

**Questions from Rep. Herrell**

**The Mexican Grey Wolf recovery program in Southwest New Mexico is causing serious damage to our ranching and farming community. There is a lack of communication with local governments and property owners, failure to recognize wolf kills among livestock herds, and massive delays in ranchers being paid for confirmed kills from the Mexican Wolf/Livestock Council.**

**Question 1. In the Administration's budget, are there funds set aside to offset the losses incurred by ranchers located within Mexican Wolf relocation areas? Current funds are extremely inefficient, proof of loss is a cumbersome process and most ranchers lose multiple animals for every kill identified. Many ranchers are being forced out of business. Fair compensation should be a program priority. Please provide a status of this program, identify what resources are available for local governments to help affected businesses and ranchers, and please provide a full accounting of all Wolf kills in Catron County, New Mexico over the past 5 years and how long it took for each rancher to receive compensation for each loss.**

**Response:** The Service administers the Wolf Livestock Loss Demonstration Project (WLLDP) Grants, which Congress authorized in the Omnibus Public Lands Management Act of 2009 (P.L. 111-11). These grants provide funding through a competitive process to states and Tribes to assist livestock producers in undertaking proactive, non-lethal activities to reduce the risk of livestock loss due to predation by wolves and provide compensation to livestock producers for livestock losses due to wolf predation. Additional information about the program can be found here: <https://www.fws.gov/service/wolf-livestock-loss-demonstration-project-grant-program>.

In Fiscal Year 2021 (FY21), the Service provided \$1,318,203 to nine states, including New Mexico, and one Tribe. In FY 21, the Service awarded a WLLDP Grant to New Mexico, through the New Mexico Department of Agriculture (NMDA): \$60,000 under the prevention portion of the grant and \$150,000 under the compensation portion of the grant in FY21 (see attached Service memo). WLLDP Grants require a 50-50 non-federal match. Historically, matching funds have been provided by two non-profit organizations: Defenders of Wildlife and the Mexican Wolf Fund. Recently, NMDA developed methods to capture rancher in-kind efforts as match, greatly increasing match availability and reducing payment delays. The majority of compensation requests come from producers within Catron County.

The Livestock Indemnity Program (LIP) authorized by the Farm Bill is another program that provides compensation to producers for livestock losses due to wolf depredation. LIP has significantly more funding but is less utilized locally, primarily due to compensation rates being based on a national average fair market value price for livestock versus the higher regional or local price.



**Question 2. Lack of Coordination and transparency between Federal, State and local agencies has severely affected a positive relationship dealing with the wolf program. What are the guidelines or regulations requiring coordination with Federal agencies, State and local governments? What oversight of the program is being conducted at a regional or national level? Are there any current recommendations for changes in the program?**

**Response:** The Service's Mexican Wolf Recovery Program (Program) is a collaborative effort involving partner agencies to jointly manage wild Mexican wolves in ways that reduce wolf–livestock conflicts. The Program operates under a Memorandum of Understanding (MOU) with federal, state, Tribal and county partner agencies. The MOU establishes a framework for collaboration enabling the signatory agencies to implement a long-term, science-based program to reintroduce and manage Mexican wolves in Arizona and New Mexico to contribute toward the recovery of this endangered subspecies, in accordance with the Mexican Wolf Recovery Plan, First Revision (Recovery Plan). MOU partners in New Mexico include the New Mexico Department of Game & Fish, USFS, U.S. Department of Agriculture Wildlife Services, BLM, NPS, and Catron County. Each partner agency plays an important role and contributes funding and on-the-ground personnel toward the management of wolves. This includes conducting fieldwork across the recovery area and working closely with livestock owners and permittees to reduce wolf-livestock conflicts and addressing depredation-related issues.

The Service and its partners regularly communicate with ranchers and the public regarding wolf issues, including wolf location information. The Service has a publicly available online map displaying recent wolf locations and regularly calls ranchers when wolves are on their property or on permitted allotments. The Program is overseen by an Executive Committee, which provides input on decisions on actions and resources necessary for the reintroduction and management of the Mexican wolf. The Executive Committee meets at least twice a year, assesses implementation of the Program and makes changes as needed.

**Question 3. Below is an email from the Mexican Wolf Recovery Program Fish & Wildlife Biologist sent to a local rancher on June 15th of 2021. As you can see, this particular rancher has not been compensated for wolf kills dating back to March of 2020 and this rancher is currently owed \$16,492.00. When is this rancher and all other ranchers going to be paid for the damages the wolf is doing to livestock in Southwest New Mexico? Please provide a complete accounting of all outstanding payments due and owing to New Mexico ranchers and property owners for livestock losses due to wolf predation.**

“On Jun 15, 2021, at 1:28 PM, Gardner, Colby <colby\_gardner@fws.gov> wrote:

Hi Audrey

I wanted to let you know that I was able to submit the following requests to NFWF for payment today. Hopefully NFWF will process this request within the next 30 days.

Hope you're doing well... Colby

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Subcommittee on Water, Oceans, and Wildlife  
Oversight Hearing on FY 2022 Budget  
July 21, 2021

Depredation Summary

On 3-24-2020, Wildlife Services (WS) conducted an investigation on livestock owned by Audrey McQueen: WS determined the probable cause of death of one calf to be wolf related. The Mexican Wolf/Livestock Council has determined the compensation value for this calf to be \$450.

On 4-24-2020, Wildlife Services (WS) conducted an investigation on livestock owned by Audrey McQueen: WS determined the cause of injury of one calf to be wolf related. The Mexican Wolf/Livestock Council has determined the compensation value for this calf to be \$450. In addition, the Mexican Wolf/Livestock Council authorized the payment of veterinary costs associated with the care of this calf in the amount \$742.00. The total payment amount for this depredation incident is \$1,192.00.

On 4-24-2020, Wildlife Services (WS) conducted an investigation on livestock owned by Audrey McQueen: WS determined the cause of death of one bull to be wolf related. The Mexican Wolf/Livestock Council has determined the compensation value for this bull to be \$3,500.

On 5-19-2020, Wildlife Services (WS) conducted an investigation on livestock owned by Audrey McQueen: WS determined the cause of death of one calf to be wolf related. The Mexican Wolf/Livestock Council has determined the compensation value for this calf to be \$900.

On 5-19-2020, Wildlife Services (WS) conducted a second investigation on livestock owned by Audrey McQueen: WS determined the cause of death of one calf to be wolf related. The Mexican Wolf/Livestock Council has determined the compensation value for this calf to be \$900.

On 6-30-2020, Wildlife Services (WS) conducted an investigation on livestock owned by Audrey McQueen: WS determined the cause of death of one calf to be wolf related. The Mexican Wolf/Livestock Council has determined the compensation value for this calf to be \$900.

On 7-23-2020, Wildlife Services (WS) conducted an investigation on livestock owned by Audrey McQueen: WS determined the cause of death of one cow to be wolf related. The Mexican Wolf/Livestock Council has determined the compensation value for this cow to be \$1550.

On 8-5-2020, Wildlife Services (WS) conducted an investigation on livestock owned by Audrey McQueen: WS determined the cause of death of one cow to be wolf related. The Mexican Wolf/Livestock Council has determined the compensation value for this cow to be \$1550.

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On 9-22-2020, Wildlife Services (WS) conducted an investigation on livestock owned by Audrey McQueen: WS determined the cause of death of one cow to be wolf related. The Mexican Wolf/Livestock Council has determined the compensation value for this cow to be \$1550.

On 2-13-2021, Wildlife Services (WS) conducted an investigation on livestock owned by Audrey McQueen: WS determined the cause of death of one cow to be wolf related. The Mexican Wolf/Livestock Council has determined the compensation value for this cow to be \$1550.

On 2-13-2021, Wildlife Services (WS) conducted a second investigation on livestock owned by Audrey McQueen: WS determined the cause of death of one cow to be wolf related. The Mexican Wolf/Livestock Council has determined the compensation value for this cow to be \$1550.

On 2-15-2021, Wildlife Services (WS) conducted an investigation on livestock owned by Audrey McQueen: WS determined the cause of death of one calf to be wolf related. The Mexican Wolf/Livestock Council has determined the compensation value for this calf to be \$900.

The Mexican Wolf Livestock Council has authorized the payment of \$16,492.00 to be disbursed to Audrey McQueen from NM Livestock Depredation Compensation Grant F20AP11091.

Colby M. Gardner  
Fish & Wildlife Biologist Mexican Wolf Recovery Program Cell (505) 206-0463  
Office (505) 761-4749”

**Response:** The NMDA transfers funding received through the WLLDP Grant to the National Fish and Wildlife Foundation, which disburses funds to producers once the non-federal match has been identified. The Service does not administer these payments. For a large portion of FY20, grant funding was available but non-federal matches had not been secured, resulting in payment delays to producers. In June, NMDA secured match funding and requests were made to NFWF to disburse funds, which included Ms. McQueen’s requested \$16,492. Subsequently, Ms. McQueen contacted the Service stating she had not received her payment within the estimated 30 days. The Service inquired with NFWF and we understand that her payment was sent on August 6, 2021.

**Question 4.** Another species of concern is the Texas Hornshell Mussel, which to my knowledge will be the first aquatic species to have designated critical habitat in the Rio Grande international border. The proposed critical habitat notes that border protection may be affected by the Texas



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hornshell critical habitat designation. According to the proposed rule, U.S. Customs and Border Protection indicated construction and maintenance of boat ramps, sediment removal, and dam construction may be affected by the designation of critical habitat for the Texas hornshell. **Why is the Service not considering or proposing any areas for exclusion from critical habitat based on national security impacts under Section 4(b)(2) of the ESA?**

The Service cites to the Secretary of Homeland Security's authority under the Illegal Immigration Reform and Responsibility Act of 1996, as amended (IIRIRA) to issue a waiver from all legal requirements that he or she deem necessary to ensure construction of barriers and roads governed by Section 102 of IIRIRA. The Service states that "on February 20, 2020 the Secretary of Homeland Security issued waivers for legal requirements covering border barrier activities directly in the vicinity of the Texas Hornshell's known range (85 FR 9794)."

- a. Is the Secretary of Homeland Security's authority to issue waivers the only reason why critical habitat on the Rio Grande international border are not being excluded?**

**Response:** There were several factors considered in the proposed critical habitat exclusion areas. Under section 4(b)(2) of the ESA, the Secretary must designate critical habitat based on the best scientific data available. The Secretary must also consider economic impacts, the impact on national security, and any other relevant impacts. Page 30899 of the Texas Hornshell proposed critical habitat rule (86 FR 30888) outlines considerations on exclusion areas under the subheading "Impacts on National Security and Homeland Security."

- b. Did the Service read the waiver that was issued by the Secretary of Homeland Security, and referenced in the proposed critical habitat for the Texas Hornshell?**

**Response:** Yes, the Service read the waiver by the Acting Secretary of Homeland Security dated February 14th, 2020 (85 FR 9794, includes Determination and Waiver, Sections 1 & 2).

- c. Of the counties referenced in the waiver, is the Service aware that only two counties overlap with the proposed critical habitat, and not all of the counties where critical habitat is proposed are included in the waiver? (The relevant counties that overlap are Maverick and Val Verde in Texas).**

**Response:** As referenced in the February 20, 2020, Notice of Determination published at 85 FR 9794, the Del Rio Sector includes these two areas: the first, starting approximately two and one-half (2.5) miles north and west of the Del Rio Port of Entry and extending south and east for approximately three and one-half (3.5) miles (area (1)); and a second starting approximately one-half (0.5) mile south of the Eagle Pass II Port of Entry and extending north for approximately three (3) miles (area (2)).

The Service is aware that area (1) is within Val Verde County and area (2) is within Maverick County; these are the only two areas referenced in the waiver that overlap the proposed *critical*

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habitat for Texas hornshell. The Service is also aware that not all counties that cover the proposed critical habitat are included in the waiver.

- d. Is the Service expecting the Secretary of Homeland Security to issue additional waivers under IRRIRA for the entirety of the proposed critical habitat?**

**Response:** The Service has no expectations or knowledge of plans by Homeland Security to issue additional waivers.

**Question 5. If you move forward with listing the Southern distinct population segment of the lesser prairie chicken as endangered, will landowners be able to continue to enroll new acreage under an active Candidate Conservation Agreement with Assurances (CCAA)?**

**Response:** Candidate Conservation Agreements with Assurances (CCAAs) are available for enrollment prior to a species being listed under the ESA. Specific to the lesser prairie-chicken, if the proposed listing is finalized, CCAAs will not be available to enroll new lands upon the effective listing date. The Service encourages voluntary participation in conservation efforts and provides regulatory assurances that remain intact for all participants. The Service is committed to working with all of our partners and stakeholders to enhance existing conservation programs and pursue new options for voluntary programs to conserve the bird and the grasslands of the southern Great Plains.



# United States Department of the Interior

## FISH AND WILDLIFE SERVICE

Washington DC, 20004

July 24, 2021



In Reply Refer To:  
FWS/AES/DBTS/BBS/075200

### Memorandum

To: Regional Director, Portland, OR  
Regional Director, Albuquerque, NM  
Regional Director, Bloomington, MN  
Regional Director, Lakewood, CO  
Regional Director, Sacramento, CA

From: Assistant Director – Ecological Services

Subject: Fiscal Year 2021 Wolf Livestock Loss Demonstration Project Grant Awards

This memorandum provides approval of the fiscal year 2021 Wolf Livestock Loss Demonstration Project Grant awards. These awards are made in accordance with the Omnibus Public Lands Management Act of 2009 (P.L. 111-11). This program provides funding through a competitive process to states and tribes to (1) assist livestock producers in undertaking proactive, non-lethal activities to reduce the risk of livestock loss due to predation by wolves and (2) compensation to livestock producers for livestock losses due to wolf predation.

States and tribes are eligible to compete for both prevention and compensation grants. Compensation proposals are evaluated based on the extent of depredation of livestock by wolves, claim evaluation and record keeping, level of transparency to the public, and accessibility to producers. Prevention proposals are evaluated based on the extent of depredation of livestock by wolves, effectiveness of prevention techniques employed to reduce wolf-livestock interaction, and level of public outreach and coordination.

To fill a greater programmatic need, Ecological Services has reprogrammed \$165,641.14 of depredation compensation funding to depredation prevention where demand has consistently exceeded the total amount of funding available.

Ecological Services is providing \$1,318,203 to nine states and one tribe. Funding for these awards will be transferred through the Budget Allocation System as soon as possible.

### **Depredation Compensation**

Ecological Services is awarding depredation compensation funding to the following eight states.

State	Amount Requested	Award Recommendation
Arizona	\$120,000	\$120,000
Idaho	\$200,000	\$139,850.86
Minnesota	\$56,053	\$56,053
Montana	\$30,000	\$30,000
New Mexico	\$150,000	\$150,000
Oregon	\$17,500	\$17,500
Wisconsin	\$25,000	\$25,000
Wyoming	\$60,000	\$60,000
<b>Total:</b>	<b>\$658,553</b>	<b>\$598,403.86</b>

### **Depredation Prevention**

Ecological Services is awarding depredation prevention funding to the following eight states and one tribe.

State/Tribe	Amount Requested	Award Recommendation
Arizona	\$150,000	\$150,000
California	\$19,000	\$19,000
Confederated Tribes of Warm Springs Reservation of Oregon	\$46,490.28	\$46,490.28
Idaho	\$200,000	\$139,850.86
Minnesota	\$69,458	\$69,458
Montana	\$75,000	\$75,000
New Mexico	\$60,000	\$60,000
Oregon	\$130,000	\$130,000
Wisconsin	\$30,000	\$30,000
<b>Total:</b>	<b>\$779,948.28</b>	<b>\$719,799.14</b>

If you have any questions or need further information, please contact Ms. Dara Rodriguez, Chief, Branch of Budget and Support, at [dara\\_rodriguez@fws.gov](mailto:dara_rodriguez@fws.gov) or (916) 414-6505.