



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

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August 1, 2013

Mr. Dan Ashe  
 Director  
 U.S. Fish and Wildlife Service  
 1849 C Street, NW  
 Washington, DC 20240

Re: Proposed Revision to the Nonessential Experimental Population of the Mexican Wolf (*Canis lupus baileyi*) - Management of Mexican wolves dispersing beyond the Mexican Wolf Experimental Population Area

Dear Director Ashe:

I am writing to express my appreciation for the Service's involvement at the recent Western Association of Fish and Wildlife Agencies meeting in Omaha, Nebraska. I particularly want to thank Rowan Gould for his involvement at the Directors' ESA/SARA Working Group meetings where his clarification of several states' concerns was very helpful.

An inadvertent omission apparently occurred in the Proposed Revision to the Nonessential Experimental Population of the Mexican Wolf (*Canis lupus baileyi*) (Proposed Rule) published June 13, 2013. The omission, involving the management of Mexican wolves that disperse outside the Mexican Wolf Experimental Population Area (MWEPA), was of particular interest to the southwestern states. Among other important elements outlined in the Proposed Rule, this issue is of critical importance to the Arizona Game and Fish Department (Department), Utah Division of Wildlife Resources, and a number of other western state wildlife agencies.

Rowan confirmed our previous discussions with you and your staff, in which you had highlighted the U.S. Fish and Wildlife Service's (USFWS) direction on the major provisions of the Proposed Rule, assuring us that any Mexican wolf dispersing outside the MWEPA would be captured and returned to the MWEPA. More specifically, we understood your statements to convey that the capture and return provision would be included in the body of the Proposed Rule itself. We are pleased the provision is included in the explanation portion of the publication, but strongly believe it should also be included in the actual rule language. The *Management of the Experimental Population Area* section of the Proposed Rule publication notes that USFWS proposes to allow Mexican wolves to disperse naturally from the Blue Range Wolf Recovery Area to occupy the MWEPA to promote numeric and spatial expansion of the population, adding that "We intend to capture and return Mexican wolves originating from the nonessential experimental population that disperse outside of the MWEPA."

Dan Ashe letter – Mexican Wolf 10(j) Proposed Rule  
August 1, 2013

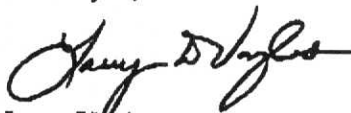
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Inasmuch as the Mexican wolf is proposed for listing as an endangered subspecies where found, any wolf that disperses outside the MWEPA will carry all the protections of the Endangered Species Act applicable to an endangered classification. Without the capture and return provisions in rule, dispersals outside the MWEPA will lead to population expansions beyond the subspecies historic range that can neither be managed nor controlled by USFWS or the affected states until delisting. History has proven that gray wolves under ESA protection can grow rapidly and significantly impact surrounding big game herds and livestock. The Mexican wolf concern lies primarily in the ESA's legal constraints that prevent active management of population growth and effectively enjoin federal and state action to balance population size with other vital state resource interests. Considering the diminutive portion of the wolf's historic range represented in the United States and the improbable recovery of the subspecies in Mexico, the Mexican wolf may potentially remain listed indefinitely. For this reason, it is of critical importance to Arizona and other western states that the USFWS's capture and return commitments reside in the body of the 10(j) rule as well as in its explanation.

This topic was discussed at the July 23, 2013 ESA/SARA Working Group meeting and the Nongame and Endangered Species Committee meeting during the WAFWA summer meeting in Omaha, Nebraska where Rowan Gould and Gary Frazer both acknowledged that the capture and return provision's absence from the rule was an oversight and that the final rule will direct the USFWS to capture and return any Mexican wolf that disperses outside the MWEPA. We greatly appreciate Gary and Rowan's frank acknowledgement and assurance that this matter will be corrected.

Again, this issue is of critical importance to the Department and our counterpart agencies in New Mexico, Colorado and Utah and we want to collectively reaffirm the USFWS's position on this key management provision. We intend to further clarify this point in comments provided during the Proposed Rule's comment period and will further request that the intended management framework be clearly articulated and analyzed in the Draft EIS. Thankfully, Gary and Rowan were able to provide comforting clarification on the spot and that was very helpful indeed.

Thank you,



Larry Voyles

Director

Arizona Game and Fish Department

LDV:jc

cc: Rowan Gould, Deputy Director, U.S. Fish and Wildlife Service  
Gary Frazer, Asst. Director Endangered Species Program, U.S. Fish and Wildlife Service  
Jim Lane, Director, New Mexico Department of Game and Fish  
Greg Sheehan, Director, Utah Division of Wildlife Resources  
Rick Cables, Director, Colorado Parks & Wildlife  
Carter Smith, Director, Texas Parks & Wildlife Department