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Via Federal eRulemaking Portal

Docket No. FWS-R3-ES-2011-0029

Public Comments Processing
Attn: FWS-R3-ES-2011-0029
Division of Policy and Directives Management
U.S. Fish and Wildlife Service
4401 N Fairfax Drive, MS 2042 PDM
Arlington, Virginia 22203

RE: Comments on Proposed Rule to Revise the List of Endangered and Threatened Wildlife for the Gray Wolf (*Canis lupus*) in the Eastern United States and Status Reviews for the Gray Wolf and for the Eastern Wolf (*Canis lycaon)* 76 Fed. Reg. 26086 (May 5, 2011)

To whom it may concern:

Defenders of Wildlife (Defenders) submits the following comments in response to the U.S. Fish and Wildlife Service's (Service) May 5, 2011 Federal Register notice requesting public comment on the proposed rule to revise the listing of the gray wolf in the eastern United States and initiate status reviews for the gray wolf and the eastern wolf under the Endangered Species Act (ESA). Established in 1947, Defenders is a national, non-profit, science-based, conservation organization. With more than 1 million members and supporters nationwide, Defenders is focused on conserving and restoring native species and the habitat upon which they depend.

In the subject Federal Register notice the Service briefly describes a national wolf strategy, developed through a structured decision-making process conducted only with the Service and the states, which will serve as the basis for future regulatory decisions regarding listing and delisting gray wolf entities. There has been no public review of this process nor of the analysis that led to the conclusions presented in the strategy. The Service proposes to delist gray wolves in all or parts of 29 eastern states and prepare status reviews for the eastern wolf (*canis lycaon),* the Mexican gray wolf and wolves in the Northwest. The notice, however, lacks much of the scientific information and analysis used to develop the strategy.

We oppose the proposed delisting of gray wolves in all or parts of 29 eastern states at this time because the most recent and comprehensive study by vonHoldt et al (2011) raises

questions about the Service's conclusion that *Canis lycaon,* not *Canis lupus,* occupied the Northeast and Great Lakes regions. We believe the proposal should be reevaluated given this additional information.

We recommend that the Service revise the national wolf strategy, if appropriate, based on the best available science and seek additional public comment through another Federal Register notice and proposed rule that includes all scientific information and analysis, including the vonHoldt et al (2011) study. The strategy does not address the central and southern Rockies, which contain areas of suitable habitat important for the dispersal and restoration of wolves. A revised wolf strategy should also address these important areas.

In a June 21 letter we submitted comments in support of the proposed establishment and delisting of the Western Great Lakes Distinct Population Segment (DPS). We reiterate our request to separate this action from other actions in the Federal Register notice, particularly the proposal to revise the range of *Canis lupus* in all or parts of 29 states and delist there. As discussed above, scientific peer-reviewed studies that were published after May 5 provide additional information that call into question the Service's proposal to delist gray wolves in all or parts of 29 states and we believe that resolution of this issue could significantly delay a final determination on the Western Great Lakes DPS delisting.

We appreciate the Service's assistance in putting together a webinar for environmental groups to explain the national wolf strategy in more detail.

GENERAL COMMENTS

Defenders has been a leader in wolf conservation since wolves were first listed under the ESA. We advocate for restoration of wolf populations to ecologically and evolutionarily effective levels and distribution so that they may fulfill their natural keystone role of ecosystem regulation, supporting the diversity and health of native flora and fauna.

To guarantee the long-term survival of wolves it is essential to restore them to multiple places in numbers large enough to protect against natural or manmade disasters. Successful conservation of wolves requires representation—saving species in the fullest possible representation of environments in which they historically occurred; resiliency—appropriate population sizes; and redundancy—recovered populations in multiple areas. However, we also recognize that there are limits to the role of the ESA in conserving viable populations of wolves that make federal action under the ESA only part of the solution to full conservation of wolves in the U.S.

The national wolf strategy promotes the continued representation in this country of all substantially unique genetic lineages found historically in the lower 48 states. A recent publication by vonHoldt et al (2011) indicates the importance of restoration of wolves across various ecosystems. They found that genetically, gray wolves subdivide along ecosystem boundaries. Despite their high dispersal capacity, North American gray wolves have many different genetic populations, with clear associations among populations and different habitats or localities. This reflects adaptation and specialization to local environmental conditions and indicates that ecology should define conservation units. The results of this new research should be incorporated into the Service's taxonomy evaluation and

consideration of conservation of wolves along ecological boundaries considered in a revised national wolf strategy.

Restoring wolves to their ecological role conserves ecosystems as well as species in accordance with the purposes of the ESA. Predators and predation play a dynamic and essential role in maintaining the health of ecosystems. Studies in Yellowstone National Park have shown that reintroduced wolves have impacted movements and browsing by elk which has lead to healthier riparian areas benefiting migratory birds and aquatic species (Ripple and Beschta 2003).

According to the Federal Register notice, the purpose of the Service's national wolf strategy is identify appropriate wolf entities for full status review that would be used to revise the existing gray wolf listing. The Service developed this national wolf strategy through a structured decision-making process that included representatives from the Service and the states. It is our understanding that the Service also conducted a taxonomic review of North American wolf taxonomy and that the paper summarizing that review is presently being peer reviewed for publication.

It is difficult and inappropriate, not to mention premature, to comment on the Service's strategy without the Service providing the public an opportunity for review of both the outcomes of the structured decision-making and the peer reviewed taxonomy paper. Furthermore, there is additional relevant science to be considered and thus the existing proposal is not based on the best available science.

Recommendation: We recommend that the Service revise the national wolf strategy, if appropriate, based on the best available science and seek additional public comment on all of these documents in a new draft rule in the Federal Register. We believe there is adequate science to support a delisting of wolves in the Western Great Lakes DPS and that this action should be finalized at this time.

PROPOSAL TO REVISE RANGE OF CANIS LUPUS IN ALL OR PARTS OF 29 STATES

The Service's determination that *Canis lupus lycaon* is a species not a subspecies no longer reflects the best available science on wolf genetics. An additional and more comprehensive scientific paper has been published on the genetics of wolves (vonHoldt et al 2011).). This paper calls into question the conclusion the Service reached in its proposed delisting rule about the separate existence of an eastern species of gray wolf. This most recent, rigorous, and comprehensive study of North American canids does not provide any genome-wide support for distinguishing a *Canis lycaon* as genetically partitioned from other North American wolves, nor does it find evidence for two taxonomically distinct wolves in the Great Lakes.

Recommendation: A final resolution of the status of a putative '*C. lycaon*' has significant ramifications for any reintroduction, listing, and delisting policies for wolves in the northeastern U.S. states. Given that the largest and most rigorous genetic study of North American canids to date did not delineate a *Canis lycaon*, policy decisions based on its uncertain status should be suspended pending additional review. The Service should not

propose delisting of wolves in the 29 states until new scientific information provided in vonHoldt et al 2011 is evaluated and the status review of *Canis lycaon* is completed. It is also our understanding that the Service is conducting a review of North American wolf taxonomy and that the paper summarizing that review is presently being peer reviewed for publication. It is inappropriate for the Service to offer for public comment or move forward on this proposal without the public having access to the science behind the proposed policy changes.

If there are areas of the southeastern United States that historical data indicates were never occupied by gray wolves, we support delisting (i.e. listing in error) for those areas. However, the Federal Register notice provides no information on the area of these 29 states that were never occupied by gray wolf/eastern wolf

MEXICAN GRAY WOLF

The Service has initiated a status review of the Mexican gray wolf. Defenders has been actively involved in the recovery of the Mexican gray wolf since prior to the 1998 reintroduction, and is an active participant in both the stakeholder committee of the recovery team and Region 2's Mexican Wolf Interdiction Council. We offer the following recommendation for actions to accelerate progress for recovery of the Mexican gray wolf.

List the Mexican gray wolf as a subspecies and allow the Mexican wolf recovery team to guide the geographic boundaries of protection

The two listing petitions presently before the Service which seek to list the Mexican gray wolf as either a subspecies or a DPS provide sufficient evidence that a new listing status for the Mexican gray wolf is clearly justified. We believe that a subspecies listing for the Mexican gray wolf, combined with retaining endangered status for all gray wolves in Colorado and Utah may be the best solution for both *baileyi* and *lupus* overall. However, the Service should wait on the biological recommendations of the Science Team of the Mexican gray wolf recovery team, and specifically on the guidance on where to establish Mexican gray wolf populations, before carving up wolf populations in the southwestern United States and southern Rockies.

Improve management of the reintroduced population by:

a. Releasing more wolves: there is a dire need to release more wolves for both genetic and demographic reasons. Although releases this year may need to be suspended until the effects of the Wallow fire are understood, this represents a serious setback particularly for in view of the conditioned taste aversion study. The Service should plan now to take advantage of post-fire conditions as follows: Verify that USFS will remove cattle from specific burned allotments for a specific period. Forage is likely to increase substantially in burned areas (if it rains), which will increase prey for wolves.
b. Taking advantage of these conditions by beginning immediately to work with the Species Survival Plan Program (SSP) to ready a substantial number of packs for release in early

2012 (and subsequent years). The Service should aim for a large increase in wolf numbers in what will be for a few years a cow-free environment.

Complete the Environmental Assessment (EA) for releases in New Mexico

The need for direct releases in New Mexico has been recognized by the Service for many years. Concerns about the defensibility of an EA rather than a full EIS are counter to the Service's experience in 2000, when an EA proved sufficient to permit translocations into New Mexico

Work with SSP to implement a "genetic rescue" plan developed by Rich Fredrickson.

Prioritize coexistence over wolf removals: With New Mexico no longer participating in the wolf program, the state's federal funds for coexistence and compensation (the Tester funds) should be recaptured and committed to the Mexican Wolf Interdiction Fund to support compensation and coexistence for affected ranchers.

Complete a robust recovery plan

The recovery plan must be completed quickly in order to capture two fleeting opportunities: a few years of cow-free allotments in Arizona and the closing door on genetic rescue of the population. The plan should be based on the best available science. Particular emphasis should be given to establishing multiple criteria for delisting, including number of wolves, effective population (Ne) or number of breeding pairs, genetic health, number of populations, degree of genetic connectivity among populations, removal of threats and adequate monitoring and management.

Recommendations: Recovery planning and implementation should be accelerated, and the recovery plan must include multiple criteria for delisting. We support a subspecies listing for the Mexican gray wolf, and we support maintaining listed status in areas in which the Mexican gray wolf may expand, such as Colorado and Utah. These areas are further discussed below, because they provide habitat for both northern wolves and Mexican gray wolves. We believe that the scientific team of the Mexican gray wolf recovery team should be called upon to help identify these expansion areas.

PACIFIC NORTHWEST WOLVES

The Service is conducting a status review of wolves in the Pacific Northwest in the area west of the Northern Rocky Mountain DPS including portions of Oregon, Washington, northern California and western Nevada. Upon completion of the review, they will evaluate a potential Pacific Northwest DPS and reclassify the population as appropriate through an additional rulemaking process.

Gray wolves once lived throughout much of the Pacific Northwest, and today many areas of potentially suitable habitat for wolves remain. These areas include the Olympics in northwest Washington state, which is expected to provide the most suitable source habitat for wolves in the region, and the Cascades, a major mountain range of western North America, extending from southern British Columbia through Washington and Oregon to Northern California (Carroll et al. 2006, Oakleaf et al. 2006).

Currently there are few wolves in the region. In July 2008, Washington's first pack of wolves was documented near Twisp located in the Methow Valley, between Mt. Baker National Forest and Okanogan National Forest. Genetic testing indicated the alpha male may be linked to wolves from coastal British Columbia and the alpha female came from the British Columbia/Alberta border area or wolves reintroduced from this region into Idaho (Wiles, Allen and Hayes 2011). The Lookout Pack is the first confirmed wolf pack in Washington since the 1930s, when wolves were thought to be extirpated from most of the Western United States. After producing six pups in summer 2008 and four in 2009, several of the wolves were illegally killed and the location of the alpha female is unknown. Biologists tracking the radio-collared alpha male determined that he appeared to be alone most of the summer though they estimate there are still 2 – 3 wolves in the vicinity. According to Washington Department of Fish and Wildlife, confirmation of wolves in the North Cascades National Park was made in 2010 along with another group of wolves in Kittitas County during the winter and spring of 2011.

Perhaps the most pivotal area for wolves in the Pacific Northwest is Washington state's Olympic Peninsula, particularly the almost-1-million-acre Olympic National Park and adjacent 500,000-acre Olympic National Forest. Eradication of wolves may be linked to a number of important ecological impacts in Olympic National Park (Beschta and Ripple 2008, 2009) including severe declines in the recruitment of cottonwood and maple trees due to overgrazing on young trees by elk. Consequently this may be causing significant riverbank erosion and channel widening. Erosion has negative impacts on a wider range of native species including fisheries, which are essential to local communities.

Wolf recovery in Olympic National Park may require relocating animals because too many people and too much development in the Seattle-Tacoma area currently block wolf return to the Olympic Peninsula without human intervention. However, if established in the Olympics, wolves could disperse down the coastal forests into the Cascade Range through Oregon, which contains the largest suitable habitat for wolves in the region (Carroll et al. 2006, Oakleaf et al. 2006) and down into northern California with a total population of more than 1400 wolves (Larsen and Ripple 2006).

Defenders believes that wolves should be protected in the Pacific Northwest throughout the area described in the Federal Register notice. However, we have some questions and concerns about how that might be accomplished.

a) In the 90-day finding on the petition to list a northeastern DPS of gray wolves (Volume 75, Number 111, June 10, 2010) the Service stated that they could not consider the area a DPS without the existence of a population, which is defined as at least two breeding pairs of gray wolves that each successfully raise at least two young annually for 2 consecutive years. We understand that there are a few packs in Washington state in this area. How would the Service define the boundaries of the DPS if the only wolf packs are in only a portion of the area identified Pacific Northwest area described in the Federal Register notice.

b) Discreteness is a requirement for a DPS. How will the Service evaluate this given the fact that the recently delisted Northern Rocky Mountain wolves are located very close to the area delineated for the DPS?

c) What subspecies should be present in this region?

Recommendations: Wolves in the Pacific Northwest should be protected and protections should be retained in areas where wolves can potentially disperse. The Service should provide the analysis and supporting information from the structured decision-making to the public for review prior to making a DPS determination.

CENTRAL AND SOUTHERN ROCKIES

Other than including the central and southern Rockies in the geographic area in the status review for Mexican gray wolves, there is no specific evaluation of wolves in the central and southern Rockies described in the Federal Register notice.

The Rockies in Colorado, southern Wyoming and northern New Mexico offer several potential gray wolf restoration sites, including Colorado's San Juan Mountains, Flat Tops and the Grand Mesa areas and Rocky Mountain National Park. The federal government owns 55 percent of this region that includes millions of acres of roadless areas, great wolf habitat and abundant prey.

Advances in the sciences of population ecology and biology clearly demonstrate the importance of connectivity among populations. Functional dispersal corridors, which allow for the intermittent exchange of genetics among populations, are essential to support long-term viability of wolf populations. For example, portions of northeastern and eastern Utah are potential wolf recovery habitat and important dispersal areas for connecting the northern and southern Rockies wolf populations. We want wolves to be able to expand from current occupied areas to adjacent unoccupied suitable habitat. Therefore, the Service should evaluate whether wolves in the central and southern Rockies area should remain protected under the ESA.

Approximately 3,000 elk roam the national park and the Estes Valley. In the absence of native predators, they destroy young willows and aspens and create problems for residents near the park. Elk are also vulnerable to serious diseases including chronic wasting and brucellosis. Park Service wildlife veterinarian Margaret Wild says wolves could also purge chronic wasting disease from the elk herd by killing weakened, diseased animals (High Country News,

10/28/02) Consequently, the National Park Service is seeking ways to manage the elk population. Wolves are a natural solution to this ecological problem.

On August 8 – 11th, 2000, Defenders of Wildlife and other organizations sponsored a Population and Habitat Viability Assessment (PHVA) workshop, held at the Vermejo Park ranch in northeastern New Mexico, bringing together scientists, landowners, wildlife agency personnel, conservationists, and other interested parties (Phillips et al 2000). The Conservation Breeding Specialist Group (CBSG), a member of the Species Survival Commission of the IUCN - World Conservation Union, served as a neutral workshop facilitator and organizer.

This group was charged with the task of identifying and addressing the biological issues surrounding gray wolf recovery in the Southern Rockies Ecoregion. They focused on three primary issues: the need for an ecological justification for wolf recovery in the region, the identification of appropriate animal stocks for initiating recovery, and the development of demographic and landscape-level models of wolf population viability as a means to prioritize alternative recovery sites.

They evaluated whether the Mexican gray wolf (*Canis lupus baileyi*) is best suited to the region, or should wolves from more northerly regions be used to stock the southern Rockies. Experts on molecular taxonomy, population genetics, and wolf ecology at the workshop recognized the southern Rockies was likely an historic zone of gradation between the two forms. Consequently, they drafted a statement recommending that both types of wolves be used to establish healthy populations that would, over time, naturally mix to reform this zone of gradation similar to that found historically in gray wolves from south to north in this region.

Defenders believes that if gray wolves from the northern Rockies are able to continue to disperse to Colorado, there may not be a need for reintroduction of this subspecies. The ability of Mexican wolves to repopulate the Southern Rockies will depend upon the location of populations, and this decision is best made by the scientists serving on the Mexican wolf recovery team. .

Recommendation: A revised national wolf strategy should include an evaluation of the central and southern Rockies as they are important to protect dispersing wolves from the north and the south. Mexican gray and Northern Rocky gray wolf populations should be allowed to increase or remain at high enough levels to allow dispersal outside core population areas.

CONCLUSION

Defenders recommends that the Service only proceed with the delisting of the Western Great Lakes DPS of gray wolves at this time. We oppose the proposed delisting of gray wolves in all or parts of 29 eastern states at this time because the most recent and comprehensive study by vonHoldt et al (2011) raises questions about the Service's conclusion that *Canis lycaon*

occupied the Northeast and Great Lakes not *Canis lupus*. We believe the proposal should be reevaluated given this additional information.

We recommend that the Service revise the national wolf strategy, if appropriate, based on the best available science and seek additional public comment through another Federal Register notice and proposed rule that includes all scientific information and analysis, including the vonHoldt et al (2011) study. The strategy does not address the central and southern Rockies, which contain areas of suitable habitat important for the dispersal and restoration of wolves. A revised wolf strategy should also address these important areas.

Defenders appreciates the opportunity to participate in the review of the Service's national wolf strategy and associated listing proposals. If you have any questions concerning our comments, please contact Nancy Gloman at ngloman@defenders.org or 202-772-3205.

Sincerely,

Jamie Rappaport Clark
Executive Vice President

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