



August 20, 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: Establishment of a Nonessential Experimental Population of the Gray Wolf in the State of Colorado; Environmental Impact Statement
Docket No. Docket No. FWS-R6-ES-2022-0100

Dear Sirs:

Please accept this correspondence as the of the above Organizations with regard to the Proposed species status of the Gray Wolf as an experimental non-essential population ("The Proposal"). Prior to addressing the specific concerns the Organizations have regarding the Proposal, we believe a brief summary of each Organization is needed. The Colorado Off-Highway Vehicle Coalition ("COHVCO") is a grassroots advocacy organization of approximately 250,000 registered OHV users in Colorado seeking to represent, assist, educate, and empower all OHV recreationists in the protection and promotion of off-highway motorized recreation throughout Colorado. COHVCO is an environmental organization that advocates and promotes the responsible use and conservation of our public lands and natural resources to preserve their aesthetic and recreational qualities for future generations. The Trail Preservation Alliance ("TPA") is a largely volunteer organization whose intention is to be a viable partner, working with the United States Forest Service (USFS) and the Bureau of Land Management (BLM) to preserve the sport of trail riding. The TPA acts as an advocate of the sport and takes the necessary action to ensure that the USFS and BLM allocate to trail riding a fair and equitable percentage of access to public lands. Colorado Snowmobile Association ("CSA") was founded in 1970 to unite the more than 30,000

winter motorized recreationists across the state to enjoy their passion. CSA has also become the voice of organized snowmobiling seeking to advance, promote and preserve the sport of snowmobiling through work with Federal and state land management agencies and local, state and federal legislators telling the truth about our sport. For purposes of these comments, TPA, CSA, CORE and COHVCO will be referred to as “the Organizations”.

The Organizations have been actively involved in numerous ESA listing efforts, such as lynx, grey wolves, wolverine and Greater and Gunnison Sage grouse. We have also actively involved in numerous efforts on species management hosted by groups like the US Fish and Wildlife Service, state wildlife agencies and the Western Governors Association efforts on species management. These efforts have included a wide range of participation includes panelists in round table discussions at events, financially supporting Wolverine research in Idaho to funding development and distribution of the 3rd version of Lynx Conservation Assessment and Strategy. We can vigorously assert that based on our experiences with listed species, discussions on management of the gray wolf will simply never end and this will be litigated multiple times and rewritten equally as many times. The Organizations are also very concerned that despite the success of wolf reintroductions in states adjacent to Colorado and throughout the American west, we are no closer to the delisting of the gray wolf than when we started. This is disappointing for us but this is also beyond our control.

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. With wolves in Colorado, the lack of relationship between these activities could not be more stark as the gray wolf was hunted to extinction in the mid-1940s, decades before an off road motorcycle or ATV was ever even a thought. The Service has provided similar protections around wolverines in Colorado and we would ask for language at least as strong as that previously provided in possible 10j designations for the Wolverines. Similar protections have been provided for the Mexican Gray wolf in Arizona and New Mexico and these protections have not proven to be strong enough, as even with these protections every time there is a planning effort, trails have to be reviewed for the protection of Mexican wolves.

1a. The Organizations welcome the direct involvement of USFWS in this effort.

The Organizations welcome involvement of USFWS in this effort, as the Colorado Gray Wolf reintroduction effort has been functioning at a very rapid pace in order to comply with deadlines in Proposition 114. While we are not seeking to reopen discussions on should the wolf be reintroduced, we are seeking to reintroduce the wolf in a manner consistent with Prop 114 and which makes as much sense for all users as possible. The USFWS clearly has significant expertise and experience in the management of wolves throughout the country and we believe this expertise will create a better management plan for the species and a higher chance of successful management of the species to recovery. Too often we are seeing groups trying to speak to interests they know nothing about or taking positions that are entirely and irreconcilably conflicted with positions that they have taken in efforts occurring at the same time. We believe each group should be able to provide input they desire and not be dismissed by other user groups.

While CPW has done a commendable job in public engagement with the TAG (Technical Advisory Group) and SAG (Stakeholder Advisory Groups) and public meetings more generally, we are becoming concerned that recreational concerns around the reintroduction are getting lost in larger discussions. While we understand that long term impacts to recreation may seem remote at this time, it has been our experience that recreational activities in any ESA habitat areas remain

an ongoing concern long after a listing or reintroduction. We would like to avoid the more than 20 years of ongoing fighting around recreational activity that continues in discussions around the Canadian Lynx. It is our hope that with the 10j designation that these longer term impacts can be mitigated or avoided completely.

The Organizations believe that the basic model of 10j designation applied for the Mexican Wolf is a good start, we would ask for greater protection of recreational interests in the Colorado 10j effort than has been provided in the Mexican Gray 10j. It is unfortunate we are aware of numerous issues and discussions around the Mexican Gray habitat areas and acceptable levels of recreation even with the 10j. We would ask that recreational access and management be protected in Colorado habitat as there is no shortage of good habitat for wolves in Colorado. The same cannot be said for recreational access in many areas.

1b. Inconsistent positions being taken by some interests.

The Organizations believe the unprecedented nature of the wolf reintroduction in Colorado has forced some wildlife advocacy organizations into some enormously conflicting positions between efforts around the wolf and efforts on other issues. Some of these conflicts could not be more direct in nature on materially factual issues, and these conflicts are occurring within days of each position being taken. The Organizations are concerned that this situation creates the appearance of groups approaching this effort in less than good faith. This gives us pause and concern regarding the scope of 10j protections and has resulted in our comments being conceptual in nature in the hope that whatever input comes in can be balanced with our general concern on the scope of the 10j protections. The Organizations vigorously asking for extensive protections for all recreational access in the 10j given the lack of good faith that has been displayed by groups to this point. We have no expectation that good faith efforts will suddenly return to these discussions at some point in the future, but these Organizations will simply continue to display bad faith in the process moving forward and we simply cannot envision where the process may be directed as a result.

An example of the conflicting positions on factually identical questions is exemplified by the Wildearth Guardians assertion that the State of Colorado has too many elk and deer and the reintroduction will return balance in populations to the State as a part of their citizen reintroduction proposal submitted to the CPW Commission in July of 2022.¹ This is astonishing inconsistent with the general position of WildEarth Guardians, exemplified by the fact WildEarth Guardians is suing the Rio Grande NF asserting the RMP revision did not adequately protect declining populations from possible recreational impacts as filed in November of 2021.² In almost every other effort than the wolf reintroduction we have consistently been told that ungulate populations are on the edge of the cliff of catastrophic decline. These are positions that simply cannot be reconciled and give us concerns about the possibility of unintended consequences of management.

We believe that the current litigation ongoing on the Rio Grande over species and populations is a concrete example of why we are asking for the protections of the 10j Rule for recreation. The Organizations have been forced to intervene in the litigation of the Rio Grande in defense of claims with the US Forest Service, in Order to provide support, knowledge and resources in the litigation. While we will continue to fight for access, we would also like to think that at some point this type of conflict might come to an end. While the above example is provided in isolation, we are sure other concerns will be taking unusual positions compared to the historical positions and management to be undertaken. As a result of what could clearly be a lack of good faith by certain interests in the process on basic factual positions, the Organizations would again ask that the 10j Rule be crafted as broadly in scope as possible to protect all recreational access in the efforts subsequent to this. We have no expectation that good faith efforts will return to the wildlife management discussion in the State at any point in the foreseeable future.

¹ See, Wildearth Guardians webinar at 5 minutes of 1hr 3 minute webinar. A complete copy of this webinar is available for viewing here: [Colorado Wolf Restoration Plan webinar - YouTube](#)

² See, SAN LUIS VALLEY ECOSYSTEM COUNCIL, SAN JUAN CITIZENS ALLIANCE, THE WILDERNESS SOCIETY, and WILDEARTH GUARDIANS, Petitioners vs. DAN DALLAS; and UNITED STATES FOREST SERVICE; IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLORADO; Civil Action No. 1:21-cv-2994

2a. Multiple use recreation has been managed for 50 years on public lands.

The Organizations believe that one important component of multiple use recreation must be addressed in these comments as this may be outside the scope of expertise of the Service. This is the fact that multiple use recreation has been managed for the protection of resources and wildlife on federal public lands for more than 50 years at this point. Management of multiple use recreation commenced on federal public lands with the issuance of Executive Order 11644 by President Richard Nixon on February 8, 1972.³ Over the next 50 years federal public lands have been intensively managed to minimize possible impacts from multiple use recreation to wildlife. These decisions have also been some of the most litigated issues on public lands. No other recreational activity on public lands have seen this level of scrutiny.

As a result of this management, there can be no argument that possible impacts to wolf populations have not been sufficiently addressed with the management of other similar species such as mountain lions, lynx, coyote, fox, badgers, elk, deer and almost every other species that might be relied on for a food source for wolves. We raise this concern as 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.

Over the 50 years that have passed since the issuance of EO11644, the Organizations have partnered with CPW, the USFS and BLM to create and manage a one of a kind partnership that is based on the OHV program self-taxing to provide funds for the management of our sport on Federal public lands. Last year the motorized community provided almost \$8 million in direct funding for the maintenance of recreational infrastructure and education of our users regarding

³ A complete copy of this Order is available here: [Executive Orders | National Archives](#)

the management of their chosen sport.⁴ No other user group has taken this type of aggressive position in the management of their sport and protection of resources. We are providing this information to demonstrate we have the knowledge and resources to protect species, unlike any other recreation, and that 10j protections will be monitored and effectively implemented.

2b. Direct and Indirect impacts to recreation from the wolf reintroduction is a major concern.

The Organizations would ask for a clear and unambiguous recognition in the 10j designation of the **lack** of relationship between recreational activities and wolf habitat and populations as has been previously provided for the Wolverine. This lack of a relationship could not be more evident as wolves were hunted to extinction in Colorado decades before anyone thought about developing an off-road motorcycle or ATV. 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 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. Do the Organizations support the need for educational materials on recreational behavior in wolf habitat? Of course, as we believe this type of “Please don’t pet the wildlife” educational material is always valuable as we see too many failures of the public on this standard every year. We are not discussing this issue in general as we believe it is outside the scope of the 10j discussion. 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.

⁴ More information on the CPW Motorized Trail Program is available here: [Colorado Parks & Wildlife - Off-Highway Vehicle \(OHV\) Program \(state.co.us\)](https://state.co.us/parks-wildlife/off-highway-vehicle-ohv-program)

Exceptionally clear statements from USFWS must be made to avoid any impacts to recreational usages of roads and trails from the wolf reintroduction. The recreational community has too frequently had to fight closures based on management decisions based on the fact a species was seen in the area and have encountered these issues in areas with Lynx. This occurrence has become so common that we have informally identified this management process as “We saw a lynx” management. The Organizations are aware that one of the challenges that has been consistently identified around the wolverine and lynx are the exceptionally small numbers of these species and limited research materials that are available. While there are more wolves available for research, compared to many other species the wolf population is small. Our social considerations around previous species introductions have been able to be resolved in rulemaking through designations such as experimental non-essential classifications for wolverines and clear statements of the fact there should be no change in forest management from a wolverine being in the areas⁵.

The clarity provided around the lack of relationship between wolverine and recreation was addressed in the 2014 listing update for the Wolverine as follows:

“We find no evidence that winter recreation occurs on such a scale and has effects that cause the DPS to meet the definition of a threatened or endangered species. We continue to conclude that winter recreation, though it likely affects wolverines to some extent, is not a threat to the DPS”⁶

We are aware that the 2014 Wolverine update was eventually struck down in Court for reasons unrelated to recreation or the 10j Rule Protections, however the Organizations have found significant value in the 10j protections in numerous efforts and discussions on the Wolverine. With CPW possibly looking at reintroducing Wolverine as well, we are thankful to be starting from this clear position on management rather than having to restart discussions from scratch again.

⁵ A copy of this document is available here: [2014-18743.pdf \(fws.gov\)](https://www.fws.gov/2014-18743.pdf)

⁶ 47532 Federal Register / Vol. 79, No. 156 / Wednesday, August 13, 2014 / Proposed Rules

We thankfully are not in a situation where there is only minimal data or research available with the Gray Wolf, as USFWS has more than 3 decades of data on wolves that have been reintroduced throughout the Western United States. Additionally, there is a huge volume of information and planning resources available from the management of wolves in western states for more than the last decade. As a result of the decades of high-quality wolf research and data that is now available there is a well-documented consensus that there is no relationship between dispersed recreation and wolf habitat or survival must be clearly and unequivocally stated. We were able to obtain this level of clarity with the 2014 Wolverine Proposal and can see no reason why even greater clarity would not be obtainable for gray wolves in Colorado as well, given that 10j protections in place for the Mexican Gray wolf have proven insufficient to mitigate ongoing management issues.

The Organizations would like to highlight the lack of concern between recreational usage of roads and trails and wolf populations or habitat quality. In the USFWS 2016 review of the wolf population specific conclusions on this relationship we stated as follows:

“To summarize, none of the status review criteria have been met and the NRM wolf population continues to far exceed recovery goals (as demonstrated by pack distribution and the number of wolves, packs, and breeding pairs in 2015). Documented dispersal of radio collared wolves and effective dispersal of wolves between recovery areas determined through genetic research further substantiate that the metapopulation structure of the NRM DPS has been maintained solely by natural dispersal. No threats to the NRM wolf population were identified in 2015. Potential threats include: A. The present or threatened destruction, modification, or curtailment of its habitat or range; B. Overutilization for commercial, recreational, scientific, or educational purposes; C. Disease or predation; D. Inadequacy of existing regulatory mechanisms; and E. Other natural or man-made factors affecting its continued

existence (including public attitudes, genetic considerations, climate changes, catastrophic events, and impacts to wolf social structure) that could threaten the wolf population in the NRM DPS in the foreseeable future.

Delisting the NRM DPS wolf population has enabled the States, Tribes, National Park Service and Service to implement more efficient, sustainable, and cost-effective wildlife programs that will allow them to maintain a fully recovered wolf population while attempting to minimize conflicts.”⁷

The Organizations believe it is significant that the USFWS clearly identifies that reducing management conflicts are a major concern for the wolf, unlike the 3 criteria that the USFWS normally reviews for possibly listed ESA species. The US Fish and Wildlife Service also clearly states the major concern in wolf habitat with roads is wolves being struck and killed on roadways as follows:

“In this final rule, we refer to road densities reported in the scientific literature because they have been found to be correlated with wolf mortality in some areas. We are not aware of any scientific basis for the concern that lower road densities would substantially reduce prey availability for wolves to the extent that it would impact population viability.”⁸

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.

⁷ See, USFWS 2016 update at pg. 5.

⁸ See, DOI; US Fish and Wildlife Service; *Endangered and threatened wildlife and plants; removing the gray wolf from the list of Endangered and Threatened Wildlife*; Federal Register Vol 85 No 213 at pg. 69870.

The Wyoming State wolf plan goes into great detail regarding the lack of relationship between low speed trails and roads and wolf habitat quality stating as follows:

“Wolves are not known to demonstrate behavioral aversion to roads. In fact, they readily travel on roads, frequently leaving visible tracks and scat (Singleton 1995). In Minnesota and Wisconsin, wolves have been known to occupy den and rendezvous sites located near logging operations, road construction work, and military maneuvers with no adverse effects [Minnesota Department of Natural Resources (DNR) 2001]. The only concern about road densities stems from the potential for increased accidental human-caused mortalities and illegal killings (Mech et al. 1988, Mech 1989, Boyd-Heger 1997, Pletscher et al. 1997). Although some of the areas within the GYA are administered by the U.S. Forest Service for multiple use purposes and have high road densities, much of the GYA is national parks or wilderness areas that have limited road access and minimal human activity.”⁹

Wyoming State reports provide highly detailed outline of factors that are impacting wolf populations. There are no factors that are related to recreational activity and we again note trail-based recreation occurs at such a low speed as to make wolf fatalities on a trail almost impossible. The Wyoming wolf plan provides as follows:

“A total of 128 wolves were known to have died in Wyoming during 2016 (Table 1). Causes of mortality included agency removal ($n = 113$), natural causes ($n = 5$), other human-caused ($n = 5$), and unknown ($n = 5$).”¹⁰

⁹ See, Wyoming Fish and Game; *Wyoming Gray Wolf Management Plan* 2011 at pg. 30.

¹⁰ See, Wyoming Fish and Game; *Gray Wolf* 2016 update pg. WY-6.

Given there is no record of any wolf population decline from recreational activity being in the same area in the several states that have decades of high-quality data on the species, the Organizations are requesting that the lack of relationship be clearly and unequivocally stated in any planning documents. Minimizing these types of unintended social consequences from wolf management are already identified as a major management concern by the USFWS and are also exactly the type of social concern that Proposition 114 specifically requires to be addressed. As a result, the Organizations are seeking this type of clear and unequivocal statement addressing the lack of relationship between trails and recreational and wolf populations to protect existing recreational resources and to allow for development of new recreational facilities in the future.

2c. Mexican wolf 10j process exemplifies why we are asking for clear and unequivocal protection of recreational access in the Colorado 10j designation.

The Organizations are concerned that once there is an Endangered Species of any kind in any area where multiple use recreation could be occurring in a possible habitat area, possible impacts from recreational activity is always asserted to be a threat to the species. This occurs without scientific basis and is often in direct conflict with the species management planning documents or other resources or the recognition that multiple use recreation has been intensely managed for 50 years by land managers. For many Organizations, this anti-multiple use recreation mindset simply never goes away and as a result the Organizations are asking for the strongest and clearest language possible stating the lack of a relationship between reintroduced wolves or existing wolves and multiple use recreation in the 10j designation.

Our concerns on this issue not abstract and are exemplified by the Mexican Gray wolf reintroduction and subsequent management, as we have previously mentioned the litigation against the Rio Grande National Forest in Colorado. While the Forest has managed multiple use recreation for 50 years, we are still litigating the fact that management is incomplete or insufficient. This type of “multiple use is bad” for every species assertion has plagued the Mexican gray wolf reintroduction efforts almost from day 1. This is exemplified by the following

quotes from the most recent revision of the Supplemental EIS for the 10j Rule for the Mexican gray wolf as follows:

“They also noted that State Highway 260 and U.S. Highway 60, which are heavily used, and other state highways, numerous improved roads, and Forest Service roads, including a road network that provides access to popular recreational spots, such as lakes and streams stocked with sport fish, cut through Zone 1. The SEIS must adequately analyze the effects of wolf interactions with these rapidly expanding human settlements. One cooperating agency expressed a willingness to help the Service with the analysis of potential impacts to the quality of the human environment.”¹¹

This multiple use recreation is a threat to species is again raised in the most recent SEIS for the Mexican gray as follows:

“Other commenters claimed that designating the population as essential could enhance wolf conservation since: (1) the consultations that would result would ensure that federal actions (such as permitting livestock grazing on public lands, allowing off-road vehicle recreation, and other federal land activities) would not negatively impact wolf survival; (2) it would allow the Service to designate critical habitat for Mexican wolves; and (3) labeling the population as essential would no longer suggest that the population is expendable, and this label could heavily influence public perception of wolves and how humans behave towards wolves.”¹²

¹¹ See, DOI USFWS *Mexican Gray Wolf; Supplemental Environmental Impact Statement for the Experimental nonessential designation of the Mexican gray Wolf*; 2022 at pg. 192.

¹² See, Mexican Gray Wolf SEIS at pg. 195.

The Organizations have been highly involved with revisions of RMP on Gila NF, Santa Fe NF and Cibola NF and can say with absolute certainty that similar issues have been raised in these efforts as well. These are the types of long term challenges around species that are simply not impacted by dispersed recreational activity that we continue to face. No matter how clearly established the lack of a relationship is between recreation and the species may be, the push continues to exclude recreation from habitat. As a result of these experiences, we are asking for a broadly targeted clearly defined 10j Rule that protects recreational activity on public lands.

2d. Wolf impacts on other predator populations, some of which are threatened or endangered.

In our research regarding wolf plans and reintroductions in other states, the impact of reintroduced wolves on populations of threatened or endangered species and general predator populations was significant enough of a concern that Idaho has management standards and discussions of this issue in their plan.¹³ We would ask for protection against this type of a management impact to recreational usage in any planning as we can easily envision situations where populations of reintroduced lynx will decline due to increased predation of wolves on the lynx and possible reductions of populations that the lynx and wolf might be feeding on in particular areas.

2e. Unintended impacts from declines in Ungulate populations from wolf reintroductions in Colorado.

While the Organizations are aware this concern is more sited to be addressed in the Prop 114 plan CPW is currently developing, the Organizations are very concerned that recreational access will be negatively impacted as herd populations of prey animals decline as a result of introduction of increased wolf populations in the area. Many states and the USFWS recognize these impacts can be severe in local areas. This indirect concern creates risk of closure of recreational facilities now and in the future if there is a severe impact on any local area.

¹³ See, Idaho Fish and Game; *2002 Wolf Plan* at pg. 16 of 32.

The Organizations are very concerned that generally declining ungulate populations are frequently cited as a reason to close or restrict recreational access, even when there is a lack of clarity around why the population in a location is declining. This is exemplified by the CPW comments regarding the recent Pike/San Isabel National Forest Travel Plan, where the comments were entirely based on possible impacts or impacts from a wide range of issues, such as residential development or wildfire impacts. Too often herd populations decline for a wide range of issues and easily get blamed on recreational usage, simply because of its visibility. These are issues that restricting recreational access will never address and the Organizations would like to avoid another layer of discussion around recreational access. The reintroduction of wolves will only compound this type of problem and we would like to avoid this if possible.

The impacts of this type of management issue continue to be significant as the Organizations have spent decades defending USFS travel management decisions on the Pike/San Isabel NF in South Central Colorado from ongoing litigation.¹⁴ Unfortunately, the PSI travel planning is not the first time we have identified a lack of consensus around declines in herd populations which then gets blamed on trails. The proposed GMUG RMP provides 10 pages of muddled and weak information around herd population declines as result of recreational usage being dispersed across the forest. This analysis continues despite the fact that elk populations in the GMUG NF are estimated to be more than 30% above objectives, deer are 10% below objective as a result of high levels of winter mortality and sheep herds being 25% above goal. CPW then supports the absolutely crushing restriction of only allowing 1 mile of trail per square mile in an attempt to provide protection of habitat, which is explained as follows:

“MA-STND-WLDF-02: To maintain habitat function and provide security habitat for wildlife species by minimizing impacts associated with roads and trails, there shall be no net gain in system routes, both motorized and non-motorized, where the system

¹⁴ See, THE WILDERNESS SOCIETY et al. v. UNITED STATES FOREST SERVICE et al Civil Action No. 11-cv-246-JLK-AP DISTRICT COURT FOR THE DISTRICT OF COLORADO

route density already exceeds 1 linear mile per square mile, within a wildlife management area boundary. Additions of new system routes within wildlife management areas shall not cause the route density in a proposed project's zone of influence to exceed 1 linear mile per square mile. Within the Flattop Wildlife Management Areas in the Gunnison Ranger District, there shall be no new routes."¹⁵

This situation is frustrating to many users of the forest and will be exacerbated by any actual decline in population from the wolf reintroduction. Clearly ungulate population declines due to wolf predation are going to drive management standards that are only targeting one aspect in a system with many variables such as the one above. The Organizations also submit that less direct impacts from the wolf reintroduction are exactly the type of issue that the USFWS recently identified as a management priority for the species in the western US. We would like to avoid another layer of confusion in these discussions and leverage the clarity around the fact populations are going to decline. It should not fall to the recreational community to try and understand a complex multi-faceted system such as this to explain recreational usage and population declines as this will create conflict for the wolf as everyone agrees populations of herd animals will decline. Clarity around this type of a concern could be provided with aggressive protections for recreation in the 10j Rule and we are asking for this type of clarity.

The Organizations would like to briefly identify the numerous highly credible resources that agree that herd populations will decline as a result of wolves in the area and sometimes at high levels on a localized level of analysis. While there is extensive scientific discussion around levels of decline in ungulate populations from wolves being introduced, there is also significant consensus on two important points around the wolf impact on herd size. This consensus is around three facets of the herd animal/wolf relationship mainly that:

1. Herd sizes will not remain the same;
2. Herd sizes will not increase; and

¹⁵ See, USDA Forest Service, *GMUG National Forest; Draft Revised Forest Management plan*; August 2021 at pg. 93.

3. Herd animal populations will go down.

While the consensus of the scientific community immediately falters when reasons for landscape levels of decline are attempted to be summarized, this does not impact the consensus that populations will not increase and will not stay the same. This consensus is very important to the recreational community and to the clarity needed to protect recreational access and again would be a significant step in reducing a major challenge that the USFWS has identified in wolf management in other states. The complexity of understanding why ungulate populations is declining in wolf habitat was exemplified in the recent Montana recommendations for wolf management, which provide as follows:

“We recommend that wildlife managers seeking to balance carnivore and ungulate population objectives design rigorous carnivore and ungulate population monitoring programs to assess the effects of harvest management programs. Assessing and understanding effects of carnivore harvest management programs will help to set realistic expectations regarding the effects of management programs on carnivore and ungulate populations and allow managers to better design programs to meet desired carnivore and ungulate population objectives.”¹⁶

While there is significant controversy around how much of a decline will occur at the landscape, the Organizations prefer to base our concerns on this issue on scientific certainty. Credible researchers are unanimous in concluding populations of herd animals will not stay the same and also will not increase at the landscape level. While landscape research around specific levels of population decline for ungulates can be difficult, we believe it is significant to note that Idaho Fish and Game estimates there is between a 4 and 6% decline in elk populations from wolf predation.¹⁷ This level of landscape population decline in herd animals will cause significant concern and possible impacts to recreational access.

¹⁶ See, Proffitt Et Al; *Integrated Carnivore-Ungulate Management: A Case Study in West-Central Montana*; Wildlife Monographs June 2020.

¹⁷ See, Idaho Fish and Game; *2017 Statewide Report – Wolf*; 2017 at pg. 8.

The Organizations do not contest that landscape level impacts can be complex to analyze, localized severe population declines are frequently identified in other states. This type of localized impact was recently discussed in depth by the US Fish and Wildlife Service as follows:

“However, we acknowledge that, in some localized areas, wolves may be a significant factor in observed big game population declines, which could result in reduced allocation of hunting licenses and reduced revenue for both local communities and State wildlife agencies.”¹⁸

These types of concerns being addressed with this level of detail make the Organizations believe these issues are consistently occurring and sometimes at significant levels. The detail is not provided because impacts are not occurring as that conclusion would be entirely irrational. The Idaho Fish and Game Service has also summarized this concern as follows:

“Temporary reductions in predator populations, by removing those wolves affecting the big game population, may be needed to assist in restoration of prey populations in conjunction with habitat management (Kunkel and Pletscher 2001).”¹⁹

Clearly in areas where wolves are possibly in need of removal to restore ungulate populations, protections of recreational access will be critically important in avoiding social impacts and lost recreational access. We are asking for this type of recognition before the wolves are even on the ground to avoid social and economic conflicts that clearly are occurring in these areas. It should not fall to the recreational community to resolve questions unrelated to our interests simply to protect our interest.

¹⁸ See, DOI; US Fish and Wildlife Service; *Endangered and threatened wildlife and plants; removing the gray wolf from the list of Endangered and Threatened Wildlife*; Federal Register Vol 85 No 213 at pg. 69868.

¹⁹ See, Idaho Fish and Game; 2002 Wolf Plan at pg. 21 of 32.

Protections such those targeting herd population declines are very important to mitigating impacts to recreation from these declines, as almost every CPW herd management plan we have ever reviewed is projecting that populations will stay roughly the same or possibly increase. This is really no longer possible with wolves on the landscape and the recreational users would like a clear and unequivocal statement that populations will not increase or stay the same in order to avoid would base population declines being erroneously asserted to be the result of recreational activity in the same planning area. Additionally, localized herd size impacts have been raised as a management concern for both the USFWS and Idaho Parks and Recreation. These are major concerns that we would like protections against and we would ask for a broadly targeted, clearly worded 10j Rule that protects all forms of recreation.

3. Mexican or gray wolf populations for reintroduction under Proposition 114.

The Organizations are very concerned that there has been a consistent stated desire from many interests to re-establish a wolf population from Canada to Mexico. We simply have no idea where this goal even came from but must express some concern over this type of goal. Clearly this is well outside the scope of Proposition 114, which causes us significant concern. We are opposed to this type of action even being arguably a goal of any reintroduction given its hugely subjective nature and objectives. We are also deeply concerned about the presence of two ESA species being reintroduced in Colorado. This would simply create a management nightmare for everyone involved. Again, we believe that this is outside the scope of the 10j Rule, but we believe this is an important issue for full understanding of the climate we are asking for 10j protections in.

We are also deeply opposed to any reintroduction of Mexican gray wolves in Colorado under Proposition 114 and would ask that the 10j designation be limited to gray wolves only to avoid this discussion. Best available science has express significant concern over the connection of the Mexican and greater gray wolf populations as follows:

“If Northwestern wolves come to occupy Mexican wolf recovery areas, these physically larger wolves are likely to dominate smaller Mexican wolves and quickly occupy breeding positions, as will their hybrid offspring. Hybrid population(s) thus derived will not contribute towards recovery because they will significantly threaten integrity of the listed entity. Directing Mexican wolf recovery northward outside historical range threatens the genetic integrity and recovery of the subspecies, is inconsistent with the current 10(j) regulations under the ESA, is unnecessary because large tracts of suitable habitat exist within historical range, is inconsistent with the concepts of restoration ecology, and disregards unique characteristics for which the Mexican wolf remains listed.”²⁰

This situation would immediately be created with the reintroduction of gray wolves and Mexican gray wolves in the same general geographic areas as some are proposing. Why do we mention this concern? The Organizations believe the reintroduction of the two species in southern Colorado would simply create a management nightmare for everyone involved and preclude almost any functional benefit from the 10j designation and other protections in place under Proposition 114. These protections are critically important to other users of these lands.

We are also concerned about impacts of gray wolves in Arizona and New Mexico as best available science concludes that the gray wolves simply outperform the Mexican Gray wolf in almost every aspect of existence. We are also concerned about the loss of recreational access to Mexican gray wolf habitat in Arizona and New Mexico due to this type of impact as many of our members ride here as well.

4a. Economic costs of reintroduction have been horribly underestimated to date.

There can be no argument that the passage of Proposition 114 was unprecedented in many ways, ranging from the reintroduction of species based on a ballot initiative to working on the

²⁰ See, Odell et al; *Perils of recovering the Mexican wolf outside of its historical range*; Biological Conservation 220 (2018)

aggressive timeframe required by Prop 114. The unprecedented nature of Proposition 114 has created a wide range of challenges which has been compounded with a lack of information on many of these challenges. One of the areas where there is a critical lack of information from other efforts is information around costs for the effort. 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.

The scale of the consistent underestimation of costs for the reintroduction has been significant to date. Originally the Colorado Legislative Services estimated costs to be well under \$1 million totally and only \$346,000 for the first year by Colorado Legislative Services.²¹ This estimate has proven to be overly optimistic as costs are currently estimated to be almost \$3 million this year alone. The comical underestimate of costs for the reintroduction of the gray wolf is also exemplified by the costs incurred by the most recent update of the Mexican Gray Environmental Impact Statement which is identified as follows:

“Estimated Lead Agency Costs Associated with Developing and Producing this FSEIS \$363,350”²²

It goes without stating that the cost of a single SEIS for a reintroduced species being functionally the same as estimated total costs of a reintroduction causes great concern for the accuracy of any estimates for the total costs.

As the reintroduction effort progresses, the Organizations have to believe that litigation of many aspects of the reintroduction will be a massive and ongoing issue. While we cannot estimate these costs accurately at this time given the huge number of variables, we can say from our experiences is the fact that litigation is expensive and could easily significantly increase the costs.

²¹ Legislative council memo for prop114

²² See, DOI USFWS: PROPOSED REVISION TO THE REGULATIONS FOR THE NONESSENTIAL EXPERIMENTAL POPULATION OF THE MEXICAN WOLF; May 2022; cover

The Organizations also must recognize the current general economic conditions in the country, both from the possibility of a recession looming and also the large amount of federal stimulus money currently available to states. We simply do not expect the large amount of stimulus money to be available at current levels for long and are unwilling to say our outlook for the economy in the next several years was optimistic.

The Organizations must also address the current financial outlook for CPW generally. While the Organizations are aware that funding for the wolf reintroduction was now required to be funded by State General funds rather than CPW funds with the passage of Senate Bill 21-105, this funding is certainly not a bottomless source of funding. CPW camping reservations processes was recently audited by the State Auditor and the conclusion of the audit was eye opening to say the least. This audit found that CPW wildlife efforts were expected to lose \$30 million annually and Colorado Parks was expected to lose another \$10 million annually by 2025.²³ Given the constricting nature of this funding and introduction of many new competing interests in the discussions, we believe that interests outside the wolf reintroduction will become more important.

The Organizations are asking for as much flexibility around any assumptions or forecasts for costs in the 10j Rule as possible to allow for changes in costs to undertake any effort and possible limitations in funding becoming available.

4b. Economic contributions of recreation to the planning area.

The Organizations are very concerned around the possible negative economic impacts that could result from the gray wolf reintroduction, not only from recreational related impacts but also the possible impacts to other activities as well. Too many of our small communities' struggle to provide even basic services to their residents and tourists visiting the areas. Without a well-

²³ See, Colorado Office of the State Auditor, *Department of Natural Resources; State Park Campsite Reservations Performance Audit*; May 2022 2162P at pg. 4

rounded economic engine for the community, the community will struggle and possibly fail and this will degrade the recreational opportunities and support for them from the community and this is a concern for the Organizations. The Organizations are very concerned that there have been numerous assertions that completely overestimate the economic contribution of the reintroduction by merely asserting that all recreation is occurring in the State as a result of the reintroduction. That entirely lacks factual basis.

Proposition 114 clearly identifies those economic considerations are to be mitigated in the collaborative efforts around the wolf reintroduction. CPW own conclusions on the economic contributions of outdoor recreation in the state of Colorado, clearly identified as a consideration to be mitigated in planning under Prop 114, are as follows:

“Focusing on the state-level results below, the total economic output associated with outdoor recreation amounts to \$62.5 billion dollars, contributing \$35.0 billion dollars to the Gross Domestic Product of the state. This economic activity supports over 511,000 jobs in the state, which represents 18.7% of the entire labor force in Colorado and produces \$21.4 billion dollars in salaries and wages. In addition, this output contributes \$9.4 billion dollars in local, state and federal tax revenue.”²⁴

The Organizations submit that more than \$62.5 Billion Dollars of economic contribution that results in 18.7% of the entire labor force is an economic concern to warrant specific recognition of recreation in Stakeholder Advisory Groups, both now and in the future. Any assertion that such a massive economic contribution is insufficient to warrant inclusion in wolf stakeholder discussions simply lacks any factual basis. It is highly frustrating to open collaborations when contributions such as this are not worthy of recognition in the stakeholder advisory group. This type of arbitrary resolution of considerations will cause concern and frustration from the public generally, and our members more specifically, as the wolf reintroduction moves forward. We

²⁴ See, CPW 2017 Statewide Comprehensive Outdoor Recreation Plan: Appendix F Pg. 111. Dated July 23, 2018.

simply must do better than this in the future and we must do better than this in the development of the Plan required under Proposition 114.

4c. Economic contributions of wolf tourism are almost non-existent.

Under ESA processes for habitat designations and under Prop 114 planners are required to address economic impacts of decisions around the reintroduction of the wolves in the ecosystem. While this is probably technically outside the scope of the 10j Rule, we again believe these issues are highly relevant to understanding the climate the 10j Rule is being developed under. Too often we are hearing comical assertions that wolves will drive eco-tourism and related economic impacts will simply flow from the reintroduction to local communities.²⁵ That is simply without factual basis and almost all research we have seen has been hugely generalized and overly broad.

The lack of factual basis of these assertions is exhibited by the fact that wolves were reintroduced into the Yellowstone Park about the same time as snowmobile closures were undertaken in the park. The value of recreation to these local communities is well demonstrated prior to the Yellowstone closures for snowmobiles.²⁶ While wolves have been on the landscape and easily seen in the winter, tax revenues and jobs from winter recreation in the Yellowstone Park remain only a small fraction of the previous levels. People simply are not visiting these areas to view wolves in sufficient numbers to offset visitation lost from more generalized recreation. This is highly relevant to this discussion as tourists are not going to Colorado primarily to see wolves, if you are skiing at steamboat or vail your decision is driven by a desire to ski not see wolves. This reintroduction will not generate revenues and the 10j Rule must be founded on this factual conclusion.

4d. Compensation to all interests for financial loss from wolf predation.

²⁵ [The Economic Benefits and Struggles of Wolves in Yellowstone | Good Nature Travel Blog \(nathab.com\)](#)

²⁶ See, Taylor et al; *Economic Importance of the Winter Season to Park County, Wyoming*, May 1999.

We vigorously support full compensation for agricultural interests for impacts from all wolves in the State. The 10j Rule should not be a barrier to reimbursement of these losses but should streamline these types of compensation in any manner possible.

5. Populations goals Mexican wolf populations only have a target of 100 for success.²⁷

The Organizations submits that the inclusion of a population objective for the wolf is critically important to the plan development. While this goal is important to the entire effort, there is a wide range of opinions on this issue, which range from only 2 or 4 wolves being reintroduced to hundreds of wolves being reintroduced. These differing levels of goal will have significant impacts on many facets of the reintroduction. This goal is also highly relevant to the scope of protection provided for activities under the 10j Rule and the Rule must be flexible enough to address whatever population goals are finally settled on. It has been the Organizations experience that often the desire to always want more of a particular species is controlling in the listing process rather than true science-based management objectives.

It has been the Organizations experience that often target populations, and the scientific basis for these goals, are sometimes discussed when either listing was avoided or listing of a species on the ESA list occurred are dimmed with the passage of time. Often there are delays between initial decisions on a species and subsequent review of the decision and as a result participant in the original listing are no longer available or memories have been dimmed. With the passage of time, assertions of always needing more of a particular species never seem to dim or lose steam, making any position that species population goals being achieved difficult if not impossible to support. Always wanting more of a species simply creates social conflict and we submit this must be mitigated with the inclusion of a hard population goal for conclusion of the reintroduction must be done. Based on the experiences of the states around Colorado, this type of a tool will be needed far sooner than anyone anticipates at this point.

²⁷ See, DOI; US Fish and Wildlife Service; *Endangered and Threatened Wildlife and Plants; Endangered Status for the Mexican Wolf and Regulations for the Nonessential Experimental Population of the Mexican Wolf; Final Rules* Federal Register /Vol. 80, No. 11 / Friday, January 16, 2015.

The USFWS has established very minimal population goals for the reintroductions of gray wolves, which they have summarized as follows:

“In our 1994, EIS for the reintroduction of gray wolves to Yellowstone National Park and Central Idaho, we defined a wolf population as follows: “A wolf population is at least 2 breeding pairs of wild wolves successfully raising at least 2 young each year (until December 31 of the year of their birth), for 2 consecutive years in an experimental area.”

By comparison CPW declared a successful Lynx reintroduction after 200 cats. The Organizations vigorously assert that the 10j Rule must be sufficiently broad in scope to address and mitigate impacts of the wolf reintroduction regardless of population goals that are finally established. These protections must be clearly stated in order to avoid unintended consequences from the reintroduction.

6. Wildlife Reguges and State Wildlife Areas should be priority locations of reintroductions and scope of 10j rule.

The Organizations are attempting to identify significant concerns around the wolf reintroduction and locations for reintroduction is another issue outside the direct scope of the 10j Rule but remains an important concern for our interests. While many are generally socially based, these social considerations could have serious economic impacts as well. Given the overlap of these categories for protection under Proposition 114 we are not going to break them down further as each are identified for protection. The Organizations vigorously assert all programmatic protections must apply to all wolves in the state, regardless of Prop 114 requirements that only reintroduced west of Continental Divide. It has been our experience that species will travel long distances after being reintroduced and wolves are no exception. Wolves have already been identified in areas, such as North Park, that are outside the areas where wolves are to be reintroduced under Prop 114.

Wolves appear to travel even longer distances than species the average Coloradan may be familiar with. This is exemplified by the fact that Nebraska Parks and Wildlife recently concluded that two wolves were killed in separate events in the last 18 months. The first being killed outside Uehling, Nebraska. This news was astonishing as most expected with wolf to be associated with the Yellowstone population, but this story was even more astonishing as the wolf was from the Great Lakes Population.²⁸ The second wolf followed a similar fact patter and was killed outside Bassett Nebraska ²⁹ Given the clear history of wolves traveling long distances, the Organizations believe that any clarity in the management plan being developed must apply to all wolves, regardless of where they came from or their genetic makeup.

While the Organizations are aware that wolves will end up in almost every corner of the State of Colorado as a result of the reintroduction, we still vigorously support only reintroduction on the Western Slope of Colorado. We are vigorously opposed to any reintroduction of the species east of the Continental Divide, as we are aware that population concentrations are lower in these areas of the State. We believe that lower population concentrations will reduce the possibility of wolf/human/pets conflicts and these lower levels of concentrations will allow for the development of more effective educational materials and messaging. We are aware that several interests have proposed reintroducing wolves in Rocky Mtn National Park. In our opinion, this would be a horrible location given the huge concentrations of tourists in this area. Upon a more complete review of the reintroduction is the fact that the reintroduction is the fact much of the habitat identified is outside the Park.

We are aware of discussions on other locations for reintroduction. We believe these reintroduction sites should be rather small in number as we do not support reintroducing hundreds of wolves. We also believe that any reintroduction should be occurring as far from areas of human population as possible, and this includes even temporary population centers due

²⁸ See, Nebraska Parks and Wildlife; April 14, 2021. A complete version of this article is available here [Gray wolf confirmed in Nebraska • Nebraskaland Magazine \(outdoornebraska.gov\)](#)

²⁹ [Wolf killed north of Fremont is the second in Nebraska since November | Nebraska News | journalstar.com](#)

to recreational activities and other activities on public lands. We are also aware that numerous National Recreation Areas and National Conservation Areas. While we are not opposed to these areas but would ask that any NRA/NCA designations where the criteria for designation does not align with the wolf reintroduction be removed from the list of possible locations for the reintroductions. The Organizations submit that areas such as National Wildlife Refuges and State Wildlife Areas should be prioritized for this type of activity. It is their reason for existing.

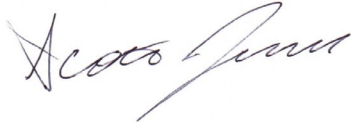
7. Conclusions.

The Organizations welcome the participation of the Service in the Prop 114 efforts and the development of the 10j Rule for the experimental nonessential gray wolf population in Colorado. 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.

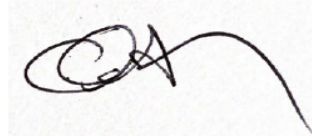
The Organizations submit a wide ranging protection for recreation would be a significant step towards avoiding unintended consequences of the protection and reintroduction and reflect a decision that is highly solidified in best available science, mainly that recreational access and wolves are basically unrelated. With wolves in Colorado, the lack of relationship between these activities could not be more stark as the gray wolf was hunted to extinction in the mid-1940s, decades before an off road motorcycle or ATV was ever even a thought. The Service has provided similar protections around wolverines in Colorado and we would ask for language at least as strong as that previously provided in possible 10j designations for the Wolverines. Similar protections have been provided for the Mexican Gray wolf in Arizona and New Mexico and these protections have not proven to be strong enough, as even with these protections every time there is a planning effort, trails have to be reviewed for the protection of Mexican wolves.

Please feel free to contact Scott Jones, Esq. at 518-281-5810 or via email at scott.jones46@yahoo.com or Chad Hixon at 719-221-8329 or via email at Chad@Coloradotpa.org if you should wish to discuss these matters further.

Sincerely,



Scott Jones, Esq.
Authorized Representative- COHVCO
Executive Director CSA



Chad Hixon
Executive Director – TPA



Marcus Trusty
CORE Representative