

From: [Hansen, Craig](#)
To: [Broderdorp, Kurt](#); [Toivonen, Lauren K](#); [Becker, Scott A](#)
Subject: Fw: CO wolf 10j
Date: Wednesday, February 22, 2023 11:35:10 AM

More FYSA.

From: Miller, Martin <martin_miller@fws.gov>
Sent: Wednesday, February 22, 2023 11:15 AM
To: Hansen, Craig <Craig_Hansen@fws.gov>; Kasdin, Alexandra E <alexandra_kasdin@fws.gov>; Constantino, Maricela <maricela_constantino@fws.gov>
Cc: Nelson, Marjorie (Marj) <marjorie_nelson@fws.gov>; Alt, Nicole <Nicole_Alt@fws.gov>; Hornaday, Kelly <Kelly_Hornaday@fws.gov>
Subject: Re: CO wolf 10j

Thanks, Craig. That's the explanation that caused me to ask the question.

An entity cannot be more imperiled than its least imperiled component entity. The Western Great Lakes population is part of the 44-state entity, and we've maintained since at least the late 1990s that the WGL population is recovered. Because the WGL population is recovered, any larger entity of which it is a part is also recovered. So, we've maintained for some 25 years that the 44-state entity is already recovered.

"Conservation" is defined such that only actions that are necessary to reach recovery (to get to the point where listing is no longer necessary) can be considered to further conservation of the species. We don't have authority under the ESA to implement more actions than are necessary to achieve recovery of the listed entity; we are obligated to delist a listed entity as soon as it reaches recovery.

So, to say that the CO 10j furthers conservation of the 44-state entity is wrong - unless we're now saying that the WGL population is not recovered. And, to my knowledge, we have not identified a listed entity that is within the 44-state entity and that excludes the WGL population, and whose recovery necessitates establishment of a population in CO; and even if we did identify such an entity, we would not have authority to pursue its recovery until it was officially recognized as a listed entity through a rulemaking.

What am I missing?

Martin Miller, Manager, Division of Endangered Species, U.S. Fish and Wildlife Service,
Northeast Region 5, 300 Westgate Center Drive, Hadley, MA 01035

From: Hansen, Craig <Craig_Hansen@fws.gov>
Sent: Wednesday, February 22, 2023 9:59 AM

To: Miller, Martin <martin_miller@fws.gov>; Kasdin, Alexandra E <alexandra_kasdin@fws.gov>; Constantino, Maricela <maricela_constantino@fws.gov>

Cc: Nelson, Marjorie (Marj) <marjorie_nelson@fws.gov>; Alt, Nicole <Nicole_Alt@fws.gov>; Hornaday, Kelly <Kelly_Hornaday@fws.gov>

Subject: Re: CO wolf 10j

Good morning, Marty:

Thank you for your questions. The proposed rule, available [here](#), should clearly address your questions - particularly [here](#), under the **Effects of the NEP on Recovery Efforts** section - as we considered similar questions during its development.

If you have additional questions or concerns, I recommend that we schedule a meeting, which I am happy to help schedule.

Sincerely,

Craig Hansen

From: Miller, Martin <martin_miller@fws.gov>

Sent: Wednesday, February 22, 2023 6:07 AM

To: Kasdin, Alexandra E <alexandra_kasdin@fws.gov>; Constantino, Maricela <maricela_constantino@fws.gov>

Cc: Nelson, Marjorie (Marj) <marjorie_nelson@fws.gov>; Hansen, Craig <Craig_Hansen@fws.gov>; Alt, Nicole <Nicole_Alt@fws.gov>

Subject: Re: CO wolf 10j

Thanks, Alex.

Marj et al. - could you please help me understand the justification for the CO 10j?

This is a critical issue for the whole lower 48. The ESA does not give us the authority to establish a new listable entity where none currently exists; the ESA gives us the authority only to identify an existing listable entity, to list that entity, and to recover that entity. I assume the Service does not intend to eventually treat the 10j population as a DPS unto itself. So, the 10j population must be necessary for recovery of some existing listed entity. What is that entity, and where is the justification that it's necessary for recovery of that entity?

Marty

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From: Kasdin, Alexandra E <alexandra_kasdin@fws.gov>
Sent: Thursday, February 16, 2023 4:03 PM
To: Miller, Martin <martin_miller@fws.gov>; Constantino, Maricela <maricela_constantino@fws.gov>
Cc: Nelson, Marjorie (Marj) <marjorie_nelson@fws.gov>; Hansen, Craig <Craig_Hansen@fws.gov>; Alt, Nicole <Nicole_Alt@fws.gov>
Subject: Re: CO wolf 10j

Hi Marty,

Thanks for reaching out with these questions. Maricela and I actually have not been involved in the Colorado 10(j) effort (we have been focused on the western wolf status review; I know it's a confusing division of labor!). I am looping in Marj Nelson, Craig Hansen, and Nicole Alt who I hope can help answer your questions.

Thanks!

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For correspondence templates and resources, please see [Interior Regions 5 and 7's Correspondence OneDrive](#) or [Headquarters' Briefing Paper Template Sharepoint](#).

From: Miller, Martin <martin_miller@fws.gov>
Sent: Thursday, February 16, 2023 12:55 PM
To: Constantino, Maricela <maricela_constantino@fws.gov>; Kasdin, Alexandra E <alexandra_kasdin@fws.gov>
Subject: CO wolf 10j

Hi - how did the Service determine that the Colorado 10j furthers the conservation of the entity to which it belongs (the 44-state entity where it's listed as E) when we've determined that this entity has already achieved conservation?

The ESA defines "conservation" as "*all methods and procedures which are **necessary** to bring any endangered species or threatened species to the point at which the measures provided pursuant to this Act are no longer necessary.*" How was the 10j necessary?

In response to a 2007 petition to protect wolf-like canids under a S/A designation in the Northeast, we said:

“We have determined that consideration of a similarity of appearance (S/A) designation of coyotes and other wolf-like canids is premature. The U. S. Fish and Wildlife Service (Service) must first complete an analysis of the currently listed gray wolf entity. We must examine its taxonomic identity(ies), population structure(s), and range(s) to determine the need and appropriate scale(s) for recovery planning. This analysis is necessary to determine whether recovery of the listed entity requires the restoration of a wolf population in the northeastern United States. Because we have not yet determined whether restoration of a wolf population in the Northeast is necessary for recovery of the listed entity, it is premature to consider what actions might be effective, practicable, necessary, and advisable to achieve that objective.”

Reintroduction, like a S/A designation, is a method used to further conservation. The Service said a S/A designation requires a determination that it's needed for recovery, so it follows that a reintroduction would require the same determination.

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