



Talking Points Regarding Opposition to 2024 Proposal to Downlist Washington's Wolves

On February 24, 2024, the Washington Department of Fish and Wildlife (WDFW) issued its final **Periodic Status Review for the Gray Wolf (PSR)**, which recommends downlisting gray wolves from a state endangered species to a state sensitive species, bypassing the threatened category. Washington Wildlife First has compiled the following outline of primary objections to the downlisting proposal, for reference by organizations and individual advocates seeking to draft their own letters, discussion points, testimony, and information for member action alerts.

I. Washington's wolves have not recovered.

- A.** Washington's wolf population is still years away from meeting the state recovery objective necessary for the population to be downlisted to **either "threatened" or "sensitive" status.**
 - 1. In 2011, Washington Developed a **Wolf Conservation and Management Plan**, a nearly 300-page document that was subjected to peer review and analyzed through an Environmental Impact Statement (EIS). WDFW has never updated that plan. The Plan sets standards before wolves can be delisted or downlisted, and Washington's wolf population has not met these benchmarks.
 - 2. The Plan establishes three wolf recovery zones: Eastern Washington, Northern Cascades, and the Southern Cascades and Northwest Coast. The Southern Cascades and Northwest Coast zone is the largest of the three, containing the most potential wolf habitat. (See map on p. 59).
 - 3. To downlist to threatened, the Plan requires 6 successful breeding pairs statewide for 3 consecutive years, with at least 2 successful breeding pairs in each of the 3 recovery regions. Plan at 9, 64. To downlist to sensitive, the Plan requires 12 successful breeding pairs for 3 consecutive years, with at least 4 successful breeding pairs in each of the 3 recovery regions. To delist from state sensitive status, the Plan requires 15 successful breeding pairs, with 4 successful breeding pairs in each of the three recovery regions and 3 successful breeding pairs anywhere in the state.
 - a. A successful breeding pair must be present for three consecutive years before it is counted toward downlisting or delisting.
 - 4. The Plan makes clear that these recovery standards were minimal and the result of compromise, with 2 of 3 blind reviewers finding them inadequate. The Plan emphasizes

that the minimal number of wolves required for downlisting is only acceptable because the required geographical distribution across three recovery zones.

5. There are no successful breeding pairs in the South Cascades and Northwest Coast recovery zone. Although WDFW reported the formation of a pack of two wolves in that zone at the end of 2022, the female wolf in that pack has since disappeared, leaving only one wolf in that recovery zone. *See* [2023 Annual Wolf Report](#).
 6. Because Washington's wolf population has not met the state's requirements for downlisting, WDFW has simply moved the goal posts so it can declare success and cater to powerful special interest groups by downlisting wolves prematurely.
- B. The Washington wolf population does not meet the standards for downlisting to threatened or sensitive set by [WAC 220-610-110](#).
1. WAC 220-610-110 sets the standards and process of listing, downlisting, and delisting under the Washington endangered species law. It provides that "endangered" wildlife is any wildlife species native to Washington that is "seriously threatened with extinction throughout all or a significant the portion of its range within the state."
 - a. "Threatened" means a native species "likely to become an endangered species within the foreseeable future throughout a significant portion of its range within the state without cooperative management or removal of threats."
 - b. "Sensitive" means a native species that is "is vulnerable or declining and is likely to become endangered or threatened in a significant portion of its range within the state without cooperative management or removal of threats."
 - c. WAC 220-610-110 defines "a significant portion of its range" to mean "that portion of a species' range likely to be essential to the long term survival of the population in Washington."
 2. Washington's wolves have not met the legal threshold for downlisting. They are not only "likely" to become endangered in a "significant portion" of their range: they are still extinct or near extinct in a substantial portion of their range.
 - a. The state Wolf Conservation Management Plan examined the meaning of this standard and determined that "a significant portion" of the wolf population's range encompassed all three wolf recovery zones.

- b. To be downlisted under the requirements of WAC 220-610-110, therefore, the wolf population must meet the Plan's requirements in each recovery zone. It has not met those requirements in the Southern Cascades and Northwest Recovery zone.
 - c. In recommending downlisting, the 2024 Wolf PSR does not offer an alternate standard for determining what "a significant portion of its range" means for the wolf population. Instead, it just ignores this legal provision and declares that wolves are no longer threatened with extinction statewide.
3. WAC 220-610-110 also says that a downlisting decision must be made "solely on the basis of the biological status of the species being considered, based on the preponderance of scientific data available."
- a. By its own admission, WDFW is not recommending downlisting based on the current biological status of the population, but in reliance on a single flawed population study, which purports to predict the *likely* biological status of wolves between now and 2050 (see below for more on the Petracca Study).
4. WAC 220-610-110 provides that "if a species is listed as endangered or threatened under the federal Endangered Species Act, the agency will recommend to the commission that it be listed as endangered or threatened."
- a. Wolves are listed as an endangered species under the federal Endangered Species Act in the western two-thirds of the state, meaning that WDFW should recommend that they continue as an endangered species.
 - b. The 2024 PSR responds to this concern with the claim that this requirement only applies to the *initial* listing process, and the agency is allowed to ignore it when making delisting recommendations. This is a strained legal interpretation that defeats the purpose of the clause in WAC 220-610-110.
- C. The PSR ignores the standards for downlisting under both the Plan and state law, declaring that 14 (now 15) years of population growth shows that the wolf population is "robust."
1. Population growth alone is not sufficient to downlist wolves under either the Plan or state law.
 2. There are significant reasons to doubt the credibility of the [2023 Annual Wolf Report](#) released in April 2024, which claimed a 20% increase in the wolf population, from 216 wolves at the end of 2022 to 260 wolves at the end of 2023.

- a. For the wolf population that WDFW actually counted, it reported a 10.2% increase, of 16 wolves statewide. This is in line with past years—last year, for example, WDFW reported a 5% population increase.
- b. Most of the claimed increase of 44 wolves was from the report by the Confederated Tribes of the Colville Reservation (“CTCR”). The tribes reported a year-over-year increase of 23 wolves on the reservation, from 35 wolves at the end of 2022 to 58 at the end of 2023.
- c. CTCR removed wolves from its endangered species list in 2019 and at that point, stopped investing the same kind of money in wolf counts. For that reason, the tribal numbers were not included in WDFW’s 2019 and 2020 annual reports. However, WDFW began including the tribal numbers again in 2021, without explanation.
- d. Unlike when it was using a comparative methodology to count wolves, when CTCR has worked with WDFW to standardize counting methodology, this year the tribal numbers were conveyed verbally over a conference call, without any transparency as to methodology. WDFW did not independently verify the numbers.
- e. This claimed increase came despite the fact that CTCR hunters reportedly killed 18 wolves on the reservation in 2023.
 - i. CTCR has a right to set hunting regulations for tribal members on both the reservation and the north half, and allows a year-round wolf hunting season with no daily or yearly “bag” limits, as well as a four-month wolf trapping season. The nearby Spokane tribe has also legalized wolf hunting.
 - ii. Tribal hunting is the largest source of wolf mortality in Washington, with the Colville and Spokane tribes combined killing 55 wolves in the last three years.
- f. This means that 41 wolves would have needed to be added to the pack population on the CTCR reservation in 2023 to achieve a year-end total of 58 wolves in packs—a 117.1% increase. This would be unprecedented and extremely unlikely.
- g. It also means there is an extremely high and unusual density of wolves on the reservation. CTCR reported 8 wolf packs on the reservation at the end of 2023. Accounting for losses, 5 of these 8 packs were reported to have had between 10 and 13 wolves during 2023.
 - i. Only three other packs statewide were reported to have 10 wolves, with no other packs containing more than 10.

- ii. One of the reservation packs reported to have at least 10 wolves was the Dollar Mountain Pack, a newly established pack in 2023, which reportedly included 10 wolves at year end after 1 pack member was killed.
 - iii. The Scatter Pack in the North Half was also new, and was reported to have 7 wolves at year end after 1 was killed.
3. For the 14 years prior to 2023, WDFW misleadingly asserts that the wolf population has grown by an average of 23% a year. This deceptive statistic includes years when wolf population grew from 19 to 35 (a high percentage given low population, but low numbers). Growth in the last five years has averaged 12.4%, with only 5% growth last year.
- a. The annual wolf reports reveal a troubling trend that indicates why downlisting is premature. Over the past three years, wolf mortality has been skyrocketing.
 - b. Over the past three years, humans have killed 93 wolves in Washington, including 55 wolves killed in tribal hunts, 15 by poachers, 10 in lethal control actions by the Department, and 4 in purported “caught in the act” incidents.
 - c. This equates to an average of 31 wolves killed each year since 2021, nearly triple the 12 wolves a year killed during the prior 9 years.

II. WDFW’s disregard of the 2011 Wolf Conservation and Management Plan undermines its credibility and jeopardizes public trust.

- A. The nearly 300-page Plan was a multi-year effort that included a comprehensive review of the science, broad stakeholder involvement, peer review, and examination through an Environmental Impact Statement.
- B. Now, WDFW has chosen to simply disregard inconvenient parts of the Plan, namely the criteria that it lays out for downlisting.
 - 1. WDFW assures us that it believes that the Plan’s criteria for *delisting* is “still appropriate.” 2024 PSR at 49. But there is no logical or principled way to disregard the downlisting criteria and keep the delisting criteria, as they are built on the same assumptions.
 - 2. Given the contempt that WDFW has shown for its own plan, there is also no reason to believe that it will not disregard the delisting criteria just as easily next year and ask the wolves be taken off the state endangered species list entirely.

- C. WDFW’s disregard of the 2011 Plan shows contempt for this planning process and undermines public trust. Once again, the agency has made clear that it will not follow any of its internal policies, plans or guidance unless it serves the goals that management wishes to achieve.
1. This downlisting calls into question the value of any planning efforts or agency policies, including the draft Conservation Policy and Best Available Science Policy. The agency has given the public no reason to believe that it will follow these policies if it does not serve management’s political ends.
 2. WDFW points out that it has been 13 years since the Plan was finalized. No doubt, the Plan could be, and should be, updated to examine new scientific work and data developed since 2011. This work should be done using the Best Available Science and by subjecting the draft for peer review and analysis through an Environmental Impact Statement.

III. The PSR’s recommendation is almost entirely based on a flawed, incomplete, and already outdated population study whose conclusions do not justify downlisting.

- A. WDFW seeks to overturn the careful work done by the 2011 Plan by relying on a single flawed population model (often called the Petracca Study) that purports to predict the trajectory of the wolf population for the next 50 years.
1. Dr. Carlos Carroll, a leading expert in wolf population modeling, wrote a critique of 2023 Draft PSR in which he asserts that the PSR misreads the downlisting requirements; mischaracterizes the status of the Washington wolf population.
 - a. In particular, Carroll faults WDFW for ignoring the “significant portion of its range” language in the downlisting criteria.
 - b. He also details the shortcomings of the Petracca Study. Although he says the model used may be “useful in the appropriate context,” he calls it approach to estimating the timing of the wolf dispersal necessary for recovery “the weakest and most simplistic component.” He says that such a “simple pseudo-spatial model” should not be the basis for a recommendation to downlist wolves.
 - c. Notably, WDFW did not address Carroll’s criticism in the “response to comments” section of the 2024 PSR, nor did it even mention it when summarizing significant comments it had received for the Commission.

2. The 2023 Draft PSR relied on model results that had been made available in two separate pre-prints that had not undergone peer review or been accepted for publication:
 - a. **Merging integrated population models and individual-based models to project population dynamics of recolonizing species (First Petracca Paper)**. This paper describes the study design and describes its prediction for the likelihood of wolf recovery within 50 years, assuming baseline conditions present in 2020 remain the same.
 - b. **Forecasting dynamics of a recolonizing wolf population under different management strategies (Second Petracca Paper)**: This publication includes more details projections for the Washington wolf population, including how the outlook for recovery changes in response to pressures such as increased hunting or lethal removal, decreased immigration, or an outbreak of disease.
 - c. As of May 2024, only the First Petracca Paper had survived the peer review process and been approved for publication: **Merging integrated population models and individual-based models to project population dynamics of recolonizing species**.
 - d. However, the 2024 Final PSR continues to rely upon the pre-print version of the Second Study, which has not been approved for publication following an independent peer review process that is crucial to scientific integrity. It also misleadingly represents that “the population model referenced in the PSR has completed the independent scientific peer-review process and has been published.” 2024 PSR at 52.
- B. The Petracca Study acknowledges that its results are subject to enormous uncertainty. For example, under the “baseline” scenario, the study indicates a 95% confidence interval that there is between a 2% and 89% chance that wolves will reach recovery goals by 2070. Under the baseline, half of the model’s outcomes indicate there is more than a 60% chance wolves will reach recovery objectives, with the other half of the outcomes falling below 60% confidence.
- C. Even with this great uncertainty, the predictions are grim.
 1. With proper planning and protection, wolf recovery within 50 years should be a near certainty, *especially given* that the 2011 Plan makes clear that these minimal recovery objectives fall far short of a healthy wolf population that is sufficient to restore ecosystem balance.

2. Yet the Second Petracca Paper shows a median likelihood of recovery of over 50% for only 3 of the 8 different scenarios that it modeled, and below 50% for five other scenarios.
- D. In the past three years, the baseline used for the study has become outdated, changing the results dramatically and showing the risks of trying to predict what will happen to wolves over a 50-year-span.
1. The study baseline assumes that tribal hunting will kill an average of 4.83 wolves per year. But tribal hunting has skyrocketed in the last three years, to an average of 18.3 wolves killed each year.
 2. The Spokane and Colville tribes combined to kill 22 wolves in 2023 (10.2% of the statewide population), 11 in 2022 (5.3% of the population), and 22 in 2021 (12.4% of the population).
 - a. This has included wolves killed at the request of non-tribal livestock owners, such as the two wolves killed by a tribal member in 2024 at the behest of K Diamond K Guest Ranch, as revealed in the owner's [Facebook posts](#). One of the wolves killed was a nursing mother, meaning that K Diamond K is also likely responsible for the starvation of that pack's wolf pups.
 - b. If this type of action becomes a trend, it could substantially increase the number of tribal kills each year.
 3. The projections in the Second Petracca Study look at the likelihood of recovery if 2.5% of the wolf population is killed in hunts every six months (5% a year) or if 5% is killed every six months (10% year).
 4. The likelihood of recovery within 50 years drops below 50% if 5% of the population is killed in hunts each year, and plummets to only 11% if 10% of the population is killed in hunts each year.
 5. Hunts are now killing over 10% of the wolf population each year, meaning that even **assuming the accuracy of the model, there is only a 11% chance that wolves will reach recovery objectives in 50 years.**
- E. In addition to the flaws pointed out by experts in modeling wolf populations, the Second Petracca Study has many flaws obvious to a layman.
1. It does not account for any impacts from wolf poaching.

- a. There has been an alarming increase in wolf poaching in the past few years, with 13 *known* wolf deaths due to poaching in the last two years.
 - b. Studies indicated that half of poaching incidents are not discovered, meaning that the real total could be as high as 26.
2. It does not account for the impact of downlisting.
- a. Downlisting will lift wolf protections, including by decreasing the already-low penalty for poaching wolves.
 - b. Studies have shown that when a state decreases protections for wolves, poaching rises.
3. It does not analyze whether there has already been a decrease in immigration as a result of aggressive measures to decrease the wolf population in surrounding areas.
- a. Idaho has hired helicopter sharpshooters to help kill 60% of its wolf population, and over the past two years hunters have killed 560 wolves, including with bait, hounds, ATVs, and snowmobiles.
 - b. British Columbia has spent more than \$10 million to kill nearly 2,000 wolves since 2015 with helicopter sharpshooters, while hunters kill about 1,200 more every year.
 - c. And after Oregon prematurely stripped its wolves of state endangered species status, it has seen the growth of its small wolf population flatten, with a record 36 wolf deaths in 2023, including 16 killed by the state and 12 by poachers.
4. The study fails to estimate the outcome if more than one factor works to depress the wolf population within the next 50 years.
- a. It examines the impact of disease, reduced immigration, hunting, and increased agency lethal removal. However, it fails to examine any of these factors working together. It is very unlikely that just one of these factors will occur in isolation.

IV. Downlisting wolves to sensitive is an important step toward removing all protections and will place wolves at greater risk.

- A. WDFW pretends that downlisting will not really change anything. that is true, why is it pushing this recommendation forward when wolves have not met recovery objectives?
- B. The truth is that downlisting wolves would have important consequences.

1. Under the 2011 Plan, it would allow WDFW to issue permits to livestock producers to kill wolves on *public land* grazing allotments, whereas WDFW has previously only issued such permits for private land. This is significant, given that most wolf predations are on cattle grazing on public land, such as in the Colville National Forest.
 2. It would decrease the penalties for poaching wolves from \$5,000 and/or up to a year in jail to \$1,000 and/or up to 90 days in jail—at the same time that wolf poaching incidents are on the rise.
 3. It would eliminate [WAC 222-16-080's](#) requirement that foresters avoid tree harvesting and road construction within 1 mile of known wolf den sites, a rule that will become more and more important as the wolf population moves west.
- C. Most importantly, prematurely downlisting wolves is a big step toward prematurely removing all protections.
1. If wolves are listed as “sensitive” rather than “endangered,” WDFW will undoubtedly contend that it should have fewer restrictions in killing wolves on behalf of livestock owners, and that it should spend less money and effort on implementing non-lethal deterrents to avoid wolf-livestock conflict.
 2. It will become easier for legislators to argue that all protections should be removed in the northeastern part of the state where most wolves live, as they attempted to do in a failed bill during the 2022-2023 legislative session.
 3. It will move the wolf population a step closer to complete delisting, following the same broken logic in the 2024 PSR. If it feels free to ignore the 2011 Plan requirements for downlisting, there is no reason to believe that it will feel obligated to follow its delisting requirements in the future.
 4. It moves Washington one step closer toward following in the steps of Idaho, Wyoming, and Montana and opening up “recreational” wolf hunting.
 - b. The Wolf Advisory Group has been talking about the possibility of a wolf hunt for years.
 - c. Wolf hunting is clearly on WDFW’s mind. It is telling what the 2024 PSR says in response to this concern: “Any future proposals to hunt wolves following delisting would go through a public process (an APA rulemaking process) and there is no predetermined outcome such that a wolf hunting season is a foregone conclusion.” (p. 57)

V. The downlisting recommendation violates WDFW's duty as a trustee of the state's fish and wildlife.

- A. Director Kelly Susewind has been promising special interests such as the livestock industry for years that he would work toward removing wolves from both the federal and state endangered species list.
 - 1. In 2019, **Susewind recommended** that wolves be removed from the federal endangered species list. (Given this recommendation, it is especially hypocritical for WDFW to rely upon "ongoing...federal protections" as support for state downlisting. PSR at 31).
- B. The 2024 PSR's downlisting recommendation conflicts with applicable law, disregards the 2011 Wolf Plan, and ignores Best Available Science.
- C. Susewind was undeterred by **Governor Inslee's letter opposing** the downlisting plan, which among other reasons, indicated that "downlisting would be counter to public opinion and would put aside the stakeholder-developed Wolf Conservation and Management Plan."
 - 1. The people of Washington have elected Governor Inslee to speak for them. Neither Susewind nor the Commission are democratically elected or accountable to the people.
- D. The downlisting proposal is best understood as Susewind's attempt to deliver on promises he has made to the special interests that have long controlled WDFW policy, including Washington's tiny livestock industry and carnivore hunters who are clamoring to be allowed to kill wolves.
- E. The proposal disregards the best interests of the state's wolf population and the interests and values of the vast majority of the Washington population, and betrays WDFW's obligation as a trustee of state fish and wildlife.

VI. Separate points relevant to comments on the SEPA Determination of Non-Significance

- A. WDFW has issued a Determination of Non-Significance (DNS) under the State Environmental Policy Act, which allows it to avoid examining its downlisting proposal through an Environmental Impact Statement.
- B. This DNS was inappropriate, and WDFW needs to perform a full EIS before proceeding with its recommendation.

1. A DNS is inappropriate and an EIS is required whenever an action is likely to have a “probable significant, adverse environmental impact.” RCW 43.21C.031.
 - a. SEPA defines “significant” as “a reasonable likelihood of more than a moderate adverse impact on environmental quality.” The term “reasonable likelihood” means it is not remote or speculative. The phrase “more than moderate” is based on intensity and severity; intensity depends on the magnitude and duration of an impact while severity is weighed along with the likelihood of its occurrence. An impact may be significant if its chance of occurrence is not great, but the resulting environmental impact would be severe.
 - b. A significant impact on an endangered species is likely to be considered a “probably significant, adverse environmental impact” under SEPA, meaning an EIS is required.
 2. Downlisting wolves and decreasing state protections is likely to have a significant adverse impact on the state wolf population and should be examined through an EIS.
- C. Because the DNS relies entirely on the 2024 PSR, all of the arguments related to the PSR are relevant to whether the DNS was appropriate.