

APPENDIX C: FINAL PUBLIC SCOPING COMMENT ANALYSIS REPORT



Colorado Gray Wolf 10(j) Rulemaking Environmental Impact Statement

Final Public Scoping Comment Analysis Report

September 2022

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INTRODUCTION

Public scoping is the process by which the U.S. Fish and Wildlife Service (the Service) solicits public input on the scope of issues and alternatives to be addressed in a National Environmental Policy Act (NEPA) document, such as an environmental impact statement (EIS). It is a process open to the public that is conducted early in the NEPA planning process. Public scoping can include meetings and notifications to inform the public on the project and on the planning process guiding the preparation of an EIS. This process also instructs members of the public on how to provide comments on the project. After the public scoping period ends, public comments are analyzed and summarized. The summary—in addition to other relevant law, policy, planning documents, and scientific literature—is used to identify key issues, develop alternatives, and further help define potential environmental impacts.

The Service held a public scoping period for the Colorado Gray Wolf 10(j) Rulemaking EIS from July 21, 2022, to August 22, 2022. During the public scoping period, three in-person open house meetings were held in Gunnison, Silverthorne, and Craig, Colorado, on August 2, August 3, and August 4, 2022, respectively. A virtual public meeting was held on August 10, 2022. Members of the public were encouraged to submit comments online through <https://www.regulations.gov> (following instructions to submit comments to Docket No. FWS-R6-ES-2022-0100). Written comments were also accepted at the meetings and by mail. Approximately 900 pieces of correspondence were received during the public scoping period for this EIS. Additional detail is provided in this report. This report describes the public scoping process for this EIS and presents the analysis and summary of public comments received.

PUBLIC SCOPING FOR THE COLORADO GRAY WOLF 10(j) RULEMAKING

The public scoping period was open for approximately five weeks between July 21, 2022, and August 22, 2022. The Service issued a press release to media outlets and published the press release on the Colorado Ecological Services Field Office website on July 19, 2022, announcing the dates, times, and places of the public scoping meetings. The Service opened the public comment period for initial scoping on July 21, 2022. On that date, letters were sent to Tribes and other stakeholders notifying them of the public scoping meetings and offering to brief them on the process, and the webpage for Docket No. FWS-R6-ES-2022-0100 on <https://www.regulations.gov> was activated for the public to submit comments. The Notice of Intent was published in the *Federal Register* on July 21, 2022. Three in-person public scoping meetings were held during the comment period at the following locations:

- August 2, 2022: Gunnison County Fairgrounds, Gunnison, Colorado
- August 3, 2022: Silverthorne Pavilion, Silverthorne, Colorado
- August 4, 2022: Moffat County High School, Craig, Colorado

Additionally, the Service held a virtual public scoping meeting on August 10, 2022.

Approximately 100 people attended the three in-person meetings and virtual meeting (approximately 25 people attended the meeting in Gunnison, approximately 11 people attended the meeting in Silverthorne, approximately 67 people attended the meeting in Craig, and approximately 50 people attended the virtual meeting).

At each meeting, handouts of the public scoping newsletter were available that included information about the background of the project, the proposed purpose and need, preliminary draft alternative concepts, potential issue topics, a description of the NEPA process, and information on how to submit

comments online or via mail. This information was also displayed on banners at each in-person meeting venue and presented in a PowerPoint presentation during the virtual meeting. Service personnel, as well as staff from Colorado Parks and Wildlife (at the in-person meetings only), were available to answer questions and provide additional information to meeting attendees.

Writing stations available at each in-person public meeting provided areas where attendees could sit, write comments, and submit a comment form into a box. Attendees who prepared written comments before the meeting could submit those comments to the comment box provided. Attendees had the option to take comment forms and mail them later. During the scoping period, approximately 900 pieces of correspondence were received.

Interested parties were encouraged to enter their comments directly on <https://www.regulations.gov/>. Hard copy correspondence received at the public meetings or by mail was also collected for analysis. All correspondence was entered into a web-based system, DiscoverText, for coding and analysis. DiscoverText is a text analytics software system that supports sorting and analysis of written comments.

DEFINITION OF TERMS

Primary terms used in the document are defined below.

Correspondence: A correspondence is the entire document received from a commenter. This includes letters; written comment forms; comments submitted directly on <https://www.regulations.gov/>; and any other written comments provided either at the public scoping meetings or by mail.

Comment: A comment is a portion of the text within a correspondence that addresses a single subject. It could include such information as an expression of support or opposition for an alternative, additional data regarding existing conditions, or suggestions for resource topics, alternatives, or alternative elements to be considered.

Code: A code is a grouping centered on a common subject. The codes were developed during the scoping process and are used to track major subjects.

Concern: Concerns are statements that summarize the issues identified under each code. Each code was further characterized by concern statements to provide a better focus on the content of comments. Some codes required multiple concern statements, while others did not. In cases where no comments were received on an issue, the code was not identified or discussed in this report.

Quotes: Representative quotes have been taken directly from the text of the comments received from the public and further clarify the concern statements. Quotes have not been edited for grammar.

COMMENT ANALYSIS METHODOLOGY

Correspondence was received by hard-copy letter via mail, on comment sheets submitted at the public meetings, or correspondence entered directly into <https://www.regulations.gov/>. Letters received by email or through the U.S. mail, as well as the comments received from the public meetings, are included in the analysis.

Once all the correspondence was entered into DiscoverText, each was read, and specific comments within each unique correspondence were identified. Over 900 comments were derived from the correspondence

received. When identifying comments, every attempt was made to capture the full breadth of comments submitted.

To categorize comments, each comment was assigned one or multiple codes to identify the general content of a comment and to group similar comments. Thirteen codes were used to categorize the public scoping comments received. Examples of codes developed for this project are *Alternatives*, *Support or Oppose*, and *Special Status Species*. In some cases, the same comment may be categorized under more than one code, reflecting the fact that the comment may address more than one issue or idea. It should be noted that the impact topics brought up in the public scoping comments are unlikely to be the only topics considered in the EIS. Impact topics to be considered in the EIS will be informed by a number of other factors in addition to public comments.

GUIDE TO THE CONCERN REPORT

The *Concern Report* is provided in the following section of this document. This report summarizes the comments received during the public scoping process. In the report, comments are organized by codes and further organized into concern statements. Representative quotes are provided for each concern statement. A list of concern statements, in table format, is provided at the beginning of the *Concern Report* section for quick reference (refer to table 1).

HOW WILL MY COMMENT BE USED?

As described above, all comments are categorized into concern statements, such as “Commenters requested that the Bureau of Land Management and U.S. Forest Service be cooperating agencies for the DEIS” and “Commenters requested that the DEIS look at impacts and interactions with the Mexican gray wolf.” These concerns are listed in table 1 in the *Concern Report* section of this document. These concerns will guide the alternatives, issues, impact topics, and references to be considered during drafting of the EIS.

This report is a summary of public comments received during the public scoping period for the EIS. This report, including the comments in this report, has not been screened for consistency with federal law and policy, or for whether a particular comment is within the scope of the EIS.

CONCERN REPORT

As described above, this report summarizes the comments received during the public scoping period for the 10(j) Rulemaking EIS in support of the State of Colorado's reintroduction of the gray wolf. Table 1 provides a concise list of concern statements by code for quick reference. It is followed by the full concern report, which includes representative quotes.

Table 1. Code, Corresponding Concern ID, and Corresponding Concern Statement

AL100 - Preliminary Alternatives:	
Concern 1	Some commenters were in favor of incorporating trapping into an alternative as a management tool for gray wolves. One commenter noted that Colorado's Amendment 14 that banned the use of leghold traps does not apply to federal agencies and suggested that leghold traps be used in gray wolf management. Some commenters posited that traps could enable use of radio collars to monitor wolves and could be a valuable tool in nonlethal management.
Concern 2	Commenters expressed approval for an alternative with maximum management flexibility. Many commenters approved of management flexibility to reduce conflicts between wolves and livestock and domestic animals. Some commenters noted that changes in habitat, rising human populations, and development have changed the Colorado landscape and require the Service to have the ability to adjust its management approach after introduction depending on outcomes. One commenter was strongly in favor of management flexibility, as long as a wolf hunting season would not be implemented. Other commenters were strongly in favor of management flexibility because it could allow for hunting if the wolf population were to become overly abundant or if the gray wolf were to be delisted. One commenter said that management flexibility afforded by the 10(j) could help reduce the potential economic impacts of wolves. Case-by-case management was favored by several commenters, who are worried about unforeseen regulatory needs following reintroduction. Many commenters were in favor of the flexibility to control wolves lethally and nonlethally depending on their impacts. Others asked the Service to be consistent with the management of the Northern Rocky Mountain population.
Concern 3	Management of Mexican wolves and other gray wolf subspecies was a subject of concern for commenters. Some commenters asked for the 10(j) rule to apply to all gray wolf subspecies, including the Mexican gray wolf. Commenters argued that including all subspecies under the 10(j) rule would enhance connectivity among populations. Several commenters requested that a subpopulation of Mexican wolves be introduced in southwestern Colorado, arguing that introducing the subspecies would improve genetic diversity and connectivity. Conversely, one commenter worried about preserving the genetic integrity of Mexican wolves.
Concern 4	Some commenters asked that the chosen alternative designate gray wolves as non-essential. Commenters pointed out delisted wolf populations in other states as justification for a non-essential designation, since the experimental population would not be vital to the survival of the gray wolf species. A few commenters also asked that the Service designate Mexican wolves as non-essential.

Table 1. Code, Corresponding Concern ID, and Corresponding Concern Statement

Concern 5	Several commenters requested that the Service integrate existing planning efforts and reports (e.g., Colorado Parks & Wildlife [CPW] Report, Colorado Wolf Report, WildEarth Guardians Proposal and Wolf Restoration Plan, the Stakeholder Advisory Group recommendations, CPW resources on other species, and CPW big game management plans) into the selected alternative. Some commenters specified that the CPW plan should only be integrated into the Service's rule to the extent that it furthers gray wolf recovery and aligns with the best available science. Other commenters asked for the Service to assess the long- and short-term costs associated with the various plans and identify who would bear those costs. Commenters also asked that the Service incorporate best available science and peer-reviewed research into the plan. Others suggested considering the wolf restoration experiences of other states in determining the best alternative.
Concern 6	Commenters asked for allowances in the management plan for accidental or incidental lethal take of wolves. Commenters requested no punitive action against people who kill a wolf they have mistaken for a coyote. Commenters also requested protection from punitive action if working dogs or burros injure or kill a wolf. One commenter asked the Service to allow aggressive hazing of wolves to protect humans and livestock and asked that resulting accidental killings of wolves not be punished.
Concern 7	Some commenters requested that the Service designate the experimental population as essential in the rule.
Concern 8	Commenters requested that the management plan include education for ranchers and livestock operators to reduce conflicts with wolves. Topics for education included adjusting calving timing and location, increasing human watch over livestock, using guardian dogs, removing or destroying livestock carcasses, installing predator-resistant fencing, removing sick animals, using lights, and other nonlethal hazing techniques. Many commenters theorized teaching livestock operators about nonlethal techniques to avoid wolf predation would reduce conflicts with livestock.
Concern 9	Commenters requested that the Service include public education in its management plan. Some comments concerned teaching the public about the ecological importance of wolves to discourage lethal take. Other comments focused on educating citizens on wolf management, co-existence with wolves, and how to avoid wolf conflicts.
Concern 10	Commenters had a few creative recommendations for the Service to implement in its preferred alternative. One commenter suggested translocating or removing wolves that are proven to be responsible for a marked decline in ungulate populations. Another commenter recommended that the Service create a limit on the number of wolf fatalities allowed in Colorado and to stop reintroductions of wolves if the threshold is met to preserve the species. A commenter suggested spaying and neutering the reintroduced wolves, arguing that the Service should prevent wolf reproduction because the population would be experimental. Another commenter asked the Service to consider removing livestock from public lands to reduce conflicts with wolves.
Concern 11	Some commenters asked the Service to implement ecosystem recovery goals in the preferred alternative. A commenter suggested the Service use full recovery of riparian zones as an indicator of reaching the preferred population of wolves in the state. Another commenter requested that recovery goals and delisting be determined by the amount of suitable habitat the wolves occupy in the state, rather than a wolf population target. The commenter noted that having a hard population recovery goal would increase hostility toward wolves when the goal is reached and argued that management should be based on ecological carrying capacity instead.

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Concern 12	Several comments were related to the boundaries of the Service's action. Some commenters expressed concern about applying different rules to the same species in the state based on whether they were introduced or had migrated into the state. Several commenters requested that wolves be managed under the same rules within the experimental population boundary as outside the boundary, while others asked that the rule cover the entire state to reduce confusion. One commenter asked that wolves found in other states beyond the 10(j) boundary, including Utah and Arizona, be relocated back to Colorado. A commenter also asked that wolves be released a minimum of 150 kilometers inside the 10(j) boundary. Another commenter suggested that the Service extend the 10(j) boundary to include a buffer zone around Colorado's state borders to protect the population from unregulated take where wolves lack Endangered Species Act (ESA) protection. Several commenters requested that the Service limit where wolves could be reintroduced with suggestions including west of the Continental Divide or north of US Highway 50. Many commenters opposed boundaries in general and asked that wolves be permitted to roam freely inside and outside Colorado without lethal take or translocation.
Concern 13	Several commenters specifically requested that the 10(j) rule apply to both introduced and migratory wolves.
Concern 14	Commenters expressed support for alternative 1. Commenters were in favor of the regulatory flexibility afforded by the alternative and were also supportive of designating reintroduced wolves as an "experimental population."
Concern 15	Commenters expressed opposition to any lethal take of wolves. Some commenters cited ethical reasons for opposing lethal management; others noted ecological impacts of lethal control, particularly in riparian zones. Several commenters cited studies that show that lethal control is less effective than proactive nonlethal management in minimizing conflicts with livestock. Commenters argued that wolves can regulate their own population based on food and habitat availability. Many commenters qualified their statements opposing lethal control in the case of immediate defense of life.
Concern 16	Commenters were opposed to elements of alternative 2, including the Safe Harbor Rule, and suggested that the alternative could restrict the management tools needed to control livestock predation.
Concern 17	Commenters were against the no-action alternative, noting that the alternative would limit CPW's ability to regulate livestock predation and could have economic effects on livestock operators.
Concern 18	Commenters were concerned about having federal entities control the management of wolves and asked the Service to cede management to the state. Other commenters were concerned about giving too much control to the state. Commenters suggested that the 10(j) rule have simple criteria for management changes to allow for a seamless transition between state-managed species and federally managed species.
Concern 19	Commenters expressed concern about translocating wolves. Some commenters requested that the 10(j) rule provide options for relocating wolves that impact human safety, wildlife populations, or livestock. Other commenters argued that wolves should be allowed to roam freely without fear of translocation to reestablish habitat connectivity from the northern Rockies to the Southwest. One comment requested that translocations only occur with the consent of local governments and Tribes.
Concern 20	Commenters expressed support for allowing lethal take of wolves. Commenters were in favor of lethal take to protect livestock, pets, property, and working dogs. Some commenters noted the cost-effectiveness of lethal take and suggested that non-lethal methods would be more expensive to agencies and individuals. Other commenters were in favor of having a hunting season for wolves. One commenter noted that other predators, like black bears and cougars, are partially managed through hunting and that wolves should be similarly managed to avoid favoritism among species. One comment suggested that the Service implement an "escape clause" to lethally take all wolves in the experimental population if the non-essential status is at risk.

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Concern 21	Commenters suggested that lethal and/or nonlethal take be forbidden on public lands. Commenters argued that banning take on public lands would help restore ecosystems while allowing livestock operators to protect their property.
Concern 22	Commenters asked the Service to define specific recovery criteria in the plan. They asked for set population targets, timelines, and goals for down-listing and delisting the species. Commenters also requested that the Service define how the experimental population would contribute to wolf conservation and recovery.
Concern 23	Commenters asked that the Service specifically protect access to recreation, including motorized recreation, in the 10(j) area.
Concern 24	Commenters requested that reintroduced wolves be managed under the ESA as endangered or threatened. Commenters were in favor of managing all wolves in Colorado under the ESA to avoid subjecting wolves to human-defined boundaries where they might be safe in one area and subject to lethal take in another. Commenters argued that maintaining ESA protection would help prevent poaching and could help wolf subspecies thrive. One commenter suggested designating the reintroduced wolves as endangered and specifically releasing them in national parks. Commenters were concerned about lack of habitat protection under a 10(j) rule and favored reintroducing the species as endangered to allow for designation of critical habitat under the ESA.
Concern 25	Commenters suggested collaring all released wolves, or just one wolf per pack, to track their location and avoid livestock conflicts. A commenter also proposed implementing a reporting system for individuals who encounter wolves.
Concern 26	Commenters asked the Service to include provisions for lethal take under specific conditions. Several commenters asked that lethal take be permitted if the wolf was actively attacking livestock, pets, or working dogs. Other commenters suggested allowing lethal take only on private property. One commenter suggested requiring anyone shooting a wolf to have a camera installed on their gun to prove the wolf was in the act of killing livestock. Other commenters asked that lethal control be allowed if a wolf had shown a pattern of attacking livestock and had not responded to nonlethal deterrence strategies. One commenter asked that individuals not be penalized for shooting a wolf they had mistaken for a coyote. One commenter asked that wolf population control through lethal management be done with in consultation with biologists and an understanding of pack structure. Other suggestions included allowing lethal take up to a defined number of wolves or allowing hunting of wolves when they meet the 2, 2, 2 rule.
Concern 27	Commenters were in favor of the Service issuing a section 10(a)(1)(A). Some commenters requested that the entire state be managed under section 10(a)(1)(A) rather than a 10(j). Commenters noted that the existing wolves in Colorado mean that the introduced wolves would not be an experiment and a 10(j) would not be appropriate. One commenter suggested reintroducing wolves under a 10(a)(1)(A) permit throughout the state, keeping the wolves listed as endangered, and using Incidental Take Permits and Safe Harbor Agreements to provide regulatory flexibility. One commenter requested that the 10(a)(1)(A) permit not be used to justify removing or translocating wolves that roam outside the 10(j) area. Some commenters requested that the Service consider using section 10(a)(1)(B) to allow for maximum flexibility in management.
Ecosystem Dynamics	
Concern 28	Commenters requested that the EIS consider the interaction between resources, noting that these interactions are complex. Commenters provided specific examples, including upsetting predatory/prey relationships to the extent that soils, water, and vegetation are negatively impacted. Some commenters requested consideration of the ecological benefits from having wolves on the landscape. One commenter noted that the loss of sheep from wolf depredation could affect the ecosystem.
Concern 29	Commenters suggested that the 10(j) rule include a prohibition on lethal control to the extent that these action would inhibit trophic cascades.

Table 1. Code, Corresponding Concern ID, and Corresponding Concern Statement

Environmental Justice	
Concern 30	Commenters noted that the EIS should assess the role of gray wolves in mitigating climate change and the potential effects of climate change on gray wolves and other affected resources.
NEPA	
Concern 31	Commenters requested that the Bureau of Land Management (BLM) and Forest Service be cooperating agencies for the EIS. They noted that these agencies should consider amending their Resource Management Plans (RMPs) and Forest Plan with regard to grazing-related decisions, specifically asking for vacant or marginal grazing allotments to be made available and for the removal of seasonal restrictions when game species are most prevalent.
Concern 32	Commenters noted that since wolves do not stay in one place, that the analysis consider reintroduced wolves and those that have migrated in from other areas. Similarly, they requested that because wolves will migrate to adjacent states, the impact to these states should be considered.
Concern 33	Commenters requested that the EIS evaluate indirect impacts of the potential decline in elk and deer herds from wolf reintroduction.
Concern 34	Commenters requested the purpose and need statement be focused on having reintroduction as the dominant priority and focus on the legislative mandate to reintroduce wolves.
Concern 35	Commenters requested that the National Environmental Policy Act (NEPA) analysis use peer-reviewed science to the greatest extent possible. Commenters also noted that the Service should evaluate potential impacts on other resources as well as impacts on weather, human uses such as recreation, domestic livestock grazing, and recreation (including hunting). Some commenters requested that the beneficial impact of wolves be addressed, including contributing to enhancing biodiversity; improving ecosystem processes and function, mitigating climate warming and enhancing resilience to climate warming; improving ungulate population health by selectively removing old and diseased individuals (including individuals infected with chronic wasting disease with research indicating that wolf predation may suppress disease emergence or limit prevalence); and infusing local tourism economies.
Concern 36	Commenters noted other related planning processes that should be included in the Service's planning process such as the State of Colorado's wolf management planning, the wolf reintroduction plan developed by a non-profit group, and past wolf managing efforts in other Western states. Specific resources from these agencies were suggested such as the CPW Species Activity Mapping and CPW estimates of the costs related to the reintroduction and management of wolves.
Concern 37	Commenters stated that this planning process cannot be rushed, with some expressing concern about the accelerated effort.
Concern 38	Commenters stated that the decision of the State of Colorado to reintroduce wolves, or not, is a major federal action requiring NEPA analysis.
Concern 39	Commenters requested that the NEPA analysis include a population viability analysis, stating that unless the population is a certain size, the reintroduction will not be successful. They further requested the NEPA analysis address the 3 R's - resiliency, redundancy, and representation, to determine when the gray wolf is ready for delisting.

Table 1. Code, Corresponding Concern ID, and Corresponding Concern Statement

Concern 40	Commenters requested that the NEPA process consider the full range of alternatives such as lethal take, the geographic boundaries, and compensation programs. One specific alternative suggested was to evaluate two scenarios: (1) federal management of the gray wolf in Colorado as a fully protected endangered species, without an ESA 10(j) designation; and (2) cooperative, intergovernmental management of the gray wolf in Colorado as a designated non-essential experimental population under an ESA 10(j) designation.
Concern 41	Commenters requested that the EIS thoroughly document all costs to agencies and individuals of using non-lethal deterrents vs. lethal take. They expressed concern that non-lethal deterrents cost more and are not as effective. Others noted that the costs of reintroduction are relevant to the 10(j) process and should be discussed.
Concern 42	Commenters stated that this process should not move forward until the gray wolf is delisted in the State of Utah.
Concern 43	Commenters stated that the Service has a legal obligation to consult with appropriate state fish and wildlife agencies, local government entities, affected federal agencies, and affected private landowners during the development and implementation of experimental population rules. They noted that the plans developed by the Service need to be consistent with state and local plans. The State of Utah noted that it has a state Resource Management Plan (SRMP) and that all 29 counties in the state have adopted County Resource Management Plans (CRMPs) that should be considered in the planning process. Garfield County also requested consistency with its land use planning efforts. Cooperating agencies further requested the ability to coordinate during the development of the 10(j) rule.
Concern 44	One commenter requested that the EIS process be put on hold until there is a decision on the petition to delist the gray wolf.
Concern 45	Commenters asked that the EIS take a hard look at lethal control and its impacts and efficacy. They cited studies stating that livestock depredation may actually increase after lethal control. They also requested the EIS look at the role wolves play in livestock deaths, stating that they are not a large factor in mortality.
Other	
Concern 46	Commenters stated that the 10(j) rule should reflect a public desire for stricter protections and low support for recreational hunting.
Concern 47	Commenters stated that the 10(j) rule should include a subpopulation of Mexican gray wolves in southern Colorado to connect the existing population to a subpopulation and increase genetic diversity.
Concern 48	Commenters noted the regulatory responsibility of the Service in addressing translocated wolves. These included addressing how any translocated wolves would affect wolves already in Colorado and how they would affect the Mexican gray wolf.
Concern 49	Commenters suggested studies that could be considered in the EIS process include those related to wolf densities and other reintroduction efforts such as Isle Royale National Park and the Northern Rockies.
Concern 50	Commenters were concerned for human health and safety due to the presence of wolves on the landscape.
Concern 51	Commenters requested the EIS discuss the impacts to recreation from wolf reintroduction, stating that past reintroduction efforts have not found negative impacts to recreation. Other commenters requested the Service state how impacts to recreation would be avoided.
Concern 52	Commenters questioned if the reintroduced population would be "wholly separate" from existing populations and questioned if the Service has appropriate legal authority under section 10(j) for this effort.

Table 1. Code, Corresponding Concern ID, and Corresponding Concern Statement

Other Wildlife	
Concern 53	Commenters raised concerns that the presence of wolves on the landscape would impact other species, mainly prey species such as elk, deer, and moose. They noted that CPW has restored these populations and were concerned this progress would be impacted by wolf reintroduction. Some commenters noted that the large ungulate populations in Colorado would provide adequate prey species for wolves. Commenters asked that stress levels in ungulates also be considered, in addition to direct mortality.
Socioeconomic Resources	
Concern 54	Commenters noted that management measures should be designed to avoid or mitigate impacts to recreation that could cause economic losses.
Concern 55	Commenters noted the potential economic benefits or adverse impacts of the State's plan to reintroduce gray wolves.
Concern 56	Commenters noted the EIS should consider potential socioeconomic impacts, including impacts to small businesses, including livestock producers, hunting-related businesses, and rural communities with and without implementation of a section 10(j) rule. They noted that these producers already see impacts from other wildlife.
Concern 57	Commenters noted the EIS should consider potential costs for reintroduction and management of gray wolves.
Concern 58	Commenters noted the Service should involve local counties in analyzing socioeconomic impacts to rural communities and livestock producers.
Concern 59	Commenters noted that allowing flexible management options under the section 10(j) rule is needed to mitigate socioeconomic impacts.
Concern 60	Commenters requested that the Service complete an economic study related to the State's planned reintroduction of gray wolves.
Concern 61	Commenters requested that the Service consider the potential effects of the State's plan to reintroduce gray wolves on tourism, hunting, and fishing revenues.
Concern 62	Commenters requested that the Service consider potential socioeconomic impacts on a local, rather than statewide, basis.
Concern 63	Commenters requested that the Service consider implementing a section 10(a)(1)(A) permit to allow the state to manage wolves that depredate livestock and working dogs.
Concern 64	Commenters noted that the section 10(j) rule should allow flexibility to address direct and indirect socioeconomic impacts of reintroduced gray wolves.
Concern 65	Commenters noted the EIS should document the costs of implementing non-lethal and lethal take strategies.
Special Status Species	
Concern 66	Commenters stated that they do not believe the gray wolf should be an endangered species. Some suggested that since there are already wolves in Colorado, a threatened designation would be a more appropriate.
Concern 67	Commenters requested that the EIS look at impacts and interactions with the Mexican gray wolf. Commenters also expressed concern that the release of the gray wolf would jeopardize the recovery of the Mexican wolf, with a risk of genetic swamping of the Mexican wolf.

Table 1. Code, Corresponding Concern ID, and Corresponding Concern Statement

Concern 68	Commenters expressed concern about the impact of lethal removal on the gray wolf, noting that studies show when lethal removal is allowed, poaching increases. Commenters noted that lethal management of wolves in Wyoming has had negative impacts by severing population connectivity and inhibiting gene flow.
Concern 69	Commenters expressed concern that a 10(j) rule would preclude the designation of critical habitat for the enhancement of recovery efforts. Specific concerns included potential future habitat modifications like the addition or closure of roads, or opening up areas to motorized use.
Support or Oppose	
Concern 70	Commenters stated support for the presence of wolves in Colorado and the 10(j) process, with most stating that increased management flexibility is needed to address potential impacts from the reintroduction.
Concern 71	Commenters stated opposition to the 10(j) process, stating that it lowers protection for wolves; reclassifying them as "non-essential" and "experimental" allows them to be killed.
Tribal Resources	
Concern 72	Commenters stated that the Service should consult with Tribal representatives and draw on and use traditional ecological knowledge in the development of the 10(j) rule. Commenters specifically noted the Service should consult with the Global Indigenous Council in this process. Commenters were concerned with potential impacts to Tribal cultural values.
Concern 73	Commenters stated that the Service should develop a management agreement with Tribes and indicated that the Service should consult with the Southern Ute, Ute Mountain Ute, Arapaho, Cheyenne, Kiowa, Comanche, Apache, Navajo and Shoshone Tribes.
Concern 74	Tribal representatives from the Southern Ute stated concern that wolf reintroduction would lead to conflicts with livestock and wildlife/hunting-related interests, both of which are an important and integral part of the Tribe's social, economic, and cultural fabric. They also expressed concern for wolf dispersal to Tribal trust lands of their reservation, as well as Brunot Area lands where the Tribe retains off-reservation hunting rights for its members. The Tribe noted that prior to wolf releases, it expects to develop a wolf management plan in consultation with appropriate agencies to minimize wolf-related impacts to the Tribe and its members.
Concern 75	The Southern Ute Tribe affirmed its intention to engage in government-to-government consultation.
Concern 76	Commenters suggested that no agreement between the Service and the Tribe is necessary to capture and remove wolves from Tribal trust lands.

PUBLIC SCOPING COMMENT SUMMARY

The following report is organized by codes and then concern statements. Representative quotes are provided for each concern statement.

Representative quotes are presented exactly as they were submitted by the commenters. Grammar and spelling have not been changed. These representative quotes are not the only comments received under a particular concern statement; rather, these quotes have been chosen to represent those comments categorized under each concern statement.

AL100 - PRELIMINARY ALTERNATIVES:

CONCERN STATEMENT: Some commenters were in favor of incorporating trapping into an alternative as a management tool for gray wolves. One commenter noted that Colorado's Amendment 14 that banned the use of leghold traps does not apply to federal agencies and suggested that leghold traps be used in gray wolf management. Some commenters posited that traps could enable use of radio collars to monitor wolves and could be a valuable tool in nonlethal management.

Representative Quote: The 10J designation needs to include trapping as a management option for wolves. Colorado's Amendment 14 that banned the use of leghold traps does not apply to federal agencies in Colorado.

Representative Quote: All other states except California use trapping as a management tool. Without this effective management tool, Colorado's wolf population will reach a point of excessive growth with unmitigated impacts to livestock, big game, and other wildlife species. Look no further than the Bureau of Land Management's failure to control the feral horse population for the unintended consequences of unchecked growth of a high impact species.

Representative Quote: It has been proven that trapping is a great management tool. I would ask that the 10J designation includes trapping as a management option for wolves. Colorado's Amendment 14 banned the usage of leg holds traps does not apply to federal agencies in Colorado. The Colorado wolf management plan and the future state delisting of wolves are both predicated on population numbers. Trapping will enable to radio collars to be utilized to monitor each pack and their numbers and movements. This tool will aid in non-lethal deterrent usage. I feel it is imperative to know where each pack is, how many there are in the pack to mitigate conflict as well as identify depredating wolves for lethal removal. All other states with the exception of California use trapping as a management tool. Without this effective management tool, Colorado's wolf population will reach a point of excessive growth with detrimental impacts to livestock, big game, other wildlife species and our human and pet Colorado outdoor experience.

CONCERN STATEMENT: Commenters expressed approval for an alternative with maximum management flexibility. Many commenters approved of management flexibility to reduce conflicts between wolves and livestock and domestic animals. Some commenters noted that changes in habitat, rising human populations, and development have changed the Colorado landscape and require the Service to have the ability to adjust its management approach after introduction depending on outcomes. One commenter was strongly in favor of management flexibility, as long as a wolf hunting season would not be implemented. Other commenters were strongly in favor of management flexibility because it could allow for hunting if the wolf population were to become overly abundant or if the gray wolf were to be delisted. One commenter said that management flexibility afforded by the 10(j) could help reduce the potential economic impacts of wolves. Case-by-case management was favored by several commenters, who are worried about unforeseen regulatory needs following reintroduction. Many commenters were in favor of the flexibility to control wolves lethally and

nonlethally depending on their impacts. Others asked the Service to be consistent with the management of the Northern Rocky Mountain population.

Representative Quote: We support the flexible approach being proposed for Colorado. It is important not to handcuff our Colorado Parks and Wildlife so they can use the expertise of their wildlife biologists and range managers to manage the balance of wildlife given the imprint that man puts on nature with population growth, traffic and the need to grow food.

Representative Quote: I support the management flexibility provided with the 10(j) rule for Colorado. To achieve the best management outcome possible, wolves under the 10(j) rule should be classified as non-essential, experimental population.

Representative Quote: Considering wolves are naturally migrating from Wyoming, a state where wolves are delisted and allows unpermitted "takes", Colorado's management of gray wolves under Section 1 O(j) should be consistent with the management of the Northern Rocky Mountain population. This would include using the Section 1 O(j) management and flexibility to allow for regulated hunting of gray wolves as populations grow and the wolves become delisted. Further, there should be minimal complexity involved in the triggers for management of gray wolves, and State and private reporting. The private landowners should not bear the cost of managing the gray wolf reintroduction in Colorado.

CONCERN STATEMENT: Management of Mexican wolves and other gray wolf subspecies was a subject of concern for commenters. Some commenters asked for the 10(j) rule to apply to all gray wolf subspecies, including the Mexican gray wolf. Commenters argued that including all subspecies under the 10(j) rule would enhance connectivity among populations. Several commenters requested that a subpopulation of Mexican wolves be introduced in southwestern Colorado, arguing that introducing the subspecies would improve genetic diversity and connectivity. Conversely, one commenter worried about preserving the genetic integrity of Mexican wolves.

Representative Quote: The FWS rule for managing wolves in Colorado should be inclusive of all gray wolf subspecies. Gray wolf recovery should include full connectivity of the species from the northern Rockies population to the Mexican gray wolf population to the south. The rule should allow for the presence of any gray wolves that may one day migrate into the state from neighboring populations to allow for future connectivity of these populations. Gray wolf subspecies which find themselves in Colorado should be allowed to live where they find suitable habitat and native prey.

Representative Quote: As recommended by wolf biologists who advise Mexican wolf recovery, the Colorado management rule should include the introduction of a subpopulation of Mexican gray wolves in the southern region of Colorado. Such a subpopulation would be able to successfully connect to the existing population within the Mexican gray wolf experimental population area and would provide this critically endangered subspecies with much-needed genetic diversity and resiliency.

Representative Quote: Additionally, the Commission believes the establishment of a statewide Nonessential Experimental Population should be performed with two important safeguards: 1) Preservation of the genetic integrity of Mexican wolf is considered; and 2) Impacts to recovery of Mexican wolves are considered.

CONCERN STATEMENT: Some commenters asked that the chosen alternative designate gray wolves as non-essential. Commenters pointed out delisted wolf populations in other states as justification for a non-essential designation, since the experimental population would not be vital to the survival of the gray wolf species. A few commenters also asked that the Service designate Mexican wolves as non-essential.

Representative Quote: My family ranching operation supports a 10J NONESSENTIAL experimental population designation for gray wolves in Colorado that have either migrated into the state or are released by CPW; and for any Mexican wolves that may migrate into the state.

Representative Quote: It is imperative that the 10(j) rule classify the wolf population in Colorado as non-essential and experimental. In 1994, the United States Fish and Wildlife Service in cooperation with the University of Wyoming Fish and Wildlife Cooperative Research Unit released a Biological Feasibility Study which deemed 4 of the 7 potential wolf recovery areas (PWRAs) has having potential conflict due either to human or livestock population. Because the proposed introduction area falls within these PWRAs, it is incredibly important that the wolf population, whether migrating or introduced, be classified as non-essential and experimental opening the door for more effective management techniques, such as lethal force, should certain wolf-human or wolf-livestock situations occur.

Representative Quote: Before the FWS designates an experimental population of gray wolf in Colorado, it must determine whether the population is essential or nonessential to the continued existence of the endangered gray wolf. 16 U.S.C. Â§ 1539(j)(2)(B); 50 C.F.R. Â§ 17.81(c)(2). An essential experimental population means an experimental population whose loss would be likely to appreciably reduce the likelihood of the survival of the species in the wild. 50 C.F.R. 17.80(b). The introduction of an experimental population of gray wolves in Colorado may help with the conservation of the species (16 U.S.C. Â§ 1539(j)(2)(A); 50 C.F.R. Â§ 17.81(b)), but it is not essential to the continued existence of gray wolves. There are a number of gray wolves located in other states, with some of the populations no longer listed under the Endangered Species Act (ESA). The gray wolf population in the Great Lakes area total more than 4,200 wolves. 85 Fed. Reg. 69778, 69788 (Nov. 30, 2020). The gray wolves in the Northern Rocky Mountain area (Idaho, Montana, Wyoming, and portions of Oregon, Washington and Utah) total about 2,386 wolves and growing. Id. The Northern Rocky Mountain gray wolf population has been delisted. See id. at 69780. The wolves from this distinct population segment have also made it into northwest Colorado, Oregon, and California. Id. at 69784, 69788-69789, 69792. While the larger grey wolf populations are located outside of Colorado, the FWS has recognized that these growing populations warranted delisting the gray wolf across the United States. See 85 Fed. Reg. 69778. A federal court vacated the FWS decision to delist the gray wolf because the FWS failed to adequately consider threats to gray wolves outside of the core population areas and the potential loss of the historical range. *Defenders of Wildlife v. U.S. Fish & Wildlife*, 2022 WL 499838, at *7-11 (N.D. Cal. Feb. 10, 2022). However, the continued growth of the gray wolf populations in the Great Lakes and Northern Rocky Mountain areas show that an experimental population in Colorado is not essential to the survival of the gray wolf species.

CONCERN STATEMENT: Several commenters requested that the Service integrate existing planning efforts and reports (e.g., Colorado Parks & Wildlife [CPW] Report, Colorado Wolf Report, WildEarth Guardians Proposal and Wolf Restoration Plan, the Stakeholder Advisory Group recommendations, CPW resources on other species, and CPW big game management plans) into the selected alternative. Some commenters specified that the CPW plan should only be integrated into the Service's rule to the extent that it furthers gray wolf recovery and aligns with the best available science. Other commenters asked for the Service to assess the long- and short-term costs associated with the various plans and identify who would bear those costs. Commenters also asked that the Service incorporate best available science and peer-reviewed research into the plan. Others suggested considering the wolf restoration experiences of other states in determining the best alternative.

Representative Quote: United States Fish and Wildlife Service (USFWS) should integrate the CPW developed plan into the proposed 10(j) management rule framework only to the extent that such plan complies with the best available science.

Representative Quote: The USFWS should evaluate both the Colorado wolf management plan and CPW's existing plans for big game management.

Representative Quote: I urge FWS to adhere to the proposal outlined by WildEarth Guardians, (501-c3) which is science-based and has the well being of wildlife and the environment as its main concern.

Representative Quote: The potential costs to comply with the actions under consideration, including those that would be borne by the Federal Government and private sectors. USFWS should consider the initial estimates of costs related to reintroduction and longer-term management of wolves developed by CPW.

CONCERN STATEMENT: Commenters asked for allowances in the management plan for accidental or incidental lethal take of wolves. Commenters requested no punitive action against people who kill a wolf they have mistaken for a coyote. Commenters also requested protection from punitive action if working dogs or burros injure or kill a wolf. One commenter asked the Service to allow aggressive hazing of wolves to protect humans and livestock and asked that resulting accidental killings of wolves not be punished.

Representative Quote: A 10J designation needs to have a comprehensive and flexible incidental take section. Our livestock guardian dogs are effective deterrents for coyote, bear and lion attacks but are typically no match for wolves. In the unlikely event that a guardian dog, burro, etc. does injure or kill a wolf, there should be no punitive action taken against the owner/agent. I feel there should be no punitive action taken if an owner of livestock or dog needs to harass which could result in injury/death of the wolf to stop an attack or encounter. Punitive action should also not be levied against a person who inadvertently mistakes a wolf with a coyote or a wolf hybrid.

Representative Quote: A law allowing very aggressive hazing of gray wolves so they will fear humans and leave cattle alone is necessary. Thankfully the Colorado Parks and Wildlife Commission gave ranchers permission to haze wolves last month, however, we think a law exempting ranchers from accidentally injuring or killing a wolf would be appropriate, as ranchers did not ask for this added responsibility. If wildlife managers are truly concerned that ranchers will injure or kill too many wolves then, they should be out on this land managing the packs themselves. Ranchers should be given a tax credit to reimburse them for 100% of the cost of hazing tools. Colorado law also should be amended so that a rancher who has documented repeated loss of livestock or working animals can apply for a permit to kill an aggressive wolf on his or her property and give the carcass to Parks and Wildlife.

CONCERN STATEMENT: Some commenters requested that the Service designate the experimental population as essential in the rule.

Representative Quote: Properly designate the experimental population as "essential."

CONCERN STATEMENT: Commenters requested that the management plan include education for ranchers and livestock operators to reduce conflicts with wolves. Topics for education included adjusting calving timing and location, increasing human watch over livestock, using guardian dogs, removing or destroying livestock carcasses, installing predator-resistant fencing, removing sick animals, using lights, and other nonlethal hazing techniques. Many commenters theorized teaching livestock operators about nonlethal techniques to avoid wolf predation would reduce conflicts with livestock.

Representative Quote: Specifically, animal husbandry practices such as adjusting calving timing and location, increased human supervision by range riding over large grazing areas, and livestock guardian dogs have been proven effective at minimizing livestock losses (Bruns et al., 2020, Moreira-Arce et al. 2017).

Representative Quote: I support the reintroduction of the Gray Wolf in Colorado without boundaries and they should be permitted to live where they find suitable habitat. To mitigate conflict with humans such as preying on livestock by Grey Wolves, human ranchers and farmers should be properly educated about protecting cattle.

Representative Quote: Conversely, research directs that lethal management of wolves does not build tolerance for wolves. Researchers found that granting management flexibility (killing) for endangered species to address illegal behavior (poaching) may instead promote such behavior. Chapron and Treves (2016) show that allowing wolf (*Canis lupus*) culling was substantially more likely to increase poaching than reduce it: when the government kills a protected species, the perceived value of each individual of that species may decline and may instead promote such illegal behavior. Thus, on public land, livestock producers should be required to implement conflict avoidance and coexistence strategies. Livestock should be guarded, especially during calving and lambing; and livestock carcasses that die of unrelated matters should be removed to prevent wolves from being attracted and scavenging.

CONCERN STATEMENT: Commenters requested that the Service include public education in its management plan. Some comments concerned teaching the public about the ecological importance of wolves to discourage lethal take. Other comments focused on educating citizens on wolf management, co-existence with wolves, and how to avoid wolf conflicts.

Representative Quote: 7. There is a huge need for educational materials for all types of public activities that might come into contact with wolves in Colorado. This must be a strong component of any designation made under ESA requirements.

Representative Quote: Additionally, any rule that FWS promulgates should be adaptable, flexible, and responsive to the situation on the ground. This should also be paired with a public education campaign to explain how important wolves are to the Rocky Mountains, and why wolves are not the enemy of humans. Much of the discussion in Colorado has focused on why wolves will be a problem, and not on the positive impact wolves have on their ecosystems. These attitudes still prevail today, particularly among those who slaughter animals for a living, and among those in industries who were a large reason why gray wolves were eliminated from Colorado in the first place. If we continue the same attitude and low valuation of a wolf's life, then this reintroduction plan will not succeed, and the will of Colorado voters will not be met.

Representative Quote: USFWS must meet their responsibility to educate the public, ranchers, about non-lethal methods in caring for, management of wolves, conflicts, to help the wolves survive.

CONCERN STATEMENT: Commenters had a few creative recommendations for the Service to implement in its preferred alternative. One commenter suggested translocating or removing wolves that are proven to be responsible for a marked decline in ungulate populations. Another commenter recommended that the Service create a limit on the number of wolf fatalities allowed in Colorado and to stop reintroductions of wolves if the threshold is met to preserve the species. A commenter suggested spaying and neutering the reintroduced wolves, arguing that the Service should prevent wolf reproduction because the population would be experimental. Another commenter asked the Service to consider removing livestock from public lands to reduce conflicts with wolves.

Representative Quote: Grey wolves prey on the elk, deer and other ungulates, so big game populations within experimental population's boundaries will be impacted by the reintroduction of gray wolves. This can be particularly concerning if the non-essential experimental population boundary overlaps with winter habitat, migration corridors, or trophy hunting management units. Other Section 10(j) designations for gray wolves have allowed for the removal or translocation of wolves after it was documented that they were the primary cause for an ungulate population decline. The Districts respectfully request a similar wolf damage management strategy for this Section 10(j) designation.

Representative Quote: To prevent wolves from being removed from safe habitats in other places, then released only to be killed in Colorado, I urge the setting of a federal limit on wolf fatalities in Colorado. If that

threshold is exceeded, then Colorado should be required to cease its reintroduction effort for the preservation of the species.

Representative Quote: Removal of invasive species (livestock) should be considered before using tax payer funds to kill wolves on public land in extreme cases where non-lethal management fails.

Representative Quote: All one has to do is look to WY, ID, and MO. I applaud this thoughtful and measured action and hope that if and wolves are introduced that thought be given to spaying and neutering them. If this is indeed an "experimental release", then why not prevent procreation until the experiment is complete and the data is in?

CONCERN STATEMENT: Some commenters asked the Service to implement ecosystem recovery goals in the preferred alternative. A commenter suggested the Service use full recovery of riparian zones as an indicator of reaching the preferred population of wolves in the state. Another commenter requested that recovery goals and delisting be determined by the amount of suitable habitat the wolves occupy in the state, rather than a wolf population target. The commenter noted that having a hard population recovery goal would increase hostility toward wolves when the goal is reached and argued that management should be based on ecological carrying capacity instead.

Representative Quote: Rather than setting a population cap at which wolves are no longer protected by the endangered species act, recovery goals should be determined by the following: geographic distribution, meaning wolves are allowed to populate any habitat in the state that they deem fit to inhabit and a "limit" is set when wolves have populated all geographically sustainable areas in the state; populations have reached a density that can withstand the common losses wolves face, such as pack to pack fights/disease/starvation/poaching; and allowing wolves to not only permanently inhabit areas in Colorado but move freely through the state to re-connect wolves from the North to the South.

Representative Quote: I am writing to you in support of reintroducing wolves in Colorado under the 10j ruling. I ask that no specific subspecies of gray wolf is defined for the reintroduction in order to allow any wolf subspecies (*Occidentalis* or *baileyi*) to live and roam wherever they find suitable habitat in Colorado. This will help ensure long term survival of species and increase genetic diversity. There should be no hard recovery population goal, as having a hard number has shown to increase hostility towards wolves once that number is reached. Instead, wolf management should be adaptive and based off of ecological carrying capacity.

Representative Quote: The population of wolves should be large enough and sufficiently well-distributed throughout western Colorado so as to influence the behavior and/or distribution of elk sufficient to restore or nearly restore (with an explanation as to why wolves cannot fully restore) the natural riparian and hydrological functioning of significant stretches (that the Service should identify in the final 10(j) rule after taking public comment on the draft EIS) of the state's rivers, streams and other wetland habitats.

CONCERN STATEMENT: Several comments were related to the boundaries of the Service's action. Some commenters expressed concern about applying different rules to the same species in the state based on whether they were introduced or had migrated into the state. Several commenters requested that wolves be managed under the same rules within the experimental population boundary as outside the boundary, while others asked that the rule cover the entire state to reduce confusion. One commenter asked that wolves found in other states beyond the 10(j) boundary, including Utah and Arizona, be relocated back to Colorado. A commenter also asked that wolves be released a minimum of 150 kilometers inside the 10(j) boundary. Another commenter suggested that the Service extend the 10(j) boundary to include a buffer zone around Colorado's state borders to protect the population from unregulated take where wolves lack Endangered Species Act (ESA) protection. Several commenters requested that the Service limit where wolves could be reintroduced with suggestions including west of the Continental Divide or north of US Highway 50. Many commenters opposed

boundaries in general and asked that wolves be permitted to roam freely inside and outside Colorado without lethal take or translocation.

Representative Quote: Furthermore, the Commission believes that the establishment of this statewide Nonessential Experimental Population is contingent upon two critical components: 1) No initial releases or translocations south of U.S. Highway 50. 2) Any wolf that moves south or west of the Colorado statewide 10(j) area, regardless of origin, must be returned to the 10(j) area north of U.S. Highway 50 as soon as practicable and before it becomes established.

Representative Quote: Given the aforementioned concerns, the State recommend Colorado's state line form the boundary of the 10(j). Like other 10(j) populations, including Mexican wolves, red wolves, black-footed ferrets, whooping cranes, California condors, Aplomado falcons, and wood bison, wolves that leave the boundary should be trapped and returned to Colorado, another western 10(j) population or the Northern Rocky Mountain (NRM) delisted area. Any wolf found in listed areas of Utah would be presumed to originate from the experimental population and be relocated. To mitigate the likelihood of wolves dispersing beyond the boundaries of the 10(j), releases should only be authorized greater than 150 km, the median dispersal distance of NRM wolves, from the 10(j) boundary.

Representative Quote: - If wolves are restored as an experimental population under section 10(j) of the Endangered Species Act, consider extending the boundary of the potential 10(j) experimental population area beyond Colorado's state borders to create a buffer zone protecting the experimental population from unregulated take in areas where wolves currently lack ESA protections. In particular, consider aligning the 10(j) boundary with Colorado's state borders except that it should also include the northwest portion of Utah that falls within the Northern Rocky Mountains Distinct Population Segment, as well as extend past the northern border of Colorado into Wyoming up to Interstate 80 (I-80). Extending the 10(j) boundary into Wyoming will help create a buffer zone where wolves cannot be killed to protect members of the experimental population who cross Colorado's invisible state line. Currently wolves in southern Wyoming are considered "predators" and can be killed year-round by any legal means. W.S. 1977 section 11-6-302. Creating a buffer zone not only protects wolves and promotes wolf recovery and conservation, but also protects the Service's and Colorado's investment in wolf restoration. Without a buffer zone, even wolves living inside national parks have been decimated just outside those protective boundaries, a 20-year National Park Service study concluded

Representative Quote: AZSFWC asserts that the following criteria should be incorporated into the draft rule: 1. The southern boundary of the 10(j) area should be located well north of the Arizona state line. US Highway 50 appears to represent a suitable line of demarcation. 2. There will be no releases or translocations of wolves outside the 10(j) area. 3. Wolves that disperse outside the 10(j) area will be captured and returned to the 10(j) area. 4. The cost of any such captures that occur outside the state of Colorado will be borne by the Service and not the responsibility of wildlife managers in neighboring states. 5. All recovery efforts in Colorado will be closely coordinated with state wildlife agencies in the neighboring states.

CONCERN STATEMENT: Several commenters specifically requested that the 10(j) rule apply to both introduced and migratory wolves.

Representative Quote: I think the 10 (j) rule should be implemented and it should apply to all migrating and introduced wolves in Colorado. Economic impact of wolves is significant in rural sectors of Colorado and we need the flexibility afforded by the 10 (j) rule.

Representative Quote: As a fourth generation cattle rancher in Colorado I would like to see the 10j rule implemented in Colorado and the wolves be classified as nonessential experimental populations. I also believe the 10j rule should be applied to all of Colorado to include migrating and introduced wolves.

CONCERN STATEMENT: Commenters expressed support for alternative 1. Commenters were in favor of the regulatory flexibility afforded by the alternative and were also supportive of designating reintroduced wolves as an “experimental population.”

Representative Quote: All of the non lethal controls are not effective in the case of wolves that have habitually kill and maim livestock. Therefore, we are urging you to choose Alternative number 1 in your report, so that CPW and local ranchers are allowed flexibility in controlling lethally all wolves across the state that become habitual predators of livestock.

Representative Quote: Please apply the Section 10(j) Rule as described in your "Alternative Concept #1" to ALL wolves in Colorado and allow CPW the proper tools to manage wolves, along with all other Big Game effectively for ALL Coloradans!

Representative Quote: I support the EIS for wolves in Colorado to focus on the impacts of a statewide 10(j) status for the species. Alternative Concept 1 would provide this flexibility and allow for the best chance of success for the species and those communities and individuals who will inevitably experience negative impacts from the introduction. Only through impact-based management will Colorado be able to successfully balance the needs of wolves, prey species, and social/cultural/economic impacts. To allow for true impact-based management, wolves must be recognized as a non-essential, experimental population across the entire state.

CONCERN STATEMENT: Commenters expressed opposition to any lethal take of wolves. Some commenters cited ethical reasons for opposing lethal management; others noted ecological impacts of lethal control, particularly in riparian zones. Several commenters cited studies that show that lethal control is less effective than proactive nonlethal management in minimizing conflicts with livestock. Commenters argued that wolves can regulate their own population based on food and habitat availability. Many commenters qualified their statements opposing lethal control in the case of immediate defense of life.

Representative Quote: The DEIS should also analyze the many feasible non-lethal and conflict avoidance measures that can be used to greatly minimize the risk for wolf predation on livestock.

Representative Quote: Please ensure that the focus of your future plans is on the welfare of the wolves, along with using non-lethal measures that promote coexistence between humans, domestic animals and wolves.

Representative Quote: The 10(j) management rule should strictly curtail any lethal management or recreational hunting of wolves. Lethal management often fails to provide a long-term solution to wolf-livestock conflict and has the highest variability of success when compared to non-lethal practices. In addition, there is significant evidence showing that lethal management of wolves may be less functionally effective at mitigating subsequent livestock losses than non-lethal deterrents. Lethal management of wolves should not be permitted except in extremely rare circumstances of immediate defense of life.

Representative Quote: The 10(j) management rule should reflect broad public values that support stricter protections for wolves and reflect very low support for recreational hunting.

Representative Quote: The 10(j) management rule should strictly curtail any lethal management or recreational hunting of wolves. Lethal management often fails to provide a long-term solution to wolf-livestock conflict and has the highest variability of success when compared to non-lethal practices. In addition, there is significant evidence showing that lethal management of wolves may be less functionally effective at mitigating subsequent livestock losses than non-lethal deterrents. A substantial body of research documenting human-caused mortality in North American wolves has found that policies that allow for the liberalized killing of wolves result in a direct increase in the hazard and incidence of illegal killings (Louchouart et al. 2021, Santiago-Ávila et al. 2022, Santiago-Ávila et al. 2020, Treves et al. 2021). Lethal management of wolves should not be permitted except in extremely rare circumstances of immediate defense of life. As recommended by wolf biologists who advise Mexican wolf recovery, the Colorado 10(j) management rule should include the introduction of a subpopulation of Mexican gray wolves in the southern region of Colorado.

CONCERN STATEMENT: Commenters were opposed to elements of alternative 2, including the Safe Harbor Rule, and suggested that the alternative could restrict the management tools needed to control livestock predation.

Representative Quote: Alternative 2 will apply the 10(j) rule to the Gray wolf in the reintroduced areas and establish a Safe Harbor rule for the Gray Wolf population where they have migrated in and already exist. This in my opinion becomes problematic as not all management tools needed would be available for the wolves that have already migrated here from surrounding states (mainly documented from Wyoming). Therefore, a safe harbor rule doesn't allow lethal control of wolves that habitually attack livestock, working dogs and pets.

Representative Quote: Alternative 2 and its Safe Harbor provision is not a viable option as it does not provide all the management tools needed to manage wolves who have migrated to Jackson County naturally. As stated above, Jackson County is already dealing with livestock predation from an existing wolf pack.

CONCERN STATEMENT: Commenters were against the no-action alternative, noting that the alternative would limit CPW's ability to regulate livestock predation and could have economic effects on livestock operators.

Representative Quote: 3. Alternative 3 is also not a viable option as there would be no regulatory response when issues like livestock predation occur. The livelihood of our ranching community is crucial to our community and Jackson County at large.

Representative Quote: Alternative 3 no-action, a bad decision in my opinion, as there would be no regulatory response for the CPW when issues like livestock predation occur. It is kind of like "Who Cares".

CONCERN STATEMENT: Commenters were concerned about having federal entities control the management of wolves and asked the Service to cede management to the state. Other commenters were concerned about giving too much control to the state. Commenters suggested that the 10(j) rule have simple criteria for management changes to allow for a seamless transition between state-managed species and federally managed species.

Representative Quote: Rule 10(j) should be imposed to designate the introduction as non essential. Our state wildlife agencies and its stakeholders should have the most management powers and not simply hand it over to federal entities.

Representative Quote: Considering wolves are naturally migrating from Wyoming, a state where wolves are delisted and allows unpermitted takes, Colorado's management of gray wolves under Section 10(j) should be consistent with the management of the Northern Rocky Mountain population. This would include using the Section 10(j) management and flexibility to allow for regulated hunting of gray wolves as populations grow and the wolves become delisted. Further, there should be minimal complexity involved in the triggers for management of gray wolves, and State and private reporting.

Representative Quote: I believe if this reintroduction must occur, you should be able to control the population on a state level without the USFWS getting involved. No one will be more responsible with job than the people that live and work in the state of Colorado. Washington, DC has no business controlling those populations.

Representative Quote: This experiment should be kept to just that, an experiment. The CPW should have the control over management of the wolves in this state (the ones already here and the newly proposed)

Representative Quote: As wolf status protections can change with court orders and political administrations, and we request the USFWS provide the adaptive criteria to allow for seamless transition between State managed species and federally managed species, especially regarding population control as population objectives are met.

CONCERN STATEMENT: Commenters expressed concern about translocating wolves. Some commenters requested that the 10(j) rule provide options for relocating wolves that impact human safety, wildlife populations, or livestock. Other commenters argued that wolves should be allowed to roam freely without fear of translocation to reestablish habitat connectivity from the northern Rockies to the Southwest. One comment requested that translocations only occur with the consent of local governments and Tribes.

Representative Quote: Additionally, the 10J should provide options for relocating/removal of wolf packs negatively impacting livestock production, depressing wildlife populations, or creating human safety concerns.

Representative Quote: Wolves should be permitted to live with no boundaries where they find habitat as was decided in Colorado's 2004 wolf management plan. Allow wolves to utilize habitat across Colorado's Rocky Mountains which will help re-establish connectivity from the northern Rockies to the Southwest, which is vital to the long-term success of the species. Moreover, gray wolves should be permitted to roam beyond the borders of CO without persecution or threat of being captured and returned.

Representative Quote: Finally, translocation should not occur without the consent of affected local governments and tribes.

CONCERN STATEMENT: Commenters expressed support for allowing lethal take of wolves. Commenters were in favor of lethal take to protect livestock, pets, property, and working dogs. Some commenters noted the cost-effectiveness of lethal take and suggested that non-lethal methods would be more expensive to agencies and individuals. Other commenters were in favor of having a hunting season for wolves. One commenter noted that other predators, like black bears and cougars, are partially managed through hunting and that wolves should be similarly managed to avoid favoritism among species. One comment suggested that the Service implement an "escape clause" to lethally take all wolves in the experimental population if the non-essential status is at risk.

Representative Quote: I feel that any producers or business owners that rely on any working animals like horses to run a business to make a living should be entitled in the 10(j) rule to take lethal action when a wolf is caught in the act of chasing, biting or killing (attacking) livestock/business working animal independently of the CPW. CPW would be notified of the situation so an investigation could happen after the fact. To have our

hands tied and watch a wolf "attack" our horses, guard dogs and cattle etc. while waiting on the CPW to show up and investigate is very unrealistic. There is not a human on the planet that would just be able to stand their and watch an animal that they treasure be destroyed. This is my recommendation on the verbiage needed on the 10(j) rule so that we can feel that wolves are not being placed on a pedestal above all other animal life.

Representative Quote: Lethal control by the landowner/livestock grower for any Grey Wolf caught in the act of livestock deprivation, including pets and working dogs.

Representative Quote: Finally, while still early in the process, the Service should evaluate and then include an escape clause that authorizes the State to lethally remove all members of the experimental population if its nonessential status is at risk. The Service included such escape clauses in numerous other experimental population rules. This provision is very appropriate here, given that the Service has recognized gray wolves across the lower 48 U.S. States as no longer endangered or threatened under the ESA. 85 Fed. Reg. 69778 (Nov. 3, 2020).

Representative Quote: I would hope that the 10j rule be used and the wolves be classified as non-essential experimental populations across the entire state. Without the opportunity to use lethal control the impact on livestock and wildlife will be enormous.

Representative Quote: The EIS needs to very thoroughly document the costs to agencies and individuals of using non-lethal deterrents vs. lethal take. Non-lethal deterrents are typically only effective for a short time and very expensive. The cost-effectiveness of lethal take needs to factor heavily into the management equation

CONCERN STATEMENT: Commenters suggested that lethal and/or nonlethal take be forbidden on public lands. Commenters argued that banning take on public lands would help restore ecosystems while allowing livestock operators to protect their property.

Representative Quote: If they come in contact with cattle they should not be killed either cattle do not belong on our public lands it is for our wildlife not domestic animals.

Representative Quote: Lethal take of Colorado's future wolf population should never be allowed on public land under any circumstance. That land belongs to everyone, not just the producers that lease it and negatively impact the health of those public lands. The residents of Colorado that voted to restore the wolves did so with the intent that wolves would be allowed the chance to thrive and remain protected on our public lands - their native lands. Lethal take should never be allowed on private land unless the landowner can show proof that a variety of nonlethal deterrents were attempted and all realistic steps to coexist were taken.

Representative Quote: There are different ways in which the 10(j) rule could be written to constrain and limit the killing of wolves sufficient to ensure a growing population of at least 750 wolves with immigration of wolves from north and south, and their reproduction in Colorado, at least once in two years; and many ways in which the rule could ensure that wolves change the behaviors of elk sufficient to conserve riparian areas and that wolves change the behaviors of coyotes sufficient to conserve pronghorn, swift fox, black-footed ferret, and Canada lynx. The most straight-forward and equitable way to achieve these goals (that we argue above stem logically from statute and regulation) would be for the 10(j) rule to not allow the killing of wolves if the reason for such contemplated wolf-killing was in response to wolves killing livestock on public lands.

CONCERN STATEMENT: Commenters asked the Service to define specific recovery criteria in the plan. They asked for set population targets, timelines, and goals for down-listing and delisting the species. Commenters

also requested that the Service define how the experimental population would contribute to wolf conservation and recovery.

Representative Quote: Additionally, each alternative should commit to locations and timeframes for releases to ensure progress towards recovery. And while the Service should work with CPW towards recovery, it cannot and should not rely on the state to meet recovery benchmarks.

Representative Quote: In order to effectively conserve the future experimental population of wolves in Colorado, the 10(j) rule should define conservation goals, including the number of wolves inhabiting Colorado, and other aspirational conditions, that would represent a population no longer in danger of extirpation. The environmental impact statement should explain the basis for these conservation goals.

Representative Quote: SCI recommends that the Service evaluate and then adopt specific and measurable delisting criteria for the introduced wolf population. The Service must ensure it has provided metrics that will motivate the State and reduce the risk that delisting which recognizes the success of the introduction conservation program will be hijacked by litigation. Of course, these criteria should align with State goals where possible.

CONCERN STATEMENT: Commenters asked that the Service specifically protect access to recreation, including motorized recreation, in the 10(j) area.

Representative Quote: The Organizations are seeking the broadest and encompassing protections for all recreational access in the 10j designations that is stated in clear and unequivocal language, as after participating in ESA efforts for decades there is always an assertion that motorized recreation is negatively impacting the species. This continues despite numerous species specific studies being developed and the decline of some species occurring even before motorized recreation was a concept and often impacts to activities like ours are summed up as unintended impacts of the listing. The Organizations submit a wide ranging protection for recreation would be a significant step towards avoiding unintended consequences of the protection and reintroduction and reflect a decision that is highly solidified in best available science, mainly that recreational access and wolves are basically unrelated.

Representative Quote: too often managers are still being told that multiple use recreation is unmanaged or is negatively impacting wildlife populations. Again the 50 years of management of our sport and interests provides a highly credible basis for the protections for recreation in the 10j Rule, as there is an entirely separate process from the ESA listing mandated on public lands to address recreational access. A broadly crafted 10j Rule would streamline the relationship between these efforts and allow recreation to thrive and resources to be protected.

CONCERN STATEMENT: Commenters requested that reintroduced wolves be managed under the ESA as endangered or threatened. Commenters were in favor of managing all wolves in Colorado under the ESA to avoid subjecting wolves to human-defined boundaries where they might be safe in one area and subject to lethal take in another. Commenters argued that maintaining ESA protection would help prevent poaching and could help wolf subspecies thrive. One commenter suggested designating the reintroduced wolves as endangered and specifically releasing them in national parks. Commenters were concerned about lack of habitat protection under a 10(j) rule and favored reintroducing the species as endangered to allow for designation of critical habitat under the ESA.

Representative Quote: If wolves are to be reintroduced in Colorado, as a majority of voters like myself voted to do, they need all the protections that endangered species, which they are, need and deserve. No full protection, no reintroduction! Respect and implement the will of the people expressed by passing the initiative in the first place.

Representative Quote: Section 10 designations often preclude the designation of Critical Habitat for the enhancement of recovery efforts. The designation of Critical Habitat entails the prevention of adverse modification of such habitats, conferring numerous conservation benefits (Congressional Research Service 2021: 23) unavailable to experimental, nonessential populations. Should the gray wolf in Colorado be reintroduced under an experimental, nonessential 10(j) rule, they would be deprived of such habitat protections, to the detriment of species recovery. This deprivation is particularly detrimental to the extent that new roads were to be constructed, or existing closed and gated roads were to be opened to motorized transit, offering opportunities for poachers to access heretofore secure habitats used during denning and at other sensitive times of year. By contrast endangered status (and the requisite designation of Critical Habitat) would present a legal bar to such adverse modification of wolf habitats.

Representative Quote: As a 7th generation Coloradan - the language of Proposition 114 did not contemplate an "experimental population", and the people of Colorado did not vote in favor of establishing an "experimental population". Colorado is unique in this process when compared to the northern Rockies Gray Wolf restoration and/or the USFWS efforts to restore the Mexican Wolf in the southwest. Everywhere else in the lower 48 where USFWS reintroduced wolves it was against the will of the people of those states, hence the need for the creation of the 10j rule. The 10j rule was created in an effort to appease the residents of the states where USFWS government over-reach potentially negatively affected the citizens of those states. That is NOT the case in Colorado. The people of Colorado have spoken and elections have consequences. The wolves reintroduced into Colorado by 12/2023 should fully protected with the full authority, weight, and protections afforded them under the ESA. They should NOT be "experimental". They are NOT "experimental". USFWS should NOT utilized the same failed methods implemented in restoring the Gray/Mexican Wolf populations and should instead look to Colorado as an opportunity to press forward utilizing a different strategy because here in Colorado the people created and successfully passed a citizen's initiative taking control of what we want our landscape to look like moving forward.

CONCERN STATEMENT: Commenters suggested collaring all released wolves, or just one wolf per pack, to track their location and avoid livestock conflicts. A commenter also proposed implementing a reporting system for individuals who encounter wolves.

Representative Quote: I would suggest collaring each released wolf, as they do with the bighorn sheep, moose, deer and elk, to know their whereabouts and if they are in the area of a livestock owner's livestock.

Representative Quote: a tremendous amount of pressure is being placed on using non-lethal deterrents. None of these things are effective if you don't know where the wolves are, and how many wolves there are on the landscape. An individual wolf from each pack must be radio-collared in order to monitor the pack, and trapping is a tool needed to radio-collar wolves. It is also an important management tool needed to relocate wolves to avoid or mitigate conflict, and to target depredating wolves for lethal removal.

Representative Quote: I hope this program provides ample communication options for those who encounter the wolves. It would be important for violent people to know how to report an issue before resorting to killing the wolves. In fact, it should be a federal crime to kill these wolves without first reporting their presence to the program. Those caught poaching wolves should face severe punishment and financial penalties.

CONCERN STATEMENT: Commenters asked the Service to include provisions for lethal take under specific conditions. Several commenters asked that lethal take be permitted if the wolf was actively attacking livestock, pets, or working dogs. Other commenters suggested allowing lethal take only on private property. One commenter suggested requiring anyone shooting a wolf to have a camera installed on their gun to prove the wolf was in the act of killing livestock. Other commenters asked that lethal control be allowed if a wolf had shown a pattern of attacking livestock and had not responded to nonlethal deterrence strategies. One

commenter asked that individuals not be penalized for shooting a wolf they had mistaken for a coyote. One commenter asked that wolf population control through lethal management be done with in consultation with biologists and an understanding of pack structure. Other suggestions included allowing lethal take up to a defined number of wolves or allowing hunting of wolves when they meet the 2, 2, 2 rule.

Representative Quote: I urge you to assure that the 10(j) permit specify protections for wolves and flexibility in managing conflicts. This would be in line with Colorado's state-level impact-based management approach, which outlines a live-and-let-live approach and includes management of conflicts on a case-by-case basis. The essence is to manage conflicts, rather than manage wolf populations at some predetermined level. As outlined in Colorado's draft impact-based management framework, wildlife managers should prioritize non-lethal methods over lethal. Lethal control is only appropriate when managers have earnestly tried non-lethal methods without success, and conflict has reached a chronic level.

Representative Quote: Lethal methods must only be employed if a problem wolf/pack continues to prey on such livestock and such kills must be proven.

Representative Quote: Coloradans want low emphasis placed on recreational hunting, a high emphasis placed on protections, and advocacy for non-lethal management! It is CPW's responsibility to assist in non-lethal management techniques to promote coexistence, prevent livestock conflicts, and resolve issues nonlethally.

Representative Quote: Due to the importance of human tolerance in the success of wolf populations, we request that the 10(j) permit specify protections for wolves and provide flexibility in managing conflicts. Colorado's state-level planning effort is premised on an impact-based management approach, which outlines a live-and-let-live process and includes management, which results in the addressing of conflicts on a case-by-case basis, rather than managing wolf populations at some predetermined level. Non-lethal methods of conflict management should be prioritized over lethal approaches, which are only appropriate when managers have sincerely implemented non-lethal methods without success. Lethal control should always be the last resort.

CONCERN STATEMENT: Commenters were in favor of the Service issuing a section 10(a)(1)(A). Some commenters requested that the entire state be managed under section 10(a)(1)(A) rather than a 10(j). Commenters noted that the existing wolves in Colorado mean that the introduced wolves would not be an experiment and a 10(j) would not be appropriate. One commenter suggested reintroducing wolves under a 10(a)(1)(A) permit throughout the state, keeping the wolves listed as endangered, and using Incidental Take Permits and Safe Harbor Agreements to provide regulatory flexibility. One commenter requested that the 10(a)(1)(A) permit not be used to justify removing or translocating wolves that roam outside the 10(j) area. Some commenters requested that the Service consider using section 10(a)(1)(B) to allow for maximum flexibility in management.

Representative Quote: USFWS should not reintroduce wolves in Colorado pursuant to a 10(j) experimental population designation but rather a general 10(a)(1)(A) permit and allow reintroduced wolves to keep their protected status.

Representative Quote: Moffat County is one of the western slope counties that will be impacted by the reintroduction of gray wolves in Colorado and thus strongly supports the FWS designating this gray wolf population as a nonessential experimental population to provide the State with more flexibility in management. Moffat County also supports the FWS establishment of an assurance agreement and permit under Section 10(a)(1)(A) of the Endangered Species Act (ESA) for the existing population of gray wolves in

northwestern Colorado, as well as other opportunities to manage wolves using Section 10(a)(1)(B) to allow for maximum flexibility in management.

Representative Quote: FWS should evaluate the potential impact of management in neighboring states on the establishment of wolves in Colorado. Any wolves found in neighboring states where ESA protections are in place including wolves that have dispersed from Colorado should be managed under ESA protection, not removed or returned to Colorado. As mentioned above, 10(a)(1)(A) is intended to promote recovery and is not intended to remove wolves from areas where they would otherwise be protected under the ESA.

Representative Quote: The Service should develop and fully analyze an alternative whereby it authorizes reintroductions using 10(a)(1)(A) recovery permits rather than a 10(j) rule. Such an alternative is reasonable and feasible: both the Service and the National Marine Fisheries Service have authorized reintroductions using only 10(a)(1)(A) recovery permits species include the California condor, Bay checkerspot butterfly, and Snake River sockeye salmon. Indeed, anything that can be permitted by the experimental population approach could be permitted under a 10(a)(1)(A) permit. But fully analyzing reintroductions using 10(a)(1)(A) will be important for considering what a decision should look like, whether using recovery permits or a 10(j) rule. Because Coloradans voted to reintroduce gray wolves into the state, the Service should not assume reluctance to accept reintroductions, the usual basis for using 10(j). A 10(a)(1)(A) alternative will allow the Service to evaluate a bottom-up approach of authorizing only the take necessary to introduce wolves into the state while otherwise maintaining existing federal protections. Such an alternative will ensure the Service does not consider 10(j)'s automatic rollbacks of ESA protections as a given. A 10(a)(1)(A) alternative may also help the Service craft better-tailored reintroduction rules. For example, 10(a)(1)(A) reintroductions may be feasible in areas with less potential for wolf-human conflicts, whereas 10(j) rules may be more appropriate for reintroductions occurring near reluctant landowners. Such tailoring could allow for the reintroduction of fully protected wolves and designation of experimental population areas, potentially accelerating wolf recovery

ECOSYSTEM DYNAMICS

CONCERN STATEMENT: Commenters requested that the EIS consider the interaction between resources, noting that these interactions are complex. Commenters provided specific examples, including upsetting predatory/prey relationships to the extent that soils, water, and vegetation are negatively impacted. Some commenters requested consideration of the ecological benefits from having wolves on the landscape. One commenter noted that the loss of sheep from wolf depredation could affect the ecosystem.

Representative Quote: Considerations for evaluating the interactions between affected natural resources. Ecological interactions are complex and any evaluation must include all potential sources of impact, and not evaluate the potential impact of wolves in a vacuum without considering those other sources

Representative Quote: The wanton killing of such large numbers of apex predators has undoubtedly skewed the validity and overall health of related biological ecosystems. This has resulted in upsetting predator/prey relationships to the point where soils, water, native vegetation (e.g. riparian, open range and associated grasslands and shrubs, etc). are been negatively impacted!

Representative Quote: Considerations for evaluating the significance of impacts on gray wolves and other affected resources, such as other listed or sensitive wildlife and plant species, cultural resources, and socioeconomic resources or activities. USFWS should evaluate potential impacts on other resources but also other impacts such as weather, human uses such as recreation, domestic livestock grazing, and recreation (including hunting) on any specific resource.

Representative Quote: Wetland trees and shrubs, willows, cottonwoods, nesting songbirds and beavers that rely on trees wither under the intense browsing of sedentary elk. When the last wolf was slaughtered by wildlife services in Colorado an ecological disaster ensued. We are experiencing the effects of climate crisis in Colorado. Wolves are necessary to help repair our troubled ecosystem. The statute clearly states, “Once restored to Colorado gray wolves will help restore a critical balance in nature.” In Doug Smith’s words- “The return of wolves to ecosystems where they had been previously extirpated triggers cascading ecological shifts toward increased bird and mammal richness and diversity. Dr Francisco J. Santiago Avilla, questions modern Wildlife Service’s model that, benefits humans-dismissing the needs and benefits of wild carnivores. This is causing ecological harm to our land and to human health, with increasing pollution of our water, soil, and air. Dr Avilla says his peer reviewed science research seems to be dismissed from wildlife commissions. Erik Molvar, Wolf Biologist, states that we must care about our public lands for our future. The USFWS commercial use of public lands is threatening our endangered species and livestock grazing is the biggest threat. We can do this by retiring all livestock grazing allotments and restoring our wolf and beaver populations.

Representative Quote: The loss of the Colorado sheep industry due to wolf predation, due to the inability to remove them when they become a problem is real. The sheep industry provides a very important environmental service in forest fire mitigation by grazing public and private lands. Without sheep and cattle grazing forest fires will continue to increase in occurrence and scale.

Representative Quote: Not only must the upcoming 10(j) rule ensure the conservation of wolves in Colorado; it also must advance ecosystem conservation in Colorado. Accordingly, the upcoming DEIS must consider the scientific findings on wolves’ positive effects on their ecosystems elsewhere, in particular wolves’ influences on other species of animals and plants through trophic cascades, and incorporate into the 10(j) rule measures that would ensure similar benefits to ecosystems in Colorado. The DEIS should analyze how wolves’ roles in ecosystems would be affected by different alternatives in the upcoming rule. As part of that analysis, the Service must address how the authorized killing of wolves under different circumstances would affect their ecosystems.

CONCERN STATEMENT: Commenters suggested that the 10(j) rule include a prohibition on lethal control to the extent that these action would inhibit trophic cascades.

Representative Quote: a proscription on killing wolves to the extent that such killings would inhibit trophic cascades and specifically conservation of riparian habitats, pronghorn, swift fox, black-footed ferret, and Canada lynx;

ENVIRONMENTAL JUSTICE

CONCERN STATEMENT: Commenters noted that the EIS should assess the role of gray wolves in mitigating climate change and the potential effects of climate change on gray wolves and other affected resources.

Representative Quote: Considerations for evaluating climate change effects to gray wolves and other affected resources. Note all species challenges due to climate change and habitat loss. Mitigate as necessary

Representative Quote:

Scientific research makes it increasingly clear that natural biodiversity is integral to the life support systems upon which we depend. Predators not only mitigate the cause of climate change (excess atmospheric carbon) but also influence “directly and indirectly” climate impacts on their prey and on entire ecological communities (Wilmers et al. 2013). Further, healthy, intact food webs make ecosystems more resilient to environmental changes (Wilmers and Getz 2005). Thus, repatriating predators to their historic ranges has

enormous potential not only to provide well-known ecological services, but also to improve ecosystem resilience to climate change and drive down atmospheric carbon levels (Wilmers et al. 2013). By moderating deer and moose populations, wolves have created massive carbon sinks that help trap CO2 emissions thereby combatting climate change. Wilmers and Schmitz (2016) estimated an increase in CO2 storage between 46 million and 99 million metric tons that is attributed to the work of wolves in our forests - equivalent to a year of tailpipe emissions from between 33 and 71 million cars.

Representative Quote: Research is showing that predators like wolves improve ecosystem resilience to climate change (Wilmers et al. 2013)

NEPA

CONCERN STATEMENT: Commenters requested that the Bureau of Land Management (BLM) and Forest Service be cooperating agencies for the EIS. They noted that these agencies should consider amending their Resource Management Plans (RMPs) and Forest Plan with regard to grazing-related decisions, specifically asking for vacant or marginal grazing allotments to be made available and for the removal of seasonal restrictions when game species are most prevalent.

Representative Quote: BLM and the Forest Service should consider being cooperative agencies on this DEIS. Where wolf and livestock conflicts may pose the highest risks, these federal land management agencies should consider amending RMP and Forest Plan grazing related decisions to reduce these risks. Vacant or marginal grazing allotments in these areas should be made unavailable for future grazing. In other allotments, seasonal restrictions should remove livestock during those times when game species are most prevalent. There are feasible solutions if people are sufficiently motivated to implement them.

CONCERN STATEMENT: Commenters noted that since wolves do not stay in one place, that the analysis consider reintroduced wolves and those that have migrated in from other areas. Similarly, they requested that because wolves will migrate to adjacent states, the impact to these states should be considered.

Representative Quote: While Proposition 114 mandates reintroductions west of the Continental Divide in Colorado, wolves are going to travel massive distances and any experimental designations and planning requirements should protect activities in all areas regardless of if the wolf was reintroduced or has naturally arrived in the area from other locations.

Representative Quote: AZSFWC focuses primarily on issues within our state; however, this particular action by the Service has enormous implications for the neighboring states of Arizona, New Mexico, and Utah. It is essential that state wildlife agencies and stakeholders across this area are fully involved in the process and their voices are heard.

Representative Quote: “de-facto” establishment of Gray wolves in Arizona in a manner that totally circumvents the public process and appropriate analysis by state and federal wildlife managers. These issues must be thoroughly analyzed in the forthcoming EIS

CONCERN STATEMENT: Commenters requested that the EIS evaluate indirect impacts of the potential decline in elk and deer herds from wolf reintroduction.

Representative Quote: The recreational community is very concerned about possible declines in elk and deer herds from the wolf reintroduction driving management decisions and restricting recreation access now and into the future. These types of indirect impacts from the reintroduction must be protected against in the planning process.

CONCERN STATEMENT: Commenters requested the purpose and need statement be focused on having reintroduction as the dominant priority and focus on the legislative mandate to reintroduce wolves.

Representative Quote: On scoping, the DEIS on the proposed rule should have a strong agency purpose and need statement to ensure that effective wolf reintroduction is the dominant priority.

Representative Quote: Key to the forthcoming EIS will be its purpose and need statement, which shall briefly specify the underlying purpose and need to which the agency is responding in proposing the alternatives including the proposed action. 40 C.F.R.1502.13. Though brief, the statement will drive the formulation and comparison of alternatives and their impacts. See id.1502.14. The purpose and need statement in the forthcoming EIS should reflect that the Service is not merely responding to a state request for a 10(j) rule, but to a legislative mandate to reintroduce and maintain a self-sustaining population of wolves. Moreover, the purpose and need statement should also reflect the Service's independent obligation under the ESA to recover gray wolves.

CONCERN STATEMENT: Commenters requested that the National Environmental Policy Act (NEPA) analysis use peer-reviewed science to the greatest extent possible. Commenters also noted that the Service should evaluate potential impacts on other resources as well as impacts on weather, human uses such as recreation, domestic livestock grazing, and recreation (including hunting). Some commenters requested that the beneficial impact of wolves be addressed, including contributing to enhancing biodiversity; improving ecosystem processes and function, mitigating climate warming and enhancing resilience to climate warming; improving ungulate population health by selectively removing old and diseased individuals (including individuals infected with chronic wasting disease with research indicating that wolf predation may suppress disease emergence or limit prevalence); and infusing local tourism economies.

Representative Quote: In NEPA analyses, use peer reviewed scientific information to the greatest possible extent in the rule's development.

Representative Quote: Considerations for evaluating the significance of impacts on gray wolves and other affected resources, such as other listed or sensitive wildlife and plant species, cultural resources, and socioeconomic resources or activities. USFWS should evaluate potential impacts on other resources but also other impacts such as weather, human uses such as recreation, domestic livestock grazing, and recreation (including hunting) on any specific resource.

Representative Quote: Wolves should be classified as a non-essential, experimental population. It is crucial that the NEPA process not be accelerated in any way, and the impact of the alternative management concepts should be thoroughly studied, so that the correct concept is chosen. This will not only benefit the livestock industry, but the wolves as well. The decision needs to be backed by scientific data that has already been developed by other states. It would be a real missed opportunity to ignore the knowledge and experience that has been hard won by other states. Ecological systems are complicated and introducing an apex predator into that system can cause irreparable damage.

Representative Quote: Contemporary, peer-reviewed scientific data should provide the primary information used for the NEPA analysis for the proposed action. These data should include information on ecosystem process and function, biological diversity, ungulate and carnivore population health and landscape resilience to climate warming.

Representative Quote: Positive impacts of wolves, include their contribution to enhancing biodiversity (Smith et al. 2020); improving ecosystem processes and function (Berger et al. 2008), mitigation of climate warming and enhancing resilience to climate warming (Wilmers and Getz 2005, Wilmers et al., 2013); improving ungulate population health by selectively removing old and diseased individuals (Smith et al. 2020), including individuals infected with Chronic Wasting Disease with research indicating that wolf

predation may suppress disease emergence or limit prevalence (Wild et al. 2011); and infusing local tourism economies with tens of millions of dollars (Duffield et al. 2006, Ripple et al., 2014).

CONCERN STATEMENT: Commenters noted other related planning processes that should be included in the Service's planning process such as the State of Colorado's wolf management planning, the wolf reintroduction plan developed by a non-profit group, and past wolf managing efforts in other Western states. Specific resources from these agencies were suggested such as the CPW Species Activity Mapping and CPW estimates of the costs related to the reintroduction and management of wolves.

Representative Quote: Also, the USFWS should consider the wolf restoration experience of other western states. All sources of impact should be considered in a holistic approach.

Representative Quote: Colorado has multiple sources of information on other resources, including wildlife species managed by CPW. CPW's Species Activity Mapping and management plans for big game species provide detailed information on those species; possible impact to big game populations has been one of the major areas of concern expressed by the public. Information from other states that have been managing big game and wolves, including Idaho, Montana, and Wyoming should also be considered as a basis for understanding the potential impacts in Colorado.

Representative Quote: CPW has developed initial estimates of the costs related to reintroduction and longer-term management of wolves that should be considered by USFWS.

CONCERN STATEMENT: Commenters stated that this planning process cannot be rushed, with some expressing concern about the accelerated effort.

Representative Quote: The USFWS and the State of Colorado cannot rush NEPA review and the introduction of gray wolves to the detriment of rural Colorado, the species itself, and other listed species. On March 10, 2020, Governor Polis and Colorado Attorney General Phil Weiser vehemently objected to NEPA streamlining in a nine-page letter to the Council on Environmental Quality. They admonished that tight time frames and page limits were harmful and unrealistic.³ The Governor and Attorney General should take similar positions on this complex issue and support a thoughtful EIS no matter how long it takes, prior to translocation.

Representative Quote: A lot of time and energy has been spent by the technical group and the stakeholders group appointed by the CWP and stakeholders in research and making comments, in order, come up with a management plan. Please take that into consideration as you determine the 10 (j) designation and management plan.

CONCERN STATEMENT: Commenters stated that the decision of the State of Colorado to reintroduce wolves, or not, is a major federal action requiring NEPA analysis.

Representative Quote: Permission to translocate wolves (no matter the form) is a discretionary federal agency action subject to NEPA compliance. NEPA requires that federal agencies prepare an EIS on "proposals for major Federal actions significantly affecting the quality of the human environment." 42 U.S.C. § 4332(2)(c); see also 40 C.F.R. § 1502.4; *WildEarth Guardians v. U.S. Fish & Wildlife Serv.*, 784 F.3d 677, 690 (10th Cir. 2015) (citing 42 U.S.C. § 4332(C)). In short, whatever action Colorado seeks to take to introduce wolves must be subject to both NEPA and an EIS.

CONCERN STATEMENT: Commenters requested that the NEPA analysis include a population viability analysis, stating that unless the population is a certain size, the reintroduction will not be successful. They further requested the NEPA analysis address the 3 R's - resiliency, redundancy, and representation, to determine when the gray wolf is ready for delisting.

Representative Quote: NEPA analysis should include Population Viability Analysis. Proposition 114 calls for a self-sustaining population of gray wolves. Traill et al. (2007) standardized estimates of minimum viable population (MVP) size for 212 species, including the gray wolf, and documented a median MVP of 4,169 individuals with a 95 percent confidence interval of 2,261 to 5,095. Reed et al. (2003) used population viability analysis to estimate MVPs for 102 species, including the gray wolf, and estimates a minimum viable adult population size (MVPA) of 1,403 wolves and a minimum viable adult population size corrected to 40 generations worth of data (MVPC) of 6,322 wolves. No region of the U.S. has wolf populations of that size. Thus, wolves remain at risk of extinction until existing populations are connected through dispersal across the Rocky Mountain cordillera.

Representative Quote: The NEPA process should include the 3 Rs to guide implementation of the ESA. Representation- wolves need genetic diversity, abundant population, Ensuring habitat quantity, and connectivity. Resiliency- Wolves need an increase habitat quality- and wolves cannot be considered recovered without ecologically effective populations. Redundancy- Wolves need a wide distribution across CO to withstand catastrophic events which requires establishing multiple populations in each setting to increase species viability.

CONCERN STATEMENT: Commenters requested that the NEPA process consider the full range of alternatives such as lethal take, the geographic boundaries, and compensation programs. One specific alternative suggested was to evaluate two scenarios: (1) federal management of the gray wolf in Colorado as a fully protected endangered species, without an ESA 10(j) designation; and (2) cooperative, intergovernmental management of the gray wolf in Colorado as a designated non-essential experimental population under an ESA 10(j) designation.

Representative Quote: Finally, NMDA requests that USFWS consider the full suite of options for managing the experimental population when developing the EIS alternatives, including lethal take, geographic boundaries, and depredation compensation programs. The National Environmental Policy Act (NEPA) requires federal agencies to consider a reasonable range of alternatives in an EIS. Ultimately, a durable reintroduction and successful recovery of the species would depend on finding the right blend of tools for managing conflict and mitigating the economic hardships to impacted communities. To meet the purpose of the proposed action and to satisfy a reasonable range of alternatives under NEPA, all options for managing the wolf-livestock conflict must be evaluated.

Representative Quote: In developing an EIS for the proposed action, the Tribe believes that the Service should thoroughly analyze and compare the anticipated impacts of the reintroduced gray wolf under two general management approaches. These approaches are: (1) federal management of the gray wolf in Colorado as a fully protected endangered species, without an ESA 10(j) designation; and (2) cooperative, intergovernmental management of the gray wolf in Colorado as a designated nonessential experimental population under ESA 10(j).

CONCERN STATEMENT: Commenters requested that the EIS thoroughly document all costs to agencies and individuals of using non-lethal deterrents vs. lethal take. They expressed concern that non-lethal deterrents cost more and are not as effective. Others noted that the costs of reintroduction are relevant to the 10(j) process and should be discussed.

Representative Quote: The EIS needs to very thoroughly document all costs to both agencies as well as individuals of using non-lethal deterrents vs. lethal take. It is proven that non-lethal deterrents are typically only effective for a short time and very expensive to implement and maintain. Cost-effectiveness of lethal take needs to factor heavily into wolf management equation. Wolf numbers prove they are thriving across the West. I feel this relisting is political, romantic and emotional and has nothing to do with the actual recovery. Wolves in Colorado has usurped scientific, biological input with urban voting populations that will

not be affected. This has created a great conflict in our state rural vs urban.. and as such, every management tool needs to be made available to utilize.

Representative Quote: While we are aware that costs are most directly an issue for CPW and the State of Colorado, the Organizations are concerned that the experiences with costs of the reintroduction are highly relevant to the 10j designation and process.

CONCERN STATEMENT: Commenters stated that this process should not move forward until the gray wolf is delisted in the State of Utah.

Representative Quote: The State does not ordinarily comment on state-specific measures, such as Colorado's plan to reintroduce gray wolves. However, the proposed reintroduction is very near Utah's border and carries tremendous potential consequences for the State. Moreover, the proposed rule at issue here is a major federal action designed to facilitate Colorado's reintroduction. The State therefore has a significant interest in the proposed rule and adamantly opposes these reintroduction efforts unless and until wolves are delisted throughout Utah.

Representative Quote: A more reasonable approach would be to delist the wolves entirely and allow for Utah's Wolf Management Plan² to take effect (sometimes referred to herein as the Plan). Pursuant to the Plan and in accordance with state law (Utah Code Ann. 23-14-1(2) and 23-14-3(2)), DWR will manage naturally established wolf populations on a sustainable basis post delisting. Specifically, wolves will be managed under the same management policies as the black bear and cougar " species DWR has successfully managed on a sustainable basis for decades. The explicit goal of the Plan is "to manage, study, and conserve wolves moving into Utah while avoiding conflicts with the wildlife management objectives of the Ute Indian Tribe; preventing livestock depredation; and protecting the investment made in wildlife in Utah. The Plan is intended to be an interim plan, covering that time between statewide delisting and the development of two naturally occurring wolf packs in Utah. Nevertheless, it provides the State with a series of management objectives and strategies to manage wolves effectively and it was written to be adaptive in nature, so that, as conditions change, the Plan may adapt to those changes. Moreover, the two-pack establishment metric is not a population cap, but rather a trigger to plan for the next phase in wolf management. The Plan is therefore designed to ensure the conservation of naturally establishing wolves, while ensuring the protection of other interests throughout the State. However, Utah cannot manage in accordance with the Plan unless and until wolves are delisted throughout the Utah.

CONCERN STATEMENT: Commenters stated that the Service has a legal obligation to consult with appropriate state fish and wildlife agencies, local government entities, affected federal agencies, and affected private landowners during the development and implementation of experimental population rules. They noted that the plans developed by the Service need to be consistent with state and local plans. The State of Utah noted that it has a state Resource Management Plan (SRMP) and that all 29 counties in the state have adopted County Resource Management Plans (CRMPs) that should be considered in the planning process. Garfield County also requested consistency with its land use planning efforts. Cooperating agencies further requested the ability to coordinate during the development of the 10(j) rule.

Representative Quote: The ESA expressly carves out a role for states to assist in its implementation stating, specifically, that the Service "shall cooperate to the maximum extent practicable with the States.³ Moreover, the Service's interagency policy begins by recognizing that States possess broad trustee and police powers over fish, wildlife and plants and their habitats within their borders [and u]nless preempted by Federal authority, States possess primary authority and responsibility for protection and management of fish, wildlife and plants and their habitats.⁴ Thus, the ESA and the Service encourage cooperation to effectuate the purposes of the ESA. In the event wolves are reintroduced in Colorado, it is imperative that the Service work with the state of Utah to ensure such cooperation in the management of wolves. This is also consistent with the Federal Land Policy and Management Act (FLPMA) and the National Forest Management

Act (NFMA). When developing or creating Resource Management Plans, federal agencies, such as the Bureau of Land Management (BLM) and the U.S. Forest Service (USFS), are required to coordinate their plans with state and local government plans.⁵ This coordination process is a separate process from cooperation and must occur regardless of whether state or local governments were designated as Cooperating Agencies.⁶ Thus, even if the State is not a Cooperating Agency in any given planning process (which it often is), the relevant federal agency would still be required to make efforts in drafting land use plans that are consistent with state and local plans.

Representative Quote: In the past, there were no state or local plans with which to ensure consistency. However, as of 2018, the State of Utah has adopted a State Resource Management Plan (SRMP)¹⁰ and all twenty-nine (29) counties in the State have adopted County Resource Management Plans (CRMP).¹¹ The effort to adopt the SRMP and CRMPs was a first-of-its-kind effort not only in Utah, but nationwide. The state and the counties frequently use their plans to coordinate management actions with the Bureau of Land Management and U.S. Forest Service. ¹² All these plans include locally adopted objectives and policies for many aspects of not only public land management, but also include findings, provisions and policy relating to wildlife and critical habitat specifically. For example, the Utah SRMP has adopted the policy that the designation of endangered species or critical habitat must be proven through sound scientific evidence. This research should be done in collaboration and partnership with the state of Utah. ¹³ While it may be an indirect response to the proposed rule, the State now specifically requests, pursuant to the Coordination and Consistency principles discussed above, that any and all further land use actions taken by the USFWS that occur as a result of this proposed rule, be consistent with the Utah SRMP, the Utah CRMPs, and overall be done in collaboration and partnership with the State of Utah.

Representative Quote: The FWS has entered into a memorandum of agreement with Moffat County and has already initiated the consultation efforts with the County. Moffat County appreciates the FWS efforts to ensure the County and the State have the opportunity to meaningfully participate in the development of the draft EIS. Moffat County further requests the FWS to coordinate and consult with the County in developing the proposed experimental population rules for this group of gray wolves.

CONCERN STATEMENT: One commenter requested that the EIS process be put on hold until there is a decision to the petition to delist the gray wolf.

Representative Quote: RMEF maintains that the USFWS 2021 rule was correct that gray wolves in the lower 48 states are recovered and should be removed from the Endangered Species List. As such, we contend the state is the appropriate entity to manage the species. The 2022 court ruling re-listed wolves outside of the Northern Rocky Mountains and usurped state management. However, a USFWS decision (12 month finding) on a citizen's petition to relist the Northern Rocky Mountains population is pending. RMEF requests that the EIS be put on hold until such decision is made in order to properly analyze the effects of the proposed experimental population (and relevant permits).

CONCERN STATEMENT: Commenters asked that the EIS take a hard look at lethal control and its impacts and efficacy. They cited studies stating that livestock depredation may actually increase after lethal control. They also requested the EIS look at the role wolves play in livestock deaths, stating that they are not a large factor in mortality.

Representative Quote: The Service must also take a hard look at the efficacy of any proposal that provides for the killing of wolves as part of any scheme of wolf management. While depredation incidents involving wolves and livestock such as cattle and sheep does occur, science shows that lethal predator control may not be the most effective form of predator damage control. Livestock depredation by wolves (as well as coyotes) may actually increase following lethal control. For example, Wielgus and Peebles (2014) concluded that killing wolves actually increases cattle depredation, finding that increased carnivore mortality is associated with compensatory increased breeding pairs, compensatory number of carnivores, and increased depredations.

Multiple studies by Treves call into question the efficacy of lethal control and highlight several additional studies showing depredations are often isolated incidents without repeat, even without lethal control.

Representative Quote: Knowing the vast majority of livestock death is due to starvation, dehydration, poisonous plants, birthing difficulties, choke, weather, theft, infectious diseases including CWD, which wolves help control in deer and elk populations because they seek weakened and ill prey, it is incumbent upon the service to educate the public that wolves are not the threat to livestock as they are so often wrongly accused.

OTHER

CONCERN STATEMENT: Commenters stated that the 10(j) rule should reflect a public desire for stricter protections and low support for recreational hunting.

Representative Quote: The 10(j) management rule should reflect broad public values that support stricter protections for wolves and reflect low support for recreational hunting.

CONCERN STATEMENT: Commenters stated that the 10(j) rule should include a subpopulation of Mexican gray wolves in southern Colorado to connect the existing population to a subpopulation and increase genetic diversity.

Representative Quote: 10(j) management rule should include the introduction of a sub-population of Mexican gray wolves in the southern region of Colorado. Such a sub-population would be able to connect to the existing population within the Mexican gray wolf experimental population area and would provide this critically endangered subspecies with much-needed genetic diversity and resilience.

Representative Quote: As the climate warms, it is natural for wolves to migrate from New Mexico to Colorado. The proposed rule regarding an experimental population of grey wolves (*Canis lupus*) in Colorado should take into account the experimental population of Mexican grey wolves (*Canis lupus baileyi*) in New Mexico. Rather than attempt to duplicate the ranges of historically separate subspecies, the introduction program should allow for intermixing of wild populations of the same species. The current inbred population of Mexican grey wolves is having difficulty surviving in New Mexico and Arizona. Allowing this population to migrate north and interbreed with wolves in Colorado will help save the grey wolf species as a whole.

CONCERN STATEMENT: Commenters noted the regulatory responsibility of the Service in addressing translocated wolves. These included addressing how any translocated wolves would affect wolves already in Colorado and how they would affect the Mexican gray wolf.

Representative Quote: The wolves currently inhabiting Colorado are protected under the ESA and no translocation may occur without compliance with the ESA, including but not limited to Section 7 consultation and Section 9 take, as well as National Environmental Policy Act (NEPA) compliance. Bringing gray wolves to Colorado could adversely impact not only the (federally-listed) wolves that have already migrated here, but recovery efforts for listed Mexican gray wolves and other listed species. The USFWS must ensure all listed species and their habitats are protected from such discretionary actions.

Representative Quote: Because bringing gray wolves to Colorado could adversely impact not only the wolves that have already migrated here, but recovery efforts for federally-listed Mexican gray wolves and other listed species, recovery plans for these listed species should be updated prior to translocation into Colorado.⁴ These actions also require NEPA compliance. Consultation under Section 7 of the ESA should also occur for translocation that could adversely affect listed species such as the Mexican gray wolf, the Gunnison sage grouse and Utes Ladies Tresses, among others.

CONCERN STATEMENT: Commenters suggested studies that could be considered in the EIS process include those related to wolf densities and other reintroduction efforts such as Isle Royale National Park and the Northern Rockies.

Representative Quote: The NEPA and EIS process regarding introduction of wolves to Colorado should consider available science. I've prepared reports that provide background information and analyses that can help predict the numbers of wolves that might populate Colorado, and the numbers of prey animals they will kill. These reports are attached. Please consider these reports as part of my comments

Representative Quote: Sixty-four years of scientific, peer-reviewed scientific data from Isle Royale's wolf-moose studies (Vucetich 2021) and twenty-seven years of scientific, peer-reviewed data from the Northern Rockies (Smith et al. 2020) are available to predict the effect of wolf restoration on Colorado's game and domestic animals. These long-term studies from Isle Royale and Yellowstone, and hundreds of wolf-related scientific publications, document an overall positive effect of wolf restoration on ecosystem processes, function and resilience.

CONCERN STATEMENT: Commenters were concerned for human health and safety due to the presence of wolves on the landscape.

Representative Quote: They will start moving in on house hold pets. Sheep, horses, goats, and yes your little lap dog. There is videos that show the damage they can and will do. I would hope the Colorado wildlife department would understand that people want to be able to go to the mountains and be able to fish, hunt, camp and still be able to take family and pets without looking over their shoulders.

CONCERN STATEMENT: Commenters requested the EIS discuss the impacts to recreation from wolf reintroduction, stating that past reintroduction efforts have not found negative impacts to recreation. Other commenters requested the Service state how impacts to recreation would be avoided.

Representative Quote: The USFWS and adjacent State Wolf management efforts have already identified that social impacts from the wolf reintroduction remain a major challenge in species management despite the fact that these two issues are entirely unrelated. The lack of relationship between the wolf and recreation could not be more perfectly exemplified by the fact that every state level wolf management plan recognizes the challenge of managing recreational users on best practices in wolf habitat and none even mention possible negative impacts to wolf habitat or populations from recreation. Recognition of the lack of relationship between recreation and wolves is badly needed to avoid closures of existing recreational opportunities in areas where there may be wolves and in mitigating the challenges clearly identified by the USFWS.

Representative Quote: Exceptionally clear statements from USFWS must be made to avoid any impacts to recreational usages of roads and trails from the wolf reintroduction.

Representative Quote: The Organizations would note there is a significant difference between a wolf being impacted on a high-speed arterial road and the risk of a wolf being impacted on a low-speed dirt road or trail. If there was any concern on the latter impacting habitat quality or wolf populations it is of such little concern it is not discussed. The Organizations are aware that highways may be looked at for management but we would be opposed to any restriction of existing recreational opportunities for dispersed or lower speed recreational opportunities. Rather this type of recreation commonly is drawn into management inadvertently and this should be avoided.

CONCERN STATEMENT: Commenters questioned if the reintroduced population would be "wholly separate" from existing populations and questioned if the Service has appropriate legal authority under section 10(j) for this effort.

Representative Quote: SCI encourages the Service to ensure that it has appropriate legal authority under ESA Section 10(j) to support the State of Colorado’s wolf introduction under Proposition 114. Section 10(j) of the ESA defines an experimental population as a population authorized by the Secretary for release under paragraph (2), but only when, and at such times as, the population is wholly separate geographically from nonexperimental populations of the same species. 16 U.S.C. 1539(j)(1). Section 10(j) authorizes the Service to release a listed species “outside the current range of such species if the release will further the conservation of such species. Id. 10(j)(2)(A). SCI further encourages the Service to consider whether a population of wolves in Colorado is wholly separate geographically from nonexperimental populations and whether any release is outside the current gray wolf range. Of course, the Service is aware of healthy wolf populations in Wyoming, Idaho, and the other Northern Rocky Mountains (NRM) states. In Colorado, “there are known wolves already in the state. 1. These wolves have dispersed from the NRM. For example, in 2019, a radio-collared wolf from Idaho was found in Jackson County, Colorado. In 2020, CPW visually confirmed the presence of a pack of six wolves in Moffat County, along the border with Wyoming and Utah. Since that time, CPW has received additional sighting reports and photos of wolves in this area. 2. Most notably, in June 2021, CPW observed wolf pups from the pairing of the 2019 Idaho wolf and another disperser, and even fitted one of these pups with a GPS collar. Altogether, CPW typically field[s] around 100 sightings each year. While CPW staff are not able to confirm all these sightings, the many reported sightings suggest the possibility of more wolves than simply this one pack. Given the dispersion of wolves from the NRM and the existence of wolves already in the State, it may not be possible to fulfill the Section 10(j) definitions and criteria.

OTHER WILDLIFE

CONCERN STATEMENT: Commenters raised concerns that the presence of wolves on the landscape would impact other species, mainly prey species such as elk, deer, and moose. They noted that CPW has restored these populations and were concerned this progress would be impacted by wolf reintroduction. Some commenters noted that the large ungulate populations in Colorado would provide adequate prey species for wolves. Commenters asked that stress levels in ungulates also be considered, in addition to direct mortality.

Representative Quote: The CPW has spent how many years working hard to restore the moose and mule deer population. Bringing the wolves in will set the progress they have made back

Representative Quote: The primary effects the USFWS should evaluate are those related to prey populations, particularly big game, and the resulting impacts on wolf populations.

Representative Quote: The recreational community is very concerned about possible declines in elk and deer herds from the wolf reintroduction driving management decisions and restricting recreation access now and into the future. These types of indirect impacts from the reintroduction must be protected against in the planning process.

Representative Quote: Ungulates- We have the biggest elk herd in the world in Colorado. Perfect habitat for wolves. Wolves need elk, and elk depend on wolves. The pressure of predation, elk are kept healthy, and the healthiest and strongest pass on their genes. By keeping elk populations in check, wolves promote ecosystems. For elk, this ensures that they remain genetically robust and less susceptible to diseases like Chronic Wasting Disease.

Representative Quote: I also ask that you closely study the impacts of elevated stress levels in ungulate species, particularly cow elk, especially due to the wolves well-known habits of chasing, killing, and harassing most other animal species for their own fun and enjoyment.

SOCIOECONOMIC RESOURCES

CONCERN STATEMENT: Commenters noted that management measures should be designed to avoid or mitigate impacts to recreation that could cause economic losses.

Representative Quote: Recreational activity is a huge economic driver for the western slope areas of Colorado and Colorado more generally. These economic contributions must be protected from direct loss or indirect impacts from poorly tailored or overly restrictive management efforts.

CONCERN STATEMENT: Commenters noted the potential economic benefits or adverse impacts of the State's plan to reintroduce gray wolves.

Representative Quote: With the introduction of wolves, the possibility of severe impacts on the economy must be considered. Livestock operations, hunting and outfitting, and recreation will be severely impacted. These industries drive the economy of, not only our county, but our state. In North Park, the wolves that have migrated from Wyoming are already killing livestock. They have quickly adapted to fladgery, wild burros, range riders and several other hazing techniques. They are teaching their young to kill cattle as well. Wolves that habitually kill cattle would have already been eliminated in other states, to make room for wolves that hunt wild game instead. Other western states have felt these impacts and have learned that they need a lethal management option. The agriculture industry should not be forced to bear the brunt of an apex predator in the absence of effective management. This management plan needs to be right the first time, because delaying the ability to control wolves threatens the viability of ranches to stay in business.

Representative Quote: Has anyone really looked at the financial impact the wolves in Yellowstone have brought to the state in the means of tourism. Of course this economic benefit would be for a wider spectrum of society instead of a select few wealthy landowners etc. so maybe that's Colorado's problem.

Representative Quote: It is important to consider the benefits that wolves bring to ecosystems and communities. Their contribution to healthier ungulate herds by removing diseased (CWD, parasites, arthritic, etc) and older animals is well documented as well as their indirect impact to healthier vegetation by how they influence ungulate behavior. They bring economic benefit to communities through their ecological services as well as through ecotourism, mitigation of climate change and reduction of motor vehicular accidents (with ungulates as seen in the study in Wisconsin).

Representative Quote: Agriculture in Colorado is a 4 billion dollar industry, and the losses we livestock producers are going to incur will bankrupt us. Family farms will disappear, multi-generational ranches will be sold; decades of work in herd management and genetic improvements in livestock production will be lost.

Representative Quote: According to data from Colorado State University (CSU) Extension, every cow in Mesa County directly contributes \$600-\$800 to our economy on an annual basis. It is imperative that our local caretakers of the cattle have all the tools and flexibility needed to protect their livestock from the wolves that are migrating and being introduced in our area. Again, using CSU data, there are over 46,000 cattle in Mesa County. That is a direct impact of over \$32 million to Mesa County every year. This is in addition to the improved habitat for wildlife, large landscapes, and other contributions of the landowners. As the threat and impacts of wolves on these landscapes are felt, there will be fewer and fewer livestock on the land. If the impact of the wolves causes more producers to go out of business, then Mesa County continues to lose a very steady contributor to our economy. Our family ranch, alone, contributes nearly a half million dollars on an annual basis to the business community.

CONCERN STATEMENT: Commenters noted the EIS should consider potential socioeconomic impacts, including impacts to small businesses, including livestock producers and hunting-related businesses, and rural communities with and without implementation of a section 10(j) rule. They noted these producers already see impacts from other wildlife.

Representative Quote: The Fish and Wildlife Service to Evaluate: The impacts to small businesses (livestock and wildlife related) with and without the ability to manage through the 10(j) rule which includes lethal control of problem wolves.

Representative Quote: In addition, the USFWS needs to evaluate all impacts to rural communities that will be the most impacted by this reintroduction. Wildlife and livestock related interests need to be carefully considered when making this designation. Small businesses, ranching families and outfitting businesses will all be negatively impacted by wolves. Having both lethal and non-lethal methods of control for the wolves is paramount.

Representative Quote: As USFWS considers alternatives to proposed approaches for wolf reintroduction, we sincerely hope that consideration extends to reasonable approaches for livestock producers. Undoubtedly, wolf-livestock conflict encompasses more than confirmed mortalities and direct loss. Indirect losses including, but not limited to, declining body condition score, conception rates, weaning weights, and other production metrics will certainly be affected by additional predator introduction. These economic losses are not insignificant, and as such, should be addressed in a comprehensive manner for the EIS. The very fabric of our rural communities is dependent upon a strong management plan, with definitive compensation processes and multipliers shored up by appropriate and accessible funding. Materials for mitigation, such as fladry, other domestic livestock, flares, etc. should come from state supported funds, and the onus of providing those deterrents should not fall to the producer.

Representative Quote: Section 10(j) Designations Socio Economic Impact Moffat County requests significant efforts be placed on an adequate social economic assessment comparing alternatives, and specifically identifying multiplier effects of various levels of management or non-management of problem wolves. The reintroduction of gray wolves into northwestern Colorado will impact local economies and small businesses located within the established boundaries of the non-essential experimental population. If part of the boundary includes federal land in Moffat County, then it will have an impact on the County's tourism and recreation industry, specifically as it relates to hunting, and also impact the County's agricultural industry. A reduction in big game population from wolf predation will impact Moffat County's world-renowned elk hunting, especially if the habitat overlaps with specific big game management units. The loss of livestock and additional costs for mitigating against gray wolf predation will also negatively impact the ranchers and agriculture industry in northwestern Colorado. Agriculture and livestock production impacts that are both direct and indirect must be quantified and evaluated for both primary and secondary impacted businesses in the socio economic evaluation.

Representative Quote: Lastly, we would like to ask the Fish and Wildlife Service to evaluate the impacts to rural communities, the ranching (livestock) industry, the guide and outfitter industry (hunting), as well as the small businesses in the communities that these industries reside in, with and without the ability to manage wolves under the 10(j) rule including lethal control. I am certain the conclusion will be that without the 10(j) rule, the economic impacts to these industries and businesses will be significant.

Representative Quote: *USFWS should evaluate potential impacts on other resources but also other impacts such as weather, human uses such as recreation, domestic livestock grazing, and recreation (including hunting) on any specific resource.

Representative Quote: Many in our area already suffer loss of livestock to bears and mountain lions, not to mention calf loss to coyotes, so we are already pressured to continue to produce a safe, nutritious food source for Coloradans at a reasonable price .

CONCERN STATEMENT: Commenters noted the EIS should consider potential costs for reintroduction and management of gray wolves.

Representative Quote: The potential costs to comply with the actions under consideration, including those that would be borne by the Federal Government and private sectors. USFWS should consider the initial estimates of costs related to reintroduction and longer-term management of wolves developed by CPW.

Representative Quote: The potential costs to comply with the actions under consideration, including those that would be borne by the Federal Government and private sectors. a. Economic evaluations reveal that the economic benefits, which should include ecosystem benefits, of wolf reintroduction far outweigh the economic cost. In the Yellowstone area, wolf recovery has yielded economic benefits that far outweigh the costs. The annual impact of wolf restoration was estimated in 2005 to be \$35.5 million (Duffield et al. 2006). b. Funding: Although the wildlife portion of Colorado Parks and Wildlife revenue is primarily (68%) from hunting and fishing licenses, several other funds provide support for non-game wildlife: Great Outdoors Colorado lottery funds provided 7% (\$16 million) of CPW's budget in 2018; Federal State Wildlife Grants provided 0.5 % (1.1 million) of CPW's budget in 2018 for earmarked for species that are not hunted or fished; Income tax checkoff donation to the Non-game and Endangered Wildlife Fund provided about \$200,000.000 to CPW's budget in 2018; Pittman-Robertson excise tax provides funds in other states to monitor and manage wolf populations and could be used in Colorado; CPW's recently passed legislation authorizing the Keep Colorado Wild license plate fee guarantees \$10 million dollars per year to Colorado SWAP species of which gray wolves are one.

CONCERN STATEMENT: Commenters noted the Service should involve local counties in analyzing socioeconomic impacts to rural communities and livestock producers.

Representative Quote: There are bound to be some unintended consequences when you make your decision and besides the producer who is chosen by the wolves to host them, it will be at the county level that the impact will be felt the most. Please use them as a resource to help you determine the social-economic impacts of wolves on the landscape.

Representative Quote: Utilize counties to analyze the full breadth of impact on rural communities and livestock operations. All sectors and businesses in rural Colorado will be impacted (livestock operation, hunting and outfitting, recreation, etc).

CONCERN STATEMENT: Commenters noted that allowing flexible management options under the section 10(j) rule is needed to mitigate socioeconomic impacts.

Representative Quote: Lethal management under the 10(j) rule and giving Colorado Parks and Wildlife (cpw) flexible management options is paramount to the survival of cattle operations such as ours.

Representative Quote: Economic impacts of wolves is significant in all sectors of rural CO and we need the flexibility afforded by the 10(j) rule.

CONCERN STATEMENT: Commenters requested that the Service complete an economic study related to the State's planned reintroduction of gray wolves.

Representative Quote: With hundreds of businesses statewide, and the actual viability of those. We request that a full economic study is undertaken and any negative effects are mitigated.

Representative Quote: 1) The EIS should include a complete and thorough investigation into the economic impacts associated with this reintroduction process. More specifically I would call attention to impacts as they relate to Landowners, Livestock owners, Outfitters, Sportsman and Sportswomen, Municipalities and County Governments. I would add that other state agencies (CDOT, State Landboard, State Dept. of AG) and others will likely see impacts to their operations and possible costs associated with wolf movements/migrations and occupation of lands that they control. This overall look at economics as it relates to the reintroduction of wolves should include possible

mitigations to include but not be limited to monetary reimbursement to those impacted. Sources of funding should be explored that are outside the current budgets of state agencies, the USFWS and others. It is my believe that wolves moving into or being moved into the state will impact businesses and individuals that have been and are operating without another predatory species to compete with.

CONCERN STATEMENT: Commenters requested that the Service consider the potential effects of the State's plan to reintroduce gray wolves on tourism, hunting, and fishing revenues.

Representative Quote: The consideration of other wildlife populations that will be effected by the wolf introduction and how this will be managed to continue to have healthy wildlife populations within our State. As well as the tourism and hunting and fishing revenue that this gives to the state for our Parks and wildlife.

CONCERN STATEMENT: Commenters requested that the Service consider potential socioeconomic impacts on a local, rather than statewide, basis.

Representative Quote: It is imperative that the EIS accurately address the impacts of wolf depredation on livestock and our hunting industry. The losses cannot be given on a statewide basis. this is a skewed statistic. Losses need to be compiled on a localized basis comparing the number of wolves to the n umber of livestock or herds of big game in the conflict area instead of a statewide basis. It should also consider the economic impacts to western slope rural business owners, outfitters, hunters and Colorado Parks and Wildlife if wolf numbers are unchecked.

Representative Quote: When evaluating the significance of impacts to socioeconomic resources, USFWS should analyze the comprehensive effects to livestock producers for each alternative. Livestock impacts go beyond confirmed mortalities; operations would also face significant economic hardship from herd stress and sickness, reduced weight gain, lower pregnancy rates, increased labor/management costs, and other indirect effects. While the impacts may seem minor, industry or nationwide, these economic losses must be considered on the localized scale of the rural community and the individual ranchers impacted. USFWS should draw upon data from previous reintroductions, including the Mexican gray wolf experimental population in New Mexico, to inform this analysis and ensure all livestock producer impacts are considered.

CONCERN STATEMENT: Commenters requested that the Service consider implementing a section 10(a)(1)(A) permit to allow the state to manage wolves that depredate livestock and working dogs.

Representative Quote: SCI's concerns for wildlife also extend to livestock. Colorado's current wolf population has already depredated livestock and dogs.⁶ An introduced population will only have a greater impact. Therefore, the Service should consider and implement a Section 10(a)(1) permit to provide the state with necessary authority to address these detrimental impacts.

CONCERN STATEMENT: Commenters noted that the section 10(j) rule should allow flexibility to address direct and indirect socioeconomic impacts of reintroduced gray wolves.

Representative Quote: With the reintroduction of gray wolves, ranchers will be subject to direct losses of livestock due to predation, decreased production, and will also have additional costs associated with trying to mitigated the predation. A Section 10(j) designation must account for this impact and allow the FWS and the state the management flexibility to address the damage caused by wolves.

CONCERN STATEMENT: Commenters noted the EIS should document the costs of implementing non-lethal and lethal take strategies.

Representative Quote: The EIS needs to very thoroughly document all costs to both agencies as well as individuals of using non-lethal deterrents vs. lethal take. It is proven that non-lethal deterrents are typically only effective for a short time and very expensive to Implement and maintain. Cost -effectiveness of lethal take needs to factor heavily

into wolf management equation. Wolf numbers prove they are thriving across the West. I feel this relisting is political, romantic and emotional and has nothing to do with the actual recovery. Wolves in Colorado has usurped scientific, biological input with urban voting populations that will not be affected. This has created a great conflict in our state's rural vs urban. and as such, every management tool needs to be made available to utilize.

Representative Quote: Reaction time from the Game service is slow, (can be non-responsive because of the miles needed to travel to alleviate the situation) and the practice of paying these agricultural providers is small, and is put upon THEM to prove the wolf has killed their livestock (by delivering the dead animal to the government, removing them from their actual work, expenses for travel, heart ache and being frequently not acknowledged even after such efforts are taken). These individuals do not have the money behind them that the government and the environmental groups have to support their on-going economic challenges which they incur INDIVIDUALLY.

SPECIAL STATUS SPECIES

CONCERN STATEMENT: Commenters stated that they do not believe the gray wolf should be an endangered species. Some suggested that since there are already wolves in Colorado, a threatened designation would be a more appropriate.

Representative Quote: Given that gray wolves have been confirmed by Colorado Parks and Wildlife to be present in Colorado in 2022 (Colorado Sun 2022), albeit at numbers below that which is sufficient to recover the species in Colorado, the more legally appropriate designation for gray wolves reintroduced to Colorado, according to the Endangered Species Act, is Threatened (CRS 2021). As defined by the Endangered Species Act (ESA), a Threatened Species is any species that is likely to become an endangered species within the foreseeable future (CRS 2021).

CONCERN STATEMENT: Commenters requested that the EIS look at impacts and interactions with the Mexican gray wolf. Commenters also expressed concern that the release of the gray wolf would jeopardize the recovery of the Mexican wolf, with a risk of genetic swamping of the Mexican wolf.

Representative Quote: *The Department recognizes that the establishment of the Nonessential Experimental Population with a 10(j) designation is the most appropriate avenue for the management of wolves in Colorado. However, releasing northern wolves closer to the existing nonessential experimental population of Mexican wolves (Canis lupus baileyi) jeopardizes the recovery of the latter. The Mexican wolf is a separately listed entity under the Act and the Department has a legal and ethical obligation to recover Mexican wolves, not simply fill vacant wolf habitat with any wolves.*

Representative Quote: Risk of Genetically Swamping the Recovering Mexican Wolf Population Wolves are noted for long-range movements and genetic interchange among distant populations, even as far as 678 miles (Wabakken et al. 2007), which is the approximate distance from Denver, Colorado to the wild Mexican wolf population in Chihuahua, Mexico. The wild U.S. population sits about halfway between these two points. Dispersing wolves from the Northern Rockies have already appeared in northern Arizona and New Mexico. In October 2014, a 2-year old female wolf collared near Cody, Wyoming was documented on the Kaibab Plateau in northern Arizona. The wolf was repeatedly sighted in that area for more than two months and returned northward after finding no resident wolves. In July 2008, a wolf with black pelage was documented near the Vermejo Park Ranch in northern New Mexico. No Mexican wolves have ever been documented with black pelage so this was most likely a wolf from the Northern Rocky Mountains (Odell et al. 2018). Genetic swamping has been a critical challenge for other endangered canids, notably the Eastern red wolf (C. rufus, Kelly et al. 1999). Genetic swamping of Mexican wolves by northern wolves is more than a theoretical possibility it presents a very real threat to recovery of the Mexican wolf as a separately listed endangered subspecies. All available information suggests releasing larger northern wolves closer to central Arizona and New Mexico will result in hybridization with Mexican wolves. The risk of genetic swamping is particularly high during early phases of Mexican wolf recovery, when the number of wolves on the ground in recovery areas is relatively small. The Mexican wolf as a subspecies evolved its uniqueness in the high-elevation mountains of Mexico, and mostly separated

from the other wolf subspecies to the north by fragmented habitat and discontinuous prey distribution (Heffelfinger et al. 2017a,b). The unique physical and genetic differences of Mexican wolves could not have developed, and maintained itself, if they had shared an extensive zone of genetic exchange with larger northern wolves. Generally, dispersing wolves are adopted into packs (Boyd et al. 1995) and can assume vacant breeding positions (Fritts and Mech 1981, Stahler et al. 2002, vonHoldt et al. 2008, Sparkman et al. 2012), usurp an existing breeder (Messier 1985, vonHoldt et al. 2008), or bide their time to ascend to breeding positions (vonHoldt et al. 2008). Body size is an important determinant of individual fitness and a driving evolutionary force (Baker et al. 2015). Stahler et al. (2013) demonstrated that body mass of breeders was the main determinant of litter size and survival of the litter. Hunting success is also tied directly to larger body size, which has obvious fitness advantages (MacNulty et al. 2009). This physical superiority offers a decisive advantage for northern wolves obtaining and defending breeding positions in the small Mexican wolf population. In addition to a body size differential, several characteristics of the current wild Mexican wolf populations make them vulnerable to genetic swamping by northern wolves: 1) social disruption from human-caused mortality, 2) small pack size, and 3) elevated levels of inbreeding. When wolf populations have high rates of mortality, the social turmoil results in a higher rate of acceptance of wolves dispersing from other packs (Ballard et al. 1987, Mech and Boitani 2003:16). Ballard et al. (1987) noted that 21% of dispersing wolves were accepted into other packs. Immigrating wolves are also more readily adopted by smaller packs where additional individuals, especially males, increase hunting efficiency and survival of existing pack members (Fritts and Mech 1981, Ballard et al. 1987, Cassidy et al. 2015). The wild U.S. population of Mexican wolves has consistently maintained a relatively small pack size (mean = 4.1, 1998-2016, USFWS 2017), which means they would more readily accept immigrating wolves from the north. Inbreeding avoidance in wolves has been well-documented, where wolves more readily mate with unrelated wolves (vonHoldt et al. 2008, Geffen et al. 2011, Sparkman et al. 2012). The current wild populations of Mexican wolves have inbreeding levels higher than most wolf populations (USFWS 2017), which means a new wolf immigrant, unrelated to all Mexican wolves, would have a disproportionately high probability of attaining a breeding position (vonHoldt et al. 2008, Geffen et al. 2011, Å...kesson et al. 2016).

CONCERN STATEMENT: Commenters expressed concern about the impact of lethal removal on the gray wolf, noting that studies show when lethal removal is allowed, poaching increases. Commenters noted that lethal management of wolves in Wyoming has had negative impacts by severing population connectivity and inhibiting gene flow.

Representative Quote: Lethal management of wolves in Wyoming has negatively impacted wolf population survivability across the west by severing population connectivity thereby inhibiting gene flow and diminishing long-term wolf survivability potential across the Rocky Mountain Cordillera. Current lethal management of wolves in Wyoming and of Mexican gray wolves in Arizona and New Mexico will reduce the long-term survivability potential of gray wolves in Colorado by reducing or eliminating population connectivity thereby inhibiting gene flow.

CONCERN STATEMENT: Commenters expressed concern that a 10(j) rule would preclude the designation of critical habitat for the enhancement of recovery efforts. Specific concerns included potential future habitat modifications like the addition or closure of roads, or opening up areas to motorized use.

Representative Quote: Section 10 designations often preclude the designation of Critical Habitat for the enhancement of recovery efforts. The designation of Critical Habitat entails the prevention of adverse modifications of such habitats, conferring numerous conservation benefits (Congressional Research Service 2021: 23) unavailable to experimental, nonessential populations. Should the gray wolf in Colorado be reintroduced under an experimental, nonessential 10(j) rule, they would be deprived of such habitat protections, to the detriment of species recovery. This deprivation is particularly detrimental to the extent that new roads were to be constructed, or existing closed and gated roads were to be opened to motorized transit, offering opportunities for poachers to access heretofore secure habitats used during denning and at other sensitive times of year. By contrast endangered status (and the requisite designation of Critical Habitat) would present a legal bar to such adverse modification of wolf habitats. Section 10 designations often allow for reintroduced species that breach designated boundaries to be either relocated back to the boundary area or be put in a captive breeding program. Wolves are listed as a threatened species in all states bounding Colorado except Wyoming and parts of Utah. The recovery of wolves nationwide is frustrated by these efforts to prevent natural dispersal beyond these boundaries, which typically are established based on political jurisdictions rather than suitable habitats. Wolves that emigrate from Colorado should be allowed to proceed unmolested in the interest of establishing viable populations in neighboring states.

SUPPORT OR OPPOSE

CONCERN STATEMENT: Commenters stated support for the presence of wolves in Colorado and the 10(j) process, with most stating that increased management flexibility is needed to address potential impacts from the reintroduction.

Representative Quote: I am writing in support of the development of a Section 10(j) rule for wolves in Colorado. This designation will protect wolves while ensuring that red tape does not delay the reintroduction mandated by Colorado voters. I support the issuance of a Section 10(j) permit as it will allow some management flexibility to restore wolves to Colorado. I also support other approaches, or combinations of approaches including potential management actions in adjoining states, and evaluation of the potential impact of management in other states, especially Wyoming, on the establishment of wolves in Colorado.

Representative Quote: The 10(j) status will allow for the greatest range of management tools for Colorado Parks and Wildlife to ensure a healthy introduction of a species that has been absent from the range in Colorado for more than 75 years. This will help protect other sensitive species of interest to FWS that will bear the brunt of depredation from introduced wolves, including moose. And it will allow for close management of a species that will significantly impact individuals, businesses, and the communities that benefit from those businesses.

CONCERN STATEMENT: Commenters stated opposition to the 10(j) process, stating that it lowers protection for wolves; reclassifying them as "non-essential" and "experimental" allows them to be killed.

Representative Quote: I don't support Colorado designating their wolf population as an experimental, non essential wolf population under 10j. I believe 10j doesn't allow wolves to fully recover in Colorado which Colorado Parks and Wildlife needs to put first. In Montana my state has failed to do with the wolf population here and I want to see more state wildlife agencies putting recovering wolves first which 10j is a hurdle into making that goal happen, therefore the U.S. Fish and Wildlife should not support the decision of qualifying Colorados wolf population under 10j.

Representative Quote: This seems pretty clearly to be an excuse to temper with the law in bad faith. The goal of reclassifying wolves as "experimental" is to allow for ranchers and their ilk to kill them. This has nothing to do with the preservation status of the wolves as a population in Colorado. The reintroduction of wolves into Colorado is not "experimental," as Colorado is the natural habitat of the species, which existed here before that state was formed. I think this is a grotesque of the endangered species list's explicit purpose and of American conservationism. I know that ranchers suffer minimally by wolf predation as a matter of fact, and that the state compensates them generously for any losses.

Representative Quote: My family farms and ranches in Colorado and Wyoming and with great respect, my family and I strongly oppose Colorado Parks and Wildlife request for the 10(j) rule under the ESA as it erodes wolf protection and is NOT science-based. It is a loophole that enables ranchers, farmers, and BIG oil and gas corporations more leeway to legally use lethal means instead of non-lethal means of control.

Representative Quote: At this stage, FWS is determining whether to promulgate a 10(j) rule for the wolf population to be reintroduced in Colorado. Friends of Animals believes that this does not represent the best option to create a self-sustaining population of wolves in Colorado. As has been clear in the two working groups assembled by CPW, the attitude surrounding wolves is dominated by how to kill wolves, where to kill wolves, and how much money will be paid to the meat industry for livestock compensation. There is a reason why animals are delineated as endangered or threatened at the Federal level. The Endangered Species Act was meant to halt and reverse the trend toward species extinction "whatever the cost." This means that the species themselves should have priority, not special interests within a given state. By preventing a state from crafting its own rules, and giving handouts to influential industries within that state, FWS can ensure that this reintroduction of an endangered species succeeds.

TRIBAL RESOURCES

CONCERN STATEMENT: Commenters stated that the Service should consult with Tribal representatives and draw on and use traditional ecological knowledge in the development of the 10(j) rule. Commenters specifically noted the Service should consult with the Global Indigenous Council in this process. Commenters were concerned with potential impacts to Tribal cultural values.

Representative Quote: USFWS should consult with tribal representatives and indigenous voices from Colorado and draw on and use traditional ecological knowledge to effectively guide the development of the 10(j) management rule and other wolf policies.

Representative Quote: Use information from peer-reviewed research and by consulting with indigenous people like the Global Indigenous Council for their guidance.

Representative Quote: Considerations for evaluating the significance of impacts on species, locations, or other resources of religious or cultural significance for Tribes and impacts to cultural values from the actions being considered

Representative Quote: The Global Indigenous Council must have a seat at the table during this process. Their use of Traditional Ecological Knowledge. The Global Indigenous Council continues to be on the forefront of Defending the Sacred with the Wolf Treaty, support for preserving the Endangered Species Act (ESA), and introducing a Native American Endangered Species Act (NA-ESA). The latest Tribal Nations to support the Wolf Treaty and its principles are the Karuk and Yurok Tribes, the two largest Tribal Nations in California. The Wolf Treaty was present at the Bioneers Conference in San Rafael, California, in October 2019. Ponca Nation Councilwoman and internationally respected elder, Casey Camp-Horinek, and GIC Executive Director, Bear Stands Last, introduced the treaty at the event. Tom Goldtooth, Executive Director of the Indigenous Environmental Network, was among the leaders to sign the treaty at Bioneers. Tom and Casey were instrumental in ensuring indigenous communities had a voice and presence at the recent UN Climate Change Conference COP 25 in Madrid. Both were on the frontlines of the protest held by indigenous leaders and delegates on December 11.

CONCERN STATEMENT: Commenters stated that the Service should develop a management agreement with Tribes and indicated that the Service should consult with the Southern Ute, Ute Mountain Ute, Arapaho, Cheyenne, Kiowa, Comanche, Apache, Navajo and Shoshone Tribes.

Representative Quote: Receive definitive management agreement with neighboring states and Tribal representation

Representative Quote: USFWS should consult with the Southern Ute and Ute Mountain Ute tribes at a minimum and consider consultation with other tribes with historical connections to Colorado, including but not limited to the Arapaho, Cheyenne, Kiowa, Comanche, Apache, Navajo and Shoshone tribes. USFWS should consult with the Global Indigenous Council for their guidance on which tribes should be contacted.

CONCERN STATEMENT: Tribal representatives from the Southern Ute stated concern that wolf reintroduction would lead to conflicts with livestock and wildlife/hunting-related interests, both of which are an important and integral part of the Tribe's social, economic, and cultural fabric. They also expressed concern for wolf dispersal to Tribal trust lands of their reservation, as well as Brunot Area lands where the Tribe retains off-reservation hunting rights for its members. The Tribe noted that prior to wolf releases, it expects to develop a wolf management plan in consultation with appropriate agencies to minimize wolf-related impacts to the Tribe and its members.

Representative Quote: *The Tribe has closely followed the plan of the State of Colorado to reintroduce the gray wolf within the State beginning in 2023. The Tribe believes that the return of this apex predator throughout the southern Rocky Mountain landscape will lead to significant conflict with both livestock and wildlife/hunting related interests, both of which are a very important and integral part of the Tribe's social, economic, and cultural fabric. The Tribe further believes it is highly likely that, within a relatively short timeframe following the State's release of animals, wolves will disperse to locations of primary concern to the Tribe, including tribal trust lands of our reservation, as well as Brunot Area lands where the Tribe retains off-reservation hunting rights for our members. The big game located on these lands have historically been and continue to be an essential component to our Tribe's survival and way of life that must be preserved for our future generations. However, prior to wolf releases, the Tribe expects to develop a wolf management plan, in consultation with appropriate agencies, in order to minimize wolf related impacts to the Tribe and its members.*

CONCERN STATEMENT: The Southern Ute Tribe affirmed its intention to engage in government-to-government consultation.

Representative Quote: First, the Tribe wishes to affirm its desire to engage in government-to-government consultation with the U.S. Fish & Wildlife Service (Service). The Tribe believes this consultation is vital to the protection of our sovereign rights and interests and is in keeping with Secretarial Order 3206 which compels the Service to harmonize its tribal trust responsibility with its species conservation efforts under the federal Endangered Species Act of 1973, 16 U.S.C. 1531, as amended (ESA).

CONCERN STATEMENT: Commenters suggested that no agreement between the Service and the Tribe is necessary to capture and remove wolves from Tribal trust lands.

Representative Quote: The Service or a designated agency may develop and implement management actions in cooperation with willing tribal governments. No agreement between the Service and a Tribe should be necessary for the capture and removal of wolves from tribal trust lands if requested by the tribal government.