



# 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 26 – October 2, 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**

Laudon, Bahnsen, Valen, Edgley, and Boyd have still been working in the Lower Clark Fork. Two trap lines have been up and running.

Flights: Asher flew in southwest Montana in the Paradise Valley and east on 8/26. Ross flew in southwest Montana in the Gallatin, Madison, and Gravelly areas on 10/2.

### **Wolf - Livestock Activities**

On 9/24 FWP met with 2 ranchers near Maxville that reported hearing wolves howling that morning and who for the past week+ were having problems with their cattle coming down off of their upper pastures. On 9/28, WS confirmed that wolves had attacked a heifer over the weekend (which had to be euthanized due to its injuries) on private land adjacent to this area. On 9/29 in the afternoon, this same landowner saw 3 gray wolves trying to attack a group of heifers in the same spot resulting in fences being broken down and the cattle scattered. A calf was killed in July adjacent to this area and other problems with cattle distribution were reported at that time and based on proximity is likely to be the same wolves. FWP has authorized WS to remove 3 wolves from the area and on 10/1 FWP trapped and collared an adult male wolf to help with the control response.

On 9/29, WS investigated a report of a dead buck on private land in Medicine Lodge Ck. It was not killed by a predator.

On 10/1, WS removed the 4 remaining wolves from the Sage Creek pack, including the radio collar, achieving full pack removal. The Sage Creek pack has had several incidents of confirmed cattle losses both in Montana and in Idaho.

## **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 9/8, Judge Molloy (Missoula) denied 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). A scheduling order was issued by the Judge on 9/15. Written briefings by all parties are to be completed by late January 2010. A hearing date for oral arguments has not been scheduled yet, but is expected to occur sometime thereafter.

Thus, barring a successful appeal to the Ninth Circuit Court of Appeals by the plaintiffs (has not occurred as of 9/18 and not likely to occur), the 2009 MT wolf hunting season will continue 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. The injunction request was denied on 9/8.

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. Written briefings and oral arguments are expected to be completed by late January 2010.

Montana 2009 Wolf Hunting Season:

FWP started selling wolf licenses on 8/31. As of 10/2 late afternoon, a total of 10,509 total licenses had been sold, 50 of which to nonresidents. The early season wilderness backcountry areas (Deer/Elk Hunting Districts 150, 151, 280, and 316 – the west side of the Bob Marshall / Scapegoat wilderness complex and the Absaroka-Beartooth wilderness area) opened on 9/15 for deer, elk, black bear, lion, and wolf. These are smaller geographical areas within the larger Wolf Management Units. Through mid-day Friday 10/2, 9 wolves had been harvested. Seven wolves were harvested in WMU 3 (Absaroka Beartooth Wilderness area) and 2 wolves in WMU 1 (Middle Fork Flathead River / west side of the Bob Marshall Complex). Not all of them have been examined by FWP personnel yet as hunters have 10-days to present a skull and pelt for complete inspection and registration. Hunters have been abiding by the laws and regulations approved by the Commission. Wolves harvested during the early backcountry seasons count toward the total quota for the entire WMU. For the most current harvest status information, call 1-800-385-7826.

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.