

March 21, 2022

The Honorable Deb Haaland
Secretary
U.S. Department of the Interior
1849 C Street
Washington, DC 20240
exsec@ios.doi.gov

Re: February 10, 2022, Court Decision Regarding the Gray Wolf

Dear Secretary Haaland:

The undersigned hunting and other conservation organizations, representing millions of outdoorsmen and women across the United States, respectfully request that the U.S. Fish and Wildlife Service (Service) appeal the February 10, 2022, decision from the U.S. District Court for the Northern District of California vacating the 2020 rule removing the gray wolf from the Endangered Species Act (ESA) lists of endangered and threatened species. The Court's decision misinterprets the ESA and creates a situation in which recovered species are prevented from being delisted even when the best available science determines that delisting is consistent with the ESA. We respectfully request that you uphold Congress' express intention for the ESA to recover species "to the point at which the measures provided pursuant to this Act are no longer necessary," and appeal this erroneous decision.

The Service has recognized the incredible recovery of gray wolves for nearly twenty years, over the course of multiple presidential administrations. Wolves have greatly expanded their numbers and range in their primary habitat. And wolves' recovery has impelled the Service's repeated efforts to remove gray wolves from the ESA lists, and therefore to free up resources for conservation of far more vulnerable listed species.

The Service's 2020 delisting rule was a timely response to wolves' remarkable recovery. And the Court's February 10 decision was one more example of judicial deference to specious statutory arguments over a thorough record of decision.

These arguments prevailed in the District Court largely because wolves were originally listed across the lower 48 states, even though they did not inhabit—and will never inhabit—all states. The 2020 delisting rule focused primarily on the high-quality habitat with established and long-recovered wolf populations: the Great Lakes and Northern Rocky Mountains. The Service concluded that these populations are sufficiently robust and redundant to ensure that wolves remain viable in the United States, especially because these populations connect to the thousands of wolves in Canada. For this reason, the Service did not analyze potential threats to wolves in areas where they are "transient," such as the Dakotas, Nevada, Iowa, and many other states. The Court mistakenly found this to be an error. And importantly, the Court did **not** find that the future existence of wolves is threatened across the lower 48 states. The Court found only that the Service did not properly apply the ESA's five-factor threats analysis for wolves outside the core populations.

The undersigned organizations wish to emphasize that the Court also did **not** find that state management of wolves (which includes regulated hunting in some states) threatens their continued existence. The Court instead found that the Service adequately assessed the potential risks to wolves from state management when it concluded that **state management does not pose a threat to the long-term viability of wolf populations** in the Great Lakes, the West Coast, or the Central Rocky Mountains states of Colorado

and Utah. The ruling does not question the fact that gray wolves are recovered in the Great Lakes—and have exceeded recovery criteria for almost two decades. Rather, it turns only on several narrow legal and technical issues worthy of bringing to the appellate level.

Finally, we wish to emphasize that this ruling does not affect gray wolves where they are already delisted in the Northern Rocky Mountains States, including Idaho, Montana, and Wyoming. The Service's appeal of the Court's erroneous decision will not affect the current or future legal status of those wolves.

In sum, we disagree with the Court's legal analysis that resulted in vacatur of the delisting. The Court's ruling hamstringing the Service for a wide-ranging species not limited to the gray wolf. For the reasons explained above, we respectfully request and encourage the Department to appeal the Court's ruling.

Sincerely,

Archery Trade Association
Association of Fish and Wildlife Agencies
Backcountry Hunters & Anglers
Camp Fire Club of America
Congressional Sportsmen's Foundation
Conservation Force
Council to Advance Hunting and the Shooting Sports
Dallas Safari Club
Delta Waterfowl
Houston Safari Club
Masters of Foxhounds Association
Mule Deer Foundation
National Deer Association
National Rifle Association
National Shooting Sports Foundation
National Wild Turkey Federation
Orion: The Hunter's Institute
Pope and Young Club
Professional Outfitters and Guides of America
Rocky Mountain Elk Foundation
Safari Club International
Sportsmen's Alliance
Whitetails Unlimited
Wild Sheep Foundation
Wildlife Forever
Wildlife Management Institute