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Working to protect and restore Western watersheds and wildlife

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**RE: Western Watersheds Project and the Wolf Recovery Foundation
Comments on the Gray Wolf Damage Management in Idaho Draft
Environmental Assessment**

Western Watersheds Project (WWP) has reviewed the *Gray Wolf Damage Management in Idaho Draft Environmental Assessment* (EA). We are very disturbed by this proposal and find that it lacks even the most basic justification and contains severely inadequate rationale.

This letter is WWP's and the Wolf Recovery Foundation's comments on Wildlife Service's (WS) *Gray Wolf Damage Management in Idaho Draft Environmental Assessment*. WWP is deeply troubled by Wildlife Service's failure to provide a public scoping period and formally requests that the agency remand this National Environmental Policy Act (NEPA) process and start anew with an initial public scoping comment period.

In general, Wildlife Service's *Gray Wolf Damage Management in Idaho Draft Environmental Assessment* is a grave disappointment falling short of the agencies fiduciary and legal responsibilities for many reasons including the following:

Wildlife Services failed to provide the public input via a scoping process

There needs to be a scoping period pursuant to law. The failure of Wildlife Services to solicit public involvement with such a controversial NEPA undertaking strikes at the heart of the agency's inadequate compliance with both the intent and the letter of NEPA.

The Draft EA fails to analyze the impact that the removal of packs and/or individuals will have to genetic connectivity between meta-populations.



The draft EA fails to analyze impact to both temporal and spatial interchange among wolves, its cumulative impact to ecology, genetic viability, and other consequences.

The Draft EA fails to disclose to the public the protocol Wildlife Services uses to determine offending wolf or wolves that Wildlife Services retaliates against, and fails to analyze the effect of this arbitrary retaliatory management.

The draft EA bases its alternative actions on depredating wolves. The fact that a depredation has taken place and wolves have been identified as the cause of such an incident is not sufficient investigation to determine the identity of the offending wolf or pack.

The draft EA fails to disclose or analyze how it determines which wolf or pack is responsible for specific depredation incidents, how accurate its determinations are, and what impact that level of accuracy or inaccuracy has to the environment, wolf populations, and the relative rate of depredations in an area.

This is necessary given Wildlife Services own analysis as to why Wildlife Services would not consider 'Bounties' as an alternative includes, "Bounties are generally not effective in reducing damage because depredating individuals/local populations are not specifically targeted."

However, the EA fails to adequately disclose its protocol for determining and targeting specific individuals or local populations of wolves, and fails to disclose or analyze each alternatives relative effectiveness. There is absolutely no indication that any of the alternatives considered in this draft EA fulfill Wildlife Services self-imposed standard for review.

Wildlife Services must conduct a full Environmental Impact Statement

Because this EA assesses a significant impact on the human environment constitute a significant likelihood of affecting the human environment, Wildlife Services must complete a full Environmental Impact Statement.

The Draft EA fails to adequately analyze alternatives in light of significant legal discrepancies between a delisted population and listed population of wolves.

The Draft EA's statement that its analysis applies to both a listed and delisted population fails to adequately identify the significant regulatory and other significant conditional discrepancies that exist between a listed population of wolves and a delisted population.

Making a blanket statement that the analysis applies to both a listed population and a delisted population fails to sufficiently disclose current biological, regulatory, and other extremely important conditions which

impact wolves and have the potential to affect cumulative impacts. Likewise, this lack of consideration constitutes a failure to adequately analyze potential impacts within the context of each alternative that such a diverse regulatory volatility may or may not engender.

In the context of delisting, a single declaration that analysis applies even in the event that wolves are relisted is not sufficient both with respect to NEPA's disclosure requirements and its "hard look" analysis requirements.

Analysis throughout this EA relies on state-determined objectives and management plans.

Any NEPA review must fully analyze the implications of the diverse regulatory designations and conditions disclosing to the public full analysis and consideration of the *status quo*, how the regulatory conditions may reasonably change within the subject time-frame that the NEPA analysis purports to cover, and fully consider and disclose the potential impacts and implications of such for each alternative, the cumulative potential impact to the full array of interests given each alternative, and how the assessed regulatory environment may or may not impact the need for supplemental analysis should it change beyond what the NEPA analysis reasonably considers.

The Draft EA fails to analyze cumulative and other impacts to wolf populations outside the Northern Rocky Mountain Distinct Population Segment that are fully protected under the Endangered Species Act and not subject to intermediate protections under the 10(j) Rule.

The Draft EA unlawfully tiers to Idaho state management documents

The EA and its action alternatives constitute an unlawful enforcement of state management plans that are moot in the context of a relisted species and in the absence of a federal, public rule-making process.

Furthermore, footnote 3 on page 7 of the EA suggests that state decision-making is exempt from the requirements of NEPA. Even if true, this would not abdicate Wildlife Services' need to comply with NEPA.

Additionally, analysis included in this EA relies on stale management regimes. One example includes Wildlife Service's reliance on following guidelines established in Memorandum of Understandings which are now expired (Draft EA p. 59) and have not been replaced.

The EA includes inadequate analysis given the speculative nature of the forthcoming MOU/MOA. Once a new MOU/MOA is proposed, the NEPA review must include analysis of its particular language and the implications of such.

The permit doesn't require Wildlife Services to implement control

actions it just allows them to.

“Permit No. TE-081376-12, issued by the U.S. Fish and Wildlife Service (FWS) June 16, 2006. This permit **allows** WS to implement control actions for wolves suspected to be involved in livestock depredations and to capture non-depredating wolves for collaring and re-collaring with radio transmitters as part of ongoing wolf monitoring and management efforts.”

The EA uses a faulty baseline in its No Action Alternative

Wildlife Services is currently operating with insufficient NEPA coverage. Using *status quo* active management absent sufficient NEPA analysis as a baseline against which to analyze impacts to other alternatives skews analysis and consideration of impacts given no baseline was provided in a prior NEPA document for the management actions that are taking place now.

The EA's Purpose and Need for Action is insufficient in that it represents a narrow interest group's arbitrary political agenda rather than considering a legitimate policy objective based on science

Page 10 of the EA consider a “Purpose and Need for Action” which includes an alleged need to take action to mitigate “risks to human health and safety from potentially hazardous or threatening wolves.” The inclusion of this idea as a primary onus for undertaking the current EA exemplifies the degree to which the motivation for “Wolf Damage Management” is premised on a general spite for rational natural resource policy discourse and administration, basic principles and application of best science, and constitutes a general paradigm of irrational, political reactionism which aims to foment and legitimize political objectives rather than implement rational natural resource policy on behalf of the public interest.

The shameful degree to which the “Purpose and Need” of this EA disregards decades of the sound science and fact establishing that, in relation to any other wildlife species, wolves constitute what amounts to a statistically irrelevant threat to human health and safety exemplifies the degree to which Wildlife Services is little more than a surrogate of anti-wolf interest groups.

Because the “Purpose and Need” of the EA is motivated by what amounts to arbitrary and capricious disregard for science and fact, the rest of the EA and all of its analysis is spoiled.

The draft EA fails to disclose and adequately assess financial costs associated with its alternatives

The draft EA needs to fully disclose the potential costs to all parties of each alternative and perform and disclose cost-benefit analysis of alternative methods of achieving the purpose and need identified.

Assessment of the significant costs associated with this program is sufficient justification for the agency to prepare a full Environmental Impact Statement.

The draft EA fails to adequately analyze initial and cumulative impacts to pack behavior when individuals are removed from a pack

The draft EA must analyze each alternative's impact to pack behavior and social structure from individual removal of wolves. The draft EA fails to identify any indication that managers have been monitoring pack behavior and social structure given "controls" of the past. Has "management" resulted in disproportionate "control" of a particular age class of wolf in packs? Have "controls" been disproportionately inflicted upon certain wolves of a particular social class within the pack? What impact does that have to likely depredation in the future? Does it impact ecology, what are the cumulative impacts to scavengers, beavers, and other animals that depend wolves' contribution to the trophic cascade? What are the impacts of an alteration in wolf pack social structure and age class on predation within the system.

These questions, and more associated inquiries, need to be fully analyzed for each alternative in the EA given the nature of the action alternatives. Additionally, monitoring regimes established to adequately answer these questions and evaluate its impact needs to be considered, particularly on public lands, given "controls" are anticipated to be advocated by this agency into the foreseeable future.

The draft EA fails to adequately analyze how its "control" actions will impact public and private research and monitoring of wolves

By altering wolf populations, Wildlife Services is going to significantly impact conditions that are of paramount importance to ongoing scientific inquiry regarding wolf populations, as well as cumulative impacts to studies taking place on other species and systems of which wolves affect, many of which implicate other significant land and wildlife management policy-making processes currently underway.

The draft EA fails to disclose and evaluate the impact each alternative may have to the substantial scientific inquiry that is taking place in and around the scope of the project.

The draft EA fails to adequately analyze how its "control" actions will impact public land managers' mandates under respective laws

The draft EA completely ignores the diversity of management mandates considering different land-ownership and land-use designations in violation of NEPA. The EA needs to fully disclose and analyze different/respectic Organic Act mandates considering the differences in management objectives on Forest Service land, Bureau of Land Management Land, various wilderness objectives, and other land-use

designations such as the Sawtooth National Recreation Area.

The land-use practices and mandates are different and the EA must analyze those differences, and the potential impacts to a variety of values given those differences of each alternative.

The draft EA's reliance on 'checklists' is inadequate NEPA analysis

Section 3.6 purports to disclose and analyze 'Standard Operating Procedures' (SOPs) for each alternative. All of the so-called analysis in this section is wholly inadequate and fails to take the "hard look" required by NEPA.

The draft EA's analysis unlawfully replaces consideration for biological carrying capacity with 'sociological carrying capacity'

The draft EA's reliance on analysis regarding a "wildlife acceptance capacity" as determinative of management action is an inadequate and suspect analysis that skews the purpose and need for action in an attempt to make an end-run around statutory obligations, including ESA and NEPA mandates, to justify action that is potentially otherwise unlawful.

The draft EA fails to adequately analyze how its "control" actions undermine private ranchers' financial incentive to privately protect their livestock using alternative methods

The draft EA needs to assess how Wildlife Services, a government agency, "control" actions externalize a cost of doing business for ranchers, consider whether and how each alternative influences private behavior, and whether or not this enabling role for ranchers is actually more expensive, detrimental to the environment, and less effective than if the private sector were to incorporate its own costs and take responsibility for the protection and stewardship of its own property.

Furthermore, the draft EA needs to consider whether this entitlement encourages, rather than discourages, an artificial dependency on what amounts to corporate welfare and whether that dependency is economically healthy for the private industry the "Purpose and Need" purports to be supporting.

The Draft EA needs to analyze how Wildlife Services plans to use radio collars, the costs of radio collars, the impact of radio collars to wolves, and the impact that the simplification of controls associated with the use of radio collars has

The EA needs to include an alternative which eliminates aircraft from Wildlife Service's arsenal in undergoing "control" actions

The draft EA tiers to stale NEPA documents

Wildlife Service's reliance on the 1994 PEIS and its 1997 reissuance is inadequate NEPA coverage given significant changes in conditions, particularly with wolves, since the publication of those documents.

We fully incorporate by reference in its entirety as if written here within: *War on Wildlife : The U.S. Department of Agriculture's "Wildlife Services". A Report to President Barack Obama and Congress.* By Wendy Keefover-Ring. February 2009.

<http://www.wildearthguardians.org/LinkClick.aspx?fileticket=HvTHtYLc8G8%3d&tabid=156>

The Draft EA fails to adequately assess potential threats to human health and safety.

The EA needs to assess the potential threats to human health and safety given each alternative given Wildlife Services heavy reliance on aviation and aircraft.

The EA needs to disclose to the public each accident incident where Wildlife Service's operations using aircraft have resulted in damage to human health, safety and or property.

The EA further needs to analyze and disclose the agency's proportion of accidents to flights, assess and compile the proportion given comparable commercial aviation, and assess whether there is a statistically significant discrepancy, whether any discrepancy is systemic to the organization, and what each alternative's impact will have to the likelihood of crash and associated injury.

Draft EA relies on non-peer reviewed science and false suppositions.

Wildlife Services relies on the Wildlife Services Decision Model (Slate et al. 1992) to base its Wolf Management strategies which has not been peer reviewed and has not been subject to public review under NEPA.

WS relies on outdated suppositions which state that wolf control is necessary to achieve tolerance for wolf recovery. No such tolerance has been shown and such suppositions have been refuted. **(See attached Bruskotter et al)**

The Draft EA represents speculation as fact. Specifically, WS claims that "the stress of being repeatedly chased can also cause cattle to abort calves, calf early or give birth to a weak calf (Lehmkuhler et al. 2007)" while (Lehmkuhler et al. 2007) merely speculates this possibility by stating:

"Though there is not definitive research supporting the following, it is plausible that other impacts predators may have on livestock production include abortions from the stress of being harassed by predators, disease transmission, decreased weight gain from increased vigilance by livestock living near predators,

potential reduction in meat quality from stress, and emotional stress placed on livestock producers concerned about depredations.”

Draft EA fails to adequately examine effect wolf control has on other predators which cause livestock losses.

Wildlife Services fails to adequately examine how wolf controls may indirectly increase livestock losses through increased coyote and mesopredator populations which also prey on livestock.

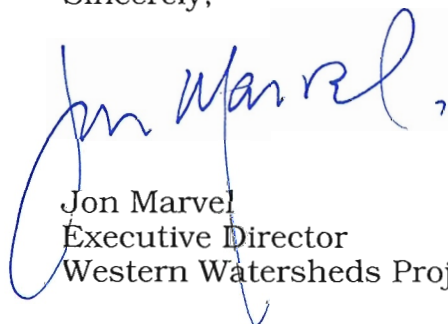
The EA fails to disclose protocols used to determine wolf caused depredations and fails to direct personnel in proper documentation of depredation investigations.

The EA fails to provide for accountability in depredation investigations. WS provides no accountability methods to adequately determine whether questionable calls are being made by personnel. Protocols for documentation of depredations should contain, at minimum, photographs and specific notes about condition of carcass including estimated date of death.


Wildlife Service’s Purpose and Need requires completion of a full Environmental Impact Statement that gives full lawful regard to the public with the inclusion of a public scoping comment process.

For these reasons, Western Watersheds Project respectfully requests that Wildlife Services withdraw its *Gray Wolf Damage Management in Idaho Draft Environmental Assessment (EA)* and cease all wolf management activities in the state until such time as the agency has been brought its management activities into compliance with the law including the National Environmental Policy Act.

Sincerely,



Jon Marvel
Executive Director
Western Watersheds Project



FOR: Ralph Maughan
President
Wolf Recovery Foundation