



## Questions and Answers: Public Scoping on supplemental Environmental Impact Statement for the remand of the Mexican Wolf 2015 Revised Nonessential Experimental Population designation

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**Contact:** Aislinn Maestas, [aislinn\\_maestas@fws.gov](mailto:aislinn_maestas@fws.gov), 505-248-6599

### **What action is the Service taking?**

The U.S. Fish and Wildlife Service is soliciting input from the public as it begins preparing a supplemental Environmental Impact Statement (sEIS) for the remand of its 2015 revision to the nonessential experimental population of Mexican wolf.

### **Why is a supplemental EIS needed?**

On March 31, 2018, the District Court of Arizona remanded portions of our 2015 final rule to revise the designation of the Mexican Wolf Experimental Population Area (MWEPA) in Arizona and New Mexico.

The revision of the 2015 rule will require reanalysis of specific aspects of our 2014 Environment Impact Statement for the Proposed Revision to the Regulations for the Nonessential Experimental Population of the Mexican Wolf (*Canis lupus baileyi*).

The experimental population designation for Mexican wolves is authorized under section 10(j) of the ESA. We began reintroducing Mexican wolves in 1998 in Arizona and New Mexico in an area designated as the Mexican Wolf Experimental Population Area (MWEPA). We revised the MWEPA designation in 2015 to improve conservation of the Mexican wolf after analyzing our proposed revisions in the 2014 Environment Impact Statement for the Proposed Revision to the Regulations for the Nonessential Experimental Population of the Mexican Wolf.

### **What part(s) of the 2015 rule did the court remand back to the Service?**

The court's ruling directs the Service to redress several components of the 2015 rule to ensure the experimental population contributes to long-term Mexican wolf conservation and recovery. Specifically, it directs the Service to make a new essentiality finding under section 10(j) of the Endangered Species Act, ensure take provisions of Mexican wolves are adequately protective of Mexican wolf population genetics, and ensure the experimental population objective supports recovery.

The geographic boundaries of the experimental population will not be altered by this action. During the rule-making process, the current rule remains in place.

The 2015 rule can be found here:

<https://www.fws.gov/southwest/es/mexicanwolf/listing10j.html>.

### **What is the Service seeking comment on?**

The public is being asked to provide the following information:

- Input on the benefits or impacts of an essential versus nonessential determination.
- Information related to establishing a population objective and release recommendations, especially new information since the publication of the 2017 recovery plan.
- Impacts of three take provisions on the genetic health of the experimental population and overall recovery of the Mexican wolf.
- New, pertinent information that will help the Service describe and assess the impacts to land use, environmental justice, human health and safety, and the livestock and hunting/guiding industries in the project area.

### **What role will cooperating agencies play in the development of a supplemental EIS?**

The Service will be working with federal, state, tribal and county agencies and governments on the draft sEIS. We plan to hold meetings/teleconferences with our partners and cooperating agencies during the remand process.

### **What is the timeline for publishing a final rule?**

The Service plans to publish a proposed rule and draft EIS supplement by Fall 2020. The draft EIS supplement will be presented to the public for further review. Comments will be accepted in writing where the public can express opinions on options offered in the draft sEIS. We will post updates online regarding public meetings. The Service will revise the proposed rule and draft sEIS supplement based on comments. To comply with the remand, the Service must publish a revised, final rule by May 1, 2021.

### **Will this action result in changes to The Mexican Wolf Recovery Plan?**

No. The remand process will not result in any changes to The Mexican Wolf Recovery Plan, First Revision. This recovery plan, finalized in 2017, replaced the original 1982 Mexican wolf recovery plan.

The Service plans to align the revised rule with The Mexican Wolf Recovery Plan, First Revision to bring consistency between the rule and the recovery criteria and strategy detailed in the plan.

You can access The Mexican Wolf Recovery Plan, First Revision, here:

<https://www.fws.gov/southwest/es/mexicanwolf/pdf/2017MexicanWolfRecoveryPlanRevision1Final.pdf>.

### **What is a 10(j) rule?**

Section 10(j) of the ESA allows for the designation of reintroduced populations of listed species as “experimental populations.” With the experimental population designation, the specified population is treated as threatened under the ESA, regardless of the species’ designation elsewhere in its range. Treating the experimental population as threatened allows us the discretion to devise management programs and special regulations for that population.

### **How can I submit a comment?**

The NOI initiates a 60-day comment period for the public to review and comment on any of the topics to be addressed in the draft sEIS. The NOI can be found at <https://www.fws.gov/southwest/es/mexicanwolf/listing10j.html>.

Comments can be submitted electronically at <http://www.regulations.gov>. Follow the instructions for submitting comments to Docket No. FWS-R2-ES-2020-0007, which is the docket number for this Notice of Intent. Hard copy comments can be submitted by U.S. mail or hand-delivery to: Public Comments Processing, Attn: FWS-R2-ES-2020-0007, U.S. Fish and Wildlife Service, MS: PRB/PERMA (JAO/1N), 5275 Leesburg Pike, Falls Church, VA 22041–3803. Comments must be submitted by 11:59 p.m. ET on June 15, 2020.

For more on the Mexican Wolf Recovery Program, visit the Mexican wolf website: <https://www.fws.gov/southwest/es/mexicanwolf/>.