

Dirk Kempthorne  
Secretary of the Interior  
1849 C Street, N.W.  
Washington, D.C. 20240

January 3, 2008

Re: Illegal baiting and take of endangered Mexican gray wolves.

Dear Mr. Kempthorne,

In light of the enclosed article from *High Country News* in which an employee of the Adobe/Slash Ranch in New Mexico is quoted in an admission of baiting wolves in order to induce them to kill cattle and thus (successfully) cause a wolf's removal from the wild, we urge you to (1) formally request an independent investigation by the Interior Department's Inspector General; (2) order a separate U.S. Fish and Wildlife Service law enforcement investigation; and (3) implement two corrective actions (all explained in detail below).

The *High Country News* article describes, based on statements attributed to Adobe/Slash Ranch employee Mike Miller of New Mexico, how Miller baited wolves with vulnerable cattle facilitated by radio telemetry receivers provided by the Fish and Wildlife Service and by a rigid, formulaic procedure of the Service for deciding upon the removal of Mexican gray wolves from the wild.

According to the article, Miller "branded cattle less than a half-mile from the wolves' den, the enticing aroma of seared flesh surely reaching the pack's super-sensitive nostrils. Miller was, in essence, offering up a cow as a sacrifice." The article quotes Miller as saying, "We would sacrifice a calf to get a third strike" — referring to depredations in the so-called "three-strikes-and-you're-out" rule governing the Mexican wolves, formally known as SOP 13.

**There is a need for an independent investigation by the Department's Inspector General.**

The Inspector General for the Department of the Interior, whose role is to serve as an independent watchdog to reveal and curb illegalities, conflicts of interest and other improprieties in official conduct, should investigate the possible role of the U.S. Fish and Wildlife Service in facilitating illegal take of endangered Mexican gray wolves. The *High Country News* article suggests several questions (aside from whether the incident as described took place) which only the Inspector General may have the independence to fully investigate:

- 1) On what date was the Fish and Wildlife Service first made aware that Mr. Miller may have branded vulnerable cattle in close proximity to a wolf den with the intention of attracting wolves and inducing them to kill the cattle?
- 2) Did the government remove wolves from the wild on the basis of depredations on livestock owned by the Adobe/Slash Ranch subsequent to the Fish and Wildlife Service learning of the apparent June 2007 baiting incident?

- 3) Have other incidents of possible baiting of Mexican wolves occurred? If so, was the Fish and Wildlife Service aware of them, and what effect did such incidents have on the progress of wolf recovery?
- 4) Is it possible that telemetry receivers are encouraging wolf baiting?
- 5) What steps if any did Fish and Wildlife Service take, and on what dates, to ensure that government telemetry equipment and codes are no longer made available to private citizens who may use them to illegally take wolves?
- 6) Are government actions to remove wolves significantly suppressing the numbers of Mexican wolves in the wild?
- 7) Is Standard Operating Procedure 13, which requires the removal of a Mexican wolf that has killed three or more head of livestock in a one-year period, encouraging the baiting of wolves in order to precipitate depredations and subsequent wolf removals?

**The U.S. Fish and Wildlife Service law enforcement division should separately investigate.**

There have been at least 35 incidents in which Mexican gray wolves have been illegally taken in the wild, primarily through shooting but also through vehicular hit-and-run incidents that have not been reported to authorities as required by the January 12, 1998 Final Rule (63 FR 1752) on reintroduction. These illegal takes have contributed substantially to the failure of the Fish and Wildlife Service to grow the population of wolves to 102 animals including 18 breeding pairs as intended by the end of 2006. The government killing of the Durango Pack's alpha female on July 5, 2007, as a result of the putative Adobe/Slash Ranch baiting incident, exacerbated the biological emergency faced by the Mexican gray wolf. It is incumbent on the law enforcement division of the U.S. Fish and Wildlife Service to investigate whether illegal take of an endangered Mexican gray wolf occurred as described in the *High Country News* article.

The possibility that illegal take was perpetrated through abuse of government-provided telemetry radio receivers and through taking advantage of SOP 13, the rigid predator-control protocol applied to Mexican wolves, merits thorough investigation. If substantiated, this incident should lead to prosecution of all the malefactors who were involved.

**Two corrective actions must be implemented expeditiously.**

Even in the absence of sufficient probative evidence to justify prosecution, the circumstantial evidence presented in the *High Country News* article merits two corrective actions to prevent further such abuses and to rectify, to the extent possible, the loss of wolves from the wild due to actions already taken. According to the article, government telemetry receivers were used to situate vulnerable cattle (freshly branded to ensure an olfactory attraction) in close proximity to the den of the Durango Pack of wolves. Such receivers have been distributed to private entities utilizing a wide variety of means to end the reintroduction program. The high rate of wolf poaching and suspicious disappearances strongly suggests that the federal take of wolves, the telemetry receivers, and the other substantial steps taken by the Service to conciliate the livestock industry

have not resulted in reducing illegal take – and may have contributed to the opposite result. Therefore, the following corrective actions should be taken.

- 1) The Fish and Wildlife Service should retrieve all telemetry receivers from any and all persons affiliated with the livestock industry, county governments that have passed ordinances authorizing illegal take of wolves, and any other citizens not working affirmatively for the recovery of Mexican gray wolves. Furthermore, the wolves' radio collar frequencies should be assumed to be compromised and should either be changed or the collars removed to ensure that non-governmental equipment cannot be used to enable taking of the wolves.

The Saddle Pack and Aspen Pack of wolves were removed from the wild in 2007 as a consequence of their depredating on cattle owned by the Adobe/Slash Ranch. It is prudent to assume that if an employee of the Adobe/Slash Ranch baited the Durango Pack to affect its destruction as described in the article, that he or other Adobe/Slash Ranch personnel also baited other wolves.

- 2) All surviving members of the Saddle and Aspen packs whose genetic composition would enhance the wild population should be expeditiously released back into the wild, and any animals with unfavorable genetics should be replaced in the wild with genetically suitable surrogates.

Such action would send a clear message that illegal take of endangered species will not be abetted or rewarded – and would partially remedy the damage done heretofore.

Thank you for your attention to this urgent matter.

Sincerely endorsed by:

Elisabeth A. Jennings, Executive Director  
Animal Protection of New Mexico *and* Animal Protection Voters  
Albuquerque, New Mexico

Jeff Williamson, President  
Arizona Zoological Society  
Phoenix, Arizona

Michael J. Robinson, Conservation Advocate  
Center for Biological Diversity  
Silver City, New Mexico

John Horning, Executive Director  
Forest Guardians  
Santa Fe, New Mexico

Kim Crumbo, Conservation Director  
Grand Canyon Wildlands Council  
Flagstaff, Arizona

Paula Lewis, Coordinator  
Grand Canyon Wolf Recovery Project  
Flagstaff, Arizona

Stephen Capra, Executive Director  
New Mexico Wilderness Alliance  
Albuquerque, New Mexico

Daniel R. Patterson, Ecologist and Southwest Director  
Public Employees for Environmental Responsibility  
Tucson, Arizona

David R. Parsons, Carnivore Conservation Biologist  
The Rewilding Institute  
Albuquerque, New Mexico

Sandy Bahr, Conservation Outreach Director  
Sierra Club - Grand Canyon Chapter  
Phoenix, Arizona

Susan Martin, Chair  
Sierra Club - Rio Grande Chapter  
Albuquerque, New Mexico

Kevin Bixby, Executive Director  
Southwest Environmental Center  
Las Cruces, New Mexico

Phil Carter, President  
UNM Wilderness Alliance  
Albuquerque, New Mexico

Melanie Gasparich, Executive Director  
Upper Gila Watershed Alliance  
Gila, New Mexico

Greta Anderson, Arizona Director  
Western Watersheds Project  
Tucson, Arizona

Please respond to:

Michael J. Robinson  
Center for Biological Diversity  
P.O. Box 53166  
Pinos Altos, NM 88053  
[michaelr@biologicaldiversity.org](mailto:michaelr@biologicaldiversity.org)