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August 8, 2022

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Basil Seggos  
Commissioner  
New York State Department of Environmental Conservation  
625 Broadway, 14<sup>th</sup> Floor  
Albany, NY 12233-1010

**RE: Killing of Gray Wolves in New York State**

Dear Commissioner Seggos:

We write to urge the Department of Environmental Conservation (“Department” or “DEC”) to take immediate action to protect gray wolves in New York State from being unlawfully killed by hunters. The recent killing of yet another gray wolf (following previous documented gray wolf killings in New York in 2001 and 2005) shows that the Department needs to do more to educate the public—particularly hunters—concerning the presence of gray wolves in the State and their protected status as an endangered species.

As you know, New York law prohibits the “taking,” defined to include killing, of gray wolves (*Canis lupus*) because they are listed by the Department as an endangered species. Environmental Conservation Law (“ECL”) § 11-0535(2); 6 NYCRR Part 182.5(a)(7)(ix). Despite this prohibition, gray wolves continue to be killed in New York State, with the most recent confirmed fatal shooting of an 85-pound gray wolf occurring in December 2021 near Cooperstown, New York. The results of a DNA analysis, paid for by Protect the Adirondacks and performed by the Natural Resources DNA Profiling & Forensic Centre in Ontario, Canada, concludes that this most recent fatality was a combination of Great Lakes, Northwest Territory and Eastern gray wolf genetic composition, all subspecies of *Canis lupus*. The report further concluded that the genetic makeup of the animal was approximately 98% *Canis lupus*. Thus, the killing of this wolf was an unlawful take of a State-listed endangered species, and the hunter’s possession of the wolf carcass is prohibited by State law. *See* 6 NYCRR Part 182.8(b)(1) (prohibiting possession of the carcass of a State-listed species).

New York law imposes both criminal and civil penalties for the illegal take of protected species. An illegal take is a criminal violation punishable by imprisonment for not more than fifteen days, or by a fine of not more than two hundred fifty dollars, or by both such fine and imprisonment. ECL § 71-09239(1). Violators are also subject to a civil penalty of up to two thousand dollars, and an additional penalty of up to three hundred fifty dollars for each protected animal that is the subject of the violation. *Id.* §

**Protect the Adirondacks**

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71-0925(13). In addition, ECL § 71-0909(2) provides that the ownership and right of possession of illegally taken protected wildlife vests in the State. We therefore urge DEC to investigate the killing of a gray wolf in December 2021. This action is necessary to send a message to hunters that the taking of endangered gray wolves has legal consequences, and that hunters cannot simply shoot any large canid they encounter thinking it's just a large coyote.

We also urge DEC to initiate a statewide educational program to inform hunters of (i) the presence of gray wolves in the State; (ii) the New York State and federal laws granting protection to gray wolves; and (iii) the criminal and civil sanctions for the unlawful killing and possession of gray wolves. This action is necessary because gray wolves are and will continue to be present in the State, and the DEC has a legal duty to ensure their protection.

The distance between suitable wolf habitat in the Northeast and established gray wolf populations in Canada is "relatively short." Daniel Harrison & Theodore Chapin, *Extent & Connectivity of Habitat for Wolves in Eastern North America*, *Wildlife Society Bulletin* v.26, n4 (1998), 767-775 ("Harrison & Chapin"). Large, self-sustaining populations of wolves exist in Algonquin Provincial Park and Southern Quebec. *See* Ontario Ministry of Natural Resources, *Backgrounder on Wolf Conservation in Ontario*, (June 2005), at 9. According to the U.S. Fish and Wildlife Service, wolves can range up to 1,000 square miles in pursuit of prey, USFWS, *Questions and Answers About Gray Wolf Biology* (Oct. 30, 2012), and studies have indicated that core habitats in the Northeast are "well within the dispersal capability" of established wolf populations in Canada. Harrison & Chapin.

Given the proximity of suitable wolf habitat in the Northeast to established wolf populations in Canada and the Great Lakes and the vast dispersal distances covered by wolves, it is not surprising that wolves have dispersed into Northeast states, including New York. In fact, there is evidence that wolf dispersal into the Northeast has been happening for years and is likely to continue.

Unfortunately, the evidence of gray wolf presence in the Northeast consists primarily of documented killings of wolves. The following is a non-exhaustive list of documented cases of gray wolves in Northeast states since 1990:

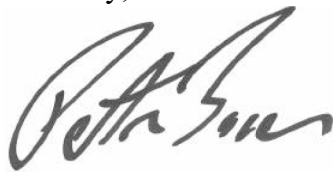
- In September 1993, a gray wolf was shot and killed near Moosehead Lake in Maine. Later DNA analysis confirmed that the animal was a wolf.
- In November, 1996, a large canid was trapped and killed near Bangor, Maine. Later DNA analysis revealed that the animal was a wolf with evidence of coyote hybridization.
- In November, 1998, a wolf was shot and killed in Glover, Vermont. The animal's DNA matched that of wolf populations in the northeastern United States and in Canada.
- On December 19, 2001, a wolf was shot and killed in Day, New York by a hunter who claimed that he thought the animal was a coyote. Later laboratory and DNA analysis confirmed the animal was a gray wolf.
- On April 12, 2005, a wolf was shot and killed in Sterling, New York. DNA analysis confirmed the animal to be a gray wolf.
- In 2005, canid scat was collected near Rangeley, Maine, that was analyzed and identified as consistent with gray wolf DNA.

- On October 1, 2006, a hunter shot and killed a wolf in North Troy, Vermont. Although the hunter asserted that he thought he was shooting at a coyote, a Veterinary Medical Examination Report on the animal identified it as a gray wolf.
- In 2006, there were numerous reports of a potential gray wolf weighing approximately 100 pounds in the Adirondack Park High Peaks Wilderness Area.
- On October 13, 2007, a wolf was shot and killed in Shelbourne, Massachusetts. DNA analysis identified the animal as an eastern gray wolf.
- On an unknown date in mid-2000, a wolf was shot and killed in East Barnet, Vermont, by a hunter who believed the animal to be a coyote. Later DNA analysis determined the animal was at least part wolf.

The preservation and protection of wolves dispersing into New York State is crucial if natural recovery of wolf populations in the Northeast is to be successful. Following steep declines, gray wolves are now established or recolonizing in at least 11 other states. The same rebound is possible in New York, which DEC acknowledges contains “significant suitable habitat” for wolves, including 6,000 square miles of suitable habitat in the Adirondack Park. NYSDEC, Species Status Assessment, Gray Wolf, *Canis lupus* (2017) at 1, 8. In fact, the Department notes that wolves have successfully recolonized regions of northern Wisconsin and the Michigan Upper Peninsula possessing habitat, road and human densities comparable to that of the Adirondack Park. *Id.* at 12. This is particularly significant because the Adirondack Park is only 130 kilometers (80 miles) from the gray wolf core population in the Papineau Labelle Wildlife Reserve in Quebec. *Id.* at 7. However, as DEC notes, wolves dispersing from this core area (or from other core areas) “might be able to successfully navigate the fragmented New England and Adirondack landscape *if provided protection from intentional killing.*” *Id.* at 8 (emphasis added).

We urge DEC to provide gray wolves with the protection from intentional killing that they deserve—and that the law requires—by prosecuting the individual responsible for the most recent wolf killing and by instituting a robust hunter education program to ensure real protection of this endangered species.

Sincerely,



Peter Bauer  
Executive Director



Christopher Amato  
Conservation Director and Counsel