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United States Senate

COMMITTEE ON
ENERGY AND NATURAL RESOURCES

WASHINGTON, DC 20510-6150

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June 8, 2015

U.S. Fish and Wildlife Service
Public Comments Processing,
Division of Policy and Directives Management
4401 N. Fairfax Drive, MS 2042-PDM
Arlington, VA 22203

RE: Continued Review whether to list the Alexander Archipelago Wolf as Threatened or Endangered under the Endangered Species Act (FWS-R7-ES-2012-0093)

Dear Reviewers:

I write to express my views as the U.S. Fish and Wildlife Service (FWS or the Service) begins an extended comment period on whether to propose the gray wolf (*Canis lupus*) and its Southeast Alaskan subspecies, the Alexander Archipelago Wolf, for listing as endangered or threatened wildlife under the federal Endangered Species Act (ESA).¹

After careful review, it is my belief that the gray wolf is not endangered in North America or Alaska. The agency should find accordingly when it releases its listing decision as required by a consent decree on this matter sometime before the end of 2015.

As a United States Senator, I also write to call the Service's attention to legislation that I sponsored that has now been approved by Congress and signed into law by the President as part of P.L. 113-291 on December 19, 2014². The enactment of this law occurred after the Service's initial review period ended, and placed an additional 53,042 acres of Alaska's northern Prince of Wales Island (PWI) into protected status as a Land Unit Designation II (LUDII). It goes beyond the acreage already protected in

Old-Growth Habitat Reserves to protect even more deer and wolf habitat on the largest island in Alaska, which makes this listing review decision especially unnecessary.

Further, I write to urge that you consider the November 26, 2014 peer-reviewed study by University of Alaska Research Professor, Matthew A. Cronin, also formally published after the initial review period ended.³ This important study calls into question the entire issue of whether

¹ Endangered Species Act of 1973, 35 U.S.C. §§ 1531-1544 (2012).

² Carl Levin and Howard P. "Buck" McKeon National Defense Authorization Act for Fiscal Year 2015, Pub. L. No. 113-291, §3002, 128 Stat. 3720 (2014).

³ Matthew A. Cronin et al., *Single Nucleotide Polymorphism (SNP) Variation of Wolves (Canis Lupus) in Southeast Alaska and Comparison with Wolves, Dogs, and Coyotes in North America*, 106 J. OF HEREDITY 26, 36 (2015), available at <http://jhered.oxfordjournals.org/content/106/1/26.abstract>.

wolves in Southeast Alaska deserve subspecies status – the only conceivable reason for a listing decision.

Finally, I write following the August 2014 release of the Big Thorne Project Final Supplemental Information Report (FSIR).⁴ Led by the U.S. Forest Service (USFS), the FSIR examines, analyzes, and discusses the environmental effects of the proposed Big Thorne timber sale on PWI. Specifically, the FSIR further calls into question whether gray wolf populations in the southern region of Southeast Alaska will be significantly impacted by proposed future timber harvesting in the area, even if a unique subspecies of wolf actually does exist in Southeast Alaska.⁵

The following sections expand on the rationale behind my opposition to a listing decision in greater detail.

I. Wolf Populations In North America

The primary issue is whether gray wolves in North America are “endangered” or “threatened with extinction.” The United States overall has more than 9,000 wolves, which are increasing in number in almost all of their ranges. The Rocky Mountain States have a population greater than 1,802 wolves.⁶ Alaska, according to its Department of Fish and Game, has a population of between 7,000 and 11,000 gray wolves.⁷ That does not count the nearly 60,000-strong population of wolves in Canada⁸ – including an estimated 8,500 in British Columbia – or the smaller populations found in other states in the continental United States.⁹

II. Southeast Alaska Specific Wolf Issues

Wolf populations in Alaska have been studied extensively since World War II, although accurate population numbers are exceedingly difficult to obtain. Between 1959 and the early 1970s, substantial efforts were made to reduce wolf numbers throughout Southeast Alaska, especially on the central islands of southern and central Southeast Alaska. Traps, poisoned bait, and bounties were used, partially to protect then-existing fox farms. The effort was successful, as wolf numbers were greatly reduced, but by the mid-1990s, population numbers had recovered.

During the mid-1990s, wolf research conducted by the Alaska Department of Fish and Game in Game Management Unit 2, which consists generally of Prince of Wales Island, estimated wolf

⁴ Forrest Cole, TONGASS NAT'L FOREST, U.S. DEP'T OF AGRICULTURE, BIG THORNE PROJECT: FINAL SUPPLEMENTAL INFORMATION REPORT - DOCUMENTATION OF INTERAGENCY/INTERDISCIPLINARY REVIEW I-30 (2014) [hereinafter BIG THORNE FSIR] available at http://www.fs.usda.gov/Internet/FSE_DOCUMENTS/steiprd3813733.pdf.

⁵ *Id.* at 13, 14.

⁶ U.S. Fish and Wildlife Service, et al., *Northern Rocky Mountain Wolf Recovery Program 2014 Interagency Annual Report*, available at http://www.fws.gov/mountain-prairie/species/mammals/wolf/annualrpt14/2014_FINAL_NRM-Summary.pdf.

⁷ Alaska Department of Fish and Game Wolf Species Profile, available at <http://www.adfg.alaska.gov/index.cfm?adfg=wolf.main>.

⁸ U.S. Fish and Wildlife Service, et al., *Northern Rocky Mountain Wolf Recovery Program 2014 Interagency Annual Report*, available at http://www.fws.gov/mountain-prairie/species/mammals/wolf/annualrpt14/2014_FINAL_NRM-Summary.pdf.

⁹ CBC News, *B.C. considering wolf culls in new management plan*, Nov. 14, 2012, available at <http://www.cbc.ca/news/canada/british-columbia/b-c-considering-wolf-culls-in-new-management-plan-1.1154695>.

populations of 250 to 350 on the island. The region as a whole was estimated to house a population of 750 to 1,100 wolves.¹⁰ At that time, wolf populations were considered so healthy that trapping and hunting activity increased to the point of 132 wolves being taken in 1996 alone. In that same year the Alaska Board of Game capped hunting at 25 percent of the estimated fall population on Prince of Wales Island, a level that in 2001 was raised to 30 percent and since has been maintained at that level by the Federal Subsistence Board.

In 1993, the FWS received its first petition requesting that wolves in Southeast Alaska be listed as threatened, stating that the Alexander Archipelago Wolf subspecies should be entitled to protection regardless of the healthy populations of gray wolves overall in North America. In response, while a listing decision was not granted, the U.S. Forest Service adopted a series of forest-wide rules to protect deer habitat – the primary feed for wolves. In 1997, and again in the 2008 Tongass (Forest) Land Management Plan, the agency set up a series of extensive Old-Growth Reserves to protect habitat for both predators and prey in the region.

In 2012, Greenpeace and the Center for Biological Diversity petitioned for the wolf subspecies to be listed as threatened in Southeast Alaska. The FWS agreed to speed up its listing decision in 2014, possibly due to a 6,100-acre proposed timber sale on northeast Prince of Wales Island called the Big Thorne sale (a sale currently in litigation, but under initial implementation by the Forest Service).

The Big Thorne sale has become the centerpiece of arguments urging the Alexander Archipelago wolf be given ESA protection. Beginning in Count 26 of the suit against the timber sale, attorneys for the Southeast Alaska Conservation Council, Alaska Wilderness League, and the Sierra Club argue wolf numbers have declined on northern Prince of Wales Island (Game Management Unit 2) from a level of 45 to 50 wolves in the mid-1990s, to 29 wolves in 2012, to perhaps just four to six wolves by 2014.

While the suit acknowledges that snowy winter conditions early in the decade and Alaska State hunting and trapping regulations may have been responsible for the drop in deer populations which wolves depend for survival, it also argues a decline in old-growth timber stocks could further depress deer populations and thus create “a high risk that there will be insufficient numbers of deer to sustain both wolves and human hunting in the affected portion of Prince of Wales Island.” Specifically, the suit cites a statement by former Alaska State wildlife biologist, Dr. David Person, insisting deer populations may be at a “tipping point” and the loss of habitat caused by the Big Thorne Sale could cause the “predator-prey relationship between wolves and deer on Prince of Wales to likely collapse.”¹¹

The suit also states the FWS based its decision to seek additional comments regarding a listing decision for wolves on the fact that the Forest Service Standards and Guidelines “appear to require the maintenance of deer habitat capable of supporting at least 18 deer per square mile to

¹⁰ *Status of Wolves in Southeast Alaska*, Division of Wildlife Conservation, Alaska Department of Fish and Game, October 2012, Page 2.

¹¹ *Southeast Alaska Conservation Council, et al. v. U.S. Forest Service*, Compl. ¶¶ 26-30, *Southeast Alaska Conservation Council v. U.S. Forest Service*, 2015 WL 1285269 (D. Alaska Mar. 20, 2015) counts 26-30, page 9-10.

provide adequate prey for wolves and human hunters.”¹² Environmental groups argue this level will not be maintained on northern Prince of Wales Island if more timber harvesting is conducted, as the canopy protection of old-growth timber which prevents snow from covering winter browse is needed for the Sitka black-tailed deer’s winter survival.

In its review decision, the FWS did not take into account Congressional passage of the Sealaska Native Regional Corporation’s Lands Bill/Final Land Conveyance, which was contained in Title 30, Section 3002 of the National Defense Authorization Act of 2015 that became P.L. 113-291 on December 19, 2014. The Sealaska provision created roughly 152,000 acres of new protected habitat in the Tongass National Forest, including 53,042 acres on northern Prince of Wales Island. Protecting nine times more land than what could potentially be harvested in the Big Thorne area should provide sufficient deer habitat to guarantee a rebound in wolf populations in Game Management Unit 2. Recent reductions in hunting under regulations from the State of Alaska will also encourage population growth.

While wolf numbers may be lower than the nearly 20-year-old estimates, neither the state, nor the U.S. Forest Service’s 2013-14 interagency Wolf Task Force (formed to review wolf viability as part of the FSIR prepared for the Big Thorne timber sale), believes that wolf numbers are in danger of significant decline. Then-Tongass Forest Supervisor Forrest Cole wrote, “[t]he Task Force’s assessment raises considerable doubt...that the [timber] project will result in ‘the ecological collapse of the predator prey system,’ [that] ‘wolves are already facing the possibility of extinction on Prince of Wales Island,’ [or that] ‘the Big Thorne timber sale, if implemented, represents the final straw that will break the back of a sustainable wolf-deer predator-prey ecological community on Prince of Wales Island.’”

Mr. Cole also wrote in his decision following finalization of the FSIR that “some members of the Task Force stated that the conservation fabric developed in the 1997 and 2008 Forest Plans is still intact and a sound regulatory framework is in place to modify harvest of deer and wolves.”¹³ The addition of another 53,000 acres of protected habitat on northern Prince of Wales Island should certainly further those views, especially given the location of the Honker Divide LUD II.

III. Wolf Subspecies Issues

The Service needs to reconsider whether there is a subspecies of wolf inhabiting Southeast Alaska. Since 1944 (Goldman) it has been assumed that there is a subspecies of the gray wolf in Southeast Alaska: the Alexander Archipelago wolf (*Canis lupus ligoni*). Numerous studies in the 1980s indicated the wolves in Southeast Alaska possess a distinct morphologically trait from other interior continental populations of wolves, e.g. in British Columbia. (Pedersen 1982, Friis 1985, Shields 1995, Weckworth et al 2005, Weckworth et al 2010 and Von Holt et al 2011).¹⁴

New genetic testing of wolf DNA tends to disprove those studies. First, with the exception of the 1944 Goldman study, none of the recent studies explicitly suggest Southeast Alaska wolves are a distinct subspecies unique only to Alaska’s Panhandle. According to a report by the State of

¹² Ibid, count 30, page 10.

¹³ U.S. Forest Service, *Big Thorne Project Supplemental Information Report*, Documentation of Interagency/Interdisciplinary Review, May 2014, Page 708.

¹⁴ Status of Wolves in Southeast Alaska, Page 1.

Alaska's Department of Fish and Game, "wolves in Southeast Alaska may be closely related genetically to coastal British Columbian wolves, which are also distinct genetically from continental populations (Munoz-Fuentes et al. 2009)."¹⁵

Even prior to DNA testing, there was already doubt that wolves in Southeast Alaska represent a distinct subspecies. Based on skull morphology, Nowak suggested that Southeast Alaska wolves should be considered the same as other northwestern United States wolves (*Canis lupus nubilus*).¹⁶ Nowak's view was supported by Chambers, who provided initial genetic data to show Southeast Alaska wolves are not a unique and distinct subspecies of the gray wolf at all.¹⁷

That position has been strongly reinforced by University of Alaska Fairbanks-Palmer Research Professor of Animal Genetics Matthew A. Cronin, whose work was published in the November 2014 *Journal of Heredity*. Cronin and other researchers reviewed the DNA of wolves living on Prince of Wales Island, as well as five other Game Management Units in Southeast Alaska, and compared that DNA to wolves in Interior Alaska, Wyoming, Idaho, Montana, Minnesota, and New Mexico (and coyotes in Alaska and the American West).

According to Cronin, the 431 tissue (skin, hair, muscle, blood) samples show "the wolves in Southeast Alaska [Game Management Unit 1C and Game Management Unit 1D, which includes some of the islands except Prince of Wales in Alaska] overlap with British Columbia and the northern wolf populations. The New Mexico, Interior Alaska, Minnesota, Montana, Wyoming, and Idaho wolves overlap extensively."¹⁸

In a University of Alaska press statement regarding his work, Cronin further remarked, "there is considerable differentiation of wolves in Southeast Alaska from wolves in other areas. However, wolves in Southeast Alaska are not a genetically homogenous group, and there are comparable levels of genetic differentiation among areas within Southeast Alaska between Southeast Alaska and other geographic areas...They [the results] do not support recognition of the wolves in Southeast Alaska as a distinct subspecies."¹⁹

IV. Other Issues

Even if wolves in Southeast Alaska are a unique subspecies of wolf *and* qualify for protection under the ESA, there is no reason to believe the species is currently "endangered" in Southeast Alaska. If it is the case that wolves need 18 or more deer per square mile to sustain their diets – and there is current research that shows that wolves in Southeast Alaska have adapted from a diet standpoint and are now consuming salmon²⁰ – there is no reason to believe that human activities

¹⁵ Ibid, page 1.

¹⁶ Nowak, R. 1995. Another look at wolf taxonomy. Pages 375–398 in L. N. Carbyn, S. H. Fritts, and D. R. Seip (eds), *Ecology and conservation of wolves in a changing world*. Canadian Circumpolar Institute, Occasional Publication 35

¹⁷ Steven M. Chambers, Steven R. Fain, Bud Fazio, Michael Amaral (2012) *An Account of the Taxonomy of North American Wolves From Morphological and Genetic Analyses*. North American Fauna: Number 77: pp. 1–67.

¹⁸ Cronin, *supra* note 3, at 29.

¹⁹ Tarni, N., *Analysis shows Southeast Alaska wolves aren't subspecies*, University of Alaska Fairbanks. Dec. 5, 2014, available at <http://news.uaf.edu/analysis-shows-southeast-alaska-wolves-arent-subspecies/>.

²⁰ Comments by Sealaska Native Regional Corp. and Natural Resources Manager Brian L. Kleinhenz to the USF&WS, 90 day review report, May 30, 2014, Page 5.

have destroyed sufficient habitat in the Tongass National Forest of Southeast Alaska to in any way threaten diverse populations of deer and wolves in the region.

As the Service well knows, the Tongass at 16.9 million acres is the largest national forest in America. Since the start of commercial logging in an area slightly larger than West Virginia, only about 445,000 acres of the 9.8 million acres of forested lands have been disturbed by man, or just eight percent of the total productive forest.

While theoretically another 655,000 of the 5.6 million acres of commercially productive forest are available for timber harvest, according to the current U.S. Forest Service Tongass Land Management Plan, that still means that no more than 12 percent of the commercially productive forest will ever be affected – less than 4 percent of the total forest.

Already, 4.9 million acres of the productive forest – 88 percent – are in protected status and unavailable for logging or construction activity. Of the total Tongass, besides the 6.5 million acres in wilderness, parks, monuments and LUD II land status, another 9.5 million acres are currently classified by the U.S. Forest Service as in Inventoried Roadless Areas – which prevents road construction and any activities that will dramatically reduce the forest canopy and potentially impact deer survival and thus wolves.^{21 22}

Given that so little habitat is at risk from human activities, it is clear to me that FWS biologists should conclude that wolves are not at risk. As the Alaska Department of Fish and Game's Division of Wildlife Conservation wrote in October 2012, "The fact that wolves have persisted amidst aggressive efforts to greatly reduce their numbers suggests that they are quite resilient to perturbation in Southeast Alaska."²³

In fact, given that commercial timber operations on federal, state, and private/Native corporation land holdings in Southeast Alaska have occurred at differing times since 1942, second-growth management activities have actually *improved* habitat and browse for deer and thus food supplies for wolves.

To verify this, the Service need only consult the Environmental Impact Statement for the most recent Tongass Land Management Plan (2008) and view the reports of the Tongass Advisory Committee, a group formed under the Federal Advisory Council Act, to see that of the 445,000 acres so far harvested from the 16.9 million acre forest, some 225,221 acres have been pre-commercially "thinned" since 1964. Such thinning, which improves browse for deer, started in earnest in 1980. At that point, treatments passed the 4,000 acres per year level – and went on to pass the 10,000 acres per year mark from 1984 through 1988.²⁴ The uneven age of the returning young growth will help further improve wolf habit in future years, especially when paired with Forest Service efforts to abandon and close old logging roads that will cut access to the forest for hunters and trappers.

²¹ *ibid*, Pages 4-5.

²² U.S. Forest Service, "Frequently Asked Questions Regarding Inventoried Roadless Areas, Alaska Region, July 2014, Page 2.

²³ Status of Wolves in Southeast Alaska, Page 2.

²⁴ U.S. Forest Service, Tongass National Forest Young Growth Report, provided to the TTAC, fall 2014. Page 15.

V. Conclusions

As an elected official, I have an obligation to support implementation and enforcement of legislation passed by Congress, such as the Endangered Species Act. However, I also have an obligation to Alaskans to protect their livelihoods and economic futures, and part of that responsibility can be met by ensuring that our nation's laws are carried out properly.

I do not believe there is legitimate reason for the FWS to propose listing the wolves in Southeast Alaska as either threatened or endangered. A listing decision is not warranted, and it's not needed, either. It would not protect the wolf's habitat or future population numbers, nor am I convinced that the Alexander Archipelago wolf is even a valid subspecies of the North American gray wolf. This would have been the only possible justification for a listing, given the general health of wolf stocks in Alaska and throughout the wolf's traditional range in the Pacific Northwest, Mountain West and Northern Tier States and Canada.

While protecting wildlife is a well-meaning goal, an unnecessary listing decision for the wolves in Southeast Alaska would instead yield additional and undue restrictions for an endangered *industry*: logging in the Tongass National Forest. This industry once accounted for nearly 80 percent of all manufacturing jobs in Alaska and produced a payroll of more than \$300 million a year. As recently as 1990, it accounted for 6,100 direct and indirect jobs. Today, however, it has been reduced to a timber harvesting and wood products industry that accounts for only about 600 jobs and a total payroll in the region of approximately \$27 million.²⁵ Despite restrictive actions that have dramatically impacted the industry, it remains an important pillar of Southeast Alaska's economic base, and should not be subjected to further harm from a misguided listing decision.

I sincerely hope that the Service will again reject this most recent petition request as unfounded and unnecessary to protect Southeast Alaska's wildlife population.

Sincerely,



Lisa Murkowski
United States Senator

cc: U.S. Fish and Wildlife Service, Anchorage, Alaska Office

²⁵ Alaska's Timber Industry Fallen on Hard Times, *Alaska Economic Trends*, Alaska Department of Labor and Workforce Development, October 2010, Page 14.