



## Final Decision to Delist Wolves in the Western Great Lakes Questions and Answers

### 1. What action is the U.S. Fish and Wildlife Service taking?

The U.S. Fish and Wildlife Service (Service) published a Final Rule to remove Endangered Species Act (ESA) protection for the Gray Wolf Western Great Lakes Distinct Population Segment in the *Federal Register* on December 28, 2011. This rule provides the Service's final decision on a proposal that was published in the *Federal Register* on May 5, 2011.

### 2. What is a Final Rule and what does this one include?

A Final Rule is an official decision or determination made related to an earlier proposed rule. Both the proposed and final rules are published in the *Federal Register*.

In 1978, the Minnesota population of gray wolves was listed as threatened, and gray wolves throughout the remaining lower 48 states were listed as endangered. This Final Rule acknowledges that the Minnesota population of gray wolf listing in 1978 was, in effect, a Distinct Population Segment listing. Since then, wolves from the Minnesota population dispersed into Wisconsin and Michigan, establishing packs and expanding the Minnesota wolf population well beyond state boundaries. This rule revises the Minnesota population listing to identify it as the Western Great Lakes Distinct Population Segment (DPS). The boundaries of the DPS include all of Minnesota, Wisconsin, and Michigan and portions of adjacent states (see Question 3 for a map).

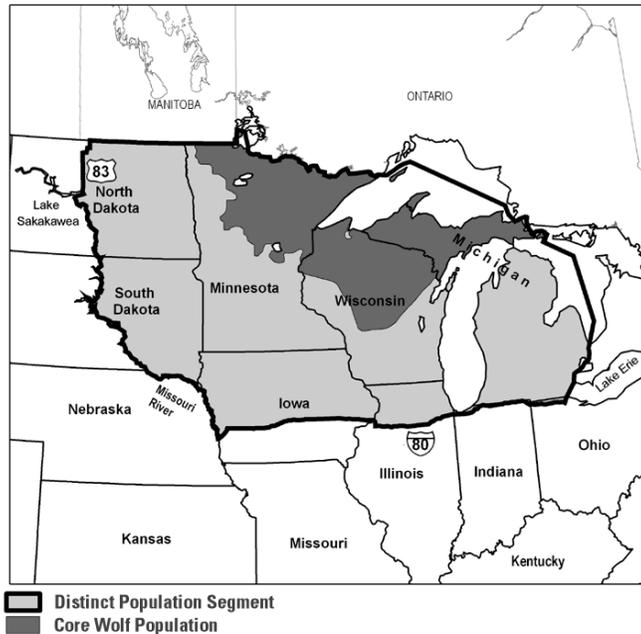
Most importantly, the Western Great Lakes DPS is removed from the List of Endangered and Threatened Wildlife. The Service is removing Endangered Species Act protection for (i.e., delisting) the Western Great Lakes DPS because this wolf population no longer meets the definitions of threatened or endangered (see Question 5 for more details). This final rule also removes designated critical habitat for the gray wolf in Minnesota and Michigan and the special regulations under section 4(d) of the Act for wolves in Minnesota.

### 3. What is a Distinct Population Segment?

The ESA allows the listing and delisting of species, subspecies, and **distinct population segments** of vertebrate animals. A Distinct Population Segment, or DPS, is a significant population that occurs in a distinct portion of a species' or subspecies' range. The DPS is usually described geographically, such as "all members of XYZ species north of 40 degrees north latitude."

The Western Great Lakes DPS encompasses a core area where wolf recovery has occurred. This core area includes northern and central forested areas of Minnesota and Wisconsin and the Upper Peninsula of Michigan. The DPS also includes Michigan's Lower Peninsula and portions of adjacent states that are within the range of wolves dispersing from the core area.

### Gray Wolf Western Great Lakes Distinct Population Segment



#### 4. How does this action affect wolves in the northeast, or elsewhere outside the Western Great Lakes DPS boundary?

The status of wolves outside the DPS boundary is not changed by this action.

#### 5. Why did the Service delist gray wolves in the Western Great Lakes DPS?

The goal of the Endangered Species Act is to improve the status of a listed species to the point that it no longer needs ESA protection. Generally, this means reducing or removing threats to its survival, resulting in increasing numbers and distribution of the species. The Service delisted the Western Great Lakes DPS because it supports a robust, self-sustaining wolf population. In the past, unregulated mortality encouraged by bounties resulted in the near extinction of gray wolves in the conterminous U.S. After delisting, this threat will continue to be controlled because, with state management plans in place, Minnesota, Wisconsin, and Michigan will manage wolf populations in accordance with population objectives to ensure survival of the species in the DPS into the foreseeable future.

The approved recovery plan for the gray wolf in the eastern United States set forth population criteria that, when achieved, would ensure the survival of the gray wolf into the future. Those population criteria are:

- The Minnesota population's continued survival is assured.
- A second population outside of Minnesota and Isle Royale (Michigan) is re-established, having at least 100 wolves in late winter if located within 100 miles of the Minnesota wolf population or having at least 200 wolves if located beyond that distance. A Wisconsin-Michigan population of 100 is considered viable because continued immigration of Minnesota wolves will supplement it.
- These population levels (outside of Minnesota) are maintained for five consecutive years (that is, for six annual wolf surveys).

Wolf numbers and distribution in the Western Great Lakes DPS have exceeded the population criteria identified in the recovery plan continuously since at least 2001. The population estimate for Minnesota in 2008 is 2,921, and its continued survival is assured due to protections afforded on lands that are federally managed by the National Park Service and the U.S. Forest Service and due to management provided under the Minnesota Wolf Management Plan. Wolves are established in Michigan and Wisconsin and number about 687 and 782, respectively.

In addition to exceeding population criteria set out in the recovery plan, potential threats after delisting have been addressed by Minnesota, Michigan and Wisconsin state management plans. To prepare for federal delisting, each of those states developed a wolf management plan with the goal of ensuring future survival of the state's wolf population. Those plans were signed by the head of each state's Department of Natural Resources after input from wolf experts and extensive public involvement.

#### **6. How does this final rule differ from the proposal?**

In this final rule, the Service is making two substantive changes from the May 2011 proposal. First, the Service is separating a decision on whether to delist the Western Great Lakes DPS from a decision on whether to delist all or portions of the 29 eastern states considered to be outside the historical range of the gray wolf. This rule finalizes the Service's decision for the Western Great Lakes DPS. A subsequent decision will be made for the rest of the eastern United States.

Secondly, the Service is not changing its recognition of the taxonomy of wolves in the Western Great Lakes. In the proposed rule, the Service presented recent taxonomic information indicating that the gray wolf subspecies *Canis lupus lycaon* should be elevated to the full species *Canis lycaon*, and that the population of wolves in the Western Great Lakes is a mix of the two full species, *Canis lupus* and *Canis lycaon*. Extensive information submitted during the comment periods, recent publications on the subject, and the widely diverging views expressed in the pertinent scientific studies underscore the ongoing nature of the debate regarding the taxonomy of North American wolves — a debate that may not be resolved for some time. Although there is not a significant number of new publications that have become available since the Service published its proposal in May, 2011, the substance of those new publications and the substantive comments the Service received lead the agency to reconsider its proposed decision to accept *Canis lycaon* as a full species. Therefore, the Service has decided not to alter its previous taxonomic recognition of wolves in the Western Great Lakes as gray wolves (*Canis lupus*). In this final rule, the Service considers all wolves in the Western Great Lakes DPS to be gray wolves (*Canis lupus*) and are delisting them as such.

Taxonomic information evaluated in the final rule, including papers that became available during the public comment period, are available at <http://www.fws.gov/midwest/wolf/delisting/LitCitFinalRuleDec2011.html>. Public comments the Service received on the proposed rule are available on the Federal eRulemaking Portal: <http://www.regulations.gov>. Follow the instructions for viewing comments on Docket No. [FWS-R3-ES-2011-0029].

#### **7. Will the status assessment for the eastern wolf (*Canis lycaon*), that was initiated by publication of the May 2011 proposed rule, be completed?**

Yes the status assessment will be completed. The eastern timber wolf (*Canis lupus lycaon*) remains a valid subspecies with an historical distribution that included the eastern U.S. and Canada. The Service

will use information from the assessment to make a final decision regarding the proposal for the eastern U.S.

### **8. When will the new rule become effective?**

The final rule will become effective January 27, 2012 - 30 days after its publication in the *Federal Register*.

### **9. What happens to gray wolves in the Western Great Lakes DPS now that they are delisted?**

Wolves in the Western Great Lakes DPS are no longer protected by the Endangered Species Act. Instead, state and tribal laws will dictate the level of wolf protection and management. Minnesota, Wisconsin and Michigan developed wolf management plans in preparation for the delisting. Those plans will take effect following delisting.

In the portions of North Dakota, South Dakota, Iowa, Illinois, Indiana and Ohio that are within the Western Great Lakes DPS, wolves would be protected by state and tribal law. The following is the state regulatory designation or status of wolves **in the portions of those states within the DPS**:

North Dakota – furbearer, with closed season

South Dakota – protected wildlife, no season

Iowa – furbearer, closed season

Illinois – threatened

Indiana – extirpated, no protection

Ohio – extirpated, no protection

In the portions of North Dakota, South Dakota, and Iowa, Illinois, Indiana and Ohio **outside the boundaries of the DPS**, the gray wolf would remain endangered and protected under the Endangered Species Act.

Even though the Endangered Species Act no longer protects wolves in the Western Great Lakes DPS, the law requires the Service to monitor wolves in the DPS for five years after delisting. The DPS could be re-listed as threatened or endangered if necessary.

### **10. How do the Michigan, Minnesota and Wisconsin wolf management plans ensure the survival of wolves in those states?**

The state plans implement management actions and protections that will maintain wolf populations above the federal recovery criteria for the foreseeable future. All three state wolf management plans are designed to maintain minimum wolf populations that exceed the recovery criteria identified in the federal Eastern Timber Wolf Recovery Plan for an “isolated wolf population.”

The Michigan plan, revised in July 2008, calls for a minimum sustainable population of 200 wolves in the Upper Peninsula. Habitat, prey and land-use analysis showed that the Upper Peninsula can support between 590 and 1,300 wolves. No upper population limit is specified, but an upper limit will be strongly influenced by “...public preferences regarding levels of positive and negative wolf-human interactions.” The plan acknowledges that in the future, “some degree of wolf population stabilization and control” may be needed and that “some wolves will likely need to be killed under controlled conditions.” The DNR’s goal is to ensure the wolf population remains viable and above a level that

would require either federal or state reclassification as a threatened or endangered species.

Under the Minnesota plan, wolves will be allowed to continue to naturally expand their range within the state. The statewide winter population goal is a minimum of 1,600 wolves; there is no maximum goal. The Minnesota Department of Natural Resources will take appropriate actions to remedy the situation if the population falls below the minimum goal. The plan divides the state into wolf management zones A and B, which correspond to zones 1-4 and zone 5, respectively, in the federal Eastern Timber Wolf Recovery Plan. In zone A, where over 80 percent of the wolves reside, state protections are similar to protections under the Endangered Species Act, with the exception of a state wolf season in the future, and the Service expects little or no resulting post-delisting population decline there. The protection provided by the plan to the zone A wolves will ensure a state wolf population well above 1,600 in that zone. In zone B, wolves could be killed to protect domestic animals, even if attacks or threatening behavior have not occurred. While some decrease in the zone B wolf population may result, such a result would be consistent with the federal recovery plan, which discourages the establishment of a wolf population in that portion of the state.

In Wisconsin, the minimum population management goal is 350 outside of Native American Reservations. Because the wolf population now exceeds this level, the state delisted wolves to Protected Wild Animal status in 2004. If numbers decline and stay below 250 for three years, the state will relist as threatened. If they decline to less than 80 for one year, the state will relist or reclassify the wolf as endangered.

#### **11. How will the Service ensure the state management plans are sufficient to protect the future survival of wolves in the Western Great Lakes DPS?**

The Service will monitor wolf populations in Wisconsin, Minnesota and Michigan for a minimum of five years to ensure that delisting has not occurred prematurely. If it appears, at any time, that the status of the gray wolf may again warrant the protections of the Endangered Species Act, the Service can initiate the normal or emergency listing process.

#### **12. How will wolves be monitored now that they are delisted?**

A post-delisting monitoring plan for the Western Great Lakes DPS was completed in February 2008. That plan focuses on three areas: wolf population dynamics, threats and mechanisms in place to reduce threats. The goal of the plan is to ensure that new threats do not arise or increase unexpectedly after delisting to the degree that wolves may again become threatened. Monitoring will be conducted in Minnesota, Wisconsin and Michigan, the core wolf recovery area.

Wolf populations in Minnesota, Wisconsin and Michigan have been surveyed and studied for several decades, primarily by the three state natural resource departments, but also by many partners, including the U.S. Forest Service, U.S. Geological Survey – Biological Resources Division, National Park Service, U.S. Department of Agriculture - Wildlife Services, tribal natural resource agencies, and the Service. All three states are continuing their previous wolf population monitoring practices with only minor changes.

In addition to monitoring population numbers and trends, the monitoring plan includes evaluating threats, in particular disease, human-caused mortality, and any legal or management measures imposed by states or tribes.

If at any time during the monitoring period the Service detects a substantial decline in the populations or a new or expanded threat, it will evaluate and change the monitoring methods, if appropriate, and consider relisting the Western Great Lakes DPS. At the end of the monitoring period, the Service will decide if relisting, continued monitoring, or ending Service monitoring is appropriate. If warranted (for example, data show a significant decline or increased threats), the Service will consider continuing monitoring beyond the specified time.

**13. Now that gray wolves in the Western Great Lakes DPS are delisted, can they be hunted and trapped?**

States and tribes are responsible for wolf protection and management now that the Western Great Lakes DPS is delisted. Each state or tribe must decide whether activities such as hunting and trapping will be allowed. For example, in Wisconsin, public harvest would only be considered if the population continues to exceed 350 wolves outside of Native American Reservations and would require authorization by the Legislature following major public input. The Michigan management plan does not determine whether a public harvest will be used in Michigan, but it discusses developing a “socially and biologically responsible policy regarding public harvest.” As with Wisconsin, instituting a public harvest in Michigan would require authorization by the Legislature and public input. Minnesota DNR will consider options for managing its wolf population, including hunting and trapping seasons, in the future. As in the other states, this would only be done with public input.

The Service does not prescribe the specifics of how states and tribes manage delisted wolves, but rather the agency ensures that they implement management and protective measures that effectively conserve the wolves in their states so federal relisting as threatened or endangered will not be necessary.

**14. What is the Service's Federal trust responsibility to tribes, as it pertains to wolf management, after delisting?**

The Interior Department, the Service, the Bureau of Indian Affairs, and other federal agencies will ensure that tribal authority and sovereignty within reservation boundaries are respected as the states implement their wolf management plans and revise those plans in the future. Also, there may be tribal activities or interests associated with the wolf encompassed within the tribes' retained rights to hunt, fish, and gather in treaty-ceded territories. The Department will assist in the exercise of any such rights. If biological assistance is needed, the Service may provide it via field offices. Legal assistance would be provided to the tribes by the Department, and the Bureau of Indian Affairs will be involved, when needed.

**15. What is the role of tribes in post-delisting monitoring?**

The Service will annually contact tribes within the DPS to obtain any information the tribes wish to share about wolf populations, the health of those populations, or changes in their management and protection. Reservations within the Western Great Lakes DPS that may have significant wolf data to provide during the post-delisting period include Bois Forte, Bad River, Fond du Lac, Grand Portage, Keweenaw Bay Indian Community, Lac Courte Oreilles, Lac du Flambeau, Leech Lake, Menominee, Oneida, Red Lake, Stockbridge-Munsee Community, and White Earth. The Service will annually contact the natural resource agencies of each of these reservations and that of the 1854 Treaty Authority and Great Lakes Indian Fish and Wildlife Commission.

**16. How did wolves in the western Great Lakes fare during the time they were delisted in 2007-2008 and 2009?**

During the time wolves in the Western Great Lakes DPS were delisted (from March 12, 2007, to September 29, 2008, and from May 4, 2009, to July 1, 2009) the wolf population remained stable under state management. The winter 2007-2008 population estimates were 2,921 wolves in Minnesota, 626 in Wisconsin, and 580 in Michigan. Although the Minnesota population estimate is down slightly compared to the previous estimate (from 2003-2004), the change is not statistically significant, which indicates that the population has remained stable since the previous survey.

The number of wolf deaths that occurred during the time wolves were delisted closely mirror what the Service predicted in the 2007 final rule. Illegal killing of wolves actually dropped in Wisconsin and remained unchanged in Michigan (no data are available from Minnesota). The number of wolves killed by USDA Wildlife Services and individuals for depredation control increased in both Michigan and Wisconsin, but not any more than predicted in the 2007 final rule. The number remained about the same in Minnesota.

**17. Where can more information be found?**

The *Federal Register* publication of the rule, as well as information about gray wolf populations, is available online at <http://www.fws.gov/midwest/wolf/> or can be obtained by writing to: U.S. Fish and Wildlife Service, Gray Wolf, 5600 American Blvd., West, Suite 990, Bloomington, MN 55437.