



The Rewilding Institute

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

March 7, 2008

Dr. Benjamin Tuggle
Regional Director, Southwest Region
U.S. Fish and Wildlife Service
P.O. Box 1306
Albuquerque, NM 87103

Dear Dr. Tuggle:

This is to make you aware of the recent misapplication of 50 CFR § 17.84(k) (15) by the Interagency Field Team (IFT), the Adaptive Management Oversight Committee (AMOC) and by USFWS. The 1998 final rule is quite clear in defining “breeding pair” as *“an adult male and an adult female wolf that have produced at least two pups during the previous breeding season that survived until December 31 of the year of their birth.”*

In announcing the population survey results for 2007 on February 7, 2008, the Service stated that there were four breeding pairs at the end of the year. Among the pairs that USFWS counted as a breeding pair was Rim pack AM1107 and AF858. A review of the USFWS field notes for 2007 discloses that these two animals may be a pair—but they do not fit the final rule’s definition of “breeding pair.”

Rim pack AM1107 and AF858 first were reported as a pair on December 17, 2007. There is absolutely no evidence that they mated with each other during the 2007 breeding season. In fact, M1107 was trapped in New Mexico and translocated to the vicinity of AF858 in Arizona on November 25, 2007 “with the goal that M1107 pair with AF858.” (Mexican Wolf monthly update for November 2007) Rim AM991, the father of the Rim pack 2007 litter, was found dead in Arizona on April 24, 2007. (Mexican Wolf monthly update for April 2007)

The definition of breeding pair does not appear in the final rule as some statistical nicety. It was included as a specific measure of sustained reproductive success and population stability by emphasizing the importance of the survival of proven breeders and their pups through the end of a given year. In order for a breeding pair to exist—and be counted as such—at the end of a given year, both the pair and the pups must survive. Without the survival—intact as a pair—of the parents until the end of the year there can be no “breeding pair” extant at the end of the year. In a situation such as Rim pack AM991 and AF858, the most that can accurately be claimed under the final rule definition is that at the point that two pups were whelped their parents became a potential breeding pair. That potential status, however, was destroyed during the course of the year when AM991 died of unknown causes. Therefore, as of December 31, 2007, they can no longer be

counted as a breeding pair. One member of this pair, being claimed as a breeding pair at the end of the year, had nothing to do with the producing of the surviving pups. The definition clearly requires that both members of the pair contribute to the production of the pups and that both of the biological parents and at least two of their pups survive until the end of the year.

This is not the first time that the IFT, AMOC, and USFWS announced end of year breeding pair numbers that violated the definition in the final rule. The count at the end of 2006 included Bluestem AM806 and AF521 as a breeding pair. However there is no evidence that those animals were the parents of two pups that survived through December 31, 2006. In fact it is biologically impossible for them to have been the parents. The alpha male of the Bluestem pack during the breeding season in 2006 was AM507. He was found dead on 6/4/06. AM806 was not even in the wild during the 2006 breeding season; he was released as the alpha male of the Meridian Pack on 7/06/06—long after any 2006 pups were conceived and whelped. AM806's mate, AF838 was found dead on 9/24/06. Meridian "widower" AM806 was not reported in the vicinity of Bluestem "widow" AF521 until 12/16/06. Despite this undisputed chronology, the IFT, AMOC, and USFWS claimed AM806 and AF521 as a "breeding pair" in the 2006 end of year count. As a trained biologist, you must see that this was plain error and not consistent with the definition in the final rule.

Successful reintroduction—and eventual recovery—of this subspecies depends upon sustained reproduction in the wild that is not substantively subsidized by additional releases of captive wolves or excessive translocations.

The Memorandum of Understanding establishing the AMOC contains a provision that ensures that "all actions in the Project are in strict compliance with any applicable approved special rules, policies, protocols, management plans, and interagency agreements." Despite this assurance, we note that the AMOC has actually reworded the legally-binding definition of breeding pairs to fit the new procedure for claiming breeding pairs as follows: "A 'breeding pair' is defined as an adult male and an adult female with at least two pups produced during the previous breeding season that survived until December 31 of the year of their birth." (Emphasis added to identify changed language; Mexican Wolf monthly update for January 2008) This attempt to contort the final rule to focus exclusively on pup survival on December 31 while ignoring the survival of the specific pair which conceived them lacks any basis in science, logic, or the law.

While we cannot know for sure the motive behind your illegal changing of this definition, we suspect it was done to mislead the public into thinking that the status of the wild population of Mexican wolves is better than is actually the case. The Rewilding Institute realizes that the 2007 count has been exceptionally disappointing. Instead of the 18 breeding pairs which were projected to have been present at the end of 2006, the number of breeding pairs in the 2007 count plunged nearly in half from a claim of seven in 2006 (which was actually only six) to the claim of four for 2007 (which was actually only three). The misapplication of a term defined by federal regulation in reporting the number of surviving breeding pairs for the years 2006 and 2007 does not alter the dismal

facts on the ground. It simply creates confusion and the perception that USFWS may now be engaging in not just an isolated incident but a consistent pattern of deliberately understating recent management failures.

We respectfully request that you remedy this mistake through a public pronouncement and official revisions of the final population data for the years 2006 and 2007. Such an action would serve to restore the public's trust in the U.S. Fish and Wildlife Service.

We also request the courtesy of a response to this letter stating what actions will be taken.

Sincerely,

David R. Parsons
Carnivore Conservation Biologist

Peter M. Ossorio

cc:

Governor Bill Richardson
Governor Janet Napolitano
Senator Jeff Bingaman
Congressman Tom Udall
NM Game Commissioners
AZ Game Commissioners
Mr. Terry Johnson
Dr. John Morgart
Dr. Bruce Thompson