



United States Department of the Interior



FISH AND WILDLIFE SERVICE

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In Reply Refer To:
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MAY 20 2015

Memorandum

To: Mexican Wolf Recovery Coordinator, Southwest Region

Through: ~~for~~ Assistant Regional Director, Ecological Services, Southwest Region

From: Regional Director, Southwest Region

Subject: Mexican Wolf – M1130 Removal Order

Elizabeth Orr
Benji M. Jaffe

Purpose: The decision represented in this memorandum is a removal order for a single wolf, M1130. M1130 is exhibiting escalating nuisance behavior near people and residences. This removal is authorized by the Final Rule for the Non-Essential Experimental Population (80 FR 2512-2567, January 16, 2015), pursuant to Section 10(j) of the Endangered Species Act of 1973, as amended, (10(j) Rule) and is consistent with the 1998 Mexican Wolf Interagency Management Plan.

Background: Mexican wolves have been reintroduced into Arizona and Mexico under a 10(j) rule since 1998. Removal (including lethal take) is one of the tools available to resolve wolf related human safety and nuisance situations.

M1130 Recent History:

4-22-15: AF1305 and AM1130 released in Arizona.

4-29-15-5/1/15: AF1305 and AM1130 start to travel separately.

5-6-15: M1130 located on White Mountain Apache Tribal land.

5-15-15: Wolf observed just outside (N.) of Reserve on the highway in the evening. Casey Ghert from NMDGF hazes wolf off of the highway.

5-16-15: The Interagency Field Team (IFT) searches for all collared wolves on highway. No signal.

5-17-15: The IFT searches for wolves. No signal.

5-17-15: Late evening, approximately 10:13 p.m., IFT receives notification from Catron County that they are investigating a wolf incident near a trailer (Eagle Peak Road). The incident investigation (5-18-15) showed that a wolf was in the area and was around the trailer for a period of time. Per reporting party (RP), the wolf was around the trailer for approximately 30 minutes until it got dark, despite the reporting party making noise and trying to get the wolf out of the area. There was a dog at the trailer that the RP put up right after seeing the wolf.

5-18-15: The IFT documents M1130 in the area. The IFT stays in the area that evening to attempt to dart or haze or set traps if the animal returns to the area. Animal is further away from the incident area and in an inaccessible area for an effort to dart.

5-19-15: The IFT searches the area around Reserve and Eagle Peak for a signal on the animal. No signal in the morning or the afternoon. Catron County Incident Investigator calls IFT at 6:00 p.m. (Catron County Incident Investigator has been in the area of incident near Luna, NM since approximately 1:00 p.m.). The IFT arrives on scene at approximately 7:00 p.m. The IFT stays in the area attempting to dart the wolf and sets traps for the wolf.

The incident involves a wolf hanging around an area of residents and three separate incidents involving humans.

(1) At approximately 8:30 a.m. a young man (approximately 21 years of age) was at a creek fishing for minnows looked up and saw a wolf across the creek looking at him from approximately 15 feet. He slowly backed away but the wolf did not move away.

(2) In the morning (approximately 10:00 a.m.) a 12 year old saw what she believed to be a coyote in the field chasing cattle. She loped out horseback and towards the area and saw that the animal was a wolf. Her horse spooked and jerked the reins out of the girl's hands. The horse went back towards the house while the wolf was approximately 30 yards behind the horse.

(3) During the day a 2.5 year old boy was told to feed the dogs. He indicated to his mom that the neighbor's dog was out there. She saw the wolf was approximately 10-25 yards from the boy.

The wolf was in the area the entire time and seen at various points during the day both by IFT personnel and other people (Catron County Investigator). The wolf was consistently near people and/or residents. The IFT chased the wolf and fired a dart at the wolf but missed. The IFT then set traps and left the area at approximately 12:00 a.m.

5-20-15: The IFT personnel checked traps and set additional traps. In addition, the wolf was seen chasing elk but has not been involved in further incidents. However, the wolf remains in the general area of the incidents on 5-19-15.

Decision: The above described behavior demonstrates that M1130 is exhibiting escalating nuisance behavior near people and residences. I have determined that in accordance with the 10(j) Rule and 1998 Interagency Management Plan, removal of M1130 is warranted, and I direct the IFT to immediately initiate removal actions. Removal actions include trapping, darting, and aerial and ground lethal control actions. This removal order is specific to M1130. Removal activities may occur on public lands within the Mexican Wolf Experimental Population Area and on private lands therein, provided permission is granted by the landowner. This removal order covers a 45-day period, effective immediately.

The Mexican Wolf Recovery Coordinator permit (TE091551-0), issued May 5, 2015, under the provisions of 50 CFR 17.32, provides that Authorized Permittees may take any Mexican wolf (*Canis lupus baileyi*) in the nonessential experimental population in a manner consistent with a USFWS-approved management plan or species management measure adopted by the USFWS pursuant to the provisions of 50 CFR 17.84, as well as to conduct activities related directly to the conservation, protection, and recovery of reintroduced nonessential experimental populations of Mexican gray wolves within Arizona and New Mexico. Provision S.1. of the permit provides that “Specifically, authorization includes all actions related to: capture including, but not limited to, leg-hold traps, helicopter or ground darting and net-gunning, and captive capture methods...purposeful lethal take; hazing via less-than-lethal projectiles; injurious harassment...”

The 2015 Final Rule states in section 17.84(7)(vii) that “The Service may or a designated agency may take any Mexican wolf in the experimental population in a manner consistent with a Service-approved management plan, special management measure, biological opinion pursuant to section 7(a)(2) of the Act, section 6 of the Act as described in §17.31 for State Game and Fish agencies with authority to manage Mexican wolves, or a valid permit issued by the Service through §17.32.”

Thus, employees of the USDA-APHIS Wildlife Services are authorized to trap, dart, or conduct aerial or ground lethal control of M1130 in accordance with this Decision Memorandum, and any incidental death or injury of wolves during this operation will be covered under the Mexican Wolf Recovery Coordinator permit (TE091551-0). The USDA-APHIS Wildlife Services employees working under this permit will not be considered negligent when exercising appropriate methodology. Appropriated methodology is defined as USDA-APHIS Wildlife Services employees following all established policies and Standard Operating Procedures associated with Mexican wolf recovery.