

County Livestock Loss Authority  
Tuesday, May 9, 2023

VIA ZOOM

[<https://zoom.us/j/98400964950?pwd=OTdFR3hlajBZVFIrUTRjaWtRcjZQQT09>]

**AMENDED AGENDA**

Call to Order: 1:00 P.M. Special Meeting

Roll Call: James E. Paxon  
Audrey McQueen  
Antonio "Ray" Martinez  
Thomas Paterson  
Nelson Shirley

Pledge of Allegiance

*New Mexico State Flag Pledge-I salute the flag of the State of New Mexico and the Zia symbol of perfect friendship among united cultures.*

**Introduction of Guests**

- I. **Approval of Agenda**
- II. **Approval of Minutes**
- III. **New Business:**

- A. Approval of CLLA Forms
  - i. Depredation Claim Form
  - ii. Application for Wolf Depredation Prevention Grant
  - iii. Payment for Presence Claim Form
- B. Delegation of Authority to Chair/CLLA Administrator to Execute MOA with NMDA for Livestock Demonstration Grant
- C. Approval of Livestock Demonstration Prevention Grant Payment
- D. Resolution-0002 Support of Revised Evidentiary Standards for Determining Livestock Depredations
- E. Resolution-0003 In Support of Wolf and Livestock Fairness Act

Next proposed Scheduled Meeting will be a regular meeting on June 30, 2023, at 10:00 a.m., at the Catron County Fire Administration Building, 3 Mountaineer Road, Reserve, NM 87830. Items for the agenda must be submitted to the Sierra County Administration Office no later than 5:00pm on the Monday the week before the meeting.

If you are an individual with a disability who is in need of a reader, amplifier, qualified sign language interpreter, or any other form of auxiliary aid or service to attend or participate in the hearing or meeting please contact the Sierra County Manager, at 1712 N. Date Street, Truth or Consequences, New Mexico 87901, phone (575) 894-6215 at least one (1) week prior to the meeting or as soon as possible. Public documents, including the agenda and minutes, can be provided in various accessible formats. Please contact the Sierra County Manager if a summary or other type of accessible format is needed.

COUNTY LIVESTOCK LOSS AUTHORITY  
1712 North Date Street  
Truth or Consequences, NM 87901  
(575) 894-6215

**LIVESTOCK DEPREDATION CLAIM FORM**

The County Livestock Loss Authority provides compensation to producers who have had domestic cattle, sheep, horses, or mules injured or killed by Mexican wolves. Compensation is subject to available funding. Compensation will be provided in accordance with the County Livestock Loss Authority Operating Procedures.

Mail a completed application and a complete copy of the Depredation Report that was prepared by and received from Wildlife Services, a Tribal Investigator, or a member of the USFWS Interdisciplinary Field Team, to:

County Livestock Loss Authority  
Attn: Amber Vaughn  
Sierra County Manager  
1712 N. Date Street  
Truth or Consequences, NM 87901

You may also scan and email a completed application to [avaughn@sierraco.org](mailto:avaughn@sierraco.org).

**APPLICANT INFORMATION**

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Name of Livestock Owner

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Mailing Address

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City State Zip Code

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Telephone Number

Email Address

**PRIMARY CONTACT PERSON (if different)**

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Name of Primary Contact Person (if not the same as Applicant)

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Mailing Address

---

City

State

Zip Code

COUNTY LIVESTOCK LOSS AUTHORITY  
1712 North Date Street  
Truth or Consequences, NM 87901  
(575) 894-6215

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Telephone Number

Email Address

**W-9**

Submission of a claim does not guarantee approval. The County Livestock Loss Authority will approve claims based upon available funds and the merits of the claim. If your claim is approved, you will be required to submit a completed W-9 form before payment may be issued. To avoid delay, you are encouraged to submit a current W-9 with your application.

**BOARD LIABILITY AND RELEASE**

To address issues with the Anti-Donation Clause in the New Mexico Constitution, the CLLA must have a full and complete release of all claims the applicant, his or her successors, and/or assigns have against the County Livestock Loss Authority, its board members, and the member Counties, their officers, employees, agents, and contractors, for claims related to the death, injury, or loss of the animal for which the claim is submitted. The County Livestock Loss Authority, its member Counties, their officers, employees, agents and contractors are not responsible for any taxes occasioned by virtue of any payment. Claimant acknowledges that they may be responsible for state and/or federal income tax for compensation provided as a result of this claim.

**DISCLOSURE AND CONFIDENTIALITY**

I understand that any information provided to the County Livestock Loss Authority in relation to this claim is subject to disclosure under the New Mexico Inspection of Public Records Act, except as otherwise expressly provided therein. By submitting this claim, I knowingly waive any right to confidentiality in relation to the material submitted in conjunction with this claim, subject to the exceptions referenced above. I further swear and affirm that the information provided in this application and any additional information that may be provided to the County Livestock Loss Authority in relation to this claim is true and accurate to the best of my knowledge.

Applicant's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Printed Signatory Name: \_\_\_\_\_

I swear or affirm that I am legally authorized to represent and enter into contractual agreements on behalf of this organization.

Name of Organization: \_\_\_\_\_

Representative's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Printed Signatory Name: \_\_\_\_\_

COUNTY LIVESTOCK LOSS AUTHORITY  
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**APPLICATION FOR MEXICAN WOLF DEPREDATION PREVENTION GRANT**

The program is designed to provide funding for livestock producers that incur costs to their operations in the process of preventing or reducing interactions with Mexican wolves (e.g. transportation costs, range riders, fencing, etc.). This funding is intended to reduce livestock/wolf interactions. Applicants may be required to provide matching funds for the grant monies awarded. All applicants are required to provide reports documenting proof of the cost share as directed by the Board. An applicant authorizes the County Livestock Loss Authority, and its representatives, to enter property where loss prevention activities are being conducted.

Mail completed applications to:

County Livestock Loss Authority  
Amber Vaughn  
Sierra County Manager/CLLA Administrator  
1712 N. Date Street  
Truth or Consequences, NM 87901

You may also scan and email a completed application to [avaughn@sierraco.org](mailto:avaughn@sierraco.org).

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Name of Applicant

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Mailing Address

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City State Zip Code

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Telephone Number

Fax Number

Email Address

**APPLICANT INFORMATION PRIMARY CONTACT PERSON**

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Name of Primary Contact Person (if not the same as Applicant)

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Mailing Address

---

City

State

Zip Code

---

Telephone Number

Fax Number

Email Address

COUNTY LIVESTOCK LOSS AUTHORITY  
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(575) 894-6215

**PROJECT AREA**

Supply a map of the project area if possible. If not, complete the section below.

Township: \_\_\_\_\_ Section: \_\_\_\_\_ Range: \_\_\_\_\_

Allotment name, if available: \_\_\_\_\_

**LIVESTOCK INFORMATION**

Types of livestock being protected by this project: Cattle [ ] Horse [ ] Mule [ ] Sheep [ ]

Number of Livestock Owners within the project area. \_\_\_\_\_

Estimated number of livestock covered by this project. \_\_\_\_\_

**VERIFICATION OF WOLF PRESENCE ON PROPERTY**

Provide official documentation from US Fish and Wildlife Service or Interagency Wolf Team describing known occupied habitat, potential habitat, number of packs using property and number of dens on property.

*Please provide this documentation as attachments to this application.*

**W-9**

Submission of a grant application does not guarantee a grant award. The Board will award grants based upon available funds and the merits of the project. If your project is selected, you will be required to submit a completed W-9 form before a grant may be issued.

**WOLF/LIVESTOCK DEPREDATION PREVENTION PROJECT(S) UNDERTAKEN**

Describe all projects completed by the applicant that reduce wolf/ livestock interactions.

Grant Funds Received per project: \_\_\_\_\_

Total Funding per project: \_\_\_\_\_

*This information can be provided as an attachment if necessary.*

**PROJECT TIMELINE**

Start Date: \_\_\_\_\_

End Date: \_\_\_\_\_

If the project is long term, indicate the estimated number of years for the project. \_\_\_\_\_

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If this is an existing project, indicate the year it began. \_\_\_\_\_

**PROPOSED BUDGET**

Grant Funds Requested: \_\_\_\_\_

Total Matching Funds: \_\_\_\_\_

Tell us about your matching funds.

What is your cash match? \_\_\_\_\_ (please provide proof)

What is your in-kind match? \_\_\_\_\_ (please provide proof)

**RANCH INFORMATION; CONFLICT AVOIDANCE INFORMATION; WOLF INFORMATION**

Name of Ranch Property: [Click here to enter text.](#)

Name of Federal Grazing Allotment if any: [Click here to enter text.](#)

Type of Livestock: Choose an item.

Class of Livestock: Choose an item.

Estimated Number of Livestock Affected by Wolves during Calendar Year: [Click here to enter text.](#)

Number of Confirmed or Probable (as determined by USDA-APHIS Wildlife Service Investigators) Wolf-Caused Livestock Kills on the Ranch during the Calendar Year: Choose an item.

Amount of Compensation Received by the Ranch during the Calendar Year for Confirmed or Probable Kills: [Click here to enter text.](#)

Note: Conflict avoidance measures include any ranching techniques that were implemented to reduce the impact of wolves that differ from normal operations.

Were Conflict Avoidance Measures Implemented on the Ranch during the Calendar Year?  
Choose an item.

Was Funding Provided by Outside Entities to Offset the Cost of Conflict Avoidance Measures:  
Choose an item.

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Amount of Funding Received from the Outside Entity (ies) (if known/otherwise provide an estimate)? [Click here to enter text.](#)

What was the Estimated Cost to the Ranch from implementing Conflict Avoidance Measures (do not include funding received from outside entities): [Choose an item.](#)

Were Collared Wolves Present on the Ranch during the Calendar Year: [Choose an item.](#)

What was the Name of the Pack(s) that was Present on the Ranch during the Calendar Year (if known/otherwise leave blank): [Click here to enter text.](#)

Were Uncollared Wolves Present on the Ranch during the Calendar Year: [Choose an item.](#)

How Frequently Did Ranch Employees Observe Sign (scat, tracks, or hear howling) of Wolves: [Choose an item.](#)

How Frequently Did Ranch Employees See Mexican Wolves: [Choose an item.](#)

What was the Greatest Number of Mexican Wolves Seen Traveling Together by a Ranch Employee in a Single Observation: [Click here to enter text.](#)

Were Observations of Wolf Sign and Mexican Wolves Reported to the Fish and Wildlife Service or to the New Mexico Department of Game and Fish: [Choose an item.](#)

### **EXISTING FUNDING**

Identify if any other sources and amounts of funding and/or donations for this project.

### **PROJECT DESCRIPTION**

List a breakdown of estimated labor, administrative costs, equipment type, materials, etc. If the project is funded by multiple sources, identify the specific items using County Livestock Loss Authority grant funds.

### **BOARD LIABILITY AND RELEASE**

Acceptance of funding constitutes a full and complete release of all claims the applicant, his/her successors, and/or assigns may have against the County Livestock Loss Authority, its member Counties, their officers, employees, agents, and contractors, related to the implementation of the Mexican Wolf Recovery Program. Claimant acknowledges that they may be responsible for state and/or federal income tax for payment(s) received in conjunction with this Program.

### **DISCLOSURE AND CONFIDENTIALITY**

COUNTY LIVESTOCK LOSS AUTHORITY  
1712 North Date Street  
Truth or Consequences, NM 87901  
(575) 894-6215

I understand that any information provided to the County Livestock Loss Authority in relation to this application is subject to disclosure under the New Mexico Inspection of Public Records Act, except as otherwise expressly provided therein. By submitting this application, I knowingly waive any right to confidentiality in relation to the material submitted in conjunction with this application, subject to the exceptions referenced above. I further swear and affirm that the information provided in this application and any additional information that may be provided to the County Livestock Loss Authority in relation to this application is true and accurate to the best of my knowledge.

Applicant Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Printed Signatory Name: \_\_\_\_\_

I swear or affirm that I am legally authorized to represent and enter into contractual agreements on behalf of this organization.

Name of Organization: \_\_\_\_\_

Representative Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Printed Signatory Name: \_\_\_\_\_



County Livestock Loss Authority  
1712 N. Date Street  
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(575) 894-6215

## Application for Mexican Wolf Presence Payments (Due by June 1<sup>st</sup>)

Mail completed applications to:

County Livestock Loss Authority  
1712 N. Date Street  
Truth or Consequences, NM 87901  
(575) 894-6215

You may also scan and email a completed application to [avaughn@sierraco.org](mailto:avaughn@sierraco.org).

*This is the correct application form to submit for losses you incurred during the prior calendar year due to the presence of Mexican wolves near your livestock in New Mexico. The losses at issue with this form are losses from decreased conception rates, decreased weaning weights, extra costs you incurred to protect your livestock from Mexican wolves and livestock that you believe are missing due to Mexican wolves.*

- *Applications that are received during each calendar year will be funded based on the formula and the amount of funding available. Applications are due by June 1 of the year following the most recent Mexican wolf population count.*
- *Successful applicants will be required to submit additional information for tax purposes.*

*Please note this is NOT the correct application form for individual depredations or for prospective conflict avoidance. Forms for individual depredations and avoidance are available on the County Livestock Loss Authority website at [www.sierraco.org/CLLA](http://www.sierraco.org/CLLA).*

*\*For more information on this form or the County Livestock Loss Authority, please contact: Amber Vaughn, Sierra County Manager, at (575) 894-6215*

### Section I. General Information

**Calendar Year for Funding Request:** Choose an item.

**Date of Application:**

## Section II. Contact Information

1. **Name(s) of Applicant(s):** Click here to enter text.

2. **Address:** Click here to enter text.

**State:** Choose an item.

**ZIP:** Click here to enter text.

3. **Phone Number:** Click here to enter text.

**Cell Number:** Click here to enter text.

4. **Email Address:** Click here to enter text.

## Section III. Ranch Information

5. **Name of Ranch Property:** Click here to enter text.

6. **Name of Federal Grazing Allotment if any:** Click here to enter text.

7. **Type of Livestock:** Choose an item.

8. **Class of Livestock:** Choose an item.

9. **Estimated Number of Livestock Affected by Wolves during Calendar Year:** Click here to enter text.

10. **Number of Confirmed or Probable (as determined by USDA-APHIS Wildlife Service Investigators) Wolf-Caused Livestock Kills on the Ranch during the Calendar Year:** Choose an item.

11. **Amount of Compensation Received by the Ranch during the Calendar Year for Confirmed or Probable Kills:** Click here to enter text.

## Section IV. Conflict Avoidance Information

Note: Conflict avoidance measures include any ranching techniques that were implemented to reduce the impact of wolves that differ from normal operations.

12. **Were Conflict Avoidance Measures Implemented on the Ranch during the Calendar Year?** Choose an item.

13. **Was Funding Provided by Outside Entities to Offset the Cost of Conflict Avoidance Measures:** Choose an item.

**14. Amount of Funding Received from the Outside Entity (ies) (if known/otherwise provide an estimate)?** [Click here to enter text.](#)

**15. What was the Estimated Cost to the Ranch from implementing Conflict Avoidance Measures (do not include funding received from outside entities):** Choose an item.

## **Section V. Wolf Information**

**16. Were Collared Wolves Present on the Ranch during the Calendar Year:**  
Choose an item.

**17. What was the Name of the Pack(s) that was Present on the Ranch during the Calendar Year (if known/otherwise leave blank):** [Click here to enter text.](#)

**18. Were Uncollared Wolves Present on the Ranch during the Calendar Year:**  
Choose an item.

**19. How Frequently Did Ranch Employees Observe Sign (scat, tracks, or hear howling) of Wolves:** Choose an item.

**20. How Frequently Did Ranch Employees See Mexican Wolves:** Choose an item.

**21. What was the Greatest Number of Mexican Wolves Seen Traveling Together by a Ranch Employee in a Single Observation:** [Click here to enter text.](#)

**22. Were Observations of Wolf Sign and Mexican Wolves Reported to the Fish and Wildlife Service or to the New Mexico Department of Game and Fish:** Choose an item.

**Section VI. For Official Use Only**

For Official Use only:

Application Number: \_\_\_\_\_

Date Reviewed: \_\_\_\_\_

Approved? \_\_\_\_\_

Number of Core Areas that Overlap with The Ranch: \_\_\_\_\_

Number of Territories that Overlap with The Ranch: \_\_\_\_\_

Number of Pups that survived until December 31 in Territories That Overlap with The Ranch: \_\_\_\_\_

Weere Conflict Avoidance Measures Implemented? \_\_\_\_\_

Number of Livestock Exposed to Wolves: \_\_\_\_\_

Type of Livestock Operation: \_\_\_\_\_

**Total Points for Application:** \_\_\_\_\_

**Percentage of All Points (For All Ranchers):** \_\_\_\_\_

**Payment Amount Authorized: \$** \_\_\_\_\_

**Printed Name of CLLA Reviewer:** \_\_\_\_\_

**Signature of Reviewing Official From CLLA:** \_\_\_\_\_

**MEMORANDUM OF AGREEMENT (MOA)**  
**BETWEEN**  
**THE BOARD OF REGENTS OF NEW MEXICO STATE UNIVERSITY/**  
**NEW MEXICO DEPARTMENT OF AGRICULTURE**  
**AND**  
**THE COUNTY LIVESTOCK LOSS AUTHORITY**

This agreement made and entered into by and between the NEW MEXICO STATE UNIVERSITY/NEW MEXICO DEPARTMENT OF AGRICULTURE, hereinafter referred to as the “Agency”, and the COUNTY LIVESTOCK LOSS AUTHORITY, hereinafter referred to as the “Contractor”.

IT IS MUTUALLY AGREED BETWEEN THE PARTIES:

1. SCOPE OF WORK

As contemplated by and in accordance with Agency requirements (see Appendices A, B), the Contractor shall provide the following minimum services:

- A. Administer and manage the distribution of competitive grant funds for **GR0007534, F23AP00917-00-Wolf Livestock Loss Compensation and Prevention Grant under the Preventive and Depredation Compensation Program to Support Viable Ranching, Self-Sustaining Wolf Populations, and Healthy Western Landscapes in the American Southwest** CFDA Program Number 15.666 awarded by United States Fish and Wildlife Service (USFWS) to the Agency in a manner consistent with grant award terms. The Agency shall pay the Contractor an administration fee of ten percent (10%) of the total grant (\$195,303), which is nineteen thousand five hundred and thirty dollars (\$19,530) which shall come directly out of the grant award funds.
- B. Prepare and provide accurate and detailed documentation to the Agency to meet all federal fiscal accountability requirements and associated performance and financial reporting timelines identified in the grant awarded to the Agency by USFWS. These reports will include documentation of all **matching** funds required under the grant, which is the contractor’s responsibility to certify that the match requirement has been met and is legitimate, and contractor's responsibility to report to the Agency. **The contractor will provide separate reporting for the Compensation and Prevention components of the grant.**

C.

<b>GR0007534, F23AP00917-00</b>	<b>Approved Funding</b>
Prevention	\$64,877
Prevention administration	\$7,226
Compensation	\$110,896
Compensation administration	\$12,304
<b>Total</b>	<b>\$195,303</b>

MOA

**Wolf Livestock Loss Compensation and Prevention Grant**

**GR0007534/F23AP00917-00**

County Livestock Loss Authority

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- D. Submit accurate and detailed invoices to the Agency. The amount of funding to be billed will not exceed **\$72,103 (seventy-two thousand one hundred and three dollars)** for **GR0007534, F23AP00917-00, Prevention Measures Grant** under the Preventive and Depredation Compensation Program to Support Viable Ranching, Self-Sustaining Wolf Populations, and Healthy Western Landscapes in the American Southwest.

The amount of funding to be billed will not exceed **\$123,200 (one hundred twenty-three thousand two hundred dollars)** for **GR0007534, F23AP00917-00, Loss Compensation Grant** under the Preventive and Depredation Compensation Program to Support Viable Ranching, Self-Sustaining Wolf Populations, and Healthy Western Landscapes in the American Southwest.

- E. Carry out fund administration and management actions on behalf of the Agency.
- F. Provide the Agency with quarterly financial and performance reports highlighting the funds disbursed, sub-recipient match provided and purpose of all payments due.

The reporting deadlines are:

**Quarter Reports:**

July 1-September 30  
October 1-December 31  
January 1-March 31  
April 1-June 30

**Due:**

October 31  
January 31  
April 30  
July 31

**Annual/Final Reports:**

January 18,2023-September 30, 2023  
October 1,2023-Septemeber 30,2023  
October 1, 2024-January 17, 2025

**Due:**

October 31/2023  
October 31/2024  
February 28, 2025

- G. Provide the Agency with final financial and performance reports, which are due thirty days following the termination of the agreement.

\*(SCOPE OF WORK) - - NMDA requires a reporting section within the MOA scope of work in accordance with the grant requirements as issued by the funder, USFWS. NMDA also requires a final report be submitted within 30 days of the final invoice payment.

MOA

**Wolf Livestock Loss Compensation and Prevention Grant**

**GR0007534/F23AP00917-00**

County Livestock Loss Authority

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2. TERM AND MAXIMUM COMPENSATION

This agreement shall **commence on January 18, 2023 and terminate on January 17, 2025** unless terminated pursuant to paragraph 3. Maximum compensation under this sub-award **will not exceed \$195,303** in total. Only allowable costs resulting from obligations incurred during the grant period and any authorized pre-award costs may be charged to the award.

3. TERMINATION

This agreement may be terminated by either of the parties hereto upon written notice delivered to the other party at least 10 days prior to the intended date of termination. By such termination, neither party may nullify obligations already incurred for performance or failure to perform prior to the date of termination.

4. ASSIGNMENT

The Contractor shall not assign or transfer any interest in this agreement or assign any claims for money due or to become due under this agreement without the prior written approval of the Agency.

5. SUBCONTRACTING

The Contractor shall not subcontract any portion of the services to be performed under this agreement without the prior written approval of the Agency.

6. RECORDS AND AUDIT

The Contractor shall maintain level of effort records that indicate the date and nature of services rendered. These records shall be subject to inspection by the Agency. The Agency shall have the right to audit billings both before and after payment; payment under this agreement shall not foreclose the right of the Agency to recover excessive illegal payments.

- A. Notices. All written notices concerning this Agreement shall be sent by certified mail, return receipt requested, to the Parties as follows:

MOA

**Wolf Livestock Loss Compensation and Prevention Grant**

**GR0007534/F23AP00917-00**

County Livestock Loss Authority

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For the Agency:

Julie Maitland  
Division Director  
New Mexico Department of Agriculture  
MSC APR  
New Mexico State University  
P.O. Box 30005  
Las Cruces, NM 88003-8005  
Phone: 575-646-2642  
Email: [jmaitland@nmda.nmsu.edu](mailto:jmaitland@nmda.nmsu.edu)

For the Contractor:

Amber Vaughn  
Sierra County Manager  
1712 N. Date Street  
Truth or Consequences, NM 879101  
575-894-6215  
[avaughn@sierraco.org](mailto:avaughn@sierraco.org)

7. INVOICING

The Contractor shall make all invoices out to the New Mexico State University Accounts Payable Department, MSC 3FO, Las Cruces NM 88003, and email directly to NMDA. **Management of this sub-award includes invoicing New Mexico State University/New Mexico Department of Agriculture on a cost-reimbursable basis.** The invoice shall be submitted by e-mail to Patricia Depner at [pdepner@nmda.nmsu.edu](mailto:pdepner@nmda.nmsu.edu).

8. RELEASE

The Contractor, upon final payment of the amount due under this agreement, releases the Agency, its officers and employees, and the State of New Mexico from all liabilities, claims, and obligations whatsoever arising from or under this agreement. The Contractor agrees not to purport to bind the State of New Mexico, unless the Contractor has an express written authority to do so, and then only within the strict limits of that authority.



MOA

**Wolf Livestock Loss Compensation and Prevention Grant**

**GR0007534/F23AP00917-00**

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9. CONFIDENTIALITY

Any information provided to or developed by the Contractor in the performance of this agreement shall be kept confidential and shall not be made available to any individual or organization by the Contractor without the prior written approval of the Agency, unless required to disclose by court of competent jurisdiction. If required to disclose by a court, the receiving party shall give the disclosing party sufficient notice to allow the disclosing party to move the court or take any other action to protect its proprietary information.

10. AMENDMENT

This agreement shall not be altered, changed, or amended except by instrument in writing executed by the parties hereto.

11. SCOPE OF AGREEMENT

This agreement incorporates all the agreements, covenants, and understandings between the parties hereto concerning the subject matter hereof, and all such covenants, agreements, and understandings have been merged into this written agreement. No prior agreement or understandings, verbal or otherwise, of the parties or their agents shall be valid or enforceable unless embodied in this agreement.

12. NOTICE

The Procurement Code, Sections 13-1-28 through 13-1-199, NMSA 1978, imposes civil and criminal penalties for its violation. In addition, the New Mexico criminal statutes impose felony penalties for illegal bribes, gratuities, and kickbacks.

13. EQUAL OPPORTUNITY COMPLIANCE

The Contractor agrees to abide by all federal and state laws, rules, and regulations and executive orders of the Governor of the State of New Mexico pertaining to equal employment opportunity. In accordance with all such laws, rules, and regulations, and executive orders, the Contractor agrees to ensure that no person in the United States shall, on the grounds of race, color, national origin, sex, sexual preference, age, or handicap, be excluded from employment with or participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity performed under this agreement. If the Contractor is found to be not in compliance with these requirements during the life of this agreement, the Contractor agrees to take appropriate

MOA  
**Wolf Livestock Loss Compensation and Prevention Grant**  
**GR0007534/F23AP00917-00**  
County Livestock Loss Authority  
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steps to correct these deficiencies.

14. **APPLICABLE LAW**

This agreement is governed by the laws of the State of New Mexico.

15. **OTHER PROVISIONS**

None

DRAFT

MOA  
**Wolf Livestock Loss Compensation and Prevention Grant**  
**GR0007534/F23AP00917-00**  
County Livestock Loss Authority  
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WITNESS WHEREOF, the parties have executed this agreement subject to the approval of the agreement shown by dated signature.

NEW MEXICO DEPARTMENT OF AGRICULTURE - AGENCY

By: \_\_\_\_\_ Date  
Jeff Witte, Director/Secretary

COUNTY LIVESTOCK LOSS AUTHORITY - CONTRACTOR

By: \_\_\_\_\_ Date

BOARD OF REGENTS OF NEW MEXICO STATE UNIVERSITY

By: \_\_\_\_\_ Date  
Alisha Giron, Director Office of Grants & Contracts

# Appendix A

**NOTICE OF AWARD**



AUTHORIZATION (Legislation/Regulations)

Omnibus Public Land Management Act of 2009—Wolf Livestock Loss Demonstration Project (7 U.S.C. §8351 note)

1. DATE ISSUED MM/DD/YYYY 03/30/2023		1a. SUPERSEDES AWARD NOTICE dated except that any additions or restrictions previously imposed remain in effect unless specifically rescinded	
2. CFDA NO. 15.666 - Endangered Species Conservation-Wolf Livestock Loss Compensation and Prevention			
3. ASSISTANCE TYPE Project Grant			
4. GRANT NO. F23AP00917-00 Originating MCA #		5. TYPE OF AWARD Other	
4a. FAIN F23AP00917		5a. ACTION TYPE New	
6. PROJECT PERIOD MM/DD/YYYY From 01/18/2023		Through 01/17/2025	
7. BUDGET PERIOD MM/DD/YYYY From 01/18/2023		Through 01/17/2025	

8. TITLE OF PROJECT (OR PROGRAM)  
New Mexico's Preventive and Depredation Compensation Program in Support of Viable Ranching, Self-Sustaining Wolf Populations, and Healthy Western Landscapes in the American Southwest.

9a. GRANTEE NAME AND ADDRESS  
NEW MEXICO STATE UNIVERSITY  
PO BOX 30002  
Las Cruces, NM, 88003-8002

9b. GRANTEE PROJECT DIRECTOR  
Mr. Garrett Hargrove  
3190 S Espina St  
Las Cruces, NM, 88003-1232  
Phone: 575-646-5860

10a. GRANTEE AUTHORIZING OFFICIAL  
Ms. ALISHA GIRON  
1050 Stewart St Ste E1200  
Las Cruces, NM, 88003-8001  
Phone: 575-646-1590

10b. FEDERAL PROJECT OFFICER  
Mrs. Casey Bruner  
9828 North 31st Avenue Suite C3  
Phoenix, AZ, 85051-3803  
Phone: 5055250031

**ALL AMOUNTS ARE SHOWN IN USD**

11. APPROVED BUDGET (Excludes Direct Assistance)		12. AWARD COMPUTATION	
I Financial Assistance from the Federal Awarding Agency Only		a. Amount of Federal Financial Assistance (from item 11m) \$ 195,303.00	
II Total project costs including grant funds and all other financial participation		b. Less Unobligated Balance From Prior Budget Periods \$ 0.00	
a. Salaries and Wages	0.00	c. Less Cumulative Prior Award(s) This Budget Period \$ 0.00	
b. Fringe Benefits	0.00	d. AMOUNT OF FINANCIAL ASSISTANCE THIS ACTION \$ 195,303.00	
c. Total Personnel Costs	0.00	13. Total Federal Funds Awarded to Date for Project Period \$ 195,303.00	
d. Equipment	0.00	14. RECOMMENDED FUTURE SUPPORT	
e. Supplies	0.00	(Subject to the availability of funds and satisfactory progress of the project):	
f. Travel	0.00	YEAR	TOTAL DIRECT COSTS
g. Construction	0.00	a. 2	\$
h. Other	546,590.00	b. 3	\$
i. Contractual	0.00	c. 4	\$
j. TOTAL DIRECT COSTS	\$ 546,590.00	d. 5	\$
k. INDIRECT COSTS	\$ 0.00	e. 6	\$
l. TOTAL APPROVED BUDGET	\$ 546,590.00	f. 7	\$
m. Federal Share	\$ 195,303.00	15. PROGRAM INCOME SHALL BE USED IN ACCORD WITH ONE OF THE FOLLOWING ALTERNATIVES:	
n. Non-Federal Share	\$ 351,287.00	a. DEDUCTION	

15. PROGRAM INCOME SHALL BE USED IN ACCORD WITH ONE OF THE FOLLOWING ALTERNATIVES:	
a. DEDUCTION	<b>a</b>
b. ADDITIONAL COSTS	
c. MATCHING	
d. OTHER RESEARCH (Add / Deduct Option)	
e. OTHER (See REMARKS)	
16. THIS AWARD IS BASED ON AN APPLICATION SUBMITTED TO, AND AS APPROVED BY, THE FEDERAL AWARING AGENCY ON THE ABOVE TITLED PROJECT AND IS SUBJECT TO THE TERMS AND CONDITIONS INCORPORATED EITHER DIRECTLY OR BY REFERENCE IN THE FOLLOWING:	
a. The grant program legislation	
b. The grant program regulations.	
c. This award notice including terms and conditions, if any, noted below under REMARKS.	
d. Federal administrative requirements, cost principles and audit requirements applicable to this grant.	
In the event there are conflicting or otherwise inconsistent policies applicable to the grant, the above order of precedence shall prevail. Acceptance of the grant terms and conditions is acknowledged by the grantee when funds are drawn or otherwise obtained from the grant payment system.	

REMARKS (Other Terms and Conditions Attached -  Yes  No)

**GRANTS MANAGEMENT OFFICIAL:**

Cliff Schleusner, CHIEF - WILDLIFE AND SPORT FISH RESTORATION PROGRAM  
500 GOLD AVE. SW  
ALBUQUERQUE, NM, 87102  
Phone: 505-248-7465

17. VENDOR CODE	0070084514	18a. UEI J3M5GZAT8N85	18b. DUNS 173851965	19. CONG. DIST.	02	
LINE#	FINANCIAL ACCT	AMT OF FIN ASST	START DATE	END DATE	TAS ACCT	PO LINE DESCRIPTION
1	0051033027-00010	\$123,200.00	01/18/2023	01/17/2025	1611	New Grant - WLD-Comp 1113 / 15.666
2	0051033027-00020	\$72,103.00	01/18/2023	01/17/2025	1611	New Grant - WLD-Prev 1113 / 15.666

## NOTICE OF AWARD (Continuation Sheet)

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### SCOPE OF WORK

#### 1. Project Description

New Mexico's Preventive and Depredation Compensation Program in Support of Viable Ranching, Self-Sustaining Wolf Populations, and Healthy Western Landscapes in the American Southwest

### PAYMENTS

#### 1. Domestic Recipients Enrolled in Treasury's ASAP System

The recipient will request payments under this award in the [U.S. Treasury's Automated Standard Application for Payment \(ASAP\)](#) system. When requesting payment in ASAP, your Payment Requestor will be required to enter an Account ID. The number assigned to this award is the partial Account ID in ASAP. When entering the Account ID in ASAP, the Payment Requestor should enter the award number identified in the notice of award, followed by a percent sign (%). Refer to the ASAP.gov Help menu for detailed instructions on requesting payments in ASAP.

### BUDGET AND PROGRAM REVISIONS

#### 1. WSFR Budget and Program Revisions

The recipient is permitted to re-budget within the approved direct cost budget to meet unanticipated requirements and may make limited program changes to the approved project. However, certain types of post-award changes in budgets and projects shall require the prior written approval of the Service. Refer to **2 CFR 200.308** for additional information on the types of changes that require prior written approval.

### REPORT

#### 1. WSFR Interim Financial Reports

The recipient is required to submit interim financial reports on an annual basis directly in GrantSolutions. The recipient must follow the financial reporting period end dates and due dates provided in GrantSolutions. The interim reporting due dates are available by signing in to GrantSolutions and selecting the menu for Reports>Federal Financial Report. The GrantSolutions financial report data entry fields are the same as those on the SF-425, "[Federal Financial Report](#)" form. See also our instructional video on "[Completing the Federal Financial Report \(SF-425\)](#)".

#### 2. WSFR Interim Performance Reports

The recipient is required to submit interim performance reports on an annual basis directly in GrantSolutions. The recipient must follow the performance reporting period end dates and due dates provided in GrantSolutions. The interim reporting due dates are available by signing in to GrantSolutions and selecting the menu for Reports>FPR.

#### 3. Final Reports

The recipient must liquidate all obligations incurred under the award and submit a *final* financial report in GrantSolutions no later than 120 calendar days after the award period of performance end date. The GrantSolutions financial report data entry fields are the same as those on the SF-425, Federal Financial Report form, <https://www.grants.gov/web/grants/forms/post-award-reporting-forms.html>. See also our instructional video on "Completing the Federal Financial Report (SF425)" [https://fawiki.fws.gov/display/VLSV#VirtualLearningSeriesVideosHome-CompletingtheFederalFinancialReport\(SF-](https://fawiki.fws.gov/display/VLSV#VirtualLearningSeriesVideosHome-CompletingtheFederalFinancialReport(SF-)

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425)

The recipient must submit a *final* performance report no later than 120 calendar days after the award period of performance end date. Performance reports must contain: 1) a comparison of actual accomplishments with the goals and objectives of the award as detailed in the approved scope of work; 2) a description of reasons why established goals were not met, if appropriate; and 3) any other pertinent information relevant to the project results. Please include the Service award number on all reports.

The recipient must follow the final Federal Financial Report and the final Performance Report reporting period end dates and due dates provided in GrantSolutions. The final reporting due dates are available by signing in to GrantSolutions and selecting the menu for Reports>Federal Financial Report or Reports>FPR.

#### 4. Reporting Due Date Extensions

Reporting due dates may be extended for an award upon request to the Service Project Officer identified in the notice of award. The request should be sent by selecting the award in GrantSolutions and selecting send message. The message must include the type of report to be extended, the requested revised due date, and a justification for the extension. The Service may approve an additional extension if justified by a catastrophe that significantly impairs the award Recipient's operations. The recipient must submit reporting due date extension requests through GrantSolutions to the Service Project Officer identified in their notice of award before the original due date. The Service Project Officer will respond to the recipient after approval or denial of the extension request.

#### 5. Significant Developments Reports

See 2 CFR §200.329(e). Events may occur between the scheduled performance reporting dates that have significant impact upon the supported activity. In such cases, recipients are required to notify the Service in writing as soon as the recipient becomes aware of any problems, delays, or adverse conditions that will materially impair the ability to meet the objective of the Federal award. This disclosure must include a statement of any corrective action(s) taken or contemplated, and any assistance needed to resolve the situation. The recipient should also notify the Service in writing of any favorable developments that enable meeting time schedules and objectives sooner or at less cost than anticipated or producing more or different beneficial results than originally planned.

## AWARD CONDITIONS

#### 1. WSFR ES Match

The Federal share of the total project expenditures cannot exceed 50 percent. Recipient is eligible to request Federal obligated funds up to but not in excess of an amount equal to 50 percent of the total project expenditures dependent on the job.

#### 2. WSFR Cost Accounting

Cost accounting is at the Grant/project/subaccount level.

#### 3. WSFR Indirect Costs/Directly

The recipient will charge all costs directly.

## SPECIAL TERMS AND REQUIREMENTS

#### 1. Inadvertent Archaeological or Historical Discoveries

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In the event any archaeological or historic materials are encountered during project activity, work in the immediate area must stop and the following actions taken:

1. Implement reasonable measures to protect the discovery site, including any appropriate stabilization or covering;
2. Take reasonable steps to ensure the confidentiality of the discovery sites; and
3. Take reasonable steps to restrict access to the site of discovery.

The recipient must notify the concerned Tribes and all appropriate county, state, and federal agencies, including the State Historic Preservation Office. Agencies and the Tribe(s) will discuss the possible measures to remove or avoid cultural material, and will reach an agreement with the recipient regarding actions to be taken and disposition of material. If Human remains are uncovered, appropriate law enforcement agencies must be notified first, and the above steps followed. If the remains are determined to be Native, consultation with the affected Tribe(s) will take place in order to mitigate the final disposition of said remains.

### 2. Environmental Compliance Reviews

The Department must comply with the "Reasonable and Prudent Measures" and the "Terms and Conditions" set forth in the "Conference/Biological Opinion for the Proposed Revision to the Regulations for the Nonessential Experimental Population of the Mexican Wolf, the Issuance of a New Research and Recovery Permit for the Mexican Wolf Recovery Program and the Gray Wolf, and Funding Provided to Mexican Wolf Recovery Program for the Purpose of Implementing the Program, Consultation Number 02ENNM00-2015-F-0074."

## Terms and Conditions

### 1. U.S. Fish and Wildlife Service

#### General Award Terms and Conditions

Recipients of U.S. Fish and Wildlife Service (Service) grant and cooperative agreement awards (hereafter referred to as 'awards') are subject to the terms and conditions incorporated into their Notice of Award either by direct citation or by reference to Federal regulations; program legislation or regulation; and special award terms and conditions. Award terms and conditions are applicable unless and until the USFWS removes or revises them in written notice to the recipient. The Service will make such changes by issuing a written notice that describes the change and provides the effective date.

Recipients indicate their acceptance of an award by starting work, drawing down funds, or accepting the award via electronic means. Recipient acceptance of an award carries with it the responsibility to be aware of and comply with all terms and conditions applicable to the award. Recipients are responsible for ensuring that their subrecipients and contractors are aware of and comply with applicable award statutes, regulations, and terms and conditions. Recipient failure to comply with award terms and conditions can result in the Service taking one or more of the remedies and actions described in Title 2 of the Code of Federal Regulations (CFR) §§200.339—343.

A PDF of these terms and conditions with embedded links to all regulations is available on the Service's website at: <https://www.fws.gov/media/fws-financial-assistance-award-terms-and-conditions-2020-12-31>. See also the Department of the Interior's General Award Terms and Conditions on their website at: <https://www.doi.gov/grants/doi-standard-terms-and-conditions>.

#### Administrative Requirements, Cost Principles, and Audit Requirements

These requirements and cost principles are applicable to all awards except those to individuals receiving the award separate from any business or organization they may own or operate. Foreign public entities and foreign organizations must comply with special



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considerations and requirements specific to their entity type, unless otherwise stated in this section. Foreign public entities must comply with those for states.

### **2 CFR Part 200, Subparts A—D, as supplemented by 2 CFR Part 1402**

Foreign public entities must follow payment procedures in 2 CFR §200.305(b). For foreign public entities and foreign organizations, the requirements in 2 CFR §§200.321—323 do not apply.

### **Appendix XII to 2 CFR Part 200—Recipient Integrity and Performance Matters**

Applicable to awards with a total Federal share of more than \$500,000 except for awards of any amount to foreign public entities.

### **2 CFR Part 200, Subpart E—Cost Principles**

Applicable to all domestic and foreign non-Federal entities except non-profit organizations identified in Appendix VIII to 2 CFR Part 200.

### **48 CFR Subpart 31.2—Contracts with Commercial Organizations**

Applicable to non-profit organizations identified in Appendix VIII to 2 CFR Part 200 and for-profit organizations.

### **Indirect Cost Proposals**

Requirements for development and submission of indirect cost rate proposals are contained in Appendix III (Institutions of Higher Education), Appendix IV (Nonprofit organizations), and Appendix VII (States, local government agencies, and Indian tribes) to 2 CFR Part 200. See also the DOI negotiated indirect cost rate deviation policies at 2 CFR §1402.414. For-profit entities should contact the DOI National Business Center, Office of Indirect Cost Rate Services at: <https://ibc.doi.gov/ICS/icma>.

### **2 CFR Part 200, Subpart F—Audit Requirements**

Applicable to U.S. states, local governments, Indian tribes, institutions of higher education, and nonprofit organizations. Not applicable to foreign public entities, foreign organizations, or for-profit entities.

### **Statutory and National Policy Requirements**

These requirements are applicable to all awards, including those to individuals, for-profits, foreign public entities, and foreign organizations, unless otherwise stated in this section.

### **Appendix A to 2 CFR Part 25—Universal Identifier and System for Award Management**

Not applicable to individuals or any entity exempted by the awarding bureau or office prior to award per 2 CFR §25.110(c)(2) and bureau or office policy.

### **Appendix A to 2 CFR Part 170—Award term for reporting subaward and executive compensation**

Not applicable to individuals. See 2 CFR 170 for other exceptions.

### **2 CFR §175.15—Award Term for Trafficking in Persons**

Applicable to private entities as defined in 2 CFR §175.25(d), states, local governments, and Indian tribes. Applicable to foreign public entities if funding could be provided to a private entity as a subrecipient under the award.

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### **2 CFR Part 1400—Nonprocurement Debarment and Suspension**

All recipients must ensure they do not enter into any covered transaction with an excluded or disqualified participant or principal. See also 2 CFR Part 180—OMB Guidelines to Agencies on Governmentwide Debarment and Suspension (Nonprocurement). 2 CFR §180.215 defines nonprocurement transactions that are not covered transactions.

### **2 CFR Part 1401—Requirements for Drug-Free Workplace (Financial Assistance)**

Not applicable to foreign public entities or foreign organizations.

### **43 CFR Part 18—New Restrictions on Lobbying**

Recipients are prohibited from using any federally appropriated funds (annually appropriated or continuing appropriations) or matching funds under a Federal award to pay any person for lobbying in connection with the award. Lobbying is influencing or attempting to influence an officer or employee of any U.S. agency, a Member of the U.S. Congress, or an officer or employee of a Member of the U.S. Congress in connection with the award.

### **41 U.S.C. §4712—Whistleblower Protection for Contractor and Grantee Employees**

### **41 U.S.C. §6306—Prohibition on Members of Congress Making contracts with Federal Government**

### **Mandatory Disclosures**

Failure to make required disclosures may result in any of the remedies for noncompliance described in 2 CFR §200.339, including suspension or debarment (see also 2 CFR Part 180).

**Conflicts of interest:** Per 2 CFR §1402.112, non-Federal entities and their employees must take appropriate steps to avoid conflicts of interest in their responsibilities under or with respect to Federal financial assistance agreements. In the procurement of supplies, equipment, construction, and services by recipients and by subrecipients, the provisions in 2 CFR §200.318 apply. Non-Federal entities, including applicants for financial assistance awards, must disclose in writing any conflict of interest to the DOI awarding agency or pass-through entity in accordance with 2 CFR §200.112. Recipients must establish internal controls that include, at a minimum, procedures to identify, disclose, and mitigate or eliminate identified conflicts of interest. The recipient is responsible for notifying the Service Project Officer identified in their notice of award in writing of any conflicts of interest that may arise during the life of the award, including those that reported by subrecipients. The Service will examine each disclosure to determine whether a significant potential conflict exists and, if it does, work with the applicant or recipient to develop an appropriate resolution. Failure to resolve conflicts of interest in a manner that satisfies the government may be cause for termination of the award.

**Lobbying:** If the Federal share of the award is more than \$100,000, recipients must disclose making or agreeing to make any payment using non-appropriated funds for lobbying in connection with the award. To make such disclosures, recipients must complete and submit the SF-LLL, "Disclosure of Lobbying Activities" form to the USFWS. This form is available at: <https://www.grants.gov/web/grants/forms/post-award-reporting-forms.html>. For more information on when additional submission of this form is required, see 43 CFR, Subpart 18.100. These restrictions are not applicable to such expenditures by Indian tribe, tribal organization, or any other Indian organization that is specifically permitted by other Federal law.

**Other Mandatory Disclosures:** Recipients and subrecipients must disclose, in a timely manner, in writing to the Service Project Officer identified in their notice of award or pass-through entity all violations of Federal criminal law involving fraud, bribery, or gratuity violations potentially affecting the Federal award. Non-Federal entities subject to the 2 CFR 200, Appendix XII—Award Term and Condition for Recipient Integrity and Performance Matters are required to report certain civil, criminal, or administrative proceedings to SAM.

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**National Policy Encouragements**

**Executive Order 13043—Increasing Seat Belt Use in the United States**

Non-Federal entities are encouraged to adopt and enforce on-the-job seat belt policies and programs for their employees when operating company-owned, rented, or personally owned vehicles. Individuals are encouraged to use seat belts while driving in connection with award activities.

**E. O. 13513—Federal Leadership on Reducing Text Messaging While Driving**

Non-Federal entities are encouraged to adopt and enforce policies that ban text messaging while driving, including conducting initiatives of the type described in section 3(a) of the order. Individuals are encouraged to not text message while driving in connection with award activities.

# AWARD ATTACHMENTS

NEW MEXICO STATE UNIVERSITY

F23AP00917-00

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1. Award Attachments

**Ref: Endangered Species Conservation- Wolf Livestock Loss Compensation and Prevention Grants  
Federal Compliance Approval**

**Project:** New Mexico's Preventive and Depredation Compensation Program in Support of Viable  
Ranching, Self-Sustaining Wolf Populations, and Healthy Western Landscapes in  
the American Southwest.

**Approach:**

The program is comprised of the two core strategies of prevention and depredation  
compensation, and NMDA has elected to submit the grant request as one.

NMDA partners providing matching funds for the preventive measures program will use  
established protocols for obtaining participation by willing livestock producers. This usually  
involves an agreement between partners and producers for the procurement of a range rider and  
use of other measures known to effectively deter wolves from their attraction to livestock. Tools  
and techniques such as increased human presence, timed calving, turbo fladry (temporary electric  
fencing), and the use of alternate pastures are just a few of the approaches that have been used in  
individual situations to keep both livestock and wolves safe.

The program will continue to provide compensation for livestock deaths and injuries confirmed  
to be the result of wolf depredation. Livestock producers who suspect a wolf depredation will  
follow established procedures for notifying the proper authority (usually USDA WS or the  
Catron County Investigator). If wolf depredation is confirmed by USDA WS, the CLLA will  
compensate the producer for his/her loss. The values to be paid are based on market values  
determined by the USDA Agricultural Marketing Service or other authoritative state or national  
resources such as market reports.

**Endangered Species Act Determinations:**

Conference/Biological Opinion for the Proposed Revision to the Regulations for the Nonessential  
Experimental Population of the Mexican Wolf, the Issuance of a New Research and Recovery Permit for  
the Mexican Wolf Recovery Program and the Gray Wolf, and Funding Provided to Mexican Wolf  
Recovery Program for the Purpose of Implementing the Program, Consultation Number 02ENNM00-  
2015-F-0074."

**NHPA:**

No ground disturbing activities.

**NEPA Determinations:**

Final EIS: Proposed Revision to the Regulations for the Nonessential Experimental Population of the  
Mexican Wolf (*Canis lupus baileyi*) USFWS November 2014



Grant Manager  
Date 3/17/2023

# Appendix B

**WOLF-LIVESTOCK LOSS DEMONSTRATION PROJECT GRANT  
PROGRAM**

**CFDA NUMBER 15.666**

**PROACTIVE PREVENTION MEASURES AND DEPREDATION  
COMPENSATION**

**PROJECT:**

New Mexico's Preventive and Depredation Compensation Program in Support of Viable  
Ranching, Self-Sustaining Wolf Populations, and Healthy Western Landscapes in the American  
Southwest.

**SUBMITTED TO:**

**UNITED STATES FISH AND WILDLIFE SERVICE  
ECOLOGICAL SERVICES**

5275 Leesburg Pike, Falls Church, VA 22041

**SUBMITTED BY:**

**NEW MEXICO DEPARTMENT OF AGRICULTURE**

3190 South Espina, Las Cruces, NM 88003-8005

**March 30, 2023**

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**Summary Information**

**Eligible Applicant:** State Agency – New Mexico Department of Agriculture (NMDA)

**Total Estimated Project Cost:** \$540,000

**Amount of Funding Requested:** \$270,000

**Percentage of Cost Sharing / Matching Requirement:** 50 percent at \$270,000

ORGANIZATION	IN-KIND MATCH	PERCENT OF TOTAL MATCH REQUIREMENT (\$264,000)
New Mexico Department of Agriculture	\$ 45,734	17%
Defenders of Wildlife	\$140,000	52%
KCK Investments, LLC	\$ 99,840	37%
Catron County Depredation Investigator	\$ 68,290	25%
California Wolf Center	\$ 12,000	4%
<b>TOTAL</b>	<b>\$365,864</b>	<b>136%</b>

**Project Personnel (NMDA)**

NMDA proposes the following qualified individuals to perform the necessary work for the proper implementation of the program.

- **Principal Investigator (PI):** Julie Maitland has over twenty years of experience in natural resource policy, strategic planning, organizational management, and budget administration. As the PI, Ms. Maitland will provide leadership and oversight to the grant, outreach, communication, and coordination efforts. Total effort for both grants is at 10 percent of FTE at \$14,840 per year (inclusive of fringe rate at 37.5 percent).
- **Project Staff:** Three NMDA staff will share responsibilities to provide support to New Mexico County Livestock Loss Authority (CLLA); work with permittees (as needed), external stakeholders, nongovernment organizations (NGOs), and relevant agency personnel (United States Fish and Wildlife Service (USFWS)), United States Department of Agriculture (USDA) Animal and Plant Health Inspection Services (APHIS) Wildlife Services (WS), local county agencies, and other agencies) to maintain lines of communication and coordination for the benefit of the program recipients.
  - **Dr. Kelly Ebert.** Dr. Ebert is a Natural Resources Policy Analyst at NMDA and has more than thirty years of experience in natural resources project management, including the reintroduction of endangered species. Total effort for both aspects of the grant is at 30 percent of 0.5 FTE at \$10,726 per year (inclusive of fringe rate at 37.5 percent).
  - **Katie Mechenbier.** Ms. Mechenbier has more than ten years of experience in her position as a Natural Resource Policy Analyst. Total effort for both aspects of the

grant is at 10 percent of FTE per year at \$8,161 (inclusive of fringe rate at 37 percent).

- Max Henkels. Mr. Henkels has more than three years of experience in his position as a Natural Resource Policy Analyst. Total effort for both aspects of the grant is at 15 percent of FTE per year at \$12,007 (inclusive of fringe rate at 37 percent).

## **Project Narrative**

### ***Project Title***

New Mexico's Preventive and Depredation Compensation Program in Support of Viable Ranching, Self-Sustaining Wolf Populations, and Healthy Western Landscapes in the American Southwest.

### ***Description of Entities Undertaking the Project***

NMDA is undertaking this project, in collaboration with the CLLA and other partners and stakeholders described in detail throughout the following narrative sections.

### ***Statement of Need***

The Mexican wolf recovery effort seeks to increase the overall wolf population to an average of 320 wolves in the Mexican wolf experimental population area (MWEPA). The achievement of both the population and genetic goals for the experimental population require more emphasis on measures to prevent or minimize wolf/livestock interactions and less on the removal of problem wolves. USFWS believes these goals can be met by 2030, which seems likely given the continued positive trend in the wolf population (Table 1).

It is especially noteworthy that in 2022 New Mexico continued to harbor more known Mexican wolves than Arizona (Table 1). More importantly, New Mexico harbored twice as many known wolf packs than Arizona (40 vs. 19) and nearly twice as many known breeding pairs (20 vs. 11).<sup>1</sup> Additionally, a fifth county (Hidalgo) was occupied in New Mexico for the first time in 2022 by a pack of two wolves.

The 2022 statistics for the Mexican wolf population in the MWEPA may be a sign of rapid wolf recovery, with the New Mexico composition of wolves likely playing an exceptionally important role in the rate of recovery. As such, this increases the need to heighten the preventive measure program in New Mexico during the FY23 grant period. Evidence of this is an increase by 39 percent in the number of applications received for FY22 preventive measure grant funds. It is also likely the number of compensation requests by producers for impacts on New Mexico livestock could also increase during the FY23 grant period.

Concurrent with an increasing Mexican wolf population over the last three years, NMDA again notes a concomitant decline in the minimum number of cattle in the four New Mexico counties impacted by wolf depredations (Table 1). Even though the actual number of depredations was

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<sup>1</sup> <https://www.fws.gov/press-release/2023-02/mexican-wolf-numbers-soar-past-200>

higher in 2022 compared to 2021, the resulting relative impact of the Mexican wolf experimental population on livestock operations (i.e., number of wolf depredations per total cattle inventory) remained at approximately 0.1 percent in 2022. Additionally, the average depredation rate per 100 wolves in New Mexico continued to decline in 2022 (Table 2, page 13). These statistics may reflect the efficacy of New Mexico’s Preventive and Depredation Compensation Program.

**Table 1.** *Wolf and cattle populations and wolf confirmed depredations in four New Mexico counties encompassed by the Mexican Wolf Experimental Population Area, 2020-2022.*

Year	Total Minimum Mexican Wolf Population (Number/Percentage in New Mexico)	Cattle/Calf Inventory in Catron, Grant, Sierra, and Socorro Counties <sup>2, 3</sup>	Confirmed Depredations (# Calves)
2020	186 (114/61%)	107,000	119 (51)
2021	196 (112/57%)	103,700	85 (41)
2022	241 (136/56%)	97,500	88 (38)

NMDA also recognizes that despite a relatively overall small numerical impact of depredation of livestock by wolves based on total cattle inventory, there are real economic consequences to livestock producers who coexist with wolves in New Mexico. Any livestock loss can be particularly devastating to small, family-run livestock operations, of which there are many within the wolf occupied portion of the MWEPA in New Mexico. Based on data used by USFWS (Final Supplemental EIS; May 2022), ranches with herd sizes of ≤ 50 head make up 85 percent of all livestock operations (approximately 646 ranch operations) in Catron, Grant, Sierra, and Socorro counties. Therefore, an average depredation rate of 47 livestock/100 wolves (Table 2) is significant to impacted livestock producers.

It is critical that New Mexico’s Preventive and Depredation Compensation Program continue with enough funds to ensure the impact of wolf/livestock interactions remains stable or declines and that producers are fairly compensated for unavoidable losses as the recovery objectives for the Mexican wolf are reached. In addition to confirmed kills, other impacts include undetected or unconfirmed but suspected wolf depredations, reduction of livestock weight/reproductive rates, product quality, and increased management costs. Because these impacts are not compensated, it is imperative that NMDA’s preventive measures program expands to ensure social tolerance for wolves as the wolf population grows.

**Purpose**

The desired outcome for New Mexico’s Preventive and Depredation Compensation Program is the coexistence of viable ranching operations and a viable Mexican wolf population. After many years of participation in the Mexican wolf reintroduction program, NMDA will continue collaboration, coordination, and outreach with partners and livestock producers to better

<sup>2</sup> <https://quickstats.nass.usda.gov/results/867212F7-E8E9-31E7-855E-017A4B316F38>.

<sup>3</sup> One pack consisting of two Mexican wolves occupied Hidalgo County, New Mexico, for the first time in 2022. Because no depredation events occurred in Hidalgo County in 2022, the cattle inventory of this county was not included.

understand program outcomes. This will allow NMDA to assist livestock producers as USFWS meets its goals to increase the Mexican wolf population. NMDA is applying for both grants (prevention and compensation) under this application. Prevention funds will assist livestock producers in undertaking proactive, nonlethal, conflict avoidance activities to reduce the risk of livestock loss due to predation by wolves. However, NMDA believes the success of Mexican wolf recovery in New Mexico relies on tolerance of wolf presence; and that tolerance goes hand-in-hand with willingness to implement preventive measures to avoid or minimize wolf/livestock interactions. To this end, program funds will be used to increase participation in New Mexico's preventive measures program. Compensation funds will be used to reimburse livestock producers for their livestock losses due to confirmed predation by wolves.

### *Objectives*

The following primary objectives will help NMDA achieve the purpose and the desired outcomes of this proposal.

- The comparative impact of wolf depredations is kept at approximately 0.1 percent, or lower, of the annual cattle/calf inventory of Catron, Grant, Sierra, Socorro, and Hidalgo counties through implementation of preventive and conflict avoidance measures.
- Partners provide in-kind/dollar match for prevention, and prevention measures are in place before cattle are turned out in spring/summer pastures or prior to pasture rotations.
- Contact active grazing allotment permittees (109) in the Gila National Forest overlapping Catron, Grant, Sierra, and Socorro counties to encourage participation in the preventive measures program, with highest priority given to allotments with known or suspected wolf presence.
- Contact active grazing allotment permittees (41) in the Cibola National Forest overlapping Socorro County to encourage participation in the preventive measures program, with highest priority given to allotments with known or suspected wolf presence.
- Encourage as many as possible of the 893<sup>4</sup> beef cattle ranching operations in Catron, Grant, Sierra, Socorro, and Hidalgo counties to participate in the preventive measures program.
- Long-term outreach and education results in greater participation in the program as it is expanded to other New Mexico counties as the wolf population grows and expands throughout the MWEPA.
- Livestock producers receive timely compensation for confirmed wolf depredations.

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<sup>4</sup>[https://www.nass.usda.gov/Publications/AgCensus/2017/Full\\_Report/Volume\\_1,\\_Chapter\\_2\\_County\\_Level/New\\_Mexico/](https://www.nass.usda.gov/Publications/AgCensus/2017/Full_Report/Volume_1,_Chapter_2_County_Level/New_Mexico/)

### ***Methods/Approach***

The program is comprised of the two core strategies of prevention and depredation compensation, and NMDA has elected to submit the grant request as one. The future success of the Mexican wolf program depends on these interdependent strategies. Therefore, the grant requirements of both the prevention and depredation activities described throughout will contain similar descriptions.

In summary, CLLA will administer the program for NMDA as a subaward. CLLA will work with NMDA's partners that provide matching funds for preventive measures to ensure an outreach strategy is optimized and implemented in areas of highest risk of wolf/livestock interactions using information available from USFWS or the Interagency Field Team (IFT) on known or suspected wolf presence. Landowners and livestock producers within and adjacent areas occupied by Mexican wolves can apply to participate in the preventive measures program aimed at increasing tolerance of wolves nearest to livestock operations. If wolf depredation is suspected, livestock producers can request an investigation from the Catron County Investigator or USDA WS. More details are provided below.

#### For Prevention Program Activities

NMDA partners providing matching funds for the preventive measures program will use established protocols for obtaining participation by willing livestock producers. This usually involves an agreement between partners and producers for the procurement of a range rider and use of other measures known to effectively deter wolves from their attraction to livestock. Tools and techniques such as increased human presence, timed calving, turbo fladry (temporary electric fencing), carcass removal, and the use of alternate pastures are just a few of the approaches that have been used in individual situations to keep both livestock and wolves safe. No one strategy will be effective in every situation, but NMDA's partners and the CLLA will be available to provide recommendations to producers regarding the most appropriate and effective tools.

To maximize wolf tolerance and encourage participation in the preventive measures program by livestock producers with operations in areas of known or suspected wolf presence, CLLA will administer preventive program funds to impacted livestock producers using a yearly application process. Eligible applicants are those with private lands and grazing allotment permits on federal, tribal, or state trust lands within and adjacent to occupied wolf areas. Eligible applicants will be notified by CLLA of the availability of the program. CLLA will consider the following factors to determine eligible applicants.

- Is the applicant's land or grazing lease in a wolf territory?
- Is the applicant's land or grazing lease in a wolf core area (i.e., den or rendezvous area)?
- Are there wolf pups that survived to December 31 in the territory or core area? This factor recognizes the survival of the pups is not dependent upon the rancher.
- How many livestock are exposed to wolf presence?
- Is the applicant implementing proactive conflict avoidance measures?

The following formula will then be applied to each eligible applicant:

## NMDA WOLF/LIVESTOCK LOSS COMPENSATION AND PREVENTION GRANTS, F22AS00281

Step 1: Core Area/2 points per core area + Territory/1 point per territory + Wolf Pups/1 point per pup = Subtotal A.

Step 2: Subtotal A is multiplied by 2 if applicant is implementing conflict avoidance Measures = Subtotal B. Subtotal A is multiplied by 1 if applicant is not implementing conflict avoidance measures.

Step 3: The Number of Livestock (cow/calf is 1; yearling is 0.5) exposed to wolves is divided by 100 = Subtotal C.

Step 4: Subtotal B is added to Subtotal C = Grand Total.

The total for an individual eligible applicant will be divided by the sum of all grand totals received in a year to develop an individual percentage. The applicant will receive that percentage of the budgeted funds available in a given year. The applicant is required to provide an in-kind match of 0.25:1 (i.e., 25 percent in-kind match) if not already implementing preventive measures.

The data for determining the wolf territories, wolf core areas, and the number of pups that survive to December 31 of the year of their birth will be derived from the Mexican wolf IFT's annual monitoring as reported in the Mexican Wolf Recovery Program Annual Report. Eventually, as fewer wolves are equipped with radio collars and the recovery program moves away from such intensive management, ranchers' reports of wolf sign (including photographs and trail camera images) will become important in the calculation for wolf territories.

Further, as not all preventive measures are applicable or equally effective across all livestock operations, a singular multiplier is used in Step 2. To ensure equity among applicants, the 25 percent in-kind match is required if the applicant does not already have implemented preventive measures in place. This policy may be revisited if CLLA determines that a more equitable means of weighing different preventive measures would be fair and unbiased.

### For Compensation Program Activities

The program will continue to provide compensation for livestock deaths and injuries confirmed to be the result of wolf depredation. Livestock producers who suspect a wolf depredation will follow established procedures for notifying the proper authority (usually USDA WS or the Catron County Investigator). If wolf depredation is confirmed by USDA WS, the CLLA will compensate the producer for the loss. The values to be paid are based on market values determined by USDA Agricultural Marketing Service or other authoritative state or national resources such as market reports. CLLA will maintain all records of payments for prevention program activities and compensation program activities.

***Timetable/Milestones***

Milestone	Date	Goal
Meeting with NMDA, CLLA, and matching fund partners	When award is received	Review NMDA’s goals and objectives with partners.
Meeting between NMDA and CLLA	Quarterly	Review current data and program execution to date. Make any necessary adjustments to program delivery moving forward.
Meeting between NMDA and USFWS	As Necessary and Requested	Review programmatic progress. Discuss adjustments to ensure full implementation of grant activities.
Receive information from USFWS or the IFT on wolf abundance and distribution	April 2024 and April 2025	Apply this information to the implementation of the preventive measures program.
Meeting with NMDA and CLLA	November 2025	Gather final data on funds expended and in-kind match provided. Address any end-of-award reporting needs. Ensure all required reports are submitted to GrantSolutions.

***Information to Support Environmental Compliance Review Requirements***

It is assumed that activities undertaken will meet environmental compliance guidelines and that USFWS will provide appropriate and relevant information during the grant funding period through communication with NMDA and other relevant parties.

***Description of Stakeholder Coordination or Involvement***

NMDA coordinated with the following organizations in support of preventive measures facilitating the coexistence of Mexican wolves and livestock in New Mexico and for depredation compensation. NMDA notes that an inconsistency in the timing of the annual Notice of Funding Opportunities and the overlap between award periods present challenges with securing commitments from stakeholders and potential partners. NMDA has secured pledges for the minimum required matching funds or in-kind services from the following organizations at the time of this application but will continue pursuing additional partnerships throughout the grant period. It is noteworthy that for every grant application, NMDA consistently, and significantly, exceeds the required 1:1 match for the grant funds.

Defenders of Wildlife (DOW) – Provides direct and match funds from ranchers to implement preventive measures.



KCK Investments, LLC – Provides in-kind matching helicopter services to haze wolves near cattle.

USDA Wildlife Services – Investigates suspected wolf/livestock depredations.

Catron County Depredation Investigators – Cooperate with USDA WS to investigate wolf/livestock depredations.

New Mexico County Livestock Loss Authority – Manage grant funds, seek maximum participation in the preventive program by livestock producers through education and outreach, and manage donations from organizations or individuals wanting to support the coexistence of wolves and livestock operations in New Mexico.

California Wolf Center (CWC) – Provides direct funds to purchase wolf deterrence equipment.

### ***Project Monitoring and Evaluation Plan***

The program will be monitored by CLLA with oversight by NMDA. NMDA partners providing preventive materials, funding, and in-kind services will submit expenditure and assessment reports to CLLA. Livestock producers suspecting wolf depredation of livestock can request an investigation by USDA WS or the Catron County Depredation Inspector who, in turn, contacts USDA WS. The CLLA and the IFT will evaluate suspected and confirmed depredations and work with respective partners and livestock producers to increase preventive measures where wolf/livestock interactions are suspected or confirmed. Livestock producers will receive compensation funds from CLLA for depredations confirmed by USDA WS. Numbers and kinds of livestock depredated, as well as amount of compensation, will be reported to NMDA and USFWS.

The efficacy of the program will be monitored and evaluated by tracking the number and areas of wolf presence, the number and distribution of livestock producers engaged in the preventive measures program, and the number of suspected or confirmed depredations.

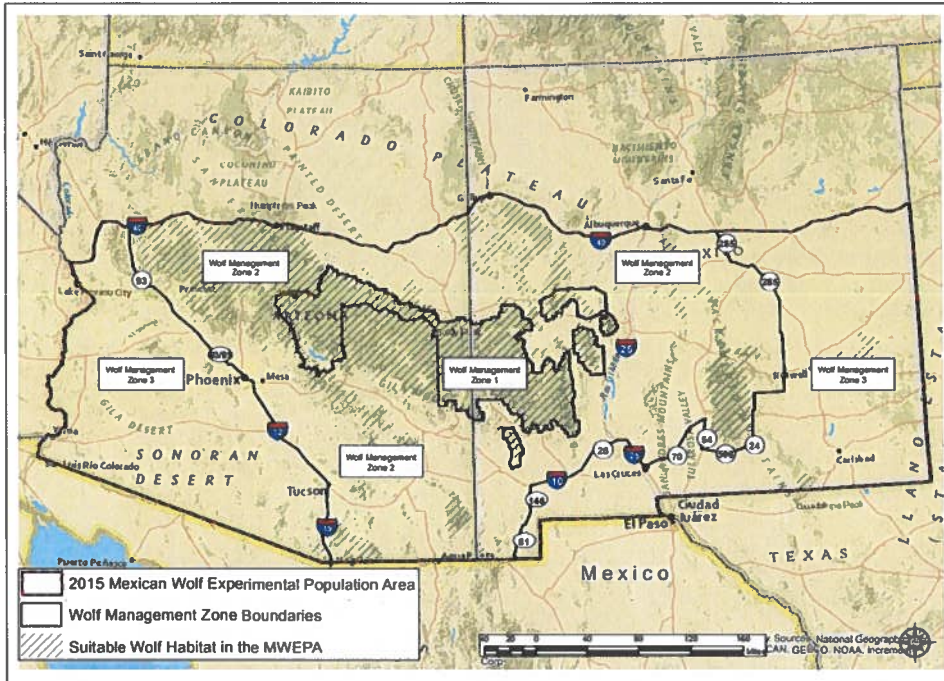
### ***Relevant Details on Key Project Personnel***

See Project Personnel for descriptions of NMDA personnel. The activities of CLLA will be governed by a five-member board (Board) comprised of one representative each from Catron, Socorro, and Sierra counties; one livestock producer in the area where wolves are present; and a representative from an NGO. Additional parties may be added as members of the Board upon invitation or request, ensuring the Board maintains an odd number of voting members. Ex-officio, nonvoting members will include representatives from the following agencies: USFWS, New Mexico Department of Game and Fish (NMDGF), USDA WS, and NMDA. The Board will elect a chairperson and a vice chairperson from its members.

### ***Project Area***

USFWS established a Mexican wolf experimental population in New Mexico and Arizona (see map below) as well as the Fort Apache Indian Reservation, the San Carlos Apache Reservation, and adjacent private lands. The project area for this proposal includes New Mexico only. For

purposes of this application, any funding received will be for any impacts associated with New Mexico livestock producers, exclusively.



*Merit Review Evaluation Criteria*

**Depredation Compensation Activities**

**1. Rate of Wolf Depredation (20 points maximum)**

The table below provides the number of confirmed wolf depredations for the past three years in New Mexico. As noted previously, the cattle inventory within the affected New Mexico counties declined as the number of wolves increased over the past three years. At this time, there is no evidence the decreases in confirmed depredations are a result of fewer cattle, given the relative known impact has been consistent over these years (0.1 percent of the total cattle inventory in Catron, Grant, Sierra, and Socorro counties). Compensation is not paid for undocumented or probable losses from wolf depredation.

The Mexican wolf population grew by about 23 percent between 2021 and 2022; and New Mexico harbored more packs (40) and breeding pairs (20) by about double over Arizona in 2022. These facts could indicate that composition of Mexican wolves in New Mexico could play an important role in the future rate of wolf recovery throughout the MWEPA. If so, there is a potential for an increase in compensation claims, and/or an increase in the number of unconfirmed kills for which compensation is not available.

**Table 2. Confirmed Depredations in New Mexico, 2020-2022**

Year	Number of confirmed wolf depredations	Estimated wolf population	Number of confirmed depredations/100 wolves (= (Number of confirmed wolf depredations ÷ estimated wolf population) * 100)
2020	119	186	$(119/186) * 100 = 64$
2021	85	196	$(85/196) * 100 = 43$
2022	88	241	$(88/241) * 100 = 37$
Average	97	208	$(97/208) * 100 = 47$

**2. Livestock Losses as Calculated by Animal Unit Equivalent (20 points maximum)**

Table 3 shows Mexican wolf depredations on livestock in New Mexico, verified by USDA WS personnel in 2022. Sheep depredations were not verified by USDA WS, so no data were provided. Also note that the percentage of calves depredated was 43 percent in 2020 (51 calves/119 depredations), 48 percent (41 calves/85 depredations) in 2021, and 43 percent (38 calves/88 depredations) in 2022. Despite a decline in calf depredations in 2022, these animals continue to be a significant target of wolf depredations.

**Table 3. Animal-Value Equivalent, 2022**

Type of Livestock	Number of Confirmed losses in the most recent full year – New Mexico	Animal-Value Equivalent	Loss by Animal-Value Equivalent
<b>Cattle</b>			
Calf	38	.68	38 * 0.68 = 26
Cow	50	1	50 * 1 = 50
Bull	N/A	1.5	
<b>Sheep</b>			
Lamb	N/A	.15	
Ewe	N/A	.18	
Ram	N/A	.25	
<b>Total</b>	<b>88</b>		<b>76</b>

**3. Claim Evaluation and Record-Keeping (5 points maximum)**

For an applicant to be eligible for depredation compensation from CLLA, an investigation of the livestock death must be conducted by, and confirmed by, a USDA WS Depredation Investigator. USDA WS’s investigations may include the support of the Catron County Depredation Investigator at the request of the livestock producer.

USDA WS provides a Depredation Report Form to the livestock producer with the estimated time since the depredation event occurred, evidence at the site of the depredation, location, type of animal depredated, and a determination as to whether the depredation death was caused by a wolf. Methods used to investigate depredations include search for predator tracks around the carcass and a field necropsy (USDA APHIS WS, Wildlife Damage Management Technical Series, March 2021. Monitoring for Wolves). The field necropsy includes skinning the dead animal to reveal the presence of bite marks. Bite marks indicating wolf predation include upper canine width of 4.5 – 5.5 cm, lower canine width of 3.0 – 4.0 cm, and canine diameter of 1.0-1.6 cm. Blood around bite marks indicate the animal was alive at the time of the bite, and signs of a struggle indicate a predation event versus opportunistic scavenging. Further, larger predators such as wolves tend to break the bones of a carcass when feeding while smaller predators tend to chew or gnaw on bones.

If the USDA WS Depredation Report verifies that a wolf or wolves were the cause of the death or injury to the livestock, the livestock owner can seek compensation through CLLA by submitting a completed copy of the Depredation Report Form to CLLA. If the claim is consistent with the current market values as identified in appropriate and authoritative sources (such as Livestock Market Reports), CLLA will reimburse the livestock producer accordingly. If the claim is not consistent with identified market values, CLLA will consider the basis for the difference on a case-by-case basis and provide a determination on the claim. Determinations will be made upon receipt of the request for reimbursement and based on the justification of the difference submitted by the livestock producer.

CLLA will maintain copies of all investigation reports and an accounting of the funds expended for depredation compensation. Interim financial and performance reports will be submitted directly into GrantSolutions by the appropriate official at NMDA at the frequency established in the Notice of Award. A final financial report will be submitted directly into GrantSolutions

within 120 calendar days after the award period of performance end date. The financial reports summarize deposits, disbursements, fees, current investment positions, and investment income during each reporting period with a reconciliation of the remaining unobligated balance in each subaccount. The reports also include the status of all active recipient contracts. The performance reports will contain a comparison of actual accomplishments with the goals and objectives; a description of reasons why goals were not met, if applicable; and any other pertinent information. CLLA will maintain records of all actions taken concerning the administration of the grant.

**4. Integration of Prevention Activities (10 points maximum)**

Information on wolf numbers and presence provided by USFWS or the IFT at the end of April of each year is used to identify areas of highest risk for wolf/livestock interactions, ensuring conflict avoidance and depredation prevention programs are in place in these areas. Wolf information will be used to reach out to livestock producers in highest risk areas, encouraging participation in the preventive measures program. However, NMDA does not require livestock producers to implement preventive measures to qualify for depredation compensation.

**5. Coordination, Transparency, and Accessibility (10 points maximum)**

NMDA and partners have a high level of success in gaining livestock producer participation in the preventive measures program by word of mouth. In rural areas, such as the areas encompassed by this proposal, a program's integrity is often based on the experience of friends, family, and neighbors. NMDA and partners use the April wolf counts and information on wolf whereabouts to identify livestock producers with the greatest risk of wolf/livestock interactions. An informal approach is then made to contact these producers through neighbors and other livestock producers who have participated in the program. Additionally, CLLA will facilitate communication between management agencies, establish effective partnerships, and implement cooperative efforts in support of the program. It is noteworthy that in 2002, the level of participation in the preventive measures program increased by 39 percent.

**6. Listing Status of Wolf Populations in Project Area (10 points maximum)**

At the time of this funding opportunity, the Mexican wolf is federally listed in the project area. NMDGF includes the Mexican wolf in its State Wildlife Action Plan for reasons described as declining and vulnerable. See:

<http://www.wildlife.state.nm.us/download/conservation/swap/New-Mexico-State-Wildlife-Action-Plan-SWAP-Final-2019.pdf>

**7. Project Costs (20 points maximum)**

The CLLA will receive a subaward from NMDA (state agency) to act as the fiscal agent for New Mexico livestock producers by receiving the funds and distributing them to New Mexico livestock producers impacted by wolf presence. The CLLA's administrative costs are covered by grant funds.

Compensation payments for different classes of livestock are established and revised, as necessary, based on current market values. If livestock other than cattle and sheep are depredated, compensation will be determined at the discretion of the CLLA. The CLLA can also compensate livestock producers for working dogs that are depredated. The request for working dog or other livestock compensation must be accompanied by the same depredation reports used

for cattle depredations. The following livestock values for cattle in June 2022 are currently in use.

<u>Domestic Cattle</u>		<u>Domestic Sheep</u>	
Bull	\$4,500	Ram	\$ 750
Bred Cow	\$1,250	Ewe	\$ 225
Yearling	\$1,127	Lamb	\$ 225
Calf	\$ 940		

The amount of \$160,000 will be made available for depredation compensation; this amount is based on past grant program payments. An additional \$12,500 will be allocated to CLLA as an administrative fee. Nonfederal, in-kind match will be provided by NMDA through four project staff members in support of both prevention and depredation activities. Additional in-kind match for the depredation compensation program is provided by Catron County Depredation Investigators.

Based on experience, NMDA fully expects the depredation compensation funds from the FY22 grant (\$123,200) will be fully expended before the start of the FY23 grant award period.

Please see NMDA's Budget Narrative for additional details.

### **Depredation Prevention Activities**

#### **1. Rate of Wolf Depredation (20 points maximum)**

It is expected that as preventive/conflict avoidance measures prove to be effective in decreasing wolf/livestock interactions, there will be less of a need for funding for confirmed depredation events over time. Depredation prevention allows livestock producers to see the operational benefits in employing nonlethal practices, leading to increased participation and willingness to invest their own funds in expanding proactive prevention strategies. When a conflict is avoided, the program benefits through increased long-term tolerance for Mexican wolves in New Mexico.

NMDA notes that applications for the prevention measures program increased by 39 percent under the FY22 grant program and has a goal of increasing participation by another 25 percent (i.e., a minimum of an additional eight producers) under this proposal. If successful, NMDA expects the depredation rate in 2023 will decline yet again. If the depredation rate increases, NMDA will use this information to work with producers to incorporate adaptive management in their conflict avoidance measures.

**Table 4. Confirmed Depredations in New Mexico, 2020-2022**

Year	Number of confirmed wolf depredations	Estimated wolf population	Number of confirmed depredations/100 wolves (= (Number of confirmed wolf depredations ÷ estimated wolf population) * 100)
2020	119	186	$(119/186) * 100 = 64$
2021	85	196	$(85/196) * 100 = 43$
2022	88	241	$(88/241) * 100 = 37$
Average	97	208	$(97/208) * 100 = 47$

**2. Effectiveness of Preventive Techniques (20 points maximum)**

NMDA’s preventive measures program includes direct expenditures by NGOs and producer partners and in-kind match of equal or greater value by livestock producers/cooperators in areas of known or suspected wolf territories. Expenditures include hiring of range riders and providing them with room and board, vehicle use, saddle horses, and integral components such as fuel, feed, and tack. Range riders move and herd cattle as necessary to prevent wolf/livestock interactions using nonlethal hazing methods such as rubber bullets, air horns, or cracker shells to chase away potential predators. Expenditures also include supplies and equipment to assist with monitoring cattle, providing cattle with supplemental feed, fencing with fladry, implementing grazing strategies, and using other nonlethal deterrents. Helicopters are used to haze wolves away from cattle. DOW also provides a wildlife technician to assist with monitoring of wolves and livestock, which improves the efficacy of nonlethal measures to prevent wolf/livestock interactions and also coordinates with USFWS’ IFT to share information about locations and activities of the wolves.

These tools and techniques are just a few of the approaches proven effective in individual situations to keep livestock and wolves safe, but no one approach will work in every situation. NMDA and its partners work with individual livestock producers within the vicinity of known or suspected wolf territories to determine the best approach for his/her livestock operation.

Additionally, NMDA notes that livestock producers are more positive about this program, and more tolerant of wolves, merely because they were compensated for their operations being in proximity of known wolf presence. NMDA also recognizes that not all livestock producers are willing to cooperate with NMDA’s NGO partners in implementing preventive measures, but they are more likely to work with New Mexico officials. To build on these foundations, CLLA will use preventive measures grant funds to encourage more livestock producers to implement wolf/livestock conflict avoidance measures using the formula found in the Methods/Approach for Preventive Program Activities described earlier in this document.

However, NMDA notes that while its goal of increasing producer participation for the FY22 funds was nearly 100 percent (i.e., seven of eight desired additional producers applied for the preventive measures program) the average payment to those producers from the FY22 grant decreased from \$2,584 to \$1,763 (i.e., approximately 30 percent). This was because NMDA did not receive the total amount of preventive measures grant funds requested under the FY22 grant and the number of eligible applicants increased. Unless New Mexico producers are fairly compensated for coexistence with the Mexican wolf as the wolf population continues to grow,



such producers may lose interest and trust in the program, and consequently decline further participation.

**3. Outreach and Coordination (15 points maximum)**

CLLA will coordinate and communicate with producers whose livestock are present within the vicinity of known or suspected wolf territories, share information about the presence and activities of wolves in the counties, and encourage participation in the preventive measures program. The goal of this outreach and coordination strategy is for local livestock producers to put their trust in a local entity (i.e., the CLLA), with whom their concerns will be heard; and by the same token, the CLLA will address those concerns by communicating guidance back to the producers. For example, CLLA will share the experiences of livestock producers who have been coexisting with wolves to improve the capacity of communities and individuals to better manage wolves and livestock to reduce conflicts. CLLA can also communicate yearly wolf population information, as determined by the IFT, to local livestock producers.

**4. Listing Status of Wolf Populations in Project Area (20 points maximum)**

At the time of this funding opportunity, the Mexican wolf is federally listed in the project area. NMDGF includes the Mexican wolf in its State Wildlife Action Plan for reasons described as declining and vulnerable. See:

<http://www.wildlife.state.nm.us/download/conservation/swap/New-Mexico-State-Wildlife-Action-Plan-SWAP-Final-2019.pdf>

**5. Project Costs (20 points maximum)**

CLLA will receive a subaward from NMDA (state agency) to act as the fiscal agent for New Mexico livestock producers by receiving the funds and distributing them to New Mexico livestock producers impacted by wolf presence. The CLLA administrative costs are covered by grant funds.

The amount of \$85,000 will be made available to producers to coexist with Mexican wolves and for implementing proactive conflict avoidance measures. An additional \$12,500 will be allocated to CLLA as an administration fee. Conflict avoidance practices include, but are not limited to, increased human presence, timed calving, range riders, turbo fladry, and alternate pasture usage. It is understood that no specific strategy is effective for every situation; but NMDA, CLLA, and NGO partners are available to offer recommendations to livestock producers on the most effective and appropriate measure necessary. Distribution of funds to livestock producers will be through a cost-reimbursement approach via invoices and other documentation of payments and using the formula described on page 9.

Nonfederal, in-kind match will be provided by NMDA through four project staff members in support of both prevention and depredation activities. Match for the preventive measures program is provided by DOW; KCK Investments, LLC; CWC; other producers; and new partnerships explored by NMDA. NMDA notes that an inconsistency in the timing of the annual Notice of Funding Opportunities presents challenges with securing commitments from stakeholders and potential partners for the preventive measures program. NMDA has secured pledges for the minimum required matching funds or in-kind services at the time of this application, but will continue pursuing additional partnerships throughout the grant period.



Further, NMDA created a method to capture additional in-kind match provided by livestock producers through a simple record system. Specifically, NMDA collects and verifies expenditure receipts from livestock producers voluntarily implementing preventive measures and prorates the cost of these measures as supplemental in-kind matching funds. NMDA will continue to leverage such additional funds within the proposed project period.

Based on experience, NMDA fully expects the preventive measure funds from the FY22 grant (\$72,103) will be fully expended before the start of the FY23 grant award period.

Please see NMDA's Budget Narrative for additional details.

**Budget Narrative**

See separate correspondence.

**Conflict of Interest Disclosure**

No actual or potential conflict of interest exists at the time of submission of this grant proposal.

**Overlap or Duplication of Effort Statement**

The proposed project (Opportunity No: F23AS00131) is a separate application of a previous project (Opportunity No: F22AS00281) that was awarded in calendar year 2023 and implemented through the Wolf-Livestock Demonstration Project Grant Program. The award dates for proposed project (F23AS00131) overlaps the end date for the F22AS00281 award. All funds from the F22AS00281 award will be expended before disbursement of F23AS00131 funds.

We understand that if at any time we receive funding from another source that is duplicative of the funding we are requesting from USFWS in this application, we will immediately notify the USFWS point of contact identified in this Funding Opportunity in writing.

**COUNTY LIVESTOCK LOSS AUTHORITY  
RESOLUTION NO 0002**

**RESOLUTION IN SUPPORT OF REVISED EVIDENTIARY STANDARDS FOR  
DETERMINING LIVESTOCK DEPREDATIONS**

**WHEREAS**, the County Livestock Loss Authority met at a special meeting on Tuesday, May 9, 2023, at 1:00 P.M. via zoom; and,

**WHEREAS**, the County Livestock Loss Authority was established pursuant to the Joint Powers Act, NMSA 1978, Sections 11-1-1 et seq., to, among other things, resolve claims by livestock producers for costs attendant to the implementation of the Mexican Wolf Recovery Program; and,

**WHEREAS**, this Board is committed to continuing to explore ways in which to ensure that livestock producers are fully compensated for all additional costs associated with the management of livestock as a result of the implementation of the Mexican Wolf Recovery Program; and,

**WHEREAS**, the United States Department of Agriculture Wildlife Services (USDA WS) has proposed evidentiary standards that dramatically impact livestock producers compensation for depredations resulting from the Mexican Wolves; and,

**WHEREAS**, this Board supports revisions to the USDA WS evidentiary standards to permit for more complete compensation to producers impacted by the Mexican Wolf Recovery Program.

**NOW, THEREFORE, BE IT RESOLVED** by the County Livestock Loss Authority that it extends its complete and unequivocal support for the Arizona Cattle Growers' and New Mexico Cattle Growers' Associations proposed revisions of the evidentiary standards for determining livestock depredations by Mexican wolves in Arizona and New Mexico, attached hereto as Exhibit 1.

**NOW, THEREFORE, BE IT FURTHER RESOLVED** by the County Livestock Loss Authority that a copy of this resolution be directed to the Director of the APHIS Wildlife Services, Western Region, to David Bergman, the Arizona Director of USDA APHIS, and Jon Grant, the New Mexico Director of USDA-APHIS.

**APPROVED, ADOPTED, AND PASSED** on this 9th day of May, 2023.

**COUNTY LIVESTOCK LOSS AUTHORITY**

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James Paxon, Chairman, Sierra County Director

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Audrey McQueen, Catron County Director

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Ray Martinez, Socorro County Director

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Tom Paterson, Livestock Producer Rep.

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Nelson Shirley, NGO Representative

## EXHIBIT I

### Evidence Standards for Determining Livestock Depredations by Mexican Wolves in AZ and NM

#### Determination Categories:

**Confirmed** - physical evidence leaves little doubt that livestock was attacked and killed by Mexican wolves. This determination is reached by documenting either 1) subcutaneous hemorrhage and tissue damage indicating that the livestock was attacked and bitten while it was alive, or 2) ~~any~~ other physical evidence that singly or in combination leaves little doubt that a depredation occurred. Other physical evidence may include the presence of bite marks or punctures of appropriate tooth spacing for wolves, attack locations and feeding patterns on the carcass align with established wolf patterns, wolf tracks that correlate to the time of death, wolf scat, or wolf attack scenes with blood stains and damaged vegetation, other wolf denning or depredation activity in the immediate area or time of year. Evidence of a confirmed cow kill is sufficient to confirm a calf kill, even if the calf carcass is missing.

**Probable** - physical evidence suggests that livestock was more likely than not likely attacked and killed by Mexican wolves, but there is not enough evidence to reach a confirmed determination. Physical evidence may include subcutaneous hemorrhaging and tissue damage, bite marks of appropriate tooth spacing for wolves, attack locations and feeding patterns on the carcass align with established wolf patterns, wolf tracks that correlate to the time of death, wolf scat, or wolf attack scenes with blood stains and damaged vegetation, but or other physicals such evidence is not necessary to reach a determination of "Probable." Other evidence may include wolf denning or depredation activity in the immediate area, time of year that eliminates other predators, poisoning, lightning strike or disease, historical GPS data with "wolf clusters" in the area or other evidence that wolves killed the livestock in question. Evidence of a probable cow kill is sufficient to confirm a calf kill, even if the calf carcass is missing.

**Unknown** - ~~the~~ physical evidence is inadequate to suggest Mexican wolf predation as more than likely than not the cause of death. Physical evidence of wolf presence may be found on the carcass or nearby, however, this evidence is inadequate to reach a probable determination.

**Other** - ~~physical evidence to suggest Mexican wolf predation as the cause of death is minimal or nonexistent but sufficient physical evidence suggests another cause of death. Examples might include~~ - depredation from other species, lightning strike, stillbirth, complications from birthing, disease, starvation, shooting, vehicle collision, fall from a cliff, etc.

#### Physical Evidence of Wolf Depredations

**Subcutaneous Hemorrhage** and more generally **Hemorrhage**, as it specifically relates to depredation investigations refers to heavy or uncontrolled bleeding from the blood vessels in and under the skin layer and/or in the muscle tissue. This is most generally associated with a direct and lethal attack by a carnivore and includes significant muscle tissue damage.

**Bite marks** from Mexican wolves can be distinguished from other carnivores by the width of the bite - lower jaw canines can measure from 28.1 to 43.7mm, while upper jaw canines can measure from 31.4 to 49.8 mm. If livestock is killed by wolves, then (depending on the time that has passed and what remains of the carcass) investigators may should be able to identify all four canines in each set of bite

and/or rake marks in and under the skin, although sometimes only the upper or lower canines or left or right side of each will be visible.

#### Wolf attack signs (bites and rake marks):

- 1) Cattle - typically found on the hindquarters and flanks of cattle and there is frequently may or may not be significant damage to underlying muscle documented. Ears may be chewed off. Cattle may also be attacked from the front.
- 2) Sheep - typically include crushed skulls, severed spines, massive tissue damage and multiple kills in one event.
- 3) General - include large bones chewed and broken, as well as ribs, hide and muscle being eaten.

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**COUNTY LIVESTOCK LOSS AUTHORITY  
RESOLUTION № 0003**

**IN SUPPORT OF WOLF AND LIVESTOCK FAIRNESS ACT**

**WHEREAS**, the County Livestock Loss Authority, met in a special meeting on May 9, 2023, at 1:00 P.M. via zoom; and,

**WHEREAS**, the County Livestock Loss Authority was established pursuant to the Joint Powers Act, NMSA 1978, Sections 11-1-1 et seq., to, among other things, resolve claims by livestock producers for costs attendant to the implementation of the Mexican Wolf Recovery Program; and,

**WHEREAS**, the County Livestock Loss Authority is committed to providing timely compensation to impacted producers, and to establishing a fair and current market value upon which compensation for depredations shall be based; and,

**WHEREAS**, Representative Gabe Vasquez, along with Representatives Stanton, Schweikert, and Pfluger, introduced the Wolf and Livestock Fairness Act (WOLF Act); and

**WHEREAS**, the WOLF Act charges the Secretary with providing emergency relief to livestock producers with herds adversely affected by Mexican Wolves by increasing compensation from seventy-five percent (75%) to one hundred (100%), and by utilizing a formula the Secretary is to develop that takes into account (1) herd size, (2) average number of confirmed depredations, (3) average annual increase in management costs for producers during the preceding five years, (4) the average annual decrease in birth rates of herds of producers due to wolves, (5) the depredation prevention practices carried out by the producers.

**NOW, THEREFORE, BE IT RESOLVED** by the County Livestock Loss Authority that it commends Representative for introducing a measure intended to address the harm experienced by producers resulting from the implementation of the Mexican Wolf Recovery Program.

**NOW, THEREFORE, BE IT FURTHER RESOLVED** by the County Livestock Loss Authority that it expresses its intent to work with Representative Vasquez and his staff, and to work with his Congressional colleagues, to clarify the proposed WOLF Act to include direct and indirect costs and to include compensation for probable as well as confirmed kills.

**APPROVED, ADOPTED AND RESOLVED** this 9<sup>th</sup> day of May, 2023.

**COUNTY LIVESTOCK LOSS AUTHORITY**

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James Paxon, Chairman, Sierra County Director

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Audrey McQueen, Catron County Director

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Ray Martinez, Socorro County Director

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Tom Paterson, Livestock Producer Rep.

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Nelson Shirley, NGO Representative