

# United States Department of the Interior

FISH AND WILDLIFE SERVICE  
Washington, D.C. 20240



JAN 15 2009

In Reply Refer To:  
FWS/AES/R6/039722

Honorable Dave Freudenthal  
Governor of Wyoming  
State Capitol, 200 West 24th Street  
Cheyenne, Wyoming 82002

Dear Governor Freudenthal:

Thank you for your November 25, 2008, letter to the U.S. Fish and Wildlife Service (Service) providing comments on the Northern Rocky Mountain (NRM) gray wolf delisting proposal and the adequacy of Wyoming's post-delisting regulatory framework. As you know, on July 18, 2008, the U.S. District Court for the District of Montana issued a preliminary injunction order enjoining implementation of our previous final delisting rule. In this order, the court indicated concern specifically about a perceived lack of genetic exchange between wolf populations and about inadequate regulatory mechanisms in Wyoming, and indicated that the Service was unlikely to prevail on the merits of the case.

In light of the U.S. District Court order, we requested a remand of the rule, and we opened an additional public comment period. Since that time we have carefully reviewed all the comments submitted to us, including those from the State of Wyoming, and we reexamined Wyoming's State law, wolf management plans, and implementing regulations. After careful consideration of all of the information available to us, we have completed a new final rule which concludes that Wyoming's regulatory framework does not provide the adequate regulatory mechanisms to assure that the Northern Rocky Mountain gray wolf population would retain its recovered status in Wyoming if the protections of the Endangered Species Act (Act) were removed. In short, we believe revision of your wolf management law is necessary to provide the foundation for the changes needed to ensure the long-term conservation of Wyoming's share of a recovered NRM wolf population. A more detailed analysis of the comments in your November 25, 2008, letter of this issue is included in our final rule available at <http://westerngraywolf.fws.gov/>.

As a result, our recently announced wolf delisting rule retained the Act's protections in Wyoming. We look forward to future revision to the Wyoming wolf statute, wolf management plan, and implementing regulations, and Wyoming's regulatory framework. In the meantime, nearly all wolves in Wyoming will continue to be regulated by the 1994

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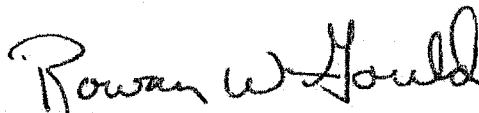
experimental rule (59 FR 60252, November 22, 1994). Only wolves on Wind River Tribal lands will be regulated by the 2005 (70 FR 1286, January 6, 2005) and 2008 (73 FR 4720, January 28, 2008) experimental rule because the Tribe has a Service approved post-delisting wolf management plan.

We continue to believe that a recovered wolf population is best managed by the respective States and Tribes, and will continue to work with you toward the goal of delisting wolves throughout Wyoming.

If we can provide assistance to you in developing a post-delisting management framework that would allow us to conclude that adequate regulatory mechanisms will remain in place in Wyoming, I hope you will call on us. In the interim, I assure you that we shall continue to manage the wolf population both to maintain its recovered status and to minimize conflicts with livestock.

If we can be of further assistance, or if you wish to discuss these issues further, please contact me at 202-208-4545 or our Regional Director, Stephen Guertin, at 303-236-7920.

Sincerely,

  
**Acting**  
DIRECTOR

cc: WGFID Director Ferrell, Cheyenne, WY