



Questions and Answers

Proposed 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. Therefore, the U.S. Fish and Wildlife Service is proposing to establish and delist a northern Rocky Mountain wolf 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.

The threats to the wolf population in the northern Rocky Mountain DPS have been reduced or eliminated as evidenced by the population exceeding the recovery goals. We intend to delist the entire DPS, if Wyoming has an approved regulatory framework by the time this proposal is finalized. However, if Wyoming does not have a Service-approved plan by then, the portion of northwestern Wyoming outside the national parks necessary to support the Wyoming segment of the NRM wolf population will remain listed. The remainder of Wyoming is largely unsuitable habitat and is not a significant portion of range for the northern Rocky Mountain wolf population. That area is not necessary to maintain the recovered population and will be delisted regardless of whether Wyoming has an approved plan. This proposal for the northern Rocky Mountains would not affect wolves in any other part of the United States.

1) Why is delisting being proposed at this time?

Answer: In late 2002, the wolf population achieved its 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. It has exceeded it every year since. Currently, the wolf population in Montana, Idaho, and Wyoming exceeds 89 breeding pairs and 1,243 wolves. All threats to the wolf population, except for the unregulated and potentially excessive levels of human-caused mortality allowed by Wyoming state law, have been resolved. With a recovered wolf population in the northern Rocky Mountains, and expectations that Wyoming will develop state law that can be approved, the Service is proposing to delist wolves in this DPS, because that population clearly no longer needs the protections of the Endangered Species Act. However, if Wyoming does not develop an approved regulatory framework for wolf management, the Service—consistent with the ESA—will move forward to delist wolves in Montana and Idaho, and those portions of Wyoming, Washington, Oregon and Utah within the northern Rocky Mountain DPS. Wolves would still be protected under the ESA in the significant portion of their range in northwestern Wyoming, outside the national parks.

2) What does Wyoming have to do to have an approved state law and wolf management plan?

Answer: Wyoming state law has to be changed to give Wyoming Game and Fish Department (WYGF) the

legal authority to manage the wolf population above 10 breeding pairs and 100 wolves in mid-winter, including maintaining some wolf breeding pairs in suitable habitat in northwestern Wyoming outside the National Parks. The current law and plan are not consistent and the large area of state predatory animal status would severely limit WYGF's ability to manage above the minimum number of wolf breeding pairs needed in northwestern Wyoming outside of the National Park Units.

3) Does this mean the U.S. Fish & Wildlife Service will require wolf packs to be maintained throughout all the states of Montana, Idaho, and Wyoming?

Answer: The recovery goals only mandate that each state maintain at least 10 breeding pairs and at least 100 wolves per state, within the general area currently occupied by wolf packs. There are many parts of Montana, Idaho and Wyoming where once-historic wolf habitat has been so modified by human use that it can no longer support wolf packs. The state fish and game agencies will regulate human-caused mortality so that in many parts of those states wolf packs will never form. The Service fully recognizes that wolves cannot occupy their entire historic range, and supports limiting wolf distribution to suitable habitat as long as recovery is not threatened.

4) Why not wait till Wyoming has an approved plan before proposing that wolves be delisted?

Answer: The wolf population in Montana and Idaho has been fully recovered since 2002 and continues to grow. Those states have had approved state laws and wolf management plans since 2004 and have successfully managed the wolf population within their states under cooperative agreements with the Service since 2005. Management by those states, including options for public harvest, is the most effective mechanism to conserve the recovered wolf population into the future and to reduce conflicts with local residents. As of now, the Service has no approved wolf management plan for Wyoming. If, in the future, the State of Wyoming changed its state law regarding wolves and developed a wolf management plan that the Service could approve, wolves in all of Wyoming could be delisted. However, if Wyoming's regulatory framework plan cannot be approved consistent with the ESA, the Service will continue to move forward to delist the wolves in NRM DPS, including all of Montana and Idaho and parts of Washington, Oregon, Utah and Wyoming (excluding national parks and the significant portion of their range in northwest Wyoming), allowing for total state management in those areas.

5) How many wolves must the states manage for if they are to be delisted?

Answer: Montana, Idaho, and Wyoming must each manage for at least 10 breeding pairs and at least 100 wolves in mid-winter so the NRM wolf population never falls below 30 breeding pairs and 300 wolves. If the wolf population ever dropped below that level, wolves could be relisted under the Service's emergency listing authorities.

6) What happens to wolves outside the NRM wolf DPS if it is delisted?

Answer: This proposal will not affect any wolves outside of the proposed northern Rocky Mountain wolf DPS. Wolves are listed by their location. Therefore, any wolf outside the northern Rocky Mountain wolf DPS would remain listed as they are currently. For example, if a wolf was found in Colorado, it would still be listed as endangered.

7) Who makes the final decision whether Wyoming's regulatory framework can be approved or if wolves can be delisted?

Answer: The Director of the U.S. Fish and Wildlife Service makes the final decision based on requirements

of the ESA.

8) Is there any federal oversight once wolves were delisted?

Answer: Some, but it is very limited. Once a species is delisted the states or respective tribes have sole management responsibility. But, the ESA has many safeguards to ensure that states will maintain a recovered wolf population for the foreseeable future. For example, the Act mandates monitoring of the wolf population for at least 5 years after delisting to ensure it remains above recovery levels and any threats do not return to a level that would jeopardize the wolf population. Annual reports and our analysis of these reports will be posted on our website during that period. In addition, should the wolf population become threatened or endangered again it could be relisted.

9) What is tribal involvement after wolves are delisted?

Answer: The Nez Perce Tribe led wolf management efforts in Idaho under a cooperative agreement with the Service from 1995 to 2005 and did an outstanding job. The tribe and the state of Idaho signed a cooperative agreement in 2005 to maintain the tribe's involvement in wolf management. Tribes will have sole management responsibility on tribal lands if wolves are delisted. The states and tribes will address any tribal treaty right issues on public lands, such as harvest, just as they currently do for other resident wildlife species.

10) How will livestock and wolf conflicts be handled if wolves are delisted?

Answer: The Service, tribes, and state fish and game 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 signed cooperative management agreements with USDA Wildlife Services to assist them with wolf management. If wolves are delisted, the states and tribes will continue working with USDA to investigate and manage wolf/livestock conflict. The states have laws to protect private property from damage caused by wildlife. Under those laws, landowners and grazing permittees will be able to 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.

11) Will delisting the northern Rocky Mountain wolf DPS mean that wolves can be hunted?

Answer: Wolves will always be fully protected in National Parks, such as Yellowstone and Glacier. However, when wolf populations are above 15 breeding pairs per state, the State fish and game agencies will likely propose public hunting seasons to help manage wolf numbers and wolf pack distribution. The Service fully supports regulated public harvest programs as important tools to help manage wildlife populations.

12) Can the states manage wolves?

Answer: Yes. It is important to remember that the only reason wolf recovery was even possible was that the state fish and wildlife agencies and sportsmen restored wolf prey, including elk, deer and moose. The states 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 been managing wolves in their states since 2004 under cooperative agreements with the Service and they have done an outstanding job. The Service is confident they'll do the same for wolves once they are delisted. In the unlikely event that the States fail to manage wolves under the terms of the management plans, the U.S. Fish and Wildlife Service can relist wolves under the ESA.

13) Who is paying for all of this?

Answer: While listed under the ESA, the federal government has paid most of the costs for wolf restoration and management from its annual appropriations from Congress for endangered species recovery. In 2005, about \$2 million was spent on wolf management in the Northern Rockies, mostly for cooperative agreements with the states of Idaho and Montana. 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.

14) Who will pay livestock compensation if wolves are delisted?

Answer: Since 1987, Defenders of Wildlife has paid nearly \$700,000 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 if wolves are delisted. Therefore, the states of Montana, Idaho, and Wyoming, as well as adjacent states anticipate that state-administered compensation programs will complement or take the place of the Defenders program after delisting.

15) How would the states that have portions of their states outside the proposed DPS be affected?

Answer: Wolves outside the DPS would remain listed as endangered (as before). If control actions were needed, the Service is looking into using Section 6 agreements to turn wolf management over to those adjacent states if they have Service-approved wolf management plans. That state management could involve lethal and nonlethal control of problem wolves. The Service is asking for public comment on this idea in this delisting proposal. At this time there are no criteria established for how those state and tribal plans will be approved but once we review the public comment we hope to quickly develop those criteria and guidelines.

16) Will those States in the proposed delisting area all need to have Service-approved wolf management plans before delisting can occur?

Answer: No. The significant portion of the range for the northern Rocky Mountain population of gray wolves is Montana, Idaho and Wyoming. Service-approved wolf management plans are needed only for these three states.

17) How long could it be before the northern Rocky Mountain wolf population is delisted?

Answer: This type of listing action requires public review and comment. This proposal has a 60-day comment period. Depending on the numbers and complexity of public comment, the subsequent analysis and publishing of a final delisting action often takes up to one year. However, the Service considers this a high priority and will attempt to finalize the proposal before 2008.

18) Will there be litigation over this proposal?

Answer: A proposed rule is not a final agency action and is therefore not subject to judicial review. However, as wolf issues are so symbolic and emotional that no matter what the final decision, legal action is expected. The Service will make its final decision based on sound science, public comment and review, and our best interpretation of the law.

19) Will the Service let states shoot as many wolves as they want?

The Service's responsibility is to recover a species and then ensure it will not become threatened again. Just as states manage other resident wildlife—such as black bears or elk—they will decide how many wolves

above the minimum recovery levels they will manage. In the highly unlikely event that wolf populations ever fell below those levels, they could be relisted.