



November 21, 2005

U.S. Fish and Wildlife Service
Alligator River National Wildlife Refuge
P.O. Box 1969
Manteo, North Carolina 27954.

REC'D NOV 25 2005

Manager	Deputy	Asst. Manager
F Admin. Officer	Biologist	FMO
LE	Maint. Supv.	Personnel
A Red Wolf	WIS	WUI
A-Action	F-File R-Review	P-Discard

Subject: Five-year Review of the Red Wolf

To Whom It May Concern:

On behalf of Defenders of Wildlife and our nearly 800,000 members and activists, we thank you for the opportunity to provide comments on the five-year review of the red wolf. We commend the U.S. Fish and Wildlife Service Red Wolf Recovery Program, which has enabled the red wolf population to increase from extirpation before 1980 to approximately 100 individuals living in the wild throughout northeastern North Carolina today.

Defenders encourages the U.S. Fish and Wildlife Service to continue its intensive management efforts to ensure achievement of the ongoing wolf conservation recovery population goals outlined in the Red Wolf Recovery/Species Survival Plan, which calls for the "establishment of 220 red wolves in wild situations and the maintenance of 330 in captivity." To achieve the recovery criteria to "establish and maintain at least three reintroduction projects within the historic range of the red wolf," we encourage the Service to identify additional habitat suitable for red wolves in order to expand the recovery program to other areas.

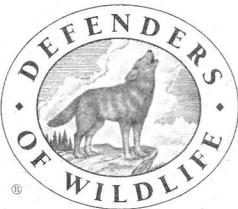
Several populations dispersed among multiple geographic sites will further enhance the survival of the species. Indeed, adhering to the three R's of conservation biology is necessary to maximize the long-term viability of the red wolf (Shaffer and Stein 2000):

- *Representation* - Establishing populations across the full array of appropriate potential habitats
- *Resiliency* - Maintaining populations in each habitat at levels large enough to survive any negative consequences of demographic stochasticity and inbreeding
- *Redundancy* - Providing several populations in each habitat type as a hedge against extreme environmental events.

While we recognize that the Service will be examining the current status of red wolves and whether a change in status is warranted during this review, Defenders of Wildlife believes that a critical evaluation of the wolf's status clearly demonstrates that lessening the protections for wolves is unwarranted at this time.

A review of the five listing factors outlined in Section 4(a)(1) of the Endangered Species Act (ESA) illustrates the myriad threats that red

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wolves continue to face; accordingly the Service should maintain the species' current "non-essential, experimental" status.

A. The present or threatened destruction, modification, or curtailment of its habitat or range

Historically, the red wolf ranged throughout the southeastern United States from the Atlantic Coast westward to central Texas and Oklahoma and from the Gulf of Mexico to central Missouri and southern Illinois. According to the Service, "the demise of the red wolf was directly related to man's activities, especially land changes, such as the drainage of vast wetland areas for agricultural purposes ... and predator control efforts at the private, State, and Federal levels." 51 Fed. Reg. 41,790, 41,791 (1986). Today, although populations range throughout 1.5 million acres, including three national wildlife refuges, a Department of Defense bombing range, state-owned lands and private property, they continue to be hindered by proposed and current development projects in the species' habitat. Potential changes in management schemes and ever increasing recreational development in and around federal forest lands also severely diminishes the value of these lands for wolf recovery. The added threat of development introduced into the recovery area could hinder the entire reintroduction program.

For example, Indiana-based Rose Acre Farms was recently approved to build an egg factory adjacent to Pocosin Lakes National Wildlife Refuge. The four-million chicken factory would be one of the largest egg laying operations ever built in the United States, and would have grave impacts on the air and water quality and the environmental integrity of the nearby wildlife refuges. Experts estimate that the proposed Rose Acre Farms facility will emit 490 tons of particulate matter per year and an alarming 2,400 pounds of ammonia per day. The facility could transmit diseases to any endangered red wolves in the area. The facility will increase trucking and could potentially require substantial road construction and improvements, further threatening water quality, increasing the likelihood of road kills of wolves, and fragmenting the species' important habitat.

Furthermore, the Navy has proposed development of an outlying landing field in Washington County, North Carolina and Beaufort County, North Carolina and to designate approximately 900 square miles of new Military Operations Area airspace in northeastern North Carolina. This potential development could hinder the continued success of the Service's management program that prevents red wolf hybridization with coyotes; detrimentally impact red wolf communications, hunting success and reproduction; and degrade red wolf habitat. On February 18, 2005, a U.S. District Court judge granted a permanent injunction against the Navy, preventing further development of the OLF without first complying with the National Environmental Protection Act. On September 7, the Fourth Circuit Court of Appeals maintained the February ruling that the Navy's environmental review of the potential impacts of the placement near the

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Pocosin Lakes National Wildlife Refuge was flawed and incomplete. The circuit court ruled that the Navy must redo the environmental review because it failed to report potential negative impacts that the landing field could inflict on the refuge. However, the court removed the injunction barring all action associated with this development and the Navy is proceeding with land acquisitions as they conduct the new review. Therefore, the threat of this future development remains.

B. Overutilization for commercial, recreational, scientific, or educational purposes

Commercial take of wolves is currently illegal, though should wolves lose federal protection it could become a significant factor in maintaining the full recovery of red wolves. The amount of recreational take is dependent on the regulatory status of the wolf. Once wolves are removed from federal protections, they will be managed as a resident species by the State, which may leave them susceptible to hunting and trapping, similar to other wild canid populations.

C. Disease or predation

Initially, disease and parasites, including hookworm, heartworm, distemper and parvovirus, caused mortality among the reintroduced red wolf populations. Today, released and captive animals are vaccinated against such maladies; however, mortalities caused by disease still account for 26 percent of natural deaths (Bud Fazio, U.S. Fish and Wildlife Service, personal communication). Current populations continue to require monitoring and appropriate treatment afforded by ESA protections to ensure that diseases and parasites do not spread and impact the entire population. Furthermore, greater numbers of red wolves must be recovered and additional reintroduction sites are necessary in order to increase the resiliency of the species. If this single population is hit by an outbreak of disease, an epidemic could effectively wipe out a majority of the population.

D. The inadequacy of existing regulatory mechanisms

The risk of human-caused mortality, including deaths caused by motor vehicles, legal depredation control measures and illegal takings can be substantial even while under federal management and protection.

Historically, red wolf populations throughout the Southeast were extirpated largely due to human-caused mortality. Negative human attitudes, which result in unnecessary legal and illegal killing of wolves, continue to play an important factor threatening the species. In addition, the similarities in appearance between red wolves and coyotes have resulted in red wolves mistakenly killed by coyote hunters. In 2004, fifty percent of the red wolf mortalities caused by gun shots occurred during the three-month rifle season period (Bud Fazio, U.S. Fish and Wildlife Service, personal communication). Efforts to educate hunters about the

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location and appearance of red wolves must increase in order to prevent this occurrence.

Like all species recovery programs, public acceptance of red wolves is essential to the program's success. Studies conducted on North Carolina residents have reported mixed reactions toward red wolves. While the vast majority of people have been excited to have red wolves back in their midst, others were less certain and expressed economic and social concerns. To address social and economic factors, Defenders of Wildlife recently commissioned a study to determine the interest and feasibility of incorporating market-based incentives based on endangered red wolves. The surveys revealed that tourists and residents were interested in developing these opportunities that could possibly draw millions into the local economies. These results indicate that the public's tolerance toward red wolf conservation has increased and efforts to reintroduce the species into additional recovery areas may be justifiable at this time.

The Service must also recognize the absence of any type of regulatory mechanisms if the federal protections were removed. Before any change in status that lessens protection is implemented, the Service must consider alternative regulatory mechanisms to ensure their sustainability into the future. The state of North Carolina does not have any laws in place to protect wolves if federal protections are lifted, nor does it have any state management plans in place for wolves within this region.

In fact, the North Carolina state assembly has already passed legislation that allows a private landowner or the landowner's agent at any time to trap and kill red wolves that are on the landowner's property. No state or local protections for red wolves are in place if federal protections are removed. Clearly the threat of human-caused mortality of red wolves has not been reduced or eliminated in any substantive way; therefore, the continued presence of federal management and ESA protection is necessary.

E. Other natural or manmade factors affecting its continued existence.

Severe weather patterns have proven to be a formidable threat to the red wolf recovery program. In September of 2003, Alligator River National Wildlife Refuge and the recovery program suffered a direct hit from Hurricane Isabel, resulting in the loss of two red wolves and destroying the Sandy Ridge captive red wolf breeding facility. Future unforeseen catastrophic events may hinder this single recovering population and will remain a constant uncontrollable threat to the species recovery.

Hybridization between coyote and red wolf populations has remained a constant threat to the recovery of this imperiled species. As a result, the Service implemented an adaptive management plan to minimize hybridization. The hands-on management of the Service in addressing red wolf and coyote hybridization problems shows promise; however, it is

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premature to declare complete success of these endeavors. It is essential that the Service continue to intensely monitor and maintain this coyote-control program to ensure the genetic purity of the red wolf population.

Recommendations:

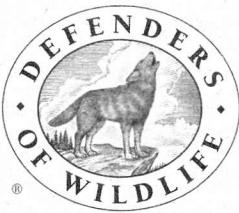
The continued threats illustrated above, document the importance of retaining the red wolf's current status as a "non-essential, experimental population." In the course of its review, however, the Service should consider whether any management changes consistent with this status would aid in the recovery of the species.

Defenders of Wildlife encourages the Service to review its current policies authorizing the taking of red wolves on private land and land owned by federal, state, and local governments. This review should examine if excessive taking of red wolves is occurring because of the revisions to management policies that were adopted in 1995. We believe these rules may hinder the ability of law enforcement agents to prosecute illegal killing of wolves, thus posing a serious threat to the stability of the wolf population in the region. Moreover, Defenders believes more emphasis should be placed on non-lethal control alternatives. Limited lethal measures for wolves should be used solely in response to repeated incidents of predation on livestock or when wolves pose a risk to public safety. Lethal take of wolves should be permitted only in extreme circumstances after all other non-lethal options have been exhausted.

Second, although the non-essential, experimental population designation is meant to provide flexibility in managing red wolves, federal agencies nonetheless still have a duty to conserve these species. Section 10(j)(2)(C) notes that each member of an experimental population "shall be treated as a threatened species" and makes clear that federal agencies are subject to Section 7(a)(1) of the Act even for non-essential populations. 16 U.S.C. §1539(j)(2)(C). This is particularly true where, as here, activities affecting the continued existence of a species are occurring in and around areas of the National Wildlife Refuge System. Under Section 7(a)(1), all federal agencies are required, in consultation with the FWS, to "utilize their authorities in furtherance of the purposes of this Act by carrying out programs for the conservation of endangered species and threatened species." 16. U.S.C. § 1536(a)(1). Various courts have recognized that "federal agencies have affirmative obligations to conserve under section 7(a)(1). See, e.g. Pyramid Lake Paiute Tribe v. U.S. Dep't of the Navy, 898 F.2d 1410, 1415 (9th Cir. 1990); Defenders of Wildlife v. Sec'y, United States DOI, 354 F. Supp. 2d 1156, 1174 (D. Ore. 2005) ("An agency has a specific, not generalized, duty to conserve species." (citing Sierra Club v. Glickman, 156 F.3d 606, 615-616 (5th Cir. 1998)).

As noted previously, the Navy's proposed development of an outlying landing field within red wolf habitat could seriously jeopardize red wolf

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recovery efforts. Moreover, the Navy continually has failed to document the potential, negative impacts of the outlying landing field development on the red wolf recovery program, despite repeated briefings of these concerns by the Service. We encourage the Service to stress that obligations of Section 7 apply to all federal agencies and require each agency to conserve protected species. In this case, the Navy has a specific duty to use "all methods and procedures" necessary to bring the red wolf to "the point at which the measures provided pursuant to this Act are no longer necessary." 16 U.S.C. § 1532(3).

Defenders of Wildlife appreciates the opportunity to comment as the Service conducts this five-year review and encourages the Service to continue to pursue wolf recovery that ensures the species' long-term sustainability while providing an environment where humans and wolves can peacefully coexist.

Sincerely,

Gina Schrader
Conservation Associate

References:

- Shaffer, M. L. & B. A. Stein. 2000. Safeguarding our precious heritage. pp. 301-321, *in* B. A. Stein, J. S. Adams, & L. S. Kutner, (Eds.). Precious heritage: the status of biodiversity in the United States. Oxford University Press, 399 pp.

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