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Comment from Center for Biological Diversity

Posted by the **Fish and Wildlife Service** on May 12, 2026

Comment

Attached are comments from the Center for Biological Diversity.

Attachments 1

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CENTER for BIOLOGICAL DIVERSITY Because life is good.

U.S. Fish and Wildlife Service May 11, 2026

Submitted via www.regulations.gov, dockets no. FWS—HQ—ES—2025–1463 and FWS—HQ—ES—2025–1465.

Re: OMB Control Number 1018–0095, as per 91 Fed. Reg. 12211 (March 12, 2026): Agency Information Collection Activities; Endangered and Threatened Wildlife, Experimental Populations.

To Whom It May Concern,

This is the seventh comment letter submitted by the Center for Biological Diversity in response to the Fish and Wildlife Service's seven similar requests for comments since 2017 on its information-collecting requirements for reintroduced experimental populations. The evidence has only increased over the ensuing years that the existing bare-bones set of information collected, as outlined in the instant and the previous Federal Register notices, is necessary but not sufficient to guide effective conservation.

The existing information-collection categories allow rudimentary tracking of experimental populations and logically follow from the Fish and Wildlife Service's authorization of 'take' of members of such populations. Clearly, the Service must track the extent of that take – i.e. how many animals are getting killed, injured or removed alive – and the circumstances.

However, the existing information-collecting is inadequate because it only enables conclusions about the status of the population and does not provide all of the germane information that is necessary to guide conservation.

I. Reporting on Depredation-Related Take

In addition to the information that it already collects, as part of its record-keeping on depredation-related take, the Service should collect the following two categories of information:

1) Any preventative techniques implemented to protect livestock, including descriptions of such methods and the dates that they were implemented, and the results of these techniques in guarding stock including the time that elapsed after such implementation until occurrence of any predation on protected stock by members of the experimental population.
2) Time elapsed after completion of permitted 'take' of one or more members of experimental populations until any renewed onset of predation on the same ranch's livestock by members of the experimental population.

Collecting these two categories of information would clarify the relative efficacy for long-term prevention of conflict of two different management approaches. Collecting such information would help to answer the question for any particular experimental population as to whether killing, injuring or removing alive members of the population works best in the long-run to prevent predation on livestock while moving toward recovery – or whether employing preventative measures to protect livestock is more effective in preventing such losses while moving toward recovery.

It is important to collect such information because depredation-related take can be harmful to populations of threatened and endangered species, including to experimental populations which typically have less-stringent protections from take. Consequently, developing and implementing effective means to reduce incidents in which members of experimental populations attack domestic animals can be critical to the conservation of such experimental populations. Consider, for example, the factors affecting recovery of Mexican wolves in the Southwest, as determined by federal and state wolf managers and researchers in 2023 who found that recovery in

> a shared landscape away from protected areas . . . is more difficult and requires greater tolerance for conflict and more emphasis placed on preventive techniques and effective compensation programs. A policy anchored in conflict prevention with less emphasis on rapid management removal appears to be an important consideration for large carnivores facing conservation challenges in shared landscapes, especially during the early phases of recovery.[1]

They concluded that "balancing management removals with other demographic factors and focusing on conflict prevention and compensation programs are critical for addressing conflict.[2]

These agency staffers also candidly reported in their study that "implementing a preventive program is not necessarily an easy task, particularly when conflict spikes and pushback on the recovery program from the agricultural community becomes more strident."[3] The difficulty in implementing a preventative program makes it all the more imperative to determine, through collecting the two additional categories of information that we request above, which techniques are most effective. Determining effectiveness will, first and foremost, serve as a predicate for which techniques should be most demonstrated, encouraged and funded to reduce conflict and thereby reduce authorized take. Greater implementation of the most effective preventative techniques along with less time and fewer resources dedicated to less-effective techniques may in turn reduce the stridency and therefore also reduce the incidents of vindictively motivated illegal take.

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[1] Breck, S.W., Davis, A.J., Oakleaf, J.K., Bergman, D. L., deVos, J., Greer, J.P., and Pepin, K. 2023. Factors affecting the recovery of Mexican wolves in the Southwest United States. Journal of Applied Ecology, 60:2199–2209; p. 2205.
[2] Ibid, p. 2206.
[3] Ibid.

The less-than-fully-effective implementation of a conflict-prevention program to assist in conservation of the Mexican wolf experimental population has contributed, along with other management missteps, to losses of genetic diversity. That is turning out to be disastrous in a population whose subspecies underwent a drastic demographic bottleneck, reduced by the 1980's to just seven animals successfully bred in captivity. Last year the experimental population was calculated to retain just 2.08 founder genome equivalents, reduced by over two-thirds from the genetic diversity that was bequeathed from those seven survivors and founders. And over each of the years 2021 through 2025, genetic diversity in that experimental population declined further.[4] Ominously, the genetic diversity may continue to decline, in part because last year authorized take in response to Mexican wolf predation on livestock included the killings of three genetically-valuable wolves: Alpha female 1823 of the Bear Canyon Pack, who was nursing dependent pups (who were not saved) when she was shot by USDA Wildlife Services on April 14, 2025; an unnumbered Mañada del Arroyo Pack pup killed by lethal injection by Arizona Game and Fish Department on May 27, 2025; and female pup 3077 of the Dillon Mountain Pack who was shot by Wildlife Services on August 12, 2025.

Information collection such as we request would provide otherwise-unavailable field data to enable managers and the public to ascertain what conditions work best to reduce predation on livestock. That in turn will greatly enhance the ability of agencies and ranchers to adaptively reduce conflicts and thereby reduce the impetus to remove from the wild (i.e. take) Mexican wolves and members of other experimental populations.

We assess that individual livestock owners could collect the information that we request the Service collect, and provide it to the Service, in less than half an hour per month, although the time required would vary depending on how often preventative techniques are employed. Jotting down in a paper notebook, computer, tablet or phone, the date and time of preventative techniques and the results, as well as the dates of predation on livestock, would take just seconds in each instance. Similarly, emailing, texting or mailing the information to the Service would also take mere minutes.

Other entities to which the Service delegates authority to take members of experimental populations, including but not limited to state and Tribal agencies, and USDA Wildlife Services, should also be subject to these information collection requirements, and it is likely that these agencies utilizing established information collection procedures, could similarly provide such information to the Service in less than half an hour per month.

II. Reporting on Incidental Take

In addition to the collection of the above two categories of additional information that we request for depredation related take, we also request the collection of information related to

[4] Spevak, E.M. 2025. Mexican Wolf Demographic and Genetic Status 2025. Powerpoint presentation to Mexican Wolf Saving Animals From Extinction (SAFE) program participants; https://biologicaldiversity.org/programs/carnivore-conservation/pdfs/Mexican-wolf-demographic-and-genetic-status-2025.pdf

instances of take that occur incidental to, and not as the purpose of, the carrying out of an otherwise lawful activity, such as incidental take that is authorized in the 10(j) rule for grizzly bears in the North Cascades Ecosystem. For such incidental take, in addition to the information currently required to be reported pertaining to lethal or permanently-injurious take, the Service should collect the following three categories of information:

1) Occurrences of non-lethal, temporarily-injurious incidental take.
2) The detailed circumstances surrounding each occurrence of incidental take.
3) Any measures undertaken or intended to be undertaken to reduce the likelihood of such incidental take in the future.

Requiring the reporting of such information could help to prevent future instances of incidental take of grizzly bears and of members of other experimental populations for several reasons. First, in regard to non-permanently-injurious take, the same activity conducted a different time could result in lethal take or take that leads to permanent injury, which means that collecting such information could help agencies and individuals to know how to modify their activities to avoid circumstances in which incidental take that could be more harmful occurs.

Similarly, knowing the detailed circumstance of events that lead to incidental take can play an important preventative role.

Lastly, understanding the measures undertaken or planned to prevent the occurrence of such incidental take in the future would enable examination later of the efficacy of such measures.

We believe that reporting of such information from persons, agencies and/or any other entity to which take authority may be delegated, may take from 5 to 30 minutes per occurrence, but that occurrences will be rare and therefore, on average, reporting of such information would take 10 minutes or less per month.

Thank you for your consideration.

Sincerely,

Michael J. Robinson, *Senior Conservation Advocate*
Center for Biological Diversity

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