

# **U.S. Fish and Wildlife Service**

## **Northern Rocky Mountain**

### **Recovery Program Update**

#### **2010**

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## **DISPERSAL AND WOLF ACTIVITY OUTSIDE OF MT, ID, AND WY**

Individual wolves can disperse over 680 miles from their natal pack, with actual travel distances exceeding 6,000 miles. A wolf that dispersed from Gardiner, MT to western Colorado where she was illegally killed by 1080 Compound poison in March 2009 travelled a straight line distance of 400 miles in 6 months but daily GPS locations showed she actually walked over 3,000 miles. The average dispersal distance of northern Rocky Mountain (NRM) wolves is about 60 miles. About 20 confirmed NRM wolf dispersal events from 1992 through 2010 have been over 190 miles and only 4 wolves travelled beyond the northern Rocky Mountain (NRM) Distinct Population Segment (DPS) border. Undoubtedly many other dispersal events have occurred but have not been detected because <25% of the NRM wolf population has been radio-collared and it is difficult to locate lone dispersing wolves.

### **Washington Pack Summaries**

#### **Inside Northern Rocky Mountain DPS**

*Northeast Washington* - Wolves continue to re-colonize northeast Washington from northwest Idaho and southeast British Columbia (Table 7). During 2010 Washington Department of Wildlife (WDFW) confirmed 1 new pack, bringing the number of packs in eastern Washington from the Northwest Montana Recovery area/British Columbia to 2. A third pack known as Cutoff Peak, divides its time between Idaho, British Columbia, and Washington. Based on information from summer monitoring, Cutoff Peak probably dens in northern Idaho. The 2 confirmed Washington packs in the NRM DPS (Diamond and Salmo) contained a total of 16 wolves at the end of 2010.

*Diamond Pack* - In late July 2009 the breeding male of the Diamond Pack was captured and radio-collared (WA-398M) making this the second confirmed Washington pack since the 1930s. During summer 2010 WA DOW caught and marked four yearling wolves (WA-376F, WA-378M, WA-380F, WA-382F) and caught and released a pup of the year. WDFW documented 6 pups on several occasions during the summer and counted 12 wolves in this pack at the end of the year making this pack a breeding pair. Approximately 24% of Diamond pack's territory is in Idaho.

*Salmo Pack* - In late August 2010, WDFW caught and collared a 50-lb pup of the year with a standard VHF collar. This is a newly documented pack that is spending most of their time in far northern Washington with occasional forays into British Columbia. WDFW observed four adult-sized animals on several occasions this winter. It is unknown whether this pack dens in Washington. Because only 1 pup was confirmed, the pack was not considered a breeding pair in 2010.

*Southeast Washington* - Sightings of wolves and their sign have been reported in the Mill Creek watershed area of southeast Washington and the adjacent portion of northeast Oregon, consistently since 2008. There were multiple credible reports of three wolves using this area

during 2010. WDFW considers this a probable pack which likely re-colonized SE Washington/NE Oregon from the Central Idaho Recovery Area.

### Outside Northern Rocky Mountains DPS

*Lookout Pack* - In July 2008 a breeding male and female were captured and radio-collared near Twisp, WA, representing the first confirmed wolf pack in Washington since the 1930s. Genetic testing indicated the breeding male might have originated from a coastal/southern British Columbia and the breeding female came from northern British Columbia/Alberta border or wolves reintroduced into central Idaho and Yellowstone National Park from that area of Canada. They were the first confirmed wolf pack in Washington since the 1930s. The pair produced 6 pups in summer 2008 and 4 in 2009. During spring 2010, the female was observed to be pregnant and was using a den. Several weeks after the estimated date of parturition her signal was lost and she was no longer observed in the vicinity of the den. The pack did not use any of its previous rendezvous sites and the radio-collared male ranged widely. Based on tracks and observations he appeared to be alone most of the summer. At the end of calendar year 2010, observations by WDFW indicate there are still 2-3 wolves occupying Lookout pack's territory.

### Oregon Pack Summaries

#### Inside Northern Rocky Mountain DPS

Oregon Department of Fish and Wildlife (ORFW) confirmed 2 breeding pairs of wolves in 2010. The Imnaha pack (15 miles east of Joseph, OR) produced a minimum of 6 pups in 2010. In February, 2010 three radio collars were deployed within the pack including a GPS collar. The pack was involved in livestock depredations from May through December and 8 calves confirmed killed in 2010. One member of the pack dispersed in December and the Imnaha Pack had 15 members at year-end; 6 of them pups.

Wolves also continue to inhabit the Wenaha Unit of northeast OR (20 mi west of Troy, OR). In August 2010 a Wenaha pack member was radio-collared by ODFW. In September, the newly collared wolf was found shot, leaving the pack again without a radio-collared member. A minimum of 3 pups was confirmed in 2010 and the minimum estimate for the Wenaha pack is 6 wolves. Both confirmed OR packs are within the NRM DPS that was delisted from the ESA in 2009 but relisted in August 2010.

Wolf activity was also reported and investigated, but not confirmed in many areas beyond the core occupied NRM wolf range in 2010. Reports of suspected lone wolves and some packs were received from all states adjacent to the NRM DPS, as well as other states in the U.S. While wolves were delisted in 2010 a lone wolf that had depredated on livestock in the UT portion of the NRM DPS was killed in an agency control action. The suspected presence of long distance dispersing wolves or new packs outside of the core NRM wolf population are typically reported in the Service's weekly wolf report for WY and can be viewed at <http://westerngraywolf.fws.gov>.

## NORTHERN ROCKIES FUNDING

Federal Funding for Wolf Management in both Federal Fiscal Years (FY) 2010 (Oct. 1, 2009-Sept. 30, 2010) and FY 2011 (Oct. 1, 2010-Sept. 30, 2011 \* estimated).

Total Federal Funding- Wolf recovery has been almost entirely funded by federal appropriations and some private donations. In FY10 about \$4,565,000 in federal taxpayer funding was spent on wolf recovery and management in the NRM. Wolf recovery and management in the NRM from 1974, when wolves became listed, through 2010 cost approximately \$40,296,000 in federal funding (rounded to nearest \$1,000, with no adjustments for inflation and not including USDA Wildlife Services (WS) costs for investigating reports of suspected wolf damage and problem wolf control beyond the \$100,000/year provided by the USFWS to WS from 1992-2004). Wolf management in the NRM in FY11 will cost federal taxpayers an estimated \$4,765,000. These annual cost estimates do not include the substantial resources provided from the Department of the Interior Solicitors Office nor the Department of Justice for legal assistance and defense during litigation.

USFWS Funding- In FY10, funding for wolf management in the NRM was up slightly from FY09 levels due to increased funding for wolf monitoring. Region 6 (R-6) of the USFWS administers programs in MT, ID, and WY and is the USFWS lead Region for wolf recovery in the entire NRM. R-6 spent about \$2,706,000 in FY10. Included in that figure is the \$150,000 spent by USFWS R-6 Regional Office (RO) to help analyze public comments, prepare various regulations, and provide additional administrative support in FY10. The R-6 RO will likely spend a similar amount in FY11. Most of the USFWS funding in R-6 was transferred to MT, ID, and the Nez Perce Tribe (NPT). In late FY10 ID withdrew as the lead for wolf management in ID and funding in FY11 will be re-allocated between the USFWS, NPT and ID. The USFWS R-6 also spent \$240,000 to conduct wolf management in WY in FY10, including \$32,000/yr. to assist WY WS wolf management efforts in WY. In FY11, a field biologist position out of Cody, WY (Scott Becker) was added to the USFWS field program to assist Project Leader Jimenez with wolf management issues in Wyoming. In addition, the WY program is now conducting all monitoring/management of GYA wolves in ID that IDFG had conducted. These additional services will increase WY wolf management costs by about \$100,000/yr. R-6 funding (\$180,000) also supported overall program coordination, rulemaking, assisting the Department of Justice, and administrative support out of Helena, MT.

Estimated funding for FY11 (\$3,276,000) for the USFWS is slightly lower than FY10 levels (\$3,476,000). Funding for R-1 of the USFWS in Boise, ID will be substantially increased from \$99,000/yr to \$1,193,000/yr (\*\*the allocation among partners is underdetermined at this time) because IDFG no longer is involved in wolf management and monitoring in ID and that work will now be conducted by USFWS R-1 and R-6, USDA WS in ID, and the NPT. In FY11 the USFWS will continue to support IDFG research on wolf/ungulate interactions and for monitoring wolf packs associated with that research: the estimated cost is being determined.

In FY10 a new federal grant program for states and tribes with resident wolf packs was funded. That program is administered by the USFWS, with assistance from USDA WS, to enact the 2009 Wolf Loss Demonstration Project Bill, Public Law 111-11. That law provides up to

\$1,000,000/yr for 5 years (FY10-FY14) to states and tribes in the lower 48 states that have resident wolf packs and documented livestock damage caused by wolves. The funding was allocated in the NRM as follows: MT, ID, and WY \$140,000 each and WA and OR \$15,000 each. In FY10 a total of \$25,000 was also allocated to tribes in the U.S. NRM tribes received most of that national compensation/prevention funding: Salish and Kootenai \$11,000, Blackfeet \$7,000, and Wind River \$4,000.

State and Tribal Funding. In FY10, Congress intended that the USFWS transfer \$396,000 to MFWP for wolf monitoring, management, control, and outreach. In FY10 Congress intended ID receive \$704,000 and the NPT \$290,000 to fund wolf management in ID. The ID Governor's Office of Species Conservation and IDFG used \$100,000 of that funding to compensate livestock producers in ID for missing livestock and to make up part of the remaining 50% for probable livestock depredations that were only reimbursed at a 50% value by the private Defenders of Wildlife (DOW) compensation program in ID. Congress provided \$696,000 in additional funding for wolf monitoring in MT, ID, and WY in FY10. The USFWS divided that funding evenly between the 3 management programs in each state. Funding levels in FY11 appear to be similar to FY10. In FY10, USFWS R-1 and R-6 provided the states of WA and OR with about \$10,000 each to assist them with their wolf monitoring and management efforts. The USFWS also transferred \$10,000 each in FY10 funding to the Blackfeet, Salish and Kootenai, and Wind River Tribes, that have confirmed pack activity on their tribal lands, to assist them with their wolf management activities. Funding for those Tribes should also be available in FY11.

In early FY11, the state of ID withdrew from all wolf management activities, except for wolf/ungulate research. FY11 funding will be used by the NPT and USFWS Boise, ID and USFWS Jackson, WY offices to monitor and manage wolves in ID.

National Park Service Funding. Yellowstone National Park (YNP) maintained their funding for wolf monitoring and research at the \$155,000 level in FY10 and FY11. All of their field research projects remain funded by private donations (\$250,000/yr). In FY10 Grand Teton National Park (GTNP) spent \$52,000 in federal funding for salaries and travel and another \$70,000 in private donations for cooperative wolf-related research in and near GTNP. In 2010 GTNP hired a biologist to assist with wolf monitoring and costs in 2011 will be about \$31,000/year in federal funding and another \$125,000 from private donations. The USFWS in WY funded and conducted the wolf capture associated with NPS and other WGFD (Wyoming Game and Fish Department) and University of WY research projects.

USDA Wildlife Services Funding. In FY10 Congress again provided \$926,000 to WS in MT, ID, and WY to investigate and address all predator damage, including wolf damage, because the presence of wolves increased other predator control costs (eg. M-44 devices can not be used for coyote control in occupied wolf range leading to extra efforts by WS personnel). In FY10, ID WS spent approximately \$451,000 of appropriated and cooperative funds responding to complaints of reported wolf damage, conducting control and management actions (salary and benefits, vehicles, and travel) and for other wolf-related costs (equipment and supply purchases, coordination and meeting attendance, etc.). MT WS expended approximately \$442,283 for field operations not including administrative costs of wolf damage management. WY WS spent about \$203,358 (\$23,852 for administrative costs), with \$32,000 of the total provided by the USFWS

in an ongoing cooperative agreement for field work for wolf-related field activities. Most reported WS expenses do not include routine administrative costs associated with wolf damage management. In addition, \$3,000 was spent by OR WS to investigate depredations and an unsuccessful attempt to control problem wolves in OR. About \$3,500 was spent in Utah to investigate depredations and to remove one wolf. In total, USDA WS in MT, ID, WY, OR and UT spent at least \$1,102,641 in FY10 on field wolf-related issues in the NRM.

Non-federal Funding For Wolves. Only the salary of one YNP biologist and administrative support is provided by the NPS. In 2008, the YNP Foundation secured commitments for private donations at \$250,000/year for 10 yrs for wolf and wolf-related research in YNP. GTNP was given \$125,000 in private funding in FY10 for wolf-related research and another \$31,000 in FY11. The private Turner Endangered Species Fund (TESF) that had funded the salary and benefits of an experienced wolf field biologist in Bozeman, MT (valued at \$60,000/yr) in FY09 ended that position in January 2010. However, that biologist still monitors wolves on Turner Ranches and occasionally helps MFWP with wolf issues and data analysis in southwestern MT at no cost to MFWP. In Fall 2010 MFWP hired a biologist in Livingston, MT to replace the TESF position and to monitor wolves and resolve conflicts in southwest MT.

On September 1, 2010 DOW concluded its wolf compensation program in the all western states except Oregon. DOW is providing additional compensation support in Oregon until September 1, 2011 to allow the state to develop a wolf compensation program. . The implementation of new federal legislation that provides funds to initiate state-run compensation programs will allow DOW to focus on promoting coexistence by partnering with ranchers to prevent conflict between livestock and wolves. Since 1987, DOW has contributed more than \$1,600,000 for wolf related livestock loss compensation through The Bailey Wildlife Foundation Wolf Compensation Trust [www.defenders.org/wolfcompensation](http://www.defenders.org/wolfcompensation). Additionally, DOW has funded non-lethal wolf and livestock coexistence projects for many years throughout the NRM DPS totaling \$376,000. Numerous agency partners also provided substantial additional resources.

#### State and DOW compensation for wolf damage paid in 2010

**Montana:** The Montana Livestock Loss Reduction and Mitigation Board (LLRMB; [llrmb.mt.gov](http://llrmb.mt.gov)) met 3 times in 2010. With the 2010 funding available, the Livestock Loss Reduction and Mitigation Board prioritized payments for animals that were attacked by wolves and died, as verified (probable or confirmed) by USDA WS. Claims were paid on a first-come, first-served basis. Federal appropriations provided some of LLRMB's available funding for 2010. Donations were received from the Montana Cattlemen's Association and Montana Farmers Union for a logo/license plate contest. The LLRMB received 80 logo's and awarded a \$750 prize to the winner. Natural Resource Defense Council and DOW provided \$3,000 of the \$4,000 needed to begin a process for a specialty license plate. A specialty license plate will be issued by the board in 2011 for fundraising purposes. A total of \$87,318 was paid to livestock owners for 238 dead animals between April 15 and December 31, 2008. A total of \$144,996 was paid to livestock owners for 370 dead animals in 2009. The LLRMB continues to receive claims for livestock losses in 2010. Preliminary totals for 2010 are \$96,076 paid to livestock owners on 163 head of livestock (Table 1). Cattle losses for 2010 are comparable to 2009. Sheep losses have decreased and horse losses have increased. Individual animal values have increased for both

cattle and sheep. Federal legislation introduced by MT Senator Jon Tester was enacted into law in 2009. It provided \$1,000,000 for wolf loss prevention efforts and loss payments in all states with wolf populations. MT, ID, and WY each received \$140,000 of this appropriation in July 2010. Future federal funding to continue supporting LLRMB is uncertain pending additional federal appropriations within the federal budget.

Payments for injured animals or funds for cost-share grants to implement proactive tools intended to decrease risk were unavailable in 2010. The LLRMB intends to begin a grant process for prevention in 2011. Lack of sufficient funding has limited the board's ability to expand loss and prevention activities. The LLRMB and programs are primarily funded via private donations and governmental appropriations. Donations are fully tax deductible

If a livestock producer suspects a wolf-related livestock injury or death, USDA WS should be contacted to request an investigation. If the loss is related to wolves, USDA WS will mail a copy of the WS investigation report and the LLRMB's livestock loss claim form to the livestock owner. The livestock owner should complete the claim form and mail it (along with the copy of the USDA WS investigation report) to the LLRMP Coordinator (George Edwards, PO Box 202005, Helena, MT 59620, [gedwards@mt.gov](mailto:gedwards@mt.gov)). The Coordinator will determine the market value of the loss based on USDA market reports from Billings each week. Claims for unique or higher value livestock should be accompanied by documentation of value. Claims are typically submitted about 1 month after the WS investigation is completed. If forms are complete and no unusual circumstances present themselves, claims are processed and payment is made within 2-3 weeks.

**Idaho:** The State of ID pays claims for some of the wolf damage not covered by the DOW compensation program. ID's program was established in 2001. It is administered by the ID Office of Species Conservation and compensates for probable and missing wolf-caused damage up to \$100,000/yr. using federal funding. Payments are overseen by a board of County Commissioners whose counties have had wolf depredations. Representatives from USDA WS, IDFG, and DOW are advisors. Payments are made for the 50% of probable depredations not covered by the DOW program as well as claims of higher than historic losses due to missing livestock in occupied wolf habitat. For 2010 losses the Board recognized about \$280,000 in claims, but only had \$100,000 to pay out so each claim was pro-rated a percentage of the available \$100,000 (roughly 35 cents was paid per \$1 claimed for losses in 2010). In addition, ID received a \$140,000 grant as part of the Tester Wolf Damage and Prevention Law. Furthermore DOW paid \$170,263 for confirmed and probable wolf damage in ID in 2010. In total \$270,263 was paid for wolf damage in ID in 2010.

**Wyoming:** In 2008, the WY Legislature established and, from WY General Funds, funded a state compensation program for livestock damage caused by wolves. The WGFD paid \$73,849 for wolf damage that occurred in the Trophy Game Area of northwestern WY during 2010. WY's state program has a multiplier for each confirmed wolf depredation on calves and sheep since only a fraction of all wolf-caused losses are discovered or confirmed. Calves and any sheep are compensated up to 7 times the number confirmed but only up to the total number of calves or sheep reported as missing for that producer. Compensation for other types of livestock losses (adult cattle, horses, etc.) are paid on the actual value of each confirmed loss. State

compensation is not paid in the Predatory Animal Area of WY, but DOW compensated \$8,337 for confirmed and probable livestock losses there in 2010. Total compensation paid in WY in 2010 was \$82,186.

**Northern Rocky Mountains:** Total compensation paid for wolf damage to livestock in the NRM DPS in 2010 was \$453,741. In MT a total of \$96,097 was paid in 2010. In ID a total of \$270,263 was paid in 2010. In WY a total of \$82,186 was paid for wolf damage in 2010. In addition \$4,335 was paid by DOW for confirmed wolf depredations in OR and \$463 (for a loss occurring in 2009) in WA. Utah Department of Wildlife Resources (UDWR) paid \$397 for depredations in UT in 2010 but some claims are still pending.

In addition, some livestock producers on both private land and public land grazing allotments have absorbed the increased losses, expenses, and costs related to grazing livestock near wolves. Those costs are not quantifiable but are likely several times higher than annual compensation payments. They include some proportion of livestock damage from causes that couldn't be verified and for missing livestock (Oakleaf et al. 2003; Sommers et al. 2010; Breck et al. 2010).

Table 1. Payments for confirmed and probable livestock death losses by the Montana Livestock Loss Reduction and Mitigation Board, 2010. (Note: 2010 loss claims will continue to be received by the board beyond the date this report is written.)

County	Cattle	Sheep	Goat	Horse	Guard Dog	Llama	Total	Payments
<u>Beaverhead</u>	<u>29</u>	<u>15</u>					<u>44</u>	<u>\$22,725.74</u>
<u>Carbon</u>	<u>1</u>						<u>1</u>	<u>\$696.95</u>
<u>Cascade</u>		<u>18</u>					<u>18</u>	<u>\$5,550.00</u>
<u>Deer Lodge</u>	<u>1</u>						<u>1</u>	<u>\$754.00</u>
<u>Jefferson</u>	<u>2</u>						<u>2</u>	<u>\$1,390.59</u>
<u>Lake</u>	<u>1</u>						<u>1</u>	<u>\$704.00</u>
<u>Lewis &amp; Clark</u>	<u>3</u>	<u>12</u>	<u>2</u>				<u>17</u>	<u>\$5,145.31</u>
<u>Lincoln</u>	<u>8</u>						<u>8</u>	<u>\$8,459.07</u>
<u>Madison</u>	<u>25</u>	<u>10</u>					<u>35</u>	<u>\$20,633.40</u>
<u>Mineral</u>				<u>4</u>			<u>4</u>	<u>\$5,250.00</u>
<u>Missoula</u>	<u>3</u>	<u>1</u>					<u>4</u>	<u>\$2,324.03</u>
<u>Park</u>	<u>5</u>	<u>2</u>					<u>7</u>	<u>\$4,106.05</u>
<u>Powell</u>	<u>5</u>			<u>1</u>			<u>6</u>	<u>\$6,339.78</u>
<u>Ravalli</u>	<u>2</u>						<u>2</u>	<u>\$1,509.63</u>
<u>Sanders</u>	<u>11</u>						<u>11</u>	<u>\$9,144.43</u>
<u>Silver Bow</u>	<u>2</u>						<u>2</u>	<u>\$1,344.00</u>
<u>Total</u>	<u>98</u>	<u>58</u>	<u>2</u>	<u>5</u>	<u>0</u>	<u>0</u>	<u>163</u>	<u>\$96,076.98</u>

FY10 and FY11 Budgets: In FY10, \$4,565,000 in federal funding was provided for wolf monitoring and management in the NRM DPS and \$4,765,000 is estimated to be spent in FY11. (Table 2).

Table 2. Federal Funding for Wolf Management FY2010 and FY2011 (\*estimated) [\$1,000's]

<b>FISCAL YEAR</b>	<b>FY 2010</b>	<b>FY 2011*</b>
<b>USFWS Region 6 (Helena, MT)</b>		
State of MT	\$ 396	\$396
USFWS in WY	\$ 240	\$340
ID Office of Species Conservation **	\$ 704	\$**
Idaho Fish and Game **	-	\$**
Nez Perce Tribe	\$ 290	\$**
USFWS Administration & Coordination R-6	\$ 180	\$180
Additional Congressional Earmark [Tri-State]	\$ 696	\$696
R-6, Regional Office Support	\$ 150	\$150
Assist Tribes & WA & OR [R-1 \$10k]	\$ 50	\$ 50
<i>(Region 6 SUBTOTAL)</i>	<i>(\$2,706)</i>	<i>\$1,812</i>
<b>USFWS Region 1 (Boise, ID)</b>	\$ 99	\$**1,193
<b>USFWS Wolf Damage/Prevention Grant Bill (for NRM funded out of DC)</b>	\$ 471	\$ 471
<b>USDA Wildlife Services</b>	\$1,103	\$1,103
<b>National Park Service: Yellowstone</b>	\$ 155	\$ 155
<b>National Park Service: Grand Teton</b>	\$ 31	\$ 31
<b>TOTAL Federal Funding</b>	<b>\$4,565</b>	<b>\$4,765*estimated</b>

\*\*Distribution of Federal Wolf Management funding for Idaho in FY 2011 not finalized among partners at this time.

## **NORTHERN ROCKIES DELISTING, LITIGATION, and PERSONNEL**

### **Delisting of the Gray Wolf**

Wolves, once common throughout North America, became protected under the Endangered Species Act (ESA) in 1974, because human persecution nearly eliminated them from the contiguous United States. After the 1930s there were virtually no wolves left in the NRM. The ESA prohibited people from harming wolves and mandated that all federal actions seek to conserve and not jeopardize wolves. Ultimately, 3 distinct wolf recovery programs, Midwest, NRM, and Southwest (Mexican wolf), were initiated. The Midwest wolf population (Western Great Lakes DPS now containing >4,000 wolves) was delisted on February 8, 2007 (72 FR

6052), but the U.S. District Court of Columbia vacated and remanded the delisting rule back to the USFWS on September 29, 2008. Efforts to recover wolves (~50 in 2010) in the Southwest continue. On April 2, 2009, the NRM DPS except WY, was delisted. However on August 5, 2010 the Federal District Court in Missoula, MT ruled that delisting could not proceed without including WY and vacated the delisting rule. December 2010 marked the tenth consecutive year that the minimum recovery goal of at least 30 or more breeding pairs and at least 300 wolves were documented in the NRM DPS. The 2010 NRM DPS wolf population of at least 1,651 wolves in 244 packs, 111 of which met the criteria for breeding pair status, continued to far exceed the biological recovery objectives for the NRM DPS.

Wildlife mortality is typically regulated by state and tribal fish and wildlife management agencies. The USFWS requested that MT, ID, and WY develop state wolf management plans to show how their states would conserve wolves. In addition, the USFWS believed that state wolf plans would clarify how human-caused mortality would be regulated and the wolf population conserved by the states and tribes without the protections of the ESA. These plans also were to provide a solid administrative foundation for the USFWS final decision about delisting. The USFWS provided various degrees of funding and assistance to the states while they developed their wolf management plans. State laws, as well as state management plans, must be consistent with long-term conservation of the wolf population. The USFWS approved MT and ID plans in 2004 but determined WY's regulatory framework was not adequate. On April 13, 2007, the Wind River Tribe approved a wolf management plan for their tribal lands in northwestern WY. The USFWS determined it adequately addressed the ESA criteria shortly thereafter. In late 2010 the wolf management plan for the Salish and Kootenai Tribe in western-central MT was approved by the USFWS. The links for the state wolf plans for MT, ID and WY, and the Wind River, Salish and Kootenai, and Blackfeet Tribes are available at <http://westerngraywolf.fws.gov>.

On February 8, 2007, USFWS proposed to identify the NRM DPS of the gray wolf and to delist all or most portions of the NRM DPS (72 FR 6106). Specifically, USFWS proposed to delist wolves in MT, ID, and WY, and parts of WA, OR, and UT. The proposal noted that the ESA's protections would be retained in significant portions of the range in WY in the final rule if adequate regulatory mechanisms were not developed to conserve WY's portion of a recovered wolf population into the foreseeable future. Under this alternative scenario, wolves in portions of WY would continue to be regulated under the ESA as a non-essential, experimental populations per the 1994 rule and on Wind River Tribal lands, under the 2005 experimental population regulations [50 CFR § 17.84 (i) and (n)].

On July 6, 2007, the USFWS extended the comment period on the February 8, 2007 proposal in order to consider a 2007-revised WY wolf management plan and State law that USFWS believed, if implemented, could allow the wolves in all of WY to be removed from the List of Endangered and Threatened Wildlife (72 FR 36939). The delisting proposal was open for public comment for a total of 90 days and 8 public hearings were held. The proposed delisting rule received over 283,000 public comments. On November 16, 2007, the WY Game and Fish Commission (WGFC) unanimously approved the 2007 WY Plan. USFWS then determined this plan provided adequate regulatory protections to conserve WY's portion of a recovered wolf population into the foreseeable future. On December 15, 2007, the USFWS Director determined WY's regulatory mechanisms met the requirements of the ESA, contingent on the sunset

provisions of the WY law being satisfied so that WY's plan could be fully implemented. On February 27, 2008, USFWS issued a final rule recognizing the NRM DPS and removing all of this DPS from the List of Endangered and Threatened Wildlife (73 FR 10514) and stated that WY's 2007 regulatory mechanisms were believed adequate.

The NRM DPS wolf population was delisted from March 28 to July 18, 2008. This corresponded to when the delisting decision took effect and to the date when a federal district judge granted a request for a preliminary injunction and relisted NRM wolves (see below). The court expressed serious reservations about USFWS approval of WY's regulatory framework. During this period of time, state and tribal management plans and state laws were fully in effect.

Given the court rulings, on October 28, 2008 (73 FR 63926), USFWS reopened the comment period on the February 8, 2007 proposed rule that presented 2 different scenarios for delisting the NRM DPS (72 FR 6106). Specifically, USFWS sought information, data, and comments from the public regarding the 2007 proposal, with an emphasis on new information relevant to this action, the issues raised by the MT District Court, and the issues raised by the September 29, 2008, ruling of the U.S. District Court for the District of Columbia with respect to the WGL gray wolf DPS. The notice also asked for public comment on what portions of WY needed to be managed as a trophy game area and what portions of WY constitute a significant portion of the NRM DPS's range. About 240,000 comments were received during that public comment period. Based on the Court's ruling and a more thorough review, the USFWS determined that WY's 2007 law, wolf management plan, and regulatory framework were not adequate to meet the purposes of the ESA. On January 15, 2009 WY's Governor was notified that WY no longer had a USFWS-approved wolf management plan and state regulatory framework. Wolf management in all of WY, except the Wind River Tribal lands (because the Tribe had a Service-approved plan) again became immediately under the less flexible 1994 experimental rule. New final delisting rules were produced for both the NRM and the WGL DPS in December 2008. These rules were released for public inspection on January 15, 2009 and were sent to the Federal Register for publication. However, on January 20, 2009, they were withdrawn from publication by Executive Order, a standard practice when a new administration takes office. Both rules were carefully reviewed by the U.S. Department of Interior. The NRM rule was published in April 2, 2009 (74 FR 15123-15188), but the WGL rule was not

The 2009 final NRM delisting rule became effective May 4, 2009. It established the NRM DPS and, except for WY, delisted gray wolves within it. Because WY does not have an approved state post-delisting wolf management plan wolves there remained protected under the 1994 experimental population regulations. This action was litigated in MT District Court by a coalition of environmental and animal rights groups (represented by Earthjustice) who argued that wolves should remain protected by the ESA. In addition, Earthjustice requested that the court enjoin the planned fall 2009 wolf hunting seasons in MT and ID, arguing they were likely to prevail in court over the legal merits of the case and hunting could irreparably harm the NRM wolf population. The court declined to grant the injunction because there was unlikely to be harm to the NRM wolf population, but indicated that the plaintiffs were likely to win the case on its merits.

MT and ID had fair chase wolf hunting seasons in fall/winter 2009/2010. A total of 72 wolves were legally harvested in MT out of a total quota of 75. In ID 188 wolves were harvested in 2009/2010 of a total quota of 220 wolves. Hunters in MT and ID paid over \$750,000 to purchase a wolf tag for the opportunity to individually harvest one wolf. While controversial among some segments of the public, the hunts were very successful biologically (hunter compliance was good and wolf harvest was widely dispersed and within quota limits) and did not harm the NRM wolf population. The wolf population in 2009 increased about 4% from 2008 levels despite record levels of control of problem wolves (270) and harvest 205 wolves in 2009.

On August 5, 2010 the MT court ruled delisting within the NRM DPS could not occur without WY and vacated the delisting of the entire NRM DPS. The USFWS filed notice it would appeal that decision to the 9<sup>th</sup> Circuit Court of Appeals but the appeal process has not been finalized. Wolves throughout the NRM DPS, except WY, were relisted under the ESA by the MT Court order and the planned 2010 fall hunts in MT and ID were cancelled.

WY initiated litigation in the WY Federal District Court in 2009. WY argued the USFWS should have approved WY's wolf management plan and delisted wolves in WY in 2009. The WY case (No. 09-CV-118J) was fully briefed and final oral arguments were held on January 29, 2010. On November 18, 2010 the WY court ruled that the administrative record did not show that WY must have a trophy game area state-wide as it believed the USFWS had required when it did not approve WY's regulatory framework in 2009. Therefore, the WY Court remanded the 2009 delisting rule back to the USFWS (that delisting rule had already been vacated in August 2010 by the MT Court ruling but was under appeal) for further consideration. The WY Court did not approve WY's approach but it did require the USFWS to reevaluate if WY's regulatory framework might be adequate to maintain recovery levels and promote genetic connectivity. Since the USFWS did not reject WY's plan solely because trophy game status was not state-wide, it is unlikely WY's approach could be approved. But, since delisting was vacated no further action has been taken to reevaluate WY's regulatory framework.

### The Nonessential Experimental Population Rules

Gray wolves were reintroduced in parts of the NRM as nonessential experimental populations under the ESA in January 1995 and 1996. In 1994, just prior to wolves being reintroduced to central ID and YNP, special nonessential experimental population regulations under 17.84 (i) ESA Sec. 10(j) were promulgated (59 FR 60252). Those regulations allowed extra flexibility to Federal agencies, states, tribes, and private individuals to manage wolves to protect private property and other wildlife populations.

The USFWS' updated January 6, 2005 10(j) (70 FR 1286) regulation expanded the authority of states and Native American tribes with USFWS-approved post-delisting wolf management plans to manage gray wolves in the experimental population areas of CID and GYA. This designation allowed federal, state and tribal agencies and private citizens more flexibility in managing wolves and to protect domestic animals than the 1994 regulations. The rule also intended to allow the states and tribes with USFWS-approved post-delisting wolf management plans to lethally remove wolves that were the 'primary' cause of significant negative impacts to big game herds and for states and tribes to lead wolf management in their state or reservation. Analysis of

a March 2006 proposal by the state of ID to remove up to 43 wolves in a small area of central ID to reduce the rate of wolf predation on ungulates for up to 5 years revealed that the ‘primary’ requirement in the 2005 rule was an unobtainable standard, as wolf predation is never the ‘primary’ cause of ungulate herd status.

On July 6, 2007 the USFWS proposed that the 2005 10(j) nonessential experimental population regulation be modified (72 FR 36942). The modification from ‘primary cause’ to ‘one of the major causes’ allowed a high, but reasonable standard for states and tribes with USFWS-approved post-delisting wolf management plans to develop science-based proposals to lethally remove wolves shown to be negatively affecting ungulate herds. In addition, it would allow anyone on private or public land to shoot a wolf that was attacking his or her dog or stock animals. The proposed rule change received over 262,000 public comments. The rule was published on January 28, 2008 (73 FR 4720) and became effective 30 days later on February 27, 2008. A couple of wolves that were seen attacking domestic dogs or horses have been legally shot by private citizens, but no wolves have been removed to address concerns about wild ungulate populations. In 2010, ID and MT gave the USFWS proposals to reduce wolves for 5 yrs. in 2 small areas. Idaho would remove about 40-60 in the Lolo/Clearwater area of ID and MT would remove about 12 wolves from the Bitterroot area of MT. Both of those proposals are under evaluation by the USFWS. Environmental Assessments, as legally required by the National Environmental Policy Act (NEPA), are being prepared for public review and comment. No wolves can be removed before the legal process in the 2008 rule has been completed and the USFWS has determined such removals are science-based and would not jeopardize wolf recovery. The 2008 experimental population rule is currently being litigated in MT Federal District Court (Defenders of Wildlife vs Rowan Gould No. CV-08-14-M-DWN).

### **Litigation**

Litigation initiated by both wolf proponents and opponents over wolf reintroduction and subsequent management has almost been continuous since the USFWS published the final rules for wolf reintroduction into YNP and central ID in November 1994.

State of WY, et al. vs. United States Department of the Interior, et al., U.S. District Court for the District of WY, Civil Action No. 04CV01123J. This case involved the USFWS’s decision not to approve the WY state wolf management plan in 2004. The case was expanded by interveners to include claims that USFWS allegedly failed to properly manage wolves in WY and conduct additional NEPA compliance. The WY District Court ruled in the USFWS’s favor on procedural grounds in 2005. WY appealed that case to the Tenth Circuit Court of Appeals in Denver, CO, and the Appeals Court upheld the lower court decision. As a result of those court decisions, WY formally petitioned the USFWS to establish and delist a NRM DPS for the gray wolf. The USFWS rejected that petition (71 FR 43410).

State of WY et al. v. United States Department of the Interior et al., U.S. District Court for the District of WY, Civil Action No. 06CV245J. This case involved the USFWS’s finding that WY’s petition to establish a NRM DPS for wolves and delist them was not warranted (71 FR 43410). This case was dismissed after the February 29, 2008 final NRM DPS delisting rule (73 FR 10514) was published in the Federal Register.

Humane Society of the United States v. Kempthorne, U.S. District Court for the District of Columbia, Civil Action No. 07CV0677PLF. On February 8, 2007, USFWS recognized a Western Great Lakes (WGL) DPS and removed it from the list of the List of Endangered and Threatened Wildlife (72 FR 6052). Several groups challenged this rule in court, arguing that the USFWS may not identify a DPS within a broader pre-existing listed entity for the purpose of delisting the DPS. On September 29, 2008, the court vacated the WGL DPS final rule and remanded it to the USFWS. The court found that the ESA is ambiguous as to whether the USFWS has the authority to identify a DPS within a broader, pre-existing listed entity, and the court remanded the final rule so that the USFWS can provide a reasoned explanation of how its actions are consistent with the text, structure, legislative history, judicial interpretations, and policy objectives of ESA. The revised 2009 delisting rule that was submitted to the Federal Register (74 FR 15070) was later vacated and remanded by the Court on July 2, 2009 (Humane Society et al. v. Kempthorne, et al., 09CV1092PLF (D.D.C.)).

Defenders of Wildlife, et al. v. H. Dale Hall, et al., U.S. District Court for the District of MT, Civil Action No. 08CV14DWM. The January 28, 2008 modification to the 2005 10(j) nonessential experimental population rule is currently being litigated by in the District of MT. The modified 10(j) rule allowed anyone to legally shoot a wolf that was attacking his or her dog or his or her stock animal [horses, mules, donkeys, llamas, and goats]. It also provided a science-based process for the states and tribes to propose that the Service approve localized reductions in wolves where wolf predation was proven to be a major cause of ungulate herds being below state and tribal management objectives. That rule remains in effect while the case is being litigated. The case was stayed until there is a decision regarding the 2009 delisting. A few wolves that were attacking domestic dogs or horses were legally shot by private citizens, but no wolves were removed to address concerns about wild ungulate populations. The case became active again when wolves were relisted in 2010 and the claims have now been fully briefed. A hearing on a portion of that case (whether the 10(j) litigation is moot) is scheduled for March 24, 2011.

Defenders of Wildlife et al. and Greater Yellowstone Coalition v. Ken Salazar et al., U.S. District Court for the District of MT, Civil Action No. 09CV77DWM, 09CV82DWM. On April 2, 2009, the USFWS published a final rule (74 FR 15123) identifying the NRM DPS and removing ESA protections for the wolves throughout the DPS, except in WY. The 2009 delisting was litigated in the District of MT by a coalition of environmental groups represented by Earthjustice. They asserted, among many other things, that a delisting that retained ESA protections for wolves in WY was unlawful. On August 5, 2010, the court ruled that the USFWS's 2009 rule was contrary to the plain language of the ESA, and the Court set aside and vacated the 2009 rule. The USFWS has appealed the decision to the Ninth Circuit Court of Appeals. As a result of the District of MT's ruling, wolves throughout the NRM DPS are again protected under the ESA.

State of WY, et al. v. United States Department of the Interior, et al., U.S. District Court for the District of WY, Civil Action No. 09CV118J, 09CV138J. Litigation over the April 2, 2009 delisting was also initiated in the U.S. District Court for the District of WY. The State of Wyoming and others asserted that the USFWS unlawfully failed to approve WY's regulatory

framework and that the USFWS should have delisted wolves in WY along with the remainder of the NRM DPS. . On November 18, 2010, the court ruled that the USFWS failed to adequately explain why WY's predator and trophy game areas were inadequate and the court remanded the 2009 delisting rule back to the USFWS for further consideration.

### **Wolf Personnel & Staffing**

MFWP began managing wolves in northwestern MT in early 2004, under a cooperative agreement with the USFWS. In June 2005, the USFWS and MFWP signed a cooperative agreement transferring the decision-making authority for all wolf management activities in MT. Carolyn Sime officially became the MFWP Wolf Management Coordinator at that time, but she had been working on wolf issues for MT beginning in 2000 with the writing of MT's wolf plan. In late 2010, that MFWP position was eliminated. Carolyn is continuing to assist with various reports and publications among her other new duties but her skill and dedication will be sorely missed. Carolyn's duties were reassigned and distributed to other personnel within MFWP staff, with Lauri Hanauska-Brown now as the primary contact. MFWP hired a new field biologist in 2010 and Abigail Nelson is stationed in Livingston.

In January 2006, the Governor of ID signed a Memorandum of Agreement with the Secretary of the Interior giving IDFG the decision making authority for all wolf management activities in ID. The USFWS biologist that had been conducting that work retired (Carter 'Wolfer' Niemeyer). All wolf management in ID was then conducted with federal funding by IDFG. The NPT continued to assist with wolf monitoring in ID under a cooperative agreement with IDFG. However, on October 18, 2010, due to frustration over the court relisting of wolves ID withdrew from its designated agent status. The USFWS Snake River Field Office (Brian Kelly is its new supervisor) in Boise, ID re-assumed all wolf management duties in ID. USFWS is in discussions with the NPT about wolf monitoring in ID and is hiring a new ID USFWS Wolf Coordinator. The USFWS WY wolf office assumed lead for all wolf monitoring and management in the GYA portion of ID. ID WS State Supervisor Mark Collinge retired in late 2010.

The USFWS wolf program staff are currently Ed Bangs, the NRM DPS Wolf Recovery Coordinator in Helena, MT, Mike Jimenez the Project Leader for Wolf Recovery in WY and Scott Becker, a field biologist hired in Fall 2010, stationed in Cody, WY. In addition, Seth Willey (ESA Recovery Coordinator) with the USFWS Regional Office in Denver, CO made huge contributions in 2010 to complete and defend the 2009 delisting proposal and by working on other USFWS projects related to wolf conservation.

Terry Thibeault is the new USFWS Resident Agent-in-Charge for MT & WY and he is stationed in Billings, MT. Special Agent Roy Brown is stationed in Lander, WY and Special Agent Scott Darrah is stationed in Casper, WY. USFWS Special Agents Domenic Domenici (Casper, WY) and Tim Eicher (Cody, WY) retired in 2010. Scott Jackson became the USDA Forest Service National Large Carnivore Specialist in Missoula, MT in 2010. These people and many others made huge contributions to wolf restoration and management.

## ABBREVIATIONS AND ACRONYMS

Central ID wolf recovery area	CID
Defenders of Wildlife	DOW
Distinct Population Segment	DPS
Endangered Species Act	ESA
Glacier National Park	GNP
Grand Teton National Park	GTNP
Greater Yellowstone wolf recovery area	GYA
ID Department of Fish and Game	IDFG
MT Fish, Wildlife and Parks	MFWP
MT State University	MSU
Nez Perce Tribe	NPT
Northwest MT Wolf Recovery Area	NWMT
Northern Rocky Mountains	NRM
Oregon Dept. of Fish and Wildlife	ODFW
Predator Conservation Alliance	PCA
Turner Endangered Species Fund	TESF
Utah Depart. Wildlife Resources	UDWR
University of MT	UM
USDA/APHIS/Wildlife Services	WS
U.S. Fish and Wildlife Service	USFWS
U.S. Forest Service	USFS
U.S. National Park Service	NPS
WY Game and Fish Department	WGFD
Yellowstone Center for Resources	YCR
Yellowstone National Park	YNP
Washington Dept. of Fish and Wildlife	WDFW

## CONTACTS

### **For further information or to report wolf sightings, please contact:**

Please remember wolf management in MT is conducted by MFWP and they should be the first point of contact in MT for everything as long as wolves are delisted:

MT Fish, Wildlife & Parks, Helena, MT:	(406) 444-5209
MT Fish, Wildlife & Parks, Kalispell, MT:	(406) 751-4586
MT Fish, Wildlife & Parks, Missoula, MT:	(406) 542-5523
MT Fish, Wildlife & Parks, Bozeman, MT:	(406) 994-6371
MT Fish, Wildlife & Parks, Butte, MT:	(406) 425-3355
MT Fish, Wildlife & Parks, Livingston, MT:	(406) 600-5150
Nez Perce Tribal Wolf Program, McCall ID:	(208) 634-1061
U.S. Fish and Wildlife Service, Helena MT:	(406) 449-5225
U.S. Fish and Wildlife Service, Jackson, WY:	(307) 330-5631
U.S. Fish and Wildlife Service, Cody, WY:	(307) 699-3411
U.S. Fish and Wildlife Service, Boise ID:	(208) 378-5639
U.S. Fish and Wildlife Service, Wenatchee, WA:	(509) 665-3508 ext 22
Yellowstone Center for Resources, YNP WY:	(307) 344-2243

### **To report livestock depredations:**

USDA/APHIS/Wildlife Services, MT:	(406) 657-6464
USDA/APHIS/Wildlife Services, WY:	(307) 261-5336
USDA/APHIS/Wildlife Services, ID:	(208) 378-5077
USDA/APHIS/Wildlife Services, WA:	(509) 765-7962
USDA/APHIS/Wildlife Services toll free:	(866) 487-3297

### **To report discovery of a dead wolf or information regarding the illegal killing of a wolf:**

U.S. Fish and Wildlife Service Special Agent, Missoula, MT:	(406) 329-3000
U.S. Fish and Wildlife Service Special Agent, Great Falls, MT:	(406) 761-2286
U.S. Fish and Wildlife Service, Senior Agent, Billings, MT:	(406) 247-7355
U.S. Fish and Wildlife Service Special Agent, Lander, WY:	(307) 332-7607
U.S. Fish and Wildlife Service Special Agent, Casper, WY:	(307) 261-6365
U.S. Fish and Wildlife Service Special Agent, Boise, ID:	(208) 378-5333
U.S. Fish and Wildlife Service Special Agent, ID Falls, ID	(208) 523-0855
U.S. Fish and Wildlife Service Special Agent, Spokane, WA	(509) 928-6050

## WEBSITES

USFWS Rocky Mountain weekly and annual wolf updates and NRM regulations:

<http://westerngraywolf.fws.gov/>

USFWS Midwestern gray wolf recovery, national wolf reclassification proposal:

<http://midwest.fws.gov/wolf/>

USFWS Endangered Species Program:

<http://endangered.fws.gov/>

USDA/APHIS/Wildlife Services:  
<http://www.aphis.usda.gov/ws/>

National Wildlife Research Center:  
<http://www.aphis.usda.gov/ws/nwrc/>

Nez Perce Tribe Wildlife Program:  
[http://www.nezperce.org/Programs/wildlife\\_program.htm](http://www.nezperce.org/Programs/wildlife_program.htm)

Turner Endangered Species Fund:  
<http://www.tesf.org/>

Yellowstone Park Foundation:  
<http://www.ypf.org/>

Yellowstone Wolf Tracker:  
<http://www.wolftracker.com/>

Yellowstone National Park wolf pack data:  
<http://www.nps.gov/yell/nature/animals/wolf/wolfup.html>

Wolf Restoration to Yellowstone:  
<http://www.nps.gov/yell/nature/animals/wolf/wolfrest.html>

MT Livestock Loss Reduction and Mitigation Board:  
[lrm.b.mt.gov](http://lrm.b.mt.gov)

MT Fish, Wildlife and Parks:  
<http://www.fwp.mt.gov/wildthings/tande/wolf/wolf.html>

MT State University wolf-ungulate research:  
<http://www.homepage.MT.edu/~rgarrott/wolfungulate/index.htm>

University of Montana:  
<http://www.cfc.umt.edu/Heblab/>

ID Fish and Game:  
<http://fishandgame.idaho.gov/>

ID Office of Species Conservation:  
<http://species.idaho.gov/>

WA Department of Fish and Wildlife  
[http://wdfw.wa.gov/conservation/gray\\_wolf/](http://wdfw.wa.gov/conservation/gray_wolf/)

WY Game and Fish Department:  
<http://gf.state.wy.us/>

WY agricultural statistics:  
<http://www.nass.usda.gov/wy/>

ID agricultural statistics:  
<http://www.nass.usda.gov/id/>

MT agricultural statistics:  
<http://www.nass.usda.gov/mt/>

National agricultural statistics:  
<http://usda.mannlib.cornell.edu/reports/nassr/livestock/>

Defenders of Wildlife wolf compensation trust:  
<http://www.defenders.org/wolfcomp.html>

International Wolf Center:  
<http://www.wolf.org/>

Wolf Recovery Foundation:  
<http://forwolves.org/>

National Wildlife Federation wolf information:  
<http://www.nwf.org/wildlife/graywolf/>

MT Stockgrowers' Association  
<http://www.mtbeef.org/index.htm>

National Geographic wolf information:  
<http://www.nationalgeographic.com/tv/specials/wolf/intro.html>

Wolf Education and Research Center:  
<http://www.wolfcenter.org/>

People Against Wolves:  
<http://home.centurytel.net/PAW/home.htm>

Western Wolf Coalition:  
[www.westernwolves.org](http://www.westernwolves.org)

Lobo Watch:  
[wolfkill@lobowatch.com](mailto:wolfkill@lobowatch.com)

Wolf Watch:  
[www.pinedaleonline.com/wolf](http://www.pinedaleonline.com/wolf)

Montana Natural Resource Information System:

<http://nris.state.mt.us/>

Turner Endangered Species Fund:

<http://www.tesf.org/>

Yellowstone Park Foundation:

<http://www.ypf.org/>

Montana Natural Heritage Program:

<http://mtnhp.org/>

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