

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

## State Coordination Meeting Notes

July 31, 2023  
3:00 – 4:00 pm MST  
Microsoft Teams Meeting

Attendees:

| Name            | Organization                                 |
|-----------------|--|
| Kurt Broderdorp | U.S. Fish and Wildlife Service               |
| Brady McGee     | U.S. Fish and Wildlife Service               |
| Liisa Niva      | U.S. Fish and Wildlife Service               |
| Adam Zerrenner  | U.S. Fish and Wildlife Service               |
| Clay Crowder    | Arizona Game & Fish Department (AZGFD)       |
| Jim deVos       | Arizona Game & Fish Department (AZGFD)       |
| Brian Dreher    | Colorado Parks and Wildlife (CPW)            |
| Eric Odell      | Colorado Parks and Wildlife (CPW)            |
| Stewart Liley   | New Mexico Department of Game & Fish (NMDGF) |
| Kim Hersey      | Utah Division of Wildlife Resources (UDWR)   |
| Justin Shannon  | Utah Division of Wildlife Resources (UDWR)   |
| Jessica Forbes  | WSP  |
| Lori Fox        | WSP  |
| Margaret Stover | WSP  |

### **MOU Discussion**

The group discussed the status of the MOU. The states agreed that CPW would shorten the agreement to around one page based on input from their attorneys and that the states would review the agreement during their next meeting among themselves. The states asked if they could mention the Service issuing 10(a)(1)(A) permits in the agreement and the Service said they could, especially because the permits were mentioned in the similar MOU for the Mexican wolf project. The Service asked to see the agreement once the states are ready to share it in case it has any relevance to the broader decisions the Service is making on wolves.

### **Project Updates/Timeline**

The Service had planned to share draft recovery permit language with the states next week but decided to push this date out to 8/14 to accommodate their other deadlines. The group decided to cancel next week's meeting on 8/7.

The Service gave the group an update on their timeline for the FEIS and final rule. The Service received comments from their regional office, policy experts, and their solicitors. The team is working on addressing the comments to ensure the FEIS and rule are as clear as possible. The

Service is hoping to have the Regional Director Matt Hogan surname the rule by the end of the week. The Service is briefing the Office of Information and Regulatory Affairs (OIRA) on 8/1 and is scheduling a briefing for the Department of the Interior (DOI) Review Team.

### ***Questions & Answers***

AZDGF asked how many cooperating agencies provided comments on the draft FEIS. The Service estimated that 8-10 cooperating agencies submitted comments. Most comments were focused on the ungulate provision, the scope of the NEPA analysis, how the 10(j) rule would interact with other laws like the Wilderness Act, and interactions between Mexican wolves and gray wolves.

AZDGF asked if the Southern Ute Indian Tribe and the Ute Mountain Ute Tribe had requested the ungulate provision. The Service explained that both Tribes had requested the provision either verbally or in writing. The Service's Region 2 representative asked if the Navajo Nation had requested the ungulate provision and Region 6 said that they did not but had asked for wolves that migrate onto the Navajo Nation be removed. The Service is in the process of scheduling a meeting with the Navajo Nation and initiating the government-to-government consultation they had requested in their comment letter. Region 2 noted that for Mexican wolves, they will honor requests for wolf removal on reservation lands, but fee title lands are treated as private lands.

UDWR asked for the Service and CPW to clarify how Colorado could capture wolves from an unlisted population and transport those wolves through Colorado without the Service becoming involved, since wolves are endangered in Colorado. The Service explained that Colorado's authority to do so comes from their Section 6 agreement with the Service, which allows states to have programs for the benefit of threatened and endangered species without the Service's involvement. CPW also noted that if a wolf is captured in a state where the species is delisted, the wolf retains its delisted status until it is released into an area where it is listed. CPW explained that the Section 6 agreement is also used for black-footed ferret releases.

AZDGF asked if the Service had decided on the length of time to issue the 10(A)(1)(a) permit. The Service plans to discuss this decision internally and report back to the states.