

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
NORTHERN DIVISION

NO. 2:15-CV-42-BO

RED WOLF COALITION,)	NOTICE OF NEW INFORMATION SUPPORTING PLAINTIFFS' MOTION FOR PRELIMINARY INJUNCTION
DEFENDERS OF WILDLIFE, and)	
ANIMAL WELFARE INSTITUTE,)	
Plaintiffs,)	
v.)	
THE UNITED STATES FISH AND)	
WILDLIFE SERVICE; DAN ASHE, in his)	
official capacity as Director of the United)	
States Fish and Wildlife Service; CYNTHIA)	
K. DOHNER, in her official capacity as)	
Regional Director of the United States Fish)	
and Wildlife Service Southeast Region.)	
Defendants.)	

On June 20, 2016, Plaintiffs filed a Motion for Preliminary Injunction and accompanying Memorandum, ECF Nos. 31-32. On June 21, 2016 at 6:20 PM, Defendants emailed Plaintiffs a letter regarding Plaintiffs' Motion, and on June 22, 2016 at 5:53 PM, Defendants filed a Notice with this Court regarding this letter. ECF No. 34. In that filing, Defendants represented that "the Service has no plan or intention to issue any take authorizations or to remove any wolves pursuant to 50 C.F.R. §§ 17.84(c)(4)(v) or (c)(10), except as necessary to protect human safety or the safety of life or pets" and "offered to provide Plaintiffs with ten business days' notice" if those plans changed "during the course of this district court case." Plaintiffs responded on June 22, 2016, notifying Defendants that their offer "does not provide the assurances necessary to protect the world's only wild population of red wolves." ECF No. 35.

Following this Court’s hearing on June 23, 2016, Plaintiffs became aware of email correspondence sent from a landowner to the U.S. Fish and Wildlife Service objecting to the Service’s representation to this Court that there were no pending red wolf removal requests. *See Exhibit 1.* Correspondence with counsel for Defendants indicates that the agency stands behind its representation to the Court, based on its position that the request of the landowner in question was closed on February 29, 2016. *See Exhibit 2.* Even if the Service had closed the landowner’s request in February, however, the email exchange reflects that the landowner did not believe that to be true, and that he would want any wolves that return to his land removed.

Additionally, Plaintiffs have become aware of email correspondence sent from the Service to two landowners on June 29, 2016, notifying the landowners that two wolves that had previously been removed from their properties “this past winter” had been released “on Friday” (presumably June 24, 2016) and that three additional animals that had been removed from their properties had escaped. *See Exhibit 3* (available online at <http://forum.citizensscience.org/index.php/topic,443.150.html?PHPSESSID=faca2762387c29de3caf262f1a51796>). The Service indicated that it would stay in touch with the landowners with any updates about the whereabouts of the wolves.

This new information goes to the imminence of harm alleged by Plaintiffs as it reflects recent take requests, recent wolf releases that could lead to new take requests, more details about the number of animals that have been in captivity and therefore not on the landscape contributing to the wild population, continuing statements from landowners that they intend to ask for red wolves to be removed from their property, and indications from the Service that the agency will honor landowner requests to stay informed of where wolves are on the landscape – information that is irrelevant except to request removals or prepare to trap the red wolves themselves.

Respectfully submitted this the 8th day of July, 2016.

/s/ Sierra B. Weaver
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CERTIFICATE OF SERVICE

I hereby certify that on July 8, 2016, I electronically filed the foregoing **Notice of New Information Supporting Plaintiffs' Motion for Preliminary Injunction** with the Clerk of the Court using the CM/ECF system, which will automatically send notification of such filing to counsel for Defendants.

This the 8th day of July 2016.

/s/ Sierra B. Weaver
Sierra B. Weaver