



49651 Shenandoah Circle  
Canton, MI 48187

September 9, 2019

Representative Gary Howell  
Chair, Natural Resources Committee  
Michigan House of Representatives

*Hand Delivered; and via email to Committee Clerk, Amy Rostkowycz,  
[arostkowycz@house.mi.gov](mailto:arostkowycz@house.mi.gov)*

**Re: Opposition to HR 87, House Natural Resources Committee Meeting, September 10, 2019**

Dear Representative Howell and Committee Members,

Thank you for the opportunity to provide information to the committee. Attorneys for Animals, Inc. (AFA), is a Michigan non-profit and 501(c)(3) organization of legal professionals and animal advocates. The organization's Board of Directors voted to oppose the resolution. We do not agree that "federal protection of the gray wolf is no longer necessary," and we dispute that Michigan is "well prepared to manage gray wolves in the best interests of its residents."

**Background:**

This resolution urging the US Fish and Wildlife Service (USFWS) "to remove the Michigan gray wolf from the federal endangered and threatened species list" is the latest salvo in a long, involved and contentious effort to allow a recreational hunt of wolves in Michigan. Most would agree, as do the authors of our state's draft wolf management plan that the "[h]arvest (i.e., hunting and trapping) of wolves by the public is a controversial issue that often polarizes stakeholder groups. Indeed, 'the issue of hunting and trapping wolves—a public take—after they become delisted is perhaps the most divisive and potentially explosive issue in the entire wolf debate.'"<sup>i</sup>

Unfortunately, HR 87 sweeps away the division, minimizes the controversy, fails to acknowledge the lack of scientific consensus, and ignores hard questions raised about by certain DNR and NRC actions.

**Discussion:**

**Is Federal Protection Necessary?** We answer this "yes." The proposed rule issued by the USFWS on March 15, 2019<sup>ii</sup>, to remove the gray wolf from the List of Endangered and Threatened Wildlife is not based on the best scientific evidence. This is according to a five-member peer-review panel, which was tasked by USFWS itself with reviewing the proposed rule. The report<sup>iii</sup>, issued May 2019, concluded that the proposal is full of scientific errors.<sup>iv</sup> One panel member, Adrian Treves, University of Wisconsin-Madison environmental studies professor, said the evidence from the proposed rule had been cherry-picked to support the

[www.attorneysforanimals.org](http://www.attorneysforanimals.org)  
[info@attorneysforanimals.org](mailto:info@attorneysforanimals.org)

conclusion to remove the wolves. “It looks like they decided to delist and then they compiled all the evidence that they thought supported that decision. It simply doesn’t support the decision.”<sup>v</sup> Dr. Treves also cautioned that delisting wolves could give rise to an increase in illegal killings.<sup>vi</sup> Another peer reviewer, Daniel McNulty, associate professor at Utah State University, said the proposed rule had “demonstrable errors of fact, interpretation, and logic’ and its description of where wolves presently range is fuzzy.”<sup>vii</sup>

With regard to Michigan and Wisconsin, Dr. Treves concluded that “wolves appear to have been adversely affected by delisting and other policies that liberalized wolf-killing above and beyond the number of wolves legally killed”<sup>viii</sup> citing a 2016 study estimating that the wolf population growth in Michigan and Wisconsin slowed by 5% with a year-long period of legalized wolf-killing.<sup>ix</sup>

Is the state well-prepared to manage gray wolves in the best interests of the residents? HR 87 ignores the social and public policy ramifications of a wolf hunt that must be considered and addressed;<sup>x</sup> the NRC/DNR’s bias toward recreational hunting of wolves; and the wishes of Michigan voters.

The 2015 Wolf Management Plan reached this stunning but largely ignored conclusion: “Although members of the Michigan Wolf Management Roundtable reached consensus on every other issue, they did not reach agreement on whether a regulated wolf hunting/trapping season should be provided in the absence of any need to reduce wolf-related conflicts.” Nor was consensus possible because “disagreement focused primarily on important differences in fundamental values.”<sup>xi</sup>

It also acknowledged that the public “is more ambivalent on the issue of a public wolf harvest specifically for recreational or utilitarian purposes”<sup>xii</sup> Finally, it noted the elephant in the room, i.e., “[i]n November of 2014, only 45% of statewide voters voted yes on the public referendum (Proposal 1, 2014) to approve the law that made wolves a Game animal.”<sup>xiii</sup>

Nonetheless, despite the ambivalence, the voters’ input, and the singular lack of consensus among Roundtable members, the DNR appears set on a recreational hunt concluding as follows: “Given the absence of a strong public preference, and given the lack of specific guidance from the Roundtable, and the need to assess the biological effects of different levels of take, the following actions focus on the need to gather and evaluate biological and social information regarding a general wolf harvest.”<sup>xiv</sup>

In this context, there is also a subtle but significant shift between the 2006 draft and the 2015 update, in the respective “Action” steps. While the former uses the criteria of “biologically defensible, legally feasible, and supported by the public” as guidelines for developing a public hunt, by the time of the 2015 update (and significantly, we believe, after the November 2014 vote), these criteria have become “biologically sustainable, legally feasible, and socially responsible” (*emphasis added*).<sup>xv</sup> *In other words, when there is no longer public support, public support is no longer required.*

Further, the 2013 NRC hearings on the listing of wolves as a game species, despite a claim – disputed by several wolf experts<sup>xvi</sup> – that the decision was based on “sound science,” were instead marked by inaccurate information (a DNR official admitting he misspoke about wolves at glass doors exhibiting no fear), and the NRC Chair conceding he deleted more than 2,000 emails sent during the public comment, with most of another 10,000+ never opened according to a DNR spokesperson.<sup>xvii</sup>

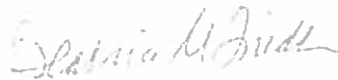
A 2016 incident, recently brought to light, also casts doubt on the DNR’s ability to manage wolves based on science, and in the public interest. Officials have confirmed they exaggerated a wolf sighting into a dangerously close encounter in order to secure U.S. Fish and Wildlife Service approval to kill three wolves in Ontonagon County in 2016.<sup>xviii</sup>

These factors call into question the state’s preparedness as well as its commitment to “the best interests of the residents” regarding wolves; and leads to the question of whether a recreational hunt in Michigan is considered pre-ordained by authorities.<sup>xix</sup>

#### **Conclusion:**

The resolution fails to acknowledge the complexity of the issue. Its conclusions are not justified or supported, even by the DNR studies it cites, or by the federal agency’s proposed rule to de-list the wolves. We urge this Committee to not report this resolution out of Committee.

Very Truly Yours,



Beatrice M. Friedlander, JD  
President

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<sup>i</sup> Draft Wolf Management Plan of March, 7, 2008, page 63 of 96, section 6.12 (*citation omitted*), [https://www.michigan.gov/documents/dnr/Draft\\_Wolf\\_Management\\_Plan\\_030708\\_227742\\_7.pdf](https://www.michigan.gov/documents/dnr/Draft_Wolf_Management_Plan_030708_227742_7.pdf) (last visited September 9, 2019)

<sup>ii</sup> <https://www.regulations.gov/docket?D=FWS-HQ-ES-2018-0097>, Docket ID: FWS-HQ-ES-2018-0097 (last visited September 9, 2019)

<sup>iii</sup> Summary Report of Independent Peer Reviews for the U.S. Fish and Wildlife Service Gray Wolf Delisting Review, May 2019, [https://www.fws.gov/endangered/esa-library/pdf/Final%20Gray%20Wolf%20Peer%20Review%20Summary%20Report\\_053119.pdf](https://www.fws.gov/endangered/esa-library/pdf/Final%20Gray%20Wolf%20Peer%20Review%20Summary%20Report_053119.pdf) (last visited September 9, 2019)

<sup>iv</sup> Jacob Carter, *Scientists Find Serious Flaws in Proposal to Delist Endangered Gray Wolf*, Union of Concerned Scientists, 2019, <https://blog.ucsusa.org/jacob-carter/flaws-in-proposal-to-delist-gray-wolf> (last visited September 9, 2019).

<sup>v</sup> *Scientists Question US Fish & Wildlife’s Gray Wolf Recovery Determination*, <https://www.cpr.org/2019/05/31/scientists-question-us-fish-wildlifes-gray-wolf-recovery-determination/> (last visited September 9, 2019)

<sup>vi</sup> Matthew Brown & John Flesher, *Scientists find flaws — including numerous factual errors — in plan to lift U.S. gray wolf protections*, Colorado Sun, June 1, 2019, <https://coloradosun.com/2019/06/01/gray-wolves-protections-plans/> (last visited September 9, 2019).

<sup>vii</sup> *Ibid*

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<sup>viii</sup> *Supra*, note iii at page 185, 186 of 245

<sup>ix</sup> *Supra*, note iii at page 187 of 245 (*citation omitted*)

<sup>x</sup> 2015 Wolf Management Plan, June 11, 2015 (page 13 of 101, section 2.5) itself acknowledges this: "However, science alone does not establish wildlife management goals. Those goals are often determined within a social context where stakeholder values and priorities must be addressed."

[https://www.michigan.gov/documents/dnr/wolf\\_management\\_plan\\_492568\\_7.pdf](https://www.michigan.gov/documents/dnr/wolf_management_plan_492568_7.pdf) (last visited September 9, 2019)

<sup>xi</sup> *Ibid*, page 68 of 101, section 6.12.2; the full quote is: "Although members of the Michigan Wolf Management Roundtable reached consensus on every other issue, they did not reach agreement on whether a regulated wolf hunting/trapping season should be provided in the absence of any need to reduce wolf-related conflicts. Some Roundtable members supported such a hunting/trapping season because many Michigan residents would place an important value on and derive benefits from the opportunity to harvest wolves. Other members opposed a hunting/trapping season in the absence of a specific need to reduce local wolf abundance because it would conflict with the cultural and personal values of many other Michigan residents. After substantial deliberation, the group concluded consensus on any guiding principles regarding the issue was not possible because the disagreement focused primarily on important differences in fundamental values."

<sup>xii</sup> *Ibid*, page 66 of 101, *citation omitted*)

<sup>xiii</sup> *Ibid*, page 66 of 101

<sup>xiv</sup> *Ibid*, page 68 of 101

<sup>xv</sup> "supported by the public", Draft Wolf Management Plan, *supra* at note I, page 66 of 96, section 6.12.2; "socially responsible", 2015 Wolf Management Plan, *ibid*, page 68 of 101, section 6.12.2

<sup>xvi</sup> *Residents say Michigan's wolves 'becoming more comfortable around people' as hunt is scheduled*, May 19, 2013.

Wolf researchers Rolf Peterson and John Vucetich, Michigan Technological University "oppose the public wolf hunt in part because of the issues related to democracy. The researchers wrote to the NRC that 'the best available scholarship clearly indicates that good wildlife management is a judicious balance between science and democracy. ... Advocates of wolf hunting claim that wolf hunting is supported by the best-available science. This misrepresents the role of science. The best-available science clearly indicates that we have the technical ability to manage a wolf hunt without endangering the population viability of Michigan wolves. But there is no science that concludes it is *necessary* to hunt wolves in Michigan." [https://www.mlive.com/politics/2013/05/michigan\\_wolf\\_hunt\\_debate.html](https://www.mlive.com/politics/2013/05/michigan_wolf_hunt_debate.html) (last visited September 9, 2019)

<sup>xvii</sup> *MLive Media Group: Wolf ends don't justify means*

[https://www.mlive.com/opinion/2013/11/mlive\\_media\\_group\\_wolf\\_ends\\_do.html#incart\\_river](https://www.mlive.com/opinion/2013/11/mlive_media_group_wolf_ends_do.html#incart_river) (last visited September 9, 2019), describing the process as "gamesmanship ...so cynical it challenges the argument that the hunt is based on 'science,' a term referenced so often by lawmakers and wildlife officials it seems like political marketing."

<sup>xviii</sup> <https://www.detroitnews.com/story/news/local/michigan/2018/12/12/governments-motivation-questioned-michigan-wolf-killing/2268242002/> and

<https://www.detroitnews.com/story/news/local/michigan/2019/03/25/state-overstated-threat-gray-wolves/2473841002/> (both last visited September 9, 2019)

<sup>xix</sup> *Michigan wolf hunt: Rolf Peterson, globally known wolf expert, argues a hunt is ill conceived*, Nov 4, 2013

[https://www.mlive.com/news/2013/11/michigan\\_wolf\\_hunt\\_rolf\\_peters.html#incart\\_river\\_default](https://www.mlive.com/news/2013/11/michigan_wolf_hunt_rolf_peters.html#incart_river_default) (last visited September 9, 2019).