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Public Comments Processing

Mr. Dan Morgan, Chief

Branch of Delisting and Foreign Species, Ecological Services

Attn: Dock No. FWS-HQ-ES-2018-0097

U.S. Fish and Wildlife Service Headquarters

MS: BPHC

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Falls Church, VA 22041-3803

Dear Mr. Morgan,

On behalf of the Animal Wellness Foundation and Animal Wellness Action, two related animal welfare organizations with a mission of halting cruelty and protecting the viability of species, I write to oppose the proposed rule published on March 15<sup>th</sup> of this year to remove the gray wolf across much of its range from the List of Endangered and Threatened Wildlife. We do appreciate the time extension for comment submission, and many of our supporters used that additional time allotment to express their opposition to the revocation of federal protections for gray wolves. We submit, as an attachment, an advertisement our organization placed in the *New York Times* urging Secretary Bernhardt to withdraw the de-listing proposal. We've been pleased to see that tens of thousands of Americans have joined us in writing the agency in opposition to de-listing and we hope that the U.S. Fish and Wildlife Service (USFWS) takes this outpouring of opposition into consideration as it evaluates the comments and renders a final decision.

As the proposed rule makes plain, with its litany of prior legal proceeding on this topic, this is not the first time that the U.S. Fish and Wildlife Service (USFWS) has proposed de-listing of wolves, although prior efforts focused principally on the Northern Great Lakes and Northern Rockies populations. While the agency's record in federal court has been mixed in defending its prior de-listing rulemaking actions from challenges initiated by wildlife advocacy and conservation organizations, the most recent pair of rulings relating to de-listing proposals for the Northern Great Lakes population have been both adverse from the government's perspective and instructive for all observers of this controversy.

Ultimately, this latest de-listing proposal will almost certainly come before the courts again if the agency removes federal protections for gray wolves. Based on a careful review of the proposal, it is clear that the agency has not satisfied the legal considerations to warrant this kind of final

action. Wolves still face urgent, imminent, and cognizable threats to their populations. They are not recovered. Wolves number only more than 5,000 across their range in the lower 48 states, and they face a panoply of threats. In short, human persecution of wolves continues across their range, particularly in the Northern Rockies in the form of state-sanctioned killing. That same kind of state-sponsored mass killing of wolves will expand to a wider set of states if it is not checked by federal legal proscriptions on killing them.

Wolf populations are fragmented across so much of their range, with many small populations isolated by roads, railways, farms, and other human developments, structures, or alternations of the landscape; wolves face meta-population threats from large-scale trophy hunting and recreational trapping programs authorized in three Northern Rockies states by state fish and wildlife agencies (with the number of states with hunting and trapping seasons to expand by half a dozen if federal protections are lifted); they are subject to extensive damage control killing by federal and state authorities with agriculture and wildlife agencies; they face heightened risks as they come into contact with human settlements and livestock grazing operations that intrude on the canids' historical range and trigger even more damage-control complaints that produce substantial body counts; they face direct mortality from poaching, mistaken-identity kills with nearly year-round coyote-killing seasons; and incidental killing by traps or poisons set out to kill coyotes or other mid- or large-sized mammals. They also face the effects of rapid climate change, which, for example, has depleted moose populations in their southern tier of their range (which overlaps with much of the wolves' range in the northern reaches of the lower 48 states), as a result of heavy tick loads that go unchecked because of milder winters that weaken and ultimately debilitate these normally powerful and robust animals. White-tailed deer populations are threatened by Chronic Wasting Disease in a number of states, partly because of thousands of captive farms, where proprietors raise these wild animals for meat, velvet, and fee-based hunting, that are incubators of this brain-wasting disease (wild deer interact with the captive populations through fence lines and contract and further spread the disease, which is always fatal to the animals). Wolves are also the victims of retribution killing and other forms of poaching and auto, truck, or train collisions. The scientific literature and anecdotal reports underscore the effect of inter-pack rivalries and aggression that result in deadly encounters. As a predator often killing prey who are physically larger and possessed with an array of defensive weapons, including sharp hooves and multi-pointed antlers or horns, wolves sustain injuries and even death during some hunts. Like other mammals, they face a risk of disease and an array of other mortality factors. As we've seen at Isle Royale National Park, they are threatened with the effects of inbreeding as a result of population isolation, resulting in debilitating conditions, such as curved spines or other deformities, that diminish their ability to chase and kill large prey.

In short, while wolves have the ability to reproduce, survive, and thrive, just maintaining populations in a human-occupied landscape is an uncertain proposition, given the perils they confront every day. The Great Lakes states pledged a five-year moratorium on hunting and trapping of wolves after de-listing, but abandoned that pledge when the animals had federal protections taken away some years ago. In fact, after federal delisting, Minnesota, Wisconsin, and Michigan rushed to institute trophy hunting and commercial trapping programs for wolves—exposing them to random killing for the first time in more than 40 years. Minnesota and Wisconsin especially authorized some of the most abusive and unsporting practices, including

hound hunting, snares, baiting, electronic calls and the use of leg hold traps, producing a body count well past 1000 animals over two hunting seasons. Wolf numbers declined in every state – with Wisconsin alone losing 17 family units in just three seasons, a fifth of its total wolf population just through hunting and trapping.

The state agencies that have been clamoring to delist wolves have already demonstrated a failure to act with restraint, and that is a powerful evidence that safeguards are not in place to maintain wolf populations in the states where they reside. This is a passing of the baton to the states, with the states being allowed to run in any direction they wish. Some of the policy makers in the states are inordinately influenced by a small but influential segment of the population with a barely contained hatred of wolves, with the individuals exhibiting irrational human behavior and a lack of understanding about the wolves' very modest impacts on livestock or their beneficial impacts on ecosystems. These retrograde attitudes combine to create a dangerous and toxic political atmosphere for wolves that continues to be a very practical threat to their survival.

That hatred and irrational behavior was in evidence in Lansing, Michigan, where the Legislature there repeatedly promoted trophy hunting and trapping even after its citizens rejected the idea in officially sanctioned elections that countermanded their prior actions. When their work was complete on the issue, the Michigan legislature had passed three separate laws in short order to designate wolves as a game species, undermining two overwhelming votes of the electorate that had nullified their legislative acts by referendum. One of the legislative acts was rejected in every single county in the lower peninsula, where well more than 95 percent of Michiganders live. In this case, hatred of wolves by a small group of lawmakers, goaded by zealous voices within the ranching and hunting fraternities, undermined democratic decision-making in one of the crucial range states for wolves.

The final legislative action in Michigan to establish a hunting season has been moot since 2014 because of a ruling by a U.S. District Court to restore federal ESA protections for wolves in the Great Lakes region. That ruling was then affirmed in July 2017 by the U.S. District Court for the District of Columbia. The appeals court again stayed the de-listing of wolves, rejecting the USFWS's argument based on its segmenting of wolf populations and its failure to look broadly at the health of wolves relative to their historical range, "call[ing] it quits" too early and noting that "...when a species is already listed, the Service cannot review a single segment with blinders on..."

The D.C. Circuit examined whether the gray wolf remained threatened or endangered "throughout all or a significant portion of its range." The court found that "the [FWS's] analysis of the status of the Western Great Lakes segment within its current range wrongly omitted all consideration of lost historical range" and that "[s]uch a failure to address 'an important aspect of the problem' that is factually substantiated in the record is unreasoned, arbitrary, and capricious decision-making." The Circuit Court found that the USFWS authority "to delist an already-protected species by balkanization" was unwarranted, given that it was treating the DPS as separate and independent domain rather than just the outer edges of their once and former vast range.

The March 2019 proposal broadens the geographic range of the de-listing action, evaluating wolves not in Distinct Population Segments, but across almost the totality of their current occupied habitat and where they are still protected by the Endangered Species Act. Yet even a conservative assessment of their status across this range suggests that wolves have a tenuous foothold in their habitats and species is not yet recovered in the lower 48 states. Wolves are just starting to repopulate small and remote portions of California, Oregon, and Washington, which itself has killed entire packs in order to address supposed livestock depredations. There are just occasional reports of wolves in the Basin and Range province in Utah and Nevada, and wolves have yet to colonize the millions of acres of suitable habitat in Colorado. The absence of wolves in Colorado is a debilitating detail for the government because their presence on millions of acres would provide essential connectivity, linking the heavily persecuted populations in the Northern Rockies to the small and struggling Mexican wolves working every day to survive in Arizona and New Mexico.

Americans have a history with wolves. But for the salutary intervention of people through the application of the Endangered Species Act, in the form of a listing action for wolves in Minnesota in 1974, it's been an ugly history, characterized by a ruthless war against wolves driven by private citizens and public agents. Many states instituted bounties on wolves, incentivizing the killing in order to achieve extirpation. It worked. The slaughter of wolves stands alongside the massacre of bison as one of the saddest and most inhumane chapters in the history of American dealings with wildlife. We must see the government's latest administrative salvo, to dispense with the federal responsibility to protect wolves and to hand over regulatory authority to states that have made it plain that they want to dramatically reduce or geographically hem in small populations of wolves, as an illegal derogation of duty under the ESA.

In recent decades, thanks mainly to some intermittent actions by the federal government, we've tried to undo some of the lasting damage to wolves – first in the 1970s by protecting the small population of surviving wolves in Minnesota through the Endangered Species Act, and then in the last 20 years through reintroduction efforts in the Northern Rockies and the Southwest. At Isle Royale, National Park Service officials are attempting to introduce wolves there, in order to restore a wolf population that went from a healthy population of 50 to just a single inbred pair of sibling wolves.

Wolves have demonstrated enormous resiliency, coming back and reclaiming a portion of the habitat that they once called home. As discussed, after being relegated to the northeast reaches of Minnesota, they've reclaimed forests in Wisconsin and Michigan, established some packs in Oregon and Washington, and even wandered into Utah and California.

What we have learned, even with the modest populations that inhabit our nation, is that wolves bring extraordinary ecological benefits to ecosystems. Dozens of world-renowned wildlife biologists and scientists [have attested to these benefits](#) in writing to Congress and to the USFWS. Wolves play a critical role their native ecosystems, as anyone who has watched the powerful documentary [How Wolves Change Rivers](#) can attest. Biologists in Yellowstone have found that wolves move sedentary deer and elk populations from overgrazed areas, enabling aspen and willow to reclaim ground for the first time in more than half a century.

With the help of beavers, wolves have restored streams and reduced flooding and bank erosion. In Yellowstone, restored streams have attracted more plants, songbirds, water-wading birds, and moose. Wolf predation helps maintain healthy deer populations, lowering the frequency of deer-auto collisions and the prevalence of crop losses. They cull weak, old, and sick animals from populations and mitigate browsing on vegetation and bringing great vitality to the entire ecosystem. This has the potential to save human lives and tens of millions of dollars for the states.

Wolves also play an additional role in our economy. Thousands of people have been drawn to Michigan's Isle Royale National Park because of the lure of the storied predator-prey, wolf-moose relationships. The International Wolf Center in Ely, Minn. contributes \$3 million to the local economy annually. Annual visitor spending has increased by \$35.5 million since the reintroduction of wolves in the states surrounding Yellowstone National Park. The public would rather see wolves celebrated than cut down in their tracks. Many polls show Americans want wolves restored to the American landscape and conserved for future generations.

And although some wolves do occasionally prey on livestock, it's minimal. Wolves kill account for between just [0.1 percent and 0.6 percent](#) of all livestock deaths. And of all of the world's top predators, they are among the least threatening to human beings – with no documented attacks by healthy, wild wolves on people in the lower 48 states in the last century.

A relatively recent 25-year Washington State University study found that indiscriminate killing actually increases the tendency of wolves to prey on livestock, in part by breaking up stable wolf packs and allowing younger, less dominant animals to start breeding and expanding into new territories.

Wolves are an economic and ecological boon, promoting tourism, providing a check on prey populations, and strengthening the vigor of the ecosystems in which they live. They are not the rapacious species that their critics caricature. Their depth of their misunderstanding of wolves is on par with their overly optimistic reading of their current state of population health. It is premature to remove federal protections for wolves, and we urge the agency to consult the science and to look to application of ESA as articulated by the federal courts in their prior wolf decisions. Wolf de-listing at this time is unwarranted and unsupported by the science.

Sincerely,

Wayne Pacelle  
Founder  
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