



SOUTHERN UTE INDIAN TRIBE

August 19, 2022

Public Comments Processing
Attn: FWS-R6-ES-2022-0100
U.S. Fish and Wildlife Service
MS: PRB/3W, 5275 Leesburg Pike
Falls Church, VA 22041-3803

Re: Comments on the Scope of NEPA Analysis for Proposed Establishment of a Nonessential Experimental Population of the Gray Wolf in the State of Colorado

To Whom It May Concern:

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.

The purpose of this letter is two-fold. 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). Second, this letter communicates the Tribe's comments pursuant to Federal Register notice, "Endangered and Threatened Wildlife and Plants; Establishment of a Nonessential Experimental Population of the Gray Wolf in the State of Colorado; Environmental Impact Statement (EIS)." 87 Fed. Reg. 43489 (Jul. 21, 2022). The Service's obligation to engage in government-to-government consultation exists independent of the Service's efforts to consult pursuant to the National Environmental Policy Act (NEPA). Tribes are not merely stakeholders in the NEPA process. Accordingly, the Tribe expects and plans to engage in full sovereign-to-sovereign consultation *in addition to* the comments we submit in response to federal register notices for this rulemaking.

The Tribe recognizes that the question before the Service is a narrow one: whether to designate a nonessential experimental population under ESA 10(j). In this scoping phase of the NEPA process, the Tribe will limit its present comments to suggestions as to pertinent issues that the Service should address in the EIS, alternatives to the proposed approach, and the scope of the EIS. 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)*. In the EIS, the Service should analyze and compare the full range of potential impacts associated with wolf reintroduction under the two different alternatives, including (but not limited to):

- The livestock production industry on tribal, public, and private lands;
- Big game hunting resources, especially populations of Rocky Mountain elk, Shiras moose, and mule deer;
- Effects on seasonal migratory patterns of big game herds that migrate to and from Reservation lands;
- Public health, including potential zoonotic diseases and transmission vectors;
- Public safety on tribal, public, and private lands;
- Tribes' and other governments' ability and authority to manage land and wildlife within their jurisdictions;
- Federal trust responsibility to all Native American tribes affected by wolf reintroduction and dispersal; and
- Sovereignty of the Southern Ute Tribe, as well as all other tribes potentially affected.

The Tribe appreciates the opportunity to submit these comments, and looks forward to continued consultation with the federal government as the State of Colorado continues with its plan for wolf reintroduction. As noted above, the Tribe intends to participate fully throughout the NEPA process and to engage in robust sovereign-to-sovereign consultation in accordance with the Services' trust obligation. Please note that the Tribe is also engaging in government-to-government consultation with the State of Colorado on wolf reintroduction, and during that process will be requesting a buffer zone around the Reservation boundaries and Brunot Treaty Area where wolves will not be released. We request the Service's support for and assistance with that buffer request in any way possible.

Sincerely,

SOUTHERN UTE INDIAN TRIBE



Melvin J. Baker, Chairman
Southern Ute Indian Tribal Council

cc: Ms. Nicole Alt / USFWS Colorado Ecological Services Supervisor