

August 8, 2022

Wolf Plan Comments
Minnesota Department of Natural Resources Box 20,
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St. Paul, MN 55155

Sent by electronic communication to wolfplan.dnr@state.mn.us

Dear Minnesota Department of Natural Resources:

On behalf of Howling For Wolves, a Minnesota-based nonprofit organization dedicated to wolf advocacy—and our over 80,000 supporters—we submit these comments in response to the Minnesota Department of Natural Resources' (DNR) draft Wolf Management Plan Update (Draft Wolf Plan). Without the revisions discussed below, the final Wolf Plan will likely have deleterious effects on the wolf population in Minnesota, in direct conflict with the DNR's statutory responsibility to ensure their long-term survival in the state. Minn. Stat. § 97B.646. Howling For Wolves urges the DNR to revise the Draft Wolf Plan to emphasize the importance of a thriving and protected wolf population, in accordance with Minnesotans' preferences and DNR's statutory duties, and to prioritize minimal interference and emphasize nonlethal prevention and nonlethal management actions.

Minnesota has afforded unparalleled protection over its natural resources and wildlife by enacting the Minnesota Environmental Rights Act (MERA) which, *inter alia*, grants private parties the right to sue state agencies for declaratory or equitable relief to protect natural resources from destruction. *See Minn. Stat. §§ 116B.03, 116B.10; see also White Bear Lake Restoration Ass'n, ex rel. State v. Minn. Dep't of Nat. Res.*, 946 N.W.2d 373, 383-85 (Minn. 2020) (holding that plaintiffs' claims under Minn. Stat. § 116B.03 were not barred by § 116B.10 and rather that the two sections provide separate causes of action). Therefore, the Wolf Plan must also comply with MERA and prevent the unnecessary destruction of wolves in Minnesota.

I. The Wolf Plan Needs to Acknowledge and Emphasize the Importance of a Thriving—Not Just Stable—Wolf Population.

The DNR has the duty to “adopt a wolf management plan that includes goals to ensure the long-term survival of the wolf in Minnesota, to reduce conflicts between wolves and humans, to minimize predation of livestock and domestic pets, and to manage the ecological impact of wolves on prey species and other predators.” Minn. Stat. § 97B.646. Though the Draft Wolf Plan says it will describe “management to support coexistence with a healthy and resilient wolf population integral to Minnesota’s overall biodiversity,” there is nothing in the plan that describes the vital, positive impacts wolves have on Minnesota. *See Draft Wolf Plan, 1. Where*

there is plenty of one-sided misinformation about wolf predation and wolf-human conflict, the Draft Wolf Plan is inarguably silent regarding the information and science as to why the Minnesota Legislature prescribed a Wolf Plan that “ensure[s] the long-term survival of the wolf in Minnesota.” *See Minn. Stat. § 97B.646.* For example, the Draft Wolf Plan focuses on wolf predation and only briefly notes that *nearly half* of the adult moose killed by wolves had a predisposing health condition. Draft Wolf Plan, 7. The Wolf Plan needs to acknowledge and educate regarding the *benefits* wolves provide to Minnesota. Wolves actually improve ungulate populations by minimizing the spread of communicable diseases, removing less productive animals to leave more resources for healthy members of the species, wolves’ presence allows for more vegetation growth along waterways, reduces deer impacts on agricultural crops, and reduces deer-car collisions. *See Section IV.*

In order to “ensure the long-term survival” of the wolf population, the Wolf Plan must also acknowledge and address all of the threats to wolves—such as climate change, habitat loss, and wolf killings—and discuss the DNR’s strategies to protect wolves from these threats. There is substantial evidence showing that wolves self-regulate and therefore the Wolf Plan should prioritize wolf stewardship that allows wolves to fulfill their ecological role and maintain their long-term and self-sustaining populations with minimal interference from humans.

Earlier this year, a federal district court emphasized that Fish and Wildlife Service’s (USFWS) attempts to designate and delist a Western Great Lakes Distinct Population Segment (DPS) have been unsuccessful. *See Defs. of Wildlife v. U.S. Fish & Wildlife Serv.*, No. 21-cv-00344-JSW, 2022 U.S. Dist. LEXIS 30123, at *23-24 (N.D. Cal. Feb. 10, 2022) (citing vacated FWS rules from 2003, 2007, 2009, and 2011 that attempted to designate and delist DPS including the Minnesota wolf population). USFWS now recognizes that the wolf population in Minnesota is spatially, biologically, and genetically connected to wolves in the surrounding states and is thus not distinct from gray wolves across the country. *Id.* at *24-25. In fact, a wolf found in New York earlier this year was submitted for genetic assignment and was determined to be of Great Lakes wolf ancestry. *See* Trent University Natural Resources DNA Profiling & Forensic Centre, *Genetic Characterization of Canis Samples* (July 12, 2022), available at <https://www.biologicaldiversity.org/programs/biodiversity/pdfs/NY-Wolf-DNA-Test-2022-07-22.pdf>. Therefore, because the Minnesota wolf population is critical to the survival of the wolf population in the United States, Minnesota must ensure that its population grows and thrives—not just remains stable—so that it can continue to populate and spread throughout the eastern states.

Not only does the Draft Wolf Plan misrepresent that wolf populations remain “stable” with annual hunting seasons, but it also fails to acknowledge that because wolf population estimation methods are so unreliable, any trends showing “stable” populations could be inaccurate. The DNR misrepresents the effects of wolf hunting and writes that though the State allowed hunting and trapping seasons in 2012, 2013, and 2014, the wolf population in Minnesota has been stable since the late 1990s. Draft Wolf Plan, 4. This is in direct

contradiction to the DNR's own report to the USFWS in 2014. In that report, the Minnesota wolf population dropped by 24% following the first year of delisting and after the first wolf hunting season in 2012. *2012-2014 US Fish and Wildlife Services Post Delisting Monitoring Annual Report* (Sept. 2014), p.3 ("The 2012-2013 population estimate of 2,211 wolves in Minnesota reflected a 24% decline (about 700 fewer wolves) since the 2007-2008 survey, although the 90% confidence intervals for the two estimates overlapped (Erb 2008, Erb and Sampson 2013). Despite the overlap in confidence intervals, Erb and Sampson (2013) identified several factors to support the contention that the decline was real – prey density declined between the two periods; pack territories were larger; average pack size decreased; and, 413 wolves were taken during the 2012-2013 hunting and trapping season, which immediately preceded the survey. In addition, 295 wolves were killed for depredation control in 2012, the highest for any year on record (Erb and Sampson 2013).")

Since then, the population estimates have not returned to pre-2012 numbers and the pack sizes are continuing to decline in size with an average of 3.6 wolves per pack in 2020. Per the DNR's 2020 wolf population update, "[t]he point estimate for average winter pack size also declined by 21%, a significant decline and the lowest average pack size since surveys began. Average winter pack size in 2019-20 was estimated to be 3.6 (range = 2 – 7, Figure 3)." Minnesota Department of Natural Resources, *Minnesota Wolf Population Update 2020*, available at <https://files.dnr.state.mn.us/wildlife/wolves/2020/survey-wolf.pdf> (last viewed Aug. 8, 2022).

The Wolf Plan must also acknowledge that the description as "stable" may be a perceptual error because the population estimation methods may not be sensitive enough to detect changes unless they are very large. The population *may* be sustaining itself with no hunting seasons, but it is certainly not growing and thriving. One hunting season in 2012 wiped out years of population growth to pre-1998 levels. There is no adequate analysis of the effects another hunting and trapping season could have on the health of the wolf population.

The Wolf Plan must highlight that hunting or trapping is not needed to "manage" wolf populations. Per world renowned wolf expert L. David Mech in his testimony to the Minnesota State House Committee on the Environment in January 2012, he testified that a wolf season was for social purposes and not for controlling the wolf population or livestock depredations. The DNR must note that hunting wolves is not needed and is correlated with negative effects on wolves and even creates an emotional harm to people. Additionally, public hunting and wolf killing confuses the public about whether there is a need to kill wolves, when they regulate their own numbers. Again, more education on the life of a wolf would help dispel this notion.

Further, DNR has affirmed that the purpose of the Wolf Plan is to ensure that it "reflects the current public attitudes and preferences and continues to support a thriving wolf population." Minnesota Department of Natural Resources, *Wolf Plan Public Review*, YouTube (July 19, 2022), <https://www.youtube.com/watch?v=q2YXQp6JgDo>. We therefore request that

the Wolf Plan emphasize the importance of Minnesota's thriving wolf population, describe the vital, positive impacts wolves have, and discuss strategies to protect wolves from the many threats they face.

II. **As Stewards of the Public Trust, DNR has an Obligation to the Citizens of Minnesota Equally.**

As the Draft Wolf Plan recognizes, wolves are held in the public trust and must be "managed for the benefit of [wolves] and the public, now and into the future." Draft Wolf Plan, 10. When managing a public trust resource, the government agency must act in the interest of the public and may not give special consideration to any certain stakeholders or special interest groups. This means that the wolf population must be managed by the DNR for all Minnesotans equally and special consideration cannot be given to livestock producers and deer hunters.

Though the 2019-2020 study surveyed Minnesota residents, deer hunters, and livestock producers in wolf range, DNR should only consider and act according to the views of Minnesota residents regardless of their special interest. See Draft Wolf Plan, 8-9, 11. For example, 87% of residents told the DNR that it is important to maintain a wolf population in Minnesota, 87% of residents told the DNR that they value having wolves in the state because they are an important part of the ecosystem, 83% of residents told the DNR that wolves have a right to exist, and almost 80% of residents told DNR that they did not support hunting and trapping of wolves in Minnesota. *Id.*

We request that the DNR, through the Wolf Plan, fulfill their public trust obligations by acting in accordance with the views of all Minnesota residents equally and therefore by not allowing the hunting and trapping of wolves. Specifically, when relevant stakeholder groups are part of the Wolf Plan monitoring committee, we request that an equally representative number of wildlife conservationists be included in any future committees regarding Minnesota's wolf population.

A. **The Wolf Plan Must Consider Pack Sizes, Successful Breeding Pairs, and Provide Science-Backed Population Numbers.**

Of great concern is how Goal 1, to maintain a well-connected and resilient wolf population, is implemented through Objectives that include arbitrary, unnecessary, and unsupported population level cutoffs and ranges for certain management activities and harvest level considerations. See Draft Wolf Plan, Figure 3 at 23; Table A.1 at Appendix 2, vi. Though the Draft Wolf Plan emphasizes the importance of transparency and current science, there is no science-backed explanation or justification for these numeric values and therefore the public cannot provide meaningful comments in response.

In addition, there are ample studies that show the sizes of packs and number of successful breeding wolf pairs, rather than just the total population number, are better indications of viability and therefore more important and accurate trackers. Further, in order to “ensure the long-term survival” of wolves in Minnesota, the Wolf Plan must also consider and maximize not only the viability of the species, but the genetic diversity, connectivity, and overall ecosystem health and function.

B. The Wolf Plan Must Elaborate on How the DNR Can Control Wolf killing

The entire Draft Wolf Plan is based on the false belief that wolf killing can be controlled. An entire nonlethal Wolf Plan is necessary and scientifically valid. The largest threat to wolves is human caused killing and limited habitat. Currently, wolf killing occurs before wolves can even move to additional habitat outside of their Minnesota range, such as the Dakotas. *See Section I* (describing importance of Minnesota wolf population to the United States population).

There is nothing in the plan that addresses the threats that humans pose to wolves. The DNR does not acknowledge that state-sanctioned legal wolf killing has been shown to increase illegal wolf killing. Scientific studies and common sense demonstrate that human wolf killing is not controllable. When states sanction wolf killing, whether it be in response to predation on livestock or in a public hunting season, then illegal killing is demonstrated to increase.

Further, wolf killing is not deterred by Minnesota’s criminal laws because they are unreliable and inadequately enforced. In Minnesota, a well-known case showed just how difficult obtaining a conviction can be despite solid evidence presented by the DNR. Seven wolves were killed while under federal protections and fifteen other animals were illegally killed, yet it took over 6 years and resulted in a very light sentence for the offenders. *See also Mesabi Tribune, Illegal Wolf Kills being Investigated: 16 Incidents in Minnesota, Wisconsin and Michigan* (Jan. 30, 2010), available at https://www.mesabitribune.com/archives/illegal-wolf-kills-being-investigated/article_24e18576-5757-5b22-a5f2-8dbeb225c074.html. Essentially wolf killing cannot be controlled. Instead, the DNR and the state of Minnesota can and should demonstrate that we can coexist with wolves with no routine state-sanctioned wolf killing. This way when wolves lose federal protections, we will have shown wolf killing is unnecessary and even harmful.

In addition, it is common for hunters to wait until the last minute to report wolf kills so that the hunting and trapping season stays open past the fulfillment of the target kill number. *See Draft Wolf Plan, Table 2 at 12* (showing that despite daily harvest monitoring, the 2012 season resulted in 13 wolves over target being killed, the 2013 season resulted in 18 wolves over target being killed, and the 2014 season resulted in 22 wolves over target being killed). The Wolf Plan must include how DNR will ensure that wolves are not over-killed by licensed killings or by illegal killings if hunting and trapping seasons are allowed.

The DNR's plan does not acknowledge that wolf killing is done secretly and that it cannot be controlled. The state can be a leader in a paradigm shift to allowing wolves to regulate their own pack sizes and territories. To truly protect wolves, the public needs to understand that wolf killing is harmful and unnecessary and therefore must be a rare event.

C. The Wolf Plan Must Provide for the Accurate Reporting and Science Regarding Wolf Killings and Research.

We request that the Wolf Plan acknowledge DNR's duty to produce monthly reports of wolf mortalities including wolf killings in defense of human life, livestock, guard animals, or domestic animals pursuant to Minn. Stat. § 97B.645, subd. 7. The accurate reporting of these verified incidents will not only help DNR "ensure the long-term survival" of wolves, but it will also educate the public so they can meaningfully comment on any proposed state actions that address human-wolf conflict or wolf predations. For example, data such as the similar livestock mortality rates inside and outside of wolf range, and that less than 2% of farms in wolf range experience wolf-livestock predations annually, may greatly influence how Minnesotans evaluate and feel about the issue. See Draft Wolf Plan, 18.

We strongly appreciate and encourage DNR's Strategy to "[t]ransparently communicate wolf-related decision processes and outcomes in a publicly accessible manner." Draft Wolf Plan, 26. We would like the Wolf Plan to commit to sharing all of the documented and verified attempts to implement nonlethal predation-prevention practices before resorting to lethal management. We also request that the Wolf Plan more fully explain and analyze DNR's cooperative agreement with the United States Department of Agriculture Wildlife Services and DNR's reliance on private wolf trappers for wolf depredation management. See Draft Wolf Plan, 13.

More studies need to be included and discussed regarding effective efforts to reduce wolf killing in response to livestock predation incidents. The Draft Wolf Plan discusses one study from the 1990s that illustrated removal of depredating wolves was an effective practice to prevent additional livestock losses at the farm. Draft Wolf Plan, Appendix 4 at vii. However, there are many and more recent studies showing that killing wolves often fails to provide a long-term solution to wolf-livestock conflicts and actually has the highest variability of success when compared to nonlethal practices like fencing, deterrent, and shepherd. See Section IV below.

Wolf killing as a potential tool for researching moose survival is unethical and primitive wildlife science and does not belong in a future oriented Wolf Plan.

Wolf research discussed by the DNR involves invasive handling and collaring of wolves with sedatives and as in the Isle Royale relocations, resulted in wolf deaths. There is no mention of the risk to wolves in research. See Michael W. Fox, *Wildlife Research Needs Ethical Boundaries and Veterinary Supervision*, available at <https://www.africanwiddogwatch.org/wp->

<content/uploads/awdw0011.pdf> (last viewed Aug. 8, 2022). There is no mention of how collars put wolves at risk of being killed by people and change the behavior of wolves. This can be avoided with less invasive methods and possibly more veterinary assistance. The need for such invasive research is reduced if the goal of the Wolf Plan were to focus on nonlethal prevention methods and increasing human tolerance for wolves rather than strictly assessing wolf numbers.

III. The Wolf Plan Must Prioritize Minimal Interference and Nonlethal Management Actions.

The Wolf Plan permits lethal removal of wolves, even when the species is listed as threatened or endangered at the federal level. Wolf Plan at 13. Lethal wolf removals by landowners, government agents, and private contractors present a source of mortality that risks pushing the population below minimum recovery thresholds, especially accounting for the additive or super-additive mortality effects caused by these kills, and ultimately threatening the survival of the species in violation of the Endangered Species Act. (Murray et al. 2010; Creel and Rotella 2010; Ausband et al. 2015; Borg et al. 2015).

The DNR is not required by law to allow, or even consider, lethal management of wolves or to set wolf hunting and trapping seasons. See Minn. Stat. § 97B.646. The Wolf Plan must acknowledge that lethal management and public hunting would be available only if the DNR exercises its discretion to allow it. Minn. Stat. § 97B.645, subd. 9 (“commissioner *may* prescribe open seasons and restrictions for taking wolves”) (emphasis added). However, as explained in Section II above, DNR *is* required by law to consider and act in accordance with the public trust. Even the DNR’s authority to prescribe open seasons and restrictions for taking wolves is predicated on the public’s opportunity to comment. Minn. Stat. § 97B.645, subd. 9 (commissioner “*must* provide opportunity for public comment” before prescribing opens seasons and restrictions for taking wolves) (emphasis added).

Though the Wolf Plan acknowledges the effectiveness and preference for nonlethal wolf management techniques (Wolf Plan at 13, 16), it concludes that, “When verified incidents of [depredation] do occur, lethal control and reimbursement of financial losses comprise the current response, augmented by nonlethal methods as appropriate.” Wolf Plan at 21. Indeed, Goal 3 of the Plan encourages but does not require the deployment and demonstrated failure of nonlethal methodology before a wolf can be killed. We request that the DNR amend Goal 3 to require the deployment and failure of nonlethal methods before the state, a private landowner, or government official can kill a wolf. Such consideration is necessary to protect the species and to comply with the provisions of the Endangered Species Act.

IV. The Wolf Plan Needs to Incorporate, and Appendix 3 Must Cite, Additional Scientific Publications.

There are several key scientific publications DNR must incorporate into the Wolf Plan and cited in Appendix 3. We have grouped them by topic below.

Management Practices

Bergstrom, B. J. (2017). Carnivore conservation: Shifting the paradigm from control to coexistence. *Journal of Mammalogy*, 98(1), 1–6. <https://doi.org/10.1093/jmammal/gyw185>

Erb, J., Sampson, B. (2013). Distribution and Abundance of Wolves in Minnesota, 2012-2013. Available at:

https://files.dnr.state.mn.us/fish_wildlife/wildlife/wolves/2013/wolfsurvey_2013.pdf

Louchouarn, N.X. Santiago-Avila, F.J. et al Evaluating how lethal management affects poaching of Mexican Wolves Royal Society Publishing, 2021 <https://doi.org/10.1098/rsos.200330>

Mitchell, M. S., Ausband, D. E., Sime, C. A., Bangs, E. E., Gude, J. A., Jimenez, M. D., Mack, C. M., Meier, T. J., Nadeau, M. S., Smith, D. W. (2008). Estimation of successful breeding pairs for wolves in the Northern Rocky Mountains, USA. *Journal of Wildlife Management*, 72(4), 881-891. <https://doi.org/10.2193/2007-157>

Raynor JL, Grainger CA, Parker DP. Wolves make roadways safer, generating large economic returns to predator conservation. *Proc Natl Acad Sci U S A*. 2021 Jun 1;118(22):e2023251118. doi: 10.1073/pnas.2023251118. PMID: 34031245; PMCID: PMC8179214.

Arian D. Wallach, Ido Izhaki, Judith D. Toms, William J. Ripple, Uri Shanas. (2015). What is an apex predator? <https://onlinelibrary.wiley.com/doi/abs/10.1111/oik.01977>

Wolf-Livestock Conflict

Brunns, A., Waltert, M., Khorozyan, I. (2020). The effectiveness of livestock protection measures against wolves (*Canis lupus*) and implications for their co-existence with humans. *Global Ecology Conservation*, 21, e00868. <https://doi.org/10.1016/j.gecco.2019.e00868>

McManus, J. S., Dickman, A. J., Gaynor, D., Smuts, B. H., Macdonald, D. W. (2015). Dead or alive? Comparing costs and benefits of lethal and non-lethal human-wildlife conflict mitigation on livestock farms. *Oryx*, 49(4), 687–695. <https://doi.org/10.1017/S0030605313001610>

Roberts, S. (2022). Cry Wolf: Endangered Mexican Gray Wolf Recovery Is Being “Sabotaged” by Ranchers Who Claim the Canines Are Killing Cattle—and the Federal Employees Who Sign Off on

Reports. The Intercept. https://theintercept.com/2022/05/24/mexican-gray-wolf-endangered-wildlife-services-fraud/?fbclid=IwAR01J4eF7zG-f_01-yr0PpKfU0-Mr-wnHB02pjLgCzle6iXNUKht2JVqo

Santiago-Avila, F.J., Cornman, A.M., Treves, A. (2018). Correction: Killing wolves to prevent predation on livestock may protect one farm but harm neighbors. PLOS ONE 13(12), e0209716. <https://doi.org/10.1371/journal.pone.0209716>

van Eeden, L.M., Crowther, M.S., Dickman, C.R., Macdonald, D.W., Ripple, W.J., Ritchie, E.G., Newsome, T.M. (2018). Managing conflict between large carnivores and livestock. Conservation Biology, 32(1), 26–34. <https://doi.org/10.1111/cobi.12959>

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For the foregoing reasons, Howling For Wolves urges the DNR to revise the Draft Wolf Plan to remove public wolf hunting and trapping and remove research that kills wolves to save moose. The Wolf Plan needs to emphasize the importance of Minnesota's thriving wolf population, describe the vital, positive impacts wolves have, and discuss strategies to protect wolves from the many threats they face. The state has an important role to play in shifting how our society views wolves.

Sincerely,



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