

Colorado Gray Wolf Reintroduction 10j and EIS US Fish and Wildlife Service

Cooperating Agency Call Notes

October 26, 2022
2:00 – 3:00 pm MST
Microsoft Teams Meeting

Attendees:

Name	Organization
Nicole Alt	FWS
Martin Lowney	Animal and Plant Health Inspection Service (APHIS)
Jim Heffelfinger	Arizona Game and Fish Department (AZGFD)
Jim DeVos	Arizona Game and Fish Department (AZGFD)
Alan Bittner	Bureau of Land Management (BLM)
Les Owen	Colorado Department of Agriculture (CDA)
Eric O'Dell	Colorado Parks and Wildlife (CPW)
Tyler Johnson	Forest Service (FS)
Peter McDonald	Forest Service (FS)
Fred Jarman	Garfield County
Matt Canterbury	Jackson County
Amber Swasey	Mesa County
Jeff Comstock	Moffat County
Justin Musser	Montrose County
Edward Smercina	Rio Blanco County
John Mack	National Park Service (NPS)
Kim Hersey	Utah Division of Wildlife Resources (UDWR)
Callie Hendrickson	White River and Douglas Creek Conservation Districts
Lori Fox	WSP
Jessica Forbes-Guerrero	WSP
Ken Mills	Wyoming Game and Fish Department (WGFD)

DISCUSSION

The Service provided an update on the status of development of the Draft EIS. The Draft EIS currently is with Regional Counsel for review. The project team will be working through comments from Counsel over the next week or so. This project will require Departmental review, and the Service will schedule a Departmental briefing during this process.

Nicole asked if any cooperators would like to add anything to the agenda. Callie Hendrickson noted she has been successful in getting more socioeconomic information from the Colorado State University Extension and will forward that to the Service.

The Service reviewed the summary of comments received from cooperating agencies and responses to these comments. The most common topics of comments received were

summarized in a short document. The summary of comments and responses is attached to these minutes.

Additional discussion during review of comments and responses is summarized below:

- Many comments were related to the wording of the draft rule under alternative 1. At this point, it is pre-decisional to make any changes to the draft rule language since the draft rule is being developed under a separate process. Changes to the rule language were made to address grammatical errors; otherwise, comments on the draft rule language are being held until the draft rule is available for public review. The Service is asking cooperating agencies to submit comments related to their areas of expertise that are covered in the EIS, particularly socioeconomic conditions and other areas in their purview.

Allowing external agencies to influence rulemaking processes under the ESA could create litigation risk. Rulemaking is at the Service's discretion, and the Service is deferring responding to any comments on the draft rule language (i.e., elements of alternatives 1 and 2) until the draft rule is released for public review. Cooperating agencies under NEPA, other agencies, and members of the public will have the opportunity to comment on the draft rule language when the draft rule is published for public review. There are no cooperating agencies for development of the draft rule. The cooperating agencies will be able and are encouraged to submit the same comments on the draft rule during that public review period.

- The team explained the changes that had been made to address comments and questions on the focal counties. Introduction of the focal counties has been moved to the beginning of chapter 3, and the focal counties have been removed from the alternative maps in chapter 2. The focal counties are the methodology used for the detailed analysis of impacts and do not affect how the alternatives would be implemented. Both alternative 1 and alternative 2 would be implemented statewide, and impacts of these alternatives are assessed statewide.
- Nicole asked if counties were concerned with something in particular related to consistency of the proposed action with county plans or land use ordinances. Fred Jarman will circle back with other counties and try to provide the Service with an explanation of specific concerns regarding inconsistency with local plans.
- The Service will follow up with both CPW and CDA to understand which agency does what under what circumstances, to make sure these elements are captured correctly in the EIS. CPW will work with CDA to get additional information to the Service (whether Colorado or both entities).
- Jim Heffelfinger asked if discussion of trophic cascades would be left in the EIS. If trophic cascades are kept in the document, Jim would expect to see more discussion of potential impacts to Mexican wolves. Jim will discuss potential cumulative effects on Mexican wolves with the Service at a later time.
- Jim DeVos commented that the failure to analyze effects to the Mexican wolf is a weakness that could lead to legal challenge. It is a concern for Arizona and likely for New Mexico. This is a perceived weakness in Arizona's evaluation of the EIS. The Service noted that the EIS is not analyzing effects to Mexican wolves as a direct effect of the Service's action but as a cumulative effect of the State's action.

- Jim Heffelfinger offered his help in addressing impacts to ungulates and revising the discussion of trophic cascades. Jim would expect that discussions of impacts to ungulates, Mexican wolves, and trophic cascades would receive equal treatment and would be based on the best available science. Jim will provide additional information on these topics to Nicole.

Following review of the cooperating agency comments and responses, Nicole noted there will probably not be opportunities for additional substantive input while the EIS goes through internal review. The Service will schedule other opportunities to touch base with cooperating agencies during development of the Draft EIS, likely the first or second week of December and in January.

Nicole requested information from the counties on locations where there would be high interest in hosting a public meeting.

Nicole opened the meeting for any additional comments or questions, and Callie stated that she has received a lot of questions regarding when the DEIS would be out for public comment. The Service's goal is to release the DEIS for public review this winter. The date has not been finalized yet and may change depending on the outcomes of internal review.