



December 10, 2020

David Bernhardt, Secretary
U.S. Department of Interior
1849 C Street N.W.
Washington, D.C. 20240
exsec@ios.doi.gov

Aurelia Skipwith, Director
U.S. Fish & Wildlife Service
1849 C Street N.W., M/S 3012
Washington, D.C. 20240
aurelia_skipwith@fws.gov

By Email and Certified Mail

Re: Notice of Violation of the Endangered Species Act: 2020 Gray
Wolf Delisting Rule, 85 Fed. Reg. 69,778 (Nov. 3, 2020)

Dear Secretary Bernhardt and Director Skipwith:

On behalf of the Animal Wellness Action (AWA), the Animal Wellness Foundation (AWF), the Center for a Humane Economy, SPCA International, and the Michelson Center for Public Policy, I write to provide notice, pursuant to 16 U.S.C. § 1540(g)(1)(A), our intention to seek legal redress for the U.S. Fish and Wildlife Service's ("FWS") decision to remove gray wolves from the list of threatened or endangered species. On July 15, 2019 AWA and AWF filed comments with FWS opposing the proposed delisting of gray wolves, pointing out the many defects contained in the proposed rule. Our critical comments were submitted alongside those of several other organizations and individuals who likewise opposed the delisting.

As is apparent from the content of the Final Gray Wolf Delisting Rule, those constructive comments were largely ignored. As detailed below, the delisting violates the Endangered Species Act of 1973 ("ESA").

FWS published the Final Wolf Delisting Rule on October 29, 2020. Endangered and Threatened Wildlife and Plants; Removing the Gray Wolf (*Canis lupus*) From the List of Endangered and Threatened Wildlife, 85 Fed. Reg. 69,778 (Nov. 3, 2020). The effective date of the Rule is January 2, 2021. *Id.* Failure to withdraw the Final Wolf Delisting Rule before that date will result in our organizations and others filing suit sixty days after the receipt of this letter or intervening in any suit already filed. *See* 16 U.S.C. § 1540(g)(2)(A)(i).

I. Statutory and Regulatory Background

The “plain intent of Congress in enacting [the ESA] was to halt and reverse the trend toward species extinction, whatever the cost.” *Tenn. Valley Auth. v. Hill*, 437 U.S. 153, 184 (1978). The ESA is “a means whereby the ecosystems upon which endangered species and threatened species depend may be conserved, [and] to provide a program for the conservation of such endangered species and threatened species.” 16 U.S.C. § 1531(b).

The ESA directs the Secretary of the Interior, through the FWS, to list species that he determines are endangered or threatened. *Rancho Viejo, LLC v. Norton*, 323 F.3d 1062, 1064 (D.C. Cir. 2003). The ESA defines an “endangered species” as “any species which is in danger of extinction throughout all or a significant portion of its range.” 16 U.S.C. § 1532(6). The ESA also protects species in less immediate peril, which FWS may list as “threatened species.” A threatened species refers to “any species which is likely to become an endangered species within the foreseeable future throughout all or a significant portion of its range.” 16 U.S.C. § 1532(20). Under § 4(d) of the ESA, FWS must issue regulations “necessary and advisable to provide for the conservation of [endangered and threatened] species.” 16 U.S.C. § 1533(d).

Listing decisions must be made “solely on the basis of the best scientific and commercial data available * * * .” 16 U.S.C. § 1533(b)(1)(A). The ESA requires FWS to list a species as endangered or threatened with the presence of any one or a combination of the following factors: “(A) the present or threatened destruction, modification, or curtailment of its habitat or range; (B) overutilization for commercial, recreational, scientific, or educational purposes; (C) disease or predation; (D) the inadequacy of existing regulatory mechanisms; or (E) other natural or manmade factors affecting its continued existence.” 16 U.S.C. § 1533(a)(1).

FWS listing determinations are subject to review under § 706 of the Administrative Procedures Act (“APA”). 5 U.S.C. § 706. *Humane Soc’y of United States v. Zinke*, 865 F.3d 585, 595 (D.C. Cir. 2017). Under that standard, a reviewing court must overturn an agency decision if it is “arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law.” 5 U.S.C. § 706(2)(A). A reviewing court “must not ‘rubber-stamp * * * administrative decisions that they deem inconsistent with a statutory mandate or that frustrate the congressional policy underlying a statute.’” *Bureau of Alcohol, Tobacco and Firearms v. Fair Lab. Rel. Auth.*, 464 U.S. 89, 97 (1983) (quoting *Nat’l Lab. Rel. Bd. v. Brown*, 380 U.S. 278, 291–292 (1965)).

II. Factual Background

Between 1966 and 1976, FWS and predecessor agencies declared as endangered regional subspecies of the taxonomic species “gray wolf” (*Canis lupis*). *Humane Soc’y*, 865 F.3d at 591. In 1978, FWS downlisted the gray wolf in Minnesota to threatened, but kept the gray wolf in the endangered category for the remaining States, excluding Alaska. *See* Reclassification of the Gray Wolf in the United States and Mexico, with Determination of Critical Habitat in Michigan and Minnesota, 43 Fed. Reg. 9,607, 9,608, 9,612 (Mar. 9, 1978) (“1978 Rule”).

In 2003, FWS attempted to subdivide the gray wolf listing into three “distinct population segments”: an Eastern segment, a Western segment, and a Southwestern segment. Final Rule to Reclassify and Remove the Gray Wolf From the List of Endangered and Threatened Wildlife in Portions of the Conterminous United States; Establishment of Two Special Regulations for Threatened Gray Wolves, 68 Fed. Reg. 15,804, 15,818 (Apr. 1, 2003) (“2003 Rule”). “Two district courts struck down the 2003 Rule’s attempted designation of those three distinct population segments.” *Humane Soc’y*, 865 F.3d at 592. In 2007, FWS promulgated a new rule purporting to create the “Western Great Lakes gray wolf distinct population segment” while simultaneously delisting that population segment. *See* Final Rule Designating the Western Great Lakes Populations of Gray Wolves as a Distinct Population Segment; Removing the Western Great Lakes Distinct Population Segment of the Gray Wolf From the List of Endangered and Threatened Wildlife, 72 Fed. Reg. 6,052, 6,052 (Feb. 8, 2007) (“2007 Rule”). Court challenges to the 2007 Final Rule resulted in it being remanded back to the agency by the U.S. District Court for the District of Columbia in September 2008 because of its clear legal deficiencies.

“In December 2008, the Solicitor of the Department of the Interior issued a memorandum analyzing the statutory authority for designating distinct population segments for the specific purpose of delisting them.” *Humane Soc’y*, 865 F.3d at 592. In 2009, FWS republished the 2007 Rule with a limited discussion of the Solicitor’s 2008 memorandum. *See* Final Rule to Identify the Western Great Lakes Populations of Gray Wolves as a Distinct Population Segment and to Revise the List of Endangered and Threatened Wildlife, 74 Fed. Reg. 15,070, 15,075 (April 2, 2009) (“2009 Rule”). Because of a lack of proper opportunity for public review and comment, as required by federal law, FWS was forced to withdraw the 2009 Rule.

Unrelated to that attempted prior administration action, in 2011, FWS—once again in violation of the ESA and APA—revised the boundaries Western Great Lakes Distinct Population Segment with a concurrent delisting of that Gray Wolf Distinct Population Segment. *See* Revising the Listing of the Gray Wolf (*Canis lupus*) in the Western Great Lakes, 76 Fed. Reg. 81,666, 81,666, 81,670 (Dec. 28, 2011) (“2011 Rule”). Holding that the ESA’s “text requires the Service, when reviewing and redetermining the status of a species, to look at the whole picture of the listed species, not just a segment of it,” the D.C. Circuit affirmed the district court’s rejection of the 2011 Rule. *Humane Soc’y*, 865 F.3d at 601.

After nearly two decades of unanimous judicial rejections of illegal FWS Rules regarding the gray wolf, FWS—in its most extreme action to date respecting that species—now finalizes a nationwide delisting rule. Instead of attempting a fourth round in FWS’s struggle to delist the Western Great Lakes Distinct Population Segment (“DPS”) in compliance with the D.C. Circuit’s mandate in *Human Society*, FWS simply delists the gray wolf in the lower-48 states from the list of endangered species.

III. Reasons Final Rule Violates the ESA and APA

In a more extreme version of the rule rejected in *Humane Society*, FWS exacerbates, rather than mitigates, past mistakes. FWS should withdraw its Final Rule respecting the gray wolf for three principal reasons. First, FWS abused its discretion and acted in an arbitrary and capricious manner by defining the gray wolf’s range too narrowly geographically, failing to consider the gray wolf’s entire population, and failing to give sufficient weight to the gray wolf’s historic range. Second, FWS did not properly consider the

inadequacy of what would constitute the remaining regulatory regimes in a post-delisting setting. Absent ESA listing, the gray wolf would face substantial threats to its viability as a species within the ESA's meaning and purpose. Third, we agree with other environmental and animal welfare organizations that FWS failed to use the best available science in its Final Rule.

A. FWS Arbitrarily Assessed the Gray Wolf's Range.

The ESA requires that FWS consider the danger of the subject species' extinction "in all or a significant portion of its range." 16 U.S.C. § 1532(6), (20). "This range includes those areas used throughout all or part of the species' life cycle, even if they are not used regularly (e.g., seasonal habitats)." Final Policy on Interpretation of the Phrase "Significant Portion of Its Range" in the Endangered Species Act's Definitions of "Endangered Species" and "Threatened Species," 79 Fed. Reg. 37,578 (July 1, 2014) ("SPR policy"). "The SPR policy still requires that FWS consider the historical range of a species in evaluating other aspects of the agency's listing decision, including habitat degradation." *Ctr. for Biological Diversity v. Zinke*, 900 F.3d 1053, 1067 (9th Cir. 2018) (citing *Humane Soc'y*, 865 F.3d at 605–06).

1. *FWS Failed to Adequately Assess the Gray Wolf's Present Range.*

The FWS determined the current range of the gray wolf in the lower-48 States as consisting of two DPSs: "One spread across northern Minnesota, Michigan, and Wisconsin, and the other consisting of the recovered and delisted NRM DPS wolf population that is biologically connected to a small number of colonizing wolves in western Washington, western Oregon, northern California, and, most likely, Colorado." 85 Fed. Reg. at 69,789 & figure 2. FWS acknowledged the existence of "confirmed records of individual gray wolves hav[ing] been reported" in the following states: Vermont, Massachusetts, New York, Indiana, Illinois, Iowa, Missouri, North Dakota, South Dakota, Nebraska, Kansas, Colorado, Utah, Arizona, and Nevada. *Id.*

Nevertheless, FWS does not offer any rational justification for why no part of any of these states is included within the species' current range. FWS alludes to the gray wolves sighted as "lone dispersers hav[ing] been documented outside of core populations in several States." 85 Fed. Reg. at 69,789. FWS also cryptically refers to the current range map as indicating the "latest wolf distribution maps (inclusive of wolf packs, breeding pairs, and areas of persistent activity by multiple wolves)." 85 Fed. Reg. at 69,786.

FWS gives no rationale, however, for why wolf sightings outside the proposed DPSs do not count except to state in a conclusory manner that such populations are not significant.

FWS feigns compliance with the SPR policy approved in *Humane Society and Center for Biological Diversity*, see 85 Fed. Reg. at 69,853, but “range” includes the “general geographical area within which the species is currently found, including those areas used throughout all or part of the species’ life cycle, even if not used on a regular basis.” SPR, 79 Fed. Reg. at 37,583. Because “the agency must examine the relevant data and articulate a satisfactory explanation for its action including a rational connection between the facts found and the choice made,” *Motor Vehicle Mfrs. Ass’n of U.S., Inc. v. State Farm Mut. Auto. Ins. Co.*, 463 U.S. 29, 43 (1983) (internal quotation marks omitted), the rationale FWS advances in this latest delisting attempt is not sufficient. FWS should withdraw the Final Wolf Delisting Rule as not compliant with its own SPR policy with respect to its erroneous and unsupported determination of the gray wolf’s current range.

2. *FWS Failed to Evaluate the Entire Gray Wolf Population in the Lower-48 States.*

The Final Wolf Delisting Rule did not analyze the entirety of the species as it has been listed for over 40 years. See *Reclassification of the Gray Wolf in the United States and Mexico, with Determination of Critical Habitat in Michigan and Minnesota*,¹ 43 Fed. Reg. 9,607 (Mar. 9, 1978) (listing gray wolf as threatened in Minnesota and endangered in the remaining lower-48 States and Mexico). The ESA’s text requires that FWS, “when reviewing and redetermining the status of a species, to look at the whole picture of the listed species, not just a segment of it.” *Humane Soc’y*, 865 F.3d at 601.

Yet, FWS’s analysis of ESA Section 4(a)’s delisting factors nearly exclusively addressed the wolf population in Minnesota, Michigan, and Wisconsin—the Western Great Lakes DPS. See 85 Fed. Reg. at 69,878—69,894. This focus on the Western Great Lakes DPS—to the exclusion of the Northern Rocky Mountain (“NRM”) DPS—has already been rejected by the

¹ It should also be noted that wolf numbers have not increased in the Great Lakes states substantially in recent years – they are stable at best, and they have most certainly not recovered to past levels.

D.C. Circuit. *Humane Soc’y*, 865 F.3d at 601–03. The D.C. Circuit held that FWS “must make it part and parcel of its segment analysis to ensure that the remnant, if still endangered or threatened, remains protectable under the Endangered Species Act.” *Id.* at 602. Otherwise, “disregard of the remnant’s status would turn that sparing segment process into a backdoor route to the *de facto* delisting of already-listed species, in open defiance of the Endangered Species Act’s specifically enumerated requirements for delisting.” *Id.* at 601–02. Here, FWS thinks that its analysis on the oft-proposed but never judicially vetted WGL DPS relieves it of any burden to analyze the proposed NRM DPS.

Instead, this Final Rule has all the capriciousness of the judicially rejected 2003 Rule. In 2003, FWS attempted to create three new wolf DPSs and downlist two of them. This Rule was held to be “arbitrary and capricious because FWS downlisted major geographic areas without assessing the threats to the wolf by applying the statutorily mandated listing factors.” *Defenders of Wildlife v. Norton*, 354 F. Supp. 2d 1156, 1172 (D. Or. 2005); *accord Nat’l Wildlife Fed’n v. Norton*, 386 F. Supp. 2d 553, 565 (D. Vt. 2005) (“The FWS simply cannot downlist or delist an area that it previously determined warrants an endangered listing because it ‘lumps together’ a core population with a low to non-existent population outside of the core area.”)

In the Final Wolf Delisting Rule, FWS simply combined gray wolf populations into a single entity for the purpose of delisting. *See* 85 Fed. Reg. 69,784 (“Because the two currently listed entities are not discrete, we need not evaluate their significance.”) “Neither of the listed entities is a DPS, and thus neither entity is a ‘species’ as that term is defined under the Act.” (internal citation omitted)). Because FWS did not conduct an analysis of the “species included in a list,” 16 U.S.C. § 1533(c)(2)(A), the Final Rule is arbitrary and capricious because “the agency has relied on factors which Congress has not intended it to consider.” *Motor Vehicle Mfrs. Ass’n of U.S.*, 463 U.S. at 43.

3. *FWS Failed to Analyze Any Historical Range of the Gray Wolf.*

Additionally, FWS omits any rational analysis of the gray wolf’s historic range. In *Humane Society*, the D.C. Circuit held just because *Chevron* deference allows FWS to omit historical range in defining a species’ range (as such is defined by the ESA), FWS cannot “brush off a substantial loss of historical range as irrelevant to the species’ endangered or threatened status.” *Humane Soc’y*, 865 F.3d at 605.

But that is exactly what FWS has done. Here, “95% of the gray wolf’s historic range has disappeared.” *Id.* at 606. Yet, FWS specifically defined range without any connection to the gray wolf’s historic range. *See* 85 Fed. Reg. 69,853 (“In other words, we interpret ‘range’ in these definitions to be current range, *i.e.*, range at the time of our analysis (*see* Definition and Treatment of Range).”).

The Final Rule notes that FWS’s “analysis assumes a larger historical range for the gray wolf species in the lower 48 United States and, as a result, a greater loss of such range (*see* Historical Range).” 85 Fed. Reg. at 69,786 & figure 2. Nevertheless, the Final Rule contains only a perfunctory two-paragraph analysis under a section entitled “Historical Context of Our Analysis.” 85 Fed. Reg. at 69,792.

FWS’s own words show its abuse of discretion: “[a]lthough the range of the gray wolf in the lower 48 United States has significantly expanded since 1978, its size and distribution remain below historical levels.” *Id.* “[A]n agency rule would be arbitrary and capricious if the agency * * * entirely failed to consider an important aspect of the problem.” *Motor Vehicle Mfrs. Ass’n of U.S.*, 463 U.S. at 43. As to historic range, FWS has flatly failed to consider this aspect of the problem.

B. FWS Omitted Any Significant Analysis Concerning the Inadequacy of Existing Regulatory Mechanisms.

The ESA requires consideration and evaluation of existing regulatory mechanisms absent the species’ listing. 16 U.S.C. § 1533(a)(1)(D). FWS’s consideration of other regulatory mechanisms in its Final Rule here is a simple recitation of each state’s, tribe’s, or other federal agency’s laws. *See* 85 Fed. Reg. at 69,825–69,843. It is certainly not a comprehensive analysis; nor an evaluation as required by law. *See id.*

For example, FWS recites the management plans of the three West Coast states. 85 Fed. Reg. at 69,835–69,837. The State of Washington presently lists the gray wolf as endangered pursuant to the Washington Endangered Species Act. 85 Fed. Reg. at 69,835. “The Washington Plan provides recovery goals for downlisting and delisting the species under Washington State law.” 85 Fed. Reg. at 69,836. The Final Wolf Delisting Rule notes that California’s plan was recently promulgated. 85 Fed. Reg. at 69,836. Accordingly, its effectiveness is not definite.

Similarly, FWS's discussion of Oregon is disingenuous at best. FWS notes the regulations promulgated by the Oregon Department of Fish and Wildlife ("ODFW") and summarizes the state's management plan. 85 Fed. Reg. at 69,835–69,836. What is missing, however, is the fact that the Oregon Legislature mandated delisting of the gray wolf as endangered under the Oregon Endangered Species Act. *Cascadia Wildlands v. Dep't of Fish & Wildlife*, 300 Or. App. 648, 655, 455 P.3d 950, 951 (2019) (quoting ORS 496.172(1)). By taking that action, courts in Oregon may not judicially review the delisting. *See id.* It is difficult to see, under these circumstances, how a change in approach by ODFW would be subject to scrutiny. Perhaps, for that reason, Oregon opposes delisting.

Several of the relevant states have virtually no protections for the gray wolf. In Wyoming, wolves may be taken by any legal means year-round and without limit in the predator area as provided by Wyoming Statute 23-2-303(d), 23-3-103(a), 23-3-112, 23-3-304(b), 23-3-305, and 23-3-307. Utah requires state wildlife officials to prevent the establishment of a viable wolf pack by extermination of any wolves coming into the state. Utah Code § 23-29-201. South Dakota considers the wolves to be "varmints" that can be shot on sight. S.D. Codified Laws § 41-1-1.

Against this state legislative and regulatory background, FWS's Final Wolf Delisting Rule simply summarizes the various state and tribal plans. 85 Fed. Reg. at 69,842–69,843. Much like the discussion of the gray wolf's range, AWS noted in its comments on the proposed delisting rule the inadequacy of the regulatory schemes remaining should FWS not rescind the Final Wolf Delisting Rule. Additionally, FWS omits consideration of relevant states not within the Final Rule's DPSs. Further, FWS's analysis and summation of protections to the gray wolf in the proposed NRM DPS is particularly capricious. The summation of Utah law, which again compels wildlife officials to capture and kill any wolves coming into the state, is strained: "In Utah, the State management plan will guide management of wolves until 2030; until at least two breeding pairs are documented in the State for two consecutive years; or until the political, social, biological, or legal assumptions of the plan change, whichever occurs first." 85 Fed. Reg. at 69,843.

Other states actions have clearly foreshadowed what loss of federal protections will mean for wolf populations. Between 2012 and 2014, state wildlife management authorities in Michigan, Minnesota, and Wisconsin let

hunters and trappers take aim at endangered wolves, killing well more than 1,000 wolves, typically by inhumane means, including body-gripping traps, neck snares, and, at least in one state, packs of dogs. More than half of the wolves killed were pups.

Once again, due consideration of an important aspect of the problem is missing. *Motor Vehicle Mfrs. Ass'n of U.S.*, 463 U.S. at 43 (“an agency rule would be arbitrary and capricious if the agency * * * entirely failed to consider an important aspect of the problem”). For that additional reason, FWS’s Final Wolf Delisting Rule again violates the APA. FWS’s abdication of post-delisting analysis in several relevant states as well as demonstrably incorrect conclusions regarding the states it did consider constitutes an abuse of discretion.

C. FWS Failed to Use the Best Available Science.

Listing decisions must be made “solely on the basis of the best scientific and commercial data available * * * .” 16 U.S.C. § 1533(b)(1)(A). FWS’s failure to “rationally consider and apply the best available science, as demanded by the APA and the ESA” will result in the federal courts vacating and remanding the Final Wolf Delisting Rule. *Crow Indian Tribe v. United States*, 343 F. Supp. 3d 999, 1016 (D. Mont. 2018), *remanded on other grounds*, 965 F.3d 662 (9th Cir. 2020). In *Crow Indian*, the district court vacated the final rule for FWS’s failure to recalibrate population estimators for the Yellowstone grizzly bear population. 343 F. Supp. 3d at 1015–18. The Ninth Circuit affirmed the district court’s judgment with respect to the order mandating FWS commit to recalibration. 965 F.3d at 681.

Similar to *Crow Indian*, FWS completely omitted any discussion a critical article drafted by one of the independent peer reviewers FWS chose to evaluate this rule. See 85 Fed. Reg. at 69,813–69,817 (repeatedly citing a work by Dr. Carlos Carrol). In October, this reviewer published an article critical of FWS’s “extreme oversimplification of the genetic structure of wolf metapopulations at regional and continental extents.” Carlos Carrol et al., *Wolf Delisting Challenges Demonstrate Need for an Improved Framework for Conserving Intraspecific Variation under the Endangered Species Act*, 70 BIOSCIENCE (forthcoming), available at, <https://academic.oup.com/bioscience/advance-article/doi/10.1093/biosci/biaa125/5941853> at 7 (last visited Dec. 3 2020). All reviewers expressed concern FWS’s DPS structure of gray wolves in the lower

48 states to which FWS failed to rationally consider in the notice-and-comment process. *See* 85 Fed. Reg. at 69,844–69,856.

Time and again, FWS has ignored sound science in its current delisting attempt. For example, researchers have documented the beneficial ecosystem effects of the wolf's presence in Yellowstone National Park, mainly in Wyoming. Wolves have also proved to be a bulwark against Chronic Wasting Disease (CWD), which has had an enormous effect on deer health and populations. Wolves are expert at picking off sick and vulnerable animals, taking out animals that are showing the first signs of CWD and potentially arresting its spread.

Failure to consider rationally the best available science derailed FWS's 2013 gray wolf delisting proposal. *Humane Soc'y*, 865 F.3d at 602–03 (citing *Removing the Gray Wolf (*Canis lupus*) From the List of Endangered and Threatened Wildlife and Maintaining Protections for the Mexican Wolf (*Canis lupus baileyi*) by Listing It as Endangered*, 78 Fed. Reg. 35,664, 35,668 (June 13, 2013)). The Final Wolf Delisting Rule here will meet a similar fate.

IV. Conclusion

The public is deeply concerned about wolves and has expressed its support for more protections to recover wolves, not fewer. In November 2014, the people of Michigan rejected two efforts by the state legislature to authorize trophy hunting and trapping of wolves through citizens' referendums. Similarly, Washington citizens have been deeply critical of lethal control actions aimed at wolves in 2019 and 2020, filing legal actions, staging protests, and otherwise objecting to policies that favor ranchers over protection of scarce wolves. In November 2020, the voters of Colorado in a citizen initiative approved a measure to restore wolves in the state.

With its latest delisting attempt, FWS is ignoring the public support for wolf populations and simply repeating many of the same mistakes it has made in its many prior attempts to delist the gray wolf from ESA protection and the Final Rule is highly likely to face the same outcome as these earlier efforts. For the foregoing reasons, AWA and AWF request that FWS remedy the ESA violations and vacate the Final Wolf Delisting Rule. Not only is withdrawal of the Rule the proper approach to protect and maintain endangered wolf populations in the lower 48 states, but it will save the

agency significant resources in having to defend an indefensible rule against the many legal challenges that await it. AWA and AFW intend to file claims for declaratory and injunctive relief pursuant to 16 U.S.C. § 1540(g)(1)(A), should FWS fail to withdraw and vacate the Rule. See 16 U.S.C. § 1540(g)(2)(A)(i).

If you believe that any of the foregoing rational is in error or have questions or clarifications, kindly contact me.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Scott Edwards". The signature is fluid and cursive, with the first name "Scott" and last name "Edwards" clearly distinguishable.

SCOTT EDWARDS
GENERAL COUNSEL
ANIMAL WELLNESS ACTION &
THE CENTER FOR A HUMANE ECONOMY
611 Pennsylvania Avenue, SE
Suite # 136
Washington, D.C. 20003
[Tel.] (202) 821-5686
scott.edwards@animalwellnessaction.org