

From: [Dwire, Maggie](#)
To: Stewart.Liley@state.nm.us; [Oakleaf, John](#)
Subject: Fw: [EXTERNAL] Wolf #1963; MGWRP
Date: Thursday, May 6, 2021 1:09:26 PM
Attachments: [074632 20210406 Catron Co Nance Response re SOP v.7 psh.pdf](#)
[20210324 incoming Nance ltr 0040 001.pdf](#)

Here is the email correspondence with Mr. Pato, as well as the incoming and response letter to Mr. Nance. Both Mr. Nance and Mr. Pato are with the same firm.

Maggie

Maggie Dwire | [she/her](#) | Deputy Mexican Wolf Recovery Coordinator
U.S. Fish & Wildlife Service | Interior Regions 7 and 8
maggie_dwire@fws.gov | office: (505) 761-4783 cell: (505) 350-2203

From: David Pato <dave@npslawfirm.com>
Sent: Monday, May 3, 2021 4:07 PM
To: Dwire, Maggie <maggie_dwire@fws.gov>
Cc: Lueders, Amy L <amy_lueders@fws.gov>; McGee, Brady <brady_mcgee@fws.gov>; Tade, Justin S <Justin.Tade@sol.doi.gov>; Anita Hand <anita.hand@catroncountynm.gov>
Subject: Re: [EXTERNAL] Wolf #1963; MGWRP

Dear Maggie,

Thank you for both your response to my correspondence, as well as that to Adren's. The Board would very much welcome the dialogue about participation in a wolf count, compensation for depredations, and to discuss the development and implementation of a process to facilitate the rendering of timely and accurate determinations as to whether any individual depredation resulted from a wolf. I have confirmed our availability for a meeting on Thursday, May 27th, until 2 pm, and the entire of the week of June 28th. Please let us know what days/times work for you, Brady, and Director Leuders, and we will schedule the zoom. Thanks again for your response.

Best regards,

David M. Pato
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On Friday, April 23, 2021, 09:42:10 AM MDT, Dwire, Maggie <maggie_dwire@fws.gov> wrote:

Hi David,

Thank you for your email. We also received correspondence from Adren Nance with your firm and recently provided a response letter (both attached). We recognize the need for additional discussion on several matters and would like to work with you to coordinate a meeting among the key parties. Can you send me available dates and times during the week of May 24 and June 28, or in July if those two weeks don't work for you?

If you have any questions, please contact me or Brady McGee (maggie_dwire@fws.gov/505-350-2203 and brady_mcgee@fws.gov/505-908-8491). We look forward to meeting with you.

Thank you,
Maggie

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From: David Pato <dave@npslawfirm.com>
Sent: Monday, March 29, 2021 12:32 PM
To: Dwire, Maggie <maggie_dwire@fws.gov>
Cc: Lueders, Amy L <amy_lueders@fws.gov>; McGee, Brady <brady_mcgee@fws.gov>; Tade, Justin S <Justin.Tade@sol.doi.gov>; Bill Green <b.green@catroncountynm.gov>; Anita Hand <anita.hand@catroncountynm.gov>; Haydn Forward <hforwardjr@gmail.com>; Cliff Snyder <cliff.snyder@catroncountynm.gov>
Subject: Re: [EXTERNAL] Wolf #1963; MGWRP

Dear Maggie,

Thank you kindly for your e-mail, and please forgive the delay in my response. The County genuinely appreciates your willingness to visit about its concerns. There are three primary areas about which the County would like to visit.

First pertains to the how the County might assist in securing an accurate count of collared and uncollared wolves. The County would appreciate the opportunity to engage you in a discussion of the methodologies used to secure a count, and to have its wolf investigator, Jess Carey, participate in a count with the FWS. Additionally, it is my understanding that while Wildlife Services provided Mr. Carey with telemetry equipment, the telemetry equipment has not provided Mr. Carey with real-time data on the location of wolves. Such data is critical so that he and the FWS may inform both the property owners, and to take such measures as are necessary to protect both the residents, their property, and the wolves. The County would also like to visit with you about the conflict resolution measures, to better understand such measures and the basis for their deployment. Such data might also assist the County in helping the FWS in locating injured wolves, to prevent such incidents as the one that recently cost a wolf one of its legs. The County is presently in a position to be a partner in providing that notification to both the FWS and the property owners.

Next, the County would like to visit about the compensation for losses. By virtue of our visit

last year, which conversation I very much appreciated, I understand that the compensation does not flow from the FWS, but rather from either the LIP, administered by USDA, or the Coexistence Council. From County constituents, I understand that process to be cumbersome, to take in inordinate amount of time, and doesn't ultimately provide for full and complete compensation for the depredations.

The USDA Livestock Indemnity Program was intended to benefit livestock producers for livestock deaths in excess of normal mortality caused by adverse weather or by attacks by animals reintroduced into the wild by the Federal Government. Livestock Indemnity Program payments are currently established at seventy-five (75) percent of the average fair market value of the livestock. The compensation provided pursuant to the Livestock Indemnity Program, however, treats eastern and western producers the same, despite the significant differences between the costs of producing cattle in the east and west. Specifically, in the west, it takes 640 acres (1 square mile) of land to raise one animal unit per one inch of rain per year. Accordingly, in New Mexico, our ranchers are only able to place fourteen (14) animal units per 640 acres. In stark contrast, eastern producers are able to place four animal units on one acre of land.

Accordingly, after our visit, and after reviewing the applicable regulations, I reached out to the Deputy Administrator of Farm Programs for the USDA, who is charged with the administration of the LIP program. I advised that the regulations, however, leave to his discretion the determination regarding the sufficiency of the payment rate for eligible livestock owners, and requested his consideration of an adjustment to the amount of reimbursement in a manner that is fair to western producers in light of the impact of the MGWRP on New Mexico producers. Despite several letters, the County never received a response. The County would very much appreciate both your guidance and assistance in securing full and complete compensation for those impacted by this program. While we understand that the compensation component may be outside of the statutory charge of the FWS, the success and longevity of the program truly hinges on achieving some level of harmony with the property owners and lease-holders in the experimental area.

Finally, and much in that spirit, the County would like to visit about securing your assistance and guidance regarding the development and implementation of a process for making determinations as to whether any individual depredation resulted from a wolf.

I would be pleased to schedule a teleconference if you would be so kind as to provide a few dates and times that might work for you. I anticipate that the Chair of our County Commission, Anita Hand, will join on my end. Thank you in advance for your time and consideration. I look forward to hearing from you.

Best regards,

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On Friday, March 19, 2021, 01:31:45 PM MDT, Dwire, Maggie <maggie_dwire@fws.gov> wrote:

Good afternoon Mr. Pato,

Thank you for your email and we apologize for a delayed response. Your email was captured by our spam filters and we only recently became aware of it. We appreciate your offer for additional dialogue and County level assistance in matters concerning our Mexican Wolf Recovery Program. Previously you were representing Sierra County, are you now also representing Catron County?

To reduce the impacts of wolves on cattle and other livestock, ranchers can take (harass, injure, or kill) Mexican wolves in accordance with our 2015 Endangered Species Act 10(j) nonessential experimental population rule. Under this rule, anyone may conduct opportunistic harassment of any Mexican wolf at any time provided that the wolves are not purposefully attracted, tracked, searched out, or chased and then harassed. On non-Federal lands, domestic animal owners, including ranchers or their agents (for example, employees, land managers, or local officials) may take (including injure or kill) any Mexican wolf that is in the act of biting, killing, or wounding a domestic animal. The Service is also able to issue permits to ranchers or their agents to take (including intentional harassment or killing) any Mexican wolf that is present on non-Federal land, where specified in the issued permit. And any person may take a Mexican wolf in self-defense or defense of the lives of others, which includes killing as well as nonlethal actions such as harassing or harming.

Over the past two years, the U.S. Fish and Wildlife Service's (Service) effort to reduce wolf-livestock conflict in the Rainy Mesa area of the Gila National Forest has amounted to approximately one full-time employee (40 hours/week) for two years. We have actively worked and spent approximately 4,570 hours conducting proactive management activities. This has included intensive wolf monitoring and hazing, maintaining diversionary food caches, repairing fences to assist the permittee (Ms. Audrey McQueen) with management of her cattle on U.S. Forest Service lands, communicating regularly with Ms. McQueen, trapping for wolves to place radio collars to improve our ability to monitor and respond to wolf-livestock conflict, and deploying Radio Activated Guard boxes to deter wolf presence.

In addition to staff time, proactive management expenditures, and depredation compensation payments, the Service has authorized the removal of seven wolves from the area - including the entire Prieto Pack.

Most recently, the U.S. Forest Service provided up to \$15,000 in hay to Ms. McQueen to assist her in continuing to feed her most vulnerable herd in a small pasture on private land near the ranch house where the cattle can be closely monitored. This grazing modification is in coordination with a field team Range Rider to haze wolves and reduce depredations that were

occurring on her Forest allotment. Our field program personnel communicate with Ms. McQueen routinely, sometimes daily, including a group text message to keep her apprised of wolf locations and field activities. Additionally, the Mexican Wolf Recovery Coordinator communicates updates to Catron County Commissioner Ms. Anita Hand 1-2 times a week. No additional depredations have occurred following this coordinated activity (we are aware of a calf being investigated today by USDA Wildlife Services). Unfortunately, while conducting hazing activities the Range Rider did start a small grass fire - the Range Rider was able to put the fire out immediately. The fire perimeter was ultimately measured by the U.S. Forest Service as 1/10 of an acre (the allotment is over 50,000 acres).

We appreciate the County's offer for assistance and welcome ideas for how we can more effectively communicate, inclusive of a conversation relating to the telemetry equipment that USDA Wildlife Services has provided the Catron County Wolf Interaction Investigator. In future correspondence, we ask that you include Brady McGee, the Service's Mexican Wolf Recovery Coordinator (brady_mcgee@fws.gov).

Thank you,
Maggie

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From: David Pato <dave@npslawfirm.com>
Sent: Friday, March 5, 2021 10:32 AM
To: Dwire, Maggie <maggie_dwire@fws.gov>; RD Lueders, FW2 <rdlueders@fws.gov>
Subject: [EXTERNAL] Wolf #1963; MGWRP

This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.

Dear Ms. Lueders and Ms. Dwire,

I hope all has been well, and that you have both had a great week. I am writing to enlist your help to address what appears to be an ongoing concern regarding wolf #1963, and to engage you both in a larger discussion about how the County may help to address some ongoing concerns regarding the MGWRP.

Audrey McQueen, a single mother of two in Catron County, has recently lost several of her cows to this wolf. It is my understanding that FWS has been apprised of the issues with this wolf, though its attempts to haze the wolf have not only been unsuccessful, but have resulted in a forest fire that destroyed grasslands on Ms. McQueen's grazing allotment. In addition to direct depredations, and now fire damage to her allotment, Ms. McQueen has also suffered indirect losses as a result of the wolves' presence. Specifically, she is recognizing a calf crop

of only two calves from a total of twelve bred heifers, with her heifers having sloughed off the remaining calves as a result of the wolves' presence. Consistent with her statutory obligations, Ms. McQueen has not taken matters into her own hands. Instead, she has reached out to the FWS to secure assistance in removing this wolf from her ranch. Unfortunately, those efforts have not been successful.

Additionally, and as we discussed during our meeting last January, Ms. McQueen, and other local ranchers, have not been regularly apprised by FWS when the wolves are on or about their property. It is critical that individuals in the experimental area receive access to real-time data regarding the location and presence of collared wolves, so that the property owners can take precautionary measures to protect their family and their livestock, bringing their family inside and, if possible, working with the FWS to make arrangements to move their livestock to a different area. Federal laws prohibiting the harassment and taking of wolves should be sufficient to address any concern the FWS might have regarding the safety of the wolves, particularly when weighed against the potential for harm to both families and the MGWRP were a wolf-human encounter to result in injury to a human. Ms. McQueen advised that the gentleman from whom she had traditionally received intermittent notifications from is leaving for vacation out of country. Consequently, she is very concerned regarding her ability to secure updates regarding the presence of wolves, even on an intermittent basis.

I hope to engage you in a more robust discussion about how the County might assist the FWS in providing notification to local ranchers of the presence of wolves, and to work with the FWS to secure the repositioning of problematic wolves, so that it can better protect the health, safety, and welfare of its residents. To that end, it is my understanding that the County had been promised access to certain telemetry equipment as part of its recent execution of the MOU with the FWS. I have been apprised that the County never received such equipment from the FWS. I hope that, as part of our discussion about how we might assist in the provision of notification and in working with the FWS to securing repositioning of problematic wolves, that we also discuss the status of that equipment, and explore how the County may help to facilitate a resolution of this conflict that has dragged on for decades. The success of the recovery effort truly hinges upon the FWS's ability to improve its communications with affected property owners regarding the presence of wolves, and to make timely and complete compensation for losses occasioned as a result of the program.

As always, thank you kindly for your attention and your help with this matter.

Best regards,

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