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To whom it may concern:

Defenders of Wildlife (Defenders) appreciates this opportunity to submit the following comments in response to the U.S. Fish and Wildlife Service's (Service) June 13, 2013, Federal Register notice, 78 Fed. Reg. 35719, requesting public comment on the Proposed Revision to the Nonessential Experimental Population of the Mexican wolf. See also 78 Fed. Reg. 54613 (September 5, 2013) (extending public comment period until October 28, 2013). On September 19, 2013, Defenders previously submitted comments on the Service's August 5, 2013, Notice of Intent to Prepare an Environmental Impact Statement for the Proposed Revision to the Nonessential Experimental Population of the Mexican wolf, 78 Fed. Reg. 47268, FWS-R2-ES-2013-0098. Defenders incorporates its September 19, 2013 comments on the Service's Notice of Intent to Prepare an Environmental Impact Statement into these current comments, in full, by reference.

Established in 1947, Defenders is a national, non-profit, science-based, conservation organization. With more than one million members and supporters nationwide, Defenders is focused on conserving and restoring native species and the habitats upon which they depend.

Before proceeding to our specific comments on the Service's proposed revisions to the Mexican gray wolf experimental population rule, Defenders offers the following general, overarching comments.

GENERAL COMMENTS

I. The Proposed Revisions Should Include Those Suggested by Defenders' in the Concurrent NEPA Process

As we stated in our September 19, 2013 comments on the Service's concurrent National Environmental Policy Act (NEPA) process for the proposed revisions, the central flaw in the proposed changes to the Mexican gray wolf experimental population rule is that they

represent only inadequate “half-measures.” Accordingly, as we stated in our prior NEPA comments, we again urge the Service to consider in detail our proposed alternative, which has wide support within the Mexican gray wolf conservation community, and which is more in keeping with the best available science concerning the actions necessary for Mexican gray wolf recovery. See Defenders September 19, 2013 comments at 8-9 (detailing our proposed alternative).

II. The Proposed Revisions to the Experimental Population Rule Should Not Be Linked to the Proposed National Delisting of Gray Wolf or the Proposed Listing of the Mexican Gray Wolf as an Endangered Subspecies of Gray Wolf

The Service appears to believe that revisions to the Mexican gray wolf experimental population rule are only necessary because the Service is also proposing to list the Mexican gray wolf separately as an endangered subspecies of gray wolf while delisting the gray wolf at the species level. See 78 Fed. Reg. 35719 (“The proposal to list the Mexican wolf as an endangered subspecies and delist the gray wolf species necessitates that we revise the nonessential experimental population designation of Mexican wolves in order to correctly associate this designation with the properly listed entity.”). While this is true, it is also incomplete. An Endangered Species Act (ESA) Section 10(j) rule, such as the Mexican gray wolf experimental population rule, must further the conservation of the species. This is the only permissible purpose of the 10(j) rule. 16 U.S.C. § 1539(j)(2)(A) (“The Secretary may authorize the release of an endangered or threatened species . . . if the Secretary determines that such release will further the conservation of such species.”). Accordingly, the Service may also revise a 10(j) rule to further the conservation of the species concerned. Because the Mexican gray wolf 10(j) rule is admittedly in need of improvement and because the Service’s own regulations require a “periodic review and evaluation of the success or failure of the [10(j)] release and the effect of the release on the conservation and recovery of the species,” 50 C.F.R. § 17.81(c)(4), the Service has independent authority, and an obligation, to consider changes to the 10(j) rule, in addition to, and beyond, its stated obligation to “correctly associate [the 10(j) rule] with the properly listed entity.” See 78 Fed. Reg. 35719. Thus, the Service can, and should, proceed with needed improvements to the 10(j) rule even if the proposed delisting of the gray wolf and/or separate listing of the Mexican gray wolf as an endangered subspecies does not occur.¹ Changes needed to improve the 10(j) rule for the Mexican gray wolf should not be “held hostage” to the proposed delisting of the gray wolf or listing of the Mexican gray wolf as an endangered subspecies. The Service appears to be presenting a false linkage between two essentially unrelated actions, and should resolve to improve the 10j rule independent of the success or failure of the two listing actions.

III. The Service Should Revise the Mexican Gray Wolf Recovery Plan

Related to the comment directly above, because a 10(j) rule must further the “conservation” of the species, and because the ESA defines “conservation” in terms of recovery, see 16 U.S.C. § 1532(3), the Service’s task of ensuring that the 10(j) rule is leading to the recovery of the Mexican gray wolf would obviously be easier if the Service had a legally sufficient and

¹ In separate comments, Defenders will oppose the delisting of the gray wolf, but support the listing of the Mexican gray wolf as an endangered subspecies of gray wolf.

up-to-date recovery plan. The Service has acknowledged that it lacks a legally valid recovery plan for the Mexican gray wolf. 78 Fed. Reg. 35726 (1982 Mexican Wolf Recovery Plan does not contain objective and measurable recovery criteria for delisting as required by section 4(f)(1) of the ESA). The Service needs to expedite completion and implementation of a revised and legally sufficient recovery plan. Although the Service states that it is working on a new recovery plan, see 78 Fed. Reg. 35727 (Service began work on a new recovery plan in 2010), the Service now appears poised to do what it has done twice before, suspend the work of the recovery team. The full team has not met since 2011, and no new drafts of the recovery plan have been provided despite the fact that the science subteam has apparently produced two additional drafts. The Service has a policy of completing a recovery plan within 2.5 years of the listing of a species. 59 Fed. Reg. 34272. Yet, more than 30 years after listing, and three years after initiation of a fourth recovery planning process in 2010, the Mexican gray wolf still doesn't have a recovery plan that meets the standards of the ESA. We ask that the Service provide a deadline for completion of an up-to-date recovery plan that meets the requirements of ESA Section 4(f). The prompt completion of a recovery plan would provide a needed "measuring stick" against which to evaluate the essential question of whether or not the proposed revisions to the 10(j) rule will actually further the conservation of the Mexican gray wolf.

IV. The Service is using an Inappropriate Population Objective as a Measure of Conservation and Recovery

In its proposal, the Service indicates it needs to modify the 10(j) rule to "improve our ability to establish a viable, self-sustaining population of at least 100 Mexican wolves in the wild, which is the population objective provided in the 1982 Mexican wolf Recovery Plan." 78 Fed. Reg. 35272. However, as discussed immediately above, the 1982 Recovery Plan is not in compliance with the ESA and thus does not represent an appropriate target for recovery or for a viable self-sustaining population. The Service acknowledges that the Blue Range population is neither self-sustaining nor viable. 78 Fed. Reg. 35706; Preliminary Draft EIS at 21. The Service is also aware from the work of the current science subteam of the recovery team that the Blue Range population is unlikely to ever be viable by itself. Computer simulations of the Blue Range population suggest that the current level of inbreeding depression may substantially reduce the viability of the population. 78 Fed. Reg. 35706. Carroll, *et al.* (*in press*) in *Conservation Biology* note that "viability of the existing wild population is uncertain unless additional populations can be created and linked by dispersal of > 0.5 migrants/generation." Because the best available science indicates that 100 wolves in the Blue Range population will never represent a viable population by itself, the Service needs to establish a population objective that actually represents a viable self-sustaining population. The Service must "move on" from its historic position that 100 wolves would comprise a viable, self-sustaining population and establish a new population objective that actually represents a viable and self-sustaining population and which can appropriately serve as a target for the conservation of the species under the 10(j) rule.

V. The Service Should Determine Whether the Experimental Population is Essential or Nonessential

The glaring, "elephant in the room" issue on which the Service does not specifically seek public comment is the question of whether the experimental population should be

considered “essential” or “nonessential.” The Service’s refusal to examine this issue is a fundamental error, as the determination of whether an experimental population is essential or nonessential is a choice the Service is required to make under the ESA. The ESA provides the Service with only two choices concerning the status of an experimental population, “essential” or “nonessential.” 16 U.S.C. § 1539(j)(2)(B); 50 C.F.R. § 17.81(c)(2) (requiring the Service to make “[a] finding, based solely on the best scientific and commercial data available, and the supporting factual basis, on whether the experimental population is, or is not, essential to the continued existence of the species *in the wild*) (emphasis added). The Service’s excuse for refusing to re-examine this dichotomous choice is that “Congress did not put requirements in section 10(j) to reevaluate the determination of essentially after a species has been reestablished in the wild.” 78 Fed. Reg. 35732. The Service also distinguishes its own regulation calling for “periodic review and evaluation of the success or failure of the release and the effect of the release on the conservation and recovery of the species,” 50 C.F.R. § 17.81(c)(4), as not having been interpreted as requiring reevaluation and reconsideration of a population’s nonessential status. 78 Fed. Reg. 35732. In a nutshell, the Service’s argument is that once a 10(j) population of a species is determined to be nonessential, it is always nonessential, and the Service cannot be forced to reexamine its prior position.

Leaving aside the legal viability, or lack thereof, of the Service’s position, in the present case, the Service has an obvious factual problem. In 1998, the species released into the wild was “gray wolf,” as that was the only listed entity as the time of the 1998 Final 10(j) Rule. However, as the Service recognizes, the premise for currently revising the 1998 10(j) Rule is to “to correctly associate this designation with the properly listed entity.” 78 Fed. Reg. 35719. Accordingly, if, as it proposes, the Service delists “gray wolf,” the subject of the 1998 Final Rule, and replaces it with “Mexican wolf,” a subspecies of wolf to be listed for the first time – the currently proposed revisions to the 10(j) rule represent the *first time* the Service is being asked to consider whether the Blue Range population is essential to the continued existence of Mexican gray wolf in the wild. That is, because the Service is proposing to delist gray wolves, it is not reexamining its prior position but making its first determination for the subspecies. As the Blue Range population is the only population of Mexican gray wolf in the wild, it does not seem possible for the Service to conclude this population is nonessential to the continued existence of the species in the wild.

Nonetheless, the Service does attempt to explain the facially impossible: how the only population of the Mexican gray wolf subspecies in the wild is not in fact essential to the survival of the subspecies in the wild? The Service’s labored explanation does not withstand analysis. The Service argues that its regulations define an essential experimental population as one whose loss would be likely to appreciably reduce the likelihood of the survival of the species in the wild. 50 C.F.R. § 17.80(b). The Service then states that “survival” is defined as the condition in which a species continues to exist in the future while retaining the potential for recovery, and argues that inherent in its regulatory definition of essential is the consideration of the impact the potential loss of the experimental population would have on the species as a whole. 78 Fed. Reg. 35732. At base, the Service’s argument is that the loss of the only experimental population of Mexican gray wolf is inconsequential because it won’t affect the survival of the species as a whole – as Mexican gray wolves will continue to survive in captivity. The Service’s argument is unpersuasive, because it ignores the “frame” in which the “survival” analysis must take place. 50 C.F.R. § 17.80(b) explicitly modifies “survival” by

using the phrase “*survival of the species in the wild.*” Thus, the proper question is not whether the species will survive anywhere, but whether the species will survive in the wild. The potential survival of Mexican gray wolves in captivity is irrelevant to the question of whether the species would be currently surviving in the wild should the sole experimental population vanish. At the moment the experimental population is extirpated from the wild, the species would no longer be surviving in the wild and thus the only wild population satisfies the regulatory definition of an essential population. The Service’s conclusion to the contrary is in error and should be changed.

The Service’s argument that the wild Blue Range Mexican gray wolf population is not essential suffers from two additional factual problems: First, the Service attempts to bolster its position that survival of the species in captivity ensures its survival in the wild by arguing “the captive Mexican wolf population could produce enough wolves that future reintroduction in the wild would be feasible and we have a now proven capacity to successfully start a wild population from captive stock.” 78 Fed. Reg. 35732. In short, the Service is arguing that the captive population ensures the survival of the species in the wild because captive wolves can always be released into the wild – someplace at some future time. The factual flaw in this argument is the assumption that there is a “someplace” available and that the Service has an existing plan for a “second attempt” at establishing a wild population from captive stock. Though the repressed draft recovery plan does contemplate additional releases, it is just a draft which the Service is refusing to finalize, and at present the Service has no concrete plans for any future releases. If the current experimental population fails, it is entirely speculative for the Service to assume that a future release will be attempted – especially when the Service has for years delayed and avoided planning for any such additional populations.

The second factual flaw in the Service’s argument that the existence of the captive population insures the survival of the species in the wild is that the Service is ignoring the passage of time. While 15 years ago at the time of the 1998 10(j) rule, when the captive population had only been in captivity for about a decade, it may have been justified for the Service to conclude the captive population ensured the survival of the species in the wild. Now that the captive population is some 25 years old, this conclusion is suspect. The Service has acknowledged the importance of the amount of time wolves spend in captivity, cautioning in the 1998 Final Rule that reintroduction at that time would “reduce the potential effects of keeping [Mexican Wolves] in captivity in perpetuity” 63 Fed. Reg. 1755. The Service explained that “[i]f captive Mexican wolves are not reintroduced to the wild within a reasonable period of time, genetic, physical, or behavioral changes resulting from prolonged captivity could diminish their prospects for recovery.” *Id.* Now, 15 years later, this problem is much worse and the Service’s reliance on the captive population to ensure the survival of a wild population is much more suspect. Indeed, a 2007 review by Frankham in *Molecular Ecology* entitled *Genetic Adaptation to Captivity in Species Conservation Programs* adds scientific rigor to this caution and raises serious concerns about genetic deterioration leading to maladaptive traits in captive populations.

Moreover, adaptation to captivity with concurrent maladaptation to the wild is not the only reason the captive population can no longer be counted on as a perpetual source of animals to restock the wild. Another problem is the captive population’s inexorable loss of genetic diversity, which is exacerbated by the aging of individuals with particular genetic value.

Unfortunately, the captive population has become a small, leaky ark upon which to rest survival of the species.

Although the Service and the Species Survival Plan (SSP) have managed the captive population to preserve as much of the genetic diversity of the seven founders as possible, the Service and SSP managers knew from the start that the wolves would need to quickly expand their numbers in the wild beyond what was possible in captivity. By reproducing quickly in the wild, they would express and thereby preserve much more of the genetic diversity they carried. Unfortunately, illegal killing and over-management, including the removal of genetically valuable animals and a lack of releases, kept the wild population small at a critical time, and much of the genetic potential of the founders has been lost.

Of a total captive population of 270 Mexican gray wolves, 33 are reproductively compromised or highly inbred. Because so few wolves have been released to free-up captive space for breeding, the captive space is now filled with older animals who have never bred. 62% of the wolves in the captive population are seven years old or older. The population is estimated to retain only 3.01 founder genome equivalents suggesting that the captive population has lost more than half of the alleles present in the seven founders. 78 Fed. Reg. 35705-06. Accordingly, without a substantial and expanding wild population, the very survival of the captive population, much less its ability to re-establish a new wild population, is substantially in doubt and should not be relied upon by the Service as insurance against the loss of the wild population.

Defenders believes that an essential designation would further the conservation of the Mexican gray wolf by increasing coordination among agencies. This coordination is especially needed since there is no adequate recovery plan to guide agency actions. Because they did not have a recovery plan to refer to, all of the forests hosting or expecting to host populations of Mexican gray wolves in the future are nearing completion of their forest management plans without adequate provisions meant to further the conservation of wolves. Without such provisions, the forests are not able to exercise the flexibility needed to prevent conflicts between wolves and livestock. Thus the consultation that would follow from an essential designation would benefit land owners and ranchers because it would facilitate solutions such as community calving, fencing, and flexible pasture utilization -- solutions to conflicts which were not foreseen and therefore not discussed in plans such as allotment management plans which are tiered to the forest management plans. The present lack of coordination and flexibility is obvious in the many grazing-related NEPA and decision documents issued by the Forest Service which contain this or similar statements: "By definition, a non-essential experimental population is not essential to the continued existence of the species. Therefore, no proposed action impacting on a 10(j) population so designated could lead to a jeopardy determination for the entire species. Therefore, proposed livestock grazing and livestock management activities in the 10(j) area with Mexican gray wolves are not likely to jeopardize the continued existence of the wolf." This particular statement is from a Decision Notice and Finding of No Significant Impact for the T Bar Allotment in the Gila National Forest in New Mexico. And while the Gila and Apache Sitgreaves National Forests have been involved in the Mexican gray wolf program for years and have shown improvement in their willingness to help permittees coexist with wolves, we can expect that other forests, including the Coconino, Tonto, Kaibab and Cibola may have a

slow learning curve. All of the forests, and their permittees, would benefit from the closer coordination and greater flexibility that would result from essential status.

SPECIFIC COMMENTS

The Service has provided a numeric list of specific proposals, currently in its proposed rule change, on which it seeks comment. 78 Fed. Reg. 35721-23 (items (1) through (13)). The Service has also provided a list of specific items “being considered for possible inclusion in the final rule, but not [currently] proposed.” 78 Fed. Reg. 35723-25 (items (14) through (20)). Accordingly, Defenders offers the following comments tracking the Service’s specific requests.

Please note that though Defenders endorses some of the Service’s proposals and other items that may be proposed, as indicated at the outset of these comments and in Defenders’ incorporated, September 19, 2013 comments submitted as part of the Service’s NEPA process, Defenders believes the Service’s proposed measure represent only tinkering while avoiding the difficult work of establishing the additional populations needed for recovery. We urge the Service to consider in full Defenders’ proposed alternative submitted for consideration as a viable and reasonable alternative for review under NEPA. Defenders’ proposed alternative has wide support within the Mexican gray wolf conservation community, and is more in keeping with the best available science concerning the actions necessary for Mexican gray wolf recovery. See Defenders September 19, 2013 comments at 8-9 (detailing proposed alternative).

(1) Expanding the area for direct initial release of captive-raise Mexican wolves to include the entire BRWRA, thereby eliminating the primary and secondary recovery zones of the BRWRA area

Defenders supports this change to the 10(j) rule. Indeed, given the current failing state of Mexican gray wolf recovery efforts, we believe this change is not optional, but necessary if the Service is to insure its 10(j) program is actually furthering the conservation – i.e. recovery – of the Mexican gray wolf².

Currently, the primary recovery area only includes a small fraction of the BRWRA in Arizona. See Figure 1, 78 Fed. Reg. 35720. The Service acknowledges that the primary recovery zone constitutes only 16% of the BRWRA. 78 Fed. Reg. 35727. More importantly, the Service states “[t]his has constrained the number and location of Mexican wolves that can be released into the wild.” Id. While Defenders disagrees that this is the only factor that has “constrained the number and location of Mexican wolves that can be released into the wild” (see Draft EIS at 23), for example releases have also been markedly constrained by the Service’s accommodating the Arizona Game and Fish Commission, the point remains that the existing limitation on direct releases is a problem. As the Service explains, “allowing initial release of captive Mexican wolves into the entire BRWRA will increase ...

² This change is necessary, but not sufficient, to further the conservation – i.e. recovery – of the Mexican gray wolf. Sufficient measures would be those found in a completed recovery plan, including the establishment of additional populations linked by dispersal.

opportunities to conduct initial releases. Because Mexican wolf packs have established home ranges in the primary recovery zone, which encompasses only 16 percent of the BRWRA, [the Service is] constrained in [its] ability to release additional family groups from captivity into this occupied habitat. Only two captive-raised Mexican wolves have been released into the BRWRA in the last 6 years for this reason.” 78 Fed. Reg. 35729-730. While, again Defenders disagrees that this is the only reason so few Mexican gray wolves have been released in the past six years (see Draft EIS at 23), Defenders supports the removal of this limitation on the release of wolves and believes it would benefit the population. Indeed, such a change has frequently been recommended to the Service in the past. See Three Year Review (“Paquet Report”, Paquet et al., Conservation Breeding Specialist Group 2001), Mexican Gray Wolf Blue Range Reintroduction Project 5-Year Review (Mexican Wolf Blue Range Adaptive Management Oversight Committee and Interagency Field Team 2005), Mexican Wolf Conservation Assessment (Service 2010), Draft EIS at 19.

(2) Allowing Mexican wolves to disperse naturally from the BRWRA into the MWEPA and occupy the MWEPA without the requirement to bring them back into the BRWRA

Defenders supports this change to the 10(j) rule. Indeed, given the current failing state of Mexican gray wolf recovery efforts, we believe this change is not optional, but necessary if the Service is to ensure its 10(j) program is actually furthering the conservation – i.e. recovery – of the Mexican gray wolf³.

The Service acknowledges that the requirement in the 1998 Final Rule that Mexican gray wolves stay within the BRWRA “does not allow for natural dispersal movements from the BRWRA or occupation of the MWEPA.” 78 Fed. Reg. 35727. This limitation, which prevents the experimental population from actually occupying the entire experimental population area, is inappropriate. It is also destructive to wolf recovery. As the Service explains, “[c]urrently, we are required to implement management actions that disrupt social structure or lead to removal of wolves from the wild when a Mexican wolf naturally disperses from the BRWRA into the MWEPA.” *Id.* Defenders agrees with the Service’s conclusion that the proposed change “will promote numeric and spatial expansion of the population.” 78 Fed. Reg. 35730. Accordingly, Defenders believes this is a positive change in the 10(j) Rule. Indeed, as with Item (1) above, such a change has frequently been recommended to the Service in the past. See Three Year Review (“Paquet Report”, Paquet et al., Conservation Breeding Specialist Group 2001), Mexican Gray Wolf Blue Range Reintroduction Project 5-Year Review (Mexican Wolf Blue Range Adaptive Management Oversight Committee and Interagency Field Team 2005), Mexican Wolf Conservation Assessment (Service 2010), Draft EIS at 19.

Please note, however, that though Defenders supports this proposed change we are adamantly opposed to the capture and return of wolves that disperse *outside* the MWEPA to the MWEPA. We oppose this change because it ignores the best available science and

³ This change is necessary, but not sufficient, to further the conservation – i.e. recovery – of the Mexican gray wolf. Sufficient measures would be those found in a completed recovery plan, including the establishment of additional populations linked by dispersal.

lessens the Mexican gray wolf's ability to recover. We will first cover the obvious -- that the 10(j) approach is essentially a "zoning" approach. Wolves inside the MWEPA fall under the purview of the 10(j) Rule, but Mexican gray wolves outside the MWEPA do not. It is inappropriate for the 10(j) Rule to prescribe the treatment of Mexican gray wolves outside the 10(j) area as such wolves are entitled to full ESA protection and cannot be captured without a specific take permit authorizing such capture. Furthermore, prior to approving such a take permit, the Service would have to complete an evaluation of the potential for the take of any such wolves to be a major federal action significantly impacting the environment pursuant to NEPA. 42 U.S.C. 4321 et seq. At a minimum, the Service must complete an Environmental Assessment pursuant to NEPA before approving any such take permits. See e.g. *Ramsey v. Kantor*, 96 F.3d 434, 437 (9th Cir. 1996) (holding that issuance of an incidental take statement was a "major federal action" under NEPA that required an EA "and possibly" an EIS). See also *Greater Yellowstone Coalition v. Flowers*, 359 F.3d 1257, 1275-76 (10th Cir. 2004).

This proposal to pick up wolves dispersing outside of the MWEPA is a deal killer in a suite of proposals that otherwise offer the current single population a little breathing room. Unfortunately if accompanied by the current proposal, these steps forward would come at the cost of undercutting and postponing the possibility of recovery. The Service is aware, based on the work of the current recovery team and the scientific literature, that recovery of the Mexican gray wolf will require the establishment of at least two additional populations, and that the areas capable of hosting these populations are the Grand Canyon ecoregion and southern Utah/ southern Colorado. Both of these areas are north of I-40. The Service is also aware that the science subteam of the recovery team has indicated that recovery will require dispersal among these two new populations and the current population in the Blue Range Wolf Recovery Area, a finding that will soon be published in *Conservation Biology* (Carroll et al., *in press*). The Service is knowingly promulgating a long-lived rule that the best available science confirms would need to be rescinded in order for the Mexican gray wolf to recover.

(3) Removing the portion of west Texas lying north of US Highway 62/180 to the Texas-New Mexico boundary from the MWEPA

Defenders supports this change, as we do not believe it will have any negative effect on Mexican gray wolf recovery.

(4) Removing reference to possible reintroduction of Mexican wolves to the White Sands Wolf Recovery Area

Defenders supports this change, as we do not believe it will have any negative effect on Mexican gray wolf recovery.

(5) Developing and implementing management actions on private land within the MWEPA by the Service or an authorized agency to benefit Mexican wolf recovery in voluntary cooperation with private landowners, including but not limited to initial release, proactive measures to prevent conflicts, and translocation of wolves if requested by the landowner

This proposed change appears contingent upon proposed Items (1) and (2) being adopted. The Service should explicitly point out this proposed action cannot go forward without those other changes also being approved. Defenders is generally supportive of this proposed change but we believe that the Service should explicitly state that this proposed change does not mean that the Service will remove (translocate) wolves from private lands within the BRWRA or MWEPA at the request of the landowner. To allow removal of dispersing or released wolves from private land inside the BRWRA or MWEPA would undercut the effectiveness of Items (1) and (2) and should not be considered.

(6) Developing and implementing management actions on tribal land within the MWEPA by the Service or an authorized agency in voluntary cooperation with tribal governments including but not limited to initial release, translocation, proactive measures to prevent conflicts, capture and removal of Mexican wolves if requested by the tribal government

Defenders supports this change and believes it acknowledges tribal sovereignty and properly reflects the important role of tribal governments and tribal cooperation in supporting Mexican gray wolf recovery.

(7) Identifying section 6 of the Act as authorizing language for take pursuant to 50 CFR 17.31 for State wildlife agencies with authority to manage Mexican wolves under the nonessential experimental population rule

This proposed change makes little sense. Section 6 of the ESA does not authorize take. 50 C.F.R. § 17.31 allows “States with which [the Service has] cooperative or management agreements for the Mexican wolf reintroduction project [to] take Mexican wolves that are part of the nonessential experimental population during the course of normal management activities in accordance with [that regulation].” 78 Fed. Reg. 35734. But the authority to take wolves arises from the 10(j) rule itself, and thus Section 10 of the ESA, not Section 6 of the Act. Thus this proposed change is ill advised as it appears to both restate existing law and regulation in a more confusing manner and mis-identifies the source of take authorization. Moreover, as a general matter, “[a]ny State law or regulation respecting the taking of an endangered species or threatened species may be more restrictive than the exemptions or permits provided for in this Act or in any regulation which implements this Act but not less restrictive than the prohibitions so defined.” 16 U.S.C. § 1535(f). Thus, federal law and regulations are ultimately controlling. To the extent that this proposed change is intended to indicate otherwise or implies that a State may operate based on its own authorities which are less restrictive than the ESA it is illegal. The Service should clarify the federal law remains supreme over any conflicting or less restrictive state laws or regulations. Additionally, prior to implementing this proposed change the Service should indicate which states have cooperative management agreements with the Service under Section 6 of the Act and the basis on which such agreements were approved.

(8) Clarifying that an individual can be authorized to take Mexican wolves under specific circumstances

The Service explains that this proposed change is necessary because in the 1998 Final Rule it “used the term ‘personnel’ to describe those authorized to take Mexican gray wolves in the

nonessential experimental population pursuant to a Service approved management plan, special management measure, or a valid permit issued by the Service under 50 CFR 17.32.” 78 Fed. Reg. 35734. The Service then claims that it “intended this provision to extend to individuals, that is, not only those people who are associated with an agency.” *Id.* While Defenders has no knowledge of the Service’s prior, unexpressed intentions, it does not object to this proposed change in principle so long as an individual still has to be authorized to commit take “pursuant to a Service approved management plan, special management measure, or a valid permit issued by the Service under 50 CFR 17.32.” However, because regardless of the Service’s prior intentions, this proposed change does alter the status quo by adding a new category of people to those who can commit take – individuals not associated with an agency – during its NEPA process on the proposed changes the Service must examine the potential for this change in the existing condition to result in increased take by increasing the number of people authorized to commit take. To the extent this proposed change might increase overall take from the Mexican gray wolf population Defenders opposes it because the population simply cannot withstand additional take.

(9) Clarifying allowable take for Federal agencies and authorized personnel

The Service states that this proposed change adds “language to the provisions for allowable take for Federal agencies to clarify that take must be non-negligent and incidental to a legal activity and must be reported within 24 hours to the Service’s Mexican wolf Recovery Coordinator or to a designated representative of the Service.” 78 Fed. Reg. 35734. The Service explains that it added this language “to clarify that Wildlife Service personnel will not be in violation of the Act or this rule for take of a Mexican wolf that occurs while conducting official duties. Such take must be non-negligent, incidental to predator control activities, and consistent with recommendations of a section 7(a)(4) conference opinion with Wildlife Services that addresses their program activities that may affect Mexican wolves.” *Id.* To properly evaluate this proposed change, Defenders and the rest of the public must be informed as to whether Wildlife Services has obtained a Section 7(a)(4) conference opinion from the Service and what its recommendations were. This important information is missing from the proposed rule.

Elsewhere in its proposal at 78 Fed. Reg. 35741, the Service states, in suggesting changes to 50 C.F.R. § 17.84(k)(6)(iv)(E)) that “[t]he Wildlife Services division will discontinue use of M-44’s and choking type snares in occupied Mexican wolf range.” Accordingly, the Service should clarify that the take of a Mexican gray wolf resulting from the use of M-44s and choking type snares in occupied Mexican gray wolf range cannot ever be “non-negligent.” Additionally, the use of the phrase “occupied wolf range” is problematic and inappropriate as the Service defines it in a very limited manner. *See* 78 Fed. Reg. 35739 (small, 5 mile radius, circles around radio collared wolf locations). This is problematic as: (1) radio collared locations are not instantly known to Wildlife Services personnel but reported in a delayed manner on the Service’s website. This essentially “historic” data only informs Wildlife Services where wolves were the last time radio collared locations were determined – i.e. they are not real time but normally at least a month old; and (2) wolves move around the landscape for much greater distances than 5 miles often during the course of a single day. Accordingly, to avoid negligent take the Service should prohibit Wildlife Services from using M-44’s and choking type snares throughout the BRWRA as wolves are likely to be present throughout much of this area.

(10) Revising the conditions that determine when we would issue a permit to livestock owners or their agents to allow take of Mexican wolves that are engaged in the act of killing, wounding or biting livestock on public lands allotted for grazing from “6 breeding pairs” to “100 Mexican wolves” to be consistent with our population objective of establishing a population of at least 100 wolves

Defenders objects to this proposed change for a number of reasons. First, as stated in the General Comments section of this letter, the 100-wolf population objective comes from the 1982 Recovery Plan, which is outdated, not based on the best available science, and not in compliance with Section 4(f) of the ESA. Accordingly, as expressed above, it is inappropriate to tie management actions to an outdated and inadequate population objective. Second, the 100-wolf population objective in the 1982 Recovery Plan actually calls for the establishment of “a viable, *self-sustaining population* of at least 100 Mexican wolves in the wild” See 78 Fed. Reg. 35272 (emphasis added). The proposed change neglects the “self-sustaining” language, which necessarily requires some evidence that the 100-wolf population can sustain itself through breeding and not perpetual new releases – and thus implicitly requires some measure of breeding success. Accordingly, it is inappropriate for the Service to abandon a breeding pair requirement because without such a requirement, it will be impossible to determine if the population is self-sustaining.

Even more importantly, the best available science indicates that a 100-wolf population in the Blue Range will never be self-sustaining. The Service has acknowledged elsewhere that a 100-wolf Blue Range population is neither self-sustaining nor viable. 78 Fed. Reg. 35706; Preliminary Draft EIS at 21. The Service is also aware from the work of the current science subteam of the recovery team, that the Blue Range population is unlikely to ever be viable by itself. Computer simulations of the Blue Range population suggest that the current level of inbreeding depression may substantially reduce the viability of the population. 78 Fed. Reg. 35706. Carroll, *et al.*, *in press*, in *Conservation Biology* note that “viability of the existing wild population is uncertain unless additional populations can be created and linked by dispersal of > 0.5 migrants/generation.” Because the best available science indicates that 100 wolves in the Blue Range population will never represent a viable or recovered population by itself, it is inappropriate to relax management restrictions based on this number representing a self-sustaining population. It simply does not. A breeding pair requirement is both necessary and appropriate to determine the potential for future growth and the population’s ability to sustain itself in the face of increased take. And because the Mexican gray wolf is direly threatened by a lack of genetic diversity, the Service should also consider a triggering requirement based on genetic diversity.

The Service explains that it “originally established the 6 breeding pair metric to serve as an indication that the overall size and status of the population was appropriate to allow additional regulatory flexibility in our management,” but that it has “learned that the number of breeding pairs in the population does not necessarily serve as a surrogate for population size,” and that “[t]herefore, [it is] proposing a more direct method of deciding when to allow additional regulatory flexibility by basing [its] determination on the number of Mexican wolves in the MWEPA population.” 78 Fed. Reg. 35370. While, breeding pairs may not serve as a surrogate for population size, they are a measure of the population’s ability to be self-sustaining as discussed above. Indeed, the Service has found that unless a population

contains at least two breeding pairs it is not even a population. See 78 Fed. Reg. 35731 (2 breeding pair definition of a wolf population “represents what we have determined to be the minimum standards for a gray wolf population.”). Accordingly, it is entirely inappropriate for the Service to abandon the breeding pair metric, as without it – the Service is not even assured that a wolf population exists at all. The Service must at least require two breeding pairs or the “population” will not be a “population,” much less one capable of sustaining increased take.

Moreover, before relaxing any take restrictions, the Service should require that the population remain at a sustainable level for some period of time – otherwise take restrictions could be relaxed based on a population spike resulting from additional releases of captive wolves rather than any actual increase in the well-being or self-sustaining nature of the population. Again, the minimum definition of a wolf population, requiring two breeding pairs for two years, provides some guidance. The Service should, at a minimum, require that some viable population size, as determined by the most current science, be reached for two years in a row before relaxing take restrictions. Though, as explained above, Defenders does not believe that the breeding pair metric should be abandoned.

Finally, as discussed under Item (8) above, during its NEPA process on the proposed changes the Service must examine the potential for this change in the existing rule to result in increased take and the resulting impacts of any increased take to affect the conservation of the Mexican gray wolf.

(11) Modifying the prohibitions for take such that taking Mexican wolf with a trap, snare, or other type of capture device within occupied Mexican wolf range is prohibited and will not be considered unavoidable or unintentional take, unless due care was exercised to avoid injury or death to a Mexican wolf

Defenders approves of the Service’s effort to describe what is meant by “due care.” However, the Service’s definition remains problematic for a number of reasons. First, it applies only within “occupied wolf range.” As discussed under Item (9) above, the Service defines “occupied wolf range” in a very limited manner. See 78 Fed. Reg. 35739 (small, 5 mile radius, circles around radio collared wolf locations). This is problematic as: (1) radio collared locations are not instantly known but reported in a delayed manner on the Service’s website. This essentially “historic” data only informs a trapper where wolves were the last time radio collared locations were determined – i.e. they are not real time but normally at least a month old; and (2) wolves move around the landscape for much greater distances than 5 miles often during the course of a single day. Recreational trappers are even less likely than the professional Wildlife Service personnel discussed in Item (9) above, to be cognizant of what is “occupied wolf range” based on radio collar reports – as the Service is assuming trappers check the Service’s webpage before going trapping and then move their traps when the webpage information changes – which is an extremely dubious proposition. Accordingly, as in Item (9) Defenders suggests that trappers be required to use due care throughout the BRWRA as it is reasonably foreseeable that wolves may be present throughout this area. Indeed, a U.S. Geological Survey report prepared for the State of New Mexico at the request of former Governor Richardson indicated that wolves have been trapped both inside occupied wolf range and outside of occupied wolf range (and even outside the BRWRA). Thus extending the requirement that trappers use due care throughout BRWRA, at a

minimum, seems an appropriate precaution to reduce unnecessary take. Defenders notes that this is not a prohibition of trapping, but only a requirement that trappers use due care to avoid taking a critically endangered species during their recreational pursuits and thus is even more reasonable than requiring Wildlife Service personnel performing their statutory duties to be “non-negligent.”

Second, the Service’s initial specification of what constitutes “due care” – trapping in compliance with State law – is largely illusory in New Mexico. In New Mexico, furbearer trapping is regulated, but coyote trapping is entirely unregulated (coyotes are not defined as furbearers). Because coyote trapping is the biggest risk to Mexican gray wolves, the requirement to comply with state law is entirely meaningless with respect to coyote trapping. See N.M.S.A. §§ 17-5-2 and 17-5-5 (trapping regulation extending only to furbearers, a category of wildlife that does not include coyotes). Because state law does not regulate coyote trapping in New Mexico, the Service cannot point to state law as an example of what would constitute due care – it is pointing to nothing. The Service should specifically indicate that the other requirements in its proposal at 78 Fed. Reg. 35723 – i.e. cables fastening traps, drag weights, reporting, and, most importantly, a prohibition of snares are necessary for a trapper to conduct coyote trapping with due care in New Mexico. However, the Service’s proposed regulations do not go far enough. Most traps set for a coyote are capable of catching a Mexican gray wolf. Accordingly, the Service should also restrict the trap spread or jaw span of traps that may be used for coyote trapping in Mexican gray wolf range (i.e. the BRWRA). Additionally, because important aspects of the New Mexico’s furbearer trapping rules (like trap check times) don’t apply to coyote trappers (who are entirely unregulated in New Mexico) the Service should apply a 24 hour trap check time to coyote trappers so that any Mexican gray wolves incidentally trapped may be released promptly and with a reduced risk of death or injury.

Finally, the Service indicates that “[a]ny trappers concerned that they might incidentally take an endangered Mexican wolf can apply [for an incidental take permit].” 78 Fed. Reg. 35730. The likelihood that individual trappers will go through this permitting process is extremely low. Rather than place this requirement on individual trappers, the Service should place it on the State of New Mexico which the Service should require to obtain an incidental take permit for its entire recreational trapping program. Indeed, this is how the Service has proceeded in analogous situations. For example, the State of Maine is seeking an incidental take permit for threatened lynx for its recreational coyote and bobcat trapping program. ESA case law establishes that New Mexico similarly needs such an incidental take permit. See e.g. Seattle Audubon Society v. Sutherland, 2007 WL 1300964 (W.D. Wash.) at *8 (“The plain language of the ESA supports the proposition that a government official violates the ESA take prohibition when the official authorizes someone to exact a taking of an endangered species, which, but for the authorization could not have taken place.”); Strahan v. Coxe, 127 F.3d 155, 163 (1st. Cir. 1997); Animal Protection Institute v. Holsten, 541 F.Supp.2d 1073, 1081 (D. Minn. 2008). Thus, the responsibility to obtain incidental take authorization rests with the State of New Mexico, which authorizes trapping, in addition to the individual trappers. The state is in a much better position to comply with the law.

(12) Establishing a new provision to conduct a one-time overall evaluation of the nonessential experimental population 5 years after our final determination of this rule

Defenders supports this idea in principle, and agrees the evaluation should focus on “modifications needed to improve the efficacy of this rule.” 78 Fed. Reg. 35742. However, we are concerned that this five-year evaluation period might be used as an excuse to postpone completing and implementing the recovery plan. As discussed above, more than 30 years after listing, and three years after initiation of a fourth recovery planning process in 2010, the Mexican gray wolf still doesn’t have a recovery plan that meets the standards of the ESA. Given the precarious genetic condition of both the captive and wild populations, the implementation of science-based recovery actions, such as the establishment of additional linked populations, is a bonafide emergency. None of the changes to the rule proposed here, which at best are chasing after a 31-year-old “first step” goal, should be allowed to delay recovery, especially not a requirement to wait five years to judge the efficacy of these rule changes.

As past reviews of the Service’s Mexican gray wolf reintroduction program have also made recommendations needed to improve the efficacy of the rule, which are only now, a decade later, being proposed to be implemented via the current proposal, the Service should further require itself either to adopt or publish a decision justifying its refusal to adopt any the proposed needed modifications, within one year of the five-year review. A report, regardless of its quality, is obviously of little utility unless the Service is also required to act or explain its refusal to act on the report’s recommendations. The Service’s currently proposed regulatory change does not go far enough to insure the Service actual acts on and uses the best available science to further the conservation of the Mexican gray wolf.

Additionally, the Service should explicitly state that it need not, and will not, wait five years for the report if needed modifications to the 10(j) program are apparent earlier than five years, and/or result from the finalization of the recovery plan.

(13) Clarifying that the Service will consider State-owned lands within the boundaries of the MWEPA in the same manner as we consider lands owned and managed by other public land management agencies

Defenders supports this proposed change. State lands are public lands. Indeed, related to Item (7) above, as a condition of approving state cooperative agreements, the Service should require the relevant states to agree that their state-owned lands are public lands available for purposes of wolf recovery.

ADDITIONAL SPECIFIC COMMENTS

Item 13 concludes the list of changes the Service is currently proposing to its 10(j) rule. See 78 Fed. Reg. 35721-23. The Service also requested comment on items 14-20, below, that it is considering proposing. See 78 Fed. Reg. 35723-25. Accordingly, Defenders continues with its specific comments on these items as requested by the Service. See also 78 Fed. Reg. 35735 (renumbering these “Additional Revisions to the Previous Nonessential Experimental Population Rule Under Consideration” as Items (1) through (7)). Defenders’ comments use the original continuous numeric Item numbers.

(14) Moving the southern boundary of the MWEPA in Arizona and New Mexico from Interstate Highway 10 to the United States-Mexico international border (Figure 3)

Defenders supports this proposed change. Indeed, Defenders supports an even larger MWEPA. See Defenders' incorporated, September 19, 2013 comments submitted as part of the Service's NEPA process at 8-9 (detailing Defenders' proposed alternative). Defenders notes, however, this change should be undertaken in conjunction with the adoption of Item (2) above, making the entire MWEPA available for natural wolf dispersal and thus making this proposed additional change effective and truly beneficial.

(15) Expanding the BRWRA to include the entire Sitgreaves National Forest in Arizona

Defenders supports this proposed change. Defenders notes, however, this change should be undertaken in conjunction with the adoption of Item (1) above, making the entire BRWRA available for direct release of captive-raised Mexican gray wolves and thus making this proposed additional change effective and truly beneficial.

(16) Expanding the BRWRA to include the Payson, Pleasant Valley, and Tonto Basin Ranger Districts of the Tonto National Forest in Arizona

Defenders supports this proposed change. Defenders notes, however, this change should be undertaken in conjunction with the adoption of Item (1) above, making the entire BRWRA available for direct release of captive-raised Mexican gray wolves and thus making this proposed additional change effective and truly beneficial.

(17) Expanding the BRWRA to include the Magdalena Ranger District of the Cibola National Forest in New Mexico

Defenders supports this proposed change. Defenders notes, however, this change should be undertaken in conjunction with the adoption of Item (1) above, making the entire BRWRA available for direct release of captive-raised Mexican gray wolves and thus making this proposed additional change effective and truly beneficial. Additionally the addition of the Magdalena Ranger District of the Cibola National Forest in New Mexico to the BRWRA will create an "island" of BRWRA lands unconnected to other BRWRA lands. Accordingly, this item should also be adopted in conjunction with Item (2) above, allowing natural wolf dispersal on connecting MWEPA lands so that this BRWRA "island" can be connected to the rest of the BRWRA by natural wolf dispersal increasing the ability of wolves to persist in this area long-term.

(18) Replacing the term "depredation" with the term "depredation incident" and defining it as, "the aggregate number of livestock killed or mortally wounded by an individual Mexican wolf or a single pack of Mexican wolves at a single location within one 24-hour period, beginning with the first confirmed kill or injury"

We were unable to find this new definition in the proposed amended language beginning at 78 Fed. Reg. 35738, and the current definition of "depredation" still appears there. The Service should verify that the new language is included. While Defenders believes that this definition change is generally positive idea to the extent that it will count a "depredation incident" as one incident no matter how many livestock are killed (i.e. a wolf killing two

livestock in one depredation incident has only committed one incident and not two), the significance of this change is largely unexplained.

This proposed change appears to relate to the definition of “problem wolves” at 78 Fed. Reg. 35739: “*Problem wolves* means Mexican wolves that— (i) Are members of a group or pack (including adults and yearlings) that were directly involved in livestock depredation on lawfully present domestic livestock on Federal land; (ii) Have depredated domestic animals other than livestock on private or tribal lands, two times in an area within 1 year; or (iii) Are habituated to humans, human residences, or other facilities.” It appears that this definition has been edited from that in the current rule by adding the phrase “on Federal land” to (i), which makes little sense. That is, as it reads now cattle depredations on private land do not lead to “problem wolf” status, but multiple depredations on other animals do. We are also concerned by the inclusion of the vague “other facilities” which could include sites seldom visited by humans such as remote water tanks. We believe the definition of problem wolves should be amended as follows: (i) Are members of a group or pack (including adults and yearlings) that were directly involved in livestock depredation on lawfully present domestic livestock two times in an area within 1 year; or (ii) Have depredated domestic animals other than livestock on private or tribal lands, two times in an area within 1 year; or (iii) Are habituated to humans, human residences, or other facilities regularly occupied by humans.”

The Service could further the conservation and recovery of the Mexican gray wolf by explicitly stating that livestock producers must exhaust other avenues of proven conflict avoidance such as the use of range riders before the Service will remove problem wolves. We suggest that the rule state “The Service will generally not remove problem wolves unless all parties have exhausted non-lethal and non-removal-based avenues of conflict avoidance.”

During its NEPA process the Service should evaluate the potential for these suggested changes, and the change from “depredation” to “depredation incident” to increase or decrease the take of Mexican gray wolves.

(19) Including provisions for take by pet owners of any Mexican wolf engaged in the act of killing, wounding or biting pets on private or tribal land anywhere within the MWEPA, provided that evidence of a freshly wounded or killed pet by wolves is present

We oppose this proposed change, because it is expected to increase take of Mexican gray wolves from a population that the Service confirms is not viable.. If adopted, this rule should provide that baiting of wolves with pets or other animals is prohibited, that take of wolves under this provision must be reported within 24 hours, and that all such incidents of take are investigated by law enforcement. Finally, the Service should, during its NEPA process, evaluate any potential increased take from this proposed change and evaluate the effect of that take on the conservation of the Mexican gray wolf. The Service should also consider adding provisions to repeal this proposed rule change if the Service’s anticipate level of increased take is exceeded.

(20) Including provisions for the issuance of permits on private or tribal land anywhere within the MWEPA to allow livestock owners or their agents to take ... any Mexican wolf that is present on private or tribal land and what conditions must be

met before such a permit is issued, such as a minimum population size or population trend of Mexican wolves present in the MWEPA or other established populations based on the most recently reported population count; other relevant measures of population status such as genetic diversity; documentation by the Service or our authorized agent of previous loss or injury of livestock on the private land, caused by wolves; implementation of agency efforts to resolve the problem and determination that conflict is likely to continue; and enactment of this provision by a formal statement from the Service

Defenders disagrees with this proposed change for several reasons. First, the allowance to take any wolf “present” on private or tribal lands does not ensure that the wolf or wolves responsible for the loss or injury of livestock will be targeted. Second, the minimum population size triggering this relaxation of the take restrictions needs to be specified. See our comments on Item (10) above concerning the Service’s attempt to relax other take provisions based on an inadequate population size. Defenders, or other members of the public cannot be reasonably expected to comment on a proposed rule change that is in effect incomplete and unspecified. The Service needs to establish the “what conditions must be met before such permit is issued” including the relevant “minimum population size or trend.” Defenders believes that because the Mexican gray wolf is direly threatened by a lack of genetic diversity, however, that a triggering requirement based on genetic diversity may be more effective than one based on population size or trend. Additionally, the proposed rule does not specify how far back in time the provision requiring “previous loss or injury of livestock” reaches. If it extends too far back in time, it becomes even less likely that wolves merely “present” on the private or tribal land were responsible for the loss or injury of livestock. The Service needs to temporarily limit the reach of the previous loss or injury of livestock that triggers the proposed relaxation of take prohibitions. Finally, the Service should clearly indicate the purpose of this proposed change. Is it a way for landowners to deal with chronic problem wolves? If so the Service must make the case, based on the best available science, that removal of wolves is the most effective way to deal with chronic depredations or other problems, and should include rules requiring the exhaustion of other non lethal or non removal-based options first. Without a clear purpose, this proposal appears to set a cap on wolf numbers in the MWEPA. In sum, this proposed rule change is not yet a concrete proposed rule change and should be further refined before it is placed before the public for comment. At present, it is simply an idea to propose a rule change, not an actual proposed change.

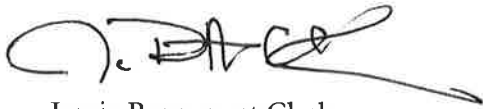
Finally, during its NEPA process on the proposed changes the Service must examine the potential for this change in the existing rule to result in increased take and the resulting impacts of any increased take to affect the conservation of the Mexican gray wolf.

CONCLUSION

In conclusion, Defenders again wishes to thank the Service for this opportunity to comment on the proposed changes to the Mexican gray wolf experimental population rule. More importantly, Defenders wishes to thank the Service for considering changes to a program sorely in need of change. Although Defenders supports some of the proposed changes and opposes others, we believe that overall these changes offer only a little improvement to the

prospects of the current single population at the cost of delaying or preventing recovery of the Mexican gray wolf. Defenders believes that the Service is wasting time and resources making minor modifications to a program which needs a major overhaul to be successful. Accordingly, Defenders urges the Service to look closely at all aspects of the proposed alternative it suggested in its September 19, 2013 comments submitted as part of the Service's NEPA process and determine if they are appropriate for consideration in this process. See Defenders September 19, 2013 comments at 8-9 (detailing proposed alternative). Defenders' proposed alternative has wide support within the Mexican gray wolf conservation community, is more in keeping with the best available science concerning the actions necessary for Mexican gray wolf recovery, and should be considered by the Service in its EIS and future versions of this proposed rule in detail.

Sincerely,

A handwritten signature in black ink, appearing to read 'J. Rappaport Clark', with a long, sweeping horizontal line extending to the right.

Jamie Rappaport Clark
President and CEO
Defenders of Wildlife