

## **6 PUBLIC INVOLVEMENT, AGENCIES AND PERSONS CONSULTED**

NEPA requires Federal agencies to make diligent efforts to involve other agencies and the public whenever possible (40 CFR 1506.6). In accordance with this requirement we have followed Service guidance to make a “reasonable and concerted effort to involve affected Federal agencies, states, government officials and agencies, non-governmental organizations, and the public in the NEPA planning, decision making, and implementation process” (USFWS 2013). This chapter provides a summary of the opportunities that have been made available for public involvement, including government, and non-governmental agencies or organizations in the development of this EIS.

### **6.1 PUBLIC INVOLVEMENT**

Because of the significant public interest expected in our proposed action we developed a strategy to ensure that the public was provided meaningful opportunities to provide input and comment and to establish and maintain positive partnerships between the Service, our cooperating agency partners, tribes, elected officials, local governments and the general public, including low-income and minority groups and multiple stakeholders groups. The public involvement strategy for this EIS incorporated the following key elements:

- Notifying and informing interested parties, key stakeholders, the general public and population groups of concern about the project and opportunities to provide input.
- Coordination and engagement with multiple federal and state agencies, tribal governments and local governments through establishment of both cooperating agency status and through participation on Interdisciplinary Project Team (IPT) and tribal working groups.
- Using direct mail, email, newspaper notices/advertisements, Federal Register notices, News Releases, website, fact sheets, and information repositories as methods of communication.
- Continuation of the scoping process that was initiated in 2007 with a Notice of Intent (NOI) to Prepare an EIS. A second NOI to Prepare an EIS was published in the Federal Register on August 05, 2013. This notice announced the availability of preliminary draft Chapter 1&2 of the EIS for public review/comment and initiated a second phase of scoping.
- Public hearings/information sessions during scoping and during the draft EIS review/comment period.
- Informal meetings with representatives of the potentially affected public, local governments, tribes, agencies, and organizations.

#### **6.1.1 Stakeholder Mailing List and Newsletters**

The stakeholder electronic mail (email) list was a key tool for ensuring that interested and potentially affected parties received information on the EIS and appropriate and timely notice of opportunities for public involvement and the availability of draft and final documents. The mailing list was routinely updated over the course of the project with over 800 stakeholder names, addresses and email addresses obtained from meeting attendance lists, written comments and requests for information. Emails were the primary method of disseminating information to stakeholders through status updates, notification of upcoming events and the availability of documents for review. The emailing/ mailing list includes:

- Federal, state and local government elected officials
- Federal and state agencies
- Tribal groups

- Community groups and non-governmental organizations (NGOs)
- Potentially affected land owners, businesses, and residents
- Leaders in and groups servicing the population groups of concern for environmental justice
- Individual interested stakeholders

### **6.1.2 News Releases/Federal Register Notices**

News releases concerning this project were released by the FWS Region 2 Public Affairs Officer and Headquarters Office of Communication in Arlington Virginia. Prior to publishing the proposed rules in the Federal Register, we published a news release on June 7, 2013, informing the public of the proposal to return management of gray wolves to the states and keep the Mexican wolf as an endangered species. Subsequently on June 13, 2013 we published the two proposed rules in the Federal Register; *Proposed Revision To the Nonessential Experimental Population of the Mexican Wolf* (78 FR 35719) and *Removing the Gray Wolf (Canis lupus) from the List of Endangered and Threatened Wildlife and Maintaining Protections for the Mexican Wolf (Canis lupus baileyi) by Listing It as Endangered* (78 FR 35664). Following this the Service's Southwest Regional office published a news release on August 2, 2013 which solicited public input on the development of a draft Environmental Impact Statement on Mexican Wolves and notified the public of the imminent Notice of Intent to be published in the Federal Register. On August 5, 2013 we published in the Federal Register a Notice of Intent to prepare the Mexican wolf EIS, *Notice of Intent To Prepare an Environmental Impact Statement for the Proposed Revision to the Nonessential Experimental Population of the Mexican Wolf (Canis lupus baileyi)* (78 FR 47268).

On September 5, 2013 we published in the Federal Register extensions to the comment period for the two proposed rules, *Proposed Revision To the Nonessential Experimental Population of the Mexican Wolf* (78 FR 54613) and *Removing the Gray Wolf (Canis lupus) from the List of Endangered and Threatened Wildlife and Maintaining Protections for the Mexican Wolf (Canis lupus baileyi) by Listing It as Endangered* (78 FR 54614), and notified the public of the venues to be used for public hearings. Subsequently on September 24, 2013 the Service's Southwest Regional office published a news release announcing a public hearing to be held in Albuquerque on October 4, 2013 to receive comments on the two proposed rules. With the impending government shutdown in October, the Albuquerque hearing had to be cancelled and rescheduled. A news release on October 1, 2013 announced the cancellation of this hearing. With the reopening of the government on October 24, 2013, the Service's Southwest Regional office published a news release notifying the public of the comment period extension for both rules and announcing rescheduled hearings. This was followed by a notification in the Federal Register on October 28, 2013, *Extending the Public Comment Periods and Rescheduling Public Hearings Pertaining to the Gray Wolf (Canis lupus) and the Mexican Wolf (Canis lupus baileyi)* (78 FR 64192). The comment deadline for the two proposed rules was extended again, from October 28, 2013 to December 17, 2013 to allow the hearings to take place within the public comment periods.

With updates to the June 2013 proposed rule (78 FR 35719) and completion of a draft EIS in July of 2014, we published a news release on July 24, 2014, notifying the public of the revised proposed rule and the availability of a draft EIS on the proposed revisions; announcing the opening of a 60-day comment period with two public information meetings; and the scheduling of hearings. On July 25, 2014, we published a Notice of Availability (NOA) for the revised proposed rule, *Proposed Revision to the Nonessential Experimental Population of the Mexican Wolf* (79 FR 43358) in the Federal Register, announcing the availability of the draft EIS, the scheduled public information sessions and hearings, and the reopening of the public comment period. On the same day the Environmental Protection Agency's weekly Environmental Impact Statements; Notice of Availability published in the Federal Register (79 FR 43465) included notification of the draft EIS for the *Proposed Revision to the Nonessential Experimental Population of the Mexican Wolf* with a comment period ending on September 23, 2014.

On November 25, 2014 we published a Notice of Availability (NOA) for the final EIS for the *Proposed Revision to the Regulations for the Nonessential Experimental Population of the Mexican Wolf (Canis lupus baileyi)* and a draft Record of Decision (ROD) in the Federal Register. The availability of the final EIS and a 30-day review period was announced in the Environmental Protection Agency's weekly Environmental Impact Statements; Notice of Availability published in the Federal Register on November 28, 2014. The final EIS and draft ROD were made available electronically on <http://www.regulations.gov> in Docket No. FWS-R2-ES-2013-0056, on the Mexican Wolf Recovery Program's website at <http://www.fws.gov/southwest/es/mexicanwolf/>, or at the Southwest Region Forest Service's National Forest Supervisor Offices throughout Arizona and New Mexico. The final EIS and draft ROD were also made available for public inspection, by appointment, during normal business hours (8 a.m. to 4:30 p.m.) at the New Mexico Ecological Services Field Office, 2105 Osuna Road, NE, Albuquerque, NM 87113.

### **6.1.3 Website/Information Repositories**

A webpage for NEPA planning was established on the FWS Southwest Region Ecological Services Mexican Gray Wolf Recovery Program website (<http://www.fws.gov/southwest/es/mexicanwolf/>). Information repositories were established in the Southwest Region Forest Service's National Forest Supervisor Offices throughout Arizona and New Mexico. The webpage and the information repositories were maintained during the duration of the EIS preparation. Materials placed on the webpage and in the repositories included notices, fact sheets (English and Spanish versions), project updates, the project schedule of milestones, the proposed 10(j) Rule, the preliminary draft Chapters 1 & 2 of the EIS, the draft and final EIS and the revised proposed 10(j) rule.

## **6.2 SCOPING**

The Service initiated the scoping process by publishing a Notice of Intent (NOI) to prepare an EIS for the *Proposed Amendment of the Rule Establishing a Nonessential Experimental Population of the Arizona and New Mexico Population of the Gray Wolf ("Mexican Gray Wolf")* in the Federal Register (FR) on August 7, 2007 (72 FR 44065). Twelve public informational sessions were held in the communities and on the dates listed in the *Mexican Wolf EIS: Public Comment Process and Analysis for Scoping Phase* report (<http://www.fws.gov/southwest/es/mexicanwolf/documents.cfm>). The actions under consideration were in support of both the Mexican Wolf Reintroduction Project and the Mexican Wolf Recovery Program and included possible changes to the 1998 Final Rule. A new NOI to prepare an EIS for the *Proposed Revision to the Nonessential Experimental Population of the Mexican Wolf (Canis lupus baileyi)* with an accompanying news release was published in the Federal Register on August 5, 2013. In this NOI we announced the continuation of the scoping process for this EIS that we began in 2007.

### **6.2.1 Scoping 2007-2012**

Twelve public scoping meetings were attended by 1,286 people. A web site was developed to serve as a "virtual meeting" where visitors had access to the same information presented at the public meetings. Links to the USFWS e-mail for public comments were included on the site. Written comments were solicited for the public record during the comment period, August 7 through December 31, 2007. We received a total of 13,598 comments (USFWS 2008). The range of comments was wide and many comments were general in nature, expressing support for, or disapproval of, the wolf reintroduction program. Systematic analysis of the thousands of comments received resulted in the emergence of twenty-six different issues. Following the completion of this comment period we determined that large scale changes (i.e. changes to the experimental population boundaries or changes to the management options for wolves within the MWEPA) to the Reintroduction Project as established under the 1998 Final Rule would be considered subsequent to the development of a revision to the 1982 Mexican Wolf Recovery Plan. A Recovery Team was convened in 2010 to begin the process of revising the Recovery Plan. At the same time we determined that it was appropriate to move forward with a proposed

modification to the area within the BRWRA available for the direct initial release of captive wolves. A Preliminary Draft Environmental Assessment (PDEA) for the *Direct Initial Release of Captive Raised Mexican Wolves (Canis lupus baileyi) within the Secondary Recovery Zone of the Blue Range Wolf Recovery Area (BRWRA)* was prepared for internal Service review. During this same time period we developed a PDEA for the *Implementation of a Southwestern Gray Wolf (Canis lupus) Management Plan for Portions of Arizona, New Mexico and Texas*. As part of our NEPA scoping process, the PDEA with the draft management plan was mailed to federal and state agencies and tribes in mid-December, 2012. It was not released to the general public or to interest groups for review or comment. In mid-February, 2013 we decided to withdraw the proposed action for the PDEA on the Southwestern Gray Wolf Management Plan in response to early feedback in the agency/local government/tribal scoping review. Although the action was withdrawn, comments and feedback that were received from agency scoping were considered in the development of the proposed action of this EIS.

## 6.2.2 Scoping in 2013 and 2014

On June 13, 2013 we published a proposed rule in the Federal Register to revise our existing Mexican wolf nonessential experimental population designation in Arizona and New Mexico, *Proposed Revision To the Nonessential Experimental Population of the Mexican Wolf* (78 FR 35719). This action was performed in conjunction with our other proposed rule published the same day in the Federal Register to list the Mexican wolf as an endangered subspecies and delist the gray wolf, *Removing the Gray Wolf (Canis lupus) from the List of Endangered and Threatened Wildlife and Maintaining Protections for the Mexican Wolf (Canis lupus baileyi) by Listing It as Endangered* (78 FR 35664). A 90-day comment period was provided for both proposed rules ending on September 11, 2013.

On August 5, 2013 we published a Notice of Intent (NOI) to prepare the Mexican wolf EIS in the Federal Register, *Notice of Intent To Prepare an Environmental Impact Statement for the Proposed Revision to the Nonessential Experimental Population of the Mexican Wolf (Canis lupus baileyi)* (78 FR 47268). The NOI solicited comments from the public, government agencies, Tribes, industry, the scientific community, or any other interested parties concerning the scope of the EIS, pertinent issues to address, and alternatives that should be analyzed. The time frame for comments was 45 days, to be received on or before September 19, 2013. Specifically, we were interested in comments on the preliminary draft EIS statement of our purpose and need, our proposed action and alternatives, and the alternatives that we considered but were not bringing forward for further analysis in a draft EIS. To guide public input, we made available a fact sheet (in both English and Spanish) as well as the preliminary draft chapters 1 and 2 of the EIS on the NEPA planning webpage of the FWS Southwest Region Ecological Services Mexican Wolf Recovery Program website. In cooperation with the U.S. Forest Service Southwest Region, we established information repositories at the Supervisor Offices for the National Forests in New Mexico and Arizona. A news release announced the availability of the preliminary draft document for comment on the website and at the designated information repositories.

On September 5, 2013 we published notices in the Federal Register to extend the public comment period from September 11, 2013 to October 28, 2013 on both of the proposed rules; *Proposed Revision to the Nonessential Experimental Population of the Mexican Wolf* (78 FR 54613) and *Removing the Gray Wolf (Canis lupus) From the List of Endangered and Threatened Wildlife and Maintaining Protections for the Mexican Wolf (Canis lupus baileyi) by Listing It as Endangered* (78 FR 54614). We also announced that we would hold a public hearing on our proposed revised rule on Friday, October 4, 2013, in Albuquerque, New Mexico and that this hearing would also cover our proposal to remove the gray wolf from the List of Endangered and Threatened Wildlife and maintain protections for the Mexican wolf (*Canis lupus baileyi*) by listing it as endangered (78 FR 35664). As a result of delays caused by the lapse in federal appropriations during the month of October 2013, the service published another extension in the Federal Register on October 28, 2013, which rescheduled dates for the hearings and extended the deadlines for

comments to December 17, 2013; *Extending the Public Comment Periods and Rescheduling Public Hearings Pertaining to the Gray Wolf (Canis lupus) and the Mexican Wolf (Canis lupus baileyi)* (78 FR 64192). Following the government reopening, an email to stakeholders and a news release, published on October 24, 2013 explained the rescheduling of future hearings.

### *Public Hearings*

Two public hearings in the Southwest were held during the scoping period. The first was held in Albuquerque, New Mexico on November 20, 2013, and the second in Pinetop, Arizona on December 3, 2013. A formal notice of these hearings and the extension of the comment period appeared in the Federal Register on October 28, 2013, *Extending the Public Comment Periods and Rescheduling Public Hearings Pertaining to the Gray Wolf (Canis lupus) and the Mexican Wolf (Canis lupus baileyi)* (78 FR 64192), as well as by news release, email to stakeholders, and advertisements run in the Albuquerque Journal on November 9, 2013, and the Arizona Daily Sun and White Mountain Independent on November 12, 2013. The public hearing in Pinetop, Arizona was preceded by a public information session which followed a question and answer format in which attendees had the opportunity to pose questions to a panel of Service representatives. More than 500 people attended each hearing.

### *Comments*

At the close of the comment periods, and with the inclusion of oral statements and written comments received at the hearings, there were approximately 132 comments received for Docket No. FWS-R2-ES-2013-0098 (preliminary draft of Chapters 1 and 2 of the EIS) and over 7000 comments received for Docket No. FWS-R2-ES-2013-0056 (*Proposed Revision to the Nonessential Experimental Population of the Mexican Wolf*). Many comments were non-substantive in nature, expressing either support for, or opposition to, the proposed action or more generally the Mexican wolf reintroduction and/or recovery program. The range of substantive comments was wide. Using a comment matrix we divided substantive comments into categories and subcategories for analysis and the determination of appropriate action. These categories were: Purpose and Need (9 subcategories), Proposed Action and Alternatives (15 subcategories), Impacts (18 subcategories), Process (17 subcategories). Analysis yielded the following issues and concerns:

- Process or Litigation
- I-10 Boundary
- I-40 Boundary
- PRZ/SRZ/Initial Release
- Livestock Interdiction/Depredation Compensation
- Take – Livestock Public Land, Private Land, Pets, Human Safety, Authorized Individuals/Personnel, Federal Agencies, State Agencies
- Genetics
- BRWRA Expansion
- State Authority under ESA Section 6
- Wild Ungulate Impacts
- Texas
- Wolf Dispersal

- Tribal Issues
- White Sands Missile Range
- Private Land Management Agreements
- Definition of Due Care Regarding: Trapping
- Definition of State Owned Land
- Definition of Breeding Pair
- Definition of Depredation/Depredation Incident
- 5-Year Evaluation of 10j
- EIS Purpose/Need or Alternatives
- Recovery/Recovery Plan
- Essential/Nonessential/T/E
- Peer Review
- Population Objective
- Comment from State /Federal Agency /Tribe/County-Local Govt/Public/Peer Reviewer

Substantive comments received during scoping, including the scoping conducted in the period between 2007 and 2012 were considered in the preparation of the draft EIS, including our development of the proposed action and alternatives and our analysis of potential environmental impacts.

*Scoping with Agencies, Tribes, Local Governments and Stakeholder groups*

As part of scoping we attended formal and informal meetings with representatives of the potentially affected public, local governments, tribes, agencies, and organizations. This outreach not only solicited input on the development of the proposed action, alternatives and potential impacts but also focused on how the proposed action and alternatives may or may not have disproportionate effects on the economically disadvantaged, and or racial/ethnic minority groups.

On July 26, 2013 the Service's Field Project Coordinator attended a wildlife committee meeting hosted by the Arizona Cattle Growers' Association in Arizona to discuss the proposed rule and the EIS process. He also attended a public hearing hosted by Mohave County on August 26, 2013 in Kingman, Arizona to present information and listen to concerns. On August 15, 2013 in St. Johns, Arizona, Apache County hosted a meeting on the topic of Memoranda of Understanding (MOUs) for cooperating agency status. Attendees included many county representatives from the southwest region. During the discussion the Mexican Wolf Recovery Coordinator and Service staff addressed concerns raised by the county representatives regarding obligations and responsibilities under a MOU for both the lead agency and for cooperating agencies. In September 2013, the Mexican Wolf Recovery Coordinator and service staff attended hearings hosted by: Cochise County in Bisbee, Arizona; Luna County in Deming, New Mexico; and six hearings sponsored by Arizona Game and Fish Department on the proposed rule and EIS held in Payson, Tucson and Pinetop, Arizona. A webinar was also presented by Service staff at the BLM office in Santa Fe on September 23, 2013 to BLM staff in various offices in New Mexico concerning both proposed rules. An additional hearing was hosted by Luna County in Deming, New Mexico on October 28, 2013, which was attended by Service staff. In addition to these hearings, Service staff attended grazing permittee and informational workshop meetings in Grants, New Mexico, and Sonoita, Arizona on October 30, 2013 and May 15, 2013 respectively to give presentations and listen to public concerns. The

Recovery Coordinator and Service staff met on February 5, 2014 at the Arizona Ecological Services Office in Phoenix, Arizona with several staff members of Arizona's Congressional Delegation, and on June 20, 2014 at the Service's Regional Office with staff members of New Mexico's Congressional Delegation to discuss the proposed rules and respond to questions and concerns raised. Following this, on February 12, 2014 the Recovery Coordinator gave a presentation and listened to concerns at a meeting for the Socorro Rotary Club in Socorro, New Mexico.

To collect the data needed for the analysis of environmental justice and socio-economic issues we sent out data collection letters to county and tribal leaders in potentially affected areas of Arizona and New Mexico. In these letters we provided the contact information for our lead analysts and we requested assistance in gathering information on economic activity in their county and tribal lands. We also requested a review and comment on draft summaries of the pertinent socio-economic baseline data provided to them as enclosures.

A kickoff meeting for the EIS development was held at the Bureau of Indian Affairs Southwest Regional Office, 1011 Indian School Road, Albuquerque, New Mexico, 87104, on August 8 through August 9, 2013. Approximately 45 representatives from federal and state agencies, tribes and local governments attended this meeting during which we reviewed and discussed: the proposed experimental population rule; the preliminary draft chapter 1 (purpose and need) and chapter 2 (Proposed Action and Alternatives) of the EIS; the draft *Mexican Wolf Management Plan*; issues identified in previous public scoping; lead agency and cooperating agency roles and responsibilities; planning for public participation in the EIS; establishment of an Interdisciplinary Project Team (IPT); additional issues of importance to the cooperating agencies; and the project timeline. Informational materials and a final agenda were provided via email prior to the meeting. The second day also consisted of opportunities for sidebar discussions with individual representatives and tribes.

The Service hosted IPT meetings/teleconferences with cooperating agencies, tribes and representatives from stakeholder counties on December 10, 2013 and April 15, 2014 at the New Mexico Ecological Services Field Office in Albuquerque, New Mexico. The purpose and objective of the December 10 meeting was to discuss comments received during the public scoping period and provide opportunity for IPT input to the preliminary draft of chapters 1 and 2 of the EIS. Approximately 32 representatives attended. The purpose and objective of the April 15, 2014 meeting was to: review the synthesis of comments on the proposed 10(j) rule, review revisions to Purpose and Need and Alternatives of the EIS; discuss development of the draft EIS, and discuss public involvement and milestones to the Final EIS and the Record of Decision. A proposed alternative from a coalition of Arizona cooperating agencies and stakeholder groups was presented to the Service for consideration at this meeting. Approximately 30 representatives attended. On June 2<sup>nd</sup>, 12<sup>th</sup> and 23<sup>rd</sup> we held teleconferences with cooperating agencies, tribes and representatives from stakeholder counties to: discuss the status of alternative developments and receive further input on the "Arizona Cooperating Agency Alternative"; receive input and the development of the analysis of Human Health/Public Safety and to discuss county health, safety, and welfare ordinances; and put forward for discussion a proposal to revise the recovery permit to include parts of the Vermejo Park Ranch in northern New Mexico.

The Service also worked closely with the Arizona Game and Fish Department (AGFD) and New Mexico Department of Game and Fish (NMDGF) to collect data and develop the analysis of effects to species of fauna, wild prey, particularly wild ungulates, and economic impacts associated with hunting in Arizona and New Mexico. We held three meetings with AGFD and NMDGF at the New Mexico Ecological Services Field Office in Albuquerque, New Mexico on December 11, 2013, January 21, 2014, and February 10, 2014. A teleconference meeting was also held on February 20, 2014 to describe data requests related to hunting data for economic descriptions of affected environments. An additional

meeting was held with NMDGF at their office in Santa Fe, New Mexico on June 19, 2014, focusing on concerns and comments regarding the draft rule, particularly language and definitions.

Throughout the scoping period we provided status update emails on the progress of the EIS to cooperating agencies and IPT representatives as well as pre and post meeting follow up emails with informational materials such as; agendas, notes and action items, alternatives submitted, presentations, and attendance lists to assist in the dissemination of information and contacts.

### **6.3 DRAFT EIS PUBLIC REVIEW AND COMMENT**

The completion of the draft EIS in July 2014 initiated the next phase of this project. On July 24, 2014, we provided a news release to local and national news organizations announcing our update to the proposed rule and the availability of the draft EIS for public review and comment. On July 25, 2014, we published a Notice of Availability (NOA) for the revised proposed rule, *Proposed Revision to the Nonessential Experimental Population of the Mexican Wolf* (79 FR 43358) in the Federal Register, and announced the availability of the draft EIS, the scheduled public information sessions and hearings, and the opening of the 60-day public comment period running from July 25, 2014 through September 23, 2014. To assist the public in their review we made available our second fact sheet (in both English and Spanish) on the NEPA planning webpage of the FWS Southwest Region Ecological Services Mexican Wolf Recovery Program website (<http://www.fws.gov/southwest/es/mexicanwolf/>) which summarized the EIS development process to date as well as describing the proposed changes with instructions for commenting and announcement of timelines. We published legal notices announcing the availability of the revised proposed rule and the draft EIS for public review and the holding of public hearings on August 4, 2014 in the Albuquerque Journal, on August 5, 2014 in the Arizona Daily Sun and White Mountain Independent, on August 6, 2014 in the Herald, and on August 7, 2014 in the El Defensor Chieftain. The draft EIS and the revised proposed rule were made available for review by the public electronically at <http://www.regulations.gov> in Docket No. FWS-R2-ES-2013-0056, via hardcopies provided for in-house review at Supervisor Offices of the National Forests throughout Arizona and New Mexico as well as being posted on the FWS Southwest Region Ecological Services Mexican Wolf Recovery Program website. In addition to this, electronic PDF files of the draft EIS were emailed to cooperating agencies, tribes, and other stakeholders. Comments could be submitted electronically or by hard copy to the established Docket No. FWS-R2-ES-2013-0056, as explained in the NOA and the news release. Stakeholders were also sent a status update email with a schedule of the timelines, public hearings, and instructions on comment submission.

#### *Public Hearings*

Two public hearings were held during the draft EIS Public Review and Comment period. The first was held in Pinetop, Arizona on August 11, 2014, and the second in Truth or Consequences, New Mexico, on August 13, 2014. A formal notice of these hearings and the 60-day comment period appeared in the Federal Register on July 25, 2014, *Proposed Revision to the Nonessential Experimental Population of the Mexican Wolf* (79 FR 43358), as well as by news release, email to stakeholders, and legal notices run in the Albuquerque Journal, Arizona Daily Sun, El Defensor Chieftain, the Herald, and White Mountain Independent. Each public hearing was preceded by a two hour public information session during which attendees had the opportunity to pose questions to a panel of Service representatives in a question and answer format. Prior to the commencement of both the public information session and the formal public hearing, the Service provided a 20 minute presentation on the revised proposed rule and the draft EIS. More than 300 people attended each hearing, providing both oral testimony and submitting written comments. Transcripts of the hearings were made available on the Mexican Wolf Recovery Program website.



### *Comments*

At the close of the comment period, and with the inclusion of 148 oral and 469 written comments received at the hearings, there were over 36,000 comments received for Docket No. FWS-R2-ES-2013-0056, *Proposed Revision to the Nonessential Experimental Population of the Mexican Wolf* (79 FR 43358, July 25, 2014). These comments were given a tracking number and made available for viewing at <http://www.regulations.gov> in Docket No. FWS-R2-ES-2013-0056.

Many comments were non-substantive in nature, expressing either support for, or opposition to, the proposed action or more generally the Mexican wolf reintroduction and/or recovery program. Many of the comments were also duplicative; either exact reproductions or by reiteration of the same points. The substantive comments covered a wide range of topics. We carefully screened all substantive comments using a comment matrix which divided them into categories and subcategories for analysis and response. Considering the large volume of comments a concerted effort was made to address and respond to all substantive comments in the most efficient manner, while still capturing the entire realm of issues, concerns and topics presented to us throughout this process. Our response to the substantive comments representing the consolidated list of major topics and concerns can be found in Appendix E.

### *Review meetings with Cooperating Agencies, Tribes, and Stakeholder groups*

As part of the review of the draft EIS, we attended additional formal and informal meetings with representatives of the public, local governments, tribes, agencies, and organizations, as well as soliciting additional data from those in affected areas. On September 12, 2014 a meeting was held at the USFWS Regional Office in Albuquerque, New Mexico with AGFD focusing on their key concerns with the proposed rule regarding a population objective, a phased approach to management west of Highway 87, and a definition for unacceptable impacts to wild ungulate herds. Additional discussions with NMDGF on the proposed rule resulted in further clarifications to the definition of unacceptable impacts to wild ungulate herds. On September 24, 2014 the Mexican Wolf Recovery Coordinator and an Outreach Specialist attended a meeting in Tucson, Arizona with representatives from several Natural Resource Conservation Districts (NRCs), school districts, fire districts, Cochise County, and stakeholder organizations in Arizona to hear their questions and concerns regarding the draft EIS.

## **6.4 AGENCIES AND PERSONS CONSULTED: COOPERATING AGENCIES, TRIBAL COORDINATION AND INTERDISCIPLINARY PROJECT TEAM (IPT)**

### **6.4.1 Cooperating Agencies**

In June, 2013 we sent out 84 letters inviting Federal and state agencies and Tribal and local governments to participate as cooperating agencies in the development of the EIS. Memoranda of Understanding (MOUs) were created to establish guidelines for the parties that desired to become formal cooperating agencies. A total of 28 federal and state agencies, local governments, and tribes formalized their participation as cooperating agencies by signing MOUs. The agencies, tribes and local governments which have been designated as cooperating agencies in the development of this EIS are:

#### **Federal Agencies**

- U.S. Department of Agriculture, Forest Service Southwestern Region (USFS)
- U.S. Department of Agriculture, Animal and Plant Health Inspection Service/Wildlife Services-Western Region (U.S.D.A. APHIS WS)
- U.S. Department of the Interior, Bureau of Land Management (BLM), Arizona and New Mexico State Offices
- U.S. Department of the Interior, Bureau of Indian Affairs, Southwest Region (BIA)

- U.S. National Park Service Intermountain Region (NPS)
- U.S. Army-Fort Huachuca, AZ
- U.S. Army-White Sands Missile Range, NM (WSMR)
- U.S. Customs and Border Protection (U.S. CBP)

#### **State Agencies**

- Arizona Game and Fish Department (AGFD)
- New Mexico Department of Game and Fish (NMDGF)
- New Mexico Department of Agriculture (NMDA)

#### **Tribes/Nations/Pueblos**

- Pueblo of Laguna, NM

#### **Counties**

- Eastern Arizona Counties Organization (EACO)
- The counties of Cochise, Gila, Graham, Greenlee, and Navajo in Arizona
- The counties of Chaves, Eddy, Grant, Hidalgo, Lincoln, Luna, McKinley, San Miguel, and Sierra in New Mexico

### **6.4.2 Tribal Coordination**

In late June 2013 we notified the tribal governments of all the Native American tribes in Arizona and New Mexico of our intent to prepare an EIS. In the letters we identified those tribes whose tribal trust land contained suitable habitat for wolves and those which did not contain suitable habitat. We invited all tribes to continue to receive information and provide input to our decision. However, based on our assessment we invited only those tribes with suitable habitat to participate as a cooperating agency in the development of the EIS. We also invited these tribes to initiate consultation, pursuant to Executive Order 13175 (65 FR 67249, November 6, 2000).

At the EIS kick-off meeting held in August 2013, a tribal working group on the EIS was formed and informal discussions with the tribes were sought to receive their input on a range of issues and concerns including economic impacts, traditional and cultural perspectives, the ESA, tribal sovereignty, and environmental justice. Native American liaisons from the Bureau of Indian Affairs and the Service assisted with, and facilitated contacts, meetings and the dissemination of information regarding the EIS development process. In February 2014, letters were sent to Tribal leaders in affected areas of Arizona and New Mexico requesting that Tribes provide information on socio-economic activity and biological resources specific to tribal lands and requesting assistance in identifying areas for the analysis to determine whether disproportionately high adverse effects on tribes might occur from implementation of the proposed action and alternatives.

Tribal representatives attended IPT meetings on December 10, 2013 and April 15, 2014 as well as two Tribal Working Group meetings held at the New Mexico Ecological Services Field Office in Albuquerque, New Mexico on December 12, 2013 and April 16, 2014. The December meeting was attended by 11 Tribal representatives. The purpose and objectives of the meeting were to provide opportunity for input and to discuss the current status of EIS development, comments received during public scoping period, tribal involvement, concerns and issues, and the next steps and schedule. Questions submitted by Tribal members at the meeting that required further investigation were subsequently addressed. The April meeting was attended by 16 Tribal representatives. The purpose and

objectives were to discuss: alternative development; data collection assistance needs; revisions to the proposed 10(j) rule under consideration; and issues and concerns on the Mexican wolf EIS and proposed 10(j) rule specific to the Tribes. The *Tribal Perspectives on Mexican Wolf Recovery* (MWRT Tribal Sub-Group 2014) developed by the Tribal Working Group of the Mexican Wolf Recovery Team was presented for discussion. Additional topics covered were wolf management within the MWEPA on non-trust tribal owned land and data collection and information needs for the EIS. The Service sent out pre and post follow up emails with informational materials such as agendas, notes and action items, GIS maps of wolf habitat on tribal lands, alternatives submitted, presentations, and attendance lists to assist in the dissemination of information and contacts.

On November 26, 2013 representatives from the Service met with Hopi leaders at the Second Mesa, Veteran's Memorial Center in Arizona to discuss the June 13, 2013 proposed rules to reclassify the Mexican wolf as an endangered subspecies and to revise the experimental population for the Mexican wolf and to address questions and concerns regarding the proposed EIS received from the Hopi Tribe in a letter dated September 27, 2013. Approximately 10 Tribal Council members and 10 members of the public attended this meeting. A consultation meeting with the Jicarilla Apache Nation was held on January 23, 2014 at the New Mexico Ecological Services Field Office in Albuquerque, New Mexico, attended by representatives from the Jicarilla Apache Nation tribal government, Jicarilla Game and Fish and tribal members. After an invocation by a tribal member, a presentation was given followed by a round table discussion addressing the Nation's concerns and the presentation of a letter and resolution by the Nation's President from the Legislative Council to the Service's Southwest Regional Director. On February 4, 2014 the Mexican Wolf Recovery Coordinator and Service staff met with the San Carlos Apache Tribal Council in Peridot, Arizona and gave a presentation describing the background, history and status of the Mexican wolf and updated them on the current status of the proposed rules and EIS process. She also attended the annual Native American Fish and Wildlife Society Southwest Regional Conference hosted by the Pueblo of Isleta in New Mexico on August 7, 2014, giving a presentation on the proposed rule and draft EIS as well as responding to questions from Tribal Fish and Wildlife biologists representing the numerous Tribes, Nations, and Pueblos of the United States.

### **6.4.3 Interdisciplinary Project Team**

In addition to the cooperating agencies, numerous tribes, local governments and agencies in the affected area assisted in the preparation of this EIS by participating as part of working groups on the Interdisciplinary Project Team. This team consisted of representatives not only from cooperating agencies but also from agencies, tribes and counties who chose not to act as cooperating agencies but still expressed interest in the development of the EIS. These stakeholder agencies, tribes and local governments were provided notification, information and status updates via email and were considered as part of the IPT per CEQ guidance provided in a January 30, 2002 Memorandum for the Heads of Federal Agencies, *Cooperating Agencies in Implementing the Procedural Requirements of the National Environmental Policy Act* (CEQ 2002).

### **6.4.4 Persons Consulted**

A list of persons consulted in the development of this EIS is available upon request from:

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