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JEFFREY DUNCAN
DEMOCRATIC STAFF DIRECTOR

August 3, 2011

The Honorable Ken Salazar
Secretary
Department of the Interior
1849 C Street NW
Washington, DC 20240

Dear Secretary Salazar:

I write to express grave concern about the agreement announced today by the Department of Interior and the State of Wyoming to manage gray wolves, should they be delisted from the Endangered Species Act. The U.S. Fish and Wildlife Service previously determined that wolves in Wyoming could not be legally delisted under the ESA because the State had failed to put in place an adequate wolf management plan or otherwise demonstrate its commitment to manage wolves in a responsible manner.

The Fish and Wildlife Service estimated that there are currently 343 wolves in Wyoming, including 97 wolves inside of Yellowstone National Park. Under this preliminary agreement, Wyoming would maintain 10 breeding pairs and 100 wolves outside of Yellowstone National Park, or a reduction of forty percent of the current population.

This agreement creates a "dual-status" plan under which wolves in a small portion of northwest Wyoming would be considered "trophy game," requiring a license to be hunted. Wolves outside of this area would be considered predators and could be shot on sight without a license. It is currently unclear if the "flex-line," which would determine the seasonal "trophy game" area, has been established using the best-available science.

The Governor of Wyoming proposed that Congress eliminate judicial review of any final rule published by the Fish and Wildlife Service to delist the gray wolf in the State of Wyoming. This Congress has already made the unprecedented move to reinstate a 2009 delisting rule for the gray wolf in Idaho and Montana, which was declared unlawful by a federal district court and insulated this rule from any legal challenge.

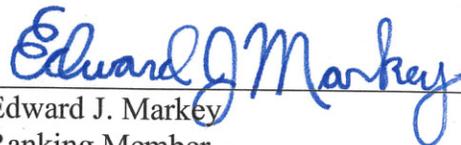
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The backbone of the ESA has always been its commitment to use science to protect species from extinction. Science, not politics, should ensure the conservation and management the gray wolves in Wyoming, should they be delisted. Given my concerns with this agreement, I respectfully request the following information:

1. Please explain how this agreement differs from and will provide meaningful protections for wolves in comparison to existing Wyoming law.
2. Please provide the specific changes to the State of Wyoming's law required as part of this agreement. What impact would a failure to amend state law have on the wolf's status?
3. Please explain how this agreement qualifies as an adequate regulatory mechanism under the ESA.
4. Please provide further detail regarding the "flex line," including how the best available science was used to decide on its location.
5. Please describe the State of Wyoming's monitoring plan to manage gray wolves, should they be delisted from the ESA.
6. Please explain what, if any, commitments you gave regarding plans to legislatively codify this agreement, including eliminating judicial review of any final rule to delist the wolf in the State of Wyoming. Specifically, did you agree to either support, not oppose, or oppose such legislative efforts?

Thank you for your assistance and cooperation in responding to this request. I ask that you please provide a full and complete response to the questions contained in this letter by close of business on August 17, 2011. Should you have any questions about this request, please have your staff contact Karen Hyun of the Natural Resources Committee Democratic Staff at 202-225-6065.

Sincerely,



Edward J. Markey
Ranking Member
Committee on Natural Resources