

# Whose side are they on?

## Four States' Efforts to Derail Wolf Recovery

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**Mexican Wolves** are in real trouble. The genetic crisis brought on by their brush with extinction and made much worse by never releasing enough wolves from captivity into the wild is causing fewer pups to be born and survive. After nearly 20 years, wolf numbers are still too low. Without immediate attention to releasing more wolves in more places, this rare little wolf of the southwest United States and northern Mexico will disappear forever.

There is strong public support for wolf recovery in the states of Arizona<sup>1,2</sup> and New Mexico,<sup>3,2</sup> where the wolves live now, and Utah<sup>4</sup> and Colorado<sup>5</sup>, where the best science indicates they will need to expand in the future. Despite this, state game agencies have been actively sabotaging the wolves' chances: spending tax payer money on anti-wolf lobbyists,<sup>6</sup> supporting increased killing of wolves,<sup>7</sup> denying permits and suing the federal government to stop needed wolf releases.<sup>8,9</sup>

But what's happened now is worse. These same states have taken control of the Mexican wolf recovery plan – the long-awaited blueprint that will determine whether the wolves survive, or are lost to extinction. The Endangered Species Act (ESA) requires recovery plans to be based on the best available science, but the states have instead told the US Fish and Wildlife Service what they will accept -- way too few wolves to ever be safe from extinction, and only if they are kept out of the habitats they need to thrive. And the Service has complied – **the draft plan just released<sup>10</sup> would allow Mexican wolves to lose ESA protection even if there are only 320 in the United States -- fewer than half the number that scientists say are needed -- with another small isolated population of 170 in Mexico.**

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To recover the Mexican wolf, the best available science calls for	The states have called for	The draft recovery plan calls for
<b>Population size and trend:</b> A minimum of 3 core populations of at least 200 wolves each, totaling at least 750 wolves, with each population stable or increasing over 8 years. <sup>11</sup>	<b>Population size and trend:</b> No more than 325 wolves total in the U.S (in Arizona and New Mexico). Wolves above this cap would be removed or killed. <sup>15</sup>	<b>Population size and trend:</b> Two populations – at least 320 wolves in the U.S. and 170 in Mexico, totaling at least 490, over 8 years. <sup>10</sup>
<b>Geography:</b> The US has 3 core areas able to support populations of several hundred wolves each – eastern Arizona and western New Mexico (site of the current population), the Grand Canyon region, and the Southern Rockies. <sup>12</sup> Habitats in Mexico are unlikely to support over 100 individuals. <sup>13, 14</sup>	<b>Geography:</b> “. . . recovery of the Mexican wolf . . . will not be achieved if the Service does not recognize that the majority of Mexican wolf recovery must occur in Mexico. [Mexico] must be home to the lion’s share of on-the-ground Mexican wolf recovery.” <sup>16</sup>	<b>Geography:</b> In the U.S., wolves are allowed only in the Mexican Wolf Experimental Population Area in Arizona and New Mexico from the Mexican border north to Interstate 40. In Mexico, wolves are expected to be restored in areas of the northern Sierra Madre Occidental in Sonora, Durango, and Chihuahua. <sup>10</sup>
<b>Population Connectivity:</b> In order to remove from ESA list: Natural dispersal into each of the 3 core populations of at least 1 genetically effective migrant (a wolf that reproduces successfully) every 4 years. <sup>11</sup>	<b>Population Connectivity:</b> Wolves would not be allowed to disperse north of Interstate 40 in Arizona and New Mexico. <sup>17</sup>	<b>Population Connectivity:</b> Not addressed. No plan for natural connectivity; possible translocations between U.S. & Mexico by USFWS.
<b>Rate of human-caused losses:</b> Annual rate of human-caused mortality must be less than 20%, averaged over 8 years. <sup>11</sup>	<b>Rate of human-caused losses:</b> Arizona advocated for increased killing of wolves for preying on livestock, eating too many elk, and unspecified “conflicts with human activities.” <sup>7</sup>	<b>Rate of human-caused losses:</b> Mortality rate discussed but not reflected in recovery criteria. <sup>10</sup>
<b>Adequate regulatory protection:</b> State management plans and adequate post-delisting regulatory protection and capacity must be confirmed. <sup>11</sup>	<b>Adequate regulatory protection:</b> None specified.	<b>Adequate regulatory protection:</b> Effective state and tribal regulations are in place such that viable populations of wolves maintained, and Mexico has a proven track record protecting Mexican wolves. <sup>10</sup>





# Citations and Notes for Introduction

<sup>1</sup> See 2008, Research and Polling, Inc., page 12.

<http://www.mexicanwolves.org/pdf/Reading17WolfSurveyAZ.pdf>

<sup>2</sup> See 2013, Tulchin Research, page 3.

<http://www.mexicanwolves.org/uploads/polling/Polling%20memo%20AZ%20NM%202013.pdf>

<sup>3</sup> See 2008, Research and Polling, Inc., page 12.

<http://mexicanwolves.org/pdf/Reading18WolfSurveyNM.pdf>

<sup>4</sup> Are attitudes toward wolves changing? A case study in Utah. Bruskotter, J.T., Schmidt, R.H., Teel, T.L. *Biological Conservation* 139: 211-218, 2007.

<sup>5</sup> Peak Campaigns. 2013. Poll conducted for Defenders of Wildlife, February 10-11, 2013.

<sup>6</sup> Legislators steering another \$300,000 to anti-wolf crusade, By Brian Maffly, The Salt Lake Tribune, Mar 07 2013.

<http://archive.sltrib.com/story.php?ref=/sltrib/politics/55960783-90/300000-anti-contract-game.html.csp>

<sup>7</sup> See cover letter to Benjamin Tuggle, April 15, 2014. Arizona Game and Fish Department is the first signatory. Letter accompanies "Mexican wolf management in Arizona and New Mexico: A Cooperating Agencies Alternative," 15 April 2014. See Cooperating Agencies Alternative: "... removals will occur as necessary to reduce the state-wide population to no more than 150 wolves" (page 8, 5a). These removals would include killing; see page 8 5b iv and v. See page 8, 9. For removals due to depredations, and page 18, bb. (iii) for removal of entire families including pups. For elk removals including removing wolves down to a population of 100 in the state, see page 22, (e). For killing wolves "to avoid conflict with human activities" see page 24, (ii).

<sup>8</sup> Opening brief for the U.S. Department of the Interior *et al.*, filed in the Tenth Circuit Court of Appeals on appeal of the U.S. District Court ruling granting New Mexico a preliminary injunction against wolf releases in the state, Appeal Nos. 16-2189 & 16-2202, September 9, 2011, see pages 7-15.

<sup>9</sup> Reply brief for New Mexico Department of Game and Fish, filed in U.S. District Court in support of its motion for a preliminary injunction, Case No. 1:16-cv-00462-WJ-KBM, May 25, 2016, see page 6.

<sup>10</sup> Draft Mexican Wolf Recovery Plan, First Revision, U.S. Fish and Wildlife Service, Southwest Region (Region 2), Albuquerque New Mexico, 2017. For recovery criteria, see pages 9-10 and 26-27. It appears that the Service plans to kill any wolves above a cap of 380 in the U.S., see page 28. For recovery geography, see pages 20-22. For translocations, see page 23. For discussion of mortality rates, see page 28.

[https://www.fws.gov/southwest/es/mexicanwolf/pdf/20170628\\_DftMexiWolfRevRecPlan\\_Public%20Comment.pdf](https://www.fws.gov/southwest/es/mexicanwolf/pdf/20170628_DftMexiWolfRevRecPlan_Public%20Comment.pdf)

<sup>11</sup> Proposed Recovery Criteria for the Mexican Wolf, Mexican Wolf Recovery Team – Science and Planning Subgroup, Briefing for the Director, U.S. Fish and Wildlife Service, March 29, 2013.

<sup>12</sup> Carroll, C., Phillips, M.K., Lopez-Gonzales, C.A. and Schumaker, N.H. Defining recovery goals and strategies for endangered species: the wolf as a case study. *BioScience* 56: 25-37, 2006. See also Carroll, C., Fredrickson, R.J. and Lacey, R.C. Developing metapopulation connectivity criteria from genetic and habitat data to recover the endangered Mexican wolf, p 78: "... results suggest that the southwestern United States has 3 core areas with long-term capacity to support populations of several hundred wolves each ... eastern Arizona and western New Mexico, northern Arizona and southern Utah ... and northern New Mexico and southern Colorado."

<sup>13</sup> Carroll, C., Fredrickson, R.J., Lacey, R.C. Developing Metapopulation Connectivity Criteria from Genetic and Habitat Data to Recover the Endangered Mexican Wolf. *Conservation Biology* 28 (1): 76-86, 2013. For insufficiency of habitats in Mexico, see page 78: "The majority of the subspecies' historic range occurred in Mexico ... However, high human-associated mortality risk and low prey density within potential core areas in Mexico suggests that these areas are unlikely to support populations of over 100 individuals."

<sup>14</sup> Hendricks, S.A., Sesink Clee, P.R., Harrigan, R.J., Pollinger, J.P., Freedman, A.H., Callas, R., Figura, P.J., Wayne, R.K. Redefining historical geographic range in species with sparse records: Implications for the Mexican wolf reintroduction program. *Biological Conservation* 194: 48-57, 2016. <http://dx.doi.org/10.1016/j.biocon.2015.11.027> For condition of Mexican habitats, see page 53: "Furthermore, most of the historic range in Mexico is currently unsuitable due to human activity (blue areas in Figs. 1 and 2) and the probability of anthropogenic wolf mortality is high."

<sup>15</sup> See Environmental Impact Statement for the Proposed Revision to the Regulations for the Nonessential Experimental Population of the Mexican Wolf (*Canis lupus baileyi*), Final, Mexican Wolf Recovery Program, November 2014, page 2-36 for statement on state request for 325 cap. [http://www.fws.gov/southwest/es/mexicanwolf/pdf/EIS\\_for\\_the\\_Proposed\\_Revision\\_to\\_the\\_Regulations\\_for\\_the\\_Nonessential\\_Experimental\\_Population\\_of\\_the\\_Mexican\\_Wolf.pdf](http://www.fws.gov/southwest/es/mexicanwolf/pdf/EIS_for_the_Proposed_Revision_to_the_Regulations_for_the_Nonessential_Experimental_Population_of_the_Mexican_Wolf.pdf)

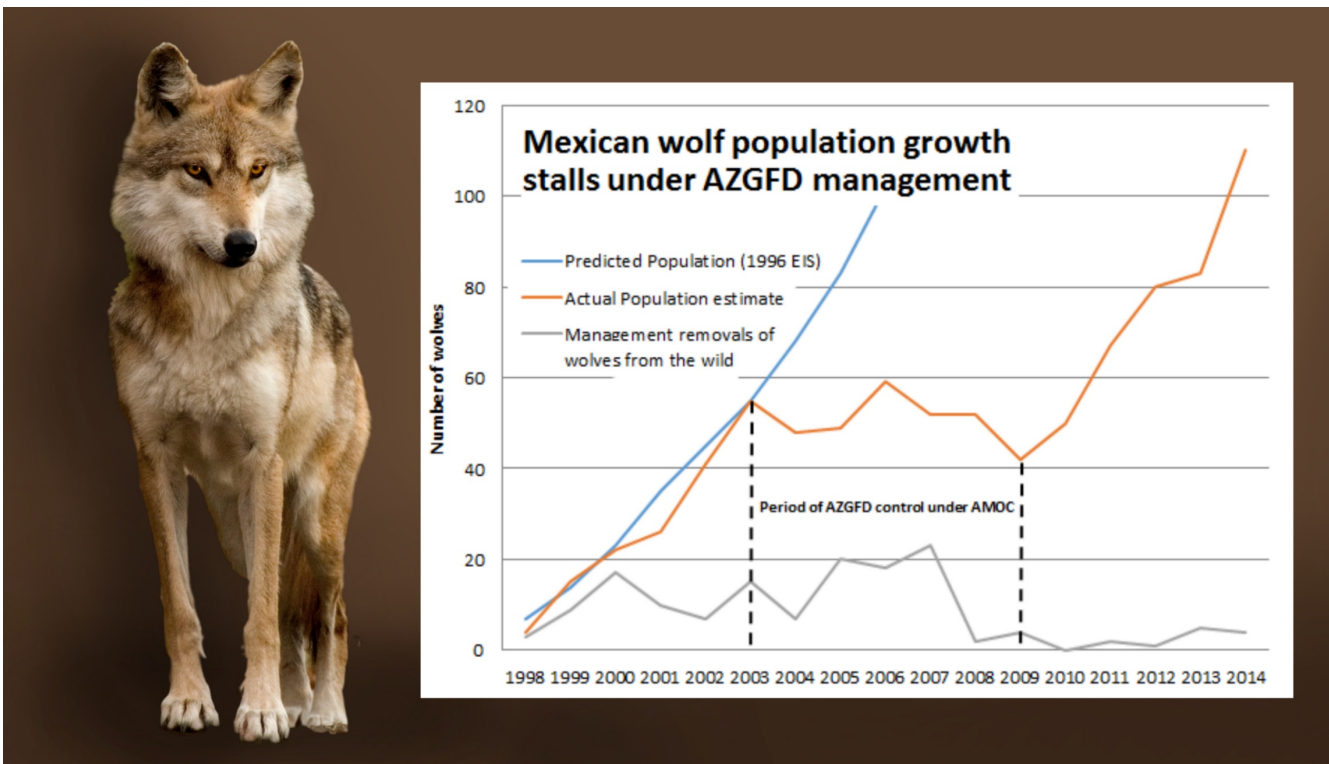
<sup>16</sup> See 13 November 2015 letter from the Governors of Arizona, New Mexico, Colorado and Utah to Secretary of the Interior Sally Jewel and US Fish and Wildlife Director Dan Ashe, page 4.

<sup>17</sup> See 1 August 2013 letter from AZG&F Department Director Larry Voyles, to US Fish and Wildlife Director Dan Ashe "... Rowan Gould and Gary Frazer both acknowledged ... that the final rule will direct the USFWS to capture and return any Mexican wolf that disperses outside the MWEPA."

## ARIZONA'S EFFORTS TO DERAIL WOLF RECOVERY

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The Arizona Game and Fish Commission and the agency it oversees, the Arizona Game and Fish Department, are charged with protecting all of Arizona's wildlife. Yet they have gone to extraordinary lengths to prevent the recovery of the Mexican gray wolf, and their actions could prove deadly for lobos.



- 1) **ARIZONA GAME AND FISH ASKED CONGRESS TO REMOVE ALL FEDERAL PROTECTIONS FOR MEXICAN GRAY WOLVES WHEN THERE WERE ONLY 50 WILD LOBOS IN THE ENTIRE WORLD.** The department sent a letter to congressional representatives asking that the lobo be delisted from the Endangered Species Act.<sup>1</sup>
- 2) **MANAGEMENT BY ARIZONA GAME AND FISH RESULTED IN FEWER WOLVES.** From 2003 through 2009, while Arizona Game and Fish led the wolf reintroduction program, the wild population dropped from 55 to 42. In 2009, the U.S. Fish and Wildlife Service resumed control of the program. From 2010 to 2017, the wolf population rose from 50 to 113.<sup>2</sup>
- 3) **ARIZONA GAME AND FISH IS BLOCKING NEW WOLF RELEASES.** On August 7, 2015, the commission voted unanimously to oppose all releases of adult wolves from captivity, even though scientists confirm that the wolves cannot recover without additional releases to boost their genetic health.<sup>3</sup> Instead, the state wants to rely on cross-fostering, a still experimental technique that attempts to move captive pups into wild dens. Cross-fostering alone, according to Mexican wolf geneticists, is unlikely to solve the wolves' survival problems.<sup>4</sup>



- 4) **ARIZONA GAME AND FISH SUPPORTS INCREASED KILLING AND WOLF REMOVALS.** Game and Fish ignores the 77% of Arizonans who support wolf recovery<sup>5</sup> when they advocate making it easier to kill and remove these highly endangered wolves, including killing whole families accused of preying on livestock, killing wolves for eating elk or for unspecified “conflicts with human activities.”<sup>6</sup>
- 5) **ARIZONA GAME AND FISH PUBLICLY INTERFERED WITH RECOVERY PLANNING.** When draft recommendations from the recovery team scientists displeased Arizona Game and Fish, a commissioner publicly leaked the draft plan, even though it was still confidential.<sup>7</sup>
- 6) **ARIZONA GAME AND FISH WANTS TO KEEP WOLF NUMBERS TOO LOW.** Recently, Arizona Game and Fish convinced the US Fish and Wildlife Service to cap the number of endangered Mexican gray wolves allowed in the U.S., removing or killing any wolves above the limit. They got a cap of 325<sup>8</sup> wolves (far below the numbers scientists say are necessary for recovery), but advocated for an even smaller number of 200-300.<sup>9</sup>
- 7) **ARIZONA GAME AND FISH WANTS WOLVES KEPT OUT OF THE AREAS THEY NEED TO RECOVER.** They support trapping or killing any lobos that travel toward key habitats north of Interstate 40, areas that scientists say are crucial for recovery.<sup>10</sup> Game and Fish even thwarted the public process, extracting this promise about the Interstate 40 boundary behind closed doors.<sup>11</sup>
- 8) **ARIZONA GAME AND FISH IS DRIVING RECOVERY PLANNING AWAY FROM SCIENCE AND TOWARD EXTINCTION.** By law, endangered species recovery must be based on the best available science. But Arizona Game and Fish, via a letter signed by the governor, insists that the majority of Mexican wolf recovery must occur in Mexico<sup>12</sup> despite peer-reviewed science showing that habitats in Mexico alone cannot support enough wolves to prevent extinction,<sup>10, 13</sup> and despite Arizona’s own admission that recovery of the subspecies in Mexico is “improbable.”<sup>11</sup>



# Arizona Citations and Notes

<sup>1</sup> See 7 December 2010 letter from AZ G&F Department Director Larry Voyles, on behalf of the commission: "We ask that you help us . . . to delist the wolf rangewide (including the Mexican wolf)"

<sup>2</sup> See *Mexican wolf population stalls under AZGFD management*. Population numbers from USFWS, now updated through 2016, see [http://www.fws.gov/southwest/es/mexicanwolf/pdf/MW\\_popcount\\_web.pdf](http://www.fws.gov/southwest/es/mexicanwolf/pdf/MW_popcount_web.pdf) Removal numbers from USFWS, [http://www.fws.gov/southwest/es/mexicanwolf/pdf/MW\\_removal\\_caus\\_web.pdf](http://www.fws.gov/southwest/es/mexicanwolf/pdf/MW_removal_caus_web.pdf) (graph totals livestock, nuisance and boundary removals). For further discussion, see Environmental Impact Statement for the Proposed Revision to the Regulations for the Nonessential Experimental Population of the Mexican Wolf (*Canis lupus baileyi*), Final Mexican Wolf Recovery Program, November 2014, pages 1-17 to 1-18.

<sup>3</sup> On August 7, 2015, the commission voted to oppose all new releases of adult wolves, and to allow only 6 cross-fostered pups per year. Cross-fostering means moving pups born in captivity into a wild den, a technique which has proven successful only once. Previously, on December 2, 2011, the Commission voted to oppose the release of any new wolves from captivity until the Service completes a new recovery plan, management plan, and 10(j) rule. The Commission amended this policy on January 13, 2012 to allow limited "replacement releases" for animals that are killed. The "gatekeeping" issue is discussed in the USFWS' release plans for 2015; see **Mexican Wolf Blue Range Reintroduction Project**, Replacement Release, Initial Release and Translocation Proposal for 2015, IFT Final Proposal: February 24, 2015.

<sup>4</sup> See Arizona Daily Sun, 28 May, 2015. Wolf adoption becomes part of species recovery plan. [http://azdailysun.com/news/local/wolf-adoption-becomes-part-of-species-recovery-plan/article\\_435d3cd6-e9b0-5894-9ef9-314521c3e542.html](http://azdailysun.com/news/local/wolf-adoption-becomes-part-of-species-recovery-plan/article_435d3cd6-e9b0-5894-9ef9-314521c3e542.html) "Cross-fostering is a tactic, not a plan," said Richard Fredrickson, a Montana-based biologist who has been on the Mexican Wolf Recovery Team since 2011. "In my opinion it's very unlikely to really address the problem (of species recovery)."

<sup>5</sup> See 2008, Research and Polling, Inc., page 12. <http://www.mexicanwolves.org/pdf/Reading17WolfSurveyAZ.pdf> See also 2013, Tulchin Research, page 3. <http://www.mexicanwolves.org/uploads/polling/Polling%20memo%20AZ%20NM%202013.pdf>

<sup>6</sup> See cover letter to Benjamin Tuggle, April 15, 2014. Arizona Game and Fish Department is the first signatory. Letter accompanies "Mexican wolf management in Arizona and New Mexico: A Cooperating Agencies Alternative," 15 April 2014. See Cooperating Agencies Alternative: "... removals will occur as necessary to reduce the state-wide population to no more than 150 wolves" (page 8, 5a). These removals would include killing; see page 8 5b iv and v. See page 8, 9. For removals due to depredations, and page 18, bb. (iii) for removal of entire families including pups. For elk removals including removing wolves down to a population of 100 in the state, see page 22, (e). For killing wolves "to avoid conflict with human activities" see page 24, (ii).

<sup>7</sup> See Complaint of Scientific and Scholarly Misconduct: Intentional Interference in Developing Science-based Recovery Criteria and Suitable Habitat in the Mexican Wolf Recovery Plan by the U.S. Fish and Wildlife Service and State "Partners" to Subvert the Application of Best Scientific Information Regarding Wolf

Recovery, June 7, 2012, page 7.

[https://www.peer.org/assets/docs/fws/6\\_7\\_12\\_Mex-wolf\\_Scientific\\_Integrity\\_Complaint.pdf](https://www.peer.org/assets/docs/fws/6_7_12_Mex-wolf_Scientific_Integrity_Complaint.pdf)

<sup>8</sup> See Environmental Impact Statement for the Proposed Revision to the Regulations for the Nonessential Experimental Population of the Mexican Wolf (*Canis lupus baileyi*), Final, Mexican Wolf Recovery Program, November 2014, page 2-36 for statement on rationale for 325 cap. [http://www.fws.gov/southwest/es/mexicanwolf/pdf/EIS\\_for\\_the\\_Proposed\\_Revision\\_to\\_the\\_Regulations\\_for\\_the\\_Nonessential\\_Experimental\\_Population\\_of\\_the\\_Mexican\\_Wolf.pdf](http://www.fws.gov/southwest/es/mexicanwolf/pdf/EIS_for_the_Proposed_Revision_to_the_Regulations_for_the_Nonessential_Experimental_Population_of_the_Mexican_Wolf.pdf)

<sup>9</sup> See Environmental Impact Statement for the Proposed revision to the nonessential experimental population of the Mexican wolf (*Canis lupus baileyi*) Draft, 16 July 2014, pages 2-9 to 2-10. [http://www.fws.gov/southwest/es/mexicanwolf/pdf/Mexican\\_Wolf\\_DEIS\\_July\\_2014.pdf](http://www.fws.gov/southwest/es/mexicanwolf/pdf/Mexican_Wolf_DEIS_July_2014.pdf)

<sup>10</sup> Carroll, C., Fredrickson, R.J., Lacey, R.C. Developing Metapopulation Connectivity Criteria from Genetic and Habitat Data to Recover the Endangered Mexican Wolf. *Conservation Biology* 28 (1): 76-86, 2013. For critical nature of habitats north of I-40, see page 78: "... results suggest that the southwestern United States has 3 core areas with long-term capacity to support populations of several hundred wolves each. These 3 areas, each of which contains a core area of public lands subject to conservation mandates, are in eastern Arizona and eastern New Mexico (i.e. the Blue Range, the location of the current wild population), northern Arizona and southern Utah (Grand Canyon) and northern New Mexico and southern Colorado (Southern Rockies)." For insufficiency of habitats in Mexico, see page 78: "The majority of the subspecies' historic range occurred in Mexico. . . . However, high human-associated mortality risk and low prey density within potential core areas in Mexico suggests that these areas are unlikely to support populations of over 100 individuals."

<sup>11</sup> See 1 August 2013 letter from AZ G&F Department Director Larry Voyles, to US Fish and Wildlife Director Dan Ashe "... Rowan Gould and Gary Frazer both acknowledged . . . that the final rule will direct the USFWS to capture and return any Mexican wolf that disperses outside the MWEPA." The northern boundary of the MWEPA is Interstate 40.

<sup>12</sup> See 13 November 2015 letter from the Governors of Arizona, New Mexico, Colorado and Utah to Secretary of the Interior Sally Jewell and US Fish and Wildlife Director Dan Ashe "... recovery of the Mexican wolf cannot and will not be achieved if the Service does not recognize that the majority of Mexican wolf recovery must occur in Mexico. . . . [Mexico] must be home to the lion's share of on-the-ground Mexican wolf recovery."

<sup>13</sup> Hendricks, S.A., Sesink Clee, P.R., Harrigan, R.J., Pollinger, J.P., Freedman, A.H., Callas, R., Figura, P.J., Wayne, R.K. Redefining historical geographic range in species with sparse records: Implications for the Mexican wolf reintroduction program. *Biological Conservation* 194: 48-57, 2016. <http://dx.doi.org/10.1016/j.biocon.2015.11.027> For condition of Mexican habitats, see page 53: "Furthermore, most of the historic range in Mexico is currently unsuitable due to human activity (blue areas in Figs. 1 and 2) and the probability of anthropogenic wolf mortality is high."



**New Mexico's participation in recovery was minimal until Governor Richardson's Game Commission voted to become more active in field activities. But after Governor Martinez took office in 2011, the state first abandoned the recovery effort, then began to actively thwart it.**

- 1) **IN JUNE 2011, THE NEW MEXICO GAME COMMISSION VOTED TO END STATE PARTICIPATION IN MEXICAN WOLF RECOVERY.** The state's abrupt exit from the program left it short staffed, endangering wolves and making it more difficult for New Mexico landowners to get the timely assistance and support needed to coexist with the wolves.<sup>1</sup> Furthermore, the Mexican wolf is listed as an endangered species under state law, requiring the state to support its recovery.
- 2) **IN MAY 2015, THE NEW MEXICO GAME COMMISSION DENIED A PERMIT FOR TED TURNER'S LADDER RANCH TO HOLD MEXICAN WOLVES.**<sup>2</sup> For 17 years, the ranch had acted as a crucial holding facility for wolves destined for release into the wild – one of only 3 such centers in the U.S. In November 2014, the commission gave itself the power to deny the permit, which it soon exercised. The U.S. Fish and Wildlife Service criticized the move, saying it “may hamstring species recovery.”<sup>3</sup>
- 3) **ALSO IN 2015, THE STATE BEGAN REQUIRING THE USFWS TO OBTAIN A STATE PERMIT TO RELEASE WOLVES IN THE STATE – AND THEN BLOCKED CRITICALLY NEEDED WOLF RELEASES.** In January 2015, the US Fish and Wildlife Service completed a rule change which for the first time would allow the release of wolves directly from captivity into New Mexico. Previously captive wolves could only be released in Arizona, and could then disperse into New Mexico, or, wolves that had been in the wild before could be released in New Mexico. Scientists had warned for more than a decade that direct releases from captivity into New Mexico were necessary for the survival and recovery of the wolves, and the situation was now dire. When the Service attempted to release wolves under the new rule, the state, for the first time, asked the Service to apply for a state release permit, which it then denied. In May of 2016, the Service, having lost a year of critically needed releases trying to navigate New Mexico's new requirements, asserted its authority under the Endangered Species Act<sup>4</sup> and released two wolf pups.
- 4) **IN MAY 2016, THE NEW MEXICO DEPARTMENT OF GAME AND FISH SUED THE US FISH AND WILDLIFE SERVICE TO COMPEL REMOVAL OF THE RELEASED PUPS AND STOP ALL FUTURE WOLF RELEASES.** New Mexico stated that their intent was to challenge the new rule allowing releases of wolves from captivity into the state.<sup>5</sup> While New Mexico was originally granted a preliminary injunction against releases in District Court, that injunction was overturned in the 10<sup>th</sup> circuit.<sup>6</sup> The case returns now to the District Court.
- 5) **NEW MEXICO. GAME AND FISH IS DRIVING RECOVERY PLANNING AWAY FROM SCIENCE AND TOWARD EXTINCTION.** By law, endangered species recovery must be based on the best available science. But New Mexico Game and Fish, via a letter signed by the governor, insists that the majority of Mexican wolf recovery must occur in Mexico<sup>7</sup> despite peer-reviewed science showing that habitats in Mexico alone cannot support enough wolves to prevent extinction.<sup>8,9</sup>
- 6) **NEW MEXICO'S ANTI-WOLF ACTIONS IGNORE THE MAJORITY OF NEW MEXICANS WHO SUPPORT LOBO RECOVERY.** 69% of New Mexican voters support the reintroduction of wolves in the state<sup>10</sup> and 80% believe the U.S. Fish and Wildlife Service should make every effort to help wolves recover and prevent extinction.<sup>11</sup>

# New Mexico Citations and Notes

<sup>1</sup> Minutes of the New Mexico State Game Commission meeting, June 9, 2011. See Item 12.  
<http://www.wildlife.state.nm.us/legacy/commission/minutes/documents/2011/6-9-11OFFICIAL.pdf>

<sup>2</sup> Minutes of the New Mexico State Game Commission meeting, May 7, 2015. Begins on page 14.  
[http://www.wildlife.state.nm.us/download/commission/minutes/2015/MIN-Game-Commission-05\\_07\\_2015-FINAL.pdf](http://www.wildlife.state.nm.us/download/commission/minutes/2015/MIN-Game-Commission-05_07_2015-FINAL.pdf)

<sup>3</sup> Albuquerque Journal, May 8, 2015.  
<https://www.abqjournal.com/582000/ted-turner-ranch-denied-wolf-permit.html>

<sup>4</sup> Opening brief for the U.S. Department of the Interior *et al.*, filed in the Tenth Circuit Court of Appeals on appeal of the U.S. District Court ruling granting New Mexico a preliminary injunction against wolf releases in the state, Appeal Nos. 16-2189 & 16-2202, September 9, 2016 see pages 7-15.

<sup>5</sup> Reply brief for New Mexico Department of Game and Fish, filed in U.S. District Court in support of its motion for a preliminary injunction, Case No. 1:16-cv-00462-WJ-KBM, May 25, 2016, see page 6.

<sup>6</sup> Opinion from the Tenth Circuit Court of Appeals, *New Mexico Department of Game and Fish v. U.S. Department of the Interior*, Appeal Nos. 16-2189 & 16-2202, April 25, 2017.

<sup>7</sup> See 13 November 2015 letter from the Governors of Arizona, New Mexico, Colorado and Utah to Secretary of the Interior Sally Jewel and US Fish and Wildlife Director Dan Ashe “... recovery of the Mexican wolf cannot and will not be achieved if the Service does not recognize that the majority of Mexican wolf recovery must occur in Mexico. ... [Mexico] must be home to the lion's share of on-the-ground Mexican wolf recovery.”

<sup>8</sup> Carroll, C., Fredrickson, R.J., Lacey, R.C. Developing Metapopulation Connectivity Criteria from Genetic and Habitat Data to Recover the Endangered Mexican Wolf. *Conservation Biology* 28 (1): 76-86, 2013. For critical nature of habitats north of I-40, see page 78: “... results suggest that the southwestern United States has 3 core areas with long-term capacity to support populations of several hundred wolves each. These 3 areas, each of which contains a core area of public lands subject to conservation mandates, are in eastern Arizona and eastern New Mexico (i.e. the Blue Range, the location of the current wild population), northern Arizona and southern Utah (Grand Canyon) and northern New Mexico and southern Colorado (Southern Rockies).” For insufficiency of habitats in Mexico, see page 78: “The majority of the subspecies' historic range occurred in Mexico. ... However, high human-associated mortality risk and low prey density within potential core areas in Mexico suggests that these areas are unlikely to support populations of over 100 individuals.”

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<sup>10</sup> See 2008, Research and Polling, Inc., page 12.  
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<sup>11</sup> See 2013, Tulchin Research, page 3  
<http://www.mexicanwolves.org/uploads/polling/Polling%20memo%20AZ%20NM%202013.pdf>



**U**tah can contribute significantly to saving wolves, and habitats in southern Utah are particularly vital to the Mexican gray wolf. But ever since the reintroductions of northern gray wolves to Yellowstone, and Mexican gray wolves to Arizona and New Mexico, Utah officials have worked to sabotage wolf recovery.

- 1) **UTAH'S WOLF MANAGEMENT PLAN IS DEADLY.** The Utah Wildlife Board and the Utah Legislature both approved a wolf management plan that will allow ranchers and their hired hands to kill wolves on federal public lands if they feel they are a danger to livestock. The plan will become effective any time the gray wolf is taken off the Endangered Species List in Utah.<sup>1</sup>
- 2) **UTAH PLANS TO KICK MIGRATING WOLVES OUT OF THE STATE.** Senate Bill 36, which was passed in 2010 states: "The division shall contact the service upon discovering a wolf in any area of the state . . . and request immediate removal of the animal from the state. (2) The division shall manage wolves to prevent the establishment of a viable pack in all areas of the state . . . ."<sup>2</sup>
- 3) **UTAH SENATOR ORRIN HATCH EDITORIALIZED IN THE ST. GEORGE NEWS AGAINST MEXICAN WOLVES.** The majority of Utahans of all stripes, including those living in rural areas and big game hunters, are consistently positive toward wolves.<sup>3</sup> This didn't stop Senator Hatch from sowing conflict by stating in a 2011 editorial that ranchers and sportsman oppose wolves, and that "dire consequences" would result from Mexican wolf recovery in southern Utah.<sup>4</sup>
- 4) **THE UTAH LEGISLATURE GAVE \$600,000 IN TAX PAYER MONEY TO AN ANTI-PREDATOR ORGANIZATION, BIG GAMEU FOREVER, TO LOBBY FEDERAL OFFICIALS TO REMOVE WOLVES FROM THE ENDANGERED SPECIES LIST.** However, the required accounting reports submitted by BGF's executive director, Ryan Benson, have been late and light on the details of how the money was spent.<sup>5e</sup>
- 5) **UTAH ALLOWED COYOTE KILLING IN AREA HOSTING A PIONEER WOLF, AND THE WOLF WAS SOON KILLED BY COYOTE HUNTER.** In 2014, the first wolf to reach the Grand Canyon in 80 years traveled through Utah from around Yellowstone. Children named her Echo. Despite her known presence in Utah, the Division of Wildlife Resources did not curtail coyote hunting in the area where she had been recently spotted. In late 2014, a coyote hunter shot her claiming that he thought she was a coyote.<sup>6</sup>
- 6) **UTAH THREATENED LEGAL ACTION IF THE MEXICAN WOLF RECOVERY PLAN INCLUDES HABITATS IN SOUTHERN UTAH.** In comments on a 2011 draft of the recovery plan, in which team scientists made the case for inclusion of habitats in southern Utah and Colorado, the Utah Division of Wildlife Resources commented "Identification of areas outside the historic range of the sub-species as part of the recovery area is inappropriate and will be vigorously apposed [sic] (legally and politically) by the Utah Division of Wildlife Resources and the State of Utah."<sup>7</sup>
- 7) **THE UTAH DIVISION OF NATURAL RESOURCES IS DRIVING RECOVERY PLANNING AWAY FROM SCIENCE AND TOWARD EXTINCTION.** By law, endangered species recovery must be based on the best available science. But the Utah Division of Natural Resources, via a letter signed by the governor, insists that the majority of Mexican wolf recovery must occur in Mexico<sup>8</sup> despite peer-reviewed science showing that habitats in Mexico alone cannot support enough wolves to prevent extinction.<sup>9,10</sup>

# Utah Citations and Notes

<sup>1</sup> [https://wildlife.utah.gov/wolf/wolf\\_management\\_plan.pdf](https://wildlife.utah.gov/wolf/wolf_management_plan.pdf)

<sup>2</sup> <http://le.utah.gov/~2010/bills/static/SB0036.html>

<sup>3</sup> [Are attitudes toward wolves changing? A case study in Utah.](#) Bruskotter, J.T., Schmidt, R.H., Teel, T.L. *Biological Conservation* 139: 211-218, 2007.

<sup>4</sup> Mexican wolves don't belong in Utah's Dixie. Hatch, O., *St. George News*, October 25, 2011.  
[http://www.stgeorgeutah.com/news/archive/2011/10/25/mexican-wolves-dont-belong-in-utahs-dixie-opinion/#.V0gOz\\_krLZ4](http://www.stgeorgeutah.com/news/archive/2011/10/25/mexican-wolves-dont-belong-in-utahs-dixie-opinion/#.V0gOz_krLZ4)

<sup>5</sup> Legislators steering another \$300,000 to anti-wolf crusade, By Brian Maffly *The Salt Lake Tribune*, Mar 07 2013.

<http://archive.sltrib.com/story.php?ref=/sltrib/politics/55960783-90/300000-anti-contract-game.html.csp>

<sup>6</sup> SB 36: "Mule Deer Protection Act":  
<http://le.utah.gov/~2012/bills/static/SB0245.html>

Wolf named Echo killed near Beaver, UT:  
<http://www.sltrib.com/news/1999741-155/utah-hunter-kills-wolf-near-beaver> The killer reported the incident and claimed that he thought the collared animal was a coyote. An investigation ensued and he was found "not guilty" under the McKittrick Policy:  
<http://www.sltrib.com/news/2713814-155/no-charges-against-utah-coyote-hunterei>

<sup>7</sup> The Utah Division of Wildlife Resources, as part of their participation on the Mexican Wolf Recovery Team, submitted comments on the 16 November 2011 draft recovery plan. The comments were submitted as Adobe Acrobat "sticky notes" on the PDF document. See file UTAH TextDraftRecoveryPlan16092011\_UDWR Comments. On page 1 of the plan, linked to the phrase "southern portions of Utah and Colorado" the UDWR comments "Identification of areas outside the historic range of the sub-species as part of the recovery area is inappropriate and will be vigorously apposed [sic] (legally and politically) by the Utah Division of Wildlife Resources and the State of Utah."

<sup>8</sup> See 13 November 2015 letter from the Governors of Arizona, New Mexico, Colorado and Utah to Secretary of the Interior Sally Jewel and US Fish and Wildlife Director Dan Ashe " . . . recovery of the Mexican wolf cannot and will not be achieved if the Service does not recognize that the majority of Mexican wolf recovery must occur in Mexico. . . . [Mexico] must be home to the lion's share of on-the-ground Mexican wolf recovery.

<sup>9</sup> Carroll, C., Fredrickson, R.J., Lacey, R.C. Developing Metapopulation Connectivity Criteria from Genetic and Habitat Data to Recover the Endangered Mexican Wolf. *Conservation Biology* 28 (1): 76-86, 2013. For critical nature of habitats north of I-40, see page 78: ". . . results suggest that the southwestern United States has 3 core areas with long-term capacity to support populations of several hundred wolves each. These 3 areas, each of which contains a core area of public lands subject to conservation mandates, are in eastern Arizona and eastern New Mexico (i.e. the Blue Range, the location of the current wild population), northern Arizona and southern Utah (Grand Canyon) and northern New Mexico and southern Colorado (Southern Rockies)." For insufficiency of habitats in Mexico, see page 78: "The majority of the subspecies' historic range occurred in Mexico . . . However, high human-associated mortality risk and low prey density within potential core areas in Mexico suggests that these areas are unlikely to support populations of over 100 individuals."

<sup>10</sup> Hendricks, S.A., Sesink Cleve, P.R., Harrigan, R.J., Pollinger, J.P., Freedman, A.H., Callas, R., Figura, P.J., Wayne, R.K. Redefining historical geographic range in species with sparse records: Implications for the Mexican wolf reintroduction program. *Biological Conservation* 194: 48-57, 2016.  
<http://dx.doi.org/10.1016/j.biocon.2015.11.027> For condition of Mexican habitats, see page 53: "Furthermore, most of the historic range in Mexico is currently unsuitable due to human activity (blue areas in Figs. 1 and 2) and the probability of anthropogenic wolf mortality is high."

Colorado is home to spectacular wildlife and wildlands, but its wildlife-friendly reputation does not extend to wolves. The state has a long history of opposing active reintroduction of wolves, and after scientists identified habitats in southern Colorado as vital to the recovery of Mexican wolves, Colorado Parks and Wildlife increased its efforts to keep lobos out of the state, endangering their survival and recovery.

- 1) **IN JANUARY 2016, THE COLORADO PARKS AND WILDLIFE COMMISSION PASSED A RESOLUTION OPPOSING THE RELEASE OF ANY WOLVES INTO COLORADO.**<sup>1</sup>
- 2) **COLORADO PARKS AND WILDLIFE IS DRIVING RECOVERY PLANNING AWAY FROM SCIENCE AND TOWARD EXTINCTION.** By law, endangered species recovery must be based on the best available science. But Colorado Parks and Wildlife, via a letter signed by the governor, insists that the majority of Mexican wolf recovery must occur in Mexico<sup>2</sup> despite peer-reviewed science showing that habitats in Mexico alone cannot support enough wolves to prevent extinction.<sup>3,4</sup>
- 3) **COLORADO'S ANTI-WOLF ACTIONS IGNORE THE MAJORITY OF COLORADANS WHO SUPPORT RESTORATION OF WOLVES.** 70% of those surveyed support the state restoring wolves in Colorado, if they do not arrive on their own.<sup>5</sup>

## Colorado Citations and Notes

<sup>1</sup> Resolution 16-01 Regarding Introduction/Reintroduction of Wolves. Signed 13 January 2016. [Colorado Parks and Wildlife Commission] "opposes the intentional release of any wolves into Colorado, recommends that Mexican wolf recovery be confined to the subspecies' historic range . . ."  
[http://cpw.state.co.us/Documents/Commission/policy\\_procedures/PWC\\_Resolution\\_Wolves\\_in\\_Colorado.pdf](http://cpw.state.co.us/Documents/Commission/policy_procedures/PWC_Resolution_Wolves_in_Colorado.pdf)

<sup>2</sup> See 13 November 2015 letter from the Governors of Arizona, New Mexico, Colorado and Utah to Secretary of the Interior Sally Jewel and US Fish and Wildlife Director Dan Ashe " . . . recovery of the Mexican wolf cannot and will not be achieved if the Service does not recognize that the majority of Mexican wolf recovery must occur in Mexico. . . . [Mexico] must be home to the lion's share of on-the-ground Mexican wolf recovery.

<sup>3</sup> Carroll, C., Fredrickson, R.J., Lacey, R.C. Developing Metapopulation Connectivity Criteria from Genetic and Habitat Data to Recover the Endangered Mexican Wolf. *Conservation Biology* 28 (1): 76-86, 2013. For critical nature of habitats north of I-40, see page 78: ". . . results suggest that the southwestern United States has 3 core areas with long-term capacity to support populations of several hundred wolves each. These 3 areas, each of which contains a core area of public lands subject to conservation mandates, are in eastern Arizona and eastern New Mexico (i.e. the Blue Range, the location of the current wild

population), northern Arizona and southern Utah (Grand Canyon) and northern New Mexico and southern Colorado (Southern Rockies)." For insufficiency of habitats in Mexico, see page 78: "The majority of the subspecies' historic range occurred in Mexico . . . However, high human-associated mortality risk and low prey density within potential core areas in Mexico suggests that these areas are unlikely to support populations of over 100 individuals."

<sup>4</sup> Hendricks, S.A., Sesink Clee, P.R., Harrigan, R.J., Pollinger, J.P., Freedman, A.H., Callas, R., Figura, P.J., Wayne, R.K. Re-defining historical geographic range in species with sparse records: Implications for the Mexican wolf reintroduction program. *Biological Conservation* 194: 48-57, 2016.  
<http://dx.doi.org/10.1016/j.biocon.2015.11.027> For condition of Mexican habitats, see page 53: "Furthermore, most of the historic range in Mexico is currently unsuitable due to human activity (blue areas in Figs. 1 and 2) and the probability of anthropogenic wolf mortality is high."

<sup>5</sup> Peak Campaigns. 2013. Poll conducted for Defenders of Wildlife, February 10-11, 2013.