



THE STATE OF ARIZONA  
**GAME AND FISH DEPARTMENT**

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December 7, 2010

The Honorable John McCain  
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The Honorable Jon Kyl  
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The Honorable Trent Franks  
United States House of Representatives  
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Dear Senator John McCain, Senator Jon Kyl and Congressman Trent Franks:

The Arizona Game and Fish Commission has concluded it is beyond time to try a different approach to Mexican wolf conservation. We ask that you help us do that by working with other members of Congress to delist the gray wolf rangewide (i.e. including the Mexican wolf) and place the conservation burden for this species on the States and willing Tribes. Restoring wildlife is not new to either the States or the Tribes. Witness what has been accomplished with many other species since the early 1900s. And recognize that when the U.S. and Wildlife Service (USFWS) speaks with justifiable pride about its efforts to recover endangered and threatened species, many, if not most, of those efforts are carried out by or at least with substantial assistance from State and Tribal wildlife agencies.

After a lengthy public session on December 4, the Arizona Game and Fish Commission (Commission) voted 4-1 to support Congressional actions to delist the gray wolf from protection under the Endangered Species Act (ESA) of 1973, as amended. The vote reflects the fact that we do not want to get out of the wolf conservation business; rather, we want to get in deeper but more affordably, efficiently and effectively. Bureaucratic process compelled by litigation has driven the cost of Mexican wolf conservation out of reach for States, Tribes and private stakeholders. We cannot print our own money.

According to USFWS estimates, we are faced with the prospects of at least 2 years of recovery planning, 4-5 years of environmental impact analysis and 1 to 2 years of federal rulemaking. Even if some of the Federal process can occur simultaneously, and even if litigation does not draw the process out (an extremely unlikely event), it would likely be 4 to 6 years before all the pieces are in place to effect significant change in the current approach to Mexican wolf recovery through reintroduction. We want to put precious State resources, public resources and private resources into on-the-ground wolf conservation rather than regulatory process and legal fees.

The Commission sees this as an opportunity to break through the litigation and Federal process gridlock in Mexican wolf recovery and reintroduction that has impeded progress since 2001 and welcomes the opportunity to manage this important species. The Commission desires to work with every stakeholder and all who are willing to come to the table to seek (and collaboratively fund) solutions to issues. Local governments, sportsmen, livestock operators, environmentalists and the White Mountain Apache Tribe have all repeatedly stated their support for Mexican wolf conservation in Arizona, as has the Commission. Opponents of wolf conservation are a distinct but vocal minority.

If the Mexican wolf were delisted by Congressional action, the Commission would anticipate taking the same approach to its conservation that we have taken with the Southwestern bald eagle. We would sustain the interagency conservation effort that has been in place since 1998 but modify it as necessary to address significant problems that were identified in program reviews in 2001, 2002 and 2005. USFWS is our most important agency partner in wildlife conservation and we would work closely to engage them under a new paradigm developed with our stakeholders. We are confident that, unfettered by the regulatory and litigation gridlock that has peaked over the past three years, we and willing cooperators in the governmental (including USFWS and Tribes) and nongovernmental sectors could find an appropriate balance among the more significant needs for and constraints on Mexican wolf conservation. Such a balance would result in an ecologically appropriate wolf population, sufficient prey populations to support the wolves without eroding hunter opportunity or unnecessarily reducing other outdoor recreation, and with significantly reduced uncompensated impacts on public, Tribal and private lands livestock producers in Arizona.

Maintaining a robust Mexican wolf conservation program is fundamental to our commitment to wildlife under Arizona Revised Statutes Title 17 and is indicative of our commitment since 1985 under Section 6 of the ESA to maintain an "adequate and active program for the conservation of endangered species and threatened species." We have invested more than \$5 million in Mexican wolf conservation and since 2003 the Department has been the primary glue holding the interagency Arizona-New Mexico wolf reintroduction project together at the agency oversight and field levels. We have tried everything possible, short of legal action or Congressional intervention, to remedy the gridlock resulting, in large part, from litigation. The U.S. Fish and Wildlife Service has been unable to respond as necessary to resolve even the most obvious significant problems, perhaps largely because of legal and policy issues

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stemming from litigation over the Northern Rockies and Western Great Lakes gray wolf programs as well as the Mexican wolf program, but also, at least in part, because of the complexity and rigidity of Federal regulatory processes. Regardless, the livestock producers affected by Mexican wolf reintroduction simply cannot afford more years of gridlock and neither can Arizona Game and Fish. Further, Arizona cannot afford to continue investing significant time and money in wolf conservation only to arrive at a day when, as has occurred in the Northern Rockies and Western Great Lakes, special interest groups with public lands agendas much broader than wolf conservation refuse to accept as recovered even a population of wolves that is several times larger than required by an approved Recovery Plan they helped develop.

We realize Congressional listing or delisting of any species would usurp authorities conveyed through the ESA to the Secretaries of Interior and Commerce. That would set a precedent few if any of us have ever wanted to see, including Arizona Game and Fish. However, none of us ever anticipated the degree to which the judiciary would usurp those same authorities in an environment of continuous litigation under the ESA and the Administrative Procedures Act. Congressional delisting is not a step that we advocate lightly but the Mexican wolf was included in the 1976 Federal listing of the gray wolf as endangered and there is still no indication the ESA-driven approach to recovery will ever be successful. In fact, there is ample evidence to the contrary. USFWS has not been able to revise the Recovery Plan in 28 years; how can anyone possibly hope it can achieve Mexican wolf recovery in our lifetimes under the current procedural morass that constrains it?

Congressional delisting would represent sailing uncharted waters fraught with unforeseen challenges. So be it. Far better to test ourselves against those challenges than to allow the current gridlock to force us all to continue doing the same unproductive things over and over again for another decade; with litigation at virtually every step of the way, no change in outcome and no greater hope for success in our lifetimes. A decade from now, we would much rather regret having stepped boldly and failed than having wasted another 10 years trying to make the litigation-driven approach to Mexican wolf conservation work.

It is truly ironic that successful conservation of the Mexican wolf might hinge on removing it from the control of the Congressional Act that was intended to save it.

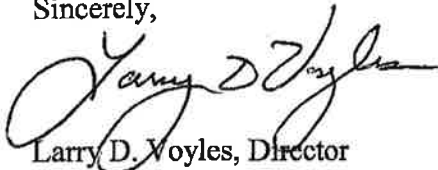
Please let me know if there is anything more I can do to encourage or facilitate your consideration of this crucial issue. I would be happy to send a member of my staff to Washington, D.C. to provide key members of your staffs a more detailed description of the gridlock I have referenced above. One member of my staff has worked with Mexican wolf conservation for 28 years and has a comprehensive grasp of the story from the beginning through present times. It is a compelling story that makes the depth of frustration among Arizona stakeholders more understandable.

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Representatives from sportsman, environmental, livestock producer, Tribal and local government stakeholders are prepared to accompany my staff to answer your questions regarding this situation and the need for constructive change. An alternative would be for key members of your staffs to meet with these stakeholders in Alpine, Arizona, so a better appreciation of the local situation could be provided, possibly through a tour of "wolf country" in Arizona. I would be equally happy to facilitate such a meeting, as I believe would any of the three County governments in eastern Arizona that are among our most constructive cooperators in Mexican wolf conservation.

Thank you for your consideration.

Sincerely,



Larry D. Voyles, Director  
Arizona Game and Fish Department

cc: Office of Governor Jan Brewer  
Arizona Game and Fish Commission  
AFWA President Curtis I. Taylor (West Virginia)  
WAFWA President Joe Maurier (Montana)  
NMDGF Director Tod W. Stevenson  
White Mountain Apache Tribal Chair Ronnie Lupe  
San Carlos Apache Tribal Chair Terry Rambler  
USFWS Director Nominee Dan Ashe  
USFWS Acting Director Rowan Gould  
USFWS Region 2 Director Benjamin N. Tuggle  
USFWS AESO Field Supervisor Steve Spangle  
Congresswoman Ann Kirkpatrick (D-AZ)  
Congressman John Shadegg (R-AZ)  
Congressman Edward Pastor (D-AZ)  
Congressman Harry Mitchell (D-AZ)  
Congressman Jeff Flake (R-AZ)  
Congressman Raul Grijalva (D-AZ)  
Congresswoman Gabrielle Giffords (D-AZ)