



August 7, 2022

Lisa Ellis, Acting Chief
Division of Restoration and Recovery
U.S. Fish and Wildlife Service
5275 Leesburg Pike
Falls Church, VA 22041-3803.

Submitted electronically to:

<https://www.regulations.gov/document/FWS-HQ-ES-2021-0033>

Re: Endangered and Threatened Wildlife and Plants; Designation of Experimental Populations, Docket No. FWS-HQ-ES-2021-0033

Arizona Sportsmen for Wildlife Conservation (AZSFWC) appreciates the opportunity to comment on proposed revisions to regulations covering experimental populations of threatened and endangered species covered under the Endangered Species Act (ESA) as overseen by the US Fish and Wildlife Service (Service).

AZSFWC is a 501c-3 organization dedicated to wildlife conservation, habitat improvement, youth recruitment and retention, as well as educating outdoor enthusiasts on issues important to their passions. AZSFWC member organizations reach across the spectrum of wildlife conservation, hunting, angling, shooting sports, youth orientated groups, outdoor recreation groups and businesses from across Arizona, representing more than 25,000 people.

AZSFWC is on record supporting the recovery efforts for listed species in Arizona, including the Mexican wolf and Black-Footed ferret. The ability to establish appropriately bounded experimental populations under the 10(j) Rule has been instrumental in gaining and maintaining broad public and stakeholder support for a number of recovery efforts, including the species cited above. The majority of our member organizations (list attached) consider the proposed revision concerning reintroductions outside historic range, to be beyond the scope of the 10(j) Rule, overly broad, poorly justified, and ultimately detrimental to the broader goal of recovering listed species.

AZSFWC's specific concerns include the following:

1. The proposed rule is contrary to congressional intent to limit recovery to reintroductions within historical range. The 1982 amendment to the ESA added the 10(j) provision allowing the Secretary to release species outside "current" range, when needed to further conservation of the species. The intent to confine reintroductions to historical range is clear in the Committee Report for this piece of legislation. It is inappropriate for the Service to modify the 10(j) Rule in

order to create de-facto provision for extralimital reintroduction absent in the ESA. We also note that reintroduction outside historical range is inconsistent with the "Representation" element in current Service guidance for Recovery Plans.

2. The existing 10(j) Rule already provides the Service with flexibility to reintroduce species outside historical range. The proposed revision merely lowers the bar for such actions, making them a discretionary or arbitrary choice for the Service, which inevitably will be driven by social pressure and litigation, rather than the best available science. This revision would likely inundate the Service with administrative and legal challenges, further consuming the limited time and resources available for species' recovery under the ESA.

3. Rationale for the proposed rule change is insufficient. AZSFWC understands changes in the climate, invasive species, and other factors can pose significant challenges to the persistence of some threatened and endangered species. However, the proposal provides no specific scientific information on the scope of such threats. In the absence of such justification this proposal is premature.

4. Reintroductions outside historical range may have adverse ecological impacts. Reintroductions outside historical range pose risks to the reintroduced species themselves, other species present in the reintroduction area, and associated ecosystems. The risks of such unintended consequences will increase exponentially if the process is driven by litigation and social pressure instead of the best available science.

The Mexican wolf is a case in point. If the proposed revision to the Rule is adopted, this could allow expansion of the current 10(j) area - which has already been the subject of numerous administrative and legal challenges by advocacy groups. If successful, this could facilitate hybridization with Gray wolves dispersing from neighboring states. The resulting genetic swamping would essentially doom more than a decade of collaborative recovery efforts by the Service, State Wildlife Agencies, Tribes, the Mexican government, and diverse stakeholders on both sides of the border.

AZSFWC reiterates our opposition to the proposed rule revision and urges the Service to retain its grounding in sound science, and not succumb to social pressures and threats of litigation.



Jim Unmacht
Executive Director



**AZSFWC Member Organizations Opposing the
Proposed Revisions to the 10(j) Rule for
Experimental Populations**

Angler's United
AZ Antelope Foundation
AZ Big Game Super Raffle
AZ Chapter of National Wild Turkey Federation
AZ Chapter of Safari Club International
AZ Deer Association
AZ Desert Bighorn Sheep Society
AZ Elk Society
AZ Houndsmen's Association
AZ Predator Callers
Christian Hunters of America
Diablo Trust
Mogollon Sporting Association
No Excuse Hunting & Outdoors
Outdoor Experience 4 All
Southwest Wildlife Foundation
Valley of the Sun Quail Forever
Yuma Valley Rod & Gun Club