

From: [Shoemaker, Justin](#)
To: [Bush, Jodi](#)
Subject: Re: Info Memo for Wolverine
Date: Monday, March 6, 2017 5:02:44 PM
Attachments: [DRAFT Director Info Memo Wolverine Status Review 022817 JBeds JS.docx](#)

Comments/edits attached.

Justin Shoemaker

Acting Branch Chief for Classification and Recovery

U.S. Fish and Wildlife Service, Region 6

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Email: justin_shoemaker@fws.gov

On Mon, Mar 6, 2017 at 3:52 PM, Bush, Jodi <jodi_bush@fws.gov> wrote:

Justin. Here is Betty's draft briefing on Wolverine. Its pretty long and we should probably shorten to at least 2pp. Before I did that though I wanted you to have a look. Let me know what you recommend. JB

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(406) 449-5225, ext.205

----- Forwarded message -----

From: **Grizzle, Betty** <betty_grizzle@fws.gov>
Date: Tue, Feb 28, 2017 at 9:44 AM
Subject: Info Memo for Wolverine
To: "Bush, Jodi" <jodi_bush@fws.gov>

Jodi - See attached. I am trying to finish up another SSA Report this week, so this was done rather quickly.

The memo might be too long, but there is a lot to cover with this species. Let me know if you need additional information.

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INFORMATION MEMORANDUM FOR THE SECRETARY

DATE: February 28, 2017

FROM: Jim Kurth, Acting Director, U.S. Fish and Wildlife Service

CC: Gary Frazer, Assistant Director, Ecological Services
Noreen Walsh, Regional Director, Region 6

SUBJECT: Status Review for the North American Wolverine

I. STATEMENT OF PURPOSE

This memorandum provides an update to the Secretary regarding the status review underway for the North American wolverine (*Gulo gulo luscus*; wolverine) under the Endangered Species Act (Act).

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Deleted: [Keep?] The information contained in this memorandum is for informational and outreach purposes only and has not been used as the basis for any potential Agency decision.)

II. BACKGROUND

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- On February 4, 2013, we published a proposed rule to list the wolverine distinct population segment (DPS) occurring in the contiguous United States. The proposed rule contained a proposed special rule under section 4(d) of the Act. We also prepared a separate proposed rule (February 4, 2013) to establish a nonessential experimental population area for the wolverine in the southern Rocky Mountains of Colorado, northern New Mexico, and southern Wyoming. The listing proposal was based on the predicted effects of climate change on wolverine habitat. All other threats in the proposed rule were identified as secondary threats inasmuch as they interacted with the threat of habitat loss due to climate change.
- Following publication of the 2013 proposed rules, there was significant scientific disagreement and debate about the interpretation of the habitat requirements for wolverines and the available climate change information used to determine the extent of threats to the DPS. Based on this disagreement, we invoked a 6-month extension on the listing deadline to allow us to seek additional scientific input on the climate change information.
- On April 3 and 4 of 2014, we convened a panel of scientific experts to advise us through a facilitated workshop. Following the workshop, we determined that the information supporting the proposed listing rule was too uncertain and speculative to be relied upon in the listing decision, and that habitat changes due to climate change did not constitute a threat to the DPS at that time.
- On August 13, 2014, we withdrew the proposed rule to list the DPS of the wolverine, the associated proposed special rule under section 4(d) of the Act, and the proposed nonessential

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experimental population designation.

- In October 2014, complaints were filed in the District Court of Montana (Defenders of Wildlife, WildEarth Guardians, Center for Biological Diversity and others) challenging the withdrawal. Numerous parties intervened in the litigation.
- On April 4, 2016, the court issued a decision and the Service's withdrawal was vacated and remanded to the Service for further consideration consistent with the order. In effect, the court's action returned ed, the decision to the proposed rule stage, and the status of the wolverine under the Act effectively reverted to a proposed species for the purposes of consultation under section 7 of the Act.
- On October 18, 2016, we issued a notice to reopen the comment period on the 2013 proposed rule and announced initiation of a new status review.

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III. DISCUSSION

The current status review for the wolverine includes preparation of a Species Status Assessment Report. This Report will provide the scientific basis for our determination of whether the species meets the definition of an endangered or threatened species under the Act or whether the species is not warranted for listing.

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The majority (94 percent) of modeled wolverine habitat in the lower contiguous United States currently known to be occupied by wolverine populations is federally owned and managed (Forest Service, some National Park lands). A 2014 status assessment from Canada estimated at least 10,000 mature wolverines; no populations estimate is currently available for Alaska. In 2013, the estimated wolverine population in the lower 48 States was 318 (range: 249 and 926). Areas within Canada and Alaska still harvest wolverines.

State agencies remain opposed to listing, but California and Colorado continue to be supportive of reintroduction. A multi-state occupancy study is currently underway in Wyoming, Idaho, and Montana.

Commented [JB4]: Are other states included?

The Nez Perce Tribe of Idaho submitted a letter indicating their concern regarding current knowledge of impacts of climate change, incidental trapping, and disturbance to wolverine from recreation. The Coeur d'Alene Tribe (Idaho) submitted information noting their current efforts to detect wolverines (through winter bait-station camera surveys). The Shoshone-Bannock Tribes (Idaho) supported the court decision and recommended the Service provide additional time while conducting the status review to allow ongoing studies (e.g., climate change) and planning efforts to conclude.

The Service contracted with NOAA and the University of Colorado to prepare new snow refugia modeling and historic snow variability analyses as they relate to wolverine habitat. A draft report is expected in late March.

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The Service is considering requesting additional time in order to address information needed to prepare a revised DPS determination; to obtain new survey data (winter 2016–2017); assess information from the new climate related analysis; and new studies (in press or in prep publications).

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Key questions for assessing wolverine status:

- How essential is snow cover is for denning and how long into denning season is snow cover needed?
- What do the new climate-related analyses indicate relative to snow cover persistence compared to previous (2010, 2011) climate change modeling projections?
- Is the 2013 DPS determination still accurate given new information (e.g., new Canadian status assessment) and data analyses being conducted?

IV. NEXT STEPS

- Department of Justice will file Joint Stipulation and Motion regarding Timing of Remand Proceedings to formally set out time lines for proposed rule if not warranted or proposed listing/critical habitat rule and, if warranted, final rule.
- Once complete, the final draft of the Species Status Assessment Report will be submitted for peer review and to Federal, State, and Tribal governments.
- We are currently working towards a proposed listing rule or not-warranted finding in the Fall of 2017. If additional time is agreed upon, this timeframe would be pushed back into 2018.

Commented [SJ5]: I feel like we need to give some idea of the timeline.