



July 24, 2023

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Colorado Ecological Service Field Office,
US Fish and Wildlife Service
Denver, CO 80202

RE: Cooperating Agency Comments regarding Draft FEIS Designating ESA Section 10(j)
for Colorado's Wolves.

Moffat County appreciates the opportunity to comment the 10j EIS analyzing a rule to designate an experimental/non-essential population under ESA section 10(j) for Colorado's requested management flexibility for their state-led wolf reintroduction.

Overall General Comment about EIS and Rule Process:

1. While Moffat County has heard the US Fish and Wildlife Service's decision to not share the Draft 10(j) rule with Cooperators, and only share the EIS, this is very concerning. It is difficult to comment on an EIS regarding a Rule that we are not able to see. Cooperators are placed in the unfortunate position of reviewing an EIS that does not even have a US Fish and Wildlife Service Rule in place.
2. Even more concerning is the multiple requests that Cooperating Agencies asked for red-lined "track changes" version of the EIS to speed up our review and comment period since USFWS only provided a 7 day (5 business day) review period for Cooperators. USFWS denied that request, which violates the Cooperating Agency Agreement of sharing pre-decisional information with Cooperators. Further, it placed burdens on the Cooperating Agency reviews to review the entire document, vs. only the changed information since the Draft EIS. This made a simple review process, very complicated. Moffat County has over 23 years of Cooperating Agency experience with dozens of EIS's, and this is the first time we have been denied a track changes version between a draft EIS and final EIS. Whether USFWS has the legal authority to deny Cooperators the track changes version is questionable, but it certainly is not in the spirit of cooperation.

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Specific Comments:

1. Ungulate Provision: Moffat County is most concerned with, and opposes changes from the Draft EIS to the Final Draft EIS regarding the “Statewide Ungulate Provision.” As described under Alternative 1, the Preferred Alternative, states “*Because there would be no statewide provision to address the management of wolves to address ungulate impacts on Colorado recreation outfitters, impacts would be the same as under the no-action alternative.*” One of Moffat County’s largest recreational economic and social impacts is that of ungulate hunting. Moffat County also must infer that the actual 10(j) Rule will not include an ungulate provision, since the EIS does not analyze an ungulate provision, a decision we strongly oppose.

Moffat County offered comments in the Draft EIS supporting the USFWS evaluating in the DEIS a scenario where the 10(j) rule applies to ungulate populations Statewide, not just tribal lands. This possibility has been eliminated from the FEIS. Moffat County strongly opposes this change. Colorado’s big game hunting and fishing generate \$1.8 Billion dollars annually to the Colorado economy, \$900,000 in big game hunting alone. In addition, trophy elk and deer hunting units exist in Moffat County and take over 20 years for hunters to draw tags within these units. Landowners in in these hunt areas, as well as most hunt areas of Moffat County rely on big game hunting as a critical component of income for their ranches. Moffat County STRONGLY requests the USFWS adopt an EIS and 10(j) rule that applies to wildlife population management. Only applying 10(j) to livestock and not including wildlife, would eliminate a critical component of landscape scale management, and hamstring CPW from wildlife management. We understand there is consternation regarding the potential lethal take of an endangered species (wolves) for the management of game species such as deer, elk, antelope, big horns, and moose. However, these species have traditionally supported the Colorado Parks and Wildlife budget, as well as a major draw for out of state visitors. In addition millions of dollars are spent annually to assure ungulate populations are managed, simply introducing a top-line predator on these ungulate populations and eliminating 10(j) take provisions is counterproductive to the decades of wildlife management that has occurred in Colorado. Colorado must not compromise the prized big game herds and wildlife watching and hunting opportunities, in the name of a top line predator that voters narrowly chose to be in this State. Colorado must be able to manage wolf populations in balance with big game, not instead of big game.

2. Restricting the scope of 10(j) protections: Moffat County strongly opposes removing “pets” and redefining “dogs” to “working Dogs.” Colorado’s State Administration fought hard not to allow wolves to be managed when “taking” pets, ironically “pets” have been already killed by wolves in North Park, Colorado. This provision must remain within the

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FEIS. The FEIS should not hamstring wolf management, and should authorized management flexibility of wolves greater than the Colorado Wolf Plan does.

Furthermore, it is shortsighted to not analyze an alternative to reveal the impacts of managing wolves once ungulate population deprecations occur from wolves. Socio-economic impacts from wolves on ungulates are real, affect state hunting revenues, and social values for ungulates in the State. An alternative must evaluate these impacts, even if it is not selected as a Preferred Alternative.

3. Geographic Boundary of 10(j): Moffat County supports the decision by the USFWS to include the entire State of Colorado as the geographic boundary of the 10j rule.

4. 10(j)-not other USFWS permits: Moffat County supports the Services' decision to allow 10(j) with lethal take and not to allow 10(a)(1)(b) permits to replace 10(j). We agree that an incidental take permit does not replace the meaning of 10(j).

5. Socio Economics- Table 4-3 Estimated Annual Deprecations in Analysis Area. Moffat County appreciates the additional clarifications and examination of the economic impact of livestock losses, compared to the earlier draft versions. However, in Moffat County's draft EIS Comments, we specifically asked for further justification in the reported death loss of 83 cattle and 31 sheep due to wolf deprecation when there are 200 wolves on the ground in Colorado. We now notice the FEIS has listed the range of death loss for cattle to be between 103 and 916 head, and the range of sheep deprecation to be from 35-395 head. We continue to make the same comment as we made in the Draft EIS. As a county that has some of the largest numbers of sheep in the State, it is difficult to imagine less sheep being killed than cattle. In addition, we are concerned that the population numbers estimated for both sheep and cattle include sheep and cattle in feed lots. Feedlots account for approximately ½ the sheep population of Colorado. It is very unlikely that sheep deprecation from wolves will ever occur in a feedlot. Moffat County requests a deep-dive into accurate numbers of livestock on rangeland and a more realistic livestock loss representation be utilized in the DEIS.

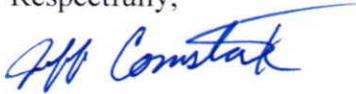
6. Socio Economics- Livestock Grazing Patterns: Moffat County previously commented on the need for part of the socio-economic assessment to include impacts of wolves being present and altering livestock grazing patterns, rangeland vegetation utilization and livestock watering behavior. These impacts have been identified in other states with wolves and should be acknowledged in the EIS. We continue to make this request. Acknowledging these changes in grazing behavior is critical because BLM and Forest Service grazing allotments are graded based on range utilization patterns and other pasture use trends, and a permittee should not be held liable for poor range management that wolves have caused. The

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socio-economic section should acknowledge the change in range use patterns and estimated cost to livestock producers.

Respectfully,



Jeff Comstock, Director
Moffat County Natural Resources Department

Cc: Commissioner Tony Bohrer
Commissioner Melody Villard
Commissioner Donald Broom