



# Montana Fish, Wildlife & Parks

## MONTANA WOLF PROGRAM WEEKLY REPORT

To: Interested Parties

From: FWP Wolf Program Coordinator, Carolyn Sime (406-461-0587)

Subject: Wolf Program Activities and Related Information, September 5 - 11, 2009

Contributors to the Montana Wolf Weekly are Montana Fish, Wildlife and Parks (FWP), Universities, USDA Wildlife Services (WS), the National Park Service (NPS; Glacier NP; Yellowstone National Park will be reported in the Wyoming Wolf Weekly), US Forest Service, Confederated Salish and Kootenai Tribes, and the Blackfoot Nation.

Highlighted activities relate to: monitoring, wolf – livestock interactions, outreach and education, research, law enforcement, and other miscellaneous topics of public interest. The Weekly Report will be available on each Monday, covering the previous week. It and other wolf program information (including the 2008 annual report) can be found at: <http://fwp.mt.gov/wildthings/wolf/default.html>.

### **Wolf Monitoring Activities**

The wolf field team is still working throughout their areas of responsibilities to investigate wolf reports, verify wolf activity and trap when possible. FWP encourages the public and private landowners to help with monitoring the population by reporting wolf sightings, wolf scat, or tracks on the FWP Wolf webpage.

Flights: None this week.

### **Wolf - Livestock Activities**

*Catching up:* FWP previously reported that on 8/31, WS confirmed a calf as being injured by wolves in the 3 Dollar Bridge area south of Ennis. In the past this has been part of the Horn Mountain pack territory. Because of recent confirmed depredations, efforts to remove 2 wolves from this pack were already authorized and underway. An adult male wolf was killed on 9/3 in Antelope Basin. Efforts to remove the second wolf are ongoing.

*Catching up:* On 9/3, WS confirmed that a wolf or wolves killed two calves east of Wisdom. The depredations occurred as two separate incidents at two different locations. The McVey Creek pack is most likely associated with the depredations. WS will be continuing previous management efforts for lethal removal of the McVey Creek pack. A producer was issued a SOS permit. The combined efforts of private citizens (by permit) and WS will go until October 17, or until the remaining pack members are killed.

On 9/7, WS confirmed 2 calves were killed by wolves on private land in the Blackfoot Valley near Ovando. The Ovando Mtn pack, believed to consist of 3 adults and 4 pups, were believed involved. This is the first confirmed livestock depredation for this pack. FWP has authorized WS to collar and

release a wolf and are working closely with the producer to try to reduce further conflicts on the property.

### **Outreach and Education**

Nothing to report at this time.

### **Research Activities**

Nothing to report at this time.

### **Law Enforcement and Related Activities**

Nothing to report at this time.

### **Other Updates**

#### *Northern Rockies Delisting Litigation*

On the evening of 9/8, Judge Molloy (Missoula) issued an order denying the request for a preliminary injunction. The Judge determined that the plaintiffs did not show and prove irreparable harm if the hunting seasons in MT and ID were allowed to occur in fall of 2009. However, the Judge did determine that the Plaintiffs are likely to be able to show that they are likely to prevail during the main part of the delisting lawsuit. Among other things, the Judge stated concerns with leaving a portion of the Northern Rockies Distinct Population still listed (i.e. State of Wyoming). The next step in the main delisting lawsuit will be to finalize the schedule, which must also be approved and issued by the Judge. The case will extend into 2010.

Thus, barring a successful appeal to the Ninth Circuit Court of Appeals by the plaintiffs (has not occurred as of 9/11 and may not in fact occur at all and which would also take time), the 2009 MT wolf hunting season will occur as outlined in the final 2009 regulations approved by the FWP Commission. Montana state laws, administrative rules, and the state plan will stay in effect.

Background: Delisting in the northern Rocky Mountains (except Wyoming) took effect 5/4/09. On 6/2, a coalition of 13 groups challenged the USFWS delisting decision in Federal District Court in Missoula (9<sup>th</sup> Circuit). The complaint alleges the USFWS delisting decision was an arbitrary and capricious violation of the federal Endangered Species Act for a variety of reasons. The Greater Yellowstone Coalition also filed a lawsuit challenging the federal delisting decision. The groups will be represented by their own attorneys, respectively, but the cases were consolidated by the Court. On 7/31, Montana / MFWP was granted intervenor status allowing full participation in the legal proceedings. Other intervenors supporting the federal government are: the State of Idaho / Idaho Fish and Game Department, Sportsmen for Fish and Wildlife, Safari Club International, and Montana Farm Bureau Federation / Idaho Farm Bureau Federation / Mountain States Legal Foundation. On 8/20, a preliminary injunction request was filed, requesting that wolves be placed back on the Endangered Species list while the court decides the main case within the next year – thus preventing a fall hunting season in Montana and Idaho. On 8/28, all parties filed written documents in support / opposition to the injunction request to the Court by noon. The Rocky Mountain Elk Foundation was granted permission to file a “friend of the Court” brief in opposition to the preliminary injunction request and also did so on 8/28. The hearing on the preliminary injunction occurred on 8/31.

Additionally, the State of Wyoming filed a lawsuit in the 10<sup>th</sup> Circuit (Cheyenne Wyoming) challenging USFWS’s rejection of Wyoming’s regulatory framework and state plan.

Montana 2009 Wolf Hunting Season:

Wolf hunting licenses went on sale in Montana on 8/31. As of 9/14 at about 10am, FWP had sold a total of 8,519 total resident and non-resident licenses. The early season wilderness backcountry areas (Deer/Elk Hunting Districts 150, 151, 280, and 316) are set to open for wolf at the same time they open for deer / elk on 9/15. These are smaller geographical areas within the larger Wolf Management Units. The rest of the geographic areas within Wolf Management Units 1, 2, and 3 will open for wolf hunting on October 25 at the same time as the general big game rifle season. Successful hunters will be required to personally report harvesting a wolf within 12 hours in both the early backcountry hunting period that opens 9/15 and the general big game season that opens on 10/25. That information will be tallied each morning and the wolf harvest status and closure information will be updated both on the FWP website and a pre-recorded hotline by 1pm everyday. FWP encourages the public to check the FWP Wolf Page and the FWP Hunting Page / Wolf Hunting Guide (look on the right side of the screen for the wolf photo and link) for the latest information (<http://fwp.mt.gov/hunting/planahunt/wolf.html>.)

Montana Livestock Loss Reduction & Mitigation Board:

The next Board meeting is scheduled for October 23 in Room 152, Montana Capital Building. Interested persons can listen on the Internet. The meeting time and agenda will be announced. The program coordinator can be reached at 444-5609.

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To learn more about Montana's wolf population, the Montana program and to help FWP monitor wolves by reporting wolf sign, visit FWP at: [www.fwp.mt.gov/wildthings/wolf](http://www.fwp.mt.gov/wildthings/wolf).

To anonymously report a dead or injured wolf or suspected illegal activity, call: 1-800-TIP-MONT.

To request an investigation of injured or dead livestock, call USDA Wildlife Services directly in western Montana / Helena area at 458-0106 or in eastern Montana at the statewide office: 657-6464. Or, call your nearest FWP representative to have your call referred to Wildlife Services.

If you have a confirmed or probable livestock loss due to wolves, USDA Wildlife Services will supply you with a copy of the Loss Reimbursement Application form. For more information, see <http://liv.mt.gov/liv/LM/index.asp>. Or, contact the Livestock Loss Reduction and Mitigation Program Coordinator George Edwards at the Montana Department of Livestock at 444-5609.