our counterpart agencies in New Mexico, Colorado and Utah and we want to collectively reaffirm the USFWS's position on this key management provision. We intend to further clarify this point in comments provided during the Proposed Rule's comment period and will further request that the intended management framework be clearly articulated and analyzed in the Draft EIS. Thankfully, Gary and Rowan were able to provide comforting clarification on the spot and that was very helpful indeed.

Thank you,



Larry Voyles

Director

Arizona Game and Fish Department

LDV:jc

cc: Rowan Gould, Deputy Director, U.S. Fish and Wildlife Service
Gary Frazer, Asst. Director Endangered Species Program, U.S. Fish and Wildlife Service
Jim Lane, Director, New Mexico Department of Game and Fish
Greg Sheehan, Director, Utah Division of Wildlife Resources
Rick Cables, Director, Colorado Parks & Wildlife
Carter Smith, Director, Texas Parks & Wildlife Department

Clearly, pre-decisional commitments to restrict the range of Mexican wolves have been made in violation of federal law.

Further evidence of political influence is the FWS's complete omission of its own Recovery Team's Science and Planning Subgroup's (SPS) science-based recommendations for full recovery of Mexican wolves in the Southwest. This "best available science" has been made public through a leaked draft of the SPS's recovery recommendations, a peer-reviewed publication, and presentations by members of the SPS at the most recent International Wolf Symposium held in Duluth, MN, in mid October 2013. As TRI pointed out in previous comments, the Endangered Species Act (ESA) requires the use of the best available science for making determinations under the ESA, including determinations made under Section 10(j).

As a member of the Stakeholder Subgroup of the Mexican Wolf Recovery Team, I observed first hand the opposition of the States of Utah, Arizona, and Colorado to the recovery recommendations presented by the SPS. Additional opposition came from representatives of livestock associations and sportsmen groups.

Honoring Director Voyles' directive that wolves not be allowed to disperse beyond Interstate 40 to the north would sever the connectivity and prevent the natural dispersal of Mexican wolves from the BRWRA to two critically important recovery areas recommended by the SPS that lie considerably north of I-40.

I specifically request a response that explains why the FWS has completely ignored the science-based recommendations of the Science and Planning Subgroup of the Mexican Wolf Recovery Team.

Political meddling is not new to the Mexican Wolf Recovery Program. Prior to my appointment to the position of Mexican Wolf Recovery Coordinator, back-room political deals had already been made with the States of Arizona, New Mexico, and Texas. High-level FWS administrators had assured the States that the recovery of Mexican wolves would take place on the White Sands Missile Range in south-central NM.

Twice during the development of the EIS (1996) for the initial reintroduction of Mexican wolves I was given a direct order by then Regional Director, Dr. John Rogers, to select the White Sands Missile Range as the recommended site for the reintroduction of Mexican wolves.

As required by law, I and the Interagency/Interdisciplinary Team carried out a science-based and legally sufficient NEPA process for the proposed reintroduction that evaluated the habitat suitability and wolf carrying capacity of various reintroduction sites. Clearly, the White Sands Missile Range lacked the quantity and quality of habitat to meet the 100-wolf reintroduction objective set forth in the 1982 Recovery Plan. And, clearly, the Blue Range Wolf Recovery Area (BRWRA) stood out as the best available area for carrying out the initial reintroduction of Mexican wolves. Current peer-reviewed science

regarding wolf habitat suitability in the Southwest confirms our decision. Our EIS has survived all legal challenges to its sufficiency. Why, because we followed the law.

Faced with the choice of following the law or following orders, I chose to follow the law and completed the EIS with a preferred alternative of reintroducing Mexican wolves to the BRWRA. Decision authority for authorizing the reintroduction was retained by the Secretary of the Interior, Bruce Babbitt, and procedure required that I brief the Secretary on the findings and recommended action in the EIS.

Secretarial briefings are preceded by a briefing of the FWS Director, who was then John Rogers (the former regional director who ordered me to select White Sands Missile Range for the reintroduction site). That briefing consisted of Director Rogers verbally reprimanding me for not selecting White Sands Missile Range as the preferred reintroduction site alternative.

Nevertheless, the briefing of Secretary Babbitt proceeded on schedule and the Secretary accepted the recommendation of the BRWRA as the reintroduction site that would be used.

I relate this story to point out the crucial importance of having someone in the FWS willing to advance science-based recommendations despite the political pressure being forced upon them. I have heard the term “warrior biologists” applied to such individuals. Based on my observations over the years, political influence and pressure has so pervaded the FWS hierarchy that professional staff feel so helpless, demoralized, and in fear of career repercussions that they dare not defy orders from higher authorities.

Therefore, it falls to those in charge to take pride in their professionalism, to do the right thing, and to follow the best science. I issue this challenge directly to Director Dan Ashe, Deputy Director of Operations Rowan Gould and Assistant Director for Ecological Services Gary Frazer.

Below are excerpt from the official resumes of these top three FWS professionals.

Dan Ashe: Ashe also served as the Science Advisor to the Director of the Fish and Wildlife Service. Appointed to this position in March, 2003, he advised the Service Director and provided leadership on science policy and scientific applications to resource management. As Science Advisor, Ashe led an organizational renaissance for science and professionalism, leading the Service’s efforts to respond to changes in the global climate system; shaping an agency agenda for change toward a science-driven, landscape conservation business model; defining an agency Code of Scientific and Professional Conduct; authoring new guidelines for scientific peer review and information quality; building state-of-the-art, electronic literature access for employees; and reinstituting internal scientific publication outlets. He was also responsible for leading efforts to build stronger relationships with the U.S. Geological Survey, and scientific professional societies.

Dr. Rowan Gould: Dr. Gould is a native of Oregon and received his B.A., M.S. and Ph.D. degrees in fish health and fish biology from Oregon State University. Dr. Gould started his Service career as a research microbiologist at the Seattle National Research Center in 1976. Over Dr. Gould's extensive career with the Service, he has served in numerous research positions including as section chief at the National Fisheries Research Center in Seattle, Washington and the Director of the National Fisheries Research and Development Laboratory, Wellsboro, Pennsylvania.

Dr. Gould received the Department of Interior Meritorious Service Award in 2009. In 2011, he was conferred the rank of Distinguished Executive by President Obama for sustained extraordinary accomplishments in management of programs of the United States government and for leadership exemplifying the highest standards of service to the public.

Gary Frazer: Gary Frazer is the Assistant Director for Endangered Species, assuming that position in July 2009, where he is responsible for carrying out policy development and management of all aspects of the Endangered Species program.

Gary was born and raised in a small farming community in southeastern Iowa. He earned a B.S. in Fisheries and Wildlife Biology from Iowa State University in 1977 and an M.S. degree in Forestry with a Wildlife Specialty from Purdue University in 1981.

One could not ask for better science credentials in the top leadership of FWS. But one could certainly expect better application of science to decisions being made.

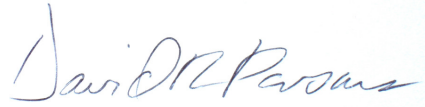
Has FWS completely lost its soul and dedication to its mission? Gentlemen: one of you needs to take the risk and step forward in defense of the legally mandated role of science in agency decision-making.

I close with the following question for which I request a specific answer as part of the official record for this NEPA / rule-making process:

Who in the U.S. Fish and Wildlife Service is going to insist that alternatives included in the draft and final EISs are based on the best available science?

As always, I appreciate this opportunity to comment on a proposal that will likely determine the fate of the Mexican wolf. What will you choose, a politically motivated path to likely extinction or a science-based path to recovery?

David R. Parsons

A handwritten signature in blue ink, reading "David M. Parsons". The signature is fluid and cursive, with the first name "David" and last name "Parsons" clearly legible, and "M." as a middle initial.

Carnivore Conservation Biologist