

PETITION FOR RULEMAKING:

Date: August 9, 2012

TO: The Minnesota Department of Natural Resources (DNR)

From: Maureen Hackett, MD, Howling For Wolves, Founder and President, PO Box 4099 Hopkins, MN 55343

WE REQUEST THAT THE MN DNR ADOPT A NEW RULE TO STOP THE 2012-2013 MINNESOTA WOLF HUNTING AND TRAPPING SEASON.

Rule Language; "There Shall be No Wolf Hunting and Trapping Season in Minnesota for the 2012- 2013 Season."

After nearly 40 years of protection under the federal Endangered Species Act (ESA), the Minnesota gray wolf population was delisted from protection under the ESA, effective on January 27, 2012. Minnesota's gray wolf population is the only original, intact wolf population in the lower 48 states which is thought to be self-sustaining, bio-diverse and per the most recent estimate in 2008, stable in population numbers. The gray wolf is part of Minnesota's heritage and a legacy species that Minnesotans wish to pass on for future generations. It is for this reason that the state of Minnesota prepared for the eventual federal delisting of the Minnesota gray wolf from the ESA and created the Minnesota Wolf Management Plan. The Minnesota Wolf Management Plan was developed over a two year period (1998-1999) by a group of individuals with a wide-range of vocations, cultures and interests and was agreed upon by consensus. The 2000 Minnesota Legislature passed a wolf management bill containing the provisions of the Minnesota Wolf Management Plan and was signed into law by the Governor of Minnesota on May 15, 2000. The Minnesota Wolf Management Plan, February 2001, was approved by the Minnesota Department of Natural Resources (DNR) on March 14, 2001.

As stated in the Minnesota Wolf Management Plan, "The goal of this Management Plan is to ensure the long-term survival of wolves in Minnesota while also addressing the wolf-human conflicts that inevitably result when wolves and people live in the same vicinity." (WMP p. 17) The Wolf Management Plan states that the DNR will conduct or provide management activities upon the delisting of the Minnesota wolf when the authority for management reverts to the state. The plan addresses wolf ecology and includes goals to reduce threats to the wolf's survival.

While this plan is comprehensive and was current when it was adopted, the DNR has abandoned basic activities prescribed in the Wolf Management Plan and rushed to a public wolf trapping and hunting season. The Minnesota DNR has affirmed that the Minnesota Wolf population has

been stable since approximately 1998. "There has been no significant change in wolf population size or distribution since 1998, based on surveys in 1998, 2004, and 2008." (Minnesota DNR Wolf Briefing – January 5, 2012.) Therefore, the Minnesota wolf populations does not need to be controlled by a sport hunting and trapping season.

During testimony on January 26, 2012 to the MN State House Environment, Energy and Natural Resources Policy and Finance Committee, wolf expert David Mech, PhD testified that the purpose of the wolf season was for social purposes (sport hunting and trapping) and not for controlling the wolf population. Dr. Mech stated that the wolf population has no upper limit and that wolves self regulate their numbers. Dr. Mech stated wolf hunting is not for livestock depredation. Dr. Mech stated that depredation on livestock by wolves will always be a problem that must be addressed, but he indicated that hunting for sport was not effective at controlling or reducing depredation. (www.dnr.state.mn.us/mammals/wolves/mgmt.html checked 8-8-12)

The DNR commissioner is now stating that the purpose of the wolf hunt is to help with livestock wolf conflicts. (Duluth News Tribune). The DNR has no data to show that randomly hunting non-problem wolves provides a solution to livestock depredation problems. Instead, the DNR is recklessly risking the health of the Minnesota wolf population to satisfy a special interest groups. In an email dated April 23, 2012, Dennis Simon Chief Wildlife Management wrote, "while I would prefer that we delay the season until we can establish a license, complete the population survey, and draft a population model even if we have to estimate harvest effort...I have come to the conclusion that we owe it to our primary clients, hunters and trappers, and to livestock producers as secondary clients to do what we can to establish a legitimate harvest opportunity now that the wolf is under our management authority."

Without having the Minnesota Wolf Management Plan followed as written and agreed to, and with the effects of delisting not fully understood, this could actually cause an increase of wolf-livestock problems as a result of a premature wolf hunting season. This would put the survival of the Minnesota gray wolf at risk and reduce the ecological activity and benefits of the wolf on our landscape.

The wolf is not a herd animal and lives in packs that require close cooperation for raising pups and hunting for food. The effect of the random killing of non-problem wolves in our state is unknown. The wolf's reproduction is socially controlled. Generally, only one litter from the alpha pair is born and raised and over 50% of those pups are estimated to die, usually of starvation, before 6 months of age. If many alpha pairs are lost due to being killed through human hunting, the consequences on the wolf population is unpredictable. Wolves require passed-on knowledge of hunting. Wolves have social constraints on reproduction which is not fully understood from a biological or behavioral perspective. Without older wolf leaders, the younger pack members (average pack size in MN was less than 5 wolves in 2008) may actually cause more livestock problems. They may even reproduce outside of the socially sanctioned pack, resulting in more leaderless young wolves that are more likely to cause livestock problems. This would likely lead to them eventually being killed due to depredation and non-problem wolves will be hunted in greater numbers in response to believing that a hunting season is a solution to livestock depredation. (see Haber)

An expedited emergency rule making is in process to enact the rules of the wolf hunt and thus there is no adequate opportunity for public comment. The basic management activities laid out in the Wolf Management Plan have not been done. A comprehensive statewide estimate of wolf distribution and numbers was to be completed during the first and fifth years following federal delisting. (WMP p. 19) The first comprehensive population estimate since delisting has not been done. Additionally, annual changes in wolf distribution and abundance were to be monitored to look for trends on a yearly basis between the statewide population assessments. (WMP p. 32) The population was to be monitored for five years without interference from hunting and trapping for a better assessment of the health of the wolf population and to assess the effects of the delisting itself.

Now that the wolf is under MN state laws that allow for killing wolves considered to be a threat, lightened with reduced fines and lesser criminal culpability, it is possible and anticipated that there may be more illegal wolf kills. (Statute 97B.645, Subd. 8) In fact, the Minnesota Wolf Management Plan specified the need for increased enforcement resources to monitor the potential for more human-related wolf deaths following federal delisting. (WMP p. 33) These increased enforcement resources must be in place and the effects of federal delisting on human-wolf killing measured before a public wolf hunting and trapping season can be responsibly implemented.

Though information about self-sustaining, non-hunted wolves is limited, studies conducted in Yellowstone now demonstrate ways the ecosystem benefits from wolves, especially when they are ecologically active and not persecuted by humans. (Beschta and Ripple) Wolves allow for more vegetation growth along rivers and streams by changing the behavior of ungulates such as deer and elk and this increases other wildlife species, including song birds and beavers. Wolves also benefit their prey species by eliminating the least productive and sickly animals. Wolves likely limit disease spread among deer by killing sick animals quickly and thus limiting the exposure of other deer to diseases such as chronic wasting disease. Very recently, the role of predators (including wolves) and how they are managed is now scientifically shown to affect the increasing prevalence of Lyme disease in humans. Science is just beginning to understand how infectious diseases are spread or limited by our wildlife management principles. The wolf helps control the spread of Lyme disease by remaining tolerant of red foxes that control rodents. The wolf reduces coyotes that kill red foxes and coyotes do not kill rodents as efficiently as red foxes. Thus, Lyme disease is likely increased by the elimination of both the wolf and the red fox. (Levi et al)

Unfortunately, the wolf's benefits to our civilization and ecosystem may never be fully known, as the wolf's survival is under extreme threat throughout the lower 48 states. Here in Minnesota, the DNR has abandoned the Wolf Management Plan and is rushing to a public wolf trapping and hunting season. The DNR has stated that it was the legislature that determined their duty to hold a wolf season. The 2011 MN legislature held hearings during the summer session, behind closed doors and without opportunity for the public to be present when the five year wait to propose a wolf hunting season was eliminated. The 2011 MN legislature, while under pressure to pass an appropriations bill to end a state government shutdown, also passed law contained in the bill, that removed a five year moratorium on a Minnesota wolf hunting and trapping season. The legislature did not abandon the Minnesota Wolf management Plan, but simply repealed the five

year wait to consider a public wolf hunting season. See 2011 Special Session Laws, Chapter 2, Article V, Section 51, which states:

“Minnesota Statutes 2010, section 97B.645, subdivision 9, is amended to read:

“Subd. 9. Open season. There shall be no open season for gray wolves ~~for five years~~ until after the gray wolf is delisted under the federal Endangered Species Act of 1973. After that time, the commissioner may prescribe open seasons and restrictions for taking gray wolves but must provide opportunity for public comment.”

While the five year wait to propose a hunting season was eliminated by law in 2011, the DNR as the public authority on wildlife and natural resources must take the time to accomplish the goals and principles of the wolf management plan prior to initiating a public wolf season. When the Minnesota DNR filed a Petition with the U.S. Department of Interior to de-list the wolf from protection under the Endangered Species Act in March 2010, the Minnesota DNR stated that the Wolf management plan was an adequate regulatory mechanism and referred to the 5-year moratorium on hunting. The Petition states on page 7:

“Population management measures, including public taking (i.e. hunting and trapping Seasons) or other options, will be considered by DNR in the future – but not sooner than 5 years after Federal delisting by USFWS. *See* Minn. Stat. §97B.645; Minnesota DNR, 2011. If, in the future, public taking is proposed by DNR, there will be opportunity for public comment. Decisions on public taking will be based on Sound biological data, including comprehensive population surveys.

Even the requirement per the new legislative language for public comment has not been met. The only opportunity for public comment was a limited and inadequate online survey by the DNR after the wolf season was in law. The survey did not cover other issues, such as the previously agreed to 5-year hunting and trapping moratorium. The DNR online survey showed that 79% of the respondents opposed a MN wolf hunting and trapping season. The Minnesota Wolf Management Plan encouraged statewide surveys to assess the public's attitudes toward wolves and to understand changes in public attitudes that may affect the wolf's existence. This has not been done. In essence, the DNR has not been communicating with the public about the public's opinion on wolves and the public's opinion on a hunting season immediately following federal delisting.

Wolves in MN are noted to be a keystone ecotourism species, drawing tourists from around the world to view wolf tracks, scats and hear wild wolves howl. The immediate wolf hunting and trapping season following their delisting this past January jeopardizes the state's reputation as a wolf ecotourism destination. Ecotourism and wildlife watching provide large private sources of revenue to Minnesota estimated at \$400 million annually. This is a renewable source of revenue that can be obtained year round. While the Minnesota wolf population may not expand, if left intact and not risked to the stress of a hunting and trapping season, Minnesota can enjoy this tourist revenue for years to come. The same cannot be said of a hunting season which is limited by the number of wolves that can be killed. While it has been said that we can do both, the likelihood of successful wolf tourism while wolves are also trapped is low due to the bad

feelings that killing a legacy animal will have on tourists and the diminished opportunity for witnessing evidence of wild live wolves.

The tribal nations within Minnesota and throughout the Midwest revere the wolf. While all of the Indian tribes within wolf territory in Minnesota have submitted letters to the DNR regarding their opposition to hunting on their reservation lands and some including Red lake Nation have stated their opposition to the public wolf season, their opposition is not considered in the current wolf trapping and hunting season. James E. Zorn Executive Administrator of the Great Lakes Indian Fish and Wildlife Commission, summarized in submitted testimony to the Wisconsin State Senate Committee on Natural Resources on February 27, 2012:

“This unique relationship with Ma’iingan brings with it unique responsibility. For the Anishinaabe, the cultural significance of wolves and the responsibility of the tribes to manage the wolf resource in Wisconsin in a culturally appropriate way cannot be overstated. The recovery of Ma’iingan in this State represents a tremendous success that is restoring a cultural as well as an ecological cornerstone to the region. This recovery must be protected and preserved to the maximum extent possible.” The dominant culture should honor and respect these cultural beliefs to maintain peaceful and healthy relations with our fellow state citizens. To trap and hunt the wolf is hurtful and disrespectful to the Anishinaabe people.

In summary, the 2012-2013 MN wolf hunting and Trapping season must be stopped. The MN DNR has not done its due diligence. The DNR has not implemented the most basic principles of the Minnesota Wolf Management Plan. The public taking of wolves within the same year as delisting and before the principles of the Minnesota Wolf Management Plan are in place is a betrayal of the public trust. While there are challenges with livestock that cannot and should not be ignored, there is no data that suggests the answer to livestock problems is a public hunting and trapping season that targets random non-problem wolves. Instead, other options can and should be used in addition to lethal and targeted control. Overall, the citizens of Minnesota have supported the gray wolf recovery and support the DNR's efforts to continue this recovery. If a wolf hunting and trapping season moves forward, it is quite likely that the public will feel betrayed and that the DNR will experience a loss of public faith and trust.

Howling For Wolves is one of several organizations and many individuals and tribal governments that is respectfully asking that the MN DNR honor its duties to the public trust and adopt a new rule and stop the 2012-2013 wolf hunting and trapping season.



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Howling For Wolves

Dated: August 9, 2012

Petition to Adopt a New Rule: Stop the Minnesota 2012-2013 Wolf Hunting and Trapping Season

References:

Minnesota Wolf Management Plan, prepared by the Minnesota Department of Natural Resources Division of Wildlife, February 2001

Minnesota DNR Wolf Briefing – January 5, 2012

David Mech, PhD testimony: www.dnr.state.mn.us/mammals/wolves/mgmt.html last checked 8-8-12

Duluth News Tribune, July 29, 2012 Sam Cook interview with DNR Commissioner Landwehr

Email dated April 23, 2102 by Dennis Simon DNR Chief Wildlife Management Section obtained through data practices act request

Haber, G 1996 Biological; Conservation and Ethical Implications of Exploiting and Controlling Wolves. Conservation Biology. Volume 10, No 4, pgs 1068-1081

Minnesota Statute 97B.645 and the Minnesota Wolf Management Plan (February, 2001) allow a person to shoot or destroy – at any time and without a permit - a wolf that poses an immediate threat to livestock, a guard animal, a domestic animal, or pet.

Minnesota Statute 97B.645, Subd. 8 states that, in Zone B (the southern 2/3 of the state), a person may shoot a wolf at any time (24/7 – 365 days a year) to protect livestock, domestic animals or pets – on land they own, lease, or manage. The requirement of “immediate threat” does not apply.

Beschta Robert and Ripple William, Recovering Riparian Plant Communities with Wolves in Northern Yellowstone, Restoration Ecology Vol 18, No 3 P. 380-389

Levi T., Kilpatrick, M., Mangel M., et al, Deer, Predators and the Emergence of Lyme Disease PNAS July 3 2012 Vol. 109, No 27 , p. 10942-10947

http://www.dnr.state.mn.us/nature_viewing/wildlife/index.html
Wildlife viewing industry in MN:

Wolf as MN Legacy (www.dnr.state.mn.us/mammals/wolves/mgmt.html checked 8-8-12)