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February 23, 2021

Sen. Edward McBroom  
Chair, Natural Resources Committee  
Michigan Senate

Via email, Jackie Mosher, Committee Clerk, [jmosher@senate.michigan.gov](mailto:jmosher@senate.michigan.gov)  
[ofcsc@senate.michigan.gov](mailto:ofcsc@senate.michigan.gov)

**Re: Oppose S.R. 0015, Senate Natural Resources Committee Meeting, February 24, 2021**

Dear Senator McBroom and Committee Members:

Thank you for the opportunity to provide testimony. Attorneys for Animals, Inc. (AFA) is a Michigan non-profit and 501(c)(3) organization of legal professionals and animal advocates. The organization's Board of Directors voted to oppose S.R. 0015 which "urge[s] the Natural Resources Commission to authorize, and the Department of Natural Resources to organize, wolf hunting and trapping as part of the state's wolf management efforts beginning in 2021."

AFA has a long history of opposing wolf hunting in this state and has spoken out against it in both this legislature and in response to the 2019 U.S. Fish and Wildlife Service (USFWS) proposal that ultimately resulted in a Final Rule issued November 3, 2020 that removed gray wolves from Endangered Species Act protections effective January 2021.<sup>i</sup>

We are familiar with the USFWS rationale for de-listing (although we disagree) and with the requirements of the Endangered Species Act upon de-listing. *In short, the state cannot develop a management plan in a vacuum and without working closely with the federal government.*

The federal government maintains a role and sets standards for the states even after a species is de-listed. The Endangered Species Act requires monitoring of states for at least five years after species de-listing under a cooperative plan that will ensure survival of the species; and provides for expedited re-listing during this period.<sup>ii</sup>

The USFWS has implemented the statute with a detailed "Post-Delisting Monitoring Plan Guidance" document ("PDM").<sup>iii</sup> Although states are encouraged to adopt the lead role, the USFWS remains responsible for ensuring ESA compliance and must "at a minimum, maintain an active role"<sup>iv</sup> in all phases of the plan. Section 1.3 of the PDM outlines roles of the states, the federal agency and "other partners" directing that both the agency and the state "should solicit active participation of other entities that are expected to assume responsibilities for the

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species' conservation post de-listing or that can contribute expertise or resources for development and implementation of PDM plans.”<sup>v</sup>

In fact, the Final Rule contains an extensive review of the wolf management plans in place in various states, including Michigan<sup>vi</sup> because of its ongoing role. The USFWS does not simply de-list and walk away. Therefore, a necessary component of the Final Rule was to demonstrate why (in its view) the various states were capable of managing a species which so recently, and for so long, had been federally protected.

In discussing Michigan, the USFWS noted: “With regard to implementing a public harvest for recreational or utilitarian purposes, the Michigan Plan identifies the need to gather and evaluate biological and social information, including the biological effects and the public acceptability of a general wolf harvest.”<sup>vii</sup>

The Final Rule also notes that our state (as well as the others) “has experienced and professional wildlife staff to ensure those commitments [to control human-caused wolf mortality] can be accomplished.”<sup>viii</sup>

This Resolution seeks to interject its opinion that a wolf hunt should be authorized and organized post-haste and without further review or input. It does so without an understanding of the requirements of the Endangered Species Act and the post de-listing role of the USFWS; without an understanding that sound science does in fact take into account social acceptability and public opinion; and contrary to the stated plans of the NRC and DNR.

We urge the Committee to not report S.R. 0015.

Very Truly Yours,



Beatrice M. Friedlander, JD  
President

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<sup>i</sup> <https://www.federalregister.gov/documents/2020/11/03/2020-24171/endangered-and-threatened-wildlife-and-plants-removing-the-gray-wolf-canis-lupus-from-the-list-of#p-102>

<sup>ii</sup> <https://www.govinfo.gov/content/pkg/USCODE-2018-title16/html/USCODE-2018-title16-chap35-sec1533.htm>

16 USC §1533 (g): Monitoring

(1) The Secretary shall implement a system in cooperation with the States to monitor effectively for not less than five years the status of all species which have recovered to the point at which the measures provided pursuant to this chapter are no longer necessary and which, in accordance with the provisions of this section, have been removed from either of the lists published under subsection (c).

(2) The Secretary shall make prompt use of the authority under paragraph 7 [2] of subsection (b) of this section to prevent a significant risk to the well being of any such recovered species.

<sup>iii</sup> [https://www.fws.gov/endangered/esa-library/pdf/final\\_PDM\\_guidance-FWS\\_and\\_NMFS-updated-7-2-18.pdf](https://www.fws.gov/endangered/esa-library/pdf/final_PDM_guidance-FWS_and_NMFS-updated-7-2-18.pdf)

<sup>iv</sup> Ibid at page 4

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<sup>vi</sup> Review of Michigan's plan is found beginning at this site: <https://www.federalregister.gov/d/2020-24171/p-539>

<sup>vii</sup> <https://www.federalregister.gov/d/2020-24171/p-558> (citation omitted)

<sup>viii</sup> <https://www.federalregister.gov/d/2020-24171/p-296>