

# Cascadia Wildlands

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March 26, 2014

TO: Interior Secretary Sally Jewell  
U.S. Department of the Interior  
1849 C Street, N.W.  
Washington DC 20240

VIA: <http://www.regulations.gov/#!documentDetail;D=FWS-HQ-ES-2013-0073-43030>

**Subject: Gray Wolf Delisting (proposed rule) – comments**

Docket ID: FWS-HQ-ES-2013-0073-43030

Dear Secretary Jewell:

Please accept the following supplemental comments on behalf of Cascadia Wildlands regarding the U.S. Fish and Wildlife Service (Service) proposed rule *Removing the Gray Wolf (Canis lupus) From the List of Endangered and Threatened Wildlife and Maintaining Protections for the Mexican Wolf (Canis lupus baileyi) by Listing It as Endangered* (hereafter Proposed Rule). These comments incorporate our organization's initial comments submitted December 17, 2013. The Service indicated that a 45-day public comment period has re-opened beginning Feb. 10, 2014.

Cascadia Wildlands is a non-profit corporation headquartered in Eugene, Oregon, with approximately 12,000 members and supporters throughout the United States. Cascadia Wildlands educates, agitates, and inspires a movement to protect and restore wild ecosystems in the Cascadia Bioregion, extending from Northern California up into Alaska. Cascadia Wildlands has long been involved with wolf recovery in the Rocky Mountains and along the Pacific Coast. Cascadia is supplementing our initial comments for four reasons.

1) Peer Review:

The Service at the request of the public and scientific community initiated an independent peer review of the Proposed Rule to determine essentially if the Proposed Rule utilized the best available science and reached a reasonable conclusion based upon that science. The Review explicitly concluded that the Service did not use the best available science in the Proposed Rule as required by the Endangered Species Act. In light of the peer review findings, the Service should withdraw the Proposed Rule.

Specifically, the panel found that the information used by the FWS to justify the delisting decision was selective, largely relying upon a single study and emphasized certain facts and downplaying those that did not agree with the delisting. Key scientific studies were omitted or interpreted out of context.

There were several major problems identified with the Proposed Rule, but most significantly to our organization was the FWS's failure to note the genetic, behavioral, and ecological

distinctiveness of wolves in the Pacific Northwest. These wolves could represent a distinct subspecies or population.

2) The recently delisted Northern Rocky Mountain (NRM) Distinct Population Segment (DPS) of the gray wolf is not recovered:

The Service needs to supplement the assumptions regarding wolf “recovery” in the Northern Rocky Mountain (NRM) Distinct Population Segment (DPS), given the high rates of wolf mortality that were not contemplated in the Proposed Rule, and recent legislation in Idaho that affects gray wolf recovery in the region.

In the first year or so after the removal of ESA protections, this DPS has been subjected to a level of human-caused mortality that is unprecedented in the history of the ESA. All told, “34% of the absolute minimum NRM DPS estimated wolf population was removed due to human-causes [sic]” in 2012 (USFWS 2013). If this level of mortality continues or even increases, particularly as states consider increasing quotas and season lengths, recent simulation modeling casts serious doubt on the long-term viability of the population. (Creel and Rotella 2011).

Recently, a bill to establish a Wolf Control Board in Idaho — which proposes to use \$2 million taxpayer dollars to aggressively kill wolves— was passed. The legislation purportedly would enable the state to kill all but 150 wolves, the bare minimum number required by the federal wolf delisting plan, in order to protect livestock. Given the results of the hunting in Idaho and Montana, the Service should revisit the assumption within its Proposed Rule that wolves are recovered in the Rocky Mountain DPS area. Wolf numbers in these areas are plummeting and will be kept at this minimal level in Idaho for certain.

The long term viability of wolves in this area would be furthered by the establishment of breeding populations outside of the NRM DPS with connectivity to the latter—which has begun to happen in Washington and Oregon—would help ameliorate that effect. Wolves in Oregon have recently been discovered on Mt. Hood and have moved down into California , and evidence exists that their expansion continues west in Washington as well.

Removing ESA protections in western Oregon, western Washington, and California, that contain vast areas of suitable, potentially occupied wolf habitat would probably prevent the re-establishment of the gray wolf in significant areas across the mountainous West and Pacific Coast, thus ensuring that the species remains extirpated from “a significant portion of its range” (SPR), an outcome contrary to the spirit and letter of the ESA.

3) Human Intolerance:

The Service in its Proposed Rule assumes that “lack of tolerance” of wolves has prevented wolf occupation of suitable unoccupied habitat as it currently exists. This entirely unsupported assumption is contradicted by public opinion polling in Washington and Oregon, where wolf recovery is supported by the majority of the public. In fact, one recent study concludes that some of these areas have higher tolerance for wolves than areas of the coterminous U.S. currently occupied by wolves (Treves and Martin 2011). The “intolerance”

assumption also ignores studies finding widespread public support for reintroduction in unoccupied range in the southern Rockies (Bruskotter et al. 2007).

The Service should instead actively work and develop a plan to combat public intolerance and human persecution that was cited as a reason for species relisting in 1978. This threat to wolf recovery has never been adequately addressed by the Service, and now the Service is attempted to use this attitude as an excuse for removing protections for wolves in areas where the species recovery is critical for genetic connectivity. To claim now that such threat mitigation is not possible in other areas of suitable habitat that wolves might colonize if they remained under closely managed federal protection (and otherwise would be very unlikely to colonize, given the extremely high mortality rates now being experienced without protection) is to deny the success of the agency's own 17-year program of wolf restoration in the Northern Rocky Mountains.

#### 4) Northwest Distinct Population Segment:

While gray wolf populations across the entire lower-48 states are still entitled to ESA protections, wolves in the west coast states of Washington, Oregon, and California should enjoy continued federal protections as part of a new DPS. Wolves in this region satisfy the three designation criteria: (1) discrete, (2) significant, and (3) of conservation status consistent with ESA listing.

Regarding discreteness, it is well recognized that portions of the northwestern wolf populations originated from Pacific coastal regions that are genetically distinct from those in the Rocky Mountains. Although some interbreeding between coastal wolves and Rocky Mountain wolves has been observed in the Northwest, the assertion that the Northwest population may, over time, hybridize with Rocky Mountain wolves is highly speculative. Further, the discreteness criterion does not require complete reproductive isolation, as the USFWS itself specified that DPS status is warranted if one population "is markedly separated from other populations of the same taxon as a consequence of physical, physiological, ecological, or behavioral factors (quantitative measures of genetic or morphological discontinuity may provide evidence of this separation)" (74 FR 15070). Markedly separated and with unique genetic signatures, these populations may also be differentiated based on their extensive use of salmon and other coastal resources, a unique attribute not present in other wolf populations to the east.

In terms of significance, wolves have been recolonizing the Pacific Northwest for less than a decade and inhabit only a very small percentage of a region with extensive suitable habitat for dispersal. Maintaining and increasing this population is critical for wolves to recover across a significant portion of their range. The FWS argument that the agency cannot designate a DPS in an area without an established population is unprecedented and absurd. The whole intent of the ESA is to restore species populations to areas where they have been extricated.

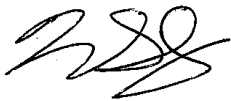
Furthermore, the threshold of 2 breeding pairs is arbitrary and may have already been met. The presence of at least one additional wolf was confirmed in the Oregon Cascades near Mt Hood in 2013, and additional credible sightings continue to be reported. Despite claims to the contrary, the USFWS can designate protections for a non-DPS remnant populations. There is

nothing in the ESA that says otherwise. In the current proposal, the agency has argued that wolves in the western portions of the states of the west coast are not discrete from the Northern Rockies DPS, however in 2007, USFWS argued the opposite. While wolves like OR-7 have made it clear that dispersal across Oregon is possible, in 2013, the Oregon Department of Fish & Wildlife documented a dispersing wolf (OR-18) attempting to travel west but ultimately deterred by several failed attempts to cross Interstate-84.

Regarding the species conservation status, both Oregon and Washington state wildlife agencies have killed wolves at the behest of ranching interests in the states while the species was listed under state endangered species acts. The state listing of these animals has little to no regulatory effect, especially in Washington, where state officials refuse to promulgate any sort of rule regulating the agency's use of lethal control on wolves.

We wish to clarify that we are not requesting the Service attempt to restore wolves to their entire historic range, in every place they used to inhabit. The spread of urban and rural communities across our country would make this obviously ridiculous. We are simply requesting that the agency fulfill its statutory duties to restore wolves to the large expanse of *suitable* habitat that remains for the gray wolf in the southern Rockies and along the Pacific Coast. In light of the fact that delisting would unquestionably preclude this expansion, the FWS should withdraw the Proposed Rule and instead focusing its efforts on plummeting wolf populations within the Rocky Mountain DPS.

Sincerely,

A handwritten signature in black ink, appearing to read 'N. Cady', with a stylized flourish at the end.

Nicholas Cady, Legal Director  
Cascadia Wildlands