

**From:** [Hansen, Craig](#)  
**To:** [Niva, Liisa M](#); [Zerrenner, Adam](#); [Broderdorp, Kurt](#); [LeBlanc, Darren](#); [Becker, Scott A](#)  
**Subject:** Re: WOLF 10(j): DCN FR 5308 | URGENT - Colorado wolf (Canis lupus) Final 10(j) rule and Final EIS  
**Date:** Friday, August 4, 2023 8:22:57 AM  
**Attachments:** [image001.png](#)  
[image003.png](#)  
[image004.png](#)  
[image005.png](#)  
[image006.png](#)

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Hi, everyone:

I pasted those questions in a shared document for ease of use here: ☐

[20230804\\_Matt\\_Questions\\_for\\_Shared\\_Use.docx](#)

I'll be adding my thoughts there.

Craig.

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**From:** Niva, Liisa M <Liisa\_Niva@fws.gov>  
**Sent:** Friday, August 4, 2023 8:10 AM  
**To:** Zerrenner, Adam <Adam\_Zerrenner@fws.gov>; Hansen, Craig <Craig\_Hansen@fws.gov>; Broderdorp, Kurt <kurt\_broderdorp@fws.gov>; LeBlanc, Darren <darren\_leblanc@fws.gov>; Becker, Scott A <scott\_becker@fws.gov>  
**Subject:** Re: WOLF 10(j): DCN FR 5308 | URGENT - Colorado wolf (Canis lupus) Final 10(j) rule and Final EIS

Thanks, Adam! I don't have time to meet before 9 am so feel free to meet without me if needed

- Liisa

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**From:** Zerrenner, Adam <Adam\_Zerrenner@fws.gov>  
**Sent:** Friday, August 4, 2023 7:45 AM  
**To:** Niva, Liisa M <Liisa\_Niva@fws.gov>; Hansen, Craig <Craig\_Hansen@fws.gov>; Broderdorp, Kurt <kurt\_broderdorp@fws.gov>; LeBlanc, Darren <darren\_leblanc@fws.gov>; Becker, Scott A <scott\_becker@fws.gov>  
**Subject:** Fw: WOLF 10(j): DCN FR 5308 | URGENT - Colorado wolf (Canis lupus) Final 10(j) rule and Final EIS

Good Morning,

For Matt's questions - I have put names of folks below to respond and discuss when we talk to Matt. Let me know if we should discuss any of this before our call. Thanks!

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**From:** Hogan, Matt <Matt\_Hogan@fws.gov>  
**Sent:** Friday, August 4, 2023 5:51 AM  
**To:** Bogardus, Michelle <michelle\_bogardus@fws.gov>; Niva, Liisa M <Liisa\_Niva@fws.gov>; Nelson, Marjorie (Marj) <marjorie\_nelson@fws.gov>; DeBerry, Drue <drue\_deberry@fws.gov>; Munoz, Anna <anna\_munoz@fws.gov>; Hansen, Craig <Craig\_Hansen@fws.gov>; Zerrenner, Adam <Adam\_Zerrenner@fws.gov>  
**Subject:** RE: WOLF 10(j): DCN FR 5308 | URGENT - Colorado wolf (Canis lupus) Final 10(j) rule and Final EIS

Congratulations and THANKS for the good work to get this ready to submit to HQ! I have a few comments on the attached and also a few questions/requests per below. I hope we can discuss all at our briefing at 9 am today. Thanks!

- Timeline below is what I have sent to DC...see comments highlighted....concern about confusion, include getting to EPA for NEPA deadlines [Liisa - When draft FEIS / ROD are transmitted to FR](#)

When do we anticipate we will get RSOI surname - Liisa - working to address comments now and need to discuss on our call w/Matt- authority, MX wolf....

- When do we anticipate we will get R1/R8 concurrence - Craig and I believe we received R1?
- Per R2 concurrence, did we address edits/comments they suggested? Liisa/Craig - MX wolf and working with them
- What is the status of the comms plan and does it need to be included with the package when it goes to DC Have it and I believe yes, Craig?
- Do we feel like we are coordinated with ES HQ on the contents of the rule and ROD Craig
- Before we submit to HQ, can we rearrange the documents in an order that makes sense for the reviewer... critical documents and documents needing surname/signature up front...supporting documents following Craig
- What is the status of setting up a briefing for the DRT Liisa/Adam - Anna received BP to request DRT briefing 7/31 from Tom. What is status from DRD/RD? Powerpoint is under review and fatal flaw FEIS ready Friday 8/11 from contractor
- What is the status of OIRA review and what is the last day that they could determine significant that would NOT impact out timeline Liisa - Completed briefing 8/1 and follow up docs sent on ppt, draft FEIS and MX wolf economics; now right maybe 8/15?
- What is the status of the permits for CO, NM, AZ, UT - Liisa - working with RO to complete and notice in FR - timing of this Notice with NEPA / Rule notice needs to be discussed
- Can you provide me a table that details the various take authorizations under the rule for easy reference to include states outside CO Kurt

There are **nine documents** that must be drafted, finalized, reviewed, surnamed, and signed over the next 11 months before the subject final rule becomes effective on **December 15**, a target date that ensures we accommodate Colorado Parks and Wildlife's (CPW's) **December 31, 2023**, release deadline and also accounts for the year-end holidays. These eight documents, listed in reverse order from the December 15, 2023, deadline are:

1. **The Final Rule**, which to become effective by **December 15** must publish in the *Federal Register* by Wednesday **November 15**. – NTR says must clear DOI by Nov 3
2. The **Final Record of Decision (ROD)**, which must be signed by either the **Regional Director** or the **Director** before the Director signs the Final Rule, so by Wednesday **November 8, 2023**.
3. **The Notice of Availability (NOA) for the Final Environmental Impact Statement (FEIS) and draft ROD**, which must publish in the *Federal Register* at least 30 days before the final ROD is signed, so by **Friday October 6, 2023**. NTR says must clear DOI by Sept 29
4. The **NOA for the 10(a)(1)(A) permits**, which should also publish by **Friday October 6, 2023**.
5. The **FEIS**, which is not signed but needs to travel with the package, is due to the RO by **July 13, 2023**.
6. The **draft ROD**, also due to the RO by **July 13, 2023**.
7. The **10(a)(1)(A) permits**, also due to the RO by **July 13, 2023**.
8. The **OIRA Significance Memo** for the final rule, which is due to the RO by April 24, 2023.
9. The intra-Service biological opinion

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**From:** Bogardus, Michelle <michelle\_bogardus@fws.gov>

**Sent:** Thursday, August 3, 2023 3:39 PM

**To:** Hogan, Matt <Matt\_Hogan@fws.gov>

**Subject:** WOLF 10(j): DCN FR 5308 | URGENT - Colorado wolf (Canis lupus) Final 10(j) rule and Final EIS

Hi Matt - attached are the documents for the wolf 10(j) from ES.

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Michelle D. Bogardus (she/her)

Acting Chief of Staff

U.S. Fish and Wildlife Service, [Mountain-Prairie Region](#)

Work Cell: 808-518-8326

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**From:** Bogardus, Michelle <[michelle\\_bogardus@fws.gov](mailto:michelle_bogardus@fws.gov)>  
**Sent:** Wednesday, August 2, 2023 3:53 PM  
**To:** Hogan, Matt <[Matt\\_Hogan@fws.gov](mailto:Matt_Hogan@fws.gov)>  
**Subject:** Fw: DCN FR 5308 | URGENT - Colorado wolf (Canis lupus) Final 10(j) rule and Final EIS

Please see note below for description of documents and surname.

Michelle

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Michelle D. Bogardus (she/her)  
*Acting Chief of Staff*  
U.S. Fish and Wildlife Service, [Mountain-Prairie Region](#)  
Work Cell: 808-518-8326


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**From:** Hansen, Craig <[Craig\\_Hansen@fws.gov](mailto:Craig_Hansen@fws.gov)>  
**Sent:** Tuesday, August 1, 2023 5:18 PM  
**To:** Bogardus, Michelle <[michelle\\_bogardus@fws.gov](mailto:michelle_bogardus@fws.gov)>  
**Cc:** Broderdorp, Kurt <[kurt\\_broderdorp@fws.gov](mailto:kurt_broderdorp@fws.gov)>; Zerrenner, Adam <[Adam\\_Zerrenner@fws.gov](mailto:Adam_Zerrenner@fws.gov)>; Niva, Liisa M <[Liisa\\_Niva@fws.gov](mailto:Liisa_Niva@fws.gov)>; Backsen, Sarah <[Sarah\\_Backsen@fws.gov](mailto:Sarah_Backsen@fws.gov)>; Szuszwalak, Joseph A <[joseph\\_szuszwalak@fws.gov](mailto:joseph_szuszwalak@fws.gov)>; Miller, Rachel A <[rachel\\_miller@fws.gov](mailto:rachel_miller@fws.gov)>; Walton, Annette J <[annette\\_walton@fws.gov](mailto:annette_walton@fws.gov)>; Becker, Scott A <[scott\\_becker@fws.gov](mailto:scott_becker@fws.gov)>  
**Subject:** DCN FR 5308 | URGENT - Colorado wolf (Canis lupus) Final 10(j) rule and Final EIS

**DCN FR 5308 | URGENT - Colorado wolf (*Canis lupus*) Final 10(j) rule and Final EIS**

Greetings, Michelle:

The Acting Colorado Field Supervisor, with direction from the Regional Director, asked that I electronically transmit the subject package directly to you. A screen-cap of the note-to-reviewer (NTR) is provided below for ease of reference, with a bulleted summary here:

- There are **11 documents** (12 including the NTR) associated with this package.
- They are attached to this email, and also available in this shared folder:  [20230404\\_FR5308\\_Final\\_CO\\_Wolf\\_10j](#)
  - The **primary documents** are the
    - Final rule under section 10(j) of the Endangered Species Act,
    - The final environmental impact statement (EIS),
    - The draft ROD, and
    - The notice of availability (NOA) for the final EIS and the draft record of decision (ROD).
  - **Supporting documents** include: Literature cited, an information memo (IM) for the Regional

- Director, R6's NTR, and Department-required NTR and clearance briefing paper (CBP).
- At this time, we await a few items for this package: RSOL concurrence (we are actively addressing a few comments from RSOL in the FEIS) and cross-regional concurrence from Regions 1 and 8 (which we expect by this Friday). Outreach has been decoupled from this surname package.
  - Please note that the Policy Review Branch (PRB) and the Recovery Branch at HQ have completed their preliminary reviews of this package. We addressed and incorporated all of their edits and suggestions.

We would appreciate the Regional Director Office's surname of the package by **Friday August 11, 2023**. We hope to transmit the package to HQ recovery on **Monday, August 14, 2023**, so this would allow us some time to address any needed changes to the documents.

Thank you for your assistance and for your review. We also appreciate the flexibility allowed for transmitting this urgent and expedited package. Please do not hesitate to contact any of us if we can be of any assistance at any time.

Sincerely,

Craig Hansen

Regional Recovery Coordinator and RO Recovery Project Manager for the gray wolf in Colorado

## NOTE TO REVIEWER (NTR)

<b>Subject:</b>	<b>Final Rule: Establishment of a Nonessential Experimental Population of the Gray Wolf in Colorado</b>
<b>Level of Controversy</b>	High
<b>Date Submitted:</b>	Tuesday, August 1, 2023
<b>Prepared by:</b>	Craig Hansen 303-236-4749
<b>Identify DTS Assignment #:</b>	<b>DCN FR 5308</b> (Files also available on <a href="#">Teams</a> )
<b>Critical Dates (if any):</b>	<input type="checkbox"/> Check if critical date is not <u>applicable</u> <input checked="" type="checkbox"/> R6 RD or DRD Surname <b>by August 11, 2023</b> In order to meet the State of Colorado's gray wolf release deadline, we must transmit this package to HQ by Monday August 14, 2023. <i>The Information Memo (IM) and Clearance Briefing Paper (CBP) provide a table of critical dates for surname by HQ and clearance by the Department.</i>
	This surname package for our final rule to establish a nonessential experimental population of the gray wolf in the State of Colorado under section 10(j) of the Endangered Species Act includes the following 14 documents: <ul style="list-style-type: none"> <li>• The final section 10(j) rule (<b>must clear DOI by November 3</b>)</li> <li>• A notice of availability (NOA) for the final environmental impact statement (EIS) and draft record of decision (ROD) (<b>must clear DOI by September 29</b>)</li> <li>• The final EIS</li> <li>• The draft ROD</li> <li>• DOI's Clearance Briefing Paper (CBP)</li> <li>• Information Memo (IM) for the Regional Director</li> <li>• DOI's Note to Reviewer (NTR)</li> <li>• R6's Yellow Surname Sheet <b>for surname by the RD or DRD</b></li> <li>• List of literature cited in the final rule</li> </ul>

<p><b>Description/ Main Message:</b></p>	<ul style="list-style-type: none"> <li>• List of literature cited in the final <a href="#">rule</a></li> <li>• Signed Intra-Service biological <a href="#">opinion</a></li> <li>• Cross-Regional Concurrence from Regions 2 and 3, and cross-program concurrence from OLE</li> <li>• This NTR</li> </ul> <p>As of August 1, 2023, we await the following, which we will add to the package as soon as possible:</p> <ul style="list-style-type: none"> <li>• Outreach Materials from the OC</li> <li>• RSOL Concurrence</li> <li>• Cross-Regional Concurrence from Regions 1 and 8</li> </ul> <p>Following the publication of our proposed rule on <a href="#">February 17 (88 FR 10258)</a>, and our review of public comments received during the public comment period, which closed on April 18, 2023, we have prepared a final rule to designate a nonessential experimental population (NEP) of the federally endangered gray wolf (<i>Canis lupus</i>) in Colorado under section 10(j) of the Endangered Species Act (Act). This rule would contribute to the conservation of the federally listed entity, the gray wolf in the lower-44 States, and help support the State of Colorado's voter-mandated gray wolf reintroduction program. Changes from proposed to final rule were largely minor - mostly clarifications and corrections - except for the addition of the take provision for gray wolves that may be significantly affecting ungulate populations on tribal lands ("ungulate provision"). For the final rule to become effective by <b>December 15</b>, we must publish the final rule by <b>November 15, 2023</b>.</p> <p>We have also prepared a final environmental impact statement (EIS) and draft record of decision (ROD) for this action, which we must announce in the <i>Federal Register</i> at least 30-days before the ROD is signed. The notice of availability (NOA) for the FEIS and <del>dROD</del>, also included in this package, must publish no later than <b>October 6, 2023</b>.</p> <p>As of August 1, 2023, we await RSOL surname and cross-regional concurrence from <a href="#">Regions 1 and 8</a>.</p>
<p><b>Files that require Digital Surname or Signature</b></p>	<p><b><u>REGIONAL DIRECTOR OR DEPUTY REGIONAL DIRECTOR:</u></b></p> <ul style="list-style-type: none"> <li>• Surname the "Yellow Surname Sheet" PDF.</li> </ul> <p><b><u>OTHER REVIEWERS:</u></b></p> <ul style="list-style-type: none"> <li>• Surname in DTS; and</li> <li>• Surname the Yellow Digital Surname Sheet.</li> </ul>
<p><b>Contact for additional information</b></p>	<p><del>Liisa Niya</del>, Colorado Field Office, 303-238-4779 Craig Hansen, Mountain-Prairie Regional Office, 303-236-4749</p>



**Craig Hansen**  
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Ecological Services - Branch of Classification & Recovery  
Recovery Coordinator / Fish & Wildlife Biologist  
**Phone:** (303) 236-4749 **Fax:** (303) 236-0027  
**Email:** [craig\\_hansen@fws.gov](mailto:craig_hansen@fws.gov)



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[Recovery Planning and Implementation \(RPI\)](#)

[The SSA Manuscript](#)

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