

Colorado Gray Wolf 10(j) Rulemaking EIS US Fish and Wildlife Service

Coordination Calls – CO Wolf Issues Notes

April 3, 2023
3:00 – 4:00 pm MST
Microsoft Teams Meeting

Attendees:

Name	Organization
Nicole Alt	FWS
Scott Becker	FWS
Kurt Broderdorp	FWS
Lauren Toivonen	FWS
Jessica Forbes	WSP
Lori Fox	WSP
Margaret Stover	WSP
Clay Crowder	Arizona Game and Fish Department (AZGFD)
Reid DeWalt	Colorado Parks and Wildlife (CPW)
David Klute	Colorado Parks and Wildlife (CPW)
Eric Odell	Colorado Parks and Wildlife (CPW)
Stewart Liley	New Mexico Department of Game & Fish (NMDGF)
Kimberly Hersey	Utah Division of Wildlife Resources (UDWR)
Justin Shannon	Utah Division of Wildlife Resources (UDWR)

Previous Meeting Recap

The Service reviewed takeaways and items of discussion from the previous meeting. The group had discussed changes to the 10(j) rule and EIS regarding the biological and genetic impacts to Mexican gray wolves and how to address the potential ungulate section to ensure it does not undermine the language in the Mexican gray wolf 10(j) rule. Additionally, the group had spoken about issuing 10(a)(1)(A) permits to neighboring states and having an MOU among the states.

Discussion

NMDGF, AZGFD, and UDWR offered to help with the language for the MOU. UDWR asked about the likelihood of Utah being included in the 10(a)(1)(A) permit. They noted that they do not want to impede the process of getting the permits for Arizona and New Mexico. The Service explained that they would be as transparent as possible as they speak to leadership about the permit for Utah. The Service spoke to headquarters about the approach to including Utah in the permit and explained that furthering the recovery of gray wolves in Colorado would be a good argument for issuing the permits. The argument that Utah provides a habitat corridor to Arizona

and New Mexico would be less compelling. The Service plans to model their approach after the Mexican Gray Wolf Recovery Plan and 10(j) rule.

NMDGF said they can provide draft language during the week of April 24th for the EIS, rule, 10(A)(1)(a) permit, and MOU. The Service noted that it would save time and effort to discuss some of the key issues in advance so that none of the changes come as a surprise or result in excessive back-and-forth after the drafts are developed. AZDGF suggested using the call on April 17th to go through some of the language. NMGFD and the Service agreed.

UDWR asked if the 10(a)(1)(A) permit for Utah would be separate from New Mexico and Arizona's. They also asked if the permit would include states to the east of Colorado. The Service responded that if they are going to issue an umbrella permit tied to the 10(j) rule, then all of the states would be included. UDWR asked if this effort could put Arizona and New Mexico's permit at risk and the Service said they do not think it would. UDWR asked if their permit would cover all of Utah or just east of I-15 and said they would prefer the entire state but would be okay with a permit for east of I-15. The Service said they would try to include the entire state except for the area in which gray wolves are delisted.

NMDGF said that they agree with a two-pronged argument for the 10(a)(1)(A) permit, to protect another endangered species (Mexican gray wolf) and to further the recovery of gray wolves in Colorado. CPW and the Service agreed. NMDGF suggested including a solicitor on a call to make sure the language used would be defensible. They also asked the Service to share their timeline so that the states do not slow down their process.

The Service noted that WSP has a task to draft the MOU based on the previous MOU for the Mexican gray wolf. The group agreed that NMDGF and AZDGF would work on the MOU. NMDGF said they would plan to send the background language for Mexican gray wolf impacts first, followed by justification of the 10(a)(1)(A) permit and permit language, and then the MOU.

CPW shared that there was legislation proposed to not allow wolf reintroduction without the 10(j) in place. This legislation also would require the state to delay reintroduction until the litigation period for the 10(j) rule has passed (6 years). The governor is likely to veto the bill if it were to pass.

AZDGF asked if the Service had peer reviewers for the 10(j) rule and asked for the Service to share the comments received. The Service sent the 10(j) rule to three peer reviewers and they will share the comments.

Next Steps

The group decided to meet on April 17th to review and discuss the background language that the states are working on. The Service cancelled the meeting on April 10th.