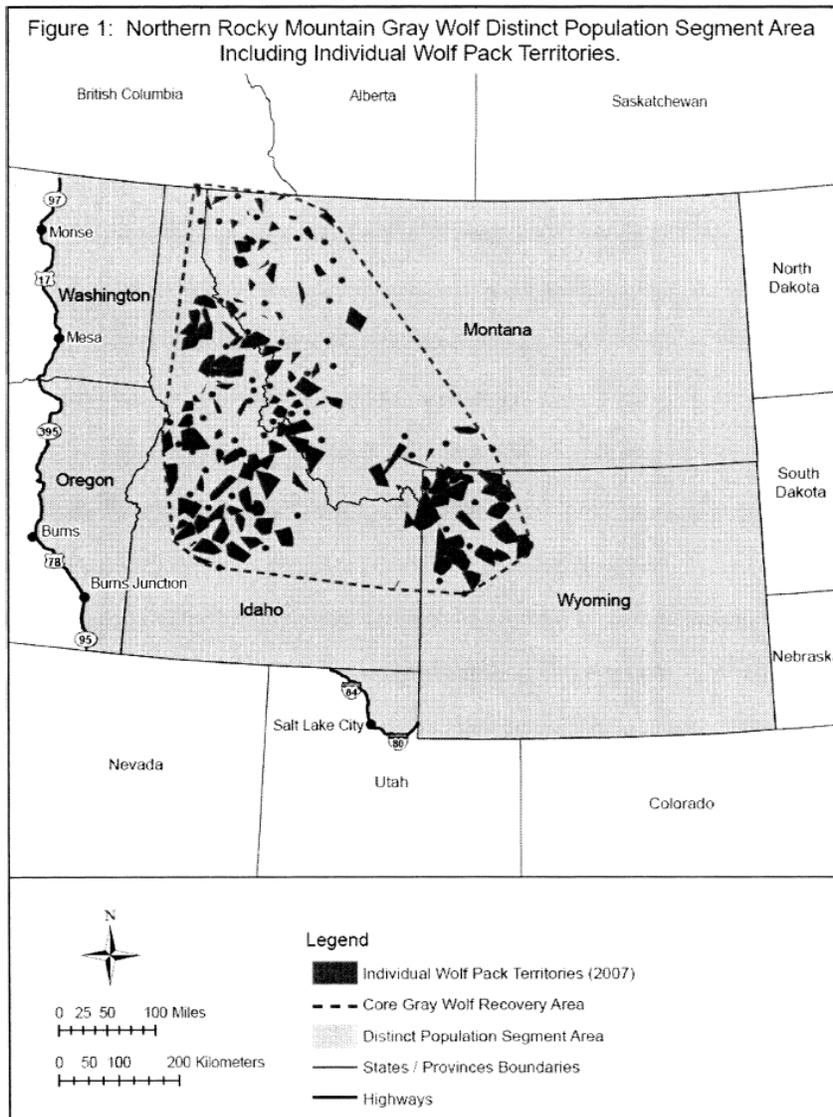


Gray Wolf Recovery and Delisting Questions and Answers May, 2011

Wolves in the Northern Rocky Mountain Population

What are the boundaries of the Northern Rocky Mountain DPS?

The boundaries of the Northern Rocky Mountain DPS are the same as they were in 2009. The DPS includes all of Montana, Wyoming, and Idaho, as well as eastern Oregon (east of the centerline of Highway 395 and Highway 78 north of Burns Junction and that portion of Oregon east of the centerline of Highway 95 south of Burns Junction), eastern Washington (that portion of Washington east of the centerline of Highway 97 and Highway 17 north of Mesa and that portion of Washington east of the centerline of Highway 395 south of Mesa), and a small corner of Utah.



What is the legal status of wolves that disperse out of the Northern Rocky Mountain DPS into western Oregon, western Washington, northern California, or Nevada?

The delisting of the Northern Rocky Mountain DPS will not affect the legal status of wolves that disperse out of the proposed DPS boundaries. The legal status of a wolf under the ESA is tied to its location rather than its point of origin. Therefore, any wolf outside the northern Rocky Mountain wolf DPS in the coterminous United States retains its current listing status under the Endangered Species Act (ESA). Wolves west of the Northern Rocky Mountain DPS boundary in Oregon and Washington, and any wolves in California or Nevada are still considered endangered under the ESA and have the full protection of the law. The final rule has no effect on the status of wolves listed under state statutes. Wolves are currently state-listed as endangered in both Oregon and Washington.

What does the recent Congressional action direct the Service to do and how will it impact Northern Rocky Mountain Gray Wolf Population?

As part of today's actions, the Service is publishing a final rule – as directed by legislative language in the recently enacted Fiscal Year 2011 appropriations bill – that immediately reinstates the terms of a 2009 rule removing gray wolves in a portion of the Northern Rocky Mountain Distinct Population Segment (DPS) encompassing Idaho, Montana and parts of Oregon, Washington and Utah from the Federal List of Endangered and Threatened Wildlife. Gray wolves will remain listed under the ESA in Wyoming, although the Service is working closely with that state to develop a wolf management plan that would allow wolves in Wyoming to be removed from the list in the future.

The Service and the states will monitor wolf populations in the Northern Rocky Mountain DPS and gather population data for at least five years under a post-delisting monitoring plan previously approved by the Service.

When will the Northern Rocky Mountain Gray Wolf be delisted?

The delisting of gray wolves in the Northern Rocky Mountain population, with the exception of wolves in the state of Wyoming, will take effect May 5th (immediately upon publication in the Federal Register).

Congress stated that this couldn't be challenged in court – is that really the case?

The statute states that the delisting rule is not subject to judicial review.

This delisting by Congress was precedent-setting. How does the Service respond to legislative action being taken on the ESA?

Congress' requirement that the Service delist wolves in Montana and Idaho is consistent with the Service's conclusion that the Northern Rocky Mountain Gray Wolf is recovered in those states. The Service also had previously concluded that both Montana and Idaho had developed adequate state management plans that should ensure that wolf populations will remain at healthy levels. As such, this is an unusual situation. The Service is required to respond to Congressional directives, including this one.

Are gray wolves recovered in the Northern Rocky Mountain region - in the Service's point of view?

Yes. The best science strongly supports the Service's conclusion that the NRM population is biologically recovered. It contains over 1,650 wolves, 244 packs and over 110 successfully breeding pairs. It has exceeded recovery goals for 11 consecutive years, occupies nearly all of the suitable habitat in the Northern Rocky Mountains, is at or above long-term carrying capacity, and has high levels of genetic diversity and gene flow throughout the region.

What happens next?

Given adequate state management, under Service approved wolf management plans, the Service expects that the NRM wolf population will be maintained well above recovery levels but will be managed below the current levels in Montana and Idaho to reduce the level of conflicts with local people.

How will post-delisting monitoring occur?

The Service will be applying the Endangered Species Act's post-delisting monitoring requirements to delisted wolves in Montana and Idaho. More specifically, Section 4(g)(1) of the ESA, added in the 1988 reauthorization, requires the Service to implement a system, in cooperation with the States, to monitor for at least 5 years, the status of all species that have been delisted due to recovery. The purpose of this post-delisting monitoring is to verify that a recovered species remains secure from risk of extinction after it no longer has the protections of the ESA. Should relisting be required, the Service may make use of the emergency listing authorities under section 4(b)(7) of the ESA to prevent a significant risk to the well being of any recovered species.

Idaho's 2008-2012 Wolf Management Plan has been suspended. What impact does this have on potential for relisting?

As noted above, the Service's 2009 rule says the agency will "initiate a status review and analysis of threats to determine if relisting [is] warranted... if a change in State law or management objectives would significantly increase the threat to the wolf population."

Even if a status review is initiated, assuming the conservation objectives outlined in the 2002 plan, including gene flow, continue to be met, Idaho's regulatory framework may continue to be adequate to ensure the Northern Rocky Mountain gray wolf population remains recovered. However, if the population is managed at or close to minimum recovery targets, the Service expects dispersal to noticeably decrease.

Idaho recently passed legislation declaring an emergency in Idaho due to wolves. What impact does this have on the delisting and State management post-delisting?

The Service does not anticipate that this law will have any impact on the population. It is the Service's understanding that under this law the state of emergency ends when wolves are delisted in Idaho.

Who will fund wolf monitoring and management post-delisting?

Some federal funding will continue to be available for wolf monitoring and management but the states recognize that implementation of their wolf management plans requires funding beyond just federal dollars. The states have committed to secure the necessary funding to manage the wolf populations under the guidelines established by their approved State wolf management plans (Montana 2003, p. xiv; Idaho 2007, p. 24, 47-48; Idaho 2002; p. 23-25; Wyoming 2007, p. 29-31).

In addition to state license fees or other forms of state funding, funding is available to help manage a delisted wolf population including, in the form of federal appropriated funds, Pittman-Robertson Wildlife Restoration Act, other Federal grant programs, and private funding. The Service is still working to flesh out the details of the financial transition to state management. The federal government will continue to fund wolf management in Wyoming.

What advice/help can you offer landowners who are dealing with wolf/livestock interactions?

There are many tools available to landowners to deal with wolf/livestock interactions, including hazing, guard dogs, and removing problem wolves. The Service has used all of these tools in coordination with states and tribes. All of these tools have allowed wolves and ranchers to coexist. With wolves in state management in Idaho and Montana, the states will continue to manage wolves using a wide variety of tools.

Wolves in the Western Great Lakes

What is the U.S. Fish and Wildlife Service proposing to do with wolves in the western Great Lakes?

The Service is proposing to identify and remove the Western Great Lakes DPS of gray wolves (*Canis lupus*) from the Federal List of Endangered and Threatened Wildlife. The Service is also proposing to remove federal designation of critical habitat for the species in Minnesota and Michigan, and to remove the gray wolf special rule in Minnesota, which define the circumstances when gray wolves can be taken in Minnesota. The Service also proposes to remove portions of the gray wolf listing in all or parts of 29 eastern and southeastern states because that area is outside of historical gray wolf range. The proposed rule appears in *Federal Register* on May 5, 2011.

In conjunction with the proposal to delist the Western Great Lakes DPS and revise the range of the gray wolf in the east, the proposed rule includes initiation of a review of the status of gray wolves under section 4(c)(2) of the ESA, which requires the Service to review listed species every 5 years and determine whether a change in listing status is appropriate. In addition, the Service will initiate reviews to resolve the status of gray wolves in the Pacific Northwest and of Mexican wolves — a gray wolf subspecies — in the Southwest. The Service is also seeking information on the status of the eastern wolf (*Canis lycaon*) throughout its range in the United States and Canada.

These reviews, along with the rangewide review of *Canis lycaon*, will allow the Service to cohesively address status of wolf populations in the lower 48 states and Mexico in terms of their appropriate listing classification. Details of each proposed action or action initiated are provided in the Proposal Summary and in the proposed rule to delist the Western Great Lakes DPS published in the Federal Register.

If finalized, how would this proposal affect wolves outside the Western Great Lakes DPS?

In addition to delisting the Western Great Lakes DPS, the Service is proposing to revise the historical range of the gray wolf (*Canis lupus*) by removing from the listing all or parts of 29 eastern and southeastern states that are outside of the historical range of the gray wolf but we now understand are incorrectly included in the 1978 listing. Seventeen of these states are within the range of the red wolf but were never within the range of the gray wolf.

Genetic studies of wolves over the last 30 years have resulted in changes to the scientific delineation of wolf taxonomy. In accordance with these taxonomic changes, the gray wolf subspecies *Canis lupus lycaon* is elevated and considered a full species, eastern wolf, *Canis lycaon*. Therefore, the Service is also removing from the gray wolf listing all or parts of 12 northeastern and mid-Atlantic states that were historically within the range of the eastern wolf (*Canis lycaon*) but not within the range of the gray wolf (*Canis lupus*). In addition, the Service is initiating a status review for the eastern wolf (*Canis lycaon*) to determine whether further ESA action is warranted for this species.

Gray wolves throughout the rest of the coterminous U.S. (Northern Rocky Mountains, Pacific Northwest, and Southwest) and red wolves (a separate species found in the Southeast), would not be affected by finalization of this proposed action. However, the outcomes of the status reviews may recommend further action. Any subsequent changes to the listing status of gray wolves will be subject to proposed rule-making public notice and comment.

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.

Why is the Service proposing to delist gray wolves in the Western Great Lakes DPS?

The Service is proposing to delist the gray wolf in the Western Great Lakes DPS because that DPS supports a healthy, self-sustaining population of wolves. In the past, human-caused mortality resulted in the near extinction of gray wolves in the conterminous U.S. With state management plans in place, each of the states would manage wolf populations in accordance with population objectives, which would ensure survival of the species in the DPS into the foreseeable future.

The goal of the ESA 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 approved recovery plan for the gray wolf in the eastern United States sets forth population criteria that, when achieved, will 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. The estimated population in Minnesota is 2,922, and its continued survival is assured. Wolves are established in Michigan and Wisconsin and number about 557 and 690 in those places, 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.

What will happen to gray wolves in the Western Great Lakes DPS if they are delisted?

Wolves in the Western Great Lakes DPS would no longer be protected by the ESA. Instead, state and tribal laws would dictate the level of wolf protection and management. Minnesota, Wisconsin and Michigan developed wolf management plans in preparation for the delisting. Those plans would 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 outside the boundaries of the DPS, the gray wolf would remain endangered and protected under the ESA. The gray wolf would be removed from the Federal List of Endangered and Threatened Wildlife in the portions of Illinois, Indiana, and Ohio that are outside the boundaries of the DPS, because those areas are outside the historical range of the species. For more information, please contact the appropriate state natural resource agency about how wolves are protected and managed.

If this proposed delisting is made final, even though the ESA would no longer protect 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.

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 Michigan Department of Natural Resources’ 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 would be nearly as strict as current protections under the ESA, 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 a significant 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.

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

Wolf populations in Wisconsin, Minnesota and Michigan would be monitored for a minimum of five years to ensure that delisting has not occurred prematurely. If it appears, at any time, that the gray wolf cannot sustain itself without the protections of the ESA, the Service can initiate the listing process, including emergency listing.

How would wolves be monitored if 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 threats do not arise or increase unexpectedly after

delisting. 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 with assistance from 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.

If gray wolves in the Western Great Lakes DPS are delisted, can they be hunted and trapped?

States and tribes would be responsible for wolf protection and management if 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, Minnesota has announced that it will not consider public hunting and trapping, except for depredation control, until at least five years after federal delisting. 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.

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.

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

If the Western Great Lakes DPS is delisted, the Interior Department, the Service, the Bureau of Indian Affairs (BIA), 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.

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.

How does the presence of more than one wolf species in the western Great Lakes region affect the listing status of wolves in that part of the country?

The Service agrees with the recent conclusion presented by Weeldon and White (2009), Fain et al. (2010), Wheeldon et al. (2010), and others that the subspecies of gray wolf known as the eastern timber wolf (*Canis lupus lycaon*) is actually a unique species of wolf (*Canis lycaon*), not a subspecies. The Service also agrees with these experts that wolves in the western Great Lakes region consist of an assembly of *C. lupus*, *Canis lycaon*, and their hybrids.

The procedural aspects of this proposed rule refer to the gray wolf, because that is the named entity currently on the Federal List of Endangered and Threatened Wildlife. In addition, the Service is using this proposed rule to recognize that *Canis lycaon* also occurs in the Western Great Lakes DPS. Furthermore, the Service is initiating a status review for *Canis lycaon* to determine if ESA protection is warranted. These two actions, combined, address all individual wolves in the Western Great Lakes region. As stated in the answer to the previous questions, the Service is also proposing to revise the gray wolf (*Canis lupus*) listing by removing all or portions of 29 states where the gray wolf never occurred and delisting the Western Great Lakes DPS because that population has recovered.

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 late winter 2008-2009 population estimates were 2,922 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.

When will the Service make a final decision on this proposal?

In general, the Service has a year from the date a proposal is made to finalize the proposed action. During that time, the Service solicits public input, often holds public hearings, evaluates comments and other information gathered during the public comment period, and makes a decision on the proposal. The Service can approve the proposal, withdraw it, or approve it in amended form.

How can the public provide input on the proposal?

The Service is accepting comments on the proposal after the proposed rule is published in the *Federal Register* on May 5, 2011. You may submit written comments by one of the following methods:

- Federal eRulemaking Portal: <http://www.regulations.gov>. Follow the instructions for submitting comments to Docket No. [FWS-R3-ES-2011-0029].
- U.S. mail or hand-delivery: Public Comments Processing, Attn: Docket No. [FWS-R3-ES-2011-0029]; Division of Policy and Directives Management; U.S. Fish and Wildlife Service; 4401 N. Fairfax Drive, MS 2042-PDM; Arlington, VA 22203.

Comments must be received within 60 days, on or before July 5, 2011. The Service will post all comments on <http://www.regulations.gov>. This generally means the agency will post any personal information provided through the process. The Service is not able to accept email or faxes.

Will there be a public hearing on the proposal?

The Service will have scheduled two informational meetings followed by public hearings.

- Ashland, Wisconsin on May 18, 2011, at the Northern Great Lakes Center, 29270 County Highway G. The informational meeting will be held from 6:00 p.m. to 7:15 p.m., followed by a public hearing from 7:30 pm to 9:00 pm.
- Augusta, Maine on June 8, 2011, location TBA. The informational meeting will be held from 6:00 pm to 7:15 pm, followed by a public hearing from 7:30 pm to 9:00 pm.

Where can I get more information?

The *Federal Register* publication of the proposed 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
1 Federal Drive
Fort Snelling, MN 55111-4056

For more information about wolves, visit:

Western Great Lakes and eastern U.S.: <http://www.fws.gov/midwest/wolf>
Northern Rocky Mountains: <http://www.fws.gov/mountain-prairie/species/mammals/wolf/>
Southwest: <http://www.fws.gov/southwest/es/mexicanwolf/>
Southeast: <http://www.fws.gov/redwolf/>

Wolves in the Northeast

What is the Service proposing for wolves in the Northeast?

Recent taxonomic studies and other scientific information indicate that the historical range identified for the listed gray wolf (*Canis lupus*) is in error. The best available scientific information suggests that the wolf species that historically occurred in the Northeast is the eastern wolf species (*Canis lycaon*), formerly considered a subspecies of *C. lupus*. As a result, the Service is also proposing to revise the gray wolf (*Canis lupus*) listing by removing all or portions of 29 states where evidence suggests the gray wolf never occurred. The Service will also initiate a status review of *C. lycaon* to determine whether further ESA action is warranted for this species.

How does this proposal affect the Northeast?

Should this proposal become finalized, any wolves entering the Northeast would not be protected under the Endangered Species Act, as they are now.

What is the current wolf situation in the Northeast?

The Service has no evidence indicating the current presence of a wolf population in the Northeast. Any wild wolf discovered in the Northeast is likely to be a dispersing individual from a neighboring Canadian population.

How will the Service conduct a status review for *Canis lycaon*?

The status review, which is expected to be completed by the end of the year, will evaluate the status of the species throughout its range, including Canada. The review will be based on the best available scientific and commercial information, including the Service's current understanding of North American wolf taxonomy. State and provincial wildlife agencies will be engaged in the status review. Also, the public is asked to submit information on the status of *C. lycaon* and may comment on this status review at any of the public hearings on the proposed rule; one public hearing will be held in the Northeast – in Augusta, Maine, on June 8. Details of this public meeting will be announced at a future date.

Gray Wolves in the Pacific Northwest

Why is the Fish and Wildlife Service conducting a status review of wolves in the Pacific Northwest?

Gray wolves are currently listed under the ESA throughout the coterminous United States, outside of the Northern Rocky Mountains DPS. Previous attempts to downlist or delist wolf populations have been challenged in Federal court, in part, because of the Service's focus on particular populations where the Service has traditionally directed the Service's recovery efforts (e.g., the Northern Rocky Mountains and western Great Lakes populations), rather than the entire listed entity. The Service is now proposing to take a more comprehensive approach to wolf reclassification throughout the coterminous United States. One part of this approach will be to determine whether wolves in the Pacific Northwest (west of the Northern Rocky Mountain wolf population) continue to warrant threatened or endangered status under the ESA. Other status reviews and proposed reclassification actions for wolves elsewhere in the United States are planned to occur concurrently.

Are there wolves in the Pacific Northwest outside the proposed boundaries of the Northern Rocky Mountain Distinct Population Segment (DPS)?

Yes. A confirmed wolf pack, the Lookout Pack, occupies an area near the Methow Valley in the Cascades Mountains of north-central Washington State. There have also been several credible reports of wolves in the central Cascades and Klamath Basin in Oregon, including a wolf that was photographed along Highway 20 near the Three Sisters Wilderness in 2009.

What is the timeline for conducting the status review?

The Service is initiating the status review now, and intends to complete the review by December 2011.

What will the review entail?

With the initiation of this review, the Service is accepting public comments on the appropriate geographic scope of the Service's DPS analysis and on the status of wolves in the region. Based on the Service's evaluation of the best available data, the Service will consider whether wolves in the Pacific Northwest are discrete and significant under the Service's 1996 DPS policy (<http://www.fws.gov/endangered/laws-policies/policy-distinct-vertebrate.html>), and if so, whether they are threatened or endangered under the ESA.

What is the geographic extent of the review?

The Service seeks public comment on the appropriate geographic extent of the status review. Based on a preliminary review of the historical distribution of gray wolves and gray wolf habitat models, the extent of the Service's review will likely include those portions of Oregon and Washington west of the NRM DPS boundary (see above for description), northern California, western Nevada, and the Sierra Nevada Mountains.

How do I submit comments for consideration in the status review?

The Service is now accepting comments for consideration in our status review. You may submit comments by any one of the following methods:

- Via the internet. Log on to the Federal eRulemaking Portal: <http://www.regulations.gov>. Follow the instructions for submitting comments to Docket No. FWS-R3-ES-2011-0029. Please include "Pacific Northwest wolves" in the subject line of your comment.
- U.S. Mail or hand-delivery: Public Comments Processing, Attn: Docket No. FWS-R3-ES-2011-0029; Division of Policy and Directives Management; U.S. Fish and Wildlife Service; 4401 N. Fairfax Drive, MS 2042-PDM; Arlington, VA 22203.

To ensure consideration, comments must be received within 60 days (on or before July 5, 2011). The Service will post all comments on <http://www.regulations.gov>. This generally means the agency will post any personal information provided through the process.

What would happen if wolves in the Pacific Northwest are determined to be a separate DPS?

If the Service determines that wolves in the Pacific Northwest are discrete and significant under the agency's 1996 DPS policy (<http://www.fws.gov/endangered/laws-policies/policy-distinct-vertebrate.html>), the Service would then evaluate whether they are threatened or endangered under the ESA. Depending on the outcome of that analysis the Service would either propose to delist wolves in

the area because they do not meet the definition of a threatened or endangered DPS; or, the Service would propose to delimit, and list, a gray wolf DPS in the Pacific Northwest under the ESA. Any proposed change in classification status of wolves in the area would require that the Service go through a formal rulemaking process, which would include an additional public comment period on a proposed rule and scientific peer review.

If the Service determines that wolves outside the Northern Rocky Mountain DPS are a separate DPS, and those wolves remain listed under the ESA, does the Service plan to reintroduce wolves to areas within the new DPS?

The Service has no plans for wolf reintroductions into the Pacific Northwest.

If wolves in the areas of the Pacific Northwest review already are listed as endangered, why is the Service reviewing their status?

The ESA (Section 4(c)(2)) requires the Service to review the status of all listed species at least once every five years to determine whether they continue to warrant protection. Populations listed prior to publication of our 1996 DPS policy must also be reviewed to ensure that they meet the policy's criteria for listing.

As directed by Congress, the Service is now removing ESA protections for most wolves in the Northern Rocky Mountain DPS. In addition, the Service is proposing to delist the gray wolf population in the Western Great Lakes due to recovery. Gray wolves will retain their listing status under the ESA in the remainder of the coterminous U.S. until the Service determines that listing is no longer warranted. Therefore it is necessary to review the status of gray wolves in areas outside of the Northern Rocky Mountains and Western Great Lakes to determine if they should retain their listing status. The Service has determined that conducting status reviews for individual segments of the gray wolf population in the coterminous United States would allow the agency to refine our gray wolf listing and delist gray wolves in large portions of the country that are either outside of the historical range or no longer contain suitable habitat. These reviews will also allow the Service to retain ESA protections for those wolves that represent discrete and significant populations in areas of suitable habitat.

Mexican Wolves in the Southwest

What is the Service proposing to do regarding Mexican wolves in the Southwest?

The Service has concluded that the Mexican wolf merits continued conservation as a distinct entity and that reclassification as either a subspecies or DPS is warranted. As a result, the Service has begun working with the states to further clarify the status of this population. The Service has made a 90-day finding in response to two petitions for reclassification of Mexican wolf as a subspecies or DPS. The Service determined that the Mexican wolf may warrant reclassification as an endangered subspecies and initiated a status review. The Service will continue the status review and assessment of both potential reclassifications, and plans to issue a finding in December, 2011.

How does the status review affect management and recovery of Mexican wolves?

The status review does not change the implementation of the Service's current reintroduction of Mexican gray wolves as an experimental and non-essential population into the designated Blue Range

Wolf Recovery Area of Arizona and New Mexico. The Service currently recognizes the Mexican wolf as a distinct entity that is an important component of overall wolf recovery in the United States.

What is the current status of Mexican wolves?

A captive breeding program was established from wolves captured from the wild in Mexico between 1977 and 1980. The 1982 Mexican Wolf Recovery Plan does not contain recovery criteria, but does contain a prime objective "to conserve and ensure the survival of *Canis lupus baileyi* by maintaining a captive breeding program and re-establishing a viable, self-sustaining population of at least 100 Mexican wolves" in the wild. Since 1998 Mexican wolves have been reintroduced as experimental and nonessential into the Blue Range Wolf Recovery Area in Arizona and New Mexico under a 10j Rule. This Rule confines the wolves to the Blue Range Wolf Recovery Area, requiring that any animal persisting wholly outside the recovery area be captured and returned. This wild population has fluctuated between 40 and 60 wolves since 2002. The captive breeding program consists of 50 facilities in the United States and Mexico, and houses approximately 300 Mexican wolves. In February of 2011 the Service convened a new recovery team for the Mexican wolf and initiated a recovery planning effort that will include downlisting and delisting criteria for full recovery.

How will the status review be conducted, and what does that mean to the public?

To ensure the status review is complete and based on the best available scientific and commercial information, the Service is requesting information on the Mexican wolf from the public, other governmental agencies, Native American Tribes, the scientific community, industry, and any other interested parties. The Service will evaluate the information received and already contained in our files and make a determination to reclassify the Mexican wolf as a subspecies or DPS under the Endangered Species Act. The determination made by the Service will go out for public comment and peer review before a final determination is made on the reclassification.

Red Wolves in the Southeast

How will the proposal to revise the range of gray wolves, and specifically the removal of all or parts of 29 states from the gray wolf's listed range, affect the listed status of the red wolf?

Based on new scientific information, the Service determined 29 states were listed in part, or in their entirety, in error because they were outside of the gray wolf's historic range. The Service does not anticipate any change to the listing status of the red wolf as a result of the review or delisting of the gray wolf in the Southeast. The red wolf is listed as endangered where found.

Significant Portion of the Range

What is the significance of the phrase "significant portion of the range?"

The Endangered Species Act describes two categories of declining species of plants and animals that need the Act's protections – endangered species and threatened species – and provides these definitions:

- **ENDANGERED** - any species that is in danger of extinction throughout all or a significant portion of its range;
- **THREATENED** - any species that is likely to become an endangered species within the foreseeable future throughout all or a significant portion of its range.

The ESA contains no definition of what constitutes “significant portion of its range” of a given species. The Fish and Wildlife Service and the National Marine Fisheries Service (NMFS) must nonetheless interpret this phrase in making decisions to list or delist species. The interpretation is important because it influences the determination about whether a species should be listed or delisted.

Why is the Solicitor withdrawing the existing Opinion interpreting Significant Portion of the Range?

On March 16, 2007, the Solicitor of the Department of the Interior issued a formal opinion, “The Meaning of ‘In Danger of Extinction Throughout All or a Significant Portion of Its Range,’” M-37013 U.S. DOI 2007 (M-Opinion). Under the M-Opinion, if a species is found to be threatened or endangered in only a significant portion of its range, protections are applied only to that portion of the range. Two federal district courts have rejected this legal interpretation of the SPR phrase spelled out in the M-Opinion *Defenders of Wildlife et al. v. Salazar*, 729 F.Supp.2d 1207 (D. Mont. 21010) , concerning the decision to delist northern Rocky Mountain wolves except in Wyoming, and *WildEarth Guardians v. Salazar*, 2010 U.S. Dist. Lexis (D. Ariz. Sept. 30, 2010), concerning FWS 2008 decision on a petition to list the Gunnison’s prairie dog (73 FR 6660).

The Service believes that a new policy regarding the interpretation and implementation of the phrase “significant portion of its range” will better serve the purposes of the Endangered Species Act. The Solicitor is withdrawing the M-Opinion in light of these adverse decisions and to facilitate Service’s review of the SPR phrase and issuance of new guidance. The Service intends to publish shortly, for notice and comment, a proposed joint policy regarding the interpretation and implementation of the phrase “significant portion of its range.”