



A Strategy for the Mexican Wolf

A data-based collaborative discussion-opener for
Arizona and New Mexico
Local Governments
State Agencies
State & Federal Legislators
Ranchers & Producers
Stakeholders
Federal Partners

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May 2025

What is the Eastern Arizona Counties Organization (ECO)?

- Created in 1993.
- Includes 6 counties: Apache, Cochise, Gila, Graham, Greenlee, and Navajo.
- Represents 40% of the 15 Arizona Counties.
- Gives a strong unified voice to rural Counties.
- Represents rural Counties and their constituents with Federal agencies: U.S. Forest Service; U.S. Fish & Wildlife Service; Bureau of Land Management; etc.
- Focuses on natural resources issues: catastrophic forest fire prevention; watershed restoration; endangered species; public lands; etc.
- Strong record of accomplishments includes for example:
 - ✓ Co-created the *Four Forest Restoration Initiative* (4FRI). 585,000 acres treated since 2010 through commercial, non-commercial, and hand thinning.
 - ✓ Co-created the *Arizona Cooperating Agencies Alternative* for the revision of the Mexican Wolf Recovery Plan and 10(j) Rule.
- Key strategy: **As long as federal law supersedes state and local law (Supremacy Clause of U.S. Constitution), federal agencies have sole decision-making authority in the management of federal public lands and natural resources. For lack of power over the decisions, ECO seeks to develop influence in the processes through expertise and credibility, to mitigate the negative impacts of federal decisions on local communities, and to develop solutions that include local interests.**

Eastern Arizona Counties Organization (ECO) record of accomplishments re. Mexican Wolf

- Payment to Arizona ranchers, cattle growers and producers of \$1.5 million in depredation compensation and conflict prevention since 2011.
- Development with AZ Game & Fish and AZ Cattle Growers Association of the *Arizona Cooperating Agencies Alternative* that became the basis for the 2022 Recovery Plan Revision and revised 10(j) Rule:
 - ✓ Cap on the U.S. population at 320 wolf (vs. 650 originally proposed);
 - ✓ Lethal 'Takes' in protection of human life;
 - ✓ Lethal 'Takes' in protection of domestic animals on private land;
 - ✓ Cap on depredation on wild ungulates at 15% of herds.
- Discontinuation of the initial release of adult "naïve" wolves since 2016.
- Co-funding of Mexican Wolf Genetic Study with Pima NRCD and AZ Cattle Growers Association in 2017.
- Co-funding of the Range Rider program: \$135,000 donated since 2020.
- Compilation and analysis of depredation data.
- Opposition to the USDA Wildlife Services APHIS Revised Standard of Evidence excluding any proof other than "subcutaneous hemorrhage" in 2024.
- Defense of local governments, ranchers and producers interests on the Mexican Wolf program Executive Team and Management Team since 1998.
- Support for the use by federal agencies of lethal removal 'takes' allowed under the existing 10(j) Rule for individual wolf proven to be highly predatory.

Context

As the Mexican Wolf United States population continues to grow and has reached a minimum count of 286 (124 in Arizona and 162 in New Mexico) for the 2024 end-of-year count (11% annual growth / 9th consecutive year of growth), depredations continue to increase and the negative economic impacts on Ranchers and Producers continue to increase.

Pressure is growing on Local Governments, State Agencies, State Legislatures, and Congressional Representations to take action.

Recent discussions and initiatives evidence the need for a clarification of the available options.

The purpose of this presentation is to propose an executable and legally compliant strategy, and open a collaborative discussion toward a common Arizona / New Mexico State Agencies, Local Governments, State & Federal Legislators, Ranchers, Producers and Stakeholders strategy.

Problem Statement

Mammal populations typically have an exponential growth. This means that not only the population number increases year after year, but the rate of growth accelerates year after year.

Using a very conservative 10% growth rate per year (11% in 2024, average of 14.3% since 2017, and as much as 24% in 2018 and 23% in 2021), this means that the U.S. population growth model looks as follows:

Year	2024	2025	2026	2027	2028	2029	2030	2031
Minimum U.S. Population	286	315	346	381	419	461	507	etc.
10% growth	29	31	35	38	42	46	51	etc.

THIS is the critical issue: exponential growth of the U.S. population.

Population increase drives population dispersion and depredations increase. If there is a depredation problem with 286 wolf, what would it be with 500 !?!?!?

The battle for the Mexican Wolf U.S. population recovery is over, USFWS and NGOs won it. State agencies, Legislators, Counties, Ranchers, Producers and Stakeholders now need to win together the battle for the Mexican Wolf U.S. population control.

Compliant possibilities under the Mexican Wolf Recovery Plan

The Mexican Wolf Recovery Plan, Second Revision, September 2022, includes compliant DOWN-listing and DE-listing criteria.

Compliant downlisting – Option 1

The Mexican wolf will be considered for downlisting when:

a) The United States population average over a 4-year period is greater than or equal to 320 Mexican wolves; and

b) Gene diversity available from the captive population has been incorporated into the United States population through scheduled releases of a sufficient number of wolves to result in 22 released Mexican wolves surviving to breeding age in the United States population. “Surviving to breeding age” means a pup that lives 2 years to the age of breeding or an adult or subadult that lives for a year following its release.

Compliant downlisting – Option 2

The Mexican wolf will be considered for downlisting when a minimum of two populations (one in the United States and one in Mexico) meet abundance and genetic criteria as follows:

a) Each population average over the same 4-year period is greater than or equal to 150 wolves with an annual positive population growth rate; and

b) Gene diversity available from the captive population has been incorporated into the United States population through scheduled releases of a sufficient number of wolves to result in 22 released Mexican wolves surviving to breeding age in the United States population. “Surviving to breeding age” means a pup that lives 2 years to the age of breeding or an adult or subadult that lives for a year following its release; and

c) Gene diversity available from the captive population has been incorporated into the Mexico population through scheduled releases of a sufficient number of wolves that results in 37 released Mexican wolves surviving to breeding age in the Mexico population. “Surviving to breeding age” means a pup that lives 2 years to the age of breeding or an adult or subadult that lives for a year following its release.

Compliant delisting

The Mexican wolf will be considered for delisting when:

1) A minimum of two populations meet all abundance and genetic criteria as follows:

United States

1) The population average over an 8-year period is greater than or equal to 320 wolves;

2) The population must exceed 320 wolves each of the last 3 years of the 8-year period;

3) The annual population growth rate averaged over the 8-year period is stable or increasing; and

4) Gene diversity available from the captive population has been incorporated into the United States population through scheduled releases of a sufficient number of wolves to result in 22 released Mexican wolves surviving to breeding age in the United States population. "Surviving to breeding age" means a pup that lives 2 years to the age of breeding or an adult or subadult that lives for a year following its release.

Compliant delisting (continued)

Mexico

a) The population average over an 8-year period is greater than or equal to 200 wolves;

b) The population must exceed 200 wolves each of the last 3 years of the 8-year period;

c) The annual population growth rate averaged over the 8-year period is stable or increasing; and

d) Gene diversity available from the captive population has been incorporated into the Mexico population through scheduled releases of a sufficient number of wolves that results in 37 released Mexican wolves surviving to breeding age in the Mexico population. “Surviving to breeding age” means a pup that lives 2 years to the age of breeding or an adult or subadult that lives for a year following its release.

-and-

Compliant delisting (continued)

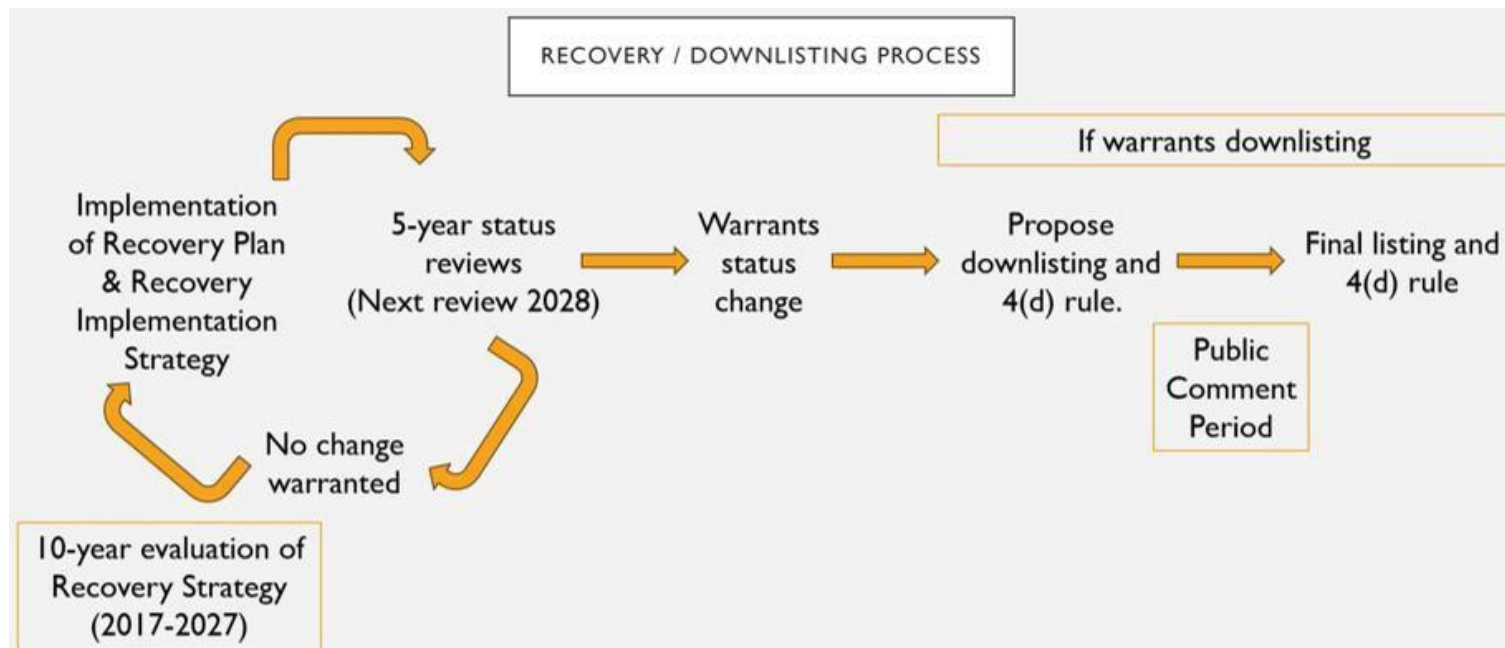
2) States and Tribes will ensure regulatory mechanisms are in place to prohibit or regulate human-caused mortality of Mexican wolves in those areas necessary for recovery such that the Service determines at least 320 Mexican wolves are likely to be maintained in the United States in the absence of Federal ESA protections. In addition, Mexico will ensure regulatory mechanisms are in place to protect Mexican wolves from human-caused mortality, such that the Service determines at least 200 Mexican wolves are likely to be maintained in Mexico.

Compliant downlisting mechanics & implications

Compliant downlisting can be initiated based on:

1. Progress toward recovery identified during 5-year Status Reviews;
2. Petitions by stakeholders (e.g., State Agencies; Local Governments; Ranchers & Producers; etc.).

The compliant downlisting of the United States population from “Endangered” status to “Threatened” status allows the U.S. Fish & Wildlife Service to remove the United States population 10(j) Rule and issue a United States population special 4(d) Rule that allows more regulatory flexibility such as increased management actions, and management by State Agencies.



*Illustration
courtesy of
USFWS*

Current situation

As of the 2024 end-of-year count, and the April 1, 2025, gene diversity incorporation count:

- U.S. population: minimum of 286 @ 2024 (124 in Arizona & 162 in New Mexico);
- U.S. gene diversity incorporation: 21 @ April 1, 2025;
- Mexico population: estimation of 10 to 30 wolves;
- Mexico gene diversity incorporation: 9.

Current situation vs. compliant downlisting criteria:

Action	U.S. population		U.S. gene incorporation		Mexico population		Mexico gene incorporation	
	Goal	Actual 2024	Goal	Actual 4/2025	Goal	Actual 2024	Goal	Actual 4/2025
Downlisting (Option 1)	Average 320 For 4 years	286	22	21	NA	NA	NA	NA

Clearly, the only compliant downlisting option in the upcoming short term is Option 1.

Downlisting Option 2 is not a short, nor even medium, term option due to the Mexico population falling far short from the downlisting criteria.

The Mexico population falling far short from the downlisting criteria automatically implies that compliant delisting is not a short, nor even medium, term possibility.

Initiatives and potential actions

Push for non-compliant delisting by Executive Decision in 2025

Delisting of the Mexican Wolf by Presidential Executive Order in 2025 would fail to comply with the delisting criteria identified in the Mexican Wolf Recovery Plan, Second Revision, September 2022.

Such delisting would be litigated, and the litigation would almost certainly be successful because the delisting would be attempted in clear non-compliance with a plain regulatory framework established under law.

Push for defunding by Executive Decision or Legislative Action in 2025

Defunding of the Mexican Wolf program by Presidential Executive Order or federal legislative action in 2025 would result in:

- The Mexican Wolf wild population continuing to receive full protection as “Endangered” under Section 9 of the Endangered Species Act;
- The termination of federal funding for the management actions necessary for downlisting (e.g., transfers to Mexico; cross-fostering; annual counts; etc.) implemented by the U.S. Fish & Wildlife Service Mexican Wolf Recovery Team with the support of the Arizona and New Mexico departments of Game & Fish;
- The potential (?) termination of the federal funding of depredation compensations and prevention & avoidance measures.

Initiatives and potential actions (continued)

Pressure on States' Game & Fish Departments

States' Game & Fish Departments are actually Arizona and New Mexico ranchers' and producers' first line of defense. They provide the bulk of the field personnel necessary to implement the program's mitigating management actions (e.g., avoidance measures, Range Riders, diversionary feeding, cross-fostering, etc.).

However, they do not have decision-making authority on the program, only federal agencies do (e.g., USFWS on Recovery Plan implementation, APHIS Wildlife Services on *Standard of Evidence*, etc.), therefore, putting hard pressure on States' Game & Fish Departments is both unfair and misdirected.

Pressure on Local Governments and State Legislators

Local Governments and State Legislators have no decision-making authority on the program. At best, they can hope to develop influence (e.g., ECO's action).

Nonetheless, Local Governments and State Legislators can be the voice of The People and deliver political messages and political asks to federal political decision-makers such as the U.S. Congress and the Administration.

The challenge is that political messages and political asks are only credible (and effective) when they do not call for the impossible: the bottom line remains that the Endangered Species Act as currently enacted is the law of the land, and this can only be changed by the U.S. Congress.

Modeling a compliant downlisting of the U.S. population (Option 1) in 2029

Assuming conservatively:

1. Annual U.S. population growth of 10% (11% in 2024, average 14.3% since 2017), in the next 4 years (9 consecutive years of growth by 2024);
2. Successful survival of 1 more cross-fostered pup to breeding age in the next 4 years (typically 2 to 4 have survived every year since 2016);
3. Annual removal from the U.S. population of 10 to 15 wolf per year, including:
 - Transfer of entire packs to contribute to the recovery success in Mexico;
 - Lethal removal of individual wolf proven to be highly predatory;

the downlisting criteria Option 1 will be met by end of 2028:

Year	2024	2025	2026	2027	2028	Metric	Downlisting criteria
U.S. population (gross)	286	315	335	352	371		
Annual removal		10	15	15	15	Total: 55	
U.S. population (net)	286	305	320	337	356	Average: 329	Average 320 for 4 years
U.S. gene incorporation	20	22+	24+*	26+*	28+*		22

* if cross-fostering is continued at the current pace.

Coupling of U.S. population downlisting with recovery progress in Mexico

It is a forgone conclusion that a downlisting and a special 4(d) Rule issued for the United States population by the U.S. Fish & Wildlife Service in 2029, after meeting the downlisting criteria Option 1, will be litigated.

Even though it can rationally be argued that a successful litigation should be difficult because the downlisting will have been decided, and a special 4(d) Rule will have been issued in full compliance with the Recovery Plan, the legal outcome remains uncertain as past delisting litigations on grizzly bear, northern wolves, etc. seem to indicate that the federal courts often move the goal post on recovery, even when Recovery Plan goals are met or exceeded.

In addition, a significant risk exists that a litigation could argue that recovery in Mexico is unlikely due to the lack of progress in Mexico, and therefore, not only the existing population in the United States should not be downlisted, but a second population should be created in the United States to compensate for a purported probable lack of a viable population in Mexico.

Therefore, it is necessary to couple the downlisting of the U.S. population with a strong growth of the Mexico population, strengthened by the transfer of excess packs from the U.S., in order to reduce the chances of successful litigation.

Planning for the downlisting and management of a recovered U.S. Mexican Wolf population

So long as the Endangered Species Act, as it stands, is the law of the land, Mexican Wolf will share the landscape in the United States with Arizonan and New Mexican Ranchers and Producers.

As it becomes obvious that Mexican Wolf recovery in the United States is a success, and that the United States population will soon meet the downlisting criteria Option 1, recovery in Mexico continues to be a challenge.

The successful recovery of BOTH United States and Mexico populations is a prerequisite for delisting, and a fundamental criteria for downlisting.

Therefore, careful consideration is required in determining the best strategy and the best 4(d) Rule for the Arizona and New Mexico departments of Game & Fish, in close collaboration with the Mexican authorities, the U.S. Fish & Wildlife Service, Counties, Ranchers, Producers and Stakeholders to meet the goal of sustainable downlisting and viable cohabitation of the Mexican Wolf and Ranchers on a working landscape.

Considering that it took 3 years to revise the existing 10(j) Rule, it is time for State Agencies, Local Governments, Ranchers, Producers and Stakeholders, in collaboration with Federal Agencies and Mexican Authorities, to start planning now for downlisting and management of a recovered U.S. Mexican Wolf population.

Working requirements for downlisting

1. It is critical that the Mexican Wolf program remains fully funded. Without full federal funding, management actions necessary for downlisting are compromised. Especially, the extremely expensive:
 - Capture and transfer to Mexico of entire packs;
 - Annual counts necessary to document progress toward downlisting;
 - Cross-fostering necessary to reach the gene incorporation recovery goal without the release of human-habituated wolf prone to depredation.
2. It is critical that collaboration with the Mexican authorities, and financial support of the Mexico population recovery, continue, in order to allow:
 - Capture and transfer to Mexico of entire packs, on an annual basis.
3. Considering that it took 3 years to revise the 10(j) Rule, it is critical to form in 2025, and join, a Downlisting Workgroup under AZGFD and NMDGF joint leadership, so that a 4(d) Rule is ready when AZGFD and NMDGF petition to downlist after meeting the criteria in 2028.



Beside being illegal and creating the risk of substantial legal and financial troubles, illegal shootings of protected wolf can compromise meeting the downlisting criteria Option 1 in 2028 by reducing the U.S. wolf population below the required 4-year average of 320.

Working requirements for downlisting (continued)

In the meantime,

4. It is critical that management actions allowed under the existing Recovery Plan 10(j) Rule are implemented vigorously and timely by the U.S. Fish & Wildlife Service with the assistance of the Arizona and New Mexico departments of Game & Fish, specifically:
 - Capture and transfer to Mexico of entire packs;
 - Lethal removal by federal agencies of individual wolf proven to be highly predatory.
5. It is critical that federal funding of depredation compensations is increased significantly to catch up then keep pace with increasing depredations, and that in response to the change of *Standard of Evidence* in depredation investigations by APHIS Wildlife Services, federal funding rules are modified to allow federal compensation of “probable” depredations.
6. It is critical that depredation investigations and depredation compensations take place in the most expeditious way.
7. It is critical that compensations evolve and expand rapidly from mostly reactive depredation compensations to predominantly proactive prevention & avoidance compensations.

Under the implementation of the Endangered Species Act, “whatever the cost” (Tennessee Valley Auth. v. Hill | 437 U.S. 153 - 1978), Arizona and New Mexico local Ranchers and Producers, and their rural communities, will have been bearing the brunt of the negative impacts of the Mexican Wolf Recovery Program for 30 years since 1998.

There is a light at the end of the tunnel with meeting the criteria for the downlisting of the United States population in 2028. The entire nation owes it to them to do it promptly to compensate them fairly for their losses in the meantime.

Thank you for your attention.

Questions?