

Questions and Answers
Wolf 10(j) Final Rule
December 23, 2004

Q. Why is the U.S. Fish and Wildlife Service changing the 10(j) rule for all States with Service-approved wolf management plans?

Wolves in the experimental population areas have flourished. And with this great success comes an equally great responsibility to minimize conflicts with local residents. The success of wolf recovery allows more management flexibility to address the occasional conflicts that occur between wolves and people. When the Service was unable to approve Wyoming's wolf management plan in early 2004, it became apparent that our efforts to delist the wolf population were not going forward as quickly as hoped. With that information, the Service looked for ways to maintain the recovered wolf population and minimize conflicts while still increasing participation by the States and Tribes with approved wolf management plans. This new regulation was the logical vehicle to accomplish those goals.

The Service has determined that wolf management plans developed by Idaho and Montana are adequate to maintain the population of gray wolves above established recovery goals. The review of each State's management plans included peer review by 11 national wolf experts, State responses to those peer review comments, and the Service's in-depth analysis of the plans and biological factors of potential State management. The Service's responsibilities under the Endangered Species Act include ensuring that adequate management controls are in place to maintain population levels above recovery goals.

States and Tribes with approved plans can establish cooperative agreements with the U.S. Fish and Wildlife Service or Memorandums of Agreement with the Department of the Interior to assume management responsibility for gray wolf conservation and management of gray wolves in the experimental areas within their States' or reservation boundaries. However, at this time no Tribe has an approved plan. Presently, wolves on tribal land in Montana and Idaho will be managed as if on private land, affording the benefits of the more flexible management allowed by this rule to individuals on tribal reservations.

Q. What additional management authority do the States of Montana and Idaho now have under the final 2004 10(j) rule?

- Under this 2004 final 10(j) rule, landowners and permittees using livestock on Federal lands can take additional steps to protect their livestock, livestock herding and guarding animals and dogs from depredation by wolves. The rule also contains checks and balances to prevent abuse of these more flexible management provisions.
- Wolves in the act of attacking livestock, livestock herding and guarding animals, and dogs on private land can be taken immediately. Also on public lands, grazing and guiding and outfitter permittees can immediately take wolves attacking their livestock or livestock herding and guarding animals.

- Written authorization can be issued on private land and public land grazing allotments to kill or harass wolves that pose a threat to livestock, livestock herding and guarding animals and dogs.
- After deliberations with the Service, States or Tribes can take wolves determined to be causing unacceptable impacts to wildlife populations, such as herds of deer and elk. This would be allowed when such big game populations are not meeting state management goals and are unlikely to rebound because of excessive wolf predation without agency intervention. Such take is only to be allowed if it would not inhibit wolf recovery.
- The final rule only affects States (currently only in Montana and Idaho) within the experimental population areas in the northwestern United States with gray wolf management plans approved by the Service. It has no effect in areas of Montana or Idaho outside of the experimental population areas, or for eastern or southwestern distinct population segments of the gray wolf or other adjacent states in the northwestern U.S.
- The States and Tribes with approved wolf management plans can establish Memorandums of Agreement with the Department or cooperative agreements with the Service and lead wolf management in their State or reservation.

Q. How does the final 10 (j) rule help wolf conservation?

The wolf population in Montana, Idaho, and Wyoming achieved its numerical recovery objective in December 2002. As the wolf population continues to grow and expand, this final rule increases the flexibility to address wolf-caused conflicts with landowners, livestock producers, or big game hunters. Confirmed wolf conflicts with livestock are still lower than predicted, but increasing numbers of wolves will result in an increasing level of conflicts, especially on private lands adjacent to the core wolf recovery areas on public land. This rule increases opportunities to remove problem wolves while still fully protecting the majority of wolves that are not causing conflicts with people.

The State fish and game agencies have a proven track record of responsible wildlife management and have dedicated professional staff. State or Tribal management under scientifically sound wolf management plans will mean more effective wolf conservation and allow the States to gain valuable management experience in anticipation of delisting.

Q. What happens in Wyoming?

Until Wyoming or a Tribe in Wyoming has a wolf management plan approved by the U.S. Fish and Wildlife Service, wolves everywhere in Wyoming will be managed by the U.S. Fish and Wildlife Service under the provisions of the 1994 10 (j) rule.

BACKGROUND INFORMATION

Q. Up to now, what has been the legal status of gray wolves in Montana and Idaho?

Wolves were eliminated from the western United States by the 1930s. In the early 1980s wolves naturally dispersed into northwestern Montana and were protected as endangered species. In 2003 those wolves were downlisted as threatened. In 1995 and 1996 wolves designated as nonessential experimental populations were reintroduced into central Idaho and the Greater Yellowstone Area. This designation allowed Federal, State, and Tribal agencies and private citizens more flexibility in managing these populations.

The central Idaho experimental population area covers all of Idaho except the northern panhandle. In Montana, it covers the southern half of the State. All of Wyoming is in the Yellowstone experimental population area. For the time being, only wolf management in the experimental population areas in Idaho and Montana would be affected by the new regulation.

Q. What management authority did Montana, Idaho, and Wyoming have under the 10 (j) rule of 1994?

State agencies had limited management authority under the 1994 10(j) rule. The Service's current wolf management program in the northern Rocky Mountains allows the Service to move or kill the occasional wolf that preys on livestock. Private property owners and livestock owners with grazing leases on public land may harass adult wolves without injuring them to discourage conflicts with domestic animals, but must report such incidents.

On private property within the experimental areas, landowners can kill wolves in the act of wounding or killing livestock, but are required to report the incident within 24 hours and provide physical evidence of the attack. Killing wolves on public land by private citizens requires a written take authorization and is an option only after attempts to resolve conflicts have failed.

Under the old 1994 10(j) regulations, the States can become designated agents of the Service and be the primary managers of wolves within the experimental population areas within their State boundaries but because of several concerns, including funding, no State chose to exercise that option. The new regulations make it easier for States to assume that authority and obtain Federal funding while also allowing for some extra flexibility in management of problem wolves.