January 31, 2022

The Honorable Shannon A. Estenoz
Assistant Secretary for Fish and Wildlife and Parks
U.S. Department of the Interior
1849 C Street, N.W.
Washington, D.C. 20240

Assistant Secretary Estenoz,

I write to express concern with the draft rulemaking recently published by the U.S. Fish and Wildlife Service (USFWS) to revise the 10(j) rule for the Mexican Wolf Program. I believe that the contents of the draft rulemaking will adversely affect my constituents and limit their ability to protect themselves on private lands from dangerous wolf activity. I also believe that this rulemaking is indicative of management practices adopted by USFWS that prioritize avoiding frivolous litigation from environmental special interests, instead of what is best for all stakeholders involved. Since the Mexican Wolf is designated as a nonessential experimental population, local stakeholder support and input is required. The USFWS has failed to truly consider that local input and gain local support.

Of particular concern to myself and my constituents is the proposal in the revision that invalidates existing take provisions on private lands. The ability to take a wolf on private land, for those who have permits, can be an important tool to protect life and property. What is puzzling about the proposal to invalidate these provisions is that USFWS has stated on multiple occasions to congressional staff that no wolves have been taken using one of these permits. For this reason, I struggle to see the need to do away with these provisions when they are currently causing no harm to the wolf population, while being a reassuring tool for my constituents to use in case of an emergency.

In addition, I am concerned that USFWS continues to move the benchmarks, both in terms of numbers and genetic diversity, for species recovery. When the Mexican wolf was first reintroduced into the wild, the recovery goal was an achievable 100 wolves, now the number stands at greater than 325 wolves. The genetic diversity benchmarks affirmed in the revision seem to be unattainable given the limited genetic foundation of the species. Genetic significance has also been used as an excuse by USFWS to not deal with “problem wolves,” meaning individual wolves responsible for significant livestock loss, in an effective manner.

I believe that these numbers are based on one-sided science that values the population of the Mexican wolf, at all costs, over the negative consequences of greater wolf predations and does
not account for the inadequacies of the program. These inadequacies include under-staffing, a lack of proper communication with cooperating agencies, and not following memorandums of understanding (MOU’s) with local governments. This is coupled with a cumbersome livestock predation compensation process that has resulted in permittees waiting over 18 months after a predation has occurred to receive compensation. I have also begun to receive feedback from constituents that USFWS is beginning to change predation methodologies, making it harder to confirm wolf predations and for my constituents to receive the compensation to which they are entitled.

My office has also been contacted by constituents involved in sportsmen’s activity within the Mexican Wolf Recovery Area who are seeing an unprecedented collapse in both elk and deer herd populations due to increased wolf activity this year. This both endangers the equilibrium of the ecosystem and harms local businesses that cater to sportsmen.

For the program to be run effectively and in the best interest of all stakeholders, I believe that revisions to the 10(j) rule cannot be made until programmatic structural changes are made first. USFWS must provide greater consultation with affected landowners, impacted local governments, and cooperating federal agencies to prevent unnecessary property loss and negative economic consequences. The status-quo is not sustainable, and the frustration of my constituents grows with each passing day.

Therefore, I request that documentation answering these questions be produced to my office:

1. What are the requirements and standard operating procedures within the Mexican Wolf Program for notifying permittees, local governments, and schools when wolves are nearby?
2. What is the average wait time, from the time a predation occurs, for a permittee to receive compensation under the Fish and Wildlife Service livestock predation grant program?
3. What are the current methodologies utilized by USFWS personnel to confirm wolf livestock predations?
4. What is the Fish and Wildlife Service doing to track uncollared wolves and how many uncollared wolves are active in New Mexico?
5. What is Fish and Wildlife Service doing to track and mitigate the impacts on elk and deer herds within the wolf recovery area?
6. How does the new proposed rule seek to manage “problem wolves?” What does the FWS consider to be a “problem wolf?” Will there be public notice and input if the FWS proposes to release a “problem wolf” elsewhere in New Mexico?
7. What are the FWS protocols for the translocation of wolves in New Mexico? Will there be public notice and input prior to translocation decisions?

I also request the opportunity to meet with you, at your earliest convenience, to discuss the negative impacts the Mexican Wolf Program continually has on my constituents. As I have
demanded previously, the Fish and Wildlife Service must change course and rethink its one-sided approach to managing the population of the Mexican wolf. If the Mexican Wolf Program is to be successful, it must treat those most affected by it with respect and a degree of trust, something I believe it continually fails to do.

Sincerely,

Yvette Herrell
Member of Congress

CC:

Martha Williams, Acting U.S. Fish and Wildlife Service Director
Amy Leuders, U.S. Fish and Wildlife Service Southwest Regional Director
Brady McGee, Mexican Wolf Recovery Coordinator