

From: [Hansen, Craig](#)
To: [McGee, Brady](#); [Dwire, Maggie](#); [Erickson, Peter \(Bjorn\)](#); [Hall, Sarah](#); [Ragan, Laura](#); [Pandolfi, Gary S](#)
Cc: [Niva, Liisa M](#); [Broderdorp, Kurt](#); [Becker, Scott A](#); [Zerrenner, Adam](#); [Toivonen, Lauren K](#)
Subject: [CROSS-REGIONAL CONCURRENCE REQUEST 8/4] FR 5308 | Final Colorado Wolf 10(j)
Date: Tuesday, July 18, 2023 8:59:23 AM
Attachments: [image.png](#)
[Outlook-1incfqsj.png](#)
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[Outlook-ofb3qxev.png](#)

[CROSS-REGIONAL CONCURRENCE REQUEST] FR 5308 | Final Colorado Wolf 10(j)

Greetings, Recovery Colleagues in Regions 1, 2, 3, 8, and the Mexican Wolf Recovery Program:

We request your cross-regional review and concurrence of our final rule to designate a nonessential experimental population (NEP) in the State of Colorado under section 10(j) of the Act. This follows the incorporation of peer and public comments that we received on our [February 17, 2023, proposed rule](#).

Changes that we made from proposed to final rule consisted largely of updates and clarifications, primarily to names and definitions of terms. The most substantive change is the addition of a take provision for Tribes in Colorado to take gray wolves on Tribal land that are unacceptably reducing ungulate populations (aka the "ungulate provision").

We would appreciate your review and cross-regional concurrence, if possible, by **Friday August 4, 2023**. You and your colleagues may access the final rule here:

 [20230717_Final_Rule_CO_Wolf_10j_v1.docx](#)

We recommend [opening this file in the Word desktop app when possible](#).

Please note: Given our extremely expedited deadline, this package is undergoing concurrent review by HQ, PRB, RSOL, R6 RO ES, and R6 OLE. In order to improve our ability to address comments and update the documents, we would appreciate if all internal users added their comments and edits in these shared documents located in this OneDrive folder.

Additionally, if helpful to you, all of the package materials are available for your use here:

 [20230404_FR5308_Final_CO_Wolf_10j](#)

For your awareness, there will be at least two *Federal Register* announcements for this action:

- First, the [Notice of Availability](#) of the final environmental impact statement (EIS) and the

draft record of decision (ROD), which must publish at least 30-days before the final ROD and final rule are signed, so this must publish by **October 6, 2023** (must clear DOI by September 29, 2023).

- *Yesterday, we received some late-breaking direction to also announce a 10(a)(1) (A) permit in this notice, and we are still working out those details.*
- Second, the [final rule](#), which must publish no later than **November 15** in order to become effective by December 15, 2023. As a result, the final rule must clear DOI by November 3, 2023.

Our [Note to Reviewer \(NTR\)](#) is pasted below for ease of reference. Your emailed concurrence back to me is acceptable, and I will add to our package.

As always, many thanks for your time, expertise, and ongoing support of this project. Please do not hesitate to contact any of us at any time.

Sincerely,

Craig.

NOTE TO REVIEWER (NTR)

Subject:	Final Rule: Establishment of a Nonessential Experimental Population of the Gray Wolf in Colorado
Level of Controversy	High
Date Submitted:	Saturday, July 15, 2023
Prepared by:	Craig Hansen 303-236-4749
Identify DTS Assignment #:	DCN FR 5308 (Files also available on Teams)
Critical Dates (if any):	<input type="checkbox"/> Check if critical date is not applicable <input checked="" type="checkbox"/> R6 RD or DRD Surname by August 11, 2023 In order to meet the State of Colorado's gray wolf release deadline, we must transmit this package to HQ by Monday August 14, 2023. <i>The Information Memo (IM) and Clearance Briefing Paper (CBP) provide a table of critical dates for surname by HQ and clearance by the Department.</i>
	This surname package for our final rule to establish a nonessential experimental population of the gray wolf in the State of Colorado under section 10(j) of the Endangered Species Act includes the following 14 documents: <ul style="list-style-type: none">• The final section 10(j) rule (must clear DOI by November 3)• A notice of availability (NOA) for the final environmental impact statement (EIS) and draft record of decision (ROD) (must clear DOI by September 29)• The final EIS• The draft ROD• DOI's Clearance Briefing Paper (CBP)• Information Memo (IM) for the Regional Director• DOI's Note to Reviewer (NTR)• R6's Yellow Surname Sheet for surname by the RD or DRD

Description/ Main Message:	<ul style="list-style-type: none"> • List of literature cited in the final rule • Signed Intra-Service biological opinion • Outreach Materials • RSOL Concurrence • Cross-Regional Concurrence from Regions 1, 2, 3, and 8 • This NTR <p>Following the publication of our proposed rule on February 17 (88 FR 10258), and our review of public comments received during the public comment period, which closed on April 18, 2023, we have prepared a final rule to designate a nonessential experimental population (NEP) of the federally endangered gray wolf (<i>Canis lupus</i>) in Colorado under section 10(j) of the Endangered Species Act (Act). This rule would contribute to the conservation of the federally listed entity, the gray wolf in the lower-44 States, and help support the State of Colorado's voter-mandated gray wolf reintroduction program. Changes from proposed to final rule were largely minor - mostly clarifications and corrections - except for the addition of the take provision for gray wolves that may be significantly affecting ungulate populations on tribal lands ("ungulate provision"). For the final rule to become effective by December 15, we must publish the final rule by November 15, 2023.</p> <p>We have also prepared a final environmental impact statement (EIS) and draft record of decision (ROD) for this action, which we must announce in the <i>Federal Register</i> at least 30-</p>
	<p>days before the ROD is signed. The notice of availability (NOA) for the FEIS and dROD, also included in this package, must publish no later than October 6, 2023.</p>
Files that require Digital Surname or Signature	<p>REGIONAL DIRECTOR OR DEPUTY REGIONAL DIRECTOR:</p> <ul style="list-style-type: none"> • Surname the "Yellow Surname Sheet" PDF. <p>OTHER REVIEWERS:</p> <ul style="list-style-type: none"> • Surname in DTs; and • Surname the Yellow Digital Surname Sheet.
Contact for additional information	<p>Liisa Niva, Colorado Field Office, 303-236-4779 Craig Hansen, Mountain-Prairie Regional Office, 303-236-4749</p>



Craig Hansen

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*For correspondence templates and resources,
please go to the [Correspondence OneDrive](#)
[Headquarters' Briefing Paper Template SharePoint](#).*



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