

P.O. Box 64  
Denali Park, Alaska 99755  
March 17, 1999

Ron Otte, Commissioner  
Department of Public Safety  
State of Alaska  
Juneau, Alaska

Re: Unlawful activities and other misconduct by ADF&G in the Fortymile wolf control program

Dear Commissioner Otte:

This letter is the first of 2-3 follow-ups to allegations I made at a news conference in Anchorage on February 25 as to recurring unlawful and other improper conduct by the Alaska Department of Fish and Game (ADF&G) in its Fortymile wolf control activities. I expect that state officials who have acted illegally and/or improperly will be dealt with accordingly – including through dismissal and prosecution, at minimum by the standards that would be applied to private individuals involved in comparable breaches of the law. I went to the media first this time, bypassing both ADF&G and the Alaska State Troopers Division of Wildlife Protection, because of the highly questionable way both agencies have responded in the past. I am also forwarding these concerns to the appropriate federal law enforcement officials, given that federal as well as state jurisdictions are involved.

I monitored and tape-recorded ADF&G's on-the-scene aerial radio communications during both the November-December 1998 and February 1999 Fortymile wolf control activities. ADF&G was unaware of my presence (I was orbiting 2 miles above) and assumed it was using secure frequencies for its communications, which involved as many as 2-3 fixed wing aircraft and two helicopters working simultaneously and talking to each other. There are approximately 10 hours of recordings. These provide details of the unlawful and otherwise improper conduct to which I refer. I distributed complete sets of the tapes at the February 25 news conference and immediately afterward brought two sets to the Office of the Governor in Anchorage. I then told the ADF&G Division of Wildlife Conservation Regional Supervisor in Fairbanks that he and others could likely obtain copies from the Governor's Office. I assume you can do likewise. [Each set consists of 10 tapes – eight cassettes containing the recordings (11/30-12/2/98 and 2/12-14/99) plus two cassettes of selected excerpts, one with my accompanying narrative and one without].

Prior to November 30, 1998 (on 4/6-8 and 11/ 28-29/98), I monitored ADF&G control-related aircraft radio communications from high above and took notes but did not record these communications.

In this letter, I will focus on two areas: ADF&G's conduct of Fortymile wolf control activities outside the legally authorized control area, and its illegal failure to prevent at least one contractor and one employee from engaging in personal wolf trapping efforts within the control area, and conspiring to effect a cover-up. In 1-2 subsequent letters I will elaborate on ADF&G's illegal and improper activities regarding the capture and handling of Fortymile wolves and in other matters relating to Fortymile control.

There are serious biological/scientific problems with this program, as discussed in the attached February 1999 and January 1997 reports. As a scientist, these problems concern me most deeply of all, particularly because of the long term genetic, behavioral, and other implications for this ecosystem (and ultimately us) of reducing its wolf population to sterile pairs. The impacts on the wolves alone involve an area approaching 10,000 square miles; they are anything but minor, from both spatial and temporal standpoints. I will continue to do what I can on this front, although unfortunately scientific incompetence and misconduct sometimes isn't corrected very rapidly. Meanwhile, I've made it clear to ADF&G that I will do my best to keep Alaskans and others apprised as to the details of how control is being carried out and whether or not this is being done in a lawful and proper manner. I submit that the record to date contains more than adequate cause to cancel this program immediately, based on its biological and operational problems and repeated violations of law.

I am aware that many locals, a citizen planning team, and various scientists support Fortymile wolf control. This doesn't impress me, nor does it provide any justification for ignoring the law. Mainstream thinking often proves to be wrong, including among scientists. My own information and conclusions about the biology of the Fortymile program and its operational details are based on first hand information from extensive year-round field research I have been doing on the wolves and caribou of this region since 1993, via aerial radio telemetry and other methods. Only two ADF&G biologists do virtually all of the state's research in this region. Most others who offer opinions on the matter – scientists and laymen - derive them second-hand, for the most part filtered through the information ADF&G provides from its two Fortymile control biologists.

#### Regulatory basis for Fortymile wolf control

While Fortymile wolf control is also subject to certain other state and federal regulations and statutes, its primary regulatory authority was provided by the state Board of Game (BoG) in 5 AAC.92.125(4), attached in part. This regulation identifies the area where ADF&G is authorized to conduct control activities and the objectives of the program, emphasizes the

importance of preventing private wolf trapping within the control area, specifies how the program will be conducted, and provides its rationale (however questionable). Detailed guidance is also given in the two versions of ADF&G's Fortymile Caribou Management/Recovery Plan that were released to the public in September and October 1995 (see my attached 2/99 report for the specific references), and in ADF&G's Wildlife Research Study Plan No. 3.43.

Control activities conducted unlawfully outside the control area

5 AAC.92.125(4) not only describes the control area boundaries from drainage-to-drainage but also emphasizes that certain federal areas are excluded from control, including the Fortymile National Wild and Scenic River Corridor. Undoubtedly the federal exclusions were added to spare ADF&G from a federal N.E.P.A. process, with its requirements for a detailed environmental impact study, public hearings, and the like, given that ADF&G itself has emphasized that Fortymile control is *intended* to have a major environmental impact. On at least 5-6 occasions ADF&G conducted its Fortymile wolf control activities outside the control area boundaries, including within the Fortymile National Wild and Scenic River Corridor, and/or on wolves otherwise designated as off-limits to control by 5 AAC.92.125(4).

1. The Kink

Per details on the two tapes for November 30, 1998, on that date Fortymile project leader/ADF&G Tok Area Biologist, Craig Gardner, located a group of wolves (later determined to be at least 8 total) on and within a hundred yards alongside the North Fork of the Fortymile River, at 64° 23.46'N (latitude), 142° 01.30'W (longitude), about a hundred yards upstream from a well known man-made landmark on the river called "The Kink." He then directed the Fortymile control team to this location, from which control activities commenced and continued for several hours, until finally an adult male wolf was captured and transported via helicopter to Square Lake for sterilization. At least 3-4 other of the Kink wolves were also chased at length and darted for this purpose but escaped.

Team members present were Gardner, project co-leader/ADF&G (Fairbanks) biologist Rod Boertje flying as a spotter in an ADF&G Scout, contract pilot Paul Zaczkowski (Tok) flying as a spotter in his Super Cub, contract pilot Marty Webb (Fairbanks) flying as a spotter in his Super Cub, contract helicopter pilot Rick Swisher (Quicksilver Air, Fairbanks) accompanied by Gardner as his dart-gunner (Gardner initially flew to the area and spotted in his own Super Cub but then landed nearby on skis and joined Swisher), contract helicopter pilot Jonathan Larrivee, (Swisher's employee, flying in another of Swisher's [Quicksilver Air] heli-

copters, and Danny Grangaard, an ADF&G wildlife technician in the Tok Area Office accompanying Larrivee as his dart-gunner. Two helicopter teams worked various wolves of this group simultaneously after chasing and scattering them from the initial location (above): For the most part these teams consisted of Swisher-Gardner with Zaczkowski and sometimes Boertje spotting for them, and Larrivee-Grangaard with Webb spotting.

On February 13, 1999, ADF&G (Swisher-Gardner, Boertje, Zaczkowski, Webb) returned to this area and again conducted control activities on the Kink wolves (11 present). Two more – a male and a female – were sterilized, this time in Delta Junction, then were flown back to the area the next day (2/14). Three additional Kink wolves were flown to Fairbanks on February 13, then the next day to the Melozitna River (northwest of Fairbanks) where they were released. I do not know the fate of the Kink male who was flown to Square Lake for sterilization on November 30, nor why *two* males were removed for sterilization. When I last checked the Kink wolves, on March 12, seven were present, at least 4-5 of which were pups. If ADF&G has its way, all of the pups will be removed in early April and relocated alone in the Kenai Peninsula or some other distant area.

The location where these control activities commenced is well within the Fortymile National Wild and Scenic River Corridor, where such activities are specifically excluded via 5AAC.92.125(4). They are also excluded via federal statutes, at least prior to a NEPA process, which was not conducted in this case. Moreover, a portion of this area is also designated as a National Historic Site, which confers additional protection and underscores the necessity of completing a NEPA process before proceeding with an action such as wolf control, which ADF&G itself intends will produce significant environmental impacts. One of the primary reasons for establishing the Fortymile Corridor was to protect its wildlife values.

## 2. Shaw Creek

Per details on the February 12, 1999 tape, on that date ADF&G conducted control activities on a group of 5-6 wolves on state lands in the Shaw Creek valley, commencing at 64°19.55'N, 145°24.20'W. This is about half way up the valley, on the east side, at least 7-8 miles outside the nearest control area boundary as defined in 5 AAC.92.125(4). The tapes make it clear that the intent was to remove wolves for sterilization and relocation (e.g., Gardner tells his team to get a particular male and female for sterilization and, time permitting, “a couple of subadults” for relocation. It was not clear to me how many wolves were actually taken. A “blue” adult male was darted but escaped in the forest cover and rough terrain with the dart still “hanging right out of his neck.”

Two Quicksilver Air helicopters were used again, one piloted by Swisher with Grangaard as his gunner, the other by "Troy" (last name?) with Gardner as his gunner. Boertje, Zaczkowski, and Webb flew as spotters in the same airplanes as indicated above.

### 3. King Solomon-Boundary

On April 7, 1998, ADF&G conducted control activities in the upper King Solomon Creek-Boundary Creek area, south of Eagle and east of the Taylor Highway, at least 3-4 miles outside the nearest control area boundary as defined in 5 AAC.92,125(4). A single "Butte male" wolf was chased and helicopter darted at this location, then flown to Tok for relocation. The initial location of the wolf, just prior to the helicopter chase, was described by spotter pilot Zaczkowski as 64°12.40'N, 142°25.44'W. I monitored ADF&G's aircraft radio communications from above but did not record them.

In this case the location of the control activities relative to the Taylor Highway, i.e., *east* of it, made it all the more obvious to the ADF&G personnel that they were outside the authorized control area. At one point Zaczkowski even admonished project co-leader/spotter pilot Boertje that they were "across the line," to which Boertje replied that, "Craig wants it anyway. It lives right around Glacier Peak and American Summit all summer, might as well pick it up."

Present were helicopter pilot Jonathan Larrivee (Quicksilver Air) with Gardner as his gunner and Zaczkowski and Boertje spotting. After the wolf was chased northward and darted, Zaczkowski landed his ski-equipped Super Cub on a nearby ridge (at 64°34.87N, 141°15.70'W), whereupon the helicopter landed atop his ski tracks and transferred the wolf to his Cub. He then flew it to Chicken. Meanwhile spotter pilot Marty Webb was flying two other drugged wolves from nearby Comet Creek to Chicken; these two wolves had been captured in other areas by Larrivee-Gardner just prior to the Butte male's capture and brought to Comet Creek for pickup. All of these wolves were then shuttled from Chicken to Tok in an ADF&G Beaver flown by ADF&G biologist Pat Valkenburg.

I returned on April 10 to map the (snow) tracks of the Butte male's chase and associated landing locations in detail, via GPS coordinates. I also photographed the scene, and included identifiable landmarks in the photos. I was advised by an insider what I already knew, i.e., that this illegal conduct of control activities (re the Butte male) outside the authorized control area would not likely get much priority from the Fairbanks detachment of the State Troopers Fish & Wildlife Protection Division if I reported it there first, that it would probably be best to report it directly to the statewide commander, Col. John Glass.

I returned to Anchorage on Sunday April 12 and was able to contact Col. Glass there by phone on April 14. I summarized the incident, gave him the GPS coordinate of the Butte male's initial location, told him why I was bypassing the Fairbanks detachment and coming to him directly, emphasized that it was critical for a trooper to go to the scene within the next few days before the snow tracks of the incident melted, and indicated I had further details (additional GPS coordinates, photographs, etc.). He told me he would have a Trooper investigator contact me within the next day or two.

I called him back on April 16 to tell him no one had contacted me yet and again emphasized that someone needed to get out to the scene before the track evidence melted. He replied that he didn't think there was much to my concern, that it looked to him like it was close to the line (control area boundary). I told him he should plot the coordinate a little more carefully, and that in any case the on-the-scene tracks would speak for themselves if he would only send someone out to investigate. He asked me, "Aren't they [ADF&G] doing good, by taking wolves where there are too many [Fortymile] and putting them where there aren't any [Kenai Peninsula]?" I replied that this wasn't an accurate statement but that even if it were it would be irrelevant – that 5 AAC.92.125(4) was written specifically for ADF&G and it was his responsibility to enforce it. He said he might tell the Commissioner (of ADF&G) about it and wished me a good day.

#### 4. Middle Fork

On April 7, 1998, ADF&G conducted wolf control activities on the lower Middle Fork of the Fortymile River, during which a helicopter-darted female wolf was captured at 64°12.40'N, 142°25.44'W. The helicopter was flown by Jonathan Larrivee, with Craig Gardner as his dart gunner. The wolf was then flown by helicopter to Comet Creek for pickup by Marty Webb in his Super Cub; Webb shuttled this and another drugged wolf left for him at Comet Creek to Chicken, from where both were shuttled to Tok in an ADF&G Beaver flown by biologist Pat Valkenburg. I monitored but did not record the associated ADF&G aircraft radio communications while orbiting at a high altitude position. This capture preceded the incident described above (#3). The conversations indicated that the wolf was initially on or immediately adjacent to the river and then, during the helicopter chase, fled to terrain on the south side where it was captured, at the aforementioned coordinate. The location of the chase and probably the capture is within the Fortymile National Wild and Scenic River Corridor, which 5 ACC.92.125(4) specifically excludes from control activities; federal statutes also exclude control activities in this area, at least without a prior NEPA process. I am not certain

where the second wolf that had been brought to Comet Creek for pickup had been chased and captured, but the circumstances and ADF&G communications strongly suggested this likewise was done unlawfully within the Fortymile National Wild and Scenic River Corridor in the same general area.

#### 5. North Fork

Per the attached letter dated March 17, 1998 to me from ADF&G commissioner Frank Rue and other information (e.g., ADF&G follow-up comments to me, the media, and others in late Nov.-early Dec. 1998), there is reason to believe that in late November-early December 1998 ADF&G unlawfully conducted control-related activities involving wolves located on the North Fork of the Fortymile River, which lies within the Fortymile National Wild and Scenic Rivers Corridor. In addition to the capture-related death of the wolf Rue describes, apparently at least one other wolf from the same group was captured, then sterilized. I was not directly monitoring Fortymile control activities at the time.

#### 6. Yukon-Charley

In late November-early December 1997, ADF&G captured and relocated a radio-collared wolf and at least 1-2 associated wolves that apparently were on state lands adjacent to Yukon-Charley Rivers National Preserve at the time but which appeared to have been ranging primarily within the Preserve over the previous seven months. These wolves were relocated specifically for control purposes. The attached March 17, 1998 letter from ADF&G commissioner Frank Rue to me provides ADF&G views on this incident. Although I was not present during the actual removal, I had been radio-tracking and otherwise monitoring this wolf and its associates for 2-3 years. My last contact with the radio-collared wolf was on November 16, 1997, about two weeks before ADF&G relocated it. At that time I radio-tracked the wolf to a coordinate – 64°36.49'N, 142°56.69'W - just outside the east boundary of the Preserve in the upper Ruby Creek area, but was unable to see it (or associates) because of a low layer of clouds covering the terrain. The wolf's radio collar frequency confirmed its identity.

My observations of this wolf indicated it had separated from its original family group ("Harper," in the Mt. Harper-upper Healy River area, within the control area) as of May 1997 and thereafter ranged across an area primarily within Yukon-Charley Rivers National Preserve, from the Twin Mountain-Yukon Fork area on the west to the upper Copper Creek-upper Slate Creek area on the east, approximately 55-70 miles north of the Harper territory.

The fact that it found 1-2 associates and was repeatedly together with them in this area indicates it was almost certainly in the process of establishing a new territory with them primarily within the Preserve rather than still in the process of dispersing somewhere else. Rue's letter is deceptive in that it fails to point out that the "long distances" these wolves traveled were for the most part back and forth over the same general area, primarily within the Preserve.

Many of the wolves of this region migrate seasonally to hunt major concentrations of caribou, thus it was no surprise to find this wolf temporarily back southward with the major post-calving concentration of Fortymile caribou in late June 1997, in the northern portion of the Harper territory. However it returned to the above (Yukon-Charley) area afterward, even though there were no major concentrations of caribou there at the time. It was still there when the ADF&G wolf sterilization and relocation activities commenced in late November 1997. It is also significant that this wolf was with another, radio-collared, Harper wolf in the northern area in late May 1997 (within the Preserve, in the Twin Mountain-Beverly Creek area, hunting caribou calves) but remained there and to the west when the collared Harper wolf traveled some 70 miles back to Harper's established natal den on June 1-2, where it re-joined the remaining Harper wolves, including another with a collar.

5 AAC 92.125(4) not only prohibits ADF&G from conducting Fortymile wolf control activities within Yukon-Charley Rivers National Preserve (as do federal statutes, at least without a prior NEPA process), but also (in section (C)(I)) states that, "the commissioner [of ADF&G] may not implement fertility control or translocate packs that *primarily* range within the Yukon-Charley Rivers National Preserve" (emphasis added). In other words, the only standard a pack in this area must meet to be off limits to control is to range *primarily* within the Preserve. There is no requirement that it must range exclusively within the Preserve, that it must have an "established" territory within the Preserve, that it must have "previously bred," or that it must meet any other standard, contrary to what Commissioner Rue is clearly trying to argue in his March 17, 1998 letter. He has simply ignored what 5 AAC 92.125 (4) directs him to do and has replaced this with his own conditions.

ADF&G's Fortymile Caribou Management Plan also goes out of its way to emphasize the extent to which Yukon-Charley wolves will be protected from control activities, even new packs and packs ranging outside the Preserve. See, for example, Section IIIB(1)(e), entitled, "Where would wolf predation be decreased?":

"Current packs inhabiting the preserve (Cottonwood, Godge, Threefinger packs) *as well as any new packs* will be excluded from sterilization and relocation actions *even if these packs range outside the preserve.*" (emphasis added).

## 7. Other

Per details on the December 1-2 tapes, on December 1 ADF&G captured two wolves of the Granite group for control purposes. One of these, a collared female, was flown to Square Lake for sterilization and returned the next day. The other, an uncollared male who had been relocated previously but came back, was flown to Square Lake and then to Fairbanks, then (still on 12/1) was trucked to Coldfoot, where he died enroute. My locations of this group indicate that it ranged extensively within Yukon-Charley Rivers National Preserve as well as on adjacent state lands on the east side of the Preserve. An investigation should be conducted as to whether it qualified for protection from control activities under 5 AAC.92.125 (4), the Fortymile Caribou Management Plan, and pertinent federal statutes.

The December 2 tape suggests that ADF&G may have deliberately concealed its removal of the Granite male from NPS. The Granite wolves are one of the groups associated with the Preserve that NPS radio tracks regularly. As it turned out, pilot Sandy Hamilton was flying an NPS observer on a Preserve wolf survey on December 2 (Hamilton identifies himself as "74 Fox" on the tape), and Granite was one of the groups he indicated he was surveying during his several communications with ADF&G pilot-biologist Rod Boertje, who was also radio-tracking in the area at that time. Boertje had ample opportunity to mention that ADF&G had taken one wolf from this group and sterilized another the previous day but said nothing, nor did Hamilton give any indication that he or NPS was aware of this. Perhaps there is another explanation, but the possibility of an ADF&G cover-up regarding the Granite wolves should be investigated, given the other evidence of repeated unlawful activities in this control program. At the very least, NPS should have been centrally involved in the decision about Granite. Was it?

Per details on the February 12, 1999 tape, on that date, after unlawfully conducting control activities on the Shaw Creek wolves, the ADF&G team was directed by project leader Gardner to remove wolves from the nearby Camp Creek group (4-5+ wolves) for control purposes but was unsuccessful in finding the group. This was the intent despite the fact that Camp Creek ranges at least half outside the control area (as defined in 5 AAC.92.125(4)) and exerts little if any influence on Fortymile caribou, as project co-leader Rod Boertje initially explained to pilot Marty Webb on the same tape (but then changed his mind, after 1-2 minutes of encouragement from Webb).

The Fortymile Caribou Management Plan emphasizes repeatedly that the objective of Fortymile wolf control is to reduce predation on the *summer* range of the caribou, particularly during the calving and post-calving periods. The summer range, as identified in Figure 1

of ADF&G's Research Study Plan 3.43, clearly shows that the territory of the Camp Creek wolves as described by Boertje on the February 12 tape is completely outside this area, well to the west.

My data from the Fortymile region indicate a similar problem with regard to at least several other groups of wolves ADF&G has included in its control activities. A group ranging primarily in the mid-lower Healy River area and the South Fork of the Goodpaster River, almost completely outside the summer range of Fortymile caribou (as defined by ADF&G, per above) is a case in point. I monitored this group closely, year-round, from 1993-1996. It preyed almost exclusively on moose, particularly during the spring and summer, at which time it usually denned in the lower Healy River watershed directly amidst a high density *moose* calving area, typically at least 30 miles from the nearest significant concentration of Fortymile caribou and (based on my radio collar locations) without interacting significantly with these caribou. Yet ADF&G has already commenced control actions on this group (e.g., based on ADF&G aircraft communications I monitored on 11/28/98) and intends to do more.

At the very least, there should be a thorough investigation of the details surrounding *every* wolf that has been sterilized and relocated to date, especially the specific locations of all control-related activities in relation to the authorized control-area boundaries. There should also be an investigation into the rationale for and lawfulness of involving groups such as described above whose territories lie primarily if not completely outside the summer range of Fortymile caribou and for which the available data indicate little if any predation on Fortymile caribou (including data that I collected on these wolves and was previously required to provide to ADF&G as a condition for receiving a state scientific research permit). Given the evidence on the tapes alone (e.g., 11/30/98 #2 tape, regarding two previously sterilized Butte wolves that ADF&G misidentified, chased hard, and darted at Comet Creek, and 2/12/99 tape, regarding Camp Creek [above]), there should be an investigation into possible arbitrary and capricious (to say nothing of scientifically frivolous) decision-making as to which groups have been included in the control activities.

#### Control-area wolf trapping unlawfully facilitated by ADF&G, and related

5 AAC.92.125(4)(B) directs that, "to protect fertility controlled [sterilized] wolves, the department [ADF&G] shall continue to maintain close contact with local wolf trappers about the location of treated [sterilized] wolves; trappers will be asked to voluntarily avoid trapping wolves in fertility controlled territories; emergency closures will be used only if voluntary compliance is not obtained."

Three conversations – one on the November 30, 1998 #2 tape, the other two on the December 1, 1998 tape – show that ADF&G biologists deliberately violated this section of 5AAC.92.125(4) and unlawfully conspired to hide this violation. Following are verbatim transcripts of the three conversations:

ADF&G conversation #1 – November 30, 1998

Spotter pilot Paul Zaczkowski has just located 11 wolves of the Gold Creek family group and described his find to project co-leader Rod Boertje, who is flying nearby in the control area. They refer to “Danny” – i.e., ADF&G Tok office wildlife technician Danny Grangaard, who is also a long time wolf trapper in the region, including in the (adjacent) Ketchumstuk Creek-Gold Creek areas. Grangaard was directly involved in the November 30, 1998 control activities just to the north, at the Kink (as one of the helicopter gunners), and in the November 28-29 and February 1999 control activities at other locations.

Boertje (responding to Zaczkowski’s description of the location of the Gold Creek wolves):

“Ideal darting area, isn’t it.”

Zaczkowski:

“Actually, I tell you, it’s not too bad where they’re at right now, but – still looks like they’re all grays.”

B: “Yeah, well, we’ll have to get Danny’s blessing, I guess, before we do anything there. I don’t know what’s going on with that.”

Z: “Yeah, yeah. I don’t know either.”

B: “Is he trapping Ketchumstuk this year?”

Z: “I think he’s going in, ah, after this is over.”

B: “I don’t know. I’ll have to think about that, or something. If he doesn’t get them, ah, this year – I mean, last year he said he was gonna get ‘em and he didn’t get any. So I don’t know what we’re gonna do now. Gonna be a pack of 20 before the thing’s over with.”

Z: “Yeah, right. Twenty smart ones.”

ADF&G conversation #2 – December 1, 1998

Project leader Craig Gardner, co-leader Rod Boertje, and spotter pilot Paul Zaczkowski are deciding whether to pursue wolves (the “Bullions”) currently located in a forested area where darting would be extremely difficult or instead to go further south and try for some of the Gold Creek wolves. Toward the end of the conversation, spotter pilot Marty Webb, who is directly over the Bullion wolves, is asked for his assessment of the chances of

getting them, which he advises against (because they will be able to scatter into the timber quickly).

Gardner: Let's take a look at these guys [the Bullions] and go. I hate to just start chasing wolves [Gold Creek] around. And also, god, politically, with the guy that works in the same office – golly, I almost wonder if we shouldn't wait for those till January. Then if he doesn't take any, then we should start taking them."

Boertje: "You're the boss."

Zaczkowski: "That's a factor too, isn't it."

G: "Yeah, yeah, that's a factor that can blow up Tok."

Z: "Yeah, right. Well, yeah, I guess, ah, maybe stick with this bunch [the Bullions] then."

B: "Well, don't go wasting your time over there, though [with the Bullions]. I mean if you, you take one or two wolves out of Gold Creek, one thing he'll never know about it, two, it won't ever make a difference."

G: "What was number two?"

B: "It won't make a difference to the trapping success."

G: "No, that's true. Ah, well, Marty, looking at those things [the Bullions], I mean, compared to yesterday, is it the same or worse?"

(Marty) Webb: "Oh, about the, about the same, but it, ah, well, it's no better, I mean, there's chances, ah, there's a good chance there'll be some opportunities, just depending on which way they'll go. If they go the wrong way, it's gonna blow up in a hurry, I think. It won't take long, once you get here, to, ah, ah, it'll be over fairly quick, so I don't think there's going to be opportunities to chase 'em all over the country. There's just too much timber here."

G: "Alright [garbled]. Paul, why don't you peel off and find those Gold Creeks. Yeah, let's go see if we can get two or three out of them."

ADF&G conversation #3 – December 1, 1998

Per Details on the tape, the ADF&G team has now captured two of the Gold Creek wolves – a male and a female - and flown them to the nearby Square Lake cabin for sterilization [per details on the 12/2 tape, they were returned to Gold Creek, sterilized, on 12/2]. Project co-leader Boertje has the following conversation with spotter pilot Zaczkowski:

Zaczkowski: "I hope our next round is a little more easy going and successful."

Boertje: "Yeah, that'd be a little bit easier on us alright. Right now I'm, I'm drained."

Z: "Now we just gotta, gotta keep our mouths shut, ah, around Danny, uh?"

B: "Yeah. Yeah. Yeah, just, put some masking tape on that [helicopter pilot] Rick, soon as

he hits town [Tok]. He's a real blabber."

Z: "Yeah, well, hopefully Danny's already, ah, left for the trap line or something – is out of town."

B: "Well, doesn't sound like we reduced the pack size any." [the 2 wolves taken to Square Lake were to be put back, sterilized, the next day].

Z: "Nope, not at all."

B: "I just hope he does [B's emphasis] catch five or six of those wolves. I hope he catches the puppies. Man, if he could catch them, save us a whole lot of bothering this spring." [referring to the early April operation, when the pups (11 months old) are captured and taken away].

Z: "Absolutely. Absolutely. It sounds like he's going to make a stab at it. At least that's the way he talked. But, I know he hates running up that Gold Creek because it's so bad for overflow and, ah, so that might turn him, turn him off there."

B: "Yeah. There's just, there's no money in it. There's no incentive this year to do it."

Z: "No, absolutely ... " [END OF TAPE – CONVERSATION CUT OFF HERE].

Zaczkowski finished his sentence, after which Boertje said, "Sure hope he gets some of those Ketchumstuk ones." This ended the conversation.

Thus, contrary to what 5AAC.92.125(4)(B) requires ADF&G to do, ADF&G biologists/Fortymile project leaders Gardner and Boertje conspired to keep wolf trapper Danny in the dark "about the location of treated wolves." I emphasize again that the tapes demonstrate that the ADF&G team captured two Gold Creek wolves on December 1 and brought them to Square Lake for sterilization, then returned them, sterilized ("treated"), to the Gold Creek area on December 2, all with the knowledge that Danny was likely to be setting out within the next few days to trap wolves from this and the Ketchumstuk groups and a strong hope that he would succeed. While the ADF&G biologists hoped in particular that he would get the "puppies" to save them "a whole lot of bothering," once traps and snares are put into place there is no way to direct their effects at specific wolves and ensure that others will not be caught. Nor does 5 AAC.92.125(4)(B) make such a distinction.

Likewise contrary to 5 AAC.92.125(4)(B), ADF&G biologists conspired *not* to ask wolf trapper Danny to "voluntarily avoid trapping wolves in fertility controlled territories," even though they did ask other wolf trappers not to trap in the area. Their taped conversations indicate that last winter they also *accommodated* Danny's trapping by delaying their control ef-

forts in his area and seriously considered doing the same this winter but were becoming annoyed at him for not trapping as many wolves as he said he would trap.

It is beside the point as to exactly why the ADF&G biologists wanted to conceal certain of their control actions from Danny; 5 AAC.92.125(4)(B) does not specify *any* conditions for which exceptions are to be allowed and indeed goes out of its way to warn that “emergency closures will be used” if the wolf trappers do not voluntarily comply. One can reasonably conclude that Gardner and Boertje (and Zaczkowski) recognized that if word of Danny’s activities in the control area was leaked to the other local wolf trappers who were abiding by ADF&G’s request not to trap, it would cause a major problem – i.e., “blow up Tok” and result in “political” repercussions. It is not likely that Danny was completely a victim himself. The taped conversations strongly suggest he was at least a partially knowledgeable participant in the overall conspiracy to violate 5AAC.92.125(4)(B).

I observed current activity on Danny’s control-area trap line (Ketchumstuk Creek and other areas of the Mosquito Fork) and at his Ketchumstuk cabin last winter. I have observed similar activity this winter (including up Ketchumstuk Creek to Veta Creek [to 64°08.60’N, 142°54.62’W] and along portions of the Mosquito Fork) beginning sometime between December 3, 1998 and February 19, 1999, most likely in December or early January, before the extreme mid January-mid February cold spell. On February 19, I observed a radio collared, probably sterilized, wolf about 100 yards from his trap line, specifically at 64°03.85’N, 142°44.77’W (I will provide the frequency of this collar in confidence, at your request). I searched extensively for this wolf’s radio collar signal on March 11 but did not hear it. I do not have specific knowledge that Danny’s trapping activities have resulted in the death of any of the adjacent Gold Creek wolves so far this winter. However, there were 11 wolves in this group as of December 2, but I observed only 9 total on both February 19 and March 11. During this period they crossed Danny’s trap line at least once.

Refer to the last paragraph of the attached March 17, 1998 letter from ADF&G commissioner Frank Rue to me. This is only the latest exchange that I have had with Commissioner Rue since 1996 about conflict-of-interest and unlawful wolf trapping by ADF&G employees and contractors in the Fortymile control area. What he tells me in this letter is much the same as in his previous letters. Consider his points regarding Danny (“D.G”):

“None of the pilots or other personnel involved in the Fortymile caribou management [wolf control] project has conducted any trapping or hunting activities in the Fortymile country since October 1997.”

This is not a true statement. Danny is and has been involved centrally, as an ADF&G employee, in the Fortymile caribou management project. He was directly involved in the winter 1997-98 activities and has been directly involved in this winter's activities (e.g., per details on the 11/30-12/1/98 and 2/12/99 tapes) as one of two helicopter dart-gunners. As I indicated above and in my letter of February 9 to Commissioner Rue, I observed current activity on Danny's Ketchumstuk/Mosquito Fork trap line during the period October 1997-February 1998. Listen to what ADF&G biologist Rod Boertje says on the November 30, 1998 tape (above), referring to Danny's trapping activities during the 1997-98 trapping season with regard to the Ketchumstuk and/or Gold Creek wolves ("... last winter he said he was gonna get 'em and he didn't get any."). Clearly Boertje understood that Danny was intending to trap wolves in the control area and was annoyed that he didn't "get any." My observations and the above tape excerpts demonstrate the same for this winter.

"D.G.'s wolf trapping activity did not extend up Ketchumstuk Creek this year."

Again, not a true statement, per above.

"He [Danny] restricted his wolf trapping activities away from the territories of fertility controlled wolves."

I am not certain if any of the Ketchumstuk wolves were sterilized in winter 1997-98 but strongly suspect some were. I do know for certain, as the December 1-2, 1998 tapes confirm, that the Gold Creek wolves became a fertility-controlled group as of December 1-2, and that Danny's trap line has since extended through a portion of this group's territory. I also know, as the tapes (above excerpts) confirm, that the ADF&G biologists leading the control effort knew about and intended this to be the case. Thus, at the very least, Commissioner Rue's claim is no longer true.

"D.G. has trapped in the same area for over thirty years;"

Interesting but irrelevant. 5AAC 92.125(4)(B) does not provide any exceptions for 30-year wolf trappers or anyone else.

"D.G. is on leave without pay during the trapping season;"

I do not know for certain what the details of Danny's work arrangement with ADF&G were last winter, nor am I certain he was paid for his work during this winter's control activities. What I do know for certain, however, per details on the November 30-December 2, 1998 and February 12, 1999 tapes, is that he has been centrally involved in the control activities so far this winter and was not on leave during at least those portions of the current trapping season, contrary to the impression that Commissioner Rue is attempting to convey.

"D.G. is not privy to any department-collected wolf data while he is trapping;"

He may not be privy to such data while he is actually trapping, but this is a slight of hand. The tapes show him jumping back and forth at short intervals between his personal trapping and ADF&G control activities. For example, this winter he was with the control team November 28-30, was in his trapping area sometime soon after that, then was back working with the control team again by at least February 12. The tracks that I observed on February 19 and March 11 suggest that he may have returned to his trap line at least once since February 19. During both the November-December and February control activities he was afforded many opportunities to observe Fortymile wolves – including wolves within his trapping area - and hear from other team members and their radio communications important details that were relevant to Fortymile wolf trapping success but which were not available to other trappers.

“D.G. has voluntarily reduced his wolf trapping activities in support of the Fortymile caribou recovery effort.”

5AAC 92.125(4)(B) directs ADF&G to, one way or the other (with emergency closures if necessary), *prevent*, not simply reduce, wolf trapping in the control area (fertility controlled territories). The conversations on the tapes (above excerpts) indicate that the Fortymile project leaders were not even seeking just a reduction from Danny. They were clearly annoyed that he hadn't trapped *more* of the control-area wolves.

“D.G. as well as all other project personnel are committed to following the language of the Fortymile Implementation Plan.”

Commissioner Rue's primary marching orders are in the law, especially 5ACC.92.125(4), which was written specifically for ADF&G and its Fortymile control effort with ADF&G's full input. He is not entitled to choose some favorite plan as an alternative.

Finally, in March 1996 I began trying to call Commissioner Rue's attention to indications from my field work of conflict-of-interest wolf trapping by at least one ADF&G contract pilot and one employee. In both cases this was within the Fortymile wolf control area where their extensive wolf-related activities on behalf of ADF&G would have made them privy to special information of value in their personal trapping activities, at a time when a premium bounty of \$400 per wolf was being paid for any wolves caught in the area.

After a series of letters to Commissioner Rue and follow-up requests by others, he announced to the media in early 1997 that he would investigate. Given that I originated the complaint, I assumed ADF&G would contact me for details of my evidence, etc. I heard nothing from ADF&G. A month or so later, a newspaper reporter (Steve Rinehart, Anchorage

Daily News) phoned to tell me ADF&G had completed its investigation and found no basis for my concerns. He wrote his story accordingly, with comments from me. The entire matter was then dropped.

Suffice it to provide a few specifics here that should enable you and others to reach your own conclusions about the ADF&G investigation and at least one of the instances of conflict-of-interest trapping that I had alleged.

As of March 1996, there was intensive wolf trapping activity along the Middle Fork of the Fortymile River (among other areas), especially from Joseph upstream. I had conducted observations in this area regularly since April 1993 but had seen no comparable wolf trapping activity until now – coinciding with the onset of the private \$400 per wolf bounty program. This trap line consisted of numerous sets (mostly snares) placed at short intervals via ski-equipped Super Cub; many of the sets and Super Cub ski landings were only a few hundred yards apart. It extended directly through the midst of the territory of the “Middle Fork” family group of wolves, along one of the group’s regular travel routes. At the time, this group consisted of 12 wolves (2 apparently related neighboring groups sometimes combined).

I had been watching this trap line closely and on March 13, 1996 found an uncolored Middle Fork wolf, alive and suffering badly, in one of the snares. The snare had caught the wolf by a front leg and had cut into the leg; it was bleeding and there was a large patch of blood on the surrounding snow. Other members of the group were milling about in obvious distress, beside themselves trying to help the snared wolf as it struggled in obvious pain. It seemed apparent to both my pilot and me that the wolf was mortally injured, so we wanted to land at the site and shoot it, to end its suffering. However, after additional thought, it was decided that we would first confer with an Alaska State Trooper to be certain this action would be legal.

We flew to Delta Junction, where Trooper Don Bunselmeir indicated that not only would putting this wolf out of its agony be legal but it was also our ethical obligation. Trooper Bunselmeir indicated it was his understanding that this trap line belonged to Paul Zaczkowski of Tok, a well established ADF&G contract pilot who does frequent ADF&G wolf and caribou surveys in this region. Bunselmeir indicated the same to me in later conversations, during phone calls regarding a sheep poaching incident I reported on the Charley River and an abandoned trap line in the upper Salcha River area.

Darkness was approaching, so we decided to fly back the next morning. When we returned early March 14, the wolf was gone and there were fresh Super Cub ski tracks at the site; someone had flown there very early and departed with the wolf. I suggest there are two

ways to determine if this was Zaczkowski. Simply ask Trooper Bunselmeir, who probably phoned Zaczkowski to tell him to go get the wolf - that I would probably videotape the scene if I arrived first (Bunselmeir himself is a longtime wolf trapper in the region and would well understand the implications of such a video). I would expect Trooper Bunselmeir to admit this freely, as it is probably appropriate for him to make such a request of a trapper (to end an animal's suffering). The phone records for his home or office would likely confirm any such phone call (to Zaczkowski, in Tok, on March 13 or 14, 1996).

The second way to determine this trapper's identity would be via the radio collar of another Middle Fork wolf caught in a nearby snare (downriver). This wolf was already dead when I found it, at about the same time. Trappers are required by law to turn in any radio collars found on the animals they trap to an ADF&G or Troopers (F&W) office. Thus there should be a record of this collar, where it came from, who trapped the wolf, who turned it in, when it was turned in, and the like. You should be able to find this record easily based on the frequency of the collar, which was 151.490 MHz (in this case there is no need for me to keep the frequency in confidence, since a different range of wolf frequencies is now in use).

I emphasize the importance of a careful, thorough investigation, beginning with your choice of who should conduct it. Consider, for example, the way Col. John Glass, the statewide F&W Trooper Commander, responded to my complaint about a wolf taken outside the control area (see pp. 5-6, "King Solomon-Boundary"). I will elaborate on further such concerns (unrelated to Col. Glass) in confidence, if you are interested. I could also suggest a highly qualified lead investigator who would have my trust and probably that of the other principals.

I would appreciate a brief letter acknowledging your receipt of this letter.

Thank you.

Sincerely,

Gordon C. Haber, Ph.D.

Attachments (4)