U.S. Department of Interior, Fish and Wildlife Service

RECORD OF DECISION

Proposed Revision to the Regulations for the Nonessential Experimental Population of the Mexican Wolf (*Canis lupus baileyi*)

This Record of Decision (ROD) has been developed by the U.S. Fish and Wildlife Service (Service) in compliance with the agency decision-making requirements of the National Environmental Policy Act of 1969, as amended (NEPA; 40 CFR 1505.2). The purpose of this ROD is to document the decision of the Service for the selection of an alternative to implement the Proposed Revision to the Regulations for the Nonessential Experimental Population of the Mexican Wolf (*Canis lupus baileyi*). The alternatives we considered have been fully described and evaluated in the May 2022, Final Supplemental Environmental Impact Statement (FSEIS) for the project.

This ROD states the Service's decision and presents the rationale for its selection. In the ROD we provide a summary of the alternatives considered in the FSEIS and address the measures we adopted to avoid or minimize environmental harm from implementation of the selected alternative.

Decision

Based on our review of the alternatives and their environmental consequences, as described in our FSEIS, we intend to implement Alternative One (Proposed Action and Preferred Alternative). The selected action will be implemented through issuance of a final nonessential experimental population rule (final 10(j) rule), an Endangered Species Act Section 10(a)(1)(A) research and recovery permit, and provision of federal funding.

Alternatives Considered

We developed a range of alternatives, including the Proposed Action and No Action alternative, for our proposal to revise the regulations established in our 2015 final 10(j) rule, "Revision to the Regulations for the Nonessential Experimental Population of the Mexican Wolf." The alternatives we selected for evaluation were developed based on the March 31, 2018 Court Order from the District Court of Arizona (Center for Biological Diversity v. Jewell, No. 19 4:15-cv-00019-JGZ (D. Ariz.)) (March 31, 2018, Court Order) and our expectation that the experimental population designation for the Mexican Wolf Experimental Population Area (MWEPA) should align with the recovery strategy for the Mexican wolf in the 2017 Mexican Wolf Recovery Plan, First Revision (revised recovery plan) in order to provide for the long-term conservation and recovery of the Mexican wolf. In addition, we based our selection of alternatives on information gained through our interagency partnerships and experience since the Mexican wolf reintroduction began in 1998, including implementation of the 2015 10(j) rule since February 17, 2015. Using selection criteria, we eliminated from further consideration a number of proposals for geographic boundary and management changes that were beyond the scope of the remand and did not substantially meet the purpose of, and need for, the Proposed Action, including those that were not economically or

technically practical or feasible. Alternatives brought forward for detailed analysis in the FSEIS were the Proposed Action, an additional action alternative, and the No Action alternative.

Alternative One (Proposed Action and Preferred Alternative)
Alternative One is our proposed action and preferred alternative. Under this alternative, we will establish a revised population objective, a new genetic objective, and temporarily restrict three take provisions until the genetic objective is reached; all other features of the 2015 10(j) final rule will be maintained. Specifically, Alternative One:

1) Modifies the **population objective** for the MWEPA to the following:

> Based on end-of-year counts, we will manage to achieve and sustain a population average greater than or equal to 320 wolves in Arizona and New Mexico. This average must be achieved over an 8-year period, the population must exceed 320 Mexican wolves each of the last 3 years of the 8-year period, and the annual population growth rate averaged over the 8-year period must demonstrate a stable or increasing population, as calculated by a geometric mean.

2) Establishes a **genetic objective**, stating:

> The Service and designated agencies will conduct a sufficient number of releases into the MWEPA from captivity to result in at least 22 released Mexican wolves surviving to breeding age.

3) Temporarily restricts the issuances of permits pursuant to the provision for **take on non-Federal land** by adding the following:

> Until the Service has achieved the genetic objective for the MWEPA by documenting that at least 22 released wolves have survived to breeding age, the Service or a designated agency may issue permits only on a conditional, annual basis according to the following provisions:
>
> (i) Either annual release benchmarks (here, the term "benchmark" means the minimum cumulative number of released wolves surviving to breeding age since January 1, 2016, as documented annually in March) are achieved based on the following schedule:

YEAR	BENCHMARK
2021	7
2022	9
2023	11
2024	13
2025	14
2026	15
2027	16
2028	18
2029	20
2030	22

> ; or

(ii) permitted take on non-Federal or Federal land during the previous year (April 1 to March 31) did not include the lethal take of any released wolf or wolves that were or would have counted toward the genetic objective.

After the Service has achieved the genetic objective, the conditional annual basis for issuing permits will no longer be in effect.

4) Temporarily restricts the issuances of permits pursuant to the provision for **take on Federal land** as follows:

Until the Service has achieved the genetic objective for the MWEPA by documenting that at least 22 released wolves have survived to breeding age in the MWEPA, the Service or a designated agency may issue permits only on a conditional, annual basis according to the following provisions:

(i) Either annual release benchmarks (here, the term "benchmark" means the minimum cumulative number of released wolves surviving to breeding age since January 1, 2016, as documented annually in March) are achieved based on the following schedule:

YEAR	BENCHMARK
2021	7
2022	9
2023	11
2024	13
2025	14
2026	15
2027	16
2028	18
2029	20
2030	22

; or

(ii) permitted take on non-Federal or Federal land during the previous year (April 1 to March 31) did not include the lethal take of any released wolf or wolves that were or would have counted toward the genetic objective.

After the Service has achieved the genetic objective, the conditional annual basis for issuing permits will no longer be in effect.

5) Temporarily restricts the provision for **take in response to unacceptable impacts to a wild ungulate herd** as follows:

No requests for take in response to unacceptable impacts to a wild ungulate herd may be made by the state game and fish agency or accepted by the Service until the genetic objective of at least 22 released wolves surviving to breeding age for the MWEPA has been met.

Alternative Two
Alternative Two includes the population and genetic objectives proposed under Alternative One but does not include temporary restriction of the three take provisions (take on Federal land, take on non-Federal land, and take in response to an unacceptable impact to a wild ungulate herd); all other features of the 2015 10(j) final rule will be maintained.

Alternative Three (No Action)
Under Alternative Three no changes to the 2015 10(j) rule would be made.

Environmentally Preferred Alternative
We consider Alternative One to be the environmentally preferred alternative based on the conservation benefit that would be achieved for the long-term conservation and recovery of the Mexican wolf compared with the other alternatives. Under Alternative One, demographic and genetic threats to the Mexican wolf would be significantly lessened in the MWEPA within a decade or less due to the combined benefits of our proposed population and genetic objectives and temporary restriction of three take measures. We would expect to reach the population objective of an average of equal to or greater than 320 wolves as soon as 2028 and would expect to have counted at least 22 wolves surviving to breeding age by 2030. Notably, Alternative One puts into regulation for the first time since the designation of the MWEPA in 1998, a genetic objective for the population. By doing so, this alternative creates equal focus on the genetic health of the population as its demographic status and reinforces the Service's commitment to the genetic objective with annual benchmarks associated with take restrictions.

Achieving the population and genetic objectives would infer approximately a 90% likelihood of persistence of the MWEPA population over 100 years and would ensure that approximately 90% of the gene diversity available in captivity is represented in the wild, based on the population viability modeling that served as the foundation for the development of recovery criteria in the revised recovery plan (USFWS 2017, Miller 2017). The population viability model utilized the most comprehensive, inclusive data set available for the MWEPA population and explored management scenarios that we developed based on our experience managing Mexican wolves in the MWEPA, such as scenarios that included supplemental feeding. We consider the population viability modeling effort to continue to represent the best available science to inform the long-term conservation and recovery of the Mexican wolf due to the quantity, quality, and specificity (to the Mexican wolf/MWEPA) of data and assumptions used to inform the model. When the MWEPA population achieves the population and genetic objectives, the population will simultaneously achieve the recovery criteria established in the revised recovery plan for a population of Mexican wolves in the United States, providing a significant contribution to the long-term conservation and recovery of the Mexican wolf.

Aside from the conservation benefit to the Mexican wolf, we also consider Alternative One to be the environmentally preferred alternative because we do not predict that this alternative will damage any biological or physical features of the environment. Specifically, although this alternative may temporarily restrict our management of unacceptable impacts to a wild ungulate herd if unacceptable impacts were to occur, we predict that this restriction will result in a less than significant impact to wild ungulates based on the expected future density of wolves and elk (Mexican wolves primary prey). The temporary restriction of this take provision will be lifted

when we have achieved the genetic objective and will be available to minimize impacts to wild ungulates.

In comparison, Alternative Two would achieve the same degree of demographic and genetic threat alleviation for the Mexican wolf but could take several years longer than Alternative One because take provisions for take on Federal land, non-Federal land, and in response to unacceptable impacts to a wild ungulate herd would not be temporarily restricted. If these take provisions resulted in the take of released wolves that would have counted toward the genetic objective, additional releases of Mexican wolves from captivity into the MWEPA may be necessary to achieve the genetic objective compared to Alternative One. In addition, Alternative Two does not include annual benchmarks for the number of released wolves surviving to breeding age associated with the temporary, conditional restriction of take on Federal and non-Federal land; we integrated these benchmarks into the proposed take restrictions for Federal and non-Federal land to drive immediate and sustained progress toward improving the genetic health of the population and meeting our genetic objective. For both of these reasons, Alternative Two likely provides less timely conservation benefits for the Mexican wolf than Alternative One. We recognize that timely, near-term progress to improve the gene diversity of the MWEPA population is necessary for the long-term conservation and recovery of the Mexican wolf (USFWS 2017, 2021). As in Alternative one, we do not identify any features of Alternative Two that would result in damage to the biological or physical environment.

Finally, Alternative Three would provide substantial alleviation of demographic and genetic threats to the Mexican wolf through the continued implementation of the 2015 10(j) final rule's population objective of 300-325 Mexican wolves with the recommendation of 1-2 effective migrants per generation entering the population. We recognize based on the information gathered and analyzed to develop recovery criteria for the Mexican wolf in the revised recovery plan that we would not achieve the degree of demographic and genetic threat alleviation we consider to be necessary at the population level for the long-term conservation and recovery of the Mexican wolf (i.e., a population size sufficient to ensure at least a 90% likelihood of persistence over 100 years and a release schedule to ensure approximately 90% of captive gene diversity is represented in the wild). In addition, the take provisions in this alternative could be utilized in a manner that could counter-act progress to improve the gene diversity of the population. Therefore, the conservation benefit to the Mexican wolf from Alternative Three is less substantial than either Alternative One or Two. Similar to Alternatives One and Two, we do not foresee any features of Alternative Three that would result in damage to the biological or physical environment.

Rationale for Decision

We are selecting Alternative One (the Proposed Action) for implementation because it will result in an experimental population designation that supports the long-term conservation and recovery of the Mexican wolf and is responsive to the March 31, 2018, Court Order. This alternative is consistent with national policy and the Service's statutory mission as set forth under the Endangered Species Act of 1973, as amended. It maintains all features and provisions of the 2015 10(j) final rule -- including provisions for take for the protection of human life and take by Service personnel or a designated agency -- except for those features we have proposed to revise. It establishes a revised population objective, a new genetic objective, and temporarily restricts three forms of take. Collectively, the features of Alternative One will result in an experimental

designation for the Mexican wolf that supports a demographically and genetically robust population and provides the necessary tools to address conflicts, while ensuring that allowable forms of take do not hinder our long-term conservation and recovery efforts for the Mexican wolf.

Alternative One Compared to Alternative Two

We selected Alternative One over Alternative Two for the reasons identified above (see Environmentally Preferred Alternative) related to the conservation benefit for the Mexican wolf. In addition, we recognize that our management options to address conflict situations between wolves and livestock or in response to impacts to wild ungulates will be reduced temporarily under Alternative One compared to Alternative Two. However, because the experimental population designation will retain other management provisions that will allow us to respond to conflict situations, such as take by the Service and designated agencies, we consider the temporary restrictions to narrow, but not eliminate, our management options to address conflicts.

When the Service issues a permit for take on Federal or non-Federal land (typically for a single wolf, although multiple wolves may be present), we do not expect a livestock owner/operator or their agent to be able to determine whether the wolf they are taking is a released wolf. The Service and designated agencies have a higher likelihood of determining whether the wolf or wolves in question are released wolves due to data and expertise (telemetry, scat samples, field observation of the animal/s) and can make decisions during the management of conflict situations to minimize the likelihood of taking a released wolf. Alternative One creates a system of annual benchmarks for the number of released wolves surviving to breeding age that not only restricts the issuance of permits for take on Federal and non-Federal land by a livestock operator or their agent, but also drives (while not fully restricting) the Service and designated agencies to minimize the take of released wolves commensurate with progress toward improving the genetic health of the population. We consider the ability of the Service and designated agencies to respond to conflict situations through the take of a Mexican wolf as a necessary feature of managing a top predator, and this feature is retained in all alternatives.

Alternative One also temporarily restricts the ability of a state game and fish agency to request take in response to an unacceptable impact to a wild ungulate herd, whereas Alternative Two does not. Based on the current and projected number of wolves and wild ungulates in suitable habitat in the MWEPA and our estimate of when impacts to wild ungulates may be likely to occur, we do not expect to receive requests from the states to take wolves under this provision (that is, we do not expect unacceptable impacts to wild ungulates to occur). However, if we were to use this provision, it is likely that multiple released wolves (that is, one or more packs of wolves) would be taken in the management action resulting from the state's request. Therefore, the temporary restriction of this take provision acts as a safeguard to ensure that we improve the gene diversity of the MWEPA population sufficient to alleviate genetic threats before considering the use of this management tool.

The restriction of the three take provisions under Alternative One is temporary because after we have reached the proposed genetic objective, we expect that gene diversity will have been integrated into the population through breeding events such that released wolves will no longer represent a pool of unique gene diversity. In other words, as more released wolves survive and breed in the wild, the genetic contribution of each released wolf diminishes. Therefore, restrictions

on these take provisions after the genetic objective is reached would not help us continue to increase gene diversity in the MWEPA. When the period of restriction has ended, Alternative One and Two are equivalent in that the three take provisions will be available to use as necessary to reduce conflicts and ensure the long-term conservation and recovery of the Mexican wolf.

In summary, we consider Alternative One to have more timely conservation benefit for the long-term conservation and recovery of the Mexican wolf compared to Alternative Two, while retaining adequate management flexibility to respond to conflicts and local community needs.

Alternative One Compared to Alternative Three
Alternative One has a higher degree of conservation benefit than Alternative Three. The 2015 10(j) final rule, which is the basis for Alternative Three, was conceived before the revised recovery plan; we are now able to evaluate its merits within the context of our current recovery strategy and criteria for the Mexican wolf, which we based on the best available science (USFWS 2017, Miller 2017). While Alternative Three has conservation benefit for the Mexican wolf because it could support the establishment of a generally robust population, it does not contain a population objective or genetic objective that align sufficiently with our current long-term conservation and recovery goals for the Mexican wolf as now envisioned by the revised recovery plan (see Environmentally Preferred Alternative, above). And, while the expanded take provisions in the 2015 10(j) final rule are valuable tools for agency management flexibility and to promote social tolerance within local communities, we recognize they have the potential, if unrestricted, to interact counter-productively with our efforts to improve gene diversity in the MWEPA. In addition, Alternative Three does not redress the narrow issues defined by the court-ordered remand, although some impacts are minimized compared to the other two alternatives and conservation benefits to the Mexican wolf are still present.

Alternative Two Compared to Alternative Three
Alternative Two has greater conservation benefit than Alternative Three because it establishes a population and genetic objective that align with our long-term conservation and recovery goals for the Mexican wolf, whereas Alternative Three does not have objectives that achieve the same. These two alternatives feature identical take provisions, and therefore have the same degree of management flexibility as one another and neither alternative provides for the reinforcement of progress toward the alleviation of genetic threats. In addition, Alternative Three does not redress the narrow issues defined by the court-ordered remand.

Summary
Based on these findings and considerations, we are selecting Alternative One for implementation because, compared with the other alternatives, it will establish an experimental population designation that maximizes the degree and timeliness of conservation benefit to the Mexican wolf while still providing adequate management flexibility to respond to conflict situations in local communities and general management needs.

Measures to Minimize and Mitigate for Effects to Native Wild Prey Species and Ranching/Livestock Production
Implementation of Alternative One may result in less than significant direct adverse impacts to hunting and less than significant direct adverse impacts to livestock production at the regional

scale. We acknowledge that significant direct adverse impacts may occur at the scale of a limited number of individual livestock operators. Because a large percentage of focus minority groups in Arizona and New Mexico are identified as principal operators of beef cattle ranches these adverse economic impacts could be disproportionately distributed. Tribal members are also engaged in livestock production and could also suffer disproportionate economic impacts from implementation of Alternative One. However, we expect any adverse disproportionate impacts that might be experienced by these population groups of concern to be less than significant or not significant due to the mitigation measures available under this alternative.

Management actions to be carried out by the Service and designated agencies to avoid or minimize environmental harm from the implementation of Alternative One include:

- Public education and outreach in those areas of the three proposed Management Zones which contain suitable wolf habitat and are thus areas with a potential for wolf occupancy. This will include materials in Spanish, to ensure communication in communities with significant portions of Spanish-speaking residents to provide access to information about wolf management and depredation compensation program, and other important updates;
- Investigation by authorized agencies of reported wolf incidents no later than 48 hours after a report is received;
- Working with livestock producers and other landowners to eliminate attractants and to use guard animals, range riders, fladry, and other techniques to reduce conflicts between Mexican wolves and human activities;
- Using monitoring as a means of improving non-lethal control measures to aversively condition wolves through hazing and harassment; using non-lethal control, trapping, translocation, or removal of wolves conducted by authorized personnel of the Service, tribes, and/or designated agents of the Service as authorized under a Service permit;
- Using lethal removal for problem wolves under circumstances where the Service determines that immediate removal of a particular wolf, or wolves, from the wild is necessary, and other options for resolution of the conflict, including live capture, have been exhausted; and
- Continuation of the Mexican Wolf Tribal Working Group through annual meetings open to all tribes in Arizona and New Mexico to discuss issues of tribal concern related to Mexican wolf recovery.

In addition, all provisions from the 2015 10(j) rule that have not been proposed for revision in Alternative One will be maintained and will continue to provide mitigation and minimization for impacts associated with the revisions in Alternative One, including the following provisions:

- On tribal trust land within Zones 1 and 2 of the MWEPA, the Service or a designated agency may develop and implement management actions in cooperation with willing tribal governments, including: occupancy by natural dispersal; initial release; and translocation of Mexican wolves onto such lands. No agreement between the Service and a Tribe is necessary for the capture and removal of Mexican wolves from tribal trust lands if requested by the tribal government;
- A phased management approach to minimize or avoid possible impacts to wild ungulate populations (specifically elk) in portions of western Arizona during the first 12 years. Our phased management approach includes:

- Phase 1: Initial release of Mexican wolves will be conducted throughout Zone 1 **with the exception of** the area west of State Highway 87 in Arizona. No translocations will be conducted west of State Highway 87 in Arizona in Zone 2. Mexican wolves will be allowed to disperse naturally from Zone 1 into, and within, the MWEPA (Zones 2 and 3) and occupy the MWEPA (Zones 1, 2 and 3). However, during Phase 1 dispersal and occupancy in Zone 2 west of State Highway 87 will be limited to the area north of State Highway 260 and west to Interstate 17.
- Phase 2: If determined to be necessary by either the 5-Year or 8-Year evaluation: initial release of Mexican wolves will occur throughout the entire Zone 1 **including** the area west of State Highway 87 in Arizona; no translocations will be conducted west of Interstate Highway 17 in Arizona. Mexican wolves will be allowed to disperse naturally from Zone 1 into, and within the MWEPA (Zones 2 and 3) and occupy the MWEPA (Zones 1, 2 and 3) **with the exception** of those areas in Zone 2 west of State Highway 89 in Arizona.
- Phase 3: If determined to be necessary by the 5-Year or 8-Year evaluation: Initial release of Mexican wolves will be conducted throughout the entire Zone 1 **including** the area west of State Highway 87 in Arizona; no translocations will be conducted west of State Highway 89 in Arizona; Mexican wolves will be allowed to disperse naturally from Zone 1 into, and within the MWEPA (Zones 2 and 3) and occupy the MWEPA (Zones 1, 2 and 3).
- Year 12 and beyond: Phased management approach ends: Initial release of Mexican wolves could be conducted throughout entire Zone 1; translocations could be conducted at selected translocation sites on federal land and initial releases and translocations could be conducted on non-federal private and tribal land with voluntary management agreements within Zones 1 and 2 of the MWEPA. Mexican wolves will be allowed to disperse naturally from Zone 1 into, and within, the MWEPA (Zones 2 and 3) and occupy the MWEPA (Zones 1, 2 and 3).

- Allowable forms of take, including:
  - *Opportunistic harassment*. Anyone may conduct opportunistic harassment of any Mexican wolf at any time provided that Mexican wolves are not purposefully attracted, tracked, searched out, or chased and then harassed.
  - *Intentional harassment*. After the Service or its designated agency has confirmed Mexican wolf presence on any land within the MWEPA, the Service or its designated agency may issue permits valid for not longer than 1 year, with appropriate stipulations or conditions, to allow intentional harassment of Mexican wolves.
  - *Take on non-Federal lands.*
    - On *non-Federal* lands anywhere within the MWEPA, domestic animal owners or their agents may take (including kill or injure) any Mexican wolf that is in the act of biting, killing, or wounding a domestic animal. *Domestic animal* means livestock and non-feral dogs. *Livestock* means domestic alpacas, bison, burros (donkeys), cattle, goats, horses, llamas, mules, and sheep, or other domestic animals defined as livestock in Service-approved State and tribal Mexican wolf management plans.
    - Take of Mexican wolves by livestock guarding dogs, when used on non-Federal lands, is allowed. If such take by a guard dog occurs, it must be reported as specified in accordance with paragraph (k)(6) of this section.

- *Take by Service personnel or a designated agency*. The Service 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, conference opinion pursuant to section 7(a)(4) of the Act, section 6 of the Act as authorized pursuant to § 17.31 for State game and fish agencies with authority to manage Mexican wolves, or a valid permit issued by the Service under § 17.32.

Finally, the temporary restriction of the take provisions for Federal land, non-Federal land, and in response to an unacceptable impact to a wild ungulate herd will be lifted when the genetic objective is reached, and once the genetic objective is reached these provisions will be available to minimize or mitigate impacts:

- *Take on non-Federal lands*. Based on the Service's or a designated agency's discretion and in conjunction with a removal action authorized by the Service, the Service or designated agency may issue permits to domestic animal owners or their agents (e.g., employees, land manager, local officials) to take (including intentional harassment or killing) any Mexican wolf that is present on non-Federal land where specified in the permit. Permits issued under this provision will specify the number of days for which the permit is valid and the maximum number of Mexican wolves for which take is allowed.
- *Take on Federal land.* Based on the Service's or a designated agency's discretion and in conjunction with a removal action authorized by the Service, the Service may issue permits to livestock owners or their agents (e.g., employees, land manager, local officials) to take (including intentional harassment or killing) any Mexican wolf that is in the act of biting, killing, or wounding livestock on Federal land where specified in the permit.
- *Take in response to unacceptable impacts to a wild ungulate herd.* If an Arizona or New Mexico game and fish agency determines, based on ungulate management goals, that Mexican wolf predation is having an unacceptable impact to a wild ungulate herd, the respective State game and fish agency may request approval from the Service that Mexican wolves be removed from the area of the impacted wild ungulate herd. Upon written approval from the Service, the State (Arizona or New Mexico) or any designated agency may be authorized to remove (capture and translocate in the MWEPA, move to captivity, transfer to Mexico, or lethally take) Mexican wolves.

Monitoring or Enforcement Program

The Service will measure the success or failure of our progress implementing the final revised 10(j) rule in support of the long-term conservation and recovery of the Mexican wolf. Using adaptive management principles, the Service will continue to modify subsequent management actions depending on what is learned. We will prepare periodic progress reports, annual reports, and publications, as appropriate, to evaluate release strategies and other management actions.

Quarterly and Annual Progress Reports

The Service, in coordination with other agencies that are partners in the reintroduction of the Mexican Wolf Recovery Program, prepares quarterly and annual progress reports which detail all aspects of the recovery effort, including the status of the experimental population and released wolves (population estimate, mortality, reproduction, home range and movements); management actions (releases and translocations, removals, and investigations); proactive management

activities to assist in reducing wolf-livestock conflict; wolf predation; wolf depredation; public outreach; information about semi-captive release facilities; litigation; and other pertinent updates.

Phasing: 5- and 8-year Evaluations

The 2015 10(j) rule requires that two evaluations be conducted at 5 and 8 years after the effective date of the 2015 10(j) rule to determine if we will move forward with the next phase of wolf occupancy in western Arizona. We have not proposed to revise this evaluation schedule and have already conducted our 5-year evaluation, which did not result in a phase change. During the 8-year evaluation we will consider adverse human interactions with Mexican wolves, impacts to wild ungulates, and whether or not the Mexican wolf population in the MWEPA is achieving a population number consistent with a 10 percent annual growth rate based on end-of-year counts, such that the population is at least 200 Mexican wolves. The phasing may be expedited with the concurrence of participating State game and fish agencies. Regardless of the outcome of the two evaluations, by the beginning of year 12 from the effective date of the final 10(j) rule the phased management approach will no longer apply. We will incorporate the information for these reviews into our annual report, which will serve as the documentation for these evaluations on the phasing of the reintroduction project.

5-Year Assessment of the Effectiveness of the Final Experimental Population Rule

We will conduct a one-time full evaluation of the final 10(j) rule 5 years after it becomes effective. The evaluation will focus on modifications needed to improve the efficacy of reestablishing Mexican wolves in the wild and the contribution the experimental population is making toward the recovery of the Mexican wolf. A one-time program review conducted 5 years after our final determination will provide an appropriate interval to assess the effectiveness of the project. This one-time program review is separate from the status review of the listed species that we will conduct once every 5 years as required by section 4(c)(2) of the Act.

Other evaluations

In addition to the reviews above, the Service will conduct 5-year status reviews for the Mexican wolf pursuant to section 4(c)(2) of the ESA, with upcoming reviews occurring in 2023 and 2028, and 5- and 10-year evaluations to assess progress toward recovery based on data through 2022 and 2027, respectively.

For More Information

You may obtain a copy of the FEIS and ROD online at www://https.regulations.gov by searching for Docket No. FWS-R2-ES-2021-0103. Alternatively, you may obtain a hard copy of the FEIS by writing to Brady McGee, Mexican Wolf Recovery Program Coordinator, New Mexico Ecological Services Field Office, 2105 Osuna Road, NE, Albuquerque, New Mexico, 87113. The FEIS and ROD will also be available for public inspection, by appointment, during normal business hours (8 a.m. to 4:30 p.m.) at the New Mexico Ecological Services Field Office.

Approved:

AMY LUEDERS

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Amy Lueders
Regional Director, Region 2
U.S. Fish and Wildlife Service

Date