# Greater Yellowstone Coalition

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November 5, 2008

Public Comments Processing
RIN 1018–AW37
Division of Policy and Directives Management
U.S. Fish and Wildlife Service
4401 N. Fairfax Drive, Suite 222
Arlington, VA 22203

**RE: Request for extension of time for public comment period and stakeholder process (RIN 1018–AW37)**

To Whom It May Concern:

We respectfully request an extension of the public comment period on the above-referenced proposed rule to establish a distinct population segment (DPS) of the Northern Rocky Mountains Gray Wolf and to delist this DPS. We request that the reopened public comment period —currently set for 30 days— be extended for an additional 90 days. We also request that the Fish and Wildlife Service (the Service) host meetings with all stakeholders throughout the west including in the states of Idaho, Wyoming, and Montana.

We believe that the Service's proposed rule making process is flawed, and the agency is acting against sound wildlife management principles for several reasons.

First, since this draft rule was proposed in January 2007 and finalized in February 2008, a "draft" Memorandum of Understanding (MOU) proposed to the states of Idaho, Montana and Wyoming has been added, but only made available for public review with the October 28 Federal Register Notice. This indicates that the intent of the Service is to move forward with or without Wyoming. Currently, there is proposed legislation to modify statute §23-1-101 to remedy the deficiencies in Wyoming's wolf management plan. This legislation cannot be enacted under the Service's proposed timeline to be considered in this rule. We strongly recommend delaying this process to allow Wyoming the opportunity to make the necessary statutory changes to sign on to this MOU.

Second, the Service should wait until the completion of year end monitoring instead of considering mid-summer estimates that are cited in the Federal Register p. 63928 as being "preliminary" given that "The only "official" annual wolf population statistics are provided in the interagency annual report, which is normally available in March each year." It has been reported preliminarily, at least for the Yellowstone segment of the NRM population, that the year-end estimate will actually be less than previous year's data. We believe the Service is acting illegally by not taking into account the best science available in this public comment period. Extending the comment period will allow for consideration of the year-end population data.

Finally, the Service has asked specifically for comments on the following complex issues:

(1) Whether it is appropriate or necessary to revise our recovery goal (described below) to clarify that the genetic exchange called for can be satisfied through either natural migration or managed genetic exchange.
(2) What additional management, protections, and regulatory mechanisms may be needed to facilitate genetic exchange (including both natural migration and managed genetic exchange) including the actions outlined in the draft memorandum of understanding regarding the protection of genetic diversity of NRM gray wolves (available online at: http://westerngraywolf.fws.gov).
(3) What portions of Wyoming need to be managed as a trophy game area, how Wyoming should manage wolves in the trophy game area, and the significance of all portions of the range in the State of Wyoming in maintaining the viability of the NRM DPS.
(4) The adequacy of existing regulatory mechanisms in Montana, Idaho, and Wyoming, including whether Wyoming's regulatory mechanisms do or should manage for 15 breeding pairs and 150 wolves in mid-winter and if Wyoming's malleable trophy game area affects its ability to manage for such numbers of wolves.
(5) If we determine that Wyoming's State law and State wolf management plan do not constitute adequate regulatory mechanisms, the area in northwestern Wyoming that is a significant portion of the range of the NRM DPS that should retain its nonessential experimental population status under section 10(j) of the Act, even if we determine the rest of the DPS should be delisted.
(6) How Idaho, Montana, and Wyoming's management of take associated with their defense of property laws and hunting regulations affects each State's commitment and ability to manage for 15 breeding pairs and 150 wolves in mid-winter.
(7) Whether and under what authority the Service may identify and designate a DPS within a broader pre-existing listing and determine that this DPS should be removed from the endangered species list.

The Service's proposal raises complex issues and the specific comments the Service seeks require adequate time for analysis. The 30-day period provided by the Service will be wholly inadequate to properly analyze a proposal of this complexity. We therefore request the comment period be extended to 90-days.

We believe the Service is required to propose a new delisting rule that comports with science and law, and allows the public ample time to digest, analyze, and comment on that proposal. The Service's attempt to revive the proposed rule with a truncated comment period is ill-advised.

The Service instead appears to be rushing through this delisting process to adopt a flawed plan before the end of the Bush administration. As this will only lead to more legal challenges and is unlikely to advance the delisting of wolves in the region, we strongly urge the Service to reconsider its haste. An extended comment period will help ensure that wolf delisting, if warranted, is legally sufficient and promotes the conservation of this important species.

We appreciate your serious consideration of our requests and concerns and look forward to your response.

Sincerely,

Craig Kenworthy
Conservation Director
Greater Yellowstone Coalition