



January 5, 2024

Public Comments Processing  
Attn: FWS-R6-ES-2023-0216  
U.S. Fish and Wildlife Service  
MS: PRB/3W  
5275 Leesburg Pike, Falls Church VA 22041-3803

Re: FWS-R6-ES-2023-0216 Endangered and Threatened Wildlife and Plants;  
Threatened Species Status with Section 4(d) Rule for North American Wolverine.

Director Williams and U.S. Fish and Wildlife Service Staff:

Thank you for the opportunity to review the interim 4(d) rule for the final rule to list the contiguous U.S. distinct population segment of the North American Wolverine. I am submitting these comments on behalf of the Fur Takers of America which is an organization representing legal and ethical trappers and wild fur harvesters from across the United States and Canada. We have a number of members that live and trap within the range of the Wolverine DPS discussed in this rule. These members have various stakes that may be affected by this rule, ranging from but not limited to wildlife conservation, economic loss, and reduced recreational opportunities.

Given the potential impacts to our members as well as the impacts on other stakeholders that benefit from the use of regulated trapping as a conservation tool, we believe that a 4(d) rule is necessary for the conservation of the Wolverine as well as other wildlife within its DPS in the contiguous United States. Furthermore, we don't believe any additional prohibitions identified in Section 9 of the US Endangered Species Act of 1973 as Amended should be included in the 4(d) rule. However, we believe that additional clarifications and/or exceptions from prohibitions should be considered for inclusion in the 4(d) rule to ensure that meaningful regulated trapping can be used to manage wildlife in the DPS which will help limit human-wildlife conflicts and aid in the conservation of all wildlife including Wolverines.

After reviewing the final listing rule, Species Status Assessment, and the interim 4(d) rule, we are pleased to find that the interim rule specifically has made an exception for incidental take resulting from lawful trapping in the states occurring within the DPS. We concur that the data presented by the Service shows that the current level of incidental trapping of Wolverines (0.67% of the assumed population of 300 animals) is well below

Fur Takers of America, Inc.  
[www.furtakersofamerica.com](http://www.furtakersofamerica.com)



the 4% trapping mortality threshold which was reported by Mowat et al. (2020) as a potential limitation to the persistence and recovery of Wolverines in nearby Canada where trapping of Wolverines was legal. Under this assumption, even modest increases in incidental catches or mortality by legal trapping would likely be well under this threshold and could possibly provide an index showing that Wolverine populations may be increasing over time. We support this exception to permit incidental take of Wolverines during otherwise legal trapping and support the reporting requirements of such incidental catches.

We do however offer the following suggestions to clarify this exception to include no further restrictions on trapping than what is currently authorized by the agencies and tribes overseeing the administration of regulated trapping within their jurisdictions. Further restricting regulated trapping in these areas could limit its utility and efficacy as a wildlife conservation tool.

In addition, we note that meaningful trapping of species such as Wolves generally requires the use of off-highway vehicles such as snow machines to access areas with the greatest probability of effectively catching and controlling their populations. Restrictions to accessibility to habitats shared by Wolves and Wolverines could limit meaningful trapping of Wolves and such accessibility restrictions may be unnecessary and poorly supported by the best available science. The Wolverine SSA found that winter recreation represented a low stressor to Wolverines in the DPS. Furthermore, Heinemeyer et al. (2019) stated that some Wolverines avoided all forms of winter recreation but also noted a large proportion also tolerated these activities. In fact, Heinemeyer et al. (2019) reported that the high avoidance of Wolverines in their study was the result of 1 male in the Tetons and if this individual was removed from the study, no functional response was found. In addition, this study reported that avoidance of non-motorized recreation areas by female Wolverines was weakly supported with a coefficient of determination ( $R^2$ ) of 0.13, indicating that only 13% of this variation was explained by non-motorized recreation. Lastly, the SSA cites that Barrueto et al. (2022) found that detection probability of Wolverines was negatively correlated with non-motorized winter recreation. The SSA has interpreted this as meaning that Wolverines avoid non-motorized winter recreation. However, it is important to note that this statement may be misinterpreted as detection probability is the probability of detecting a species given that it is present. Therefore, the lower detection of Wolverines with increased non-motorized recreation should not be interpreted as avoidance of these areas but rather signifies that it is more difficult to detect the species in these areas due to a number of factors. Some of these factors could be limitations in sampling approaches, heterogeneity in local habitat, or any number of factors not reported in the study. Furthermore, the detection of Wolverines reported by Barrueto et al. (2022) was



extremely low at 0.02 under no recreation and decreased to 0.01 under the most extreme recreation use which was statistically significant but may not be biologically significant. In fact, detection of Wolverines in Barrueto et al. (2022) is so low that it is likely that the true level of occupancy in their study could be greatly underestimated as low detection generally results in imprecise occupancy estimations which may be interpreted as the species is so difficult to detect when present that it could occupy a far greater number of sampling units than detected.

Lastly, the SSA and listing rule provided very little information of potential for competition as a cause of Wolverine declines in the DPS or the potential of competition limiting future recovery of the Wolverine. However, Khalil et al. (2014) suggested that associations between Wolverines and Wolves in Norway and Sweden were both beneficial and limiting depending on Wolf population sizes. Under low to moderate wolf populations, Wolverines may benefit from the presence of Wolves through the increased amount of carrion available from Wolf kills. This may be particularly important as low Wolf populations often have lower pack sizes which do not consume all of the kill, thus providing more carrion for Wolverines to scavenge. However, Khalil et al. (2014) suggested that as Wolf populations and pack sizes increase, more ungulates are killed and a greater proportion of the kills are consumed by the Wolves. Hence, greater Wolf population densities and pack sizes result in less carrion for scavenging by Wolverines.

The interference competition suggested by Khalil et al. (2014) may be particularly important in the Wolverine DPS that overlaps with the Northern Rocky Mountain DPS for Gray Wolves where the estimated population of Wolves in 2021 was 3,381 which was 307% greater than the management objective of 1,100. The excessive population of Wolves in this region has resulted in major declines of ungulate populations which may have a cascading effect on other predators in the ecosystem including the Wolverine. Additionally, the excessively high population of Wolves in the DPS may also result in direct mortality of Wolverines as Ballard et al. (2003) found evidence of 14 Wolf-Wolverine interactions of which 8 resulted in Wolverine mortality. Therefore, the control of Wolf populations over much of the Wolverines DPS may be critical to the persistence and recovery of the species.

In summary of the comments above, we ask that the Service consider implementing provisions under this 4(d) rule to support meaningful trapping under regulations no more restrictive than those currently enacted by the wildlife agencies in their respective jurisdictions. In addition, we ask that the Service considers the impacts of any limitations to winter recreation on providing necessary wildlife management through regulated trapping as such limitations will further limit meaningful trapping which could affect the potential recovery of the Wolverine.



Thank you for the opportunity comment on this rule and feel free to contact me should you have any questions regarding these comments.

Sincerely,

Jason Wisniewski  
President

#### Literature Cited

- Ballard, W.B., L.N. Carbyn, and D.W. Smith. 2003. *Wolves: Behavior, Conservation, Ecology, and Conservation*. Edited by L.D. Mech and L. Boitani. University of Chicago Press.
- Barrueto, M., A. Forshner, J. Whittington, A.P. Cleavenger, and M. Musiani. 2022. Protection status, human disturbance, snow cover, and trapping drive density of a declining wolverine population in the Canadian Rocky Mountains. *Scientific Reports* 12, 17412.
- Heinemeyer, K., J. Squires, M. Hebblewhite, J.J. O'Keefe, J.D. Holbrook, and J. Copeland. 2019. Wolverines in winter: indirect habitat loss and functional responses to backcountry recreation. *Ecosphere* 10 Article e02611.
- Khalil, H., M. Pasanen-Mortensen, and B. Elmhagen. 2014. The relationship between wolverine and larger predators, lynx and wolf, in a historical ecosystem context. *Oecologia* 175:625-637.
- Mowat, G., A.P. Cleavenger, A.D. Kortello, D. Hausleitner, M. Carrueto, L. Smit, C. Lamb, B. DorsEy, and P.K. Ott. 2020. The sustainability of wolverine trapping mortality in southern Canada. *Journal of Wildlife Mangement* 84:38-51.