Dear Director Anderson,

After five years of hard work, including widespread public participation, the Washington Department of Fish and Wildlife (“WDFW”) developed, and the Washington Fish and Wildlife Commission (“Commission”) adopted, the Wolf Conservation and Management Plan for Washington (“the Plan”) in December of last year. Of particular importance, the Plan specifies a set of requirements that WDFW must meet before it can kill wolves alleged to be in conflict with livestock. We are deeply concerned that despite the careful crafting of the Plan, WDFW is ignoring the language, intent, and spirit of these requirements in ordering the killing of up to four wolves. We are also concerned that WDFW is not approaching management of an endangered species, the gray wolf, with proper care and precaution. The unjustified, state-sanctioned killing of an endangered species is completely at odds with that classification and obviously at odds with the goal of recovering the species. We are extremely disappointed to find, less than one year later, the WDFW ignoring its own Plan and intending to kill wolves from the Wedge Pack.

Chapter 4 Section D of the Plan outlines the requirements that WDFW must meet to employ lethal control against gray wolves. The Plan is clear. Washington’s endangered wolves cannot be killed by the State without documenting four specific findings:

Lethal removal may be used to stop repeated depredation if it is documented that livestock have clearly been killed by wolves, non-lethal methods have been tried but failed to resolve the conflict, depredations are likely to continue, and there is no evidence of intentional feeding or unnatural attraction of wolves by the livestock owner.

With one wolf from the Wedge Pack already dead, and as many as four wolves in the crosshairs, WDFW has still not made those required findings. Indeed, WDFW’s own investigations demonstrate that this clear and unequivocal standard has not been met. Accordingly, any further lethal control at this time is contrary to the plan and, at a minimum, violates the Washington Administrative Procedures Act.

The threshold determination that must be established and “documented” by WDFW is that livestock have “clearly been killed by wolves.” Mere injury does not suffice for the kill determination (although it does for compensation). Nor does the mere presence of “some evidence” of killing. The standard for killing this iconic species in Washington is specific and establishes a high burden of proof that must be met by WDFW: documented evidence that livestock have clearly been killed by wolves. If there is any such evidence here, it is buried in
the WDFW files and has not been offered as evidence that WDFW’s decision meets the dictates of the Plan.

On August 22, WDFW presented on its website (print copy attached), the incidents of depredation that it says have led the Department 1) to offer compensation for past depredations, 2) to kill one female wolf, and 3) to begin the hunt for as many as four wolves from her pack. Evidence necessary for the offer of compensation (injury) is present, and WDFW was correct in offering compensation. But evidence necessary to order lethal control is not.

Compensation for depredation, according to Chapter 4 Section D of the Wolf Plan, merely requires “reasonable physical evidence” that the dead or injured animal was actually attacked or killed by a wolf.” The intentional use of a reasonable evidence, rather than clear evidence, standard, and the attack/injury trigger for compensation makes indisputably clear that WDFW and the Commission understood and meant for there to be a lower evidentiary burden for compensation than for lethal control. WDFW seems to now be confusing the two standards, authorizing lethal control based on evidence that meets only the lower compensation threshold.

While injury to livestock does not meet the lethal control standard, that is the very evidence relied upon by WDFW for its decision. All but two of the incidents of depredation cited as a basis for lethal control involve only injury, not death. Further, the investigative reports of the two incidents that involve the death of a calf cited by WDFW find no more than “reasonable physical evidence” of wolf involvement. Critically, a finding “that livestock have clearly been killed by wolves” has not been made in any report. Without such evidence, killing wolves is not authorized. WDFW has already violated the plan with its first illegal kill of one wolf and is in the process of violating its own regulations four more times as it attempts to exterminate four wolves.

Even more damaging to WDFW’s position is that it apparently is relying, as additional “evidence” to support its determination, on reported incidents of injury to livestock that its own investigators said were unconfirmed. On its website, WDFW claims, as a basis for killing wolves, that on August 2, one or more wolves were involved in injuring a calf. But in its’ own report of that same incident (attached), investigators conclude that “it could not be confirmed as a wolf predation. . . . We decided it was not a ‘confirmed’ event. . . .” (Emphasis in the original.)

This misleading of the public and disregard for the clear terms of the Plan call into question the credibility of the other documented findings that WDFW is required to make before killing endangered wolves is allowed. Has WDFW documented that non-lethal methods have been truly tried but failed to resolve the conflict? Has WDFW documented that depredations are likely to continue absent the killing? Is there no evidence of unnatural attraction of wolves, like unremoved carcasses, by the livestock owner? Evidence that we have gathered suggests that there are serious questions as to each of these factors.

We ask that you make available immediately all records and files of the state that are relevant or likely to lead to the discovery of relevant facts concerning WDFW’s decisions concerning control of the Wedge Pack, and that such documents be made available to the public prior to any further measures of lethal control. Only then can the public have faith and confidence that WDFW has or will in the future manage wolves consistent with law.
Wolf recovery in Washington will be a multi-year process that will require a great deal of trust between the public and your agency. The conservation community has worked hard with WDFW and the other stakeholders to shape a wolf management plan that balances wolf recovery with the needs of our agricultural community. That good work, developed over multiple years of negotiation, is now at risk due to WDFW’s decision to kill four wolves in contravention of the agreed plan. This path leads only to conflict, which is neither good for the community nor for wolves. WDFW must immediately recall its sharpshooters from the field. Unless and until the clear requirements of the Wolf Conservation and Management Plan are met, the killing of Washington’s endangered gray wolves cannot continue.

We thank you for your immediate personal attention to this issue and please know that we stand ready to assist in any efforts that will lead to the speedy recovery of Washington’s wolf population. Indeed, we suggest that after this immediate emergency, WDFW convene a working group with community members to further delineate the process of determining when lethal control of wolves is warranted.

Sincerely,

Bob Ferris, Executive Director
Cascadia Wildlands

Noah Greenwald, Endangered Species Program Director
Center For Biological Diversity

Suzanne Stone, Northern Rockies Representative
Defenders of Wildlife

Dan Paul, Washington State Director
Humane Society of the United States

Rebecca J. Wolfe, Ph.D., Conservation Chair
Snohomish Group, Sierra Club Washington State Chapter

Greg Costello, Attorney
Western Environmental Law Center

Diane Gallegos, Executive Director
Wolf Haven International

Cc: Governor Christine Gregoire
    Washington Fish and Wildlife Commission
    Senator Lisa Brown
    Senator Kevin Ranker
    Representative Hans Dunshee