



February 27, 2008

Dirk Kempthorne
Secretary of the Interior
1849 C Street, N.W.
Washington, D.C. 20240

H. Dale Hall
Director, U.S. Fish and Wildlife Service
1849 C Street, N.W.
Washington, D.C. 20240

Re: Notice of Violations of the Endangered Species Act in Designating the Northern Rocky Mountain Population of the Gray Wolf as a Distinct Population Segment and Removing That Distinct Population Segment from the Federal List of Endangered and Threatened Wildlife

Dear Secretary Kempthorne and Director Hall:

On behalf of Minette Glaser, Defenders of Wildlife, Natural Resources Defense Council, Sierra Club, Center for Biological Diversity, The Humane Society of the United States, Jackson Hole Conservation Alliance, Friends of the Clearwater, Alliance for the Wild Rockies, Oregon Wild, Cascadia Wildlands Project, and Western Watersheds Project we write to provide you notice, pursuant to 16 U.S.C. § 1540(g), that the U.S. Fish and Wildlife Service's ("FWS" or "Service") decision to designate the northern Rocky Mountains population of the gray wolf as a distinct population segment ("DPS") and to remove that DPS from the federal list of endangered and threatened wildlife, 73 Fed. Reg. 10,514 (Feb. 27, 2008), is arbitrary, capricious, an abuse of discretion, and contrary to the requirements of the Endangered Species Act ("ESA") and its regulations. The groups listed above have submitted extensive comments on the proposed delisting regulation. We attach those comments and incorporate them by reference.

As outlined below and in the attached comments, in designating and delisting a Northern Rocky Mountain DPS ("NRM DPS") of the gray wolf, the Service has flouted the purposes and mandates of the ESA, disregarded its own policies, departed from past agency practice, and ignored fundamental principles of conservation biology.

I. The Service's Decision to Designate a Northern Rocky Mountain DPS Was Arbitrary and Inconsistent with the Endangered Species Act

The ESA provides for the listing of endangered and threatened "species," a term that "includes any subspecies of fish or wildlife or plants, and any distinct population segment of any species of vertebrate fish or wildlife which interbreeds when mature." 16 U.S.C. § 1532(16); *id.* § 1533(a)(1). Under the Service's "Policy Regarding the Recognition of Distinct Vertebrate

Population Segments Under the Endangered Species Act” (“DPS Policy”), the Service must consider three elements in determining whether to designate a DPS: first, the “[d]iscreteness of the population segment in relation to the remainder of the species to which it belongs;” second, “[t]he significance of the population segment to the species to which it belongs;” and, third, “[t]he population segment’s conservation status in relation to the Act’s standards for listing[.]” 61 Fed. Reg. 4,722, 4,725 (Feb. 7, 1996). Through use of the DPS mechanism, the Service is “allow[ed] ... to protect and conserve species and the ecosystems upon which they depend before large-scale decline occurs that would necessitate listing a species or subspecies throughout its entire range.” *Id.*

In 1978, the Service listed the gray wolf as endangered (or, in Minnesota, threatened) throughout the conterminous United States and Mexico, citing a devastating reduction in the wolf’s historic range and the inadequate protection afforded wolves that wandered outside identified subspecific ranges. 43 Fed. Reg. 9,607 (Mar. 9, 1978). Now, in a remarkable about-face, the Service has elected to identify a “distinct” northern Rocky Mountains population of the gray wolf and declare it recovered—irrespective of the status of the entity listed in 1978. 73 Fed. Reg. 10,514. The Service’s designation of a NRM DPS cannot be squared with biology, prior agency actions, existing agency policy, or the Endangered Species Act itself:

- In designating and delisting the NRM DPS, the Service arbitrarily disregarded the status of the larger, listed entity and failed to explain its apparent determination that the conterminous United States was no longer the appropriate measure of the gray wolf’s condition.
- In designating and delisting the NRM DPS, the Service effectively revised its 1978 listing of the gray wolf throughout the conterminous United States. The delisting rule, however, ignored this revision, addressing only the scope and status of the animal’s northern Rocky Mountains population. The Service thus revised the gray wolf’s “lower-48” listing without first complying with the procedural and substantive requirements of the ESA.
- In establishing the bounds of the NRM DPS—which includes all of Idaho, Montana, and Wyoming—the Service ignored biology and its own DPS Policy in order to draw “boundaries of convenience” along state lines. The boundaries of the NRM DPS do not correspond to the present or likely future location of wolves, nor are they based on the habitat needs of a recovered wolf population.
- Rather than drawing a line around a wolf population with a conservation status different from that of other populations of the species, as required under the ESA, the NRM DPS includes large expanses presently unoccupied by wolves. The Service’s action, therefore, eliminates protections beyond the currently occupied range, though the wolf’s conservation status in those areas has not changed.
- By including within the NRM DPS unoccupied portions of Oregon, Washington, and Utah, the Service has ensured that wolves will be unable to disperse from existing core recovery areas—which sit at the center of the DPS—to historic range where the

wolf is still protected by virtue of its ESA listing status outside the northern Rockies gray wolf DPS. Rather than promoting the continued recovery of wolves outside the DPS, therefore, the Service's action severs crucial dispersal corridors by removing federal protections from dispersing wolves and leaving them subject to inadequate state mechanisms and intensive federal, state and private predator control actions within the DPS but outside core recovery areas.

The Service's decision to designate a Northern Rocky Mountain DPS was, in short, both arbitrary and in contravention of the ESA.

II. The Service's Decision to Delist the Northern Rocky Mountains Population Was Both Arbitrary and Inconsistent with the Endangered Species Act

Under the ESA, the Service is required to make listing and delisting determinations "solely on the basis of the best scientific and commercial data available[.]" 16 U.S.C. § 1533(b)(1)(A). In determining the northern Rocky Mountains gray wolf population to be "recovered," the Service violated this requirement, disregarding science and otherwise acting arbitrarily.

A. The Service Premised its Decision to Delist the Northern Rocky Mountains' Wolves on a Biologically Inadequate Recovery Standard

In electing to delist wolves in the northern Rocky Mountains, the Service relied upon the population's attainment of a two-decades-old recovery goal—10 breeding pairs in each of three recovery areas—known to be biologically inadequate.¹ Biologists have established that in order to remain genetically viable, animal populations must number in the thousands. Under the internationally accepted IUCN "Red List Criteria," for instance (previously relied upon by the Service as persuasive authority, but inexplicably disregarded by the agency here), a species must be listed as "vulnerable" when its population falls below 1,000 "mature" individuals. With respect to wolves in particular, scientists have calculated that a minimum population of 2,000 to 5,000 (including both mature and immature animals) is required to ensure viability. In light of this science, the Service's conclusion that a population of 30 breeding pairs of wolves in Idaho, Montana, and Wyoming would somehow be sustainable is simply arbitrary. *See, e.g., Virginia Morell, Wolves at the Door of a More Dangerous World, Science, Feb. 15, 2008, at 891-92* (noting view of Ed Bangs, northern Rocky Mountains wolf recovery coordinator for the U.S. Fish and Wildlife Service, and independent scientists that the Service's recovery standards are inadequate to ensure a viable wolf population in the region).

¹ The Service's 1987 recovery plan demographic recovery standard was 10 breeding pairs (defined as 2 wolves of opposite sex and adequate age, capable of producing offspring) for 3 consecutive years in each of 3 distinct recovery areas. In various Federal Register notices, FWS referenced "revised" recovery criteria, *see, e.g.,* 68 Fed. Reg. 15,804, 15,810 (Apr. 1, 2003), but the Service never formally revised the recovery plan, leaving uncertainty concerning which formulation of recovery is the operative standard.

The inadequacy of the Service’s recovery standard and corresponding delisting determination is evident in the present condition of the northern Rocky Mountains population, which, at approximately 1,500 wolves, is substantially larger than even the Service’s revised recovery standards. The Service has repeatedly acknowledged that the establishment of a metapopulation dynamic among the three recovery areas and Canada is essential to the long-term viability of the region’s wolves. Even with five times the number of wolves provided for by the Service’s most recent revised recovery standards, however, the northern Rocky Mountains population has yet to establish that dynamic—connectivity among the recovery areas and Canada is poor; existing dispersal corridors do not provide suitable habitat; and further development threatens only to worsen conditions in the region. Because of the population’s disconnectedness, wolves in the Greater Yellowstone area have remained genetically isolated since reintroduction. Such small, isolated populations are simply not sustainable. The region’s wolves presently maintain only half the genetic diversity of the extirpated North American population. The northern Rocky Mountains population, moreover, has exhibited dramatic demographic shifts in recent years, demonstrating a heightened risk of extinction that the Service failed to address meaningfully in declaring the population “recovered.”

In determining the northern Rocky Mountains population to be “recovered,” in short, the Service disregarded the “best scientific ... data available[.]” contrary to the requirements of the ESA. See 16 U.S.C. § 1533(b)(1)(A).

B. The Service Failed to Acknowledge and Assess the Threats Confronting the Northern Rocky Mountains Wolf Population

The Service’s analysis of the threats confronting the NRM population is similarly irreconcilable with the requirements of the ESA. Under the statute, the Service is required to determine whether a species is “likely to become an endangered species within the foreseeable future throughout all or a significant portion of its range”—utilizing, again, only the “best scientific ... data available[.]” 16 U.S.C. §§ 1532(20), 1533(b)(1)(A). Viability analyses typically evaluate the risk of extinction faced by a species over a one-hundred-year period. Accordingly, a one-hundred-year standard has been incorporated into the IUCN Red List process. FWS and NMFS, moreover, have previously utilized a one-hundred-year time frame in making listing decisions under the ESA. Nonetheless, in addressing the “foreseeable” risks faced by the northern Rocky Mountains’ wolves, the Service looked forward only thirty years, disregarding the plain meaning of the ESA and available scientific data.

The inadequacies of the Service’s threat analysis are by no means limited to its unjustifiably limited temporal scope:

- The Service’s decision ignored the dramatic loss of the gray wolf’s historic range—the first of the five factors it is required to consider under the terms of the ESA. See 16 U.S.C. § 1533(a)(1)(A).
- The Service failed to meaningfully address whether wolves remained threatened or endangered on a “significant portion” of their range. See 16 U.S.C. § 1532(6). Rather than considering the wolves’ historic range, as required by the statute, the

Service limited its “range” analysis to that portion of the DPS known to be presently occupied by the species—thereby discounting the large unoccupied (and rarely occupied) region where wolves were once viable.

- In concluding that the northern Rocky Mountains wolf population is no longer endangered or threatened across a “significant portion” of its range, the Service further failed to justify the “insignificance” of the potential habitat lying outside the wolves’ core recovery areas. Contrary to the Service’s reasoning, the purported viability of the population within core recovery areas cannot justify the conclusion that the remainder of the wolves’ range is somehow “insignificant” for listing purposes. Moreover, the Service’s contention that human population growth and activity have rendered most of the region unsuitable for wolves and therefore “insignificant” is inconsistent with the ESA, which seeks to protect species from such threats. Finally, the Service’s determination that portions of Oregon are unoccupied and therefore unsuitable arbitrarily disregards the fact that at least two wolves have dispersed to Oregon, one of which was returned by the Service to a core recovery area.
- The Service erred in failing to assess the impact of future road development on the wolf population and the potential benefits of road closures on public lands.
- In reaching its delisting decision, the Service further gave inadequate consideration to the continued threats within the DPS posed by illegal killing of wolves by humans openly hostile to wolves’ presence in the region, excessive state-sanctioned killing, the impacts of disease, and the expanded use of M-44s, other poisons, aerial gunning, and other highly effective extermination tools that collectively were responsible for the near-extirpation of wolves from the western United States.

The Service’s determination that the northern Rocky Mountains wolf population is now secure, in short, is both arbitrary and contrary to the ESA.

C. The Northern Rocky Mountains Population Remains Threatened by Inadequate Regulatory Mechanisms

The Service’s willingness to unlawfully disregard the threats facing the wolves of the northern Rocky Mountains is evident in its assessment of the state laws and management plans designed to govern wolves following delisting. As emphasized to the Service in comments and peer reviews, the management schemes of Idaho, Montana, and Wyoming ensure that the NRM population will be reduced far below its already inadequate size.

While each of the states’ management schemes is uniquely deficient in many regards, a number of inadequacies are common to the laws and regulations of Idaho, Montana, and Wyoming. First, the states’ wolf management plans are largely vague and unenforceable, making no representations as to the number of wolves that will be protected and offering few guarantees as to the actions that will (and will not) be taken in pursuit of the states’ management goals. Second, the states’ management schemes lack guaranteed sources of funding, bringing

into doubt the states' ability to carry out the conservation efforts required to ensure the wolves' viability. Indeed, each of the states has declared an expectation that the federal government will continue to fund wolf conservation once management authority is returned to the states. See, e.g., Idaho Plan, at 23 ("If the Idaho Congressional delegation is unsuccessful at providing ongoing adequate funding to cover the cost of wolf management, the State of Idaho is under no obligation to manage wolves. Provided, however, the State of Idaho is not precluded from using state resources to eliminate or control wolf related conflict."). Finally, the states' management plans unequivocally provide that the maintenance of a viable wolf population is secondary to the protection of private property and recreational interests. In light of these common deficiencies—and the states' outright hostility toward wolves—the Service's determination that existing regulatory mechanisms provide adequate protection for the northern Rocky Mountains' wolves was both arbitrary and contrary to the ESA.

The unlawfulness of the Service's determination is underscored by an examination of the states' individual management schemes. As evidenced by Governor Otter's declared intention to personally assist in killing all but 100 of the state's wolves, Idaho's regulatory framework is inadequate to ensure the continued viability of the state's wolves:

- As Idaho's 2002 wolf management plan makes clear, Idaho remains committed to removing wolves from the state. The plan incorporates as "the official position of the State of Idaho" House Joint Memorial No. 5, which resolved that "wolves be removed [from Idaho] by whatever means necessary." See Idaho Plan, at 4; House Joint Memorial No. 5 (2001), at <http://www3.state.id.us/oasis/2001/HJM005.html>. Idaho's regulatory scheme is inadequate to ensure that the state does not succeed in this aspiration.
- While generally classifying wolves as a "big game" animal subject to state hunting laws and regulations, Idaho law affords individuals essentially unlimited authority to kill wolves in defense of person or property. See Idaho Code § 36-1107. Idaho law is accordingly unable to guarantee that a viable population of wolves will be maintained.
- Idaho law further authorizes the Department of Fish and Game to classify and reclassify the gray wolf within the state. See Idaho Code § 36-201. As a result, the protection afforded to Idaho's wolves largely lies in the discretion of the state's Department of Fish and Game.
- Whatever the classification assigned to wolves by the Department of Fish and Game, Idaho law makes clear that "all methods of take" are to be authorized for use in "the management" of the state's wolves. See Idaho Code § 36-201. Idaho's regulatory scheme, therefore, imposes no limitation on methods of wolf killing, and could conceivably include broadcast application of poisons.
- While Idaho's management plan suggests that lethal controls will not be used in response to "depredation" when the state's wolf population falls below ten "packs," it nonetheless provides that lethal controls would be appropriate at such population

levels under “unusual circumstances.” See Idaho Plan, at 5. As Idaho’s plan declines to define “unusual circumstances,” it does not effectively constrain the use of lethal control on the state’s wolves even when the population falls below levels that the states and the Service argue would require relisting as an endangered species.

- While Idaho’s management plan makes no representations as to how many wolves will be protected or killed, it provides that an expansion of the wolves’ range is to be allowed only when “unacceptable conflict” will not result. See Idaho Plan, at 4. The state’s recently proposed wolf population plan, moreover—a document that was not reviewed by the Service in connection with its finding of adequate regulatory mechanisms—makes clear that Idaho wildlife managers intend to maintain as few as 104 wolves statewide.
- Idaho’s management plan stresses the need to maintain viability of “big game” animals deemed essential to the state’s recreation community, undermining any stated commitment to the viability of the state’s wolf population.
- As approved by the Service, Idaho’s plan protects “packs” rather than “breeding pairs,” and accordingly fails to ensure that the Service’s recovery standard—that is measured, appropriately, in terms of “breeding pairs”—will be met. See Idaho Plan, at 5.
- Despite its intention to reduce the state’s wolf population to minimum levels, Idaho has failed to demonstrate how it will go about monitoring the population to ensure that it does not return to endangered or threatened status.
- Finally, Idaho has demonstrated its commitment to eliminating most of the state’s wolves in its attempts to exercise wolf management authority under a Memorandum of Agreement with the Department of the Interior. In 2006, Idaho proposed killing 75% of the wolves within the Clearwater National Forest in order to increase the area’s elk population, ignoring a scientific consensus that the elk’s decline was the result of habitat limitations—not wolves. The Service then refused to authorize Idaho’s Clearwater proposal; upon delisting, there will be no barrier to such actions.

As the Service has itself concluded, Wyoming’s regulatory structure is affirmatively hostile to the continued survival of wolves within the state:

- In the words of Wyoming’s legislature, the state’s management scheme is aimed at the “aggressive management” of wolves—not ensuring their continued viability within the state. See House Bill No. 213 (“HB 213”).
- Under Wyoming wolf management legislation, wolves remain “predatory animals” in all but the northwest corner of the state. See Wyo. Stat. §§ 11-6-302(a)(ix), 23-1-101(a)(viii)(B). As “predatory animals,” wolves are subject to unregulated killing. Wyoming law, moreover, provides for the subsidization of predator extermination. As FWS has recognized, there is little chance that wolves would survive where designated as “predatory animals” within the state of Wyoming. Indeed, the state’s

management plan makes clear that no wolves are expected to be sustained outside of Wyoming's northwest corner.

- Wolves in Wyoming's "trophy game" region may be taken with hunting licenses. The Wyoming Game and Fish Commission is authorized to limit the issuance of hunting permits only as required to ensure the existence of seven breeding pairs outside Wyoming's National Parks. See Wyo. Stat. §§ 23-1-304(a), 23-1-304(n). Under Wyoming law, moreover, the Commission is required to establish hunting limits aimed at reducing the state's non-Park wolf population to seven breeding pairs. Id. As the Service has previously determined, Wyoming's reliance on the presence of at least eight breeding pairs in Yellowstone is misplaced. The statute thus ensures that the state's wolf population will not meet even the Service's inadequate recovery standards, much less legitimate demographic recovery levels.
- The area identified for "trophy game" designation under Wyoming law is similarly inadequate. The ranges of some packs already cross into lands outside the "trophy game" region, where they will be subjected to unregulated killing. The boundary region between Wyoming's "trophy" and "predator" regions will accordingly serve as a population "sink," undermining the limited protections of the state's "trophy game" designation.
- Wyoming law provides for "aggressive" lethal control actions aimed at protecting big game, in addition to livestock and other private property. See Wyo. Stat. §§ 23-1-304(e), 23-1-304(g), 23-3-115(c). As Wyoming's governor has stated that wolves are responsible for unacceptable wildlife impacts within the state, this authority will likely be used to reduce the state's wolf population below sustainable levels.
- Wyoming's Game and Fish Commission is authorized under state law to establish areas within the "trophy game" region where wolves may be treated as "predatory" and killed without a license. See Wyo. Stat. §§ 23-1-302(a)(ii), 23-3-103(a). The Commission is further allowed to reduce the size of the "trophy game" area by regulation when doing so is determined to facilitate management of the species. See Wyo. Stat. §§ 11-6-302(a)(x)(B)(I), 23-1-101(a)(xii)(B)(I). Nothing in Wyoming law prohibits the Commission from eliminating the "trophy game" area altogether.
- Wyoming's management scheme maintains many of the inadequacies identified by the Service in its decision rejecting an earlier version of the document. The plan, for one, retains a sentence endorsing a 2003 statute and related Wyoming Attorney General opinion letter previously rejected by the Service. See 2007 Wyoming Plan, at 1. Wyoming law, moreover, continues to rely on the existence of eight breeding pairs within Yellowstone National Park in order to meet the Service's statewide standard. The state's wolf management statute is directed at limiting Wyoming's wolf population to only seven breeding pairs outside of Yellowstone—the law does not require that more than seven breeding pairs be protected within the "trophy game" region when Yellowstone's population falls below eight breeding pairs, and thereby fails to ensure the existence of fifteen breeding pairs statewide. See, e.g., Wyo. Stat.

§§ 23-1-304(a), (j), (n). Finally, the state’s “trophy game” area, while enlarged, remains inadequate to protect the state’s wolves. Wyoming’s management scheme, in short, remains hostile to the continued presence of wolves in the state and seeks to reduce their population to the brink of relisting. The Service’s determination that the plan is now adequate is, accordingly, arbitrary.

- Under Wyoming’s 2007 management plan, the Fish and Game Department is required to take management actions where wolves are determined to have had an effect on localized ungulate populations—even within the “trophy game” area. The plan accordingly allows wolf killing where wolves are determined to have had an effect on their native prey, jeopardizing wolf recovery and viability within the state.
- Wyoming’s management plan incorporates language stating that Wyoming will do no more than work to “assure that Wyoming’s wolf population never drops below 10 breeding pairs *and* 100 wolves”—a departure from the Service’s fifteen breeding pair standard. 2007 Wyoming Plan, at 1 (emphasis added). The Service’s determination that Wyoming’s plan is now adequate is, accordingly, arbitrary.
- In addition to lacking assured sources of funding, Wyoming’s plan underestimates the costs of its implementation. In the absence of funding, Wyoming’s regulatory scheme cannot be considered an adequate regulatory mechanism under the ESA. See 16 U.S.C. § 1533(a)(1)(D).

Montana’s regulatory scheme is similarly inadequate to ensure that the state’s wolves meet either the Service’s recovery targets or biologically sound demographic levels:

- Under Montana’s wolf statute, wolves remain subject to a number of predator control provisions authorizing the state Department of Livestock, county commissioners, and landowners to use lethal control measures. See Mont. Code Ann. §§ 81-7-104, 81-7-302, 81-7-505, 81-7-602.
- Wolves are designated as “large predators” under Montana law and, as a result, will be subject to control actions aimed at preserving large game, property, pets, and human safety. See Mont. Code Ann. § 87-1-217. Montana law, in fact, declares that no one may be criminally liable for killing wildlife, including wolves, that merely “threaten[]” to kill livestock. See id. § 87-3-130. Montana’s wolves will not be managed for recovery, therefore, but rather to reduce impacts on ranching and hunting.
- Federal delisting of the northern Rocky Mountains’ wolves will allow Montana Fish, Wildlife and Parks to remove the gray wolf from the state list of endangered species and manage wolves as a “species in need of management.” See Mont. Code Ann. § 87-5-131. Under Montana law, “management” is broadly defined, allowing the use of lethal controls. See id. § 87-5-102. The state has yet to adopt management guidelines for the species, though it has finalized wolf hunting regulations. Montana law, therefore, offers little protection to the state’s wolves.

- Montana law provides Montana Fish, Wildlife and Parks and the Montana Fish, Wildlife and Parks Commission with discretion to redesignate the gray wolf as a “game animal”—and to determine the conditions under which game animals may be taken, be it through open seasons or wholly unregulated killing. See Mont. Code Ann. § 87-5-131.
- In addition to being vague and unenforceable, Montana’s wolf management plan calls for the adoption of laws and regulations that have yet to be promulgated. Montana Plan, at 79, 138. Such a plan cannot be considered an “existing” and adequate regulatory mechanism under the ESA. See 16 U.S.C. § 1533(a)(1)(D).
- Montana’s plan anticipates an increase in the use of lethal controls as a means of reducing wolf “depredation” rates within the state. Montana Plan, at 135. As Montana has historically killed a large number of wolves in response to perceived “conflicts” with cattle, the state’s plan will undoubtedly result in a marked reduction of the state’s wolf population.
- According to Montana’s management plan, the state eventually intends to monitor not breeding pairs but groups of four wolves, effectively reducing numeric recovery standards. Montana Plan, at 94, 132.
- While Montana’s plan asserts that a different management approach will be taken if the state’s wolf population falls below fifteen breeding pairs, the plan largely fails to specify what actions will be taken under such circumstances. The plan provides only that hunting, trapping, and special kill permits relating to livestock on public lands are not to be allowed when the state’s population drops below fifteen breeding pairs. Montana Fish, Wildlife and Parks is otherwise afforded broad discretion in choosing among management options.
- Montana’s plan states without explanation or limitation that wolves may be killed in order to reduce their impacts on ungulate populations. Montana Plan, at 81.

The Service has also failed to assess the threats posed by numerous county ordinances declaring wolves unacceptable within the DPS. As Idaho, Montana, and Wyoming law provides counties with a role in post-delisting wolf management, the Service violated the ESA in failing to consider the threat posed by county ordinances openly hostile to the continued presence of wolves in the region.

State regulatory mechanisms, in short, fall far short of those required to ensure the recovery and viability of the northern Rocky Mountains wolf population. The Service acted unlawfully in declaring otherwise.

III. Conclusion

For the reasons set forth above and in the attached comment letters, the Service’s decision to designate the northern Rocky Mountains population of the gray wolf as a distinct population segment and to remove that DPS from the federal list of endangered and threatened

