NOTICE OF RECORD OF DECISION AND STATEMENT OF FINDINGS ON THE ENVIRONMENTAL IMPACT STATEMENT ON REINTRODUCTION OF THE MEXICAN GRAY WOLF TO ITS HISTORIC RANGE IN THE SOUTHWESTERN UNITED STATES

AGENCY: Fish and Wildlife Service, Department of the Interior

ACTION: Notice of Record of Decision

SUMMARY: Pursuant to the National Environmental Policy Act (NEPA), the United States Department of the Interior, U.S. Fish and Wildlife Service (Service) issues this Record of Decision and Statement of Findings upon consideration of the *Final Environmental Impact Statement (FEIS) on Reintroduction of the Mexican Wolf Within Its Historic Range in the Southwestern United States*. The FEIS was filed with the Environmental Protection Agency on December 18, 1996 and became available to the public on December 20, 1996. Comments received after release of the FEIS were also considered in preparing this Record of Decision and will, if appropriate, be considered in the revision of the proposed Mexican wolf experimental population rule. This Record of Decision is based on a thorough analysis of environmental, biological, social, economic, technical, and other considerations.

The Service has evaluated and considered alternatives for the reintroduction and management of wolf populations in the southwestern United States areas as presented in the FEIS and has reviewed and considered public and agency comments on the Draft EIS (DEIS) released in June 1995. Based upon that evaluation and review, the Service has selected the Preferred Alternative (Alternative A as described in the FEIS) for implementation, specifying Mexican wolf reintroduction in the biologically preferable Blue Range Wolf Recovery Area first, and using the White Sands Wolf Recovery Area later as a back-up reintroduction area if necessary and feasible. A proposed nonessential experimental population rule pursuant to section 10(j) of the Endangered Species Act (ESA) was published in the *Federal Register* on May 1, 1996 (61 FR 19237-19248). It has been reviewed by the public and an extensive consultation process has occurred, including public meetings and hearings both on the

proposed rule and on the DEIS (which contained the draft proposed rule). After the Service considers the public comment on the proposed rule, a final rule will be published and captive Mexican gray wolves will be reintroduced into the Blue Range Wolf Recovery Area as soon as practicable.

BACKGROUND

Legislative: The Mexican wolf was listed as an endangered subspecies on April 28, 1976 (41 FR 17742) under provisions of the ESA. The entire gray wolf species in North America south of Canada was listed as endangered (except in Minnesota where it was listed as threatened) on March 9, 1978 (43 FR 9607). This listing of the species as a whole recognized valid biological subspecies for purposes of conservation and research (43 FR 9610).

Section 4(f)(1) of the ESA authorizes and requires the Secretary of the Interior (Secretary) to develop and implement plans for the recovery of threatened or endangered species. The *Mexican Wolf Recovery Plan* was adopted by the Directors of the Service and the Mexican Direccion General de la Fauna Silvestre in 1982. The plan guides recovery efforts for the subspecies, laying out a series of recommended actions. The action being authorized by this decision is consistent with the approved recovery plan.

The ESA Amendments of 1982, Pub. L. 97—304, made significant changes to the act, including the creation of section 10(j), which provides for the designation of specific populations of listed species (and subspecies) as "experimental populations." Under section 10(j), a population of a listed species re-established outside its current range but within its probable historic range may be designated as "experimental", at the discretion of the Secretary if reintroduction of the experimental population furthers the conservation of the listed species (or subspecies). An experimental population must be geographically separate from non-experimental populations of the same species. Designation of a population as experimental increases the Service's management flexibility.

Additional management flexibility exists if the Secretary finds the experimental population to be "nonessential" to the continued existence of the species. For purposes of section 7 (except section 7(a)(1), which requires federal agencies to use their authorities to conserve listed species), nonessential

experimental populations located outside national wildlife refuges or national parks are treated as if they are proposed for listing. This means that federal agencies are under an obligation to confer as opposed to consult (required for a listed species) on any actions authorized, funded, or carried out by them that are likely to jeopardize the continued existence of the species. Recommendations resulting from such conferences are non-binding upon the action agency. Nonessential experimental populations located on national wildlife refuges or national parks are treated as threatened, and formal consultation may be required. Activities undertaken on private lands are not affected by section 7 of the ESA unless they are authorized, funded, or carried out by a federal agency.

Individual animals used in establishing an experimental population can be removed from a source population if their removal is not likely to jeopardize the continued existence of the species and a permit has been issued in accordance with 50 CFR Part 17.22.

Biological: This Record of Decision addresses the Mexican wolf (*Canis lupus baileyi*), an endangered subspecies of gray wolf that was extirpated from the southwestern United States by 1970. The gray wolf species (*C. lupus*) is native to most of North America north of Mexico City. An exception is in the southeastern United States, which was occupied by the red wolf species (*C. rufus*). The gray wolf occupied areas that supported populations of hoofed mammals (ungulates), its major food source. The Mexican gray wolf historically occurred over much of Arizona, New Mexico, Texas, and northern Mexico, mostly in or near forested, mountainous terrain. Numbering in the thousands before European settlement, the "lobo" declined rapidly when its reputation as a livestock killer led to concerted eradication efforts. Other factors contributing to its decline were commercial and recreational hunting and trapping; killing of wolves by game managers on the theory that more game animals would be available for hunters; habitat alteration; and human safety concerns (although no documentation exists of Mexican wolf attacks on humans).

The subspecies is now considered extirpated from its historic range in the southwestern United States because no wild wolf has been confirmed since 1970. Occasional sightings of "wolves" continue to be reported from U.S. locations, but none have been

confirmed. Recent field research has not confirmed wolves remaining in Mexico, where investigations are continuing.

Mexican wolves were eradicated before their natural history had been systematically studied. Appendix A to the FEIS provides life history and biological descriptions to the extent they are known or can be inferred from historical evidence, observations of captive Mexican wolves, and studies of gray wolves in other geographic regions.

Recovery efforts: The *Mexican Wolf Recovery Plan's* objective is to conserve and ensure survival of the subspecies by maintaining a captive breeding program and re-establishing a viable, selfsustaining population of at least 100 Mexican wolves in a 5,000 square mile area within the subspecies' historic range.

A captive breeding program was initiated with the capture of five wild Mexican wolves from Durango and Chihuahua, Mexico, between 1977 and 1980. Three of these animals (two males and a female which was pregnant when captured) produced offspring, founding the "certified" captive lineage. Two additional captive populations were determined in July 1995 to be pure Mexican wolves; each has two founders. The captive population numbered 148 animals as of January 1997; 119 are held at 25 facilities in the United States and 29 at five facilities in Mexico. This population has been managed since 1990 for maximum reproduction to support the proposed reintroduction effort. The goal of having at least 100 animals in the U.S. facilities prior to any releases into the wild has now been exceeded.

On April 20, 1992, the Service issued a "Notice of Intent to Prepare an Environmental Impact Statement on the Experimental Reintroduction of Mexican Wolves (Canis lupus baileyi) into Suitable Habitat within the Historic Range of the Subspecies" (57 FR 14427). This notice also announced the time and place of public scoping meetings. The DEIS entitled, "Reintroduction of the Mexican Wolf within its Historic Range in the Southwestern United States", was released for public review and comment on June 27, 1995 (60 FR 33224). The location and times of 14 public meetings on the DEIS were also announced at that time. In September of 1995, the Service announced that three formal public hearings would be held in October 1995 (60 FR 49628). All announced meetings and hearings were held. The public comment period on the DEIS closed on October 31, 1995; and approximately 18,000 people submitted comments. The FEIS was released on

December 20, 1996. Chapter 5 of the FEIS contains a detailed review of the public comments on the DEIS and includes Service responses to the main issues raised. Comments received on the FEIS were reviewed and considered in the preparation of this Record of Decision.

This Record of Decision will be followed by a final Mexican wolf experimental population rule. The provisions of the Service's proposed experimental population rule are summarized in Chapter 2 and provided in full in Appendix C of the FEIS. The proposed rule was published in the *Federal Register* on May 1, 1996 (61 FR 19237-19248) and public comments were accepted through July 1, 1996. A May 22, 1996, *Federal Register* Notice (61 FR 25618-25619) announced four public meetings/hearings specific to the proposed rule, which were held in potentially affected areas. Pursuant to 50 CFR sec. 17.81(d), the experimental population rule is being developed in consultation with appropriate state fish and wildlife agencies, local governmental entities, affected agencies, landowners, and others. Several hundred people have participated in the review of the proposed rule to date.

Mexican wolf recovery areas: The Service has determined that the proposed reintroduction of captive raised Mexican wolves, classified as a nonessential experimental population, into the Blue Range Wolf Recovery Area (BRWRA) is biologically and environmentally preferable and has the greatest potential for successfully achieving the current recovery objective for Mexican wolves. If feasible and necessary to achieve the recovery objective of 100 wolves, a subsequent reintroduction of wolves into the White Sands Wolf Recovery Area (WSWRA) would be conducted. (The proposed experimental population rule, reprinted in Appendix C to the FEIS, includes precise boundaries of the two areas. Chapters 2 and 3 of the FEIS explain how areas were selected and provide detailed descriptions of them.) The WSWRA has less diverse habitat than the BRWRA; a much smaller and less reliable prey base; and non-native potential prey species (oryx and feral horses) as well as the state-endangered desert bighorn sheep. It is more subject to drought conditions and is too small to support an independently viable wolf population. Re-establishing wolves in the WSWRA alone would fall far short of meeting the recovery objective. In contrast, re-establishment in the BRWRA is predicted to meet the objective. Considerable cost savings would result if only one recovery area was used.

The two wolf recovery areas are within the Mexican wolf's probable historic range. Both contain remote expanses of federally-managed land. As the Mexican wolf is considered extinct in the wild in the United States, both areas are wholly separate geographically from any known, naturally-occurring, non-experimental populations of wild wolves.

Reintroduction procedures: Mexican wolves from the captive population will be selected for release based on genetics, reproductive performance, behavioral traits, response to the adaptation process, and other factors. Selected wolves have been moved to the Service's captive wolf management facility on the Sevilleta National Wildlife Refuge in central New Mexico where they have been paired based on genetic and behavioral compatibility and where measures are being taken to adapt them to life in the wild. As wolves are moved to release pens, more will be moved to the Sevilleta facility; and additional wolves for reintroduction may be obtained from selected cooperating facilities that provide an appropriate captive environment.

Initially, wolves will be reintroduced by a "soft release" approach designed to reduce the likelihood of quick dispersal away from the release areas. This involves holding the animals in pens on the release site for up to several months in order to acclimate them and to increase their affinity for the area. The releases will begin in late 1997 or as soon thereafter as feasible. Other procedures may be used for subsequent reintroductions and relocations if determined by the Service to be appropriate.

Identification and monitoring: Prior to placement in release pens, the adult-sized wolves will receive permanent identification marks and radio collars. If pups are born in the release pens, they will be marked and may receive surgically implanted transmitters prior to release. These pups will be captured and fitted with radio collars when they reach adult size. Captured wild-born wolves will be given a permanent identification mark and radio collar, unless enough animals from their family group are already radio collared.

The Service and cooperating agencies will measure the success or failure of the releases by monitoring, researching, and evaluating the status of released wolves and their offspring. Using adaptive management principles, the Service and cooperating agencies will modify subsequent releases depending on what is

learned from the initial releases. The agencies will prepare periodic progress reports, annual reports, and full evaluations after three and five years that will recommend continuation, modification, or termination of the reintroduction effort.

Expected results of Mexican wolf reintroduction: The reintroduced experimental population is expected to become established and survive in the wild within the Mexican wolf's probable historic range. The Service projects that the BRWRA reintroduction under the Preferred Alternative will achieve the *Mexican Wolf Recovery Plan* goal of 100 wolves occupying 5,000 square miles.

If it is used, the WSWRA will support an estimated 20 wolves occupying 1,000 square miles by 1998. This would not be an independently viable population. Nevertheless, a population in this size range could be managed as a subpopulation of the larger BRWRA population through periodic wolf transfers or supplemental releases of captive wolves. Wolves successfully reintroduced into the WSWRA could be used as release stock for possible future reintroductions elsewhere.

Release of the experimental nonessential population will further the conservation of the subspecies and of the gray wolf species as a whole. Currently, no Mexican wolves are known to exist in the wild. No wild populations of gray wolves are known to exist in the United States south of Washington, Idaho, Wyoming, North Dakota, Minnesota, Wisconsin, and Michigan. The Mexican wolf is the most southerly and most genetically distinct of the North American gray wolf subspecies. The Mexican wolf is also considered the rarest gray wolf subspecies and has been accorded the highest recovery priority for gray wolves worldwide by the Wolf Specialist Group of the World Conservation Union (IUCN).

Release of Mexican wolves into the wild will reduce the potential negative effects of keeping them in captivity in perpetuity. If a reintroduction into the wild from the captive population does not occur within a reasonable period of time, genetic, physical, or behavioral changes resulting from prolonged captivity could render the captive population unsuited for reintroduction, which would devastate the subspecies' prospects for recovery.

Relationship with landowners and managers and their activities: As indicated, considerable management flexibility

has been incorporated into the Preferred Alternative to reduce potential conflicts between wolves and the activities of federal, tribal, state, and local governmental agencies, livestock operators, hunters, and others. No major conflicts with management of federal, state, private, or tribal lands are anticipated. Mexican wolves are not expected to be adversely affected by most current land uses in the designated wolf recovery areas. However, temporary restrictions on human activities may be imposed within a one-mile radius around release sites, active dens, and rendezvous sites on public lands. Also, the U.S. Department of Agriculture's (USDA) Animal Damage Control (ADC) Division will discontinue use of M-44's and choking-type snares in occupied Mexican wolf range. Other predator control activities may be restricted or modified pursuant to a cooperative management agreement or a conference between ADC and the Service.

The Service and other authorized agencies may harass, take, remove, or translocate Mexican wolves under certain circumstances described in detail in the proposed rule. Private citizens also are given broad authority to harass Mexican wolves for purposes of scaring them away from people, buildings, livestock, and pets; and they may kill or injure them under narrow circumstances, that is, in defense of human life or if wolves are in the act of attacking their livestock (if certain conditions are met). In addition, ranchers can seek compensation from a private compensation fund if depredation on their livestock occurs. Tribes and states are encouraged to enter into cooperative agreements with the Service and to develop plans for managing wolves within their areas of jurisdiction. These cooperative agreements and management plans would be reviewed annually by the Service to ensure that the tribes and states have regulatory authority to conserve federally listed threatened and endangered species, including the Mexican gray wolf, and to ensure that management is contributing to the conservation and recovery of the Mexican gray wolf.

The Service does not intend to change the proposed "nonessential experimental" designation to "essential experimental," "threatened", or "endangered" and the Service does not intend to designate critical habitat for the Mexican wolf. Critical habitat cannot be designated under the nonessential experimental classification (16 U.S.C. 1539(j)(2)(C)(ii)). The Service foresees no likely situation which would result in such changes in the future.

Relationship with Native American Tribes: This decision complies with Secretarial Order No. 3175: *Departmental Responsibilities for Indian Trust Resources*. The reservations of the San Carlos Apache Tribe and the White Mountain Apache Tribe lie adjacent to the west boundary of the Blue Range Wolf Recovery Area. A government-to-government relationship exists between the tribes and the Service. Representatives from both tribes served on the interagency, interdisciplinary team that prepared the FEIS upon which this decision is based. Anticipated effects of this action on tribal trust resources are identified and addressed in the FEIS. Mitigation measures described below will minimize adverse effects on tribal trust resources. This decision allows for, but does not propose or require, wolf recovery on tribal lands. Both tribes oppose wolf reintroduction or colonization by wolves dispersing from the BRWRA on their reservations; but they desire the authority and technical expertise to manage or control wolves that may enter their lands. They have requested cooperative agreements between the Service and the tribes to define respective authorities and responsibilities regarding the management of wolves. These agreements could also promote development of wolf management expertise within tribal wildlife management agencies. This decision specifically allows for and encourages tribes to enter into cooperative agreements with the Service and to develop plans for managing wolves on tribal lands. Discussions on such agreements have begun. The White Mountain Apache Tribe requested wolf education programs in tribal schools, which have begun. The Service has met with officials and members of both tribes on several occasions to discuss issues of mutual interest and concern regarding Mexican wolf recovery on the BRWRA, and future meetings are anticipated.

Conflicts with state and local policies: In 1994, Arizona adopted an anti-trapping initiative (amending ARS sec. 17-301), which makes the use of several wildlife capture devices illegal, including leghold traps. However, the law does not prohibit "the use of snares, traps not designed to kill, or nets to take wildlife for scientific research projects, falconry, or for relocation of the wildlife as may be defined or regulated by the Arizona Game and Fish Commission and or the Government of the United States." The Service believes leghold traps are an essential tool for wolf management and are not designed to kill. Their use will be primarily for research and relocation purposes.

Catron and Sierra counties in New Mexico have land use planning ordinances that call for equal authority with federal agencies over decisions affecting federal lands within these counties. Similar assertions are made by both Apache and Greenlee counties in Arizona in their Land and Resource Policies. The Service has not submitted this federal proposal to county approval processes under their various planning ordinances, due to legal, budget, staff, and time considerations. Wolf reintroduction under the Preferred Alternative does not directly conflict with Catron and Sierra counties' ordinances that prohibit the release of wolves into those counties, because no wolves will be released there. Nevertheless, releasing wolves in nearby counties with foreseeable dispersal into Catron and Sierra counties, as proposed here, does appear to conflict with the goals of these ordinances; and wolves may be relocated into these counties in the future.

In the preparation of the EIS and the proposed experimental population rule the Service has cooperated and consulted extensively with potentially affected local governments. The Service has pursued cooperation with local governments through meetings with county officials and their representatives, making background information available, soliciting information, reviewing and responding to comments and studies prepared by county consultants, inviting consultants with expertise in local issues to an EIS team meeting, and other measures. In addition, the EIS process included holding public comment meetings throughout potentially affected areas, including holding a joint meeting with the Commission of Sierra County, the only county that so requested. The FEIS addresses local impacts to the extent the transitory impacts of wolf recovery can be identified to a particular county, in several parts of Chapter 4. The Service is exploring additional avenues of communication and cooperation with local governments and other stakeholders in the implementation of Mexican wolf reintroduction.

ALTERNATIVES CONSIDERED

A summary of the alternatives that were analyzed and evaluated in the FEIS follows. Alternative A, the Preferred Alternative, best meets the Service's obligation to prevent the extinction of the wild Mexican wolf and to begin to recover a viable population within the subspecies' probable historic range.

The establishment of a nonessential experimental population within the designated, limited, wolf recovery areas results in the best balancing of concerns by providing the Service and its cooperating agencies the flexibility to manage the wolves and to minimize negative impacts on the people and the environment of the affected areas. The Preferred Alternative is technically feasible and economically reasonable.

Alternative A (the Preferred Alternative)

The Service will reintroduce family groups of captive-raised Mexican wolves into the primary recovery zone of the BRWRA. The Service will gradually release up to 15 family groups into the BRWRA and later, only if determined to be both necessary and feasible, up to five family groups into the back-up WSWRA. Reproduction in the wild would increase the populations to approximately the recovery objective. The objective of the Preferred Alternative is to re-establish 100 wild wolves distributed over more than 5,000 mi^2 by about the year 2005, consistent with the *Mexican Wolf Recovery Plan*. The Service and its cooperators will monitor, research, evaluate, and actively manage the wolves, including translocating or removing wolves that disperse outside the designated recovery areas or that are determined to be "problem wolves", as defined in the experimental population rule.

The final Mexican wolf experimental population rule will (1) designate the population to be released as nonessential experimental; (2) delineate the precise geographic boundaries of recovery areas and the experimental population area; and (3) prescribe the protective measures and management authority that apply.

Reintroduction will occur under management plans that allow dispersal by the new wolf populations from the immediate release areas ("primary recovery zones") into designated adjacent areas ("secondary recovery zones"). However, the Service and cooperating agencies will not allow the wolves to establish territories outside these wolf recovery area boundaries unless this occurs on private or tribal lands and the landowner does not object. The Service would attempt to enter into cooperative management agreements with such landowners regarding control of the wolves. The Service will encourage and support a process for communicating with stakeholders to enhance responses to local concerns and mitigation of negative impacts.

The following future circumstances will be considered in decision-making about using the WSWRA subsequent to initial releases in the BRWRA:

- whether using the WSWRA, in combination with the BRWRA, is necessary to achieve the recovery objective; that is, it would be used if it appeared that the initial introduction in the BRWRA will not achieve a total population of 100 wolves,

- whether, based on future research, it appears that the WSWRA deer herd could support a wolf population that would contribute to meeting the recovery objective, and

- other future circumstances that could affect the feasibility of using the WSWRA, such as the Service's wolf program budget, management concerns, future military uses of the missile range, and so on.

Post-release management will follow an interagency cooperative management plan. This will include working with the Arizona Game and Fish Department to meet the objectives of its *Proposed Cooperative Reintroduction Plan for the Mexican Wolf in Arizona*, to the extent that the plan is supported by the Arizona Game and Fish Department, as well as working with other agencies. A wolf management team representing the cooperating agencies will review non-routine management issues and recommend appropriate actions. The interagency management plan will cover issues such as depredation control, capture and relocation, veterinary management, research, radio tracking, aerial overflights, and prey habitat management. Field staff will conduct monitoring, research, trapping, depredation investigation, mortality investigation, control, local public outreach and coordination, and other management actions.

Alternative B - Reintroduction with dispersal limited to the primary recovery zones

The Service would reintroduce family groups of captive-raised Mexican wolves into both the BRWRA and the WSWRA primary recovery zones and actively prevent the populations from expanding beyond these zones. In the BRWRA primary recovery zone the Service would gradually release about eight family groups; and in

the WSWRA primary recovery zone the Service would release about four family groups. This action would establish a population of about 34 wolves, which would not meet the objective of the *Mexican Wolf Recovery Plan*.

The Service would designate the population as nonessential experimental under the ESA. The Service would adopt basically the same Mexican wolf experimental population rule as under Alternative A, but it would apply to the smaller areas. The Service and its cooperators would follow the same release, monitoring, and management procedures as under Alternative A. Control would be accomplished through a combination of aggressive monitoring and management methods to promptly recapture wolves that leave the primary recovery zones. Wolves could be translocated between the two areas as needed.

Alternative C - Reintroduction with endangered species status under the ESA

The Service would reintroduce up to 15 family groups of captive-raised Mexican wolves under their current endangered status into the primary recovery zone of the BRWRA in east-central Arizona. No releases would occur in the WSWRA. The Service and its cooperators would monitor and conduct research on the wolves, but they would not actively manage them. No attempts would be made to recapture or return wolves with the possible exception of individual depredators. Released wolves and their offspring could disperse broadly. The total recovery objective would be 100 wolves, which would meet the objective of the *Mexican Wolf Recovery Plan*. Because of the limited management and the absence of limits on dispersal, the actual population could eventually far exceed 100 and could occur far beyond the BRWRA boundaries.

The wolves would have the full protection against "take" by humans provided by the ESA. With limited exceptions, anyone who would harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or attempt to engage in any such conduct against a Mexican wolf would be violating the ESA.

Land use restrictions could be imposed under this alternative. Restrictions could include limiting the use of predator control methods that might kill or injure wolves, closing roads, modifying livestock grazing, and imposing other protections to limit any jeopardy resulting from human activities.

Alternative D - No Action

The Service would take no action other than continuing its present course. It would neither release wolves nor take any other steps to directly ensure Mexican wolf recovery. The Service would still encourage protection and expansion of wild wolf populations under this alternative, if any were discovered. No evidence exists to indicate a likelihood of natural recolonization in U.S. portions of the Mexican wolf range, but the Service would support continued research on this possibility. Based on historical wolf abundance, recent sighting reports alleged to be wolves, proximity to Mexico, and other factors, the most suitable areas for potential natural recolonization probably would be the mountainous parts of southeastern Arizona and southwestern New Mexico, and Big Bend National Park in southern Texas. The presence of wolves in these areas or in Mexico has not been confirmed in recent years. There is a strong likelihood that no wolf recovery at all would occur under this alternative. Even under the most optimistic scenario of natural recolonization of all three of the areas, the maximum expected population they could support is approximately 55 wolves. Under either scenario, the goal of the *Mexican Wolf Recovery Plan* would not be met.

Any wolves that did naturally recolonize would be fully protected as an endangered species in the United States. It would be illegal to harm or harass them except under very narrow circumstances authorized by an ESA permit. Land use restrictions could be imposed under this alternative. Restrictions could include limiting the use of predator control methods that might kill or injure wolves, closing roads, modifying livestock grazing, and imposing other protections to limit any jeopardy resulting from human activities.

Other Alternatives Considered

Other alternatives suggested during public scoping that were considered but not evaluated in detail in the FEIS include: use of release sites in Mexico; use of release sites in Texas; capture of possibly remaining wild wolves in Mexico followed by their release in the United States; and release of wolves as an essential (as opposed to <u>non</u>essential) experimental population, under section 10(j) of the ESA. They were dropped because they were determined not to raise reasonable alternatives meriting full treatment in the FEIS. Other new alternatives, and

modifications of the existing alternatives, were suggested after release of DEIS. These are listed, and responded to, in the Summary of Public Comments in Chapter 5 of the FEIS.

MITIGATION OF IMPACTS

Projected impacts and ways to mitigate them are addressed in the description of the Preferred Alternative in the FEIS. Major concerns expressed by the public are discussed here.

The Service will condition the captive wolves prior to release. This will emphasize orienting them to native prey and habitat and may include aversive conditioning to both humans and livestock. Releases will occur in remote portions of the recovery area(s) where the fewest potential conflicts with human uses will occur. The Service and its cooperators will monitor, research, evaluate, and actively manage the wolves, including translocating or removing wolves that disperse outside the wolf recovery area(s) or that cause problems, consistent with provisions of the experimental population rule.

Some livestock depredation is expected to occur, but this is not projected to result in significant economic impacts. Livestock losses will be minimized by funding and establishment of a wolf control specialist position in the USDA's ADC program, who will be a full-time member of the wolf management field team; and by allowing, under certain circumstances, people to harass or kill individual wolves that are attacking livestock or approaching people, pets, or buildings. Depredating wolves will be moved to a remote location or removed from the wild population. Compensation for livestock killed or maimed by wolves is available from a private fund. Close communication and coordination with stakeholders to enhance responses to local concerns will be established and maintained. The Service and cooperating agencies will work with ranchers and tribes to assess depredation impacts, control depredating wolves, and develop methods to mitigate or reduce impacts through changes in livestock husbandry. Field staff will not work on private or tribal land without permission.

To reduce the likelihood of wolf dispersal into the White Mountain Apache and San Carlos Apache reservations to the west, wolf releases will occur on the eastern side of the BRWRA primary recovery zone, close to the Arizona/New Mexico border.

Impacts to big game populations will be minimized by allowing federal, state, and tribal agencies to move wolves if certain impact thresholds are exceeded. However, these thresholds are not projected to be exceeded except in unusual circumstances.

Negative impacts to local economies are not projected to be severe. They are expected to be offset by some positive economic effects, such as increased tourist expenditures. Negative impacts will be minimized by removing depredating wolves, moving wolves that severely impact big game populations, and by limiting land use restrictions to very small areas (on a temporary and case-by-case basis) and prohibiting restrictions on certain activities. No land use restrictions will be imposed on private or tribal lands; and, except for ADC's use of lethal control techniques in occupied wolf range, current and future agency activities, programs, and plans will not be affected. Previous back-country road closure provisions in the DEIS have been deleted from the FEIS and will be deleted from the final experimental population rule.

By establishing a large experimental population area, within which the provisions of the experimental population rule apply, the Service and cooperating agencies will have ample opportunity to capture and return wolves that leave designated wolf recovery areas. Also, private citizens can take advantage of allowable take and harassment provisions of the rule anywhere within the experimental population area.

If the WSWRA is used, wolves will be managed to minimize potential impacts on military activities and minimize impacts on the state-endangered desert bighorn sheep population in the San Andres Mountains.

MONITORING AND ENFORCEMENT OF PROGRAM

The Service will implement the Preferred Alternative in the FEIS. This will require cooperation with and by other agencies within: the Department of the Interior, including but not limited to the National Park Service, Bureau of Land Management, and Bureau of Indian Affairs; the Department of Defense, specifically the U.S. Army White Sands Missile Range; and the Department of Agriculture, including but not limited to the Forest Service and Animal and Plant Health Inspection Service - Animal Damage Control. The Service will also seek to cooperate with the states of New Mexico and Arizona, potentially affected Indian tribes,

local governments, and other entities. This program will include a monitoring effort with the objective of ensuring compliance with specific requirements of the FEIS, Record of Decision, experimental population rule, and Service-approved state, tribal, or interagency wolf management plans and cooperative agreements.

Acquisition of baseline information relative to the status of reintroduced wolves, impacts of reintroduced wolves, law enforcement activities, and effects of the provisions of the nonessential experimental rule and approved wolf management plans on wolf recovery will be ongoing. This information will be summarized annually in reports which will be available to the public.

FINDINGS AND DECISION

Having reviewed and considered the FEIS on reintroduction of Mexican gray wolves to portions of the subspecies' probable historic range in the southwestern United States, and the comments thereon, the Department of the Interior finds as follows:

1. The FEIS sets forth reasonable alternatives and a full and fair discussion of their environmental impacts which satisfies the requirements of NEPA and its implementing regulations, and

2. The Preferred Alternative (Alternative A) is the biologically and environmentally preferable alternative.

3. Statutory authority for the Department of the Interior to fund and implement the Preferred Alternative exists, and

4. Implementation of the Preferred Alternative, specifying reintroduction in the biologically preferable Blue Range Wolf Recovery Area first, using the White Sands Wolf Recovery Area as a back-up if later determined to be both necessary and feasible, will contribute to recovery of the Mexican gray wolf subspecies, as well as to recovery of the gray wolf species as a whole; and represents the best balance between the Department's responsibilities and objectives and the public's concerns identified throughout the public participation process, and

5. Consistent with environmental, biological, social, economic, technical, and other considerations, the Preferred Alternative minimizes or avoids adverse environmental impacts to the maximum extent practicable, including effects disclosed in the FEIS, and

6. Consistent with environmental, biological, social, economic, technical and other considerations, to the maximum extent practicable, adverse environmental effects revealed in the FEIS process will be minimized or avoided by incorporating mitigation measures as conditions to this decision.

Having made the above Findings, the Department has decided to proceed with implementation of the Preferred Alternative. The decision to implement this alternative is subject to the following conditions that will mitigate or avoid the impacts and public concerns identified during the environmental review process:

A. All activities involving physical alteration of land will be subject to regulatory requirements. Approvals, including necessary permits, will be obtained or satisfied prior to construction.

B. The preparation of a final nonessential experimental population rule under section 10(j) of the ESA to implement a wolf management program, including mitigation measures, will be subject to all relevant regulatory requirements.

C. The Service will continue to monitor the proposed wolf recovery areas until the physical reintroduction of wolves occurs to assess the possibility that a breeding population of naturally occurring wolves may already occur there.

D. The Service will cooperate with the State of Arizona in implementing its *Proposed Cooperative Reintroduction Plan for the Mexican Wolf in Arizona*, to the extent that the plan is supported by the Arizona Game and Fish Department. The State of New Mexico, San Carlos Apache Tribe, and White Mountain Apache Tribe are also encouraged to develop Mexican wolf management plans or cooperate with the Service under an interagency management plan or cooperative agreement.

This Statement of Findings/Record of Decision will serve as the written facts and conclusions relied upon in reaching this decision.

FOR FURTHER INFORMATION, CONTACT:

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APPROVED: DATE 3/04/97

Bruce Babbitt
Secretary
Department of the Interior

RECORD OF DECISION OF THE UNITED STATES DEPARTMENT OF AGRICULTURE FOREST SERVICE AND ANIMAL AND PLANT HEALTH INSPECTION SERVICE - ANIMAL DAMAGE CONTROL ON THE ENVIRONMENTAL IMPACT STATEMENT ON REINTRODUCTION OF THE MEXICAN GRAY WOLF BY THE UNITED STATES FISH AND WILDLIFE SERVICE

The U.S. Forest Service (Forest Service) and Animal and Plant Health Inspection Service - Animal Damage Control (Animal Damage Control) are cooperating agencies with the U.S. Fish and Wildlife Service (Fish and Wildlife Service) on the Environmental Impact Statement (EIS) entitled, *Reintroduction of the Mexican Wolf within its Historic Range in the Southwestern United States*, released on December 20, 1996. As cooperating agencies the Forest Service and Animal Damage Control were represented on the interdisciplinary team that prepared the EIS, provided technical support, reviewed drafts of the EIS, and made suggestions and comments on alternatives, impacts, and mitigation. Scoping and distribution of the Draft and Final EIS were sufficient to meet the needs of the Forest Service and Animal Damage Control, as well as the Fish and Wildlife Service. After independent review, the Forest Service and Animal Damage Control believe the Final EIS (FEIS) is adequate under NEPA, that it meets their needs, and that the Fish and Wildlife Service has been responsive to their comments and suggestions. The Forest Service and the Fish and Wildlife Service agree that site specific placement of release pens and other improvements to facilitate wolf releases will need appropriate NEPA analysis and documentation.

The Forest Service and Animal Damage Control adopt the FEIS pursuant to 40 CFR 1506.3 and rely on the FEIS in making this Record of Decision. Because the Forest Service and Animal Damage Control were cooperating agencies and have made independent review of the FEIS, and they believe it meets their agencies' needs, the FEIS will not be recirculated for public review and comment. Current Forest Plans for the Apache-Sitgreaves and Gila National Forests contain standards and guidelines which support recovery of threatened and endangered species; therefore, there is no need to amend these Forest Plans, or contracts, permits, or other instruments of National Forest occupancy and use as a result of this decision.

By adopting the Fish and Wildlife Service's FEIS, the Forest Service and Animal Damage Control will support implementation of this decision for the re-establishment of the Mexican gray wolf in the Apache National Forest, the Gila National Forest, and, if later determined to be both necessary and feasible, the White

Sands Missile Range and designated adjacent land, as set forth in the Preferred Alternative.

APPROVED: DATE 3/12/97

Dan Glickman
Secretary
Department of Agriculture

RECORD OF DECISION OF THE UNITED STATES DEPARTMENT OF THE ARMY ON THE ENVIRONMENTAL IMPACT STATEMENT ON REINTRODUCTION OF THE MEXICAN GRAY WOLF BY THE UNITED STATES FISH AND WILDLIFE SERVICE

The United States Department of the Army (U.S. Army) is a cooperating agency with the U.S. Fish and Wildlife Service on the Environmental Impact Statement (EIS) entitled, *Reintroduction of the Mexican Wolf within its Historic Range in the Southwestern United States*, released on December 20, 1996. As a cooperating agency the U.S. Army was represented on the interdisciplinary team that prepared the EIS, provided technical support, reviewed drafts of the EIS, and made suggestions and comments on alternatives, impacts, and mitigation. Scoping and distribution of the Draft and Final EIS were sufficient to meet the needs of the U.S. Army, as well as the Fish and Wildlife Service. After independent review, the U.S. Army believes the Final EIS (FEIS) is adequate under NEPA, meets its needs, and that the Fish and Wildlife Service has been responsive to its comments and suggestions. Current Department of Defense policies and regulations provide a general basis to support Mexican wolf recovery under the Preferred Alternative.

The U.S. Army adopts the FEIS pursuant to 40 CFR 1506.3 and rely on the FEIS in making this Record of Decision. Because the U.S. Army was a cooperating agency and has made independent review of the FEIS, and it believes the FEIS meets its needs, the FEIS will not be recirculated for public review and comment.

By adopting the FEIS, the U.S. Army supports the decision to re-establish the Mexican gray wolf in the Apache National Forest, the Gila National Forest, and, if later determined by mutual agreement of the U.S. Fish and Wildlife Service and the U.S. Army to be both necessary and feasible, the White Sands Missile Range and designated adjacent land, as set forth in the Preferred Alternative.

APPROVED: DATE MAR 4 1997

Raymond J. Fatz

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