

MEXICAN WOLF BLUE RANGE REINTRODUCTION PROJECT¹

ROLES AND RESPONSIBILITIES FOR MEXICAN WOLF MEMORANDUM OF UNDERSTANDING COOPERATORS

FINAL NOVEMBER 2012

BACKGROUND:

A Memorandum of Understanding (MOU) for cooperative management of the Mexican Wolf Reintroduction Project was developed and signed in 2010 by cooperating Federal, State, County, and Tribal agencies (MOU Cooperators). The primary purpose of the MOU is to provide a framework for collaboration that is based in sound science and which enables the Signatories to develop a mutually-agreeable, long-term collaboration in reintroduction of Mexican wolves in Arizona and New Mexico within the Mexican Wolf Experimental Population Area (hereafter MWEPA) as defined in the 1996 Final Environmental Impact Statement for the Mexican Wolf within its Historic Range in the Southwestern United States (EIS) and the Final 10(j) Rule for the Establishment of a Nonessential Experimental Population of the Mexican Gray Wolf in Arizona and New Mexico (63 FR 1752; January 12, 1998) (10(j) Rule).

Objectives of the MOU, included:

- Committing to developing documents such as: (a) Signatory authorities, roles, and functions (i.e. responsibilities or duties) consistent with applicable statute, policy, or regulation; (b) other processes or procedures by which signatories will coordinate and manage the Project, including mechanisms, formats, and priorities for interagency work planning, budgeting, outreach, wolf management (including nuisance or depredation response, interdiction, and compensation), performance reporting, and evaluation; and (c) processes or procedures by which signatories will enable the public to participate in this project.
- Ensuring that efforts toward Mexican wolf conservation are productively integrated with, and appropriately balanced by, programs that prevent, reduce or mitigate any negative impacts that Mexican wolf reintroduction might have on lawful multiple or other uses of public lands, private lands or participating Federal Indian Trust Lands. Toward that end, the signatories will strive to stabilize existing funding for such measures and to develop additional funding to implement a comprehensive voluntary interdiction program among livestock producers that are affected by Mexican wolf reintroduction. In addition to the Mexican Wolf Interdiction Fund, the signatories will apply any other program that can help reduce wolf/livestock conflicts or alleviate the impacts of livestock depredation by wolves, while enabling progress toward the project's wolf population objective and reintroduction success.

¹The Reintroduction Project (Project) is a collaborative effort among signatories of the MOU relating to Mexican Wolves.

- Fostering cooperation which improves the science-based foundation for project success by actions that include revision of the: (a) 1982 Mexican Wolf Recovery Plan; (b) 10(j) Rule; (c) USFWS 1998 Mexican Wolf Management Plan; and (d) annual and long-term population objectives for the reintroduction effort.

FRAMEWORK:

1. The purpose of this document is to provide guidance to the Mexican Wolf MOU Cooperators regarding their roles and responsibilities in implementing the Mexican Wolf Reintroduction Project. MOU Cooperator authorities, roles, and functions (i.e. responsibilities or duties) are consistent with applicable statute, policy, or regulation. MOU Cooperators consist of those entities that are signatory to the 2010 MOU, inclusive of their designee to the Middle Management Team (MMT).
 - a. Each signatory to the MOU, or their designee, will serve as an Executive Decision Maker.
 - b. Each signatory to the MOU will designate a representative(s) to the MMT. The MMT will be routinely updated on Mexican Wolf recovery planning and Reintroduction Project activities. The MMT will review or develop:
 - (i) Interagency work plans
 - (ii) Budgets
 - (iii) Standard Operating Procedures (SOP's)
 - (iv) Outreach materials and processes
 - (v) Annual reports
 - (vi) Interagency Field Team (IFT) major proposals (e.g., removals, releases, translocations, and major shifts in management paradigms)
 - c. IFT members will consist of MOU Cooperator employees, whose primary duties involve on-the-ground management.
 - d. Tribes: The U.S. Fish and Wildlife Service (USFWS) will continue government -to - government collaboration with Tribal entities in a fashion consistent with Statements of Relationships, Secretarial Order 3206, Tribal Wolf Management Plans, and Information Management Protocols. The Tribes have broad police and management authorities for wildlife inherent in treaty rights and the above agreements. For example, the USFWS and the White Mountain Apache Tribe manage wolves under a cooperative agreement which recognizes tribal authority on the Fort Apache Indian Reservation. Tribes may voluntarily be involved in other processes associated with the signatories. The rest of this document does not address the San Carlos Apache Tribe or the White Mountain Apache Tribe; however, Tribal entities can at any time further define their desired interaction with the USFWS and other MOU Cooperators.

- e. USFWS is responsible for recovery of the Mexican wolf and for implementation of the Mexican Wolf Reintroduction Project. USFWS will: 1) develop a revised Mexican Wolf Recovery Plan that will provide recovery and delisting criteria; 2) develop a proposed revision to the existing nonessential experimental population rule pursuant to section 10(j) of the Endangered Species Act (ESA); 3) lead the development of appropriate National Environmental Policy Act documents for the Recovery Program and Reintroduction Project; 4) provide a Mexican Wolf Field Projects Coordinator to the IFT to serve as USFWS lead field representative; 5) manage the captive breeding program to ensure appropriate wolves (in terms of genetics and behavior) are available for releases and translocations, and 6) provide all necessary USFWS authorizations and permits to all Signatories on a timely basis, as sanctioned under applicable laws.

- f. The Arizona Game and Fish Commission (Commission) is responsible for the management of wildlife for the state of Arizona. The Arizona Game and Fish Department (AGFD), acting on behalf of the Commission, is responsible for implementing the Reintroduction Project on non-Tribal lands in Arizona and providing assistance on Tribal lands in Arizona as requested by the appropriate Tribe. The AGFD provides a Field Team Leader to serve as the AGFD lead field representative and other full time staff and provides all necessary AGFD authorizations and permits to all Signatories on a timely basis, as sanctioned under applicable laws.

- g. U.S. Department of Agriculture-APHIS-Wildlife Services will continue to assist with Project research needs through their research branch and to provide Depredation Specialist(s) to the IFT, who will: 1) investigate depredations; 2) trap and manage wolves involved in depredations; and 3) provide assistance and input on IFT issues and priorities.

- h. The U.S. Forest Service (USFS) is the primary land manager in the Blue Range Wolf Recovery Area. The mission of the USFS is "To sustain the health, diversity, and productivity of the Nation's forests and grasslands to meet the needs of present and future generations". As set forth by law, the USFS mission is to achieve quality land management under the sustainable multiple-use management concept to meet the diverse needs of the people. Under the Endangered Species Act, as amended, all Federal agencies are charged with using their authorities to conserve and promote the recovery of threatened and endangered species. The USFS will continue to provide a liaison to the IFT to: 1) serve as the primary liaison between the IFT and USFS on all project-related issues that pertain to USFS-managed lands, USFS permittees, and others Forest users; 2) provide coordination between the various USFS District Rangers/Wildlife Staff and the IFT on project-related activities and issues; 3) provide assistance and input on IFT issues and

priorities; and 4) facilitate project needs for obtaining necessary USFS authorizations, permits, environmental analyses, and closure orders.

- i. Counties will: 1) enhance communication with other interested parties and the public to keep them informed on the Project and the Recovery Program; 2) provide logistical and other support as necessary for the Reintroduction Project; 3) coordinate impact assessments and mitigation measures that may occur from reintroduction and recovery of the Mexican wolf, on health, safety, and welfare of the Counties and their residents.
2. The States have broad police and management authorities for wildlife in their respective states. The States have been granted authorities for threatened and endangered species under section 6 of the ESA as follows:
 - a. Any employee or agent of the USFWS, any other Federal land management agency, the National Marine Fisheries Service, or a State conservation agency, who is designated by his agency for such purposes, may, when acting in the course of his official duties, take endangered wildlife without a permit if such action is necessary to:
 - (i) Aid a sick, injured or orphaned specimen; or
 - (ii) Dispose of a dead specimen; or
 - (iii) Salvage a dead specimen which may be useful for scientific study; or
 - (iv) Remove specimens which constitute a demonstrable but non-immediate threat to human safety, provided that the taking is done in a humane manner; the taking may involve killing or injuring only if it has not been reasonably possible to eliminate such threat by live-capturing and releasing the specimen unharmed, in a remote area.
 - b. Any taking under this section must be reported in writing to the USFWS, Office of Law Enforcement, 4401 North Fairfax Drive, LE-3000, Arlington, VA 22203, within 5 days. The specimen may only be retained, disposed of, or salvaged under directions from the Office of Law Enforcement.
 - c. Any qualified employee or agent of a State Conservation Agency which is a party to a Cooperative Agreement with the USFWS in accordance with section 6(c) of the ESA, who is designated by his agency for such purposes, may, when acting in the course of his official duties take those endangered species which are covered by an approved cooperative agreement for conservation programs in accordance with the Cooperative Agreement, provided that such taking is not reasonably anticipated to result in:

- (i) The death or permanent disabling of the specimen;
 - (ii) The removal of the specimen from the State where the taking occurred;
 - (iii) The introduction of the specimen so taken, or of any progeny derived from such a specimen, into an area beyond the historical range of the species; or
 - (iv) The holding of the specimen in captivity for a period of more than 45 consecutive days.
3. Recognizing the balance of authorities between the State(s), the USFWS, and other MOU cooperators, as outlined above, operational decisions for the Project will be made by the following processes (note: see also “section 9. Dispute Resolution”).
- a. For all day-to-day management issues, within the guidance of SOP’s (e.g., non-aerial population monitoring, trapping for monitoring purposes, food caches, depredation assignments):
 - (i) Consistent with coordination and input from the entire IFT, the jurisdictional IFT lead (IFTL) and the FWS Field Projects Coordinator (FPC) will address these management issues through informal discussion and inform the MOU Cooperators of the decision, as appropriate. The IFTL will have final authority provided that any disagreement with the FPC is not so severe as to require dispute resolution.
 - (ii) For issues that require dispute resolution, the IFT will refer to the “section 9 Dispute Resolution” section of this document.
 - b. For decisions that require additional coordination and/or higher levels of authority (i.e. releases, translocations, and management removals), the FPC and jurisdictional IFTL will seek to develop a joint recommendation consistent with coordination and input from the entire IFT. In cases where a joint recommendation cannot be achieved the issue will go through the dispute resolution process, as described in “section 9 Dispute Resolution” below.
 - (i) The recommendation will incorporate input from all IFT members, but at a minimum will capture concerns and/or recommendations from the IFT lead representatives of the agencies.

- (ii) The recommendation will be forwarded from the IFT to the jurisdictional agency and USFWS MMT members for distribution to the entire MMT. After receiving comments from the MMT, the recommendation would be forwarded to appropriate Executive(s) for decision, as described in the corresponding SOP.
 - (iii) Situations that require an immediate management response will be implemented by the USFWS with notification to the MMT as soon as possible.
 - (iv) A memorandum of decision will be issued from the appropriate decision making authority when a decision has been made and forwarded to the other MOU Cooperators.
4. On non-Tribal lands and in the absence of a state lead, the USFWS's intent is to move forward with management of Mexican wolves in accordance with the EIS and 10(j) Rule.
 5. All SOP's should be reviewed by the MMT and be updated as necessary with new information and processes and in accordance with appropriate state/Federal level decisions and coordination.
 6. New SOP's can be requested by any cooperating agency or the IFT. The USFWS, in collaboration with MOU Cooperators, will lead the development of any new SOP for Mexican wolves.
 7. Coordination:
 - a. IFT will meet a minimum of every other month.
 - b. MMT will meet in person at least twice each year; at least one of these meetings will be in conjunction with an executive meeting. Additional meetings may occur in person or via other technology.
 - c. The MMT will explore work group paradigms to effectively incorporate a wide diversity of opinions to achieve Project goals.
 - d. The Executives will meet at least twice each year. At least one of these meetings will be in person.
 - e. Outreach to non-tribal landowners and the public will continue to be coordinated by the jurisdictional lead agency and the USFS, if possible, or by the USFWS and the USFS absent state involvement.
 - f. Press releases will be provided to MOU Cooperators prior to their release to the media.

8. Annual and long-term population objectives for the reintroduction effort.
 - a. The MOU Cooperators will assist in the development of direction for Mexican wolf population objectives and management responses.
 - b. The MMT and IFT will assist in the development of a score card for determining success criteria.

9. Dispute Resolution and Decision Making

IFT disputes will be raised to the USFWS and jurisdictional lead agency MMT members for resolution. If the dispute cannot be resolved, it will be forwarded to involved Executives, as defined in Section 1 above, for resolution. MMT members will format IFT recommendations and provide any additional information necessary for Executive's consideration.

Larry D. Voyles, Director Date
Arizona Game and Fish Department

Jeffrey S. Green, Regional Director, Western Region Date
USDA APHIS/Wildlife Services

Corbin L. Newman, Regional Forester Date
USDA Forest Service Southwestern Region

Benjamin N. Tuggle, Director, Region 2 Date
U.S. Fish and Wildlife Service

Ronnie Lupe, Chairman
White Mountain Apache Tribe

Date

James Palmer, Chair
Graham County (AZ) Board of Supervisors

Date

Richard Lunt, Chair
Greenlee County (AZ) Board of Supervisors

Date

J.R. DeSpain, Chair
Navajo County (AZ) Board of Supervisors

Date

Pascal Berlioux, Executive Director
Eastern Arizona Counties Organization

Date

Michael Pastor, Chair
Gila County (AZ) Board of Supervisors

Date

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