

Arizona Game and Fish Commission Questions Regarding Consequences of Release of Mexican Wolves in Mexico

Arizona Game and Fish Department
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At a meeting of the Trilateral Committee¹ in May 2009, the Arizona Game and Fish Department (Department) learned that Mexico intended to release Mexican wolves within about 50 miles of the U.S.-Mexico border, in northeastern Sonora and northwestern Chihuahua. Mexico's presentation indicated the first release (two pairs of adult wolves) would occur perhaps as early as October-November 2009, with supplemental releases of as-yet undetermined numbers of wolves in (tentatively) December 2009 and February-March 2010.

Although the Department had discussed wolf recovery with Mexico many times in previous years, such discussions were largely at the concept/strategy level. The 2009 Trilateral Committee meeting was the first time the Department became aware that on-the-ground action in Mexico was imminent. The Department immediately recognized the need to learn the extent to which the U.S. Fish and Wildlife Service (USFWS) was involved in or aware of Mexico's plans. USFWS is the lead federal wildlife agency in the United States for endangered species recovery actions and works closely with the Department and Mexico on wolf recovery issues. The Department also recognized its own obligation to ensure that the Arizona Game and Fish Commission and other U.S. stakeholders in Mexican wolf recovery were aware of the imminent action by Mexico.

In a May 27-28, 2009 meeting with USFWS and other agency cooperators in the AZ-NM Blue Range Mexican Wolf Recovery Area Reintroduction Project, the Department unsuccessfully tried to get more information about the proposed wolf releases in Mexico. USFWS representatives present in the meeting said they were not aware of the planned releases and accordingly had not initiated any planning or outreach efforts on the U.S. side to identify and address any procedural requirements or other actions that might be necessary to prepare for wolf dispersal into the United States from releases in northern Mexico. Other cooperators present in the May 27-28 meeting were equally unaware of Mexico's plans and were concerned about the apparent lack of coordination among, and planning and public outreach by, agencies in the United States.

On July 7, 2009, representatives from Mexico met in Albuquerque NM with the Department, the New Mexico Department of Game and Fish (NMDGF), and USFWS to discuss the planned wolf releases. After a presentation by Mexico, the Department expressed concern about the possible consequences of the lack of coordination, planning, and preparation on the U.S. side of the border. The Department indicated it would need to discuss the relevant issues with its Commission before engaging in further discussion with Mexico and U.S. agencies that are or might become project cooperators. NMDGF indicated similar concerns and needs. USFWS staff said that despite USFWS fully supported the project. Mexico concluded with a request for

¹ The "Trilateral Committee for Wildlife and Ecosystem Conservation and Management" is formal international partnership comprised of federal wildlife agencies representing Canada, Mexico, and the United States of America. See <http://www.trilat.org/> for details.

another coordination meeting toward the end of August and affirmation that it was surprised but not insensitive to the concerns raised by AGFD and NMDGF.

In late July 2009, the Arizona Game and Fish Commission invited USFWS to provide a briefing on Mexico's reintroduction plans and the possible consequences of post-release dispersal of wolves from Mexico into southern Arizona and New Mexico. USFWS agreed to provide the briefing at the Commission's public meeting on August 7, 2009, in Phoenix AZ. However, less than an hour before the scheduled presentation, USFWS informed the Department that its Solicitor had advised it not to make a presentation and to restrict its participation to responding to questions. Consequently, the Department briefed the Commission on the issue to the extent that it could. USFWS then responded to the Commission's questions, but for the most part only could say the issues are under review and answers will be conveyed to the Commission and other interested parties as soon as they are available. The Commission closed the discussion by unanimously directing the Department to: "work with our partners in Mexico to address our concerns regarding the pending Mexican wolf release in Mexico."

Sovereignty and Collaboration

It is crucial to understand that the Commission's interest in this issue is not an indication that it questions Mexico's sovereign rights regarding wildlife management within Mexico's borders. Unquestionably, Mexico has the authority to make and implement decisions such as releasing Mexican wolves anywhere within Mexico at any time, without approval from or coordination with the State of Arizona. However, the Commission is obligated to ensure that federal and state agencies in the United States that take actions that affect the interests of the State of Arizona do so in full compliance with law, rule, and policy.

There is no doubt that dispersal of released wolves from Mexico into southern Arizona could significantly affect a variety of things, including various wildlife management activities. Thus, the Commission is compelled to get answers to key questions about the direct and indirect effects of wolf releases in Mexico on wildlife management, uses of public lands, and private property rights in the United States. Most of those answers must come from USFWS but the Commission has also directed the Department to also work closely with Mexico to ensure that a common understanding about bi-national Mexican wolf recovery efforts is developed that will enable the Commission to build on the incredibly strong and successful wildlife conservation partnership that it has developed with Mexico over the past 20 or more years.

The Commission's Questions and Concerns

In addition to specifics about the logistics and mechanics of Mexico's planned release(s) in 2009 and 2010, on August 7, 2009 the Commission posed the questions below to USFWS and directed the Department to work with Mexico, NMDGF, USFWS, and other interested or affected entities to answer the questions and resolve relevant concerns. As answers are developed, they will be added to this summary and an updated version will be provided to the Commission.

1. Have recovery and reintroduction plans been approved for Mexico? If so, how and by which agencies were they developed and approved and how and where can copies be obtained? **Update 2/4/10:** A recovery plan (Programa de Accion para la Especie: Lobo Gris Mexicana [*Canis lupus baileyi*]) has been published by SEMARNAT (Secretaria de Medio Ambiente y Recursos Naturales) and CONANP (Comision Nacional de Areas Naturales Protegidas). CONANP has also developed a reintroduction plan for northern Mexico. Naturalia, the NGO that CONANP has contracted to carry out reintroduction, has developed various protocols for use in reintroduction projects. These documents are all available from CONANP.
2. How and by whom were agency, stakeholder, and public concerns in the United States about release of Mexican wolves within normal dispersal-distance of the US-Mexico border identified and addressed? **Update 2/4/10:** Agency and stakeholder concerns were first surfaced by the Department in May 2009. To date, USFWS has not released a plan nor has it indicated intent to implement a formal process for identifying and addressing agency, stakeholder, and/or public concerns. Nor has USFWS provided information on whether it is using informal mechanisms to address this issue.
3. Does participation of a U.S. agency in planning and/or implementing Mexican wolf reintroduction in Mexico require NEPA compliance? If so, how and by whom was compliance achieved for the planned release(s) in Mexico or how and by whom will it be secured? **Update 2/4/10:** In September 2009, USFWS staff advised the Department that internal discussion had determined no further NEPA compliance would be necessary but further information on this issue would be forthcoming. No such information has been provided.
4. What are the Mexican wolf population objectives for Mexico and how do they relate to measurable progress toward rangewide (i.e. defined by USFWS) recovery, downlisting, and delisting criteria/objectives? **Update 2/4/10:** Mexico has not established quantitative population objectives, nor are there rangewide population objectives or recovery, downlisting, or delisting criteria/objectives.
5. When, where, and how will be wolves be released in Mexico? **Update 2/4/10:** As of late January 2010, Mexico had yet to commit to a specific date or area. The release has been delayed by process problems in Mexico and apparently by local stakeholder opposition. An employee of CONANP advised in late January that an as-yet undetermined number of wolves could be released as soon as mid-February or "later." The release will occur in northern Sonora (ca. 60 mi south of the US border). The specific location has not been disclosed but Mexico advised the Department in 2009 that it would be as far south as possible in the northernmost release area. The release approach to be used is described in the CONANP reintroduction plan. It involves release from on-site acclimation pens.
6. How will wolves released in Mexico (and pups born in the wild to wolves released in Mexico) be permanently marked so they can (whether free-ranging or captive) be identified as to their origin? **Update 2/4/10:** Released wolves will probably have unique PIT-tag implants and they will have radiocollars. The Department does not know whether they will be tattooed for identification purposes. Other than the radiocollar, at a distance there will likely be no way to distinguish identify wolves released in Mexico from other

- wild wolves (i.e. wolves released in AZ-NM). If a wolf is handled, blood samples can be taken for use in determining the animal's origin.
7. What will the federal legal (protected) status in the United States be of wolves released in Mexico (and their progeny) that disperse into southern AZ or NM? **Update 2/4/10:** On August 21, 2009, USFWS informed the Department that any wolves released in Mexico (or born in Mexico) that disperse to Arizona or New Mexico will be treated as follows: (a) wolves will be considered nonessential experimental if they occur within the nonessential experimental population area that was established by federal rule in 1998, under the Endangered Species Act of 1973 (as amended); (b) dispersing wolves from Mexico that occur outside the currently defined nonessential experimental population area in AZ-NM will be considered endangered.
 8. Wolf management in the AZ-NM borderlands after releases are initiated in Mexico:
 - a. How and by whom will the AZ-NM borderlands be monitored to detect presence of wolves after releases are initiated in Mexico? **Update 2/4/10:** There is no plan for routine monitoring in the AZ-NM borderlands by Mexico or USFWS. If wolves are reported in the AZ-NM borderlands, USFWS might investigate if staff are available to do so.
 - b. Will wolves known to be of Mexican origin be left in the AZ-NM borderlands or will they be recaptured and returned to Mexico? **Update 2/4/10:** Unknown.
 - c. If re-captured wolves are to be returned to Mexico, who will capture them and how will they be captured and transported to Mexico? **Update 2/4/10:** Unknown.
 - d. How and to whom will incidents of nuisance or livestock depredation problems be reported to the managing agency or agencies and how and by whom and under what response timeframes will they be investigated? **Update 2/4/10:** Unknown.
 - e. Before wolves are released, will federal funding be available for interdiction and incentive measures on private and public lands to prevent or mitigate nuisance and livestock depredation problems and for compensation programs to offset livestock losses? If so, what processes are or will be in place to manage the funds, evaluate project proposals and loss claims, and approve grant or payment allocations? **Update 2/4/10:** Unknown.
 - f. How and by whom will wolf predation impacts on game populations be monitored and measured? If impacts occur, at what loss levels will mitigation measures be federally funded and implemented? **Update 2/4/10:** Unknown.
 9. Will state and federal agencies be required to consult on ongoing or future activities that might result in take (whether unavoidable or intentional) of wolves in the AZ-NM borderlands (e.g. mountain lion and black bear research, predator control)? **Update 2/4/10:** USFWS has not provided guidance on this but the Mexican wolf is being considered in the current ESA Section 7 consultation on USDA Wildlife Services predator control activities in the borderlands.
 10. What will be the framework for adaptive management of the U.S.-Mexico borderlands relative to wolf management after wolves are released in Mexico and how will it ensure

that, in addition to federal and state government agencies, other stakeholders and interested parties in the affected area on either side of the border will be afforded appropriate opportunities to engage in adaptive management of the wolf population and affected public and private resources? **Update 2/4/10: Unknown.**

11. How will reintroduction in Mexico and post-release occupancy (whether documented or presumed) of the AZ-NM borderlands affect (in terms of substance and timeframes) reconsideration of the federal nonessential experimental population rule that is now in effect in AZ and NM? **Update 2/4/10: Uncertain but presence of free-ranging wolves within 60 miles of the border would likely preclude the possibility of extending the current southern 10j boundary to the Mexican border in southeastern AZ and southwestern NM.**
12. How and by whom will outreach be conducted in the United States to ensure that appropriate state and federal agencies, local communities, and other stakeholders and interested parties are made aware of and afforded opportunities to comment on the potential for and possible consequences of dispersal of wolves into southern Arizona and New Mexico from Mexico? **Update 2/4/10: Unknown.**