



February 13, 2023

Via Regulations.Gov

Colorado Parks & Wildlife
Wolf Engagement
Attn: FWS-R6-ES-2022-0100
U.S Fish and Wildlife Service, MS: PRB/3W
5275 Leesburg Pike
Falls Church, VA 22041-3803

Re: Draft Restoration and Management Plan for Gray Wolves in Colorado

Dear Colorado Parks & Wildlife Commission,

Friends of Animals (FoA)¹ submits these comments regarding the Draft Restoration and Management Plan that was submitted to Colorado Parks & Wildlife on December 9, 2022. The Commission should ensure that plan complies the will of the Colorado voters and represents the best chance for successful reproduction of gray wolves in Colorado. As you will see below, the draft plan has several areas that can be improved.

A. Relevant Legal Framework - Colorado State Proposition 114 and Colorado Revised Statutes § 33-2-105.8.

On November 3, 2020, Colorado citizens voted to introduce gray wolves back into the state of Colorado.² Effective June 27, 2021, Proposition 114 was codified into Colorado law as Colorado Revised Statutes § 33-2-105.8. The state statute declares that “wolves were an essential part of the wild habitat of Colorado but were exterminated and have been functionally extinct for seventy-five years.”³

The statute requires Colorado Parks and Wildlife (CPW) to develop a wolf reintroduction plan that will “restore and manage gray wolves in Colorado, using the best scientific data available.”⁴ This plan must set requirements for where the wolves are to come from, how the wolves will be re-introduced, and how to manage the ongoing wolf population. Effective

¹ FoA is an international animal rights organization incorporated in the state of New York since 1957 with roughly 200,000 members worldwide. FoA and its members seek to free animals from cruelty and exploitation around the world and to promote a respectful view of non-human animals, both free-living and domestic. FoA’s activities include educating its members on current threats to many species’ abilities to live in ecosystems free from human manipulation, exploitation, and abuse; and monitoring federal agency actions to ensure that laws enacted to protect the environment and wildlife are properly implemented.

² C.R.S. § 33-2-105.8.

³ C.R.S. § 33-2-105.8(1)(a).

⁴ C.R.S. § 33-2-105.8(1)(a).

June 27, 2021, Proposition 114 was codified into Colorado law as Colorado Revised Statutes § 33-2-105.8.

On December 9, 2022, the draft of the “Colorado Wolf Restoration and Management Plan” (hereinafter “draft restoration plan”) was presented to the Colorado Parks & Wildlife Commission.⁵

B. Wolves are highly intelligent and social animals.

While our society recognizes that domestic dogs are intelligent, recent studies have shown that wolves are even more intelligent. Wolves likely understand cause-and-effect better than domestic dogs.⁶ Additionally, wolves are just as good as dogs at understanding communication cues from humans.⁷ Wolves demonstrate behavioral flexibility in learning, communication, and awareness.⁸ Wolves also show adaptations in their hunting behavior based on weather, terrain, and prey behavior.⁹

Wolves can even display examples of problem-solving. In a study where food was placed inside a locked container, eight out of ten wolves were able to open the container, while just one out of twenty dogs were able to do so.¹⁰

As social animals, wolves can identify themselves via howls that are unique to individuals, based on pitch and patterns of changing pitch.¹¹ Most howls occur in the context of communication within a family group, including howls by individuals who have become separated from the group and howls before group hunting.¹² Individual identity is additionally communicated through urine-marking. When confronted face-to-face, wolves show a complex combination of body language via eyes, ears, nose, tail, and torso.¹³ Together, these three methods of communication—sound, smell, and sight—allow wolves to express an individual’s intentions or emotional disposition.

Wolf packs also have a strict hierarchy in their social order, which promotes unity and reduces intra-pack conflict.¹⁴ These packs often have older or injured wolves that need to

⁵ Colorado Parks & Wildlife, *Draft Colorado Wolf Restoration and Management Plan*, <https://cpw.state.co.us/learn/Pages/CON-Wolf-Management.aspx>.

⁶ VetMedUni, *Wolves understand cause and effect better than dogs* (Sept. 15, 2017), <https://www.vetmeduni.ac.at/en/university/infoservice/press-releases/press-releases-2017/wolves-understand-cause-and-effect-better-than-dogs>.

⁷ *Id.*

⁸ Jane Packard, *Wolf Social Intelligence* (2012), Texas A&M University, <http://people.tamu.edu/~j-packard/publications/Packard2012.pdf>.

⁹ Kate Baggaley, *Wolves use ambush tactics to hunt unsuspecting beavers* (Feb. 12, 2021), <https://www.popsci.com/story/animals/how-wolves-hunt/>.

¹⁰ Monique Udell, *When dogs look back: inhibition of independent problem-solving behaviour in domestic dogs compared with wolves* (Sept. 1, 2015), <https://royalsocietypublishing.org/doi/10.1098/rsbl.2015.0489>.

¹¹ Packard at 16.

¹² *Id.*

¹³ *Id.* at 18.

¹⁴ WolfWorlds, *Wolf Social Structure* (Jan 21, 2014), <https://www.wolfworlds.com/wolf-social-structure/>.

be care for, and pups that need to be educated. The parent-child relationships are the glue keeping the pack together, and the loss of a parent can have a “devastating impact” on group cohesion.¹⁵ These strong bonds allow wolves to raise pups together, coordinate hunting, defend their territory, and form unique emotional bonds between members.¹⁶ Most wolves create long-lasting attachments to their mate, sometimes even for life.¹⁷

C. Gray wolves contribute to the health and resiliency of the ecosystem around them.

Protection of gray wolves in the Northern Rocky Mountains is critical to ensure their own survival and protect the ecosystem around them and various other species, including certain listed species like bears and eagles.¹⁸ Wolves play a unique role in regulating and preserving their ecosystem, especially regarding increasing threats like climate change. Data from gray wolves' reintroduction to Yellowstone National Park demonstrates their effect well. Wolves are also critical to “restoring and maintaining intact food chains in the face of large-scale environmental perturbations such as climate change.”¹⁹ Wolves' presence in ecosystems is necessary to fight human-caused threats to delicate ecosystems.

As top predators and keystone species, wolves are also crucial in the boreal ecosystem. Their presence affects the foraging behavior and population of moose, which in turn affects the composition of the forest and increases carbon storage.²⁰ The presence of wolves in the boreal forest has been estimated to lead to an increase in carbon storage of 46 to 99 million metric tons, the equivalent of emissions from 33 to 71 million cars in a year.²¹ Wolves' healthy balance with their predator-prey dynamics benefits the entire ecosystem, and their population is vital in restoring ecosystem health.

¹⁵ Living With Wolves, *The Social Wolf*, <https://www.livingwithwolves.org/about-wolves/social-wolf/> (last accessed Feb. 13, 2023).

¹⁶ *Id.*

¹⁷ Ranger Planet, *Do Wolves Mate for Life? Here's When They Do and Don't* (last accessed February 13, 2023), <https://rangerplanet.com/do-wolves-mate-for-life-heres-when-they-do-and-dont/>

¹⁸ Sarah Yang, *Wolves alleviate impact of climate change on food supply, finds new study*, UC Berkeley News (Mar. 21, 2005), https://www.berkeley.edu/news/media/releases/2005/03/21_wolvesclimate.shtml; see also Christopher C. Wilmers et al., *Gray Wolves as Climate Change Buffers in Yellowstone*, 3(4) PLoS Biology 571 (Apr. 2005); Kaija J. Klauer et al., *Gifts of an enemy: scavenging dynamics in the presence of wolves (Canis lupus)*, 102 Journal of Mammology 558 (2021).

¹⁹ Sarah Yang, *Wolves alleviate impact of climate change on food supply, finds new study*, UC Berkeley News (Mar. 21, 2005), https://www.berkeley.edu/news/media/releases/2005/03/21_wolvesclimate.shtml.

²⁰ *Id.*

²¹ *Id.*

D. The restoration plan should not allow the hunting of gray wolves, regardless of what the population numbers reach.

The draft restoration plan hungrily eyes the possibility of recreational killing of wolves when the population reaches 150 for two years in a row. For a multitude of reasons, such killings should not be allowed.

First and foremost, the restoration plan should consider the inherent value of wolves and the complex social structures. The draft plan falls far short by allowing hunting and lethal management, both of which are wholly unnecessary.

Second, recreational killing of wolves would thwart the will of the voters. Proposition 114, and now C.R.S. 33-2-105.8, does not suggest that hunting of the wolves should be allowed. In fact, there is a section that explicitly prevents cash generated from the sale of hunting licenses and associated federal grants from being available for administering the reintroduction of wolves.²² As if that were not clear enough, the statute defines “gray wolf” as “**nongame** wildlife of the species *canis lupus*.”²³

Third, the reasoning behind the referendum and statute lies with societal acceptance toward accepting wolves as “an essential part of the wild habitat of Colorado.” Allowing recreational killing of this extremely limited species sends the wrong message. CPW should help society move acceptance of the wolves’ presence, not killing for fun. This is ostensibly a goal of the draft restoration plan; it is “Key Element 1: Social Tolerance for Wolves.”²⁴ Allowing people to slaughter wolves for pleasure will only push social tolerance in the wrong direction. It sends the message that, instead of being essential, wolves should be killed whenever and wherever possible, for no reason other than the thrill of the kill.

Fourth, and related to the argument in section E, we should not keep hunting wolves right to the brink of extinction. As a reminder to the esteemed members of TWG, SAG, and the CPW commission, hunting of wolves was the reason why wolves became functionally extinct in Colorado in the first place. Allowing hunting will also encourage illegal poaching of wolves, further threatening the ability of the Colorado population to successfully thrive. When this recreational killing was allowed in 2021 in Wisconsin—a state with an almost identical number of people as Colorado—hunters killed 218 wolves in less than three days.²⁵ Such a result in Colorado could easily risk a functional extinction of wolves in the state, bringing us right back to square one, and would again thwart the will of Colorado voters.

²² C.R.S. 33-2-105.8(4.5)(a)(IV).

²³ C.R.S. 33-2-105.8(5)(b) (emphasis added).

²⁴ Draft restoration plan at 11.

²⁵ Wisconsin Public Radio, *Study: Second wolf hunt would have driven Wisconsin's wolf population to undesirably low levels* (May 10, 2022), <https://www.wpr.org/study-second-wolf-hunt-would-have-driven-wisconsins-wolf-population-undesirably-low-levels>.

Lastly, recreational killing is not required to keep the wolf population in check. Wolves self-regulate their own population once they reach the carrying capacity of the area.²⁶ Wolves do not continuously reproduce; they rely on pack dynamics to control which members are allowed to breed.²⁷ In Yellowstone National Park, where recreational killing is not allowed, the wolf population has remained roughly the same for more than a decade.²⁸

E. The restoration plan should not rely on lethal techniques for mitigation of livestock depredation.

1. Wolves do not represent a serious threat to livestock.

In one of the main areas within the United States where wolves and livestock already have the potential for interaction—Idaho, Montana, and Wyoming—wolves were responsible for a meager 1.8% of all depredations.²⁹ Livestock depredation already exists in Colorado, mostly by bears and mountain lions, so this is not a new phenomenon.³⁰ There is no reason to suspect that wolf depredations will represent any large percent of the total. Even if it were a large impact, depredation compensation already exists in Colorado.³¹ Livestock owners already have a system in place to be compensated for any losses.

Depredations are often the least of concerns for those who raise livestock. In Idaho, Montana, and Wyoming, depredations due to wolves were less than one percent of the losses to cattle or sheep due to disease, weather, and birthing problems.³² This shows that, while wolf depredation can exist, the threat it represents is overexaggerated to an enormous degree.

2. Lethal techniques are often contradictory to their intended efforts.

The draft restoration plan itself admits that “best data on the effectiveness of lethal removal are inconclusive or even contradictory.”³³ Several of the studies included in the draft restoration plan point to this fact. For example, one study from Minnesota showed that killing even a high number of wolves did not result in fewer depredations the following

²⁶ Wolf Conservation Center, *Wolves Naturally Limit Their Own Numbers* (January 3, 2019),

<https://nywolf.org/2019/01/wolves-naturally-limit-their-own-numbers/>.

²⁷ Wallach, et al., *What is an apex predator?*, 124 *Oikos* 1453 (Feb. 16, 2015),

<https://onlinelibrary.wiley.com/doi/10.1111/oik.01977>.

²⁸ National Park Service, *Gray Wolf*, <https://www.nps.gov/yell/learn/nature/wolves.htm> (last updated December 14, 2022).

²⁹ Draft restoration plan at 16.

³⁰ Miles Blumhart, *Colorado Parks and Wildlife makes first payment to rancher for wolves killing cattle*, The Coloradoan, <https://www.coloradoan.com/story/news/2022/02/08/colorado-makes-first-payment-rancher-don-gittleon-wolves-killing-cattle/6696519001/> (Feb. 8, 2022) (“Colorado Parks and Wildlife paid landowners nearly \$450,000 last year for bears . . . killing cattle and sheep, mountain lions taking goats and elk . . .”).

³¹ Colorado Parks & Wildlife, *Game Damage*, <https://cpw.state.co.us/aboutus/Pages/GameDamage.aspx>.

³² Draft restoration plan at 16.

³³ *Id.* at 18.

year.³⁴ Similarly, another study in the draft restoration plan suggested that lethal control actually had the **opposite** of its intended effect: more lethal control resulted in more depredations.³⁵ Even where lethal removal has in some cases reduced depredation at the pack level, it is only effective over a short period, meaning that wolf killings need to be repeated year after year.³⁶

A recent study highlights how destructive human induced mortality is to wolves. Not only is killing wolves completely unwarranted, it can have lasting impacts to wolves beyond the animals directly killed and can lead to dissolution of packs.³⁷ A study from Minnesota demonstrated that human-induced mortalities caused the chance a pack stayed together to decrease by 27% and the chance that the pack reproduced the next year to decrease by 22%.³⁸ The same study also showed that when a pack leader is killed, these chances were decreased by an astounding 73% and 43%, respectively.³⁹ The draft restoration plan makes no provisions for which members of a given wolf pack are killed, handing out blanket acceptance to kill whenever a livestock owner is upset that their livestock are killed by wolves instead of inside slaughterhouses. This is true even when longstanding and effective guidelines are in place to compensate livestock owners for depredations. There is absolutely no reason for the livestock industry to kill the wolves. The draft restoration plan encourages needless killing of wolves when livestock owners already receive full market value for lost livestock. Even if there were no compensation program in place, CPW should not be authorizing the killing of wolves. Doing so will not bring back their livestock, and likely will not be effective in reducing future predation.

This aspect threatens the whole goal of the wolf restoration plan: to have healthy, self-sustaining wolf packs reintroduced into the State of Colorado. The majority of the members of TWG and SAG believe that lethal removal of wolves is “critically important to a successful wolf management program.”⁴⁰ This overrides any alleged importance given to non-lethal management tools in the draft restoration plan. CPW should prevent anti-wolf sentiment from threatening the success of the entire reintroduction plan.

F. The planned areas for introduction can support far more than 150 wolves and efforts to kill wolves or limit the population put the success of any reintroduction at risk.

The draft restoration plan seems to have the attitude of maintaining the wolf population as small as possible. This is evident in the population numbers and actions assigned to the

³⁴ Draft restoration plan at 18 (citing Harper et al., 2018).

³⁵ *Id.* (citing Wielgus and Peebles, 2014).

³⁶ *Id.* (citing Musiani et al., 2005).

³⁷ *Id.* (citing Brainerd et al., 2008, and Borg et al., 2015).

³⁸ University of Minnesota, *New research shows humans impact wolf packs in national parks* (Jan. 17, 2023), <https://twin-cities.umn.edu/news-events/new-research-shows-humans-impact-wolf-packs-national-parks>.

³⁹ *Id.*

⁴⁰ *Id.* at 17.

various phases of the plan. Wolves have not even started to be reintroduced into Colorado, and already TWG and SAG is contemplating when recreational killing can begin. The draft restoration plan aims to reduce protection and allow for the possibility recreational killing of wolves when the population reaches 150 for two years in a row.⁴¹ This phasing presents at least two issues.

First, neither TWG nor SAG has demonstrated that a population of 150 total wolves in the state would be enough to successfully self-sustain itself, as required by law. The Rocky Mountains can support well over 1,000 wolves.⁴² Yet, the draft restoration plan aims to set the population at the most minimum number possible. Even if this were an acceptable attitude within the bounds of C.R.S. 33-2-105.8—which it is not—studies that the draft restoration cites show that this is too small of a population goal. For example, the U.S. Fish & Wildlife concluded that a minimum population of 300 must be reached in order to maintain long-term viability.⁴³ Furthermore, even if a given population size is sufficient to successfully reproduce and self-sustain, facts like drought or disease could reduce the wolf population enough to remove its ability to self-sustain. CPW should aim to ensure as robust as wolf population as possible, regardless of what it deems to be a “minimum” number.

Moreover, the phase guidelines in the draft restoration plan are particularly alarming because they explicitly contemplate the population dipping below 150, at which point “review” of relisting, not relisting, will occur. Meanwhile, the population could continue to be recreationally hunted. Thus, the draft restoration plan currently ensures that the population will never stay higher than 150 for more than two years, but that it could stay below 150 while CPW initiates a review. This means that the wolf population in Colorado will be constantly hovering around 150, which is not sufficient for a successful, self-sustaining population, a quality which is required by law.⁴⁴

CPW should do more to ensure that the wolf population remains healthy and robust, and not keep it at what it considers to be the lowest possible population to achieve the ability to self-sustain.

Conclusion

Friends of Animals urges CPW to reconsider the recommendations of the anti-wolf sentiment of TWG and SAG. The same communities who hunted the wolves to extinction should not be allowed to dictate the terms of their restoration and management. The draft restoration plan would not give wolves a fair chance as successful reintroduction plan into

⁴¹ Draft restoration plan at 38.

⁴² Larry Bennet, *Colorado gray wolf recovery: A biological feasibility study*, U.S. Fish and Wildlife Service & University of Wyoming Fish and Wildlife Cooperative Research Unit (Mar. 31, 1994); Carlos Carroll et al., *Impacts of landscape change on wolf restoration success: planning a reintroduction program based on static and dynamic spatial models*, 17 *Conservation Biology* 536 (April 2003); Carlos Carrol et al., *Defining recovery goals and strategies for endangered species: The wolf as a case study*, 56 *BioScience* 25 (January 2006).

⁴³ Draft restoration plan at 24.

the state of Colorado. It may also be unlawful, as it would not comply with Proposition 114 or C.R.S. 33-2-105.8.

Sincerely,

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