

ADDITIONAL TALKING POINTS

Consider using and personalizing some of the talking points below; they're organized by topic and align with the message of the alert.

On March 30, 2018, the United States District Court issued a [44-page order](#) on the 2015 10(j) rule in favor of conservation organizations and against the U.S. Fish and Wildlife Service (USFWS).

Excerpts from the Court Order are in italics.

ESSENTIAL DESIGNATION

- *“the essentiality determination is arbitrary and capricious (Page 25, lines 14-15)”*
- *“FWS made no findings regarding the current state of the Mexican wolf experimental population. Rather, it relied on findings it made in 1998, when circumstances were markedly different than they are today.” (Page 39, lines 7-9)*
- Mexican gray wolves are essential. Losing our existing population of wolves in Arizona and New Mexico would jeopardize recovery. The zoos and captive breeding facilities in the Mexican Wolf Species Survival Plan could no longer replace the nearly 200 wolves in the wild.

GEOGRAPHIC BOUNDARIES/ ISOLATED POPULATION

- Eliminating current boundaries will prevent wolves from harm. Under the current rule, USFWS captures and relocates any wolf dispersing north of I-40 whether territories are established or not. Capturing and moving wolves is always very risky, Mexican wolves too often die during routine USFWS management activity. We are reminded of this threat with the premature death of the Prieto pack's nine-year-old breeding female AF1251, who died in federal custody just weeks ago on April 25.
- In a recent analysis of the stark differences between the 2013 and 2017 draft recovery plans for the Mexican gray wolf, (Carroll, 2019) found that “Recovery goals based on politics rather than science slow Mexican wolf recovery by allowing the agency to forego opportunities to establish new populations in suitable habitat and to underestimate the number of wolves that need to be released from captivity into the wild population to improve genetic health.”
- Carroll et al. (2014) state that “the southwestern United States has 3 core areas with long-term capacity to support populations of several hundred wolves each.
- *“The rule’s provision for a single, isolated population of 300-325 wolves, with one to two effective migrants per generation, does not further the conservation of the species and is arbitrary and capricious.” (Order at 27: 2-4.)*
- We need several populations of Mexican gray wolves, including one in the Grand Canyon ecoregion and one in the Southern Rockies, in addition to the existing populations in the Mexican Wolf Experimental Population Area and in Mexico.
- Lack of habitat connectivity is one of the greatest threats to biodiversity worldwide. The proposed rule still artificially limits wolves’ ability to seek new habitats and expand throughout their historic range and does not do enough to ensure connectivity between populations in the U.S. and Mexico.

- USFWS and other partners of the interagency field team should not initiate any capture efforts to move Mexican gray wolves that travel north of Interstate 40. Wolves should be allowed to continue on their journeys without risking potential harm during recapture and translocation, and the agencies should focus on keeping an endangered wolf safe wherever they roam.
- There is highly suitable wolf habitat north of Interstate 40. U.S. Fish and Wildlife Service should be pursuing recovery in an expanded area. Although FWS acknowledges that territory north of I-40 will likely be required for future recovery and recognized the importance of natural dispersal and expanding the species' range, it nevertheless imposes a hard limit on dispersal north of I-40.
- We can predict that wildlife species will shift their ranges in response to climate change and Mexican wolves will likely move further northward into the Grand Canyon region if allowed to do so. The U.S. Fish and Wildlife Service must adequately address the potential changes in wolf habitat, prey species, water and vegetation distribution, and wolf movements due to the impacts of climate change in the revised Mexican Wolf 10(j) Management Rule.

WOLF REMOVAL ORDERS/EXPANDED "TAKE"/COEXISTENCE

- Peer-reviewed research demonstrates that killing predators is not only a crude and ineffective solution to deter depredation on cows, it can even result in increased attacks. Killing wolves is also expensive for taxpayers. Moreover, removals are disruptive to pack dynamics and can give rise to yet further conflict.
- While livestock owners are compensated for livestock lost to wolves, and offered financial and logistical assistance with depredation avoidance measures, there is no corresponding requirement for livestock owners to remove livestock carcasses on public lands (or take measures to protect their cattle from depredations in the first place).
- Despite the benefits of nonlethal methods, neither the Fish and Wildlife Service nor the U.S. Forest Service require livestock permittees to take any non-lethal measures to prevent conflicts with wolves on public lands, including our national forests.
- Studies show that non-lethal measures are the best means for protecting cattle, sheep, and other domestic animals from depredation. Such methods include sanitary carcass removal, fladry, synchronizing birthing seasons with native ungulates, changing livestock types or breeds, spotlights, airhorns, guard animals, range riders, electric fencing, and Foxlights.
- *"the expanded take provisions contained in the new rule do not contain adequate protection for the loss of genetically valuable wolves." (Page 29, lines 2-3)*
- *"the expanded take provisions lack protections for loss of genetic diversity. Instead, FWS justifies the expanded take provisions on the ground that they will "make reintroduction compatible with current and planned human activities, such as livestock grazing and hunting." This explanation fails to show that FWS considered the requirements of Section 10(d), or that its decision adhered to the ESA's conservation purpose." (Page 29, lines 11-16)*
- *"the expanded take provisions lack protections for loss of genetic diversity. Instead, FWS justifies the expanded take provisions on the ground that they will "make reintroduction compatible with current and planned human activities, such as livestock grazing and hunting." This explanation fails to show that FWS considered the requirements of Section 10(d), or that its decision adhered to the ESA's conservation purpose." (Page 29, lines 11-16)*

ILLEGAL KILLING/POACHING

- USFWS should stop providing telemetry and GPS receivers and codes for Mexican gray wolves' radio collars to anyone except government biologists and scientific investigators because the present practice contributes to the exceedingly high number of illegal killings of wolves.

GENETIC HEALTH

- According to the Initial Release and Translocation Proposal for 2021, the wild population's mean kinship (MK) is approximately 0.24. This means that, on average, "individuals within the population are as related to one another as full siblings."
- The USFWS must develop more concrete ways to assess and improve the genetics of the wild population.
- The USFWS must include an effective migration rate to protect against genetic deterioration.
- Cross-fostering is one tool for introducing gene diversity, but unless cross-fostered wolves survive to breeding age and reproduce, they are not contributing their genes to the wild population and should not count toward achieving a genetic objective.
- Wolves should count toward a genetic objective only after they have reproduced in the wild.
- Mexican wolf's genetic imperilment requires an active program of releasing more genetically diverse wolves into the wild to capitalize on the remaining genetic potential available in the captive population.
- The release of appropriate bonded wolf packs with their dependent pups from the Mexican Wolf Species Survival Plan should also be included as a strategy for achieving genetic objectives. USFWS should have plans in place to take this recovery action in the short-term to address the growing genetic crisis, especially if genetic metrics are not being reached. Waiting years for cross-fostering to have enough of an effect may be too late for these rare wolves.
- Cross-fostering takes place in areas where packs are already concentrated and established. Bonded wolf family group releases could allow wolves to recover in more places.

BEST AVAILABLE SCIENCE

- The court found the Service failed to follow the best available science.
- *"the best available science consistently shows that recovery requires consideration of long-term impacts, particularly the subspecies' genetic health. Moreover, this case is unique in that the same scientists that are cited by the agency publicly communicated their concern that the agency misapplied and misinterpreted findings in such a manner that the recovery of the species is compromised. To ignore this dire warning was an egregious oversight by the agency."* (Page 31, lines 11-17)

NEW RULE MUST NOT RELY ON FLAWED 2017 RECOVERY PLAN

- A federal court order prohibits aligning the 10(j) Rule with the Mexican Wolf Recovery Plan. Judge Zipps clearly stated in her 2019 decision in the recovery plan lawsuit, the Service cannot meet the “best available science” standard required for the 10(j) rule revision simply by referencing the recovery plan:

Whatever the force of a recovery plan under the ESA, the 10(j) rule must ‘further the conservation of [the] species’ and release of an experimental population must be determined using the best scientific and commercial data available...As previously stated by this Court, ‘the substance or terms of future recovery actions, do not relieve FWS of its obligations under Section 10(j).’ (Center for Biological Diversity v. Zinke, CV-15-00019-TUC-JGZ (D. Ariz. Mar. 29, 2019))

- It would be reasoning based on circular logic for the USFWS to return before the court and use these 2017 recovery criteria as justification for retaining the aspects of the previous 10(j) rule rejected by the court.