



**Investigative Report
of the
U.S. Fish and Wildlife Service's
Red Wolf Recovery Program**

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This is a version of the report prepared for public release.

SYNOPSIS

We initiated this investigation after receiving complaints from two private landowners criticizing the U.S. Fish and Wildlife Service's (FWS) Red Wolf Recovery Program in Manteo, NC. The landowners alleged that the Program released more wolves into the wild than originally planned, and that it released wolves on private property when it originally stated it would only release them on Federal land. The landowners also questioned whether the Program misreported mortality data of the wolves to bolster support for the Program, and whether Program staff falsely reported the September 2014 death of a specific red wolf as heartworm instead of gunshot to protect an FWS employee who the landowners believed had shot the wolf.

During our investigation, we found that the Program released more wolves than it originally proposed in a Federal Register notice, and acted contrary to its rules by releasing wolves onto private land. We also found that FWS accurately reported historical mortality data of the wolves, although we noted inconsistent interpretations of how Program staff classified and recorded certain types of mortalities. Lastly, we found that an FWS investigation determined that FWS accurately recorded the cause of death as suspected gunshot for the wolf that died in September 2014, and that no employee had been deemed culpable for the wolf's death.

BACKGROUND

The Red Wolf Recovery Program

On November 19, 1986, the U.S. Fish and Wildlife Service (FWS) published a rule in the Federal Register (FR (51) 41790-41797), which established a plan to reintroduce the endangered red wolf into the wild. According to that rule, FWS planned to release between 10 and 12 red wolves from the Red Wolf Captive Breeding Program onto Federal land at the Alligator River National Wildlife Refuge in Manteo, NC, and an adjacent U.S. Air Force bombing range. In 1995, FWS published another rule (FR (60) 18940-18948), which expanded the North Carolina recovery area to include the Pocosin Lakes National Wildlife Refuge in Columbia, NC. Today, the Red Wolf Recovery Program manages wild red wolves on public and private land in five North Carolina counties.

In the 1986 rule, FWS acknowledged the possibility that red wolves might stray outside the boundaries of Federal property onto private property and declared its intent to recapture the red wolves and return them to Federal land. The 1995 rule allowed red wolves to remain on private land unless the landowner requested removal. Since at least 1989, FWS has responded to red wolves straying onto private properties by entering into written or oral agreements with willing landowners to allow the wolves to remain on private properties and to allow FWS personnel to operate on the properties to manage the wolves.

Throughout the Program's existence, many private landowners have expressed concern about red wolves on their properties, citing the possible threat to human life, domestic pets, livestock, and game animals. These concerns prompted FWS to periodically issue new rules to expand the provisions for landowners to capture or kill red wolves on private land if a landowner considered a wolf a threat to life or property.

In response to recent public criticism, FWS commissioned the Wildlife Management Institute, a nongovernmental organization, to thoroughly evaluate the Program. In its report, issued November 14, 2014, the Institute found that the Program did not comply with certain aspects of the 1986 rule, particularly the number of wolves it planned to release into the wild and FWS' stated intent to release red wolves on Federal property.

Federal Court Injunction on Hunting Coyotes

In July 2013, the State of North Carolina significantly expanded the authority to hunt coyotes in the State and allowed hunting both during the day and night. In October 2013, several nonprofit conservation groups sued the North Carolina Wildlife Resources Commission to halt coyote hunting within the five counties of the red wolf recovery area. Coyotes, which are often considered nuisance animals, look very similar to red wolves, and the conservation groups feared that red wolf gunshot mortalities would increase as a result of hunting coyotes, especially at night. In May 2014, a Federal court issued a temporary injunction against the State's coyote-hunting rules within the red wolf recovery area, including on private property. Based on interviews and document reviews, we learned that many landowners felt that this infringed on private property rights, which exacerbated opposition to the release of red wolves.

DETAILS OF INVESTIGATION

We initiated this investigation on May 12, 2015, after reviewing several complaints opposing the Red Wolf Recovery Program sent by private landowners to FWS management. We contacted the landowners to clarify their concerns. The landowners questioned whether FWS—

- violated its own rules and regulations regarding the number and location of wolves released into the wild;
- intentionally misreported historical mortality data for the wolves to influence the public's opinion of the Program; and
- misreported the facts of a specific red wolf mortality to protect an FWS employee.

The Number of Red Wolves Released by FWS

On March 31, 2015, a private landowner emailed Secretary of the U.S. Department of the Interior (DOI) Sally Jewell, FWS Director Dan Ashe, and another FWS employee, stating that he learned from public documents that the Program had released 43 red wolves into the wild in its first 5 years, which exceeded the original plan stated in the 1986 rule. He also said that the Program had released at least 14 red wolves on private property, and that it had released red wolves into the wild outside of the wolves' historical geographic range.

According to the 1986 rule, the Program planned to release three mated pairs of red wolves in the spring of 1987 and two more mated pairs in the spring of 1988. The rule stated that the Program planned to limit the releases to no more than 12 wolves. In its 2014 review, however, the Wildlife Management Institute reported that the Program had released 132 red wolves between 1987 and 2013, which conflicted with the Program's original plan.

We reviewed numerous Program records, as well as scientific publications coauthored by Program personnel, and found that the Program openly reported the number of wolves it released. For example, the Alligator River National Wildlife Refuge published annual reports that listed the number of red wolves released that calendar year. The 1992 report listed, by serial number, 42 red wolves that the Program had released between September 1987 and September 1992. The refuge reported release numbers in each of its annual reports until 1996.

The current Program recovery lead provided us with a spreadsheet identifying every red wolf released, including the release date, the wolf's birth location, and whether the wolf was released on Federal or private property. The spreadsheet listed 132 releases, with the last release occurring in 2013.

We interviewed a former Program coordinator who, when asked about the number of red wolves released, said there was confusion regarding what constituted a release. He said that a release meant taking a wolf from captivity and letting it go in the wild. Therefore, staff capturing a red wolf in the wild and then letting it go again was different from releasing the wolf from captivity into the wild.

We also interviewed a wildlife refuge specialist, who stated that the Program's goal was to recover the red wolf species. He said that when he started working for the Program, some of the release strategies were not working. He opined that the Program struggled early on because the wolves released were not adapting to living in the wild and were dying. He did not recall ever receiving direction from FWS management to stop releasing wolves beyond the first 12 released.

When we asked the wildlife refuge specialist about Program documentation that sometimes conflicted with the number of wolves released, he speculated that the authors of different publications may have had differing interpretations of what constituted a release. For example, the 1995 rule in the Federal Register indicated the Program released four wolves in 1987, but the Alligator River National Wildlife Refuge's annual summary from 1987 indicated the Program released eight wolves. The wildlife refuge specialist speculated that the 1995 rule may have meant the Program released four pairs of wolves, as opposed to individual wolves.

We asked an FWS assistant regional director about the number of wolves released. He told us that public concerns regarding the number of wolves released prompted him to question inconsistencies in the Program's data. He did not know if any inconsistencies were due to mistakes, missing data, or just conflicting interpretations, but he had no reason to believe that Program staff had falsified data.

We also interviewed an FWS field supervisor, who opined that the issue of red wolf releases was "muddy." He said that agency actions require a National Environmental Policy Act (NEPA) review to assess potential natural resource damage. Also, Section 7 of the Endangered Species Act requires agencies to consult with FWS to determine how a Federal action would affect an endangered species captive population. After the Program released the first 12 wolves, it continued releasing more wolves—which was stated in the 1995 rule—but the Program conducted no Section 7 consultations or environmental assessments for the subsequent releases. He said, however, that he had no reason to suspect that Program staff had falsified any data.

The Release of Red Wolves on Private Property

The 1986 rule stated that FWS would release red wolves only on Federal land and did not explicitly state that FWS would release any wolves directly on private land. The rule intimated the possibility that the animals would stray onto private property and that the Program would need to manage the wolves. According to the spreadsheet that the Program recovery lead provided, however, FWS released 63 wolves directly on private property.

We found that FWS officially documented the release locations and activities of all wolves released, whether on public or private property. For example, the Alligator National Wildlife Refuge's 1990 annual report detailed a lease agreement between FWS and the Durant Island Club in Rocky Mount, NC, that explicitly permitted the release of red wolves onto the leased premises. In the 1990 Red Wolf Recovery/Species Survival Plan, the Program stated that it expected lease agreements on private land to become a viable strategy to combine "Federal, State, and private properties into a wolf management zone." In addition, in a 1994 annual Program summary, the Program reported that it released four adult pairs of wolves on both public and private land near the Pocosin Lakes National Wildlife Refuge. The Program maintained several formal lease agreements, as well as a detailed listing of agreements with private landowners, both written and oral.

We interviewed a representative from the Wildlife Management Institute who participated in the Institute's comprehensive review of the Program. According to the representative, Program staff stated that FWS entered into either written or "handshake" agreements with many private landowners to access their properties. The representative said that while the Institute did not examine all of the available written agreements, it found no evidence that the Program released red wolves on private property if the owner had not consented. The representative said that he saw no indications that the Program falsely reported any data.

When we asked the former Program coordinator about releasing wolves on private property, he said that Program staff only entered private property with permission from the landowner. He said that, over time, the staff developed a rapport with many landowners, so written agreements became less common, and he added that some landowners even provided keys to property entrance gates. According to the former Program coordinator, Program staff attempted to remove red wolves from private property if a landowner requested. He added that he was not aware of the Program removing a red wolf from one landowner's property and then releasing it on another landowner's property. If Program staff captured a red wolf on private property, they would often release it on Federal land to encourage it to mate with another animal. An animal's home range, however, may cross Federal and private boundaries.

We also asked the wildlife refuge specialist about releasing red wolves on private property. He said that when he started working for the Program, the red wolves had just started to migrate onto private property. At that point, he said, he was instructed to contact private landowners regarding wolves on their property. He opined that this process evolved as more red wolves moved onto private property. Like the former Program coordinator, the wildlife refuge specialist said that Program staff began to develop relationships with private landowners and that FWS used this cooperation to its advantage. The wildlife refuge specialist did not recall receiving

direction from FWS senior management for the Program to stop releasing red wolves on private property.

False Reporting of Historical Mortality Data

On March 26, 2015, a private landowner emailed an FWS Office of Law Enforcement (OLE) special agent, noting that the numbers of red wolf mortalities resulting from intraspecific competition (wolf killing wolf) dropped to zero between 2012 and 2015, while gunshot mortalities increased dramatically. In the email, the landowner asked if FWS fraudulently allocated wolf deaths from intraspecific competition to gunshots in order to intentionally bolster support for the injunction on hunting coyotes in North Carolina.

Similarly, another private landowner asked in an April 16, 2015 email to Secretary Jewell, Ashe, and other FWS employees whether FWS had fraudulently claimed illegal gunshots as a cause of death instead of the actual cause. On May 11, 2015, the landowner emailed Secretary Jewell, Ashe, and a DOI Office of Inspector General special agent, asking: “Does the [FWS] close all Critically Endangered Species criminal cases that are ‘Confirmed’ to have suffered ‘Gunshot’ if it only later (creatively??) decides the mortality was not caused by gunshot?”

When we interviewed the Program recovery lead, she explained to us FWS’ procedure for processing red wolf deaths. She said that the Program learns of mortalities through various means, such as mortality signals from radio telemetry collars or reports from private citizens. When staff responds to a mortality, she said, they make an initial determination of the likely cause of death and record it on the wolf’s mortality report. She said that if the cause of death is not readily apparent or is otherwise suspicious, staff reports it to OLE. She said that if an OLE investigation or necropsy report contradicts the initial cause-of-death determination, the Program updates its records.

The Program recovery lead said that, due to recent public scrutiny, she reviewed the records to ensure that all mortalities were reported as accurately as possible. She said that she updated the Program’s records of all red wolf mortalities since the beginning of the Program to match official findings from law enforcement and necropsy reports, and she provided us with that spreadsheet. She provided us with an additional document that displayed consolidated mortality data and confirmed that intraspecific deaths have in fact decreased, while gunshot deaths have increased.

The Program recovery lead added that the Program maintained a hardcopy folder for each wild red wolf with which it came into contact. The folder contained items such as inoculation records, scientific data, and a 1-page mortality report, when warranted. The mortality report contained a space for both the initial cause-of-death determination and the final determination.

According to an FWS OLE special agent, OLE has increased its investigations of red wolf mortalities over the past 5 years. He stated that OLE previously had not investigated every red wolf mortality because a now-retired OLE agent responsible for the Program recovery area was reluctant to open cases on gunshot mortalities because he knew that a shooter would not be prosecuted without demonstrable knowledge that the shooter knew he or she had shot an endangered species. In recent years, the special agent said, OLE has cultivated a better

relationship with Program staff, which he believed may have encouraged more reporting of red wolf deaths. He added, though, that OLE may also decline to initiate an investigation if a carcass is too decomposed to determine the cause of death.

The FWS OLE special agent stated that he became concerned about the Program's mortality reporting sometime in 2010 or 2011, after learning that Program staff sometimes listed gunshot as a cause of death before an investigation or necropsy was completed, or if they found a cut telemetry collar but no carcass. He said that he advised Program staff and FWS management against drawing such a conclusion in the absence of other evidence.

In his interview, the former Program coordinator told us that Program staff would radiograph each wolf carcass, and if bullet fragments were present, staff would deem it a gunshot death. He added, however, that Program staff would update the records if a subsequent necropsy found otherwise. He also said that if Program staff found or received a cut telemetry collar with a hole in it, they would initially consider it "suspected foul play," but would enter it into the database as a gunshot death. He said that this death classification was called an "illegal take," which was standard procedure in similar biological programs and consistent with Endangered Species Act guidelines. Still, the former Program coordinator said, after an FWS OLE special agent questioned the practice, the Program altered how it characterized mortalities. The former Program coordinator asserted that the Program never deliberately recorded a cause of death incorrectly or changed the records without a valid reason.

We reviewed the mortality data that the Program recovery lead provided, in addition to a sample of individual mortality reports for all gunshot and intraspecific deaths since 2006. We found no instances in which Program staff listed a gunshot death as the final determination if the initial finding was listed as intraspecific competition.

We also reviewed all OLE investigative reports on red wolf mortalities and records of all necropsy examinations conducted on red wolves by the National Fish and Wildlife Forensics Laboratory in Ashland, OR, and the U.S. Geological Survey National Wildlife Health Center in Madison, WI, since 2006. We found the data on the spreadsheet provided by the Program recovery lead, the findings of the OLE investigative reports and necropsy reports, and the data on the individual mortality reports to be consistent.

Agent's Note: If OLE sends a carcass to a laboratory, it uses the National Fish and Wildlife Forensics Laboratory. If OLE declines the case, Program staff sometimes sends the carcass to the National Wildlife Health Center to determine a cause of death or to collect other data of scientific interest.

Lastly, since January 2013, the Program has posted mortality statistics from the past 3 calendar years on its website, which it updates as necessary. After reviewing those records, we found that, with periodic exceptions, the data on the website matched the data in the spreadsheet and the investigative and necropsy reports. We noted, however, that the exceptions occur because the number of specific causes of death sometimes changed over time. The information on the website contained footnotes that explained if a listing was pending an investigative or necropsy report, which accounted for the changes identified on subsequent updates.

FWS Cover-Up of an Office of Law Enforcement Investigation

On September 30, 2014, the Program responded to the death of a specific wolf with the serial number 11458M. FWS issued a press release announcing the suspected cause of death as gunshot and offered a reward for information regarding the shooter. Through a series of communications with FWS personnel, private landowners questioned the integrity of FWS' investigation.

On March 19, 2015, a private landowner called an FWS OLE special agent, stating that the alleged shooting of Red Wolf 11458M occurred during the court's injunction of coyote hunting and therefore constituted a "suspected illegal take." The landowner asked why the mortality data posted on the Program's website did not list any "suspected illegal takes." The landowner recorded this conversation, and an unknown person later created a video using the recording and posted it on the Internet.

Agent's Note: As of the date of this report, the video was posted at <https://vimeo.com/127324812>.

During the recorded conversation, the FWS OLE special agent mentioned a name to the landowner. On March 20, 2015, the landowner called another FWS OLE special agent and told him that he had researched public records and discovered an FWS employee in North Carolina with a name similar to the one mentioned in the recorded conversation. According to the FWS OLE special agent, the landowner surmised that the FWS employee shot the wolf and OLE covered up the shooting.

On April 8, 2015, at the direction of FWS management, an FWS OLE special agent contacted the landowner to inform him of the results of the investigation into Red Wolf 11458M's death. The FWS OLE special agent left the landowner a voice message stating, in part: "That particular wolf has been determined it was not . . . well, it has been undetermined as to whether it was killed by gunshot. It's highly likely that it died of heartworms." An unknown person created a second video mocking the voice message and posted it on the Internet. This video contained a still photo purported to be Red Wolf 11458M with an apparent bloody gunshot wound in its side.

Agent's Note: As of the date of this report, the video was posted at <https://vimeo.com/127949184>.

In an April 16, 2015 email, another private landowner asked whether FWS had used heartworms for the cause of death to cover up a gunshot inflicted by someone it wanted, or needed, to protect.

Our investigation of this incident revealed no evidence of misreporting in OLE's investigation. We reviewed OLE's investigative report and learned that OLE questioned an FWS employee about the death of Red Wolf 11458M because the wolf was found near his property. According to the report, OLE found no evidence to charge the FWS employee or further investigate him. OLE did not identify any other employees as suspects in the case, and they did not identify or interview any other possible suspects.

OLE's report also contained a forensic necropsy report conducted on Red Wolf 11458M. The veterinary pathologist who conducted the necropsy wrote that the carcass was too decomposed to definitively determine the cause of death, so she reported the cause as "undetermined (suspected gunshot)." According to the report, the carcass had a wound tract consistent with a gunshot, but no projectile was present. In addition, several shotgun pellets were present throughout the carcass, but the pellets had long ago healed into the body. We contacted the pathologist to clarify her findings, and she said that she could not determine the depth of the wolf's wound because of decomposition, but she found no discernible exit wound. She said that the entrance wound could have been caused by an arrow or another sort of puncture.

During the necropsy, the pathologist discovered indications of heartworm infestation, but she did not conclude in her report that Red Wolf 11458M died from heartworms. In its official mortality records, the Program called the death of red wolf 11458M "suspected gunshot," which is consistent with the necropsy finding.

We asked the pathologist to view the image of the red wolf carcass included in the video, and she said that the animal in the video was not the animal she examined. Furthermore, OLE's investigative report contained photographs of the carcass of Red Wolf 11458M, and we determined that the photos were clearly not of the same carcass as the one in the video, which was intact.

Our investigation revealed that the carcass depicted in the video was the carcass of Red Wolf 11879M, which was found dead in November 2013. We found that FWS had posted the same image in a press release on November 20, 2013.

DISPOSITION

We provided this report to the FWS Director for review and action.