



Sent via electronic mail to governor@gov.wa.gov

June 24, 2019

The Honorable Jay Inslee
Office of the Governor
PO Box 40002
Olympia, WA 98504

RE: Wolf Management in Washington – Need for Progressive, Science-Based Changes

Dear Governor Inslee,

On behalf of the Center for Biological Diversity and its 1.4 million members and supporters, including over 36,000 from Washington, we write to ask that you direct the state's wildlife managers to make progressive, science-based changes in wolf management in Washington.

As governor, you have made science a hallmark of your administration and championed the state's major environmental protection laws. When it comes to wolves, however, the Washington Fish and Wildlife Department and Fish and Wildlife Commission fall abysmally short of your administration's high standards. Their policies and actions promote ongoing social intolerance for wolves, creating conflict between wolves and livestock and between people with differing viewpoints. Making matters worse, the policies developed by these wildlife managers foment an endless cycle of killing wolves, even in areas with ideal habitat where wolves should be allowed to live in peace.

With this letter we highlight four key areas for change in Washington's gray wolf policies and management:

- 1) **Ensure that the Department implements the new law, ESHB2097, to provide even greater protections for wolves in regions where recovery goals have not yet been met and prohibit the killing of wolves for livestock conflicts in those regions**
- 2) **Revise the wolf-livestock interaction protocol to utilize best available science**
- 3) **Officially oppose federal delisting of wolves**
- 4) **Require that the Department develop wolf management policy through a public process, rather than embedding the Wolf Advisory Group into the Commission's "Wolf Committee"**
- 5) **Recognize public opposition to ongoing slaughter of wolves to address conflicts with livestock by requiring documented use of nonlethal measures, killing wolves only as a last resort, and no killing of wolves for conflicts on public lands.**

The gray wolf (*Canis lupus*) is currently protected under the federal Endangered Species Act (“ESA”) in the western two-thirds of Washington and protected under Washington’s state endangered species act statewide.

Gray wolf protection and recovery is a cornerstone piece of the Center’s work. Our staff, members and supporters have spent decades working to ensure this species recovers and thrives in its historical range, including Washington where wolves have just started to return over the past decade.

Two documents guide wolf management in Washington: 1) a state Wolf Conservation and Management Plan adopted by the Commission in 2011; and 2) a Wolf-Livestock Interaction Protocol adopted by the Department in 2016, revised in 2017, and now undergoing additional revisions. In the eastern third of the state where Washington’s wolves lack federal protection, the Plan and Protocol operate to allow killing and harassment of wolves for conflicts with livestock.

Management of any species, but especially an endangered one such as the gray wolf, should be solely based on the most recent, applicable science and not fall pressure to politics. Washington state residents overwhelmingly do not support the slaughter of wolves in the state, as evidenced by polls conducted in 2011, 2013 and 2014.¹ Their views are mirrored by current science which concludes that killing wolves is counter-productive.² For the reasons discussed below, progressive, science-based changes are essential for wolf recovery and consistent with the views on wolves held by the majority of your constituents.

1) Washington’s Newest Law on Wolf Management Should be Used to Protect Wolves, Not to Kill Wolves More Quickly

On May 21, 2019 you signed into law Engrossed Substitute House Bill 2097. The pertinent part of this law states:

The department shall implement conflict mitigation guidelines that distinguish between wolf recovery regions, identified in the 2011 wolf conservation and management plan, that are at or above the regional recovery objective and wolf recovery regions that are below the regional recovery objective.³

With this law, the legislature intended that the Department distinguish between regions of the state where wolf recovery goals have been met and those regions where recovery goals have not yet been met, when developing strategies and responses to address livestock-wolf conflicts. Nothing in the law’s language suggests the Department should simply focus their management distinctions on regions that have met or exceeded wolf recovery goals.

In response to the passage of this law, we’ve seen conversations within the Wolf Advisory Group (“WAG”), presentations by the Department to the Commission and new draft language proposed by the Department for inclusion as revisions to the existing wolf-livestock interaction protocol.

¹ Dietsch et al. 2011; Tulchin and Krompak 2013; Duda et al. 2014.

² Browne-Nunez et al. 2015; Chapron and Treves 2016; Fernandez-Gil et al. 2016; Santiago-Avila et al. 2018; Laaksonen et al 2018; van Eeden et al. 2018.

³ 2019 Wash. Sess. Laws 4119.

These show the Department has chosen to interpret this language only as it pertains to those regions which have reached recovery objectives. And it appears that the Department may use this law to push for more aggressive killing of wolves in regions where recovery goals have been met – more killing than the Protocol currently allows.

The Department has an express mandate to recover wolves across the state in all three recovery regions demarcated in the Plan.⁴ As such, instead of lowering the bar for when wolves can be killed in regions where recovery goals have been met, the Department should add more protective measures for wolves and prohibit the killing of wolves in regions where recovery goals have not yet been met.

We request that you ensure the Department implements the new law, ESHB 2097, so as to provide even greater protections for wolves in recovery regions where recovery goals have not yet been met and prohibit the killing of wolves for livestock conflicts in those regions.

2) The Department's Wolf-Livestock Protocol Revisions Must be Based on Best Available Science

The Department and the WAG are currently revising the Protocol, a document that specifically serves as guidance on addressing conflicts between livestock and wolves. Among other things, it describes expectations the Department has of livestock operators in their use of nonlethal measures and tools to deter conflicts, establishes thresholds for the numbers of wolf-caused livestock predations within specific rolling time frames that can trigger a Department order to kill wolves, and sets forth how the Department will inform the public of its decisions and actions in these wolf-killing operations.

The Department released a draft of proposed Protocol revisions on May 22, 2019 and invited comments from both the public and the WAG. The Center submitted comments on the draft revisions highlighting improvements from the current Protocol iteration and enumerating concerns with the proposed revisions as well as our ongoing overarching concerns with the Protocol generally.

Our comments – attached for your review - emphasize the need for a science-based approach for wolf recovery and management in Washington. We specifically note the need for the Department to apply current best available science rather than cherry-picking science to support the actions the Department wants to take and in that vein we have provided citations to multiple relevant peer-reviewed published papers. To that end, we also have recommended the Department consult with specified experts, most of whom we have brought to the Department's attention previously, but whom the Department has failed to contact despite these individuals' decades of relevant experience and expertise.

⁴ Wiles, G.H., H.L. Allen, and G.E. Hayes. 2011. Wolf conservation and management plan for Washington. Washington Department of Fish and Wildlife, Olympia, Washington. 297 pp., at p. 9, 58-64.

We look to you as Governor and a leading champion of science to ask that the Department contact and consult with Dr, Adrian Treves, Lorna Smith and Carter Niemeyer to ensure the revised Protocol is based on best available science.⁵

3) Washington State Should Officially Oppose Federal Delisting of the Gray Wolf

In March, the Trump Administration announced plans to remove Endangered Species Act protections for gray wolves across nearly the entire lower 48 states, including in Washington. During the public comment period, Kelly Susewind, the Director of WDFW, voiced his support for federal delisting in a comment letter sent to the U.S. Fish and Wildlife Service (“USFWS”). We have twice written to you, in April and May, explaining why you should oppose the federal proposal because wolves have not fully recovered in the lower 48 United States. We again bring this matter to your attention because the delisting proposal has now been roundly criticized by a scientist peer review panel that USFWS commissioned. The peer reviewers’ letters (attached) condemn the delisting proposal for numerous errors in logic, missing information, missing analyses and misinterpretation of science. Four of the five scientist peer reviewers found that the proposal was not supported by best available science.

We also now note that Washington is the only West Coast state to voice support for the delisting proposal. In April the California Fish and Game Commission voted to write to USFWS opposing the proposed delisting. In May Oregon Governor Kate Brown wrote to USFWS explaining, as the official state position of Oregon, that wolves should remain federally listed and stating that her own Fish and Wildlife Department erred when it sent a letter to USFWS supporting the delisting proposal.

As a progressive state working to advance science and fight against federal regulations that harm the environment and place imperiled species at further risk, Washington should stand with other forward-looking West Coast states in presenting a united front to oppose this scientifically-unsupportable proposal.

4) The WAG Should Not Be Embedded into a Commission “Wolf Committee”

The WAG is a citizen advisory body whose members the Department selected to provide advice in its administration of the state wolf Plan. However, in the six years since the inception of the WAG, its powers as an advisory body have crept far beyond being merely advisory. Now the

⁵ Dr. Adrian Treves is the director for the Carnivore Coexistence Lab at the University of Wisconsin-Madison and likely the world’s leading scientist on social tolerance for wolves and on the worldwide body of published research on the use and effectiveness of lethal and nonlethal measures to address livestock-wolf conflict; Lorna Smith is a biologist, a co-founder of Western Wildlife Outreach which is a Washington-based non-profit organization providing public education on coexistence with large carnivores in Washington, and was the project director for a publication prepared by her organization for the Department in 2014, with grant funding from the Department, entitled *Wolf-Livestock Nonlethal Conflict Avoidance: A Review of the Literature*; Carter Niemeyer is a biologist, now retired from the US Fish and Wildlife Service and USDA/Wildlife Services, with more than 40 years’ experience working on wolves, other predators and wolf-livestock conflicts.

Department uses the WAG as a shield to excuse policies and actions counter to science and abhorrent to most Washington residents.

For example, rather than manage conflicts between wolves and livestock according to scientific principles, as the law requires, the Department relies on the WAG in developing its policies, eschewing what science says in favor of “sufficient consensus” by a body of citizens who lack scientific expertise and do not represent the values of most residents.

In the last six months, the “authority creep” of the WAG has been expanded even further. The Commission has now established a “Wolf Committee” comprised of several members from the Commission and members of the WAG.

Decisions setting wolf policy should be made through Commission hearings with proposed regulations, a public comment period, and the ability for the public to appeal decisions made by the Commission. Instead, the Department’s reliance on the WAG and the Wolf Committee usurps the rights of the public to participate in decision-making about its wildlife. This offends principles of participatory democracy and has significantly eroded the public’s faith in the Department and Commission on wolf-related policies and actions.

As Governor, you should direct the Commission to make wolf-related policy through the public rule-making process and not through a committee which solicits only the input of members of the WAG.

5) Washington State Residents Overwhelmingly Oppose Killing Wolves to Protect Livestock

Since 2012, the Department has killed 22 state-endangered wolves as a result of conflicts between livestock and wolves. Of these, 18 were killed on behalf of the same livestock operator, a self-professed wolf-hater who simply wants more dead wolves. He has been famously lax in instituting nonlethal measures to protect his livestock.

Moreover, nearly all the wolves killed in Washington for conflicts with livestock have taken place on public lands grazing allotments. The American people own these public lands allotments, and the wolves being killed there by the Department on behalf of private, for-profit ranchers are state-endangered species held in trust for all Washingtonians.

Last year, the Department targeted wolves from three different wolf packs, killing breeding mother and father wolves and their pups. The Department even targeted wolves involved in conflicts with livestock illegally left on the allotment past the grazing termination date.

Given these circumstances, public outrage over the Department’s wolf-killing is understandable and justified. So much so that, during the fall of 2018, in two separate online petitions the Center had posted, we collected nearly 533,000 signatures of members of the public opposed to the slaughter of wolves taking place in Washington. Of these, 8,895 are signatures from Washington residents. We have attached an Excel spreadsheet of the signatories for each petition, and are mailing to you, via U.S. mail, a cd containing all of the signatures gathered.

These signatures demonstrate that people in Washington and across the country oppose the ongoing slaughter of wolves in Washington on behalf of the livestock industry.

We ask that you, as Governor, direct the Department to exhaust all feasible, appropriate, properly employed nonlethal measures and strategies before resorting to killing wolves, require the documented use of nonlethal measures by livestock operators before wolves will be killed on their behalf, and prohibit the killing of wolves on public lands and for conflicts with livestock on public lands.

Conclusion

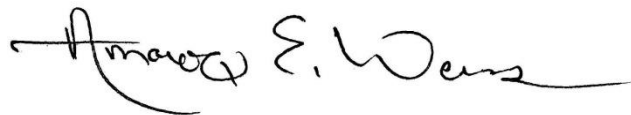
Now that the 2019 grazing season has begun, cattle roam our public lands grazing allotments in northeast Washington. To avoid more killing of endangered wolves and the concomitant public outrage, the Protocol must be revised through a public process and according to the best available science. Specifically, the Department must require livestock operators to use nonlethal conflict prevention measures to avoid conflicts with wolves.

In your role as Governor of Washington you have been a champion of science regarding climate change and protection of Washington's resident orcas and salmon. We urge you to use that same scientific support in making decisions regarding wolf management. Politics should not come into play when determining how to best recover and protect an endangered species. Instead, please use evidence-based science for decision-making to ensure the long-term survival of this majestic and ecologically-essential species, the gray wolf.

Sincerely,



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