



Promoting the wise use of all natural resources

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Fish and Wildlife Service
PRB/3W, 5275 Leesburg Pike
Falls Church, VA 22041-3803

**Regarding: Establishment of a Nonessential Experimental Population of the Gray Wolf in Colorado,
FWS-R6-ES-2022-0100-0791**

Ms. Nicole Alt,

Thank you for the opportunity to provide comment on the above noted proposed Rule and DEIS. The finalization of this Rule and its implementation before wolves are introduced into Colorado is critical to the people and communities within Northwestern Colorado as we will be forced to live with the consequences of the voters' unfunded mandate to reintroduce wolves in Colorado.

The White River and Douglas Creek Conservation Districts (Districts) are political subdivisions of the State of Colorado. The Districts cover Rio Blanco County which is in northwestern Colorado. The Districts' authorities, power, and structure are contained in the Colorado Revised Statutes, Title 35, Article 70. The Districts promote the wise use of natural resources and address rangeland health, wildlife, forest health, water, and soil erosion through information, education, and technical assistance. The Districts work and partner with local, State, and federal/national entities to implement on-the-ground conservation utilizing local expertise and knowledge.

The Districts oppose 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.

The Districts strongly support 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."

This support is based on the following:

1. The Service indicates a minimum of 21,000 wolves identified in Canada and the lower 48 United States. This indicates that wolves are not scientifically endangered in North America. However, we recognize that given the opinion of one judge with no wildlife management knowledge, the Service must consider them as "endangered" for the time being as the politics play out.

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2. Given the minimum 21,000 wolves identified in North America, they should not be considered “essential”. The reintroduction of wolves into Colorado is strictly based on emotion and not the need to “recover” the species.
3. Both opportunistic and intentional harassment of wolves is absolutely necessary to protect livestock and pets. For example: The Jackson County wolf pack that has killed, injured, and harassed livestock and pets without the 10(j) in place. This has left the producer with no legal right to protect their animals (their private property).
4. Lethal taking of wolves is critically important for those wolves that are preying 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.

Topics the Service has requested input on:

- **Proposed geographic boundary of the NEP.**
 - The proposed NEP geographic boundary, of the entire state of Colorado, is supported by the best available science. Wolves are habitat generalists, and there are potential sources of prey and conflict located throughout Colorado; thus, the management flexibility provided by the 10j rule is needed statewide.
 - Including all of Colorado within the NEP boundary ensures that all grey wolves will be considered “threatened” under section 10(j), no matter how far and wide they may disperse across Colorado. The alternative is that any grey wolves that disperse outside of the discrete release area boundary would be considered “endangered” under a section 10(a)(1)(A) permit. The Secretary of the Interior would have less regulatory flexibility and discretion in managing the dispersed wolves under section 10(a)(1)(A) than under section 10(j).
- **Information pertaining to the conservation status of gray wolves and how it relates to the proposed reintroduction and rulemaking efforts.**
 - Given the fact that the State is going to reintroduce wolves one way or another, the Districts support the reintroduction of grey wolves as an *experimental population* under section 10(j) for the following reasons.
 - The Service’s findings that authorizing the release, and transportation, of grey wolves as an *experimental population* of an endangered species, will further the conservation of the species.
 - Reintroducing grey wolves as a “*threatened*” experimental population under section 10(j) provides the Secretary of the Interior with greater regulatory flexibility and discretion in managing them than reintroducing grey wolves as an “endangered” species would.

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- **The adequacy of the proposed regulations for the NEP**

- Table 3-2 – Environmental Resources and Issues Not Evaluated in the EIS states, *“Recreation – Recreational Resources – The proposed action would not affect the overall access to or the quality of recreational resources in Colorado. The presence of gray wolves may attract wildlife watchers to areas where wolves are present. The provision of management flexibility under a regulatory framework from the Service would not affect the ability of the public to engage in hunting, hiking, birdwatching, or viewing wolves; therefore, recreational resources are not discussed in detail in the EIS.”*

- Recreation should absolutely be considered and discussed in the EIS because locals familiar with the areas where wolves will be located understand the increased risk of spending time in the wilderness with the introduction of wolves. Hikers, horseback riders, and others will often have their pets with them and this is an attractant to wolves. We believe there will be situations where the recreation will definitely be impacted either by perception and/or real encounters with wolves. Therefore, recreation will be reduced which impacts our local economy and citizen’s freedom to enjoy the wilderness.

- **Management flexibilities that could be added to the final rule to address expanding gray wolf populations.**

- Definition changes needed:
 - **Livestock Producer** - 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.”
 - The amount of income that person receives from livestock production has nothing to do with whether they produce livestock. Additionally, what qualifies as ‘substantial’ is ambiguous. This income requirement should be removed from the definition.
 - **“Problem Wolves** – Wolves that we or our designated agent confirm to have attacked any other domestic animals on private land twice within a calendar year.”
 - Request changing this language from “...confirm to have attacked any other domestic animals on private land twice within a calendar year” to ... “confirm to have attacked any ~~other~~ domestic animals on private and/or federal grazing permit land twice within a calendar year the last 12 months”.
 - **“Wounded** – Exhibiting scraped or torn hide or flesh, bleeding, or other evidence of physical damage caused by a wolf bite.”
 - Consider a wolf causing an animal to go through a fence. That wouldn’t be caused by a bite but should still be considered wounded by a wolf.
 - Consider heart or lung damage to an animal (calf, cow, sheep, horse, etc.) from wolves running it long distances or for long periods of time. Again, a bite mark would not be a part of the damage but the animal would certainly be wounded.
 - Therefore, we request the word “bite” be removed from the definition of “wounded” and that it read, “Exhibiting scraped or torn hide or flesh, bleeding, or other evidence of physical damage caused by a wolf.”

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- Definitions supported:
 - **“In the act of attacking** – The actual biting, wounding, grasping, or killing of livestock or dogs or chasing, molesting, or harassing by wolves that would indicate to a reasonable person that such biting, wounding, grasping, or killing of livestock or dogs is likely to occur at any moment.”
- Requested language changes:
 - “The Service or our designated agent may carry out harassment, nonlethal control measures, relocation, placement in captivity, or lethal control of problem wolves.” 88 FR 10278.
 - USDA Wildlife Services should remain the first choice for investigating and taking problem wolves, even if the State requests a Memorandum of Agreement to take over lead management responsibility and authority to implement this rule by managing the nonessential experimental gray wolves in the State.
 - “To preserve physical evidence that the livestock or dogs were recently attacked by a wolf or wolves, the [wolf] carcass and surrounding area must not be disturbed. The Service or designated agent must be able to confirm that the livestock or dogs were wounded, harassed, molested, or killed by wolves. The take of any wolf without such evidence of a direct and immediate threat may be referred to the appropriate authorities for prosecution.” 88 FR 10278. “The Service or designated agent must be able to confirm that the livestock or dog were wounded, harassed, molested, or killed by a wolf or wolves. The carcass of any wolf taken and the area surrounding it should not be disturbed to preserve physical evidence that the take was conducted according to this rule.” 88 FR 10278.
 - In Rio Blanco County, there will be cases where a wolf kill would not be located in an area that is easily accessible and agency staff will not be able to get to the carcass in time to confirm the kill by wolves. However, there may be strong evidence of wolf presence (tracks, scat, and/or hair) that the rancher could verify by taking photos and scat and/or hair samples from the site.
 - Therefore, the Districts request language that allows for confirmation or reasonable evidence of loss when there is strong evidence of wolves in the area (ranch, leased land, and/or federal land permit).

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- **Whether to allow legal management of gray wolves that are having a significant impact to ungulate populations, similar to the provisions in the 2005 final rule that established a northern Rocky Mountains (NRM) gray wolf NEP.**
 - “The DEIS analyzes the impact of allowing lethal management of wolves that are having significant impacts to ungulate populations; however, this exception to the take prohibitions is not included in the text of the proposed 10j rule. As outlined in the DEIS, this allowance for take would not significantly impact conservation of gray wolves in Colorado. This management flexibility would be beneficial to ungulate herds and the various segments of the economy that benefit from healthy ungulate herds. The analysis supports inclusion of the provision for lethal management of wolves having significant impacts to ungulate populations in the final version.”
 - Yes, the Rule must allow legal management and take of gray wolves that significantly impact ungulate populations. There is no reason to make this rule any different than that established in the NRM gray wolf NEP even though there is pressure from a small population of Colorado’s leadership who does not understand the realities on the ground and the economics of rural Colorado.
 - One example of the need for management of wolves is when a pack begins killing significant numbers of ungulates for fun or training, rather than for food/survival. This can have a severe impact on the game species that a rural community relies on economically.
 - Additionally, consider the severe winter scenario, such as this winter, that has taken place in northwestern Colorado. CPW has reduced the number of hunting licenses by at least 40% due to the winter kill on the wildlife. A significant population of wolves in the same area would decimate the herd even more because they can travel on top of the snow while the ungulates cannot. This would result in an even more significant reduction in the herd numbers, and it is critical that CPW or USWS has the ability to manage and balance all wildlife populations.

Additional Requested Changes:

The following is confusing, and the Districts ask language to be clarified:

- Allowable forms of “take” – Harassment vs take – Should these be separated out on page 71 – 72?
 - Pg. 71 - (5) Under Allowable forms of “take” of grey wolves, harassment is considered “take”
 - Pg.72 – (ii) Intentional harassment –
 - The Districts recommend “...agent may issue written harassment authorization valid for...”
 - Pg. 77 – (6) Under “Reporting requirements”, “take” and “harassment” are differentiated.
 - Pg. 77 – (6)(i) – now this paragraph combines them again. “Report any take of wolves, including opportunistic harassment or intentional harassment...”
 - “Harassment” should not be under “take” consider calling it “non-lethal take” and “lethal take”

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Other requested edits:

- All references, throughout the document of “we” and “our” should be replaced with the “Service”.
- Pg 26 – Map (Figure 3) - The Districts believe this is an inaccurate map. Please verify the map is what you intended to be here.
- Pg 74 – (5)(v) “Agency take of wolves that repeatedly depredate livestock”. – the Districts request the removal of “relocation” from the list. This just transfers the problem to a different location.
- Pg 75 – (v)(D) & Pg iii– “Evidence that animal husbandry practices recommended in approved allotment plans and annual operating plans were followed.”
 - Public land management agencies (USFS or BLM) are land management agencies. They are not livestock managers and do not/should not have livestock husbandry practices include in allotment plans.
 - The Districts request this language to be removed.
- Pg 77 – (6)(ii) – “Unless otherwise specified in this *paragraph (a)* any wolf....”
 - “This” paragraph is not (a), it is (6)(ii)
- Table ES-1 Comparison of Alternatives
 - Pg iv & v – Alt. 1 – Taking of wolves in the act of depredation on private and public lands.
 - The Districts support the taking of wolves “in the act of depredation” on private and public lands. Livestock owners have the right to protect their animals (private property).
 - Pg vii – Alt.1 Additional taking by grazing permittees on public land:
 - Discusses the requirement that a depredation must have taken place on “that allotment” for an authorization to be given.
 - Permits (authorization) should include “that allotment and/or neighboring allotments”. Wolves don’t know the boundaries and livestock on a neighboring allotment may be in just as much danger as the allotment where wolves killed the first time. The killing may happened within a short distance from the boundary line and the neighbor should have the same ability to protect their livestock.
 - Pg vi – Alt. 1 – Additional taking by private citizens on their private land:
 - Similar to the public land issue noted above, it is important to include neighboring private property where at least one depredation has occurred.
 - There will likely be situations where wolves kill on one landowner’s property and then attack on a neighboring property. Agency staff should be able to provide neighboring landowners the ability to take a wolf that has killed livestock and/or pets on the adjacent property and is threatening to kill again.
 - Pg viii – Alt 1 – Agency take of wolves that repeatedly depredate livestock:
 - “(4) evidence that animal husbandry practices recommended in approved allotment plans and annual operating plans were followed.”
 - The Districts request this to be removed as noted in above comments for page 75. Allotment plans and annual operating plans do not/should not

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- include animal husbandry practices because public land management agencies are not livestock managers, they are land managers.
- Pg ix – Alt 1 – Agency take to reduce impacts on wild ungulates:
 - **This is important to be included in the final Rule** because there is definite potential for a pack(s) to begin killing in large numbers rather than just what they need to survive. This could be detrimental to one or many more guide and outfitter, as well as to a rural community that economically depends on big game hunting.
 - Pg x – Biological Resources – Other Wildlife (Elk, Deer), and other Ungulates)
 - **The Districts strongly support this provision being included in the final Rule** for multiple reasons (not limited to the following).
 - F&W Service statement: “Should the optional provision to allow take of wolves to address impacts to ungulates be adopted, alternative 1 could have long-term, beneficial impacts on prey populations. If wild ungulate population levels decline below established State or Tribal management objectives as a result of wolf reintroduction, management flexibility, including nonlethal and /or lethal take, afforded to the Service and its designated agents under the optional provision would allow them to take wolves as a means to achieve established goals for the statewide management of wild ungulate populations, if the Service determines that wolf predation is having an unacceptable impact on wild ungulate populations.”
 - Socioeconomic impact to local businesses, local community, the State, and Tribes.
 - Impact to cultural resources, including Tribal cultural resources.
 - Pg xiii – Environmental Justice
 - The Districts support the statement, “Introduction of wolves will disproportionately impact rural communities, low-income guide/outfitters, subsistence hunters, and ranchers.” For this reason, **Alternative #1 must be the final decision and the option to take wolves based on impacts to prey species is also critical.**

Thank you for the opportunity to provide comments. Please contact our office at 970-878-9838 with any questions.

Respectfully,

Marc Etchart, President
White River Conservation District

Bill Hume, President
Douglas Creek Conservation District

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