

State of Arizona
Senate
Fifty-second Legislature
First Regular Session
2015

SENATE CONCURRENT MEMORIAL 1003

A CONCURRENT MEMORIAL

URGING THE UNITED STATES FISH AND WILDLIFE SERVICE TO FOCUS FUTURE MEXICAN WOLF INTRODUCTION EFFORTS ON REMOTE AREAS WITHIN THE NORTHERN SIERRA MADRE OCCIDENTAL MOUNTAIN RANGE, TO HALT ADDITIONAL INTRODUCTIONS OF MEXICAN WOLVES IN ARIZONA AND TO SHIFT THE RESPONSIBILITY FOR THE MEXICAN WOLF INTRODUCTION TO THE ARIZONA GAME AND FISH DEPARTMENT.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 To the Director of the United States Fish and Wildlife Service:

2 Your memorialist respectfully represents:

3 Whereas, on January 16, 2015, United States Fish and Wildlife Service
4 (USFWS) issued a revised experimental population rule under section 10(j) of
5 the Endangered Species Act (ESA) that provides for a population objective of
6 300 to 325 wolves in Arizona and New Mexico and expands the areas within
7 which Mexican wolves can occupy and disperse with the goal of phasing the
8 releases westward over a period of twelve years; and

9 Whereas, the revised experimental population rule raises concerns
10 regarding the creation of an unmanageable Mexican wolf population, fails to
11 consider state and local interests and remains silent on Mexican wolf
12 recovery; and

13 Whereas, Congress enacted section 10(j) of the ESA to mitigate fears
14 that reestablishing populations of endangered species would negatively impact
15 landowners and other private parties, recognizing that flexible rules,
16 developed in consultation with local governments and private citizens, could
17 encourage recovery partners to actively assist in the establishment and
18 hosting of endangered populations on their lands; and

19 Whereas, to the maximum extent practicable, section 10(j) rules are
20 intended to represent an agreement between the USFWS, affected state and
21 federal agencies and persons holding any interest in land that may be
22 affected by the establishment of an experimental population; and

23 Whereas, the objective of 1982 Mexican Wolf Recovery Plan is the
24 establishment of a viable, self-sustaining population of at least 100 Mexican
25 wolves in the wild; and

26 Whereas, at the end of 2014, there were a minimum of 109 wolves in the
27 wild in Arizona and New Mexico, all of which were conceived and born in the
28 wild as a direct result of previous wolf introduction efforts; and

29 Whereas, the costs to date of this program have exceeded \$7.3 million;
30 and

31 Whereas, the implementation of the revised experimental population rule
32 will allow additional wolves to be introduced within Arizona and New Mexico;
33 and

34 Whereas, the introduction of wolves into Arizona and New Mexico has
35 resulted in significant adverse impacts on private landowners and resource
36 users, as well as hunting and other recreational activities, which are vital
37 to our local and regional economy; and

38 Whereas, under its regulations, the USFWS must consult with appropriate
39 state fish and wildlife agencies, local governmental entities, affected
40 federal agencies and affected private landowners in developing and
41 implementing experimental population rules; and

42 Whereas, in developing its experimental population rules for the
43 Mexican wolf, the USFWS has failed to meaningfully consult with local
44 governmental entities, whose citizens will be adversely affected by the
45 introduction of wolves, and with private land and resource users who will be
46 adversely impacted by the introduction of wolves; and

1 Whereas, the adopted experimental population rule for the Mexican wolf
2 will create even greater conflicts with private landowners and resource
3 users; and

4 Whereas, the Arizona Game and Fish Department provided the USFWS and
5 the United States Department of the Interior with a notice of intent to bring
6 a civil action pursuant to section 11(g)(1)(C) of the ESA for the Secretary
7 of the Interior's failure to develop a recovery plan for the Mexican gray
8 wolf that meets the legal requirements in section 4(f) of the ESA; and

9 Whereas, the federal government has failed to take into consideration
10 the customs, cultures, historic heritage and local and state economic
11 well-being of areas that have been identified as habitats for this species;
12 and

13 Whereas, the Secretary of the Interior has a nondiscretionary duty
14 under section 4(f) to develop a recovery plan that incorporates "objective,
15 measurable criteria which when met, would result in a determination, in
16 accordance with the provisions of this section, that the species be removed
17 from the list."

18 Wherefore your memorialist, the Senate of the State of Arizona, the House of
19 Representatives concurring, prays:

20 1. That the USFWS focus future Mexican wolf introduction efforts on
21 remote areas within the northern Sierra Madre Occidental mountain range,
22 which contains substantial habitat suitable for Mexican wolves and, in many
23 places, is largely uninhabited.

24 2. That the USFWS halt additional introductions of Mexican wolves in
25 Arizona.

26 3. That the USFWS shift the primary responsibility for the
27 administration of the Mexican wolf introduction program in Arizona to the
28 Arizona Game and Fish Department.

29 4. That the Secretary of the Interior comply with the Secretary of the
30 Interior's duty under section 4(f) of the ESA to develop a recovery plan that
31 incorporates "objective, measurable criteria which when met, would result in
32 a determination, in accordance with the provisions of this section, that the
33 species be removed from the list."

34 5. That the Governor and the Attorney General of the State of Arizona
35 take appropriate actions to uphold this state's responsibilities with respect
36 to the recovery plan and defend this state against overreaching federal
37 regulations.

38 6. That the Secretary of State of the State of Arizona transmit copies
39 of this Memorial to the Director of the United States Fish and Wildlife
40 Service, the Secretary of the United States Department of the Interior, the
41 Attorney General of the State of Arizona, the Governor of the State of
42 Arizona, the President of the United States, the President of the United
43 States Senate, the Speaker of the United States House of Representatives and
44 each Member of Congress from the State of Arizona.

S.C.M. 1003

PASSED BY THE HOUSE MARCH 25, 2015.

PASSED BY THE SENATE MARCH 3, 2015.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MARCH 30, 2015.