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**IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF
NEW MEXICO**

**County Commissioners of the
County of Sierra; the
Hillsboro Pitchfork Ranch L.L.C.; the
Salopek Ranch; William R. Lindsey;
and the High Seven Ranch**

Petitioners,

v.

**THE UNITED STATES DEPARTMENT
OF THE INTERIOR, DEB HAALAND,**
in her official capacity as Interior Secretary;
UNITED STATES FISH and WILDLIFE SERVICE,
an agency of the Department of the Interior;
MARTHA WILLIAMS, in her official capacity as
Principal Deputy Director, United States Fish
and Wildlife Service; **AMY LUEDERS,**
in her official capacity as Regional Director,
Region 2 of the United States Fish and Wildlife Service;
and **Brady McGee,** in his official capacity as the
Mexican Wolf Recovery Coordinator.

Respondents.

Civil No. _____

PETITION FOR REVIEW OF FINAL AGENCY ACTION

Petitioners County Commissioners of the County of Sierra, New Mexico; the Hillsboro Pitchfork Ranch L.L.C.; the Salopek Ranch; William R. Lindsey; and the High Seven Ranch (“Petitioners”) files this Petition for Review against the Respondents, U.S. Department of the Interior and the U.S. Fish and Wildlife Service, and Deb Haaland as Interior Secretary, Martha Williams as Principal Deputy Director of the U.S. Fish and Wildlife Service, Amy Lueders as Regional Director for Region 2 of the U.S. Fish and Wildlife Service and Brady McGee as Mexican Wolf Recovery Coordinator, all in their official capacities (collectively Respondents), related to the final decision authorizing the 2021 release and translocation of “known problem” Mexican wolves in Sierra County, New Mexico. This decision and subsequent action was completed without any analysis and without adequate public notice or input as required by the National Environmental Policy Act (NEPA).

INTRODUCTION

1. This is a petition for review of agency action by Petitioners against the U.S. Department of the Interior and U.S. Fish and Wildlife Service as well as Interior Secretary Deb Haaland, Martha Williams, Amy Lueders, and Brady McGee in their official capacities. Respondents violated the NEPA, as well as the Administrative Procedure Act (“APA”) (5 U.S.C. § 702 et seq.) by failing to complete any analysis pursuant to the National Environmental Policy Act regarding the proposed translocation of male wolf (M 1693) and female wolf (F

1728) (collectively “problem wolves”) onto private property in Sierra County, New Mexico, a mere five (5) miles from the closest ranching operation. Male wolf M 1693 is designated a “problem wolf” by Respondents because he has seven (7) documented and confirmed livestock depredations and one (1) documented adverse human interaction in a neighboring New Mexico county. Female wolf F 1728 is also designated a problem wolf by Respondents because she has three (3) documented and confirmed livestock depredations in a neighboring New Mexico county.

2. Respondents further violated agency requirements and policy by either failing to provide adequate notice to landowners and permittees within a 10-mile radius or failing to provide any notice at all to landowners within a 10-mile radius prior to conducting the translocation of these problem Mexican wolves who are known to kill livestock and who have had one adverse human interaction. While a form letter was emailed “To Whom it May Concern:” on or about May 3, 2021, this letter failed to include any notification that the wolves to be released in Sierra County, New Mexico, had a known and documented behavior of livestock kills and that the male wolf (M 1693) had previously threatened one human in a non-captive environment. By withholding this vital information, the May 3, 2021, notification letter is wholly inadequate and the request for public comment contained in the letter was a violation of law and policy. Additionally, at least one landowner who fit the Respondents’ criteria for receiving the notification received no notification at all, again in violation of FWS policy and procedure.

JURISDICTION

3. This Court has jurisdiction over this action pursuant 5 U.S.C. § 702 *et seq.* (Administrative Procedure Act).
4. Petitioners have suffered a legal wrong and are adversely affected or aggrieved by the Respondents' final agency actions and inactions and are entitled to seek judicial review pursuant to 5 U.S.C. §§ 702 and 704.
5. The Respondents' final agency actions and inactions are also reviewable in accordance with *Olenhouse v. Commodity Credit Corp.*, 42 F.3d 1560 (1994).
6. Venue is proper in this Court pursuant to 28 U.S.C. § 1391(e)(2) as the Respondents have translocated the problem wolves and their pups into pens on private land on the Ladder Ranch located in Sierra County, New Mexico.
7. This case is ripe for judicial review. According to the Ladder Ranch Reserve 2021 Wolf Translocation Plan, "In March 2021, the U.S. Fish and Wildlife Service authorized the translocation of M 1693 and F 1728 and their dependent pups" This "authorization is a "final agency action" as required by 5 U.S.C. §§ 702, 704. Upon information and belief, the problem wolves were transported to the release pens on the Ladder Ranch in Sierra County, New Mexico on or about June 17, 2021.

PARTIES

8. Petitioner, Sierra County, New Mexico, was established by the New Mexico Legislature in 1917, and its boundaries defined by NMSA 1978, Section 4-27-2 (1917).
9. The Board of County Commissioners of the County of Sierra exercises the powers of the County as a body politic and corporate pursuant to NMSA 1978, Section 4-38-1(1884).

10. The New Mexico Legislature has granted the Counties those powers to provide for the safety, preserve the health, promote the prosperity and improve the morals, order, comfort and convenience of any county or its inhabitants. NMSA 1978 § 4-37-1 (1975).
11. On June 29, 2021, the Board of County Commissioners for Sierra County authorized this litigation on their behalf.
12. Petitioner Hillsboro Pitchfork Ranch L.L.C. is located adjacent to and north of the community of Hillsboro, Sierra County, New Mexico. The Ranch is owned by fourth-generation ranchers Kathy McKinney and Robert Cunningham. The north boundary of the Pitchfork Ranch is adjacent to the Ladder Ranch and approximately 9.2 miles from the Mexican wolf release site. The Pitchfork Ranch shares a common boundary with the Ladder Ranch of approximately four miles. The Pitchfork Ranch is a 225 head cow/calf operation, meaning that Petitioner has a permanent herd of livestock to produce and raise calves for sale.
13. Petitioner Salopek Ranch is a ranch of approximately 50 sections of private land, with a small portion of State land that is directly adjacent to the Ladder Ranch. The Salopek Ranch is a working cattle ranch that maintains approximately 300 heard of cattle on their private property and State leased land. David Salopek and his wife raised their children on the ranch. Despite being directly adjacent to the Ladder Ranch and even though Petitioner Salopek Ranch's livestock graze less than three miles from the release site, the owner of the Salopek Ranch did not receive notification of the proposed release of problem wolves from the Respondents. Currently, Petitioner Salopek's livestock are grazing adjacent to

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