

**U.S. Fish and Wildlife Service
Northern Rocky Mountain
Recovery Program Update
2008**

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DISPERSAL AND OTHER POSSIBLE WOLF ACTIVITY ADJACENT TO MONTANA, IDAHO, AND WYOMING

Although wolves can disperse over 680 miles, with actual travel distances exceeding 6,000 miles, the average dispersal of northern Rocky Mountain [NRM] wolves is about 60 miles. Only dozen or so confirmed NRM wolf dispersal events from 1992 through 2008 have been over 190 miles and resulted in wolves going beyond the core NRM wolf population in MT, ID, or WY. Undoubtedly many other dispersal events have occurred but not been detected because <30% of the NRM wolf population has been radio-collared. Most of these suspected U.S. long-distance dispersers [movements generally outside the area occupied by the NRM wolf population] remained within the proposed NRM DPS [eastern one-third of WA, OR, small part of northcentral UT, MT, ID, and WY]. None of the long-distance dispersing wolves from the NRM population were confirmed to have survived long enough to find mates and breed outside of the area occupied by the NRM wolf population.

Until 2008, no wild wolves had been confirmed west of the DPS boundary in Washington or Oregon. However, in July 2008, a wolf pack (2 adults and 6 pups) was discovered near Twisp, WA (just east of the North Cascades and west of the DPS boundary). Genetic testing showed these wolves did not originate from the NRM DPS; instead they apparently dispersed southward from the wolf population in southcentral British Columbia. Both adults were radio-collared and the pack is being monitored via radio telemetry by Washington Department of Fish and Wildlife. If this pack persists it will remain separated and distinct from the NRM DPS by the large expanse of unsuitable wolf habitat in eastern WA and OR.

Two notable wolf dispersal events were documented in 2008. A radio-collared male wolf from central Idaho [whose father had dispersed to central Idaho from YNP] is currently traveling with a female just east of YNP and apparently formed a new pack in the GYA in early 2009. As part of a cooperative research project with the University of Montana, several wolves were fitted with GPS radio-collars in 2008. The collars provide satellite downloads of a small proportion of their locations every two weeks. In fall 2008, a yearling grey female dispersed from the Mill Creek pack on the east side of the Yellowstone River between Gardiner and Livingston in southwest MT. She traveled south through western Wyoming, southeastern Idaho, and northeastern Utah. By late April 2009, she was near Vail, Colorado [about 450 miles southeast of Mill Creek] but in early March had moved north to south central Wyoming.

Wolf activity was also reported, investigated, but not confirmed in areas beyond the core occupied NRM wolf range in 2008. In northeastern UT, a group of wolves was reported and then investigated east of Flaming Gorge Reservoir (outside the NRM DPS) in spring 2008, but nothing was ever confirmed. In northeastern OR, reports of a wolf pack with pups near Elgin (inside the NRM DPS) were investigated in July 2008. Pups were reportedly heard on three occasions. No sign of them has been detected since November 2008, and no pack or breeding pair was confirmed. In late 2008/early 2009 tracks of a possible mating pair [blood in urine with double scent marking] was reported in the same area, which will be surveyed in 2009. Near

Joseph OR, a radio-collared wolf from ID (B-300) was found in January 2008 and spent the summer in the general area. Contact with her collar was lost in September 2008. No pack or breeding pair was verified in 2008. Winter tracking suggested a pair might be using that same area in early 2009, and it will be surveyed in 2009. In the central Cascade Range of OR, a photo was taken of a suspected lone black wolf-like canid in the winter 2008/2009. While its origin, identity, and status are unknown, it might be a long distance disperser from central ID, which is about 250 miles to the east. In northeastern WA, unconfirmed reports in fall 2008 suggest a pack may have formed there along the ID border. However, as of December 31, 2008, no pack or breeding pair was ever confirmed, but the area will be surveyed in 2009.

Wolves routinely naturally disperse between and among the core recovery areas in northwestern MT, ID, and the GYA – and many were documented in 2008. Wolves also routinely disperse to and from southwestern Canada and the NRM. Breeding by these naturally dispersing wolves has been documented in all three recovery areas in the U.S. and in Canada. Biologically, the NRM is simply a 400-mile southern range extension of a vast Canadian wolf population of over 12,000 wolves in British Columbia and Alberta, and over 70,000 wolves in North America. Lone wolves will continue to occasionally disperse beyond the currently occupied wolf habitat in MT, ID, and WY, as well as into States adjacent to the NRM DPS. However, pack and breeding pair development and persistence outside the core occupied habitats in MT, ID, and northwestern WY in the NRM DPS is likely to be uncommon because wolves usually disperse as individuals and only rarely as siblings. Establishment of breeding pairs outside the NRM DPS is also unlikely because long distance dispersing wolves typically have low survival. In addition, suitable habitat beyond that already occupied by resident wolf packs is limited, is in small patches and is distance from the core NRM wolf population. 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 Federal Fiscal Years 2008 (Oct. 1, 2007-Sept. 30, 2008) and FY 09 (Oct. 1, 2008-Sept. 30, 2009).

Total Federal Funding- Wolf recovery has been almost entirely funded by federal appropriations and some private donations. In FY08 about \$3,695,000 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 2008 cost approximately \$31,968,000 (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). If wolf management in the NRM continues at its current intensity it will cost federal taxpayers about \$3,411,000 in FY09. These annual costs do not include the substantial resources provided from the Department of the Interior Solicitors Office nor the Department of Justice for legal support and litigation.

USFWS Funding- In FY08, funding for wolf management was similar to FY07 levels. Region 6 of the USFWS (which includes Montana and Wyoming) allocated about \$2,458,000 in FY08. The USFWS Regional Office spent about \$150,000 helping to analyze public comments, prepare various regulations and provide additional administrative support in FY08 and will likely spend that amount in FY09. Funding for R-1 of the USFWS [Boise, Idaho] was \$99,000 for administrative support. Most of the USFWS funding in both Regions was transferred to Montana, Idaho, and the Nez Perce Tribe (NPT). The USFWS spent \$240,000 for wolf management in Wyoming in FY08 and that included about \$40,000/yr. to support a cooperative WY WS/USFWS position in Cody, WY. R-6 funding [\$140,000] also supported overall program coordination, rulemaking, assisting the Department of Justice, and administrative support in Helena, MT. Estimated funding for FY09 for the USFWS appears similar to FY08 levels. At the time of publication, the FY09 budget was not yet finalized by Congress and DOI / USFWS were working under a continuing resolution.

State and Tribal Funding. In FY08, the USFWS transferred \$396,000 (President's budget language and \$323,000 from USFWS base funding) to Montana Fish, Wildlife & Parks for wolf monitoring, management, control, and outreach. In FY08 Idaho received \$720,000 in Congressional earmarks and the NPT received \$295,000. The Idaho Governor's Office of Species Conservation and IDFG used \$99,000 to compensate livestock producers in Idaho for missing livestock and to make up the remaining 50% for probable livestock depredations that are only reimbursed at a 50% value by the private compensation program in Idaho. In addition, FY08 Congressional earmark language included \$243,000 in additional funding for wolf monitoring to be distributed by R-6 to Montana, Idaho, and Wyoming. The USFWS divided that funding evenly between the 3 States. In FY08, administration of wolf funding to the States and Tribes was delegated to R-6. Funding levels in FY09 appear to be similar to FY08, except that in FY09 USFWS base funding was not provided to Montana because they had a large surplus in the cooperative agreement that had to be spent by 2010. In 2008 the USFWS R-6 spent about \$39,000 assisting the Wind River Tribes to develop a wolf management plan and Tribal wolf management capabilities.

National Park Funding. Yellowstone National Park maintained their NPS-funded wolf monitoring and research program at the \$167,000 level in FY08 and FY09. All their field research projects remain funded by private donations (\$250,000/yr). Teton National Park spent \$45,000 for salaries and telemetry flights and \$20,000 in private donations was used to purchase Argos GPS collars for cooperative wolf-related research in and near Grand Teton National Park. The USFWS in Wyoming funded and conducted the wolf capture associated with that and other WGFD research projects.

USDA Wildlife Services Funding. In FY08, WS maintained a \$100,000 Congressional directive for responding to complaints of wolf damage as well as a \$1,000,000 directive (reduced from \$1,300,000 in FY07) for Montana, Idaho, and Wyoming to investigate and address predator damage, including that by wolves. In FY08, WS in Idaho spent approximately \$526,000 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.). Montana WS expended approximately \$227,437. WS in Wyoming spent about \$173,122 of its own funding [total expenses were \$211,867 but \$38,745 was provided by the USFWS in an ongoing cooperative agreement] for wolf-related field activities. But like Montana WS, those estimates do not cover attending meetings and routine administrative costs associated with wolf damage management. In total USDA WS in Montana, Idaho, and Wyoming spent at least \$926,559 in FY08 on wolf-related issues in the northern Rocky Mountains.

Non-federal Funding For Wolves. Only the salary of a Yellowstone National Park (YNP) biologist and administrative support is provided by the NPS. The Yellowstone Foundation secured commitments for private donations at \$250,000/year for 10 years for wolf and wolf-related research in YNP. Grand Teton National Park was given \$20,000 in private funding in FY08 for wolf-related research. The private TESH continued to fund the salary and benefits of an experienced wolf field biologist in Bozeman, Montana [valued at \$60,000/yr]. That biologist is a MFWP volunteer, and logistic and field support and direct supervision are provided by the MFWP (costing about \$20,000/yr in federal transfer funding). That employee helps MFWP to monitor wolves and resolve conflicts between wolves and private landowners in southwest Montana.

Defenders of Wildlife continues to provide a private compensation program for livestock confirmed [100%] or probably [50%] killed by wolves. In 2008, Defenders paid \$183,000 in 133 compensation payments to livestock producers throughout the northern Rocky Mountains for 279 sheep, 194 cattle, and 24 other types of livestock or guarding animals. Defenders also contributed \$50,000 in 2008 to the Montana State wolf damage compensation program for its start-up funding. Defenders has pledged a similar amount to Montana in FY09. Since 1987, Defenders has contributed more than \$1,200,000 for wolf related livestock loss compensation through The Bailey Wildlife Foundation Wolf Compensation Trust www.defenders.org/wolfcompensation.

Additionally, Defenders funded numerous non-lethal wolf control projects throughout the region totaling \$85,000. This included their largest project to date, the Wood River Valley wolf project in Idaho, which involved a team of five seasonal field technicians working from June through October with four livestock producers to utilize electrified fladry, corrals, night corrals, spotlights, noise devices, radio-telemetry monitoring, and multiple livestock guard dogs. The project covered nearly one million acres in the Sawtooth National Forest, an area with a history of chronic wolf depredations. Over the five months of the project, only one sheep was killed by wolves and no wolves were killed by agency control. The project, funded primarily through Defenders' Proactive Carnivore Conservation Fund, cost about \$29,000. Agency partners, including Idaho USDA Wildlife Services, National USDA Wildlife Research Center, Sawtooth National Forest, Idaho Department of Fish and Game, and the Blaine County Commission, provided substantial additional resources.

Universities in Idaho, Montana and Wyoming and elsewhere also provided substantial funding and support for their graduate students that are conducting numerous wolf and wolf-related research projects.

State compensation for wolf damage in addition to the Defenders program was paid in 2008.

Montana. The State of Montana has a wolf damage compensation program that is a separate quasi-judicial board administratively attached to the Montana Department of Livestock. The Livestock Loss Reduction & Mitigation Board and Program were created by the 2007 Montana Legislature. The program is designed to reduce risk of livestock losses through application of proactive tools and to reimburse wolf-caused losses verified by USDA Wildlife Services. Animals covered by Montana's program are cattle, swine, horses, mules, sheep, goats, and livestock guarding animals. Board members were appointed in 2008. In its first year, the Montana Legislature appropriated \$30,000 from the state's general fund. An additional \$50,000 was received as a donation from Defenders of Wildlife. Additional donations were received from others, including the Greater Yellowstone Coalition and the Montana Cattlemen's Association.

With the 2008 funding available, the Governor-appointed Board overseeing the program prioritized payments for animals that were attacked by wolves and died, as verified (probable or confirmed) by USDA Wildlife Services. Payments for injured animals or funds for cost-share grants to implement proactive tools intended to decrease risk were lower priorities. Claims were paid on a first-come, first-served basis. A total of \$83,000 in claims was paid for dead livestock between April 15 and December 2, 2008. Additional claims for dead livestock were received after that date, but could not be paid because all available funds had been exhausted.

Idaho. The State of Idaho pays for claims of some of the wolf damage not covered by the Defenders of Wildlife private compensation program. The state's program has been in effect since 2001. It is administered by the Idaho Office of Species Conservation and compensates for probable and missing wolf damage up to \$100,000/ year using federal transfer funding. Payments are overseen by a board of County Commissioners whose counties have had wolf depredations. Representatives from USDA WS, IDFG, and Defenders are advisors. Payments are made for the 50% of probable depredations not covered by the Defenders program as well as claims of higher than historic losses due to missing livestock in occupied wolf habitat. In 2008 the Board recognized \$220,000 in claims but as usual, only had \$100,000 to pay out so each claim is pro-rated a percentage of the available \$100,000 [roughly 45 cents per \$1 claimed in 2008].

Wyoming. In 2008, the Wyoming Legislature established and, from Wyoming General funds, funded a State compensation program for livestock damage caused by wolves. In 2008, the WGFD paid \$101,429 for wolf damage claims [26 sheep and 41 cattle] from July through December 31, 2008 in the Trophy Game Area of northwestern Wyoming. State compensation is not paid in the Predatory Animal Area of Wyoming, but Defenders of Wildlife still compensates for confirmed and probable livestock losses there. Wyoming's state program has a multiplier for each confirmed depredation on calves and sheep since only a fraction of all wolf-caused losses are discovered or confirmed. Calves and sheep [all types] 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.

NRM. Total compensation for confirmed, probable and possible wolf damage in the NRM in 2008 was \$464,429 [\$183,000 by Defenders of Wildlife, \$80,000 by Montana [\$30k state & \$50k private funding], \$100,000 by Idaho [all federal funding], and \$101,429 by Wyoming [all state funding].

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 determined and missing livestock (Oakleaf et al. 2003).

FY09 Budget. In FY07, Congress appropriations language contained directed wolf funding to Montana, Idaho, and the Nez Perce Tribe. In FY08 those earmarks were eliminated, but were instead included in the R-6 USFWS base funding in the President's budget language. However, Congress did direct an additional \$243,000 for wolf monitoring in Montana, Idaho, and Wyoming in the FY08 budget. That funding was divided evenly among the States. The FY09 budget has not been passed by Congress but the USFWS is authorized to spend at the same level and rate on existing projects as in FY08.

Federal Funding for Wolf Management FY2008 and FY2009 (*estimated) [\$1,000's]

FISCAL YEAR	FY 2008	FY2009*
USFWS Region 6 (Helena, Montana)		
State of Montana	\$ 641	\$ 396 [no Base]
USFWS in Wyoming	\$ 240	\$ 240
Idaho Office of Species Conservation	\$ 720	\$ 720
Nez Perce Tribe	\$ 285	\$ 285
USFWS Administration & Coordination R-6	\$ 140	\$ 140
Additional Congressional Earmark	\$ 243	\$ 243
R-6, Regional Office Support	\$ 150	\$150
Assist Wind River Tribes	\$ 39	\$ 0
(Region 6 SUBTOTAL)	(\$2,458)	(\$2,174)
USFWS Region 1 (Boise, Idaho)	\$ 99	\$ 99
USFWS Total	\$2,557	\$2,273
USDA Wildlife Services	\$ 926	\$ 926
National Park Service: Yellowstone	\$ 167	\$ 167
National Park Service: Grand Teton	\$ 45	\$ 45
TOTAL Federal Funding	\$3,695	\$3,411 * estimated

NORTHERN ROCKIES DELISTING, LITIGATION, and FEDERAL 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 1930's there were virtually no wolves left in the Northern Rocky Mountains [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, were initiated. The Midwest wolf population (Western Great Lakes DPS) 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 Service on September 29, 2008. Efforts to recover wolves in the Southwest continue. In the NRM, 2008 marked the eighth consecutive year that the minimum recovery goal of 30 or more breeding pairs and over 300 wolves were documented in Montana, Idaho and Wyoming. The NRM wolf population of about 1,645 wolves and over 95 breeding pairs has fully achieved its biological recovery objectives.

The USFWS proposed delisting of the NRM wolf population on February 8, 2007 (72 FR 6106) because it determined that the population was recovered and state management plans guaranteed that wolves would not become threatened again if the ESA protections were removed. The ESA contains several checks and balances to ensure that any decision to delist a species is scientifically sound and will not result in a species being relisted. The ESA requires that all decisions be based on the best scientific data available. The USFWS must examine all of the factors that might cause a species to become threatened and to determine that they are not likely to cause the species to become threatened again. Regulating the level of human-caused mortality was the primary factor that had to be resolved before delisting wolves could be proposed. The ESA requires that USFWS determine that regulatory mechanisms, other than the ESA, will prevent unchecked human-caused mortality from once again driving wolves toward extinction.

Wildlife mortality is typically regulated by state and tribal fish and wildlife management agencies. The USFWS requested that Montana, Idaho, and Wyoming 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 State and Tribes without the protections of the ESA. These plans also were to provide a solid administrative foundation for the Service's 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. USFWS determined that Montana and Idaho's plans were adequate in 2004 but determined Wyoming'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 Wyoming. The USFWS determined it

adequately addressed the ESA criteria shortly thereafter. The links for the state wolf plans for Montana, Idaho and Wyoming and the Wind River Tribe 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, we proposed to delist wolves in Montana, Idaho, and Wyoming, and parts of Washington, Oregon, and Utah. The proposal noted that the ESA's protections would be retained in significant portions of the range in Wyoming in the final rule if adequate regulatory mechanisms were not developed to conserve Wyoming's portion of a recovered wolf population into the foreseeable future. Under this alternative scenario, wolves in portions of Wyoming would continue to be regulated under ESA as a non-essential, experimental populations per the 1994 rules 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 Wyoming wolf management plan and State law that USFWS believed, if implemented, could allow the wolves in all of Wyoming 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 Wyoming Game and Fish Commission (WGFC) unanimously approved the 2007 Wyoming Plan. USFWS then determined this plan provided adequate regulatory protections to conserve Wyoming's portion of a recovered wolf population into the foreseeable future. On December 15, 2007, the USFWS Director determined Wyoming's regulatory mechanisms met the requirements of the ESA, contingent on the sunset provisions of the Wyoming law being satisfied so that Wyoming'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 Wyoming's 2007 regulatory mechanisms were adequate.

The NRM DPS wolf population was officially delisted from March 28 to July 18, 2008. This corresponded to the time lag between when the delisting decision took effect and when a federal district judge granted a request for a preliminary injunction (see below). During this period of time, state and Tribal management plans and state laws were fully in effect. The Court's preliminary injunction reinstated ESA protections for the gray wolf and reinstated federal regulations throughout the NRM DPS, effective July 18.

Given the court rulings [see below], on October 28, 2008 (73 FR 63926), USFWS reopened the comment period on the February 8, 2007, proposed rule that presented two 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 Montana 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 Wyoming need to be managed as a trophy game area and what portions of Wyoming 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 Wyoming's 2007 law, wolf management plan, and regulatory framework were not adequate to meet the purposes of the ESA. On January 15, 2009 Wyoming's Governor was notified that Wyoming no longer had a USFWS-approved wolf management plan and state regulatory framework. Wolf management in all of Wyoming [except the Wind River Tribal Lands because the Tribe had a Service-approved plan] again became immediately under the less flexible provisions of the 1994 experimental rules. New final delisting rules were produced for both the NRM and the WGL DPSs 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 as new administration takes office. Both rules were carefully reviewed by the U.S. Department of Interior. They determined both should be published in March 2009.

When a species is delisted, the ESA requires a mandatory, minimum 5-year post-delisting federal oversight period. That period, during which the USFWS reviews the implementation of state management plans and wolf population status, provides a safety-net to ensure that the species is able to sustain itself without ESA protection. If wolves became threatened again, the USFWS could relist them by emergency order.

The Experimental Population Rules

Gray wolves were reintroduced in parts of the NRM as nonessential experimental populations under the ESA in January 1995 and 1996. Prior to wolves being reintroduced to central Idaho and YNP, special nonessential experimental population regulations (1994 10j regulations) under 17.84 (i) [ESA Sec. 10j] were promulgated. Those regulations allowed extra management flexibility to Federal agencies, states, Tribes, and private individuals to manage wolves to protect private property and other wildlife populations.

The USFWS's updated February 7, 2005 10(j) 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 Idaho to remove up to 43 wolves in a small area of central Idaho 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 land 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. No wolves have been taken under those more liberal 2008 regulations in Montana, Idaho or Wyoming.

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 Idaho in November 1994.

State of Wyoming, et al. vs. United States Department of the Interior, et al., United States District Court for the District of Wyoming, Civil Action No. 04CV01123J. This case involved the USFWS not approving the Wyoming state wolf management plan in 2004. The case was expanded by interveners to include alleged failure to properly manage wolves in Wyoming and failure to conduct additional NEPA compliance. The Wyoming District Court ruled in the USFWS's favor based on procedural grounds in 2005. Wyoming appealed that case to the 10th Circuit Court of Appeals in Denver Colorado, but the Appeals Court upheld the lower court decision. As a result of those court decisions Wyoming formally petitioned the Service to establish and delist a NRM DPS for the gray wolf. The USFWS rejected that petition.

State of Wyoming et al. v. United States Department of the Interior et al., United States District Court for the District of Wyoming, Civil Action No 06-245J. This case involves the USFWS's rejection of Wyoming's petition to establish a NRM DPS for wolves and delist them (71 FR 43410). That case was dismissed after the February 29, 2008 final NRM DPS delisting rule was published in the Federal Register.

Defenders of Wildlife et al vs H. Dale Hall et al., CV 08-56-M-DWM, U.S. District Court for the District of Montana, Missoula Division]. 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). This rule also determined that Wyoming's regulatory mechanisms were adequate. On April 28, 2008, 12 parties filed a lawsuit challenging the identification and delisting of the NRM DPS. The plaintiffs also moved to preliminarily enjoin the delisting. On July 18, 2008, the U.S. District Court for the District of Montana granted the plaintiffs' motion for a preliminary injunction and enjoined the USFWS implementation of the final delisting rule for the NRM DPS of the gray wolf. This ruling placed the gray wolf throughout the NRM DPS back under the ESA and federal regulations. The court stated that USFWS acted arbitrarily in delisting a wolf population that lacked evidence of genetic exchange between subpopulations. The court also stated that USFWS acted arbitrarily and capriciously when approving Wyoming's 2007 statute and wolf management plan because Wyoming failed to commit to managing for at least 15 breeding pairs and Wyoming's 2007 statute allowed the WGFC to diminish the trophy game area if it "determines the diminution does not impede the delisting of gray wolves and will facilitate Wyoming's management of wolves." The Court's

preliminary injunction order concluded that the Plaintiffs were likely to prevail on the merits of their claims. In light of the District Court order, on September 22, 2008, USFWS asked the Court to vacate the final rule and remand it back to the agency. On October 14, 2008, the Court vacated the final delisting rule and remanded it back to the USFWS for further consideration. In February 2009, the Court awarded/reimbursed Earthjustice (the law firm representing 12 groups which filed the lawsuit challenging delisting) about \$263,000 in legal fees for their efforts at litigating the final delisting rule.

Humane Society of the United States v. Kempthorne, Civil Action No. 07-0677 (PLF) (D.D.C.). Similarly, 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 USFWS had made that decision based on its interpretation that the plain meaning of the ESA authorizes the Service to create and delist a DPS within an already-listed entity. The court disagreed, and concluded that the ESA is ambiguous as to whether the USFWS has this authority. The court accordingly remanded the final rule so that the USFWS can provide a reasoned explanation of how its interpretation is 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 responded to the court decision but was withdrawn by Executive Order on January 20, 2009.

Defenders of Wildlife, et al. vs. H. Dale Hall, et al. U.S. District Court for Montana, Missoula CV 08-14-M-DWM. The January 28, 2008 modification to the 2005 10(j) nonessential experimental population rule is currently being litigated by a coalition of an individual and seven environmental/animal rights groups. That 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. No wolves have been killed under either provision of that more flexible 2008 rule, since it has been in effect.

USFWS Wolf Personnel

MFWP began managing wolves in northwestern Montana in early 2004, under a cooperative agreement with the Service, after the USFWS wolf biologist [Tom Meier] for that area left to take a job in Alaska. In June 2005, the USFWS and MFWP signed a cooperative agreement transferring the decision making authority for all wolf management activities in Montana, including the experimental populations in southern Montana, and the remaining USFWS wolf biologist position for Montana [Joe Fontaine] was eliminated.

In January 2006, the Governor of Idaho signed a Memorandum of Agreement with the Secretary of the Interior giving Idaho Department of Fish and Game the decision making authority for all wolf management activities in Idaho. The USFWS biologist that had been conducting that work retired [Carter Niemeyer]. Since that time all wolf management in Montana and Idaho has been conducted with federal funding but by the state wildlife agencies who hired staff to assume those duties. The Nez Perce Tribe continues to assist with wolf monitoring in Idaho under a cooperative agreement with Idaho. From March 28, 2008 until July 18, 2008 wolves were delisted and managed solely by the States and Tribes. However, the July 18, 2008 court injunction reinstated ESA protections. Montana and Idaho continued to manage wolves under existing agreements with the USFWS.

From March 28 to July 18, 2008 the gray wolf in the NRM DPS was delisted. Wolves in 88% of Wyoming were managed as predatory animals [virtually no regulation of human-caused mortality] by the Wyoming Department of Agriculture. Outside the National Parks, Wyoming Game and Fish Department (WGFD) was the lead agency for wolf management where wolves were designated trophy game animals. During that period, USFWS employee Mike Jimenez was detailed to WGFD to lead wolf management in Wyoming as a WGFD employee. However, after the Court's July 18, 2008 injunction, WGFD ended its involvement and the USFWS re-assumed the lead for all wolf management in Wyoming. Project Leader Jimenez returned as a USFWS employee and will continue to lead wolf management in Wyoming until it can be again transferred to WGFD. Field biologist Susannah Woodruff will continue working as a seasonal USFWS employee in Wyoming.

Amelia Orton-Palmer was designated as the USFWS assistant wolf recovery coordinator to help analyze public comments and prepare and finalize the federal wolf rules proposed in 2007. She left that position in late 2008 to resume other duties in the USFWS Regional Office in Denver, CO. The USFWS wolf program staff are currently Ed Bangs, the Wolf Recovery Coordinator in Helena, Montana and Mike Jimenez the Project Leader for Wolf Recovery in Wyoming and biologist Susannah Woodruff who are stationed in Jackson, Wyoming.

ABBREVIATIONS AND ACRONYMS

Central Idaho 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
Idaho Department of Fish and Game	IDFG
Montana Fish, Wildlife and Parks	MFWP
Montana State University	MSU
Nez Perce Tribe	NPT
Northwest Montana Wolf Recovery Area	NWMT

Northern Rocky Mountains	NRM
Predator Conservation Alliance	PCA
Turner Endangered Species Fund	TESF
University of Montana	UM
USDA/APHIS/Wildlife Services	WS
U.S. Fish and Wildlife Service	USFWS
U.S. Forest Service	USFS
U.S. National Park Service	NPS
Wyoming Game and Fish Department	WYGF
Yellowstone Center for Resources	YCR
Yellowstone National Park	YNP

CONTACTS

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

Please remember wolf management in Montana and Idaho is conducted by MFWP and IDFG and they should be the first point of contact in each state for everything except law enforcement:

Montana Fish, Wildlife & Parks, Helena, MT:	(406) 444-3242
Montana Fish, Wildlife & Parks, Kalispell, MT:	(406) 751-4586
Montana Fish, Wildlife & Parks, Missoula, MT:	(406) 542-5523
Montana Fish, Wildlife & Parks, Bozeman, MT:	(406) 994-6371
Montana Fish, Wildlife & Parks, Butte, MT:	(406) 425-3355
MFWP, TESH Volunteer, Bozeman, MT	(406) 556-8514
Nez Perce Tribal Wolf Program, McCall ID:	(208) 634-1061
Idaho Fish and Game, Boise, ID	(208) 334-2920
Idaho Fish and Game, Salmon, ID	(208) 756-2271
Idaho Fish and Game, Nampa, ID	(208) 465-8465
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, Boise ID:	(208) 378-5639
Yellowstone Center for Resources, YNP WY:	(307) 344-2243

To report livestock depredations:

USDA/APHIS/Wildlife Services, Montana:	(406) 657-6464
USDA/APHIS/Wildlife Services, Wyoming:	(307) 261-5336
USDA/APHIS/Wildlife Services, Idaho:	(208) 378-5077
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, Billings, MT:	(406) 247-7355
U.S. Fish and Wildlife Service Special Agent, Missoula, MT:	(406) 329-3000
U.S. Fish and Wildlife Service Special Agent, Bozeman, MT:	(406) 582-0336
U.S. Fish and Wildlife Service Special Agent, Casper, WY:	(307) 261-6365
U.S. Fish and Wildlife Service Special Agent, Lander, WY:	(307) 332-7607
U.S. Fish and Wildlife Service Special Agent, Cody, WY:	(307) 527-7604
U.S. Fish and Wildlife Service Special Agent, Boise, ID:	(208) 378-5333
U.S. Fish and Wildlife Service Special Agent, Idaho 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:
<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 and 2001 progress report:
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>

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

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

Idaho Fish and Game:
<http://www.state.id.us/fishgame/>

Idaho Office of Species Conservation:
<http://www.state.id.us/species/>

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

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

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

Montana 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/>

Montana 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

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