

## RESPONSE TO COMMENTS

**Summary:** The Michigan Department of Natural Resources (DNR) submitted an application for a permit to take gray wolves in order to conduct various recovery activities for the species. A notice of the application was published in the Federal Register on September 14, 2005. That notice opened a 30-day comment period on the application. The Fish and Wildlife Service requested written comments on the permit application by October 14, 2005. Below is a summary of comments received followed by a response from the U.S. Fish and Wildlife Service.

**Comment 1.** Killing wolves is not justified or needed (3 comments).

**Response 1.** *Studies have found public support for the presence of large carnivores largely depends upon their confidence that problems caused by individual animals will be resolved effectively. Lethal control of depredating individuals is one aspect of wolf population management as populations expand and increase into agricultural areas, and is conducted to maintain tolerance and acceptance of wolves in rural areas. The concept of lethal controls on wolves preying on livestock is strongly supported by wolf managers and biologists/scientists throughout wolf range, even in recovering populations. While the wolf population increased approximately 19% per year since 1996, the annual rate of confirmed depredation cases was variable ranging from 0% to 4%. An appropriate management response to depredation is to address the negative interactions and target problem wolves in a local area. Removing wolves responsible for depredations can reduce the negative interactions that create intolerance for wolves. A 2002 public attitude survey of Michigan residents revealed 75% in the Lower Peninsula and 85% in the Upper Peninsula supported killing individual wolves known to cause depredation. If there is no legal relief from the loss of livestock, intolerant stakeholders will likely resolve their own depredation problems. See Section 2.2.4 in the EA for additional information.*

**Comment 2.** No scientific basis for killing depredating wolves (single comment).

**Response 2.** *The Wildlife Society, an international organization of professional wildlife biologists, especially focused on North America, states that “Control of wolves preying on livestock and pets is imperative and should be prompt and efficient if illegal killing is to be prevented and human tolerance of the presence of wolves is to be maintained (Peek et al.1991). The International Union of Nature and Natural Resources or World Conservation Union has established a “Manifesto on Wolf Conservation”. The “Manifesto” was published in International Wolf Magazine in 1994 (Anonymous 1994). The 7<sup>th</sup> Principle for wolf conservation stated “It is recognized that occasionally there may be a scientific established need to reduce non-endangered wolf populations; further it may become scientifically established that in certain endangered wolf populations specific individuals must be removed by appropriate conservation authority for the benefit of the wolf population.” In an extensive literature review of strategies for reducing carnivore/ livestock conflict by Norwegian biologists, it was concluded that lethal control should be considered on endangered carnivores such as wolves to prevent*

*expansion into areas of high conflict (Linnell et al. 1996). Lethal control activities by government agents have been authorized on wolves in Minnesota since 1978, when they were downlisted to a threatened population (Fritts et al 1992). This selective removal of problem wolves resulted in the capture of 2430 wolves, and killing of 2261 wolves between 1979 and 2003 (Paul 2003). Annual number of captured and killed wolves ranged from 6 in 1979 to 216 in 1997, but declined to 125 in 2003 (Paul 2003). Despite these lethal controls, the Minnesota wolf population increased from an estimated 1235 in 1979 to 3020 in 2004 (Erb and Benson 2004). Although wolf numbers have continued to rise, the distribution of the wolf population has stabilized to heavily forested portions of the state, and the previous spread into agricultural areas has halted; this is possibly due in part to the control activities, reducing presence of wolves in areas of conflict. See Section 2.1.5 in the EA for additional information.*

**Comment 3.** Non-lethal control measures are available (2 comments)

**Response 3.** *Non-lethal means of controlling depredating wolves are generally more readily accepted by the public. The disadvantages of non-lethal controls can be that many are costly, time-consuming, and their effectiveness declines over time. Although extensive research has been conducted to develop effective non-lethal control techniques, none have been developed that can be broadly used in a wide variety of wolf depredation situations (Schultz et al. 2005, Shivik 2004, Shivik et al. 2003). Most non-lethal procedures are most useful if they can be applied before wolves have started killing domestic animals, and have habituated to livestock. But non-lethal controls have not been adequately developed to eliminate the need for lethal controls (Fritts et al. 2003).*

**Comment 4.** Section 10(a)(1)(A) is not an appropriate tool to take endangered species for depredation control. Should only be used to benefit the species (7 comments)

**Response 4.** *The following issuance criteria found in 50 CFR §17.22 are used by the Fish and Wildlife Service in determining whether to issue permits for scientific purposes, enhancement of propagation or survival:*

- *Whether the purpose for which the permit is required is adequate to justify removing from the wild or otherwise changing the status of the wildlife sought to be covered by the permit.*
- *The probable direct and indirect effect which issuing the permit would have on the wild populations of the wildlife sought to be covered by the permit.*
- *Whether the permit, if issued, would in any way, directly or indirectly, conflict with any known program intended to enhance the survival probabilities of the population from which the wildlife sought to be covered by the permit was or would be removed.*
- *Whether the purpose for which the permit is required would be likely to reduce the threat of extinction facing the species of wildlife sought to be covered by the permit.*
- *The opinions or views of scientists or other permits or organizations having expertise concerning the wildlife or other matters germane to the application.*
- *Whether the expertise, facilities, or other resources available to the applicant appear adequate to successfully accomplish the objectives stated in the application.*

**Comment 5.** The wolf is a clan member. Taking wolves would marginalize tribal members (2 comments)

**Response 5.** *Michigan tribes are working with MDNR to address concerns regarding wolf management on ceded territories and wolf management in the vicinity of tribal lands. Wildlife Services' WDM actions will be conducted in accordance with agreements and MOUs between MDNR and the tribes. Any taking would occur within one mile of the depredation site. If trapping or shooting would be done on state, federal, or commercial forest lands, the owner or managing authority would be contacted for permission. Control on tribal lands would only be done if requested by the Tribe.*

**Comment 6.** There is no evidence taking wolves legally will reduce illegal take of wolves (2 comments).

**Response 6.** *Illegal killing does continue to occur in all protected wolf populations. Shooting during hunting seasons occurs every year. Placement of illegal traps, snares, and poisons occasionally occurs as well. In Wisconsin, the highest illegal kill detected in recent years occurred in 2002, when at least 15 illegally shot wolves were found in the state. In most years the overall death rate is biased by dead wolves that were easily found such as vehicle kills, and under represents illegally killed wolves. Death rates based only on radio-collared wolves usually provides a less biased assessment of wolf mortality, but collared wolves usually have a low sample size of death rates. Both death rates (radio-collared and total) are of value to assess overall wolf mortality and illegal kill. There is some indication that illegal kill was on the rise before lethal control activity was authorized in 2003. The rate of collared illegal kill in 2005 suggests that illegal kill may again be on the rise, possibly reflecting frustrations with federal delisting and the federal court actions. In March 2005, poisoned dog food, probably set for wolves, was found in several locations in Ashland and Price Counties, suggesting attempts to reduce wolf numbers shortly after the 4(d) rule was eliminated and lethal control ceased. Fritts (1990) states that "When depredation on livestock occur, control actions are imperative.....Leaving problem wolves in the population may exacerbate the level of wolf-livestock conflict in the long run..... Wolf-human conflicts will precipitate illegal killing by the public, regardless of the penalty." Fritts (1990) further states, "Control of problem wolves is expected to reduce the hostility toward wolves that would result in illegal killing."*

**Comment 7.** Issuing a permit to take wolves violates ESA, NEPA, APA and sound science (single comment).

- Never before has the use of the scientific enhancement authority been used for depredation control
- No such provision for taking endangered species for the purpose of depredation control was provided by Congress in the ESA./
- Use of Section 10(a)(1)(A) for depredation control purposes is particularly troubling as it violates the terms of an injunction levied by a federal district court and blatantly flouts the authority and ruling of that court

The use of the requested permits for depredation control purposes may have a significant environmental impact, necessitating the completion of an EIS or, at a minimum, an EA.

**Response 7.** See Section 1.8.2. of the EA for compliance with Federal and State statutes and Section 2.2.4., Chapter 4, and **Response 2** for a discussion of sound science.

**Comment 8.** The livestock losses in MI and WI are minor (single comment).

**Response 8.** Wisconsin provides the most complete picture of depredation in a rapidly expanding wolf population in the Midwest. In recent years there has been an increase in wolf depredation as wolves have saturated most large forested areas in northwest and north-central Wisconsin, and have begun to occupy more agricultural areas. The numbers of farms with wolf depredation was 8 in 2002, 14 in 2003, 22 in 2004 and 23 so far in 2005 (as of 10/14/05). In 2003 17 wolves were trapped and euthanized on farms in the state or 5.1% of the previous winter population. In 2004, 27 wolves were captured and 24 were euthanized or 6.4% of the previous winter population. In 2005, 29 wolves were trapped and killed at depredation sites or 6.8% of the previous winter wolf population. In 2005, 6 probable wolf-dog hybrids were also caught at depredation sites, and these are currently being genetically tested. When viewed against the total livestock production of Wisconsin, wolf depredation is admittedly very small. However, when viewed from the perspective of an individual owner, the loss of only a few head of livestock is seen as serious. Livestock owners that are not provided legal relief from depredation will have an increasing tendency to seek some form of relief and protection for their animals, whether it is political action (changes to the ESA) or illegal action.

**Comment 9.** FWS can not determine whether lethal wolf control actually reduces losses for livestock producers—especially when conducted “preventively” (3 comments).

**Response 9.** None of the alternatives propose “preventative lethal control.” For lethal control as a response to depredation, Haight et al. (2002) conducted a computer simulation of 3 types of wolf removal on a simulated subset of a western Great Lakes wolf population. The three strategies include reactive management (government control on verified depredations), preventive management (similar to pro-active controls by government trappers), and population-size management (similar to a public hunting/trapping seasons). Under the various scenarios, reactive managements reduced depredation by 40% or greater, had minor impact on wolf population growth, and posed almost no risk of wolves becoming endangered or threatened (< 100 wolves in an area able to support 64 wolf packs). The other strategies generally resulted in greater reductions of depredations, but also considerably lower wolf populations, and under some scenarios, posed greater risks of wolves becoming endangered (Haight et al. 2002).

Across North America, livestock losses to wolves have been low in recent years, during a period when lethal controls were available across much of wolf range (Fritts et al. 2003). Depredations would probably have been much higher if not for the removal of problem wolves (Fritts et al. 2003). Once conditioned to feeding on domestic animals, any of these pack members are likely to feed on other livestock when the opportunity presents itself. Lethal removal of wolves generally reduces depredation for the remainder of a grazing season, but in areas of high quality habitat, new packs may recolonized by the next year (Fritts et al. 1992).

*While good husbandry practices are promoted in the various alternatives (Appendix B of EA) as preventive management, no lethal preventive management is proposed for any of the alternatives. Lethal control will occur only when depredation has been verified (see response 10 below).*

**Comment 10.** FWS has no way to assess whether those individuals who request lethal control have incorporated non-lethal methods or have incorporated or improved their livestock husbandry practices (single comment).

**Response 10.** *MI DNR follows the “Guidelines for management and lethal control of wolves following confirmed depredation events.” Before lethal control methods can be used, DNR or USDA-WS personnel trained on depredation investigation techniques must verify depredation during a site visit. Depredation events are complicated to investigate, available evidence is often incomplete, and there will be varying levels of difficulty in confirming wolf kills. Whenever possible, individuals with the most experience investigating depredation incidents should conduct the site visit. However, because it is critical to initiate an investigation as soon as possible, there will be times when experienced investigators are not available. In those instances, other personnel that have received training should travel to the site, meet with the livestock producer, and begin the investigation. However, if the evidence is not clearcut, a more experienced investigator should investigate. In all cases, the final determination will be at the discretion of the Management Unit Supervisor. Available non-lethal methods to resolve wolf-livestock conflicts include improving animal husbandry practices, protection of livestock (e.g., fencing, livestock guarding animals), harassment (e.g., strobe light/siren devices), and translocation (trapping and relocation of depredating wolves). Non-lethal methods will be offered to livestock producers when wolves are known to be in an area where livestock are being housed or pastured, and there is a legitimate complaint that wolves are harassing, injuring or killing livestock. The legitimacy of these complaints will be evaluated in the field by DNR or USDA-WS personnel. A credible observation of wolves in an area frequented by livestock does not constitute enough of a threat to initiate the use of harassment techniques or translocation. All of these measures are detailed in the information pamphlet “How to Live With Wolves in Michigan.” This pamphlet is being developed and will be made available through the Farm Bureau, Michigan State University Extension, and the DNR.*

**Comment 11.** Oppose trapping. Research indicates that the use of leghold traps, leg snares, and neck snares to restrain or kill wildlife has the potential to cause serious injury and a prolonged, painful death (single comment).

**Response 11.** *Wildlife Services personnel are experienced and professional in their use of WDM methods. Wolves would be trapped, snared, or shot by experienced WS personnel as humanely as possible using the best methods available. Tranquilizer trap devices (TTDs) can be used on wolf traps to reduce the incidence of self-inflicted injuries by captured animals. Wildlife Services is not exempt from Michigan dry land trapping regulations which require dry land trap sets to be checked at least once each day. Daily trap checks minimize the amount of time target and non-target animals remain in traps, and improve the likelihood that a non-target animal may be released unharmed.*

**Comment 12.** Any depredation control program should consider lethal control only as a last resort, and only after non-lethal efforts have been exhausted. When and if lethal control is deemed necessary, it should target only the depredating wolf, not all wolves in the general area, and should be conducted in the most humane manner possible (2 comments).

**Response 12.** *An Integrated Wildlife Damage Management (IWDM) program is proposed to be used in Michigan to protect resources from gray wolf damage and promote wolf recovery. The strategies considered encompass use of the full range of legal, practical and effective methods of preventing or reducing damage and conserving the wolf population while minimizing harmful effects of damage management measures on humans, wolves, other wildlife species and the environment. As proposed, WS and the MDNR would provide technical assistance and operational damage management, including non-lethal and lethal management methods selected after applying the WS Decision Model (Slate et al. 1992). This is described in full detail in Section 3.1.2. of the EA. We concur with your statement that the target should only be depredating wolves. If segments of the public take action out of frustration from lack of legal alternatives, it is far less likely that the appropriate animals would be targeted and much more likely that the population as a whole would suffer.*

**Comment 13.** The FWS should consider issuing the states permits that allow only scientific and non-lethal management activities (single comment).

**Response 13.** *The FWS will consider the full range of the permit request as well as a number of alternatives including only scientific and non-lethal management activities.*

**Comment 14.** Depredation investigation, control activity, or scientific take should not occur within tribal reservations without prior consultation with the affected tribe (2 comments).

**Response 14.** *Wildlife Services would only be involved in wolf damage management as an agent of MDNR or as requested by a tribe. All WDM activities would be consistent with other uses of the area and would comply with appropriate Federal, State and local laws and in cooperation with other governmental agencies and tribal governments, as appropriate. Depredation control would not occur on tribal land without a request and written concurrence from the tribe (see Section 1.4.2 of EA).*

**Comment 15.** Depredation cases within a 6 mile buffer area around reservation lands should be coordinated with the respective tribal entity (single comment).

**Response 15.** *Wildlife Services would only be involved in wolf damage management as an agent of MDNR or as requested by a tribe. All WDM activities would be consistent with other uses of the area and would comply with appropriate Federal, State and local laws and in cooperation with other governmental agencies and tribal governments, as appropriate. Michigan tribes are working with MDNR to address concerns regarding wolf management on ceded territories and wolf management in the vicinity of tribal lands. Wildlife Services' WDM actions would be conducted in accordance with agreements and MOUs between MDNR and the tribes.*

**Comment 16.** Carcasses of 50% of wolves taken for depredation should be made available for cultural and educational uses by member tribes (single comment).

**Response 16.** *The Fish and Wildlife Service will consider, in coordination with Wildlife Services and Michigan DNR, making wolf carcasses available to tribal members for cultural and educational purposes.*

**Comment 17.** The states need a permit to resolve wolf-livestock problems (16 comments).

**Response 17.** *The request from Michigan is based on wolf predation on and threats to livestock, game farm animals and pets, and risks to human health and safety from potentially hazardous or threatening wolves. The permit application is Michigan's attempt to provide a prompt, professional, effective program to resolve wolf conflicts in order to minimize negative attitudes toward wolf recovery in Michigan and enhance wolf conservation efforts. Section 3.0 of the EA discuss alternatives considered to resolve wolf-livestock issues.*

**Comment 18.** Permits to take wolves will enhance the long-term conservation of the wolf by responding to public concerns, garnering support for wolf management, and improve research and monitoring capabilities of the agencies (single comment).

**Response 18.** *Concur. The Environmental Consequences of the alternatives considered is evaluated in Chapter 4 of the EA.*

**Comment 19.** Depredation control is consistent with scientific wildlife management and would enhance the conservation of the species range-wide (2 comments)

**Response 19.** *Concur. This is discussed in Chapter 4 of the EA.*

**Comment 20.** Permit authority is consistent with the intent of ESA (single comment).

**Response 20.** *Concur. Gray wolves are currently federally listed as an endangered species under Section 4 of the Endangered Species Act (ESA). While federally listed, primary management authority for wolves rests with the USFWS. Under the provisions of the ESA, the USFWS may grant permits for the take of a federally listed species for, "scientific purposes or to enhance the propagation or survival of the affected species, including, but not limited to, acts necessary for the establishment and maintenance of experimental populations pursuant subsection (j); or (B) any taking otherwise prohibited by section 9(a)(1)(B) if such taking is incidental to, and not the purpose of, the carrying out of an otherwise lawful activity."*

**Comment 21.** Lethal control of problem wolves will not cause declines within the region and will improve public acceptance and strengthen recovery program (4 comments)

**Response 21.** *Concur. We believe the proposed action is unlikely to cause a decline in annual recruitment and will not appreciably reduce the survival or recovery of the wolf in Michigan. See Section 4.2.2. of the EA for a full discussion.*

**Comment 22.** Relocation of problem wolves is preferred over lethal take when possible. However, lethal control should be used where depredating wolves can not be relocated (single comment).

**Response 22.** *Concur. From 1996 to 2003 wolves were trapped and relocated in Michigan. However, relocating wolves in recent years has become problematic. Given the current widespread distribution of wolves in the Upper Peninsula, there is a high probability that relocated wolves would be killed by packs occupying the area of release or the area the relocated individual passes through while moving away from the release site. Additionally, public observations of relocations of depredating wolves by DNR personnel contributes to the (incorrect) belief among certain residents the agency has been transplanting wolves from outside Michigan to the Upper Peninsula and will continue to do so.*

**Comment 23.** Lethal control of wolves would secure the continued support for wolf populations from farmers and bear hunters. Support of these groups is vital (single comment).

**Response 23.** *Concur. Public support is critical for the viability of the wolf population. Removal of depredating wolves from the population promotes that support.*

**Comment 24.** Wolves have an intrinsic value resting in the existence of the species rather than in individuals. Therefore, it is acceptable to kill a few wolves to guarantee survival of the species. The policy of lethal control for depredating wolves offers the best long term chance for survival (2 comments).

**Response 24.** *Concur. Negative public perception of the wolf was the primary reason this species was historically extirpated from much of the lower 48 states. Negative views of the wolf, reflected in legislation supporting wolf bounties and wolf trapping systems, nearly eliminated this species from the conterminous United States. More recently the general public adopted more favorable views of the wolf. The increase in public support was critical in recovery of the wolf in Minnesota, Wisconsin and Michigan. Negative views of wolves still persist today in certain segments and despite the legal protection to this species afforded by the ESA, these negative perceptions have the potential to adversely impact the Michigan wolf population.*

**Comment 25.** WDNR paid out \$110,000 during 2004 in wolf depredation payments. Approximately \$35,000 was obtained from tax check-off and license plate sales; the remaining \$75,000 came from endangered resource and non-game funding sources. Without the ability to euthanize depredating wolves, the amount taken from other conservation programs will grow rapidly (single comment).

**Response 25.** *Concur.*