

April 2, 2009

Final Rule to Establish a Gray Wolf – Northern Rocky Mountain Distinct Population Segment and Remove from the Federal List of Threatened and Endangered Species

The wolf population in the northern Rocky Mountains (NRM) has exceeded its numerical, distributional, and temporal recovery goals every year since 2002. The States of Montana and Idaho have made strong commitments to maintain wolf populations well above minimum recovery levels. In combination with continued U.S. Fish and Wildlife Service (Service) management in Wyoming, the NRM population will contain over 1,200 wolves at its low point in mid-winter. Therefore, the Service is designating a northern Rocky Mountain wolf Distinct Population Segment (DPS) that will include all of Montana, Idaho, and Wyoming, the eastern third of Washington and Oregon, and a small corner of north-central Utah. This wolf population will be removed from the protection of the Endangered Species Act [Act], except in Wyoming.

All threats to the wolf population in the northern Rocky Mountain DPS, except the lack of adequate state regulatory mechanisms in Wyoming, have been resolved, as evidenced by the wolf population's healthy annual growth, high genetic diversity, wide-spread distribution and the legally binding written commitments for future wolf conservation made by Montana and Idaho. The Service will remove the entire NRM DPS, except Wyoming, from the federal list of threatened and endangered species. This final delisting action for the NRM population will not affect the status of wolves in any other part of the United States.

What is the current status of the NRM wolf population?

Currently, there are at least 1,645 wolves in the NRM living in about 217 packs, at least 95 of which contained an adult male and adult female that successfully raised two or more pups through 2008. Another 500 or more pups will likely be born in April 2009. Resident wolf packs occupy nearly all the suitable wolf habitat covering 110,000 square miles of Montana, Idaho and Wyoming. The wolf population is highly genetically diverse because wolves from many different Canadian packs were reintroduced in the NRM, subsequent management relocations, and the phenomenal natural dispersal abilities of wolves. The range of NRM wolves is a 400-mile southern extension of a vast Canadian wolf population of over 12,000 in Alberta and British Columbia and nearly 60-70,000 wolves in all of North America. Considering the present healthy annual growth, genetic diversity, and widespread distribution, only excessive and prolonged levels of unregulated killing of wolves by people over a very large area could threaten the NRM wolf population in the future. The federal and state governments have laws, regulations, management plans, cooperative agreements, and memorandums of understanding to prevent such a scenario from ever happening.

What has been the level of conflict between wolves and people?

Since 1987, confirmed kills by wolves total 1,109 cattle, 2,133 sheep, 115 dogs, 21 llamas, 28 goats, and 10 horses. Though the rate of kills is increasing, reported conflicts per 100 wolves in the NRM wolf population is lower than predicted. Last year was a record for conflicts with at least 214 cattle, 355 sheep, 18 other large domestic animals [llamas, goats, and horses], and 14 dogs being confirmed killed by wolves. Studies indicate in worst case scenarios, only one in eight

wolf-caused losses of calves can be confirmed by agency investigators. In 2008, \$476,000 was paid by private and state wolf damage compensation programs. In 2008 USDA Wildlife Services spent nearly \$1,000,000 dealing with problem wolves. In 2008, the management agencies killed 264 wolves because of livestock depredation, but the NRM wolf population still increased 8% from 2007 levels. As the wolf population increases and wolves increasingly try to occupy areas intensively used for livestock production, the rate of conflict per wolf and level of wolf removal needed to resolve conflicts increases substantially.

Is the wolf population biologically recovered in the NRM?

The NRM wolf population is biologically recovered and it no longer meets the legal requirements to remain listed under the Endangered Species Act. The recovery minimum recovery goal for the NRM is a wolf population that never goes below “Thirty or more breeding pair comprising some 300+ wolves in a metapopulation (a population that exists as partially isolated sets of subpopulations) with genetic exchange between subpopulations. Montana, Idaho and the Service in Wyoming will manage for at least 15 breeding pair and 150 wolves to ensure each state’s portion of the population never goes below 10 breeding pairs and 100 wolves. In late 2002, the wolf population achieved its minimum recovery goal of at least 30 breeding pairs and more than 300 wolves well distributed among Montana, Idaho, and Wyoming for at least three consecutive years. At that time there were an estimated 663 wolves in 49 breeding pairs. The recovery goal has been exceeded every year since 2002, and all threats to the species have been addressed. Currently, the wolf population in Montana, Idaho, and Wyoming is over 95 breeding pairs and at least 1,645 wolves. The states will manage the population to exceed 1,200 wolves after delisting, far above minimum recovery levels.

Does Wyoming now have an approved State law and wolf management plan?

No, Wyoming does not have a Service-approved wolf management plan. After the federal court injunction on July 18, 2008 the Service took a much closer look at the Wyoming State law and Wyoming’s implementing regulations. We determined Wyoming’s regulatory framework did not meet the purposes of the Act. Wyoming law did not allow the Wyoming Game and Fish Department to keep some of the commitments made in its wolf management plan. Consequently, wolves in all of Wyoming will continue to be managed by the Service until Wyoming can develop a law, regulatory frame, and management plan that the Service determines meets the purposes of the Act.

Does the Endangered Species Act require wolves to be maintained throughout all of Montana, Idaho, and Wyoming?

No, the recovery goals only mandate that each state maintain a wolf population that never goes below 10 breeding pairs and 100 wolves per state and is managed for more than 15 breeding pairs and 150 wolves per state. Montana intends to manage for over 400 wolves, Idaho will manage 500, and Service management in Wyoming will maintain about 300. The states also committed to maintain adequate distribution and genetic diversity of wolves in the NRM. But there are many parts of Montana, Idaho and Wyoming where historic wolf habitat has been so modified by human use that it can no longer support wolves due to an acceptable level of chronic conflicts. The Service fully recognizes that wolves cannot occupy their entire historic range and supports limiting wolf pack distribution to suitable habitat to reduce conflicts with people, as long as wolf recovery is not threatened.

After the wolves in the northern Rocky Mountains are delisted, how many wolves must the States manage?

Montana, Idaho, and Wyoming have each committed to manage at least 15 breeding pairs and at least 150 wolves in mid-winter to provide a buffer to ensure that the NRM wolf population never falls below the mandated minimum level of 30 breeding pairs and 300 wolves (10 breeding pairs and 100 wolves per state). If the wolf population drops below that level, the Service could take actions to protect wolves through the Service's emergency listing authority under the Act. Service and National Park Service management in Wyoming will maintain about 300 wolves.

After delisting, what happens to wolves outside the NRM wolf DPS?

This action will not affect the status of any wolves outside of the northern Rocky Mountain wolf DPS. The status of wolves under the Act is determined by their location. Therefore, any wolf outside the boundary of the northern Rocky Mountain wolf DPS would retain its current status. For example, if a wolf dispersed to Colorado, it would be listed as endangered. Wolves in the Western Great Lakes DPS are also being delisted but any wolves outside that area would likewise remain protected as endangered.

Is the NRM wolf population threatened by low genetic diversity?

All experts agree that the NRM wolf population is highly genetically diverse. There aren't any conservation problems related to its current level of genetic diversity. Right now there are at least 1,645 wolves in the NRM & they live in about 217 packs, at least 95 of which successfully raised pups. Another 500 or more pups will be born in April 2009. The Service and the states committed to maintain over 1,000 wolves in the NRM. The NRM population is highly genetically diverse because wolves from many different Canadian packs were reintroduced, subsequent management relocations, and the phenomenal natural dispersal abilities of wolves. Both relocated and long-distance naturally dispersing wolves have bred in all three recovery areas. There is nothing short of excessive and prolonged levels of unregulated killing by people over a very large area that could affect the NRM wolf population's genetic health into the future and that clearly won't happen. Montana, Idaho and the Service have agreed to manage the wolf population well above minimum recovery levels, promote continued natural dispersal between recovery areas, monitor genetic health, and in the highly unlikely event it was ever required, relocate wolves, easily correcting any theoretical genetic problems.

Who made the final decision to delist wolves?

Acting Service Director Rowand Gould made the decision, consistent with the Act's requirements.

After wolves are delisted, will there be any federal oversight?

Once a species is delisted a state or tribe has sole management responsibility. The Act includes many safeguards to ensure that the wolf population will remain recovered for the foreseeable future. For example, the Act mandates the Service to monitor the wolf population for at least five years after delisting. This helps to ensure the population remains above recovery levels and emerging threats do not jeopardize the wolf population. Mandatory annual reports by the states and the Service's analysis of them will be posted on the Service website during that period. Protections of the Act would be reinstated should the wolf population again become threatened or endangered. In addition, any organization or person, at any time, may petition the

Service to relist wolves if they believed the wolf population has been again threatened or endangered. The Service is required by law to use the best science to make that determination.

After delisting, what are the roles and responsibilities of tribes?

Tribes manage resident wildlife on tribal reservations. Once wolves are delisted each tribe will manage wolves on their lands or assist others with management where they have treaty rights or agreements. Some tribes have also taken a management role on other lands. For example, the Nez Perce Tribe led a highly successful wolf management effort in Idaho administered under a cooperative agreement with the Service from 1995 to 2005. The Tribe and State of Idaho signed a cooperative agreement in 2005 to maintain the Tribe's involvement in wolf management after delisting. States and tribes will address any tribal treaty right issues on other lands, such as potential for tribal harvest, just as they currently do for other resident wildlife species.

How will livestock and wolf conflicts be handled after wolves are delisted?

The Service, tribes, state fish and wildlife agencies in Montana and Idaho, and USDA Wildlife Services currently work together to investigate and respond to reports of suspected wolf damage to livestock. The states and tribes have cooperative management agreements with USDA Wildlife Services to assist them with wolf management. Once wolves are delisted, the states and tribes will continue working with USDA Wildlife Services to investigate and manage conflicts between wolves and livestock. The states have laws to protect private property from damage caused by wildlife. The state laws are similar to the federal experimental population regulations that were in effect while wolves were listed. Under those laws, landowners and grazing permittees will be able to legally shoot wolves attacking or molesting their domestic animals, just as they now can shoot resident black bears or mountain lions that are seen attacking or harassing their livestock. In Wyoming management of conflicts with livestock will continue to be addressed by the Service under the 1994 experimental population regulations.

Does delisting of the northern Rocky Mountain wolf DPS mean that wolves can be hunted?

Yes, wolves can be hunted once the delisting takes effect, if states or tribes establish hunting seasons and related regulations designed to maintain the wolf population above agreed upon levels. The number of wolves killed by hunters would be tightly regulated to ensure the wolf population is never threatened. The states and tribes already have hunting seasons for many species of resident wildlife, including black bear, elk, deer, and moose. Regulated hunting programs have a strong record of helping conserve wildlife populations. When wolf populations are well above 15 breeding pairs in Montana and 20 breeding pairs in Idaho, the State fish and wildlife agencies may propose public hunting seasons to help manage wolf numbers and wolf pack distribution to reduce damage to private property and balance wolf predation to native prey abundance. The Service supports regulated public hunting programs as important tools to help manage and conserve recovered wildlife populations. Federal authority for conserving wolf populations in Wyoming and in national parks, such as Yellowstone and Glacier will remain in place.

After delisting will the states and tribes allow hunters to kill most of the wolves?

No, while Montana and Idaho are both planning to establish highly regulated public hunts for wolves, just as they conduct for mountain lions, black bears, elk and deer, but those hunts will be highly regulated. Wolf hunting would be allowed in fall during seasons for elk and deer. Each

wolf hunting area has a maximum number of wolves that can be harvested. A hunter must call in just before going hunting to make sure that area is still open. Successful hunters must report killing a wolf within a day. Once the quota is reached the area is closed for hunting. The fall hunting seasons are designed to assure that wolf dispersal and breeding aren't significantly disrupted. Montana will maintain 400 wolves and Idaho over 500 after hunting seasons have concluded. Very few wolves live solely on tribal lands but tribal hunting maybe allowed there and in other areas covered by tribal treaty rights in accordance with those treaties and other agreements. Wolves in Wyoming will continue to be managed by the Service and public hunting can not be allowed. Hunting will not be allowed in National Parks. The states of Washington, Oregon, and Utah have no plans to hunt wolves at this time. Regulated public hunting can be valuable and cost-effective wildlife management tool to conserve healthy wildlife populations, fund wildlife conservation, maintain and improve local human tolerance of wolves, and manage the numbers and distribution of wildlife populations to reduce conflicts with people.

Can the States manage wolves?

Yes. It is important to remember that State fish and wildlife agencies and sportsmen made wolf recovery possible by restoring wolf prey, including elk, deer and moose. The states also already manage healthy populations of other large predators such as mountain lions, and black bears. They have professional fish and wildlife organizations with hundreds of employees, including biologists, wardens, researchers, educators, and managers who have done an incredible job of restoring and managing wildlife in their states. The States of Montana and Idaho have done an outstanding job managing wolves in their states since 2004 under cooperative agreements with the Service. The written commitments the states have made in their wolf management plans ensure that they will do the same for wolves once they are delisted. In the unlikely event that the states do not meet the terms of their management plans, the Service can take action to again protect wolves under the Act.

Who is paying for all of this?

While listed under the Act, the federal government has paid most of the costs for wolf restoration and management through annual appropriations from Congress for endangered species recovery. In 2008, about \$3.6 million was spent on wolf management in the NRM, including funding for Idaho and Montana and the Nez Perce Tribe. Once wolves are delisted, states will begin to fund some of the cost of wolf management through other funding sources, including other types of federal funding. The Service will continue to fund its management of wolves in Wyoming.

Who will pay livestock compensation after delisting?

Since 1987, a private group, the Defenders of Wildlife, has paid nearly \$900,000 for livestock and herding and guarding animals killed by wolves in the northern Rocky Mountains. However, it is uncertain if that private compensation program will continue when wolves are delisted. Therefore, the States of Montana, Idaho, and Wyoming, established State-administered compensation programs for wolf damage that will complement or take the place of the Defenders program after delisting. In 2009, about \$284,000 was paid by the states and \$183,000 from a private compensation program for damage caused by wolves. In addition, Congress established a federal grant program in 2009 to help states reduce and compensate for livestock damage caused by wolves.

How will the States that have portions of their States outside the proposed DPS boundary be affected?

Wolves outside the DPS boundaries of the NRM and Western Great Lakes populations will remain listed as endangered. If control actions are needed, the Service has a number of options, including removing the problem wolf. Additionally, state management could involve nonlethal control of problem wolves and relocation.

Will other States in the West need to have Service-approved wolf management plans?

No. The significant portion of the range for the NRM population of gray wolves is Montana, Idaho and Wyoming. Service-approved wolf management plans are needed only for those states to ensure the wolf population will remain recovered. If Wyoming developed a plan that met the purposes of the Act and Service approved it, a separate rulemaking, including opportunity for public comment, would be proposed to delist wolves in Wyoming.

Who is the point of contact regarding wolf issues after wolves are delisted?

The State wildlife agencies in Montana, Idaho, Washington, Oregon, and Utah are the primary contacts for wolves within the NRM DPS. In Wyoming the Service is the primary contact. There will be no federal regulations and no specific federal authority for wolf management within the boundaries of the DPS, except in Wyoming and within the National Parks. Wolves in national parks will remain under the management authority of the National Park Service. On national wildlife refuges, the individual refuge should be contacted. On tribal lands, the tribes have management authority, and they should be contacted.

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