

From: [Becker, Scott A](#)
To: [Thorpe - DNR, Matt](#)
Cc: [Alt, Nicole](#); [Broderdorp, Kurt](#)
Subject: Re: [EXTERNAL] Fwd: 10(j) Livestock and Wolves
Date: Tuesday, February 21, 2023 12:08:36 PM

Howdy Matt - I think the specific process is to submit public comments related to questions that may arise related to the proposed rule and/or the draft EIS so that we may clarify language prior to publishing the final rule. Nicole would probably be the best person to funnel policy-related questions to for now, but for comments/clarifications in the proposed rule or DEIS itself, it is recommended they submit a public comment so that it may be addressed prior to the final. I've cc'd Nicole and Kurt in case there is anything else they may want to add.

Hope that helps. Thanks.
scott

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From: Thorpe - DNR, Matt <matt.thorpe@state.co.us>
Sent: Monday, February 20, 2023 10:43 AM
To: Becker, Scott A <scott_becker@fws.gov>
Subject: [EXTERNAL] Fwd: 10(j) Livestock and Wolves

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Scott:

Is there a process to funnel questions to someone at FWS for questions related to 10j?

I haven't looked at any of the 10j info yet, so maybe it outlines what/how to work on this. Hopefully we don't get many other questions like this but just in case....

MT

----- Forwarded message -----

From: **Gary Skiba** <gary@sanjuancitizens.org>

Date: Mon, Feb 20, 2023 at 10:32 AM

Subject: 10(j) Livestock and Wolves

To: Hoffman - DNR, Luke <luke.hoffman@state.co.us>, Matt Thorpe - CPW <matt.thorpe@state.co.us>

Matt and Luke:

I'm not sure either of you can answer all of this, but maybe you can direct me to someone in FWS who can answer what you can't.

The text below is from the Draft EIS for the 10(j) rule, from the table on pages 2-11 to 2-13. As far as I can tell, the text is identical to that in the proposed rule. The notes below the table are mine.

One question I think you can answer. The proposed rule seems to allow anyone to lethally take a wolf attacking livestock or dogs (both working and pet) on public or private lands. I believe the take of a wolf attacking a pet would not be allowed by STATE law, and I know one couldn't request compensation for a loss of a pet to a wolf. Both start off with "Consistent with State..." so they seem to recognize that current state law may prohibit some of the actions described.

One of the obvious ways to address this is to change state law to align with the federal law, assuming the 10(j) is adopted in some form similar to this.

The other questions revolve around the WHO in the 10(j)...FWS uses "landowner" and defines it in one place as the landowner, their family, agents, contractors, etc. which is fine, but in others it's not as clear. Like "any person legally present on public land"....is that anyone, like a recreational horseback rider who has a dog with them...? Does that section authorize that person to take a wolf attacking their pet dog on public lands?

Anyway, your thoughts would be helpful, as always.

Thanks, and take care!

Gary

Consistent with State or Tribal requirements, any landowner may take (injure or kill) a gray wolf in the act of attacking (wounding, harassing, molesting, or killing) livestock or dogs (working or pet) [GS1] on their private land. Any wolf taken in the act must be reported to the Service or our designated agent within 24 hours. The carcass and surrounding area must not be disturbed in order to preserve physical evidence that the livestock or dogs were recently attacked by a wolf or wolves. The Service or our designated agent must be able to

Consistent with State or Tribal requirements, any livestock producer and public land permittee who is legally using public land under a valid Federal land-use permit may take a gray wolf in the act of attacking their livestock on the person's allotment or other area authorized for their use without prior written authorization. The Service or our designated agent must be able to confirm that the livestock or dogs 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 proposed rule. Any person legally present on public land may immediately take a wolf that is in the act of attacking the individual's stock animal or dog. [\[GS2\]](#) provided conditions noted in taking of wolves in the act on private land are met. Any take or method of take on public land must be consistent with the rules and regulations on those public lands. Any lethal or injurious take must be reported to the Service or a designated agent within 24 hours.

[GS2]The seems to allow anyone (a recreational horseback rider, for example) to take a wolf that is attacking their pet dog.

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