

Congress of the United States
Washington, DC 20515

November 17, 2023

Martha Williams
Director
U.S Fish and Wildlife Service
1849 C Street, NW
Washington, DC 20240

Dear Director Williams,

I am writing to express my extreme concern and request a delay in the final decision on whether wolverines in the lower 48 warrant protection under the Endangered Species Act (ESA). As the November 27, 2023, deadline for the decision approaches, I strongly urge your agency to petition the Court to postpone this decision and the subsequent submission to the Federal Register by 120 days. A postponement is necessary because the proposal is based largely on faulty conclusions drawn from climate predictions instead of a thorough assessment of population data.

Any decision about placing or removing a species on the ESA must be based on updated population data, not potential climate effects on a portion of the habitat. Under federal statute, ESA determinations must be made “solely on the basis of the best scientific and commercial data available...after conducting a review of the status of the species” (16 U.S.C. § 1533 (b)(1)(A)). When the Department of the Interior moved to de-list the Greater Yellowstone population of grizzly bears in 2017, the decision was based on robust data from the Interagency Grizzly Bear Study Team that had been monitoring the population since the 1970s. Such data is not publicly available for the wolverine and was not used in this proposal. The U.S. Fish and Wildlife Service (FWS) proposed rule dated November 23, 2022, requests data on “the historical and current status, range, distribution, and population size of this species, including the locations of additional populations of wolverines.” Despite not including the results of this data request, the FWS proposed rule dated June 27, 2023, recommends listing the wolverine as an endangered species. Moreover, the species status assessment (SSA) addendum published by the FWS in September 2023 relies on population estimates from 2013 that the study’s own author describes as “lacking or based on very sparse data.”¹

Assessments in 2020 by the U.S. Fish and Wildlife Service indicate that the loss of wolverine habitat due to climate change and other factors is not as significant as previously suggested in a 2013 FWS assessment.^{2 3} While the FWS seems to think that the 2023 SSA qualifies the wolverine to be listed as an endangered species under potential climate related changes to the habitat, the assessment itself states “In summary, specific thresholds regarding snow dynamics and how changes in these factors will impact wolverines in the future at the population level remain uncertain.” And later: “We have identified significant uncertainties that hamper our ability to predict the scope, scale, and timing of future demographic outcomes for wolverines in the contiguous U.S.”⁴

The Endangered Species Act aims to prevent the **extinction** of species and plants within their natural range. The requirement to qualify as a threatened species under the ESA is that the species "is likely to

¹ <https://wyofile.com/wp-content/uploads/2023/10/Wolverine-2023-SSA.pdf>

² <https://www.govinfo.gov/app/details/FR-2020-10-13/2020-19538>

³ <https://www.govinfo.gov/content/pkg/FR-2020-10-13/pdf/2020-19538.pdf>

⁴ <https://wyofile.com/wp-content/uploads/2023/10/Wolverine-2023-SSA.pdf>

become endangered in the foreseeable future throughout all or a significant portion of its range." Basing this determination on climate modeling and projections that have been consistently inaccurate over decades does not meet the standard of "likely" or even probable at this stage. The North American population of wolverines shares genetic roots with the first wolverines that crossed the Bering Strait—wolverines have demonstrated remarkable resilience, surviving and adapting to various climate fluctuations, including the ice age and other periods of extreme climate change. This longstanding presence in North America underscores the wolverine's ability to endure and adapt. It is wrong to base an ESA determination on unreliable climate predictions for any species, but especially for one that has proven to be so climate resilient.

Given these considerations, I urgently request a delay in the decision-making process to allow for a more comprehensive evaluation of the current state of the wolverine population. This delay would provide an opportunity for more thorough input and data collection to ensure that this decision is proper and protects constituents who will be adversely affected by the listing. We cannot afford to restrict the activities and recreation of citizens of Montana based on projections and models that may not materialize and do not meet the requirements listed in federal law.

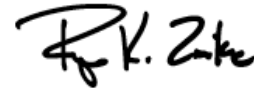
Sincerely,



Matthew M. Rosendale, Sr.
Member of Congress



Steve Daines
United States Senator



Ryan Zinke
Member of Congress