

*Tom Jankovsky, Chair Pro Tem*  
District 1

*John Martin, Chair*  
District 2

*Mike Samson*  
District 3



April 19, 2023

Nicole Alt,  
Ecological Services Supervisor, USFWS  
U. S. Fish and Wildlife Service  
5275 Leesburg Pike  
Falls Church, VA 22041

*Delivered electronically via [www.regulations.gov](http://www.regulations.gov) to Docket No. FWS-R6-ES-2022-0100*

***RE: Docket No. FWS-R6-ES-2022-0100, Endangered and Threatened Wildlife and Plants;  
Establishment of a Nonessential Experimental Population of the Gray Wolf in the State of  
Colorado's Environmental Impact Statement***

Dear Ms. Alt,

The Garfield County Board of County Commissioners is pleased to offer comments regarding the Draft EIS and Proposed 10-J rule. As you know, Garfield County is a Cooperating Agency with the US Fish and Wildlife Service (USFWS) regarding this EIS and 10-J rule. We have testified and participated in every wolf comment period, both through the federal 10-J process as well as the State of Colorado wolf planning processes. First of all, we wish to express appreciation for the diligent work that you and your staff have accomplished by the drafting of the DEIS and 10-J rule, especially under such a tight timeframe.

Please consider the following comments on the DEIS:

Garfield County opposes the "No-action alternative" because there would be no management flexibility available to the U.S. Fish and Wildlife Service (Service) nor its' designated agents. Reintroductions of wolves will come with at least as many problems in Colorado as what has happened in other states where the numbers have significantly exceeded the expectations and major conflicts with livestock. Therefore, it is critical that this 10-J rule be in place using Alternative #1 to allow for management and lethal control of problem wolves before any wolves are released in the State. Garfield County strongly supports Alternative #1 which will, "Provide the Service and its designated agents management flexibility and provide for conservation of the species by approving a section 10-J rule for the gray wolf population in Colorado, including any gray wolf living in, dispersing into, or reintroduced into the State."

Perhaps, most importantly, the lethal taking of wolves is critically important for those wolves that are predated on livestock or killing large numbers of wildlife and leaving them lay (killing for fun or for training purposes). It is likely that most wolves will not predate on livestock, but some will, and

they need to be dealt with in an effective and efficient way to prevent the teaching of other wolves to do the same.

- 1) Alternatives: Moffat County supports Alternative 1, where the 10-J rule would consider wolves a non-essential, experimental population, and would apply to the entire state of Colorado. In the absence of an established wolf population (2x2x2 rule), there is no reason to subject landowners or reduce flexibility in wolf management by not applying the 10-J rule to the entire state. If a population of wolves is designated prior to the adoption of the 10-J rule, Garfield County would support Alternative 2 if the smallest possible boundary were drawn around the established population, whereby the 10-J rule was applied to the maximum area within Colorado. Under no circumstance does Garfield County support the "No Action Alternative."
- 2) Ungulates: Garfield County appreciates the Service's evaluation in the DEIS a scenario where the 10-J rule applies to ungulate populations. Colorado's big game hunting and fishing generate \$1.8 Billion dollars annually to the Colorado economy, \$900,000 in big game hunting alone. In addition, trophy elk and deer hunting units exist in Moffat County and take over 20 years for hunters to draw tags within these units. Landowners in in these hunt areas, as well as most hunt areas of Moffat County rely on big game hunting as a critical component of income for their ranches. Garfield County requests the Service adopt an EIS and 10-J rule that applies to wildlife population management. Only applying the 10-J rule to livestock and not including wildlife, would eliminate a critical component of landscape scale management, and hobble CPW from wildlife effective management.

Certainly, there is frustration regarding the potential lethal take of an endangered species (wolves) for the management of game species such as deer, elk, antelope, big horns, and moose. However, these species have traditionally supported the Colorado Parks and Wildlife budget, as well as a major draw for out of state visitors. Colorado must not compromise the prized big game herds and wildlife watching and hunting opportunities, in the name of an apex predator that voters narrowly chose to be in this State. Colorado must be able to manage wolf populations in balance with big game, not instead of big game.

- 3) Socio-economic Analysis: Garfield County finds the socio-economic section needs additional work. We specifically notice the EIS projects a death loss of 83 cattle and 31 sheep due to wolf depredation when there are 200 wolves on the ground in Colorado. As a county that has some of the largest numbers of sheep in the State, it is difficult to imagine less sheep being killed than cattle. In addition, we are concerned that the population numbers estimated for both sheep and cattle include sheep and cattle in feed lots. Feedlots account for approximately ½ the sheep population of Colorado. It is very unlikely that sheep depredation from wolves will ever occur in a feedlot. We request a more honest look into accurate numbers of livestock on rangeland and a more realistic livestock loss representation be utilized in the DEIS.
- 4) Livestock Grazing Patterns: Part of the socio-economic assessment should include impacts of wolves being present, altering livestock grazing patterns, rangeland vegetation utilization and livestock watering behavior. Acknowledging these changes in grazing behavior is critical because BLM and Forest Service grazing allotments are graded based on range utilization patterns and other pasture use trends, and a permittee should not be held liable for poor range management

that wolves have caused. The socio-economic section should acknowledge the change in range use patterns and estimated cost to livestock producers.

- 5) Recreation: Garfield County agrees with other Cooperating Agencies (i.e. White River Conservation District) in the need for the socio-economic section to evaluate impacts to recreation from the presence of wolves on the landscape.
- 6) Predator Behavior: As wolves move into an area, especially larger grazing allotments, it is likely they will displace predators of lesser trophic status. Sheep producers in our NE Colorado Counties may see increased coyote problems on lambing grounds as wolves move coyotes out of their traditional areas and into greater conflict with livestock. Sage Grouse populations in Moffat, Rio Blanco and Garfield Counties may see additional egg and chick predation as smaller predators are displaced by wolves. We suspect this data will be hard to acquire, but it is common belief among those who have dealt with existing predators for generations. This reverse-trophic cascade must be acknowledged and included in the DEIS.
- 7) Definitions: Garfield County requests the definition of a "problem wolf" be recharacterized. Since problem wolves being present are a standard for take, lethal, and non-lethal harassment, the definition of a problem wolf is critical to be accurate. We request the standard of two documented attacks on domestic animals within a 12-month time frame be lowered. One attack within 12 months or two within 24 months would be more adequate. As wolf populations increase in Colorado, it will be more likely that wolf attacks will not be caught and documented, and problem wolves will cause livestock harassment without being designated a problem wolf. The definition of a problem wolf should give livestock operators maximum ability to protect their herds, and the 2-attack standard should be reevaluated.
- 8) Definitions: The proposed rule defines Livestock Producer as a "person that is actively engaged in farming/ranching and that receives a substantial amount of total income from the production of livestock." It bears pointing out that the amount of income a person receives from livestock production has nothing to do with whether or not they produce livestock. In addition, "substantial" is ambiguous. More importantly, this definition of Livestock Producer should not be utilized or applied to livestock loss, or attack, or compensation, since anyone with livestock, producer or not, should be compensated for wolf attack or loss.
- 9) Disease: We have followed the discussion regarding Echinococcus and Hydatid Disease. We have seen several views on the transferability of these and many other diseases into humans and domestic dogs. Our comment is that the EIS should strengthen and adequately address disease, transferability, and assure that wolf disease doesn't negatively impact livestock, wildlife, pets, or humans. The EIS must include and spend significant time examining the true risk and mitigation of disease and transferability.

Respectfully, we offer the following comments on the 10-J Rule:

- 10) Ungulates: Garfield County reiterates our above comment supporting the 10-J rule applying to ungulates. Colorado's big game hunting and fishing generate \$1.8 Billion dollars annually to the Colorado economy, \$900,000 in big game hunting alone. In addition, trophy elk and deer

hunting units exist in NW Colorado (Moffat County) and take over 20 years for hunters to draw tags within these units. Landowners in these hunt areas, as well as most hunt areas of Moffat County, utilize big game hunting as a portion of ranch income. Garfield County requests the USFWS adopt an EIS and 10-J rule that applies to wildlife population management.

- 11) Problem Wolves: Page 71 states that problem wolves must be on private land. The private land standard is irrelevant and should be removed. Problem wolves can occur on private, state, federal, and tribal lands. In addition, as we stated above in the EIS comments, we request the definition of a "problem wolf" be recharacterized. Since problem wolves being present are the standard for take, lethal, and non-lethal harassment, the definition of a problem wolf is critical to be accurate. Moffat County requests the standard of 2 documented attacks on domestic animals within a 12-month time frame be lowered. One attack within 12 months or two within 24 months would be more adequate. As wolf populations increase in Colorado, it will be more likely that wolf attacks will not be caught and documented, and problem wolves will cause livestock harassment without being designated a problem wolf. The definition of a problem wolf should give the livestock operator maximum ability to protect his herd, and a 2-attack standard should be reevaluated.
- 12) "In the act" vs "problem wolf" for take permits: Garfield County urges the USFWS to provide specific and clear descriptions of when "in the act" is in effect and a livestock owner may "shoot-on-site," vs when a permit is required for "problem wolf." For instance, some states have considered "teeth on" to be a requirement for problem wolves, while this 10-J rule seems to contemplate "chasing" to be "in the act". This EIS must provide a crystal-clear description of "in the act" and clearly describe when a permit for take is required and is not required, with example scenarios.
- 13) Timing of Take Authorization by the Service: We request the Service provide take authorizations to grazers in advance such that they do not have to suffer injury and loss before they are able to acquire take authorizations. As it is currently written, a grazer shall be required to suffer loss before the Service provides take authorization. Why should grazers be forced to suffer this loss before they can act? This seems to be a fundamentally nonsensical and flawed policy approach forced on grazers now having to deal with a new apex predator they did not request.
- 14) Inconsistent Map: Page 26 shows a map of the release sites for wolves in the Colorado plan that is inconsistent (much broader) than the actual release maps in the State Plan. Garfield County requests USFWS include the same map as the Colorado State Plan. As this has been mentioned in past cooperating agency meetings, the USFWS has stated that they intended to always take the approach of broadening the authority of the 10-J rule to assure it covers State of Colorado possible actions. However, in this instance, the map is listed as actually representing Colorado's introduction area and must be corrected to include the actual map in the Colorado Plan.
- 15) Applicability of the 10-J rule: Garfield County supports the 10-J rule applying to the entire State of Colorado. Please see previous comments.

If you have any questions about our comments on either the Draft EIS or the proposed 10-J rule, please contact Commissioner Mike Samson or Fred Jarman, County Manager. Thank you for the opportunity to comment on the proposed 10-J rule and associated DEIS.

Very truly yours,



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John Martin, Chairman  
Garfield County Commissioner

Cc Garfield County Board of County Commissioners  
Fred Jarman, County Manager