

Colorado Gray Wolf 10(j) Rulemaking EIS US Fish and Wildlife Service

Cooperating Agency Call Notes

July 27, 2023
3:00 – 4:00 pm MST
Microsoft Teams Meeting

Attendees:

Name	Organization
Liisa Niva	FWS
Kurt Broderdorp	FWS
Craig Hansen	FWS
Adam Zerrenner	FWS
Nathan Darnall	FWS
Martin Lowney	Animal and Plant Health Inspection Service (APHIS)
Jim Heffelfinger	Arizona Game and Fish Department (AZGFD)
Joel Humphries	Bureau of Land Management (BLM)
Les Owen	Colorado Department of Agriculture
Brian Dreher	Colorado Parks and Wildlife
Eric Odell	Colorado Parks and Wildlife
Valerie Horncastle	Forest Service (FS)
Matt Canterbury	Jackson County
Amber Swasey	Mesa County
John Mack	National Park Service (NPS)
Stewart Liley	New Mexico Department of Game and Fish (DGF)
Edward Smercina	Rio Blanco County
Kim Hersey	Utah Division of Wildlife Resources (UDWR)
Callie Hendrickson	White River & Douglas Creek Conservation Districts
Jessica Forbes	WSP
Angela Bruce	Wyoming Game and Fish Department (WGFD)
Dan Thompson	Wyoming Game and Fish Department (WGFD)

DISCUSSION

Liisa invited Nathan Darnall to introduce himself. Nathan is the new lead in the Service's Grand Junction office and is familiarizing himself with the Gray Wolf 10(j) planning effort.

The Service acknowledged that some cooperating agencies expressed concern about the timeline for review of the administrative FEIS and the lack of a redline version of the FEIS. The timeline for the EIS and 10(j) rule is accelerated in general to meet the State's deadline, and the whole team is working under this restricted timeline. The Service followed regional policy and guidance from the attorney assigned to the project, both of which required the Service to share the clean version of the document that was shared with reviewers.

Rio Blanco County requested the Service provide the policy regarding redline copies in writing. The Service indicated that this policy had been communicated verbally and not provided to the team in writing.

The Service discussed the ungulate provision included in the FEIS. Several cooperating agencies submitted questions and comments related to the ungulate provision. The ungulate provision was not included in the draft rule, and the Service initially did not anticipate including the ungulate provision in the rule at all. The Service received comments from federally-recognized tribes in the state requesting that the ungulate provision be included, and the Service included this provision on tribal lands in the state to honor tribal sovereignty. The Service did not receive a request from the State of Colorado for that provision to be included in the final rule. Some counties did request the ungulate provision be included; however, the Service did not consider including this provision on a county-by-county basis but only at the state level, if at all.

The White River & Douglas Creek Conservation Districts stated that the counties that will be impacted by the State's wolf reintroduction are asking for the ungulate provision to be included and noted that it is frustrating that CPW has been directed by the governor's office not to ask for this provision. Rio Blanco County agreed with these statements.

Questions & Answers

The Service opened the floor to questions from cooperating agencies.

- CPW thanked the Service and cooperating agencies for their support in this effort and completing the final rule within the timeline.
- The State of Utah reiterated that the scope of the analysis in the EIS should include the reintroduction and potential impacts of the reintroduction beyond the state.
 - o The Service replied that Utah is not alone in that concern. The Service stated that the 10(j) rule is a wholly separate action from the State's reintroduction of wolves, since Colorado has the ability to reintroduce wolves without any permits from the Service. This is why the study area is limited to Colorado, since the rule would not be implemented outside of the state. Potential impacts outside of the state are analyzed in the cumulative effects analysis.
- The USFS noted that the EIS does not include information on management of wolves on federally-managed lands. USFS would like to know what planning and communication will occur as wolves start to move onto federal lands and federally-managed wilderness.
 - o The Service replied that the main difference will be related to section 7 consultation, and they do not anticipate any land management activity changes. The final rule would require that federal agencies (with the exception of NPS and Service with regards to refuge lands) only confer with the Service under section 7 if a proposed action has the potential to jeopardize the species. These requirements are described in the rule. The 10(j) rule would not supercede any other federal laws. With regards to wilderness, federal agencies could refer to the final rule and use the tools made available in the rule that comply with the

Wilderness Act. Each federal land managing agency would need to make that determination. The Service expects that ongoing wolf updates will be provided through the quarterly federal agency coordination meetings as part of the level 1 process.

Conclusion

The Service is on track to meet the timeline of having the final rule effective on December 15, 2023. The final rule will be published in the Federal Register on November 15, and publication will be followed by a final 30-day comment period.

The Service again thanked the group for their involvement in the planning process and their thoughtful comments and questions.