

**MONTANA FISH, WILDLIFE AND PARKS  
HUNTING / TRAPPING SEASON SUPPORTING INFORMATION**

**Species: Gray Wolf**

**Statewide: Wolf Management Units 1-3**

**Year:** Unknown, but upon successful delisting from the federal Endangered Species Act, with concurrent delisting from the Montana Endangered Species Act; potential implementation during the 2008-09 and 2009-2010 biennial season time frame.

**1. Describe the proposed season and provide a summary of prior history.**

**EXISTING REGULATION:**

**None.**

**Historical and Legal Context:** The gray wolf was probably extirpated from Montana by the 1930s. Currently, the wolf is listed under the federal Endangered Species Act of 1973 and under Montana's Nongame and Endangered Species Conservation Act passed in 1973. Species recovery efforts through legal protection, natural recolonization in northwest Montana beginning in the late 1970s, and reintroduction into Idaho and Yellowstone National Park in the mid-1990s resulted in the northern Rockies gray wolf population achieving the numeric, biological recovery criteria in 2002.

A second requirement to delist the northern Rocky Mountain wolf population was the development of adequate regulatory mechanisms (state laws and management plans) by the states of Montana, Idaho, and Wyoming to assure that the population remained viable and self-sustaining. Each state is expected to maintain at least 10 Breeding Pairs (by the federal recovery definition) and contribute to the overall maintenance of a recovered, genetically-connected population in the tri-state region in perpetuity.

Montana's planning effort for conservation and management of a delisted wolf population began with a Governor-appointed diverse stakeholder group called the Wolf Advisory Council in 2000. The group deliberated the complex social and biological aspects of wolf management and adopted a set of Guiding Principles by consensus. Their Guiding Principles were presented to former Governors Racicot and Martz in 2000 and 2001, respectively. The Department then formally developed and adopted a management plan based on the work of the Council through completion of an environmental impact statement. The final plan establishes an adaptive management framework and provides direction to implement public hunting and trapping as management tools within the overall program, similar to how other wildlife species are managed.

The final Montana Wolf Conservation and Management Plan was approved by the Commission with a final record of decision signed by the FWP Director in September 2003. The plan was submitted to the U.S. Fish and Wildlife Service for review and was approved in January 2004. Idaho's management plan was also approved, but the Wyoming plan was not. Thus, delisting in the northern Rockies was officially delayed in early 2004.

Later that year, the Department and the U.S. Fish and Wildlife Service began discussing the possibility of an Interagency Cooperative Agreement that would delegate federal authority to Montana and allow the Department to begin implementing as much of its federally-approved plan as allowed under federal regulations. When that possibility was affirmed and the Department began getting federal funding, FWP amended the Record of Decision in May 2004. FWP selected the Contingency alternative (i.e. implement as much of the federally-approved plan as possible and within the constraints of the applicable federal regulations). By mid-2005, a statewide agreement was finalized and the Department has been the lead agency for all wolf conservation and management activities statewide, implementing most aspects of the state's plan but not all due to the federally-protected status. Thus, the Department was prohibited from implementing the regulated public hunting and trapping component for as long as wolves remain listed under the federal Endangered Species Act.

The Department has had a full-time wolf program coordinator since 2000 and hired field staff to facilitate transition from the U.S. Fish and Wildlife Service to FWP beginning in fall, 2004. FWP has led all monitoring, coordinated research activities outside national parks, done public outreach, and addressed wolf-livestock conflicts as the lead decision maker regarding lethal control as guided by the state's plan and the federal guidelines. The Department has gained considerable experience and knowledge about wolves on the Montana landscape since that time. FWP has prepared 2 annual reports (2005, 2006), and the 2007 annual report will be completed by March 1, 2008.

In February 2007, the U.S. Fish and Wildlife Service published a proposal to delist the gray wolf in the northern Rockies Distinct Population Segment pending the approval of adequate regulatory mechanisms (management plans and state laws) from Montana, Idaho, and Wyoming. While the Montana and Idaho plans had been approved in 2004, the Wyoming plan was only recently approved. In February 2008, the U.S. Fish and Wildlife Service is expected to issue a final rule officially delisting the gray wolf in the northern Rockies. It takes effect 30-days from publication.

At that time, Montana's federally-approved Gray Wolf Conservation and Management Plan becomes fully implementable and Montana Code Annotated takes effect. Under MCA, the wolf will automatically be reclassified from state endangered to a nongame species in need of management for which the FWP Commission and Department can establish rules and regulations pertaining to taking, possession, transportation, exportation, processing, sale or offer for sale, or shipment considered necessary to manage nongame.

### **Contemporary Context and Montana's Plan:**

Montana's Wolf Conservation and Management Plan was developed over a 3.5-year period and was widely vetted and closely scrutinized. It underwent extensive public comment and professional peer review and is regarded as balanced in its tone and approach to addressing the new opportunities and challenges of a restored wolf population. The Department has

demonstrated during the interim period leading up to federal delisting that it will manage and conserve wolves in a socially and biologically responsible way.

The plan itself is based on adaptive management principles, providing direction to offer opportunities for regulated public hunting and trapping when there are greater than 15 Breeding Pairs statewide. Harvest opportunity should be proportional to the population status and consistent with sustaining viable wolf populations into the future, thereby precluding reclassification under federal law. If the number of Breeding Pairs drops below 15, public harvest is precluded and all management options become more conservative to prevent a population decline that triggers an emergency relisting.

Incorporating public hunting and trapping into the overall wolf management program will enable the Department to more fully incorporate wolves into Montana's wildlife heritage by enabling sportsmen and women to participate in wolf conservation and management similar to other wildlife species. This will help develop an additional constituency to advocate for its conservation, as has been the case for mountain lions. Wolves would be managed more proactively and in conjunction with natural prey populations and other carnivores in a more ecological manner.

Montana wolves routinely encounter livestock and cross private property. Public hunting and trapping will also help the Department more proactively address the risks to livestock posed by a recovered wolf population. Wolf depredation on livestock, while difficult to predict and prevent, tends to increase with an increasing wolf population. Collaboration between private landowners and licensed hunters / trappers has the potential to decrease the risk of livestock depredations by decreasing localized wolf density and/or through harvest of wolves with a depredation history.

The Department will fulfill its commitment to maintain the recovered status of wolves in Montana and contribute to maintenance of a recovered northern Rockies population. To sum up Montana's wolf management program in the words of the Wolf Advisory Council from *The Report to the Governor*:

“We, the Council, recognize wolves as a species native to Montana. Integrating and sustaining wolf populations in suitable habitats will occur within the complex biological, social, economic, and political landscape of Montana. The State of Montana must ensure human safety, safeguard Montana's livestock industry, maintain viable wildlife populations, and uphold the support of people with diverse public interests. The State intends to implement positive management programs to make sure that recovery is complete and wolves are integrated as a valuable part of our wildlife heritage.”

Litigation challenging the U.S. Fish and Wildlife Service decision to delist the northern Rockies Distinct Population Segment is expected, and it is conceivable that an injunction would be sought. Despite awkward appearances, the Department is undertaking the development of a new tentative wolf hunting / trapping season concurrent with the federal delisting process so that adequate time could be afforded for technical staff work, data analysis, and public involvement.

It could also be considered a proactive step so that the process could proceed and be completed within a transparent, thoughtful, and deliberative atmosphere through the traditional agency / Commission decision-making processes rather than through political, legislative or judicial venues.

## **PROPOSED REGULATION:**

Under the biennial season-setting process, this tentative wolf season structure proposal is presented to the Commission for the 2008-09 and 2009-10 seasons, with the assumption that wolves would be successfully delisted sometime during this two-year period.

This proposed tentative regulation creates the basic season structure for a public wolf harvest. Two different time periods would be created, with legal means of take to include firearms, archery and leg-hold traps. The tentative season structure suggests opening and closing dates, 3 management units, and other general rules and regulations pertaining to licensed harvest.

The Department is not proposing tentative quota or permit levels (i.e. how many wolves taken and where) at this time due to the uncertainty about when a season could be implemented for the first time. The federal delisting decision is expected to be challenged in court. It is possible that an injunction would be sought, and it may or may not be granted. Therefore, the Department will defer the quota / permit setting decision process until there is greater legal clarity. It will also enable the Department to consider the most recent population monitoring data.

The proposed wolf season would run from September 15 through December 31 of a calendar year. Firearms and bow/arrow would be a legal means of take from September 15 to November 30. A leg hold trap would be a legal means of take under a special trapping permit from December 1 through December 31. There would be a bag limit of one wolf per license holder. Opening the season on September 15 assures that young of the year will have learned how to kill natural prey. Closing the season on December 31 insures adequate time for a pack replace a breeding adult leading up to the peak of breeding activity in mid-February.

Wolf harvest under a special wolf trapping permit would be on a limited entry basis (finite number of special permits available) due to an assumed higher success rate through trapping compared to opportunistic taking by hunters.

The Department would provide the opportunity to harvest a wolf through the combination of a quota / permit system that will closely monitor and track total harvest, enabling the Commission and/or the Department to close the season when the pre-determined quota has been reached and upon 24-hour notice. Hunters and trappers can obtain harvest status and closure information by calling a 1-800 number or checking the FWP website. Progress towards filling quotas will be closely tracked by the mandatory requirement for a hunter or trapper to personally report their kill within 12 hours by calling the 1-800 Wolf Reporting Number.

A pre-determined number of total wolves that could be harvested within each management unit would be recommended to the Commission at a later time and would be based on monitoring

information. When considering quota / permit recommendations in the future, the Department will consider other sources of mortality, reproduction, and other factors such as wolf-livestock conflict patterns, disease, etc.

Wolf Management Unit boundaries were determined on the basis of real biological differences in the wolf sub-populations in each of the three areas. Differences were found with respect to human caused mortality patterns, wolf-livestock conflicts, population growth rates (immigration and birth), influence of adjacent wolf populations and wolf dispersal to/from Idaho, Canada, and Yellowstone National Park into Montana.

Wolf harvest may not be facilitated by the use of artificial baits, domestic dogs, spotlights or other artificial light, two-way communications devices, night vision equipment, electronic calls, use of aircraft for spotting or harvesting. This proposed basic structure and the accompanying more detailed regulations are modeled after those for game or furbearing animals, consistent with MCA and the principles of fair chase.

## **2. Why is the proposal necessary?**

This tentative proposal, as it advances through the biennial season setting process, is vehicle by which the Department is developing the step-down details about how wolves would be hunted or trapped in Montana post delisting and when there are greater than 15 Breeding Pairs. Adoption of a tentative season structure now enables FWP to solicit public comment on a more detailed hunting / trapping proposal than that presented in the state's wolf plan.

It would also facilitate timely adoption of a final wolf season structure and appropriate quota or permit levels (eventually) for implementation upon successful delisting and resolution of legal uncertainty.

## **3. What is the current population's status in relation to management objectives?**

Biological recovery was first achieved in 2002 and the northern Rockies population has exceeded recovery goals each year since. Both the Montana and the northern Rockies populations have increased each year, respectively. The Department monitors the statewide population and reports a minimum estimated number of total wolves and Breeding Pairs on December 31 of each calendar year. Figures 1 and 2 show trends 1979 – 2006. At the end of 2006, Montana had a minimum of 316 wolves and 21 Breeding Pairs.

The increase in the Montana wolf population since 2004 is due in part to the Department's increased monitoring efforts relative to previous federal efforts. It is also due in part to real numeric increases in the population, as reflected by the increased number of verified packs (defined as any two or more wolves traveling together and holding a territory).

In recent years, the increase in the Montana population has occurred in western Montana, and particularly along the Montana-Idaho border. For example, there were an estimated 11 packs

with a territory that straddled the state border in 2007. The southwest Montana population in the seven counties surrounding Yellowstone National Park has been relative stable, although there is turnover in the population and the individual and pack level. FWP has also documented growth from within the Montana population in that individual collared wolves dispersed from natal packs and started new packs.

Montana is committed to maintaining a minimum of 10 Breeding Pairs by the federal recovery definition. Under the Montana wolf plan, public hunting and trapping can be implemented if there are greater than 15 Breeding Pairs statewide. Between 10 and 15 Breeding Pairs, no harvest opportunity is offered. At the time of successful delisting, the Department anticipates that Montana’s wolf population will be at the December 2006 levels or higher.

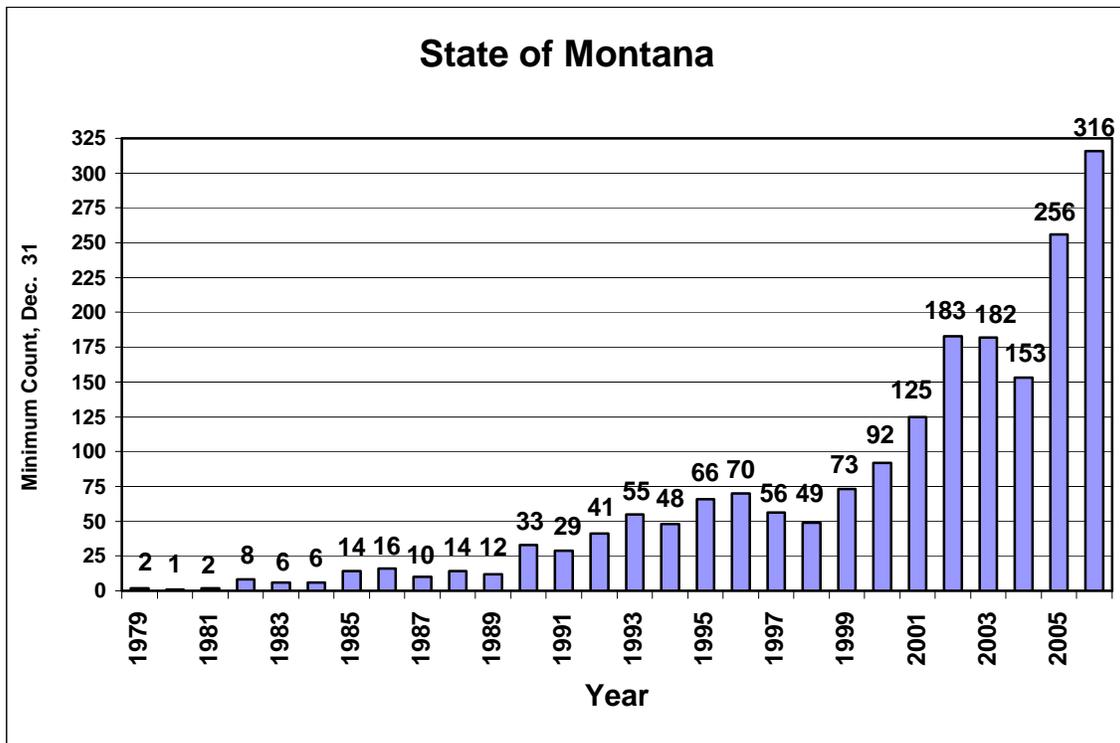


Figure 1. Minimum estimated number of wolves in Montana. The preliminary 2007 minimum estimate is around 400 wolves.

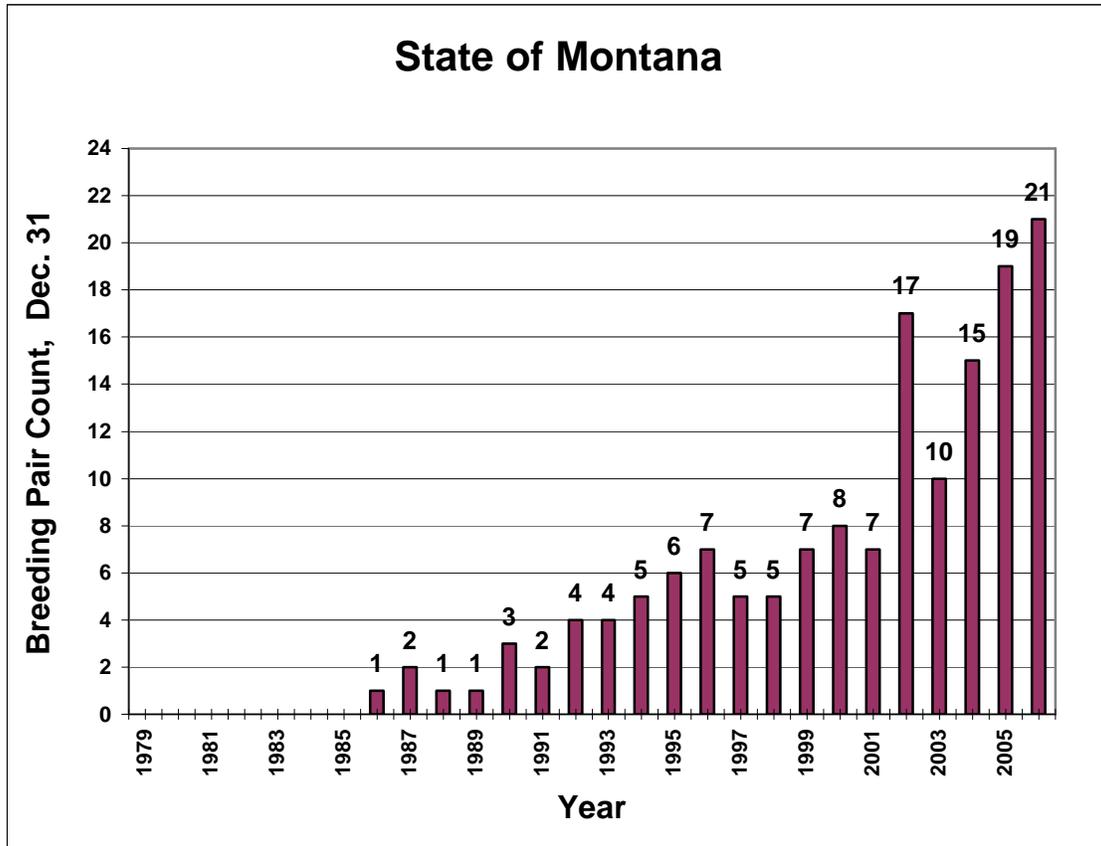


Figure 2. Estimated number of Breeding Pairs by the federal recovery definition in Montana (an adult male and an adult female and at least 2 pups at the end of the year). The preliminary 2007 minimum estimate is around 40 breeding pairs.

**4. Provide information related to any other factors that have relevance.**

Wolves are one of the most well-studied of large carnivores and scientific studies have been conducted in a wide variety of habitats and biological systems. As a canid, wolves are ecologically adapted to withstand higher mortality rates and have a higher reproductive potential than other large carnivores such as black or grizzly bears. For example, wolves have a younger age at first reproduction (yearling), average litter sizes between 4 and 6 pups, the potential for multiple litters per pack, and an annual reproductive interval. Therefore, wolf populations have the potential to increase or decrease rapidly. Important mitigating factors are due to natural prey density, domestic livestock density, and human-caused mortality which typically exceeds rates of natural mortality.

The Department is aware of the connectivity requirement of successful wolf recovery in the northern Rockies and Montana’s unique place on the landscape relatively to facilitating connectivity between the Canadian provinces and Wyoming. Monitoring of radio-collared and ear-tagged wolves by managers in Montana, Idaho, Wyoming, and Yellowstone National Park has documented

wolf dispersal within and among the three states, two Canadian provinces, and national parks. Non-invasive genetic sampling can also help document dispersal and connectivity.

Primary natural prey species populations (e.g. white-tailed deer in western Montana and elk in southwest Montana) are secure and generally exceed population objectives in many hunting units.

Similar to the Midwest states (Minnesota, Michigan, Wisconsin), as wolf numbers have increased in the northern Rockies, so has the number of confirmed livestock depredations. Typically, the number of wolves killed in response to depredations increased, too. Montana is no different. Yet, despite the increase in number of wolves killed, even when combined with other mortality causes (e.g. vehicle strikes, disease, or other causes), the Montana population has continued to increase.

The Department has been monitoring wolves and conducting routine disease surveillance since the mid-1990s. Data and field observations to date indicate that disease has not been a significant factor affecting wolf reproduction and/or mortality patterns or the increasing population trend even though individual wolves may be affected. The continuation of monitoring efforts will help the Department detect significant events or population level effects.

## **5. Briefly describe the contacts you have made.**

As described previously, the idea of using hunting and trapping as a management tool similar to other wildlife is not new and has been a part of the dialogue about Montana wolf conservation and management since 2000. It was included in the preferred alternative in the environmental impact statement, completed in 2003. In 2004, the U.S. Fish and Wildlife Service approved Montana's plan. Since then Service representatives have consistently and repeatedly expressed support for regulated public hunting and trapping as a management tool.

More generally, FWP wolf program staff as well as other FWP staff frequently give programs or provide information about wolves or their management to the public, diverse advocacy and trade organizations, other state / federal agencies, and private landowners in a wide variety of formal and informal settings.

In August and September 2007, Department representatives presented some concepts and solicited input from all seven of FWP's Regional Citizen's Advisory Committees. These meetings were announced and advertised. Other public attendees had the opportunity to comment, if desired.

Also in the fall 2007, the Department created an email account especially intended to receive public comments about the wolf program and the tentative season proposal. Special provisions will be made to accommodate a potentially high volume of electronic public comment.

The original Wolf Advisory Council will meet December 9/10, 2007 to provide feedback to the Department on hunting / trapping concepts.

The Department has also been working very closely with the University of Montana Cooperative Wildlife Research Unit over the last two years to develop and test alternative wolf population

estimation methods that would not require radio collars in each wolf pack. This collaboration resulted in one peer reviewed journal article that will be published in the Journal of Wildlife Management in spring 2008. A second journal article testing the robustness of alternative population estimation procedures is undergoing an informal peer review and will be submitted for publication to a peer reviewed professional journal within 1-2 months.

Other collaborative efforts underway with the UM Cooperative Wildlife Research Unit include: 1. developing and testing monitoring strategies; 2. modeling potential outcomes of the first season of harvest implementation under various scenarios and combinations of monitoring intensity and harvest rates (which for our purposes, we assumed were additive to other mortality); 3. participating and contributing funding towards a regional research project on wolf monitoring / population estimation; and 4. Initiating research in Montana on the same topic as part of the larger regional study.

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