

## **Review of FWS proposal for 10j rule changes, NRM wolves**

I have carefully read the proposed rule, and offer the following three comments:

*It would appear that a stock owner could take a wolf inside Yellowstone National Park, or any other national park, if the wolf was harassing a horse that was, e.g., tied out at night.* Page 36945 states that “any legally present private citizen on private or public land may immediately take a wolf that is in the act of attacking the individuals’ legally present stock animal...” and, later, “This regulation does not create inconsistencies with other agencies’ actions.” And “...no new novel legal or policy issues are raised by the amendments offered in this proposed rule.” I think the proposed rule should clearly specify what “take” is (or would be) allowed in national parks.

*There are numerous reference to “science” in the proposed rule, but there are important non-scientific elements to the proposal that .* For example, a reader may gather from the proposed rule that science will ensure that “increased take would have (no) impact on the recovered status of the NRM wolf population...” (Page 36945). Furthermore, the Service is obligated to “determine that such actions are science-based” (Page 36948), yet there are no scientific standards established in the proposed rule. To illustrate the problem, following are three statements that I believe to be true (1) or are based on scientific findings (2 and 3):

- (1) Population goals are likely to have been pragmatically set, based on historical pre-wolf levels, as it is very difficult to precisely define the carrying capacity for a given prey population. That is, population goals may have little to do with science.
- (2) Where wolves have anything beyond a token presence, it is likely that prey populations will be reduced below historical pre-wolf levels, especially where prey are subject to mortality from hunting or other carnivores (Mech and Peterson 2003, Fig. 5.11 on page 156).
- (3) Where wolves have anything beyond a token presence, it can be safely assumed, based on the scientific literature (Mech and Peterson 2003), that wolves are a major mortality factor for ungulate prey, i.e., that wolves are one of the major causes of a population decline.

Based on these three observations or statements, it would appear perfectly in accord with the proposed rule, for example, for the state of Idaho to reduce the current wolf population in the state by half. The “recovered status” would not be impacted, because there would still be 20 breeding pairs and 200 wolves. However, to the extent that statement (1) is true, such a control action would not be “science-based.” By what method would population goals have to have been established for a control action to be considered by the Service to be “science-based?” I think this problem needs to be rectified if the proposed rule is to provide “safeguards to prevent misuse” and “an appropriate and transparent public process that ensures decisions are science-based.”

On page 36945, I read “The literature suggests that wolf populations can maintain themselves despite a sustained human-caused mortality rate of 30 percent or more per year (Keith 1983, Fuller et al 2003, pp 182-184).” Without an upper bound placed on the mortality rate, *this statement is false and misleading.*

#### LITERATURE CITED

Peterson, RO and LD Mech. 2003. Wolf-prey relations. Pages 131-160 *in* LD Mech and L Boitani (eds.). *Wolves: Behavior, Ecology, and Conservation.* University of Chicago Press, 448 pages.

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