

**Summary of Montana's Wolf Relisting Response Efforts
and
Montana Wolf Program Fall Update
October 7, 2010**

Montana Fish, Wildlife & Parks (FWP) began fully managing gray wolves as resident wildlife, along with Montana's other wildlife, when federal delisting took effect on May 4, 2009. Montana's federally-approved plan, state laws, and administrative rules were implemented by FWP and the FWP Commission until August 5, 2010 when federal Endangered Species Act protections were reinstated by a U.S. District Court ruling.

The court ruling reinstated the "endangered" classification for wolves across northern Montana. Across southern Montana, wolves were reclassified to "experimental." FWP remains the lead agency for wolf management on the ground, but FWP is required to implement federal regulations. Federal regulations pertaining to the activities of private citizens and to FWP's management options are different for the two areas.

Montana officials have been actively working to restore state management through a variety of legal, administrative, and Congressional avenues ever since. Montana officials have also been exploring the potential for a settlement to the delisting legal challenge. Montana's goal continues to be to maintain and manage a secure, viable wolf population in conjunction with Montana's other wildlife as outlined in the state's plan as soon as possible.

The Montana wolf population has increased since wolves first began recolonizing northwest Montana in the early 1980s. At the time wolves were first reintroduced into Yellowstone National Park and central Idaho in 1995, a minimum of 66 wolves were documented in northwest Montana. At the end of 2009, FWP counted a minimum of 524 wolves in 101 packs, 37 of which were breeding pairs.

The following summarizes Montana officials' efforts in response to relisting, FWP's preliminary 2010 minimum wolf population status, and litigation.

Relisting Response Efforts

Steps taken by Montana officials in response to wolf relisting on August 5, 2010:

1. FWP Commission
 - Passed a resolution on 8-5-10 urging FWP to appeal the ruling that relisted the wolf
 - Passed a resolution on 8-31-10 that:
 - urges U.S. Department of Interior (U.S. DOI) and U.S. Fish and Wildlife Service (USFWS) to appeal the ruling
 - demands DOI and USFWS outline a timely process for delisting with definitive deadline
 - supports FWP efforts to pursue regulatory relief in the interim, to include hunting as soon as possible
 - supports FWP efforts to pursue Congressional action to restore state management
2. Montana Environmental Quality Council (legislative committee) sent a letter to U.S. DOI Secretary Salazar on 9-28-10 after FWP provided an update of its activities at the Council's 9-14-10 meeting. The letter:
 - urges the federal government to appeal
 - urges approval of FWP's efforts to restore a hunting season



3. FWP Director Maurier sent a letter to USFWS on 8-30-10 seeking assurances that USFWS will respond to a 10(a)1(A) permit application to conduct a statewide conservation hunt in 2010 quickly and requested USFWS to start (and complete by March 2011) a rulemaking effort to reclassify wolves in the endangered area to threatened, while also including provisions to implement regulated hunting and additional flexibility to address wolf-livestock conflicts so that federal regulations are consistent across Montana.
 - USFWS denied FWP's request for a 10(a)1(A) permit and initiation of federal rulemaking in a letter received 10-7-10, citing legal challenges and remote likelihood of success in the courts defending such efforts.
4. Governor Schweitzer sent a letter U.S. DOI Secretary Salazar on 9-3-10:
 - urged the U.S. Interior Department and U.S. Department of Justice to appeal the District Court ruling that relisted the northern Rocky Mountain wolf population.
 - signaled that the path is forward, wolves are recovered, Montana needs relief immediately so that the wolf population can be managed along with other wildlife and to maintain support for wolf recovery
 - Montana is not interested in stepping backward to re-do federal recovery planning and state wolf management plans again
 - no response received to date
5. FWP submitted 10(a)1(A) permit application to take wolves through a statewide conservation hunt sent to USFWS on 9-14-10:
 - The proposal was statewide, as per final Commission-approved 2010 season.
 - A conservation hunt, in conjunction with other activities collectively and cumulatively would enhance the survival of the species and contribute to successful conservation efforts.
 - FWP's permit application was denied in a letter from USFWS received by FWP on 10-7-10
6. FWP filed its appeal with the U.S. Court of Appeals for the Ninth Circuit on 10-1-10, seeking to overturn the District Court ruling that returned the wolf to the federal endangered species list. The timeline and mechanics of the legal proceedings are pending.
7. FWP Commission granted approval on 10-7-10 to an FWP proposal under section 10(j) of the Endangered Species Act to lethally remove wolves in West Fork Bitterroot because of unacceptable impacts to the local elk population.
 - Commission approved FWP to begin soliciting public comment and peer review of the proposal which outlines FWP's assessment that wolves are one of the factors explaining why the West Fork Bitterroot elk herd is not meeting objectives for total herd size and calf recruitment.
 - The 10j provision is only available in the federally-designated Experimental Area across southern Montana and in states with approved plans.
 - The deadline for public comment is 5pm Nov. 10. See "Opportunity for Public Comment" on the Hunting home page at the fwp.mt.gov website to comment.
 - FWP expects to present a final proposal to the Commission on Nov. 18, pending public comment and peer review.
 - If approved by the FWP Commission, the proposal would be submitted to the USFWS for review. The USFWS may approve or deny the proposal.
 - There is an ongoing legal challenge to the 2008 Federal 10j Regulation under which this proposal could be submitted. The briefing stage is nearly complete and the case is pending before a federal judge.

8. FWP has been exploring the possibility of a Cooperative Agreement with USFWS under Section 6 of the Endangered Species Act which speaks to the states and federal government working together to conserve listed species. FWP is seeking to implement Montana's Wolf Conservation and Management Plan in its entirety, including a FWP Commission-approved hunting season.
9. Montana Congressional Delegation pursues federal legislation
 - Senator's Baucus and Tester co-sponsored and introduced legislation in the U.S. Senate that would delist the wolf in Montana and Idaho along state boundaries where the management plans of both states have been approved by the federal government.
 - Representative Rehberg has indicated his intent to introduce a bill in the U.S. House of Representatives.

Preliminary 2010 Fall Wolf Population Status

Wolf Population Status

1. Population Status

- FWP monitors the wolf population year-long and reports minimum counts as of December 31 each year.
- At the end of 2009 the minimum counts were: 101 packs, 37 breeding pairs, 524 wolves.
- FWP is projecting that final 2010 year end counts will be about the same as 2009 based on what we know at this point. Counts are likely to be within 5-10% on either side of the 2009 counts of wolves, packs, and breeding pairs.
- To date in 2010, FWP has verified a minimum of 400 wolves (127 pups), 96 packs, and 32 breeding pairs.

Minimum Counts	Wolves	Packs	Breeding pairs
preliminary 2010	400	96	32
final 2009	524	101	37
+/- 10% of Final 2009	472-576	91-111	33-41

- Historically, early fall preliminary counts are always BELOW final year end counts, so they should be interpreted accordingly.
- Verifying wolf pack presence is much easier than determining how big the pack is and whether it qualifies as a breeding pair. Thus FWP expects the total minimum wolf count and the number of breeding pairs to increase when final year end numbers are tallied and the annual report is published in March, 2011.
- FWP also expects to verify additional packs between now and the end of the year.
- FWP also expects that mortality between now and December 31 will occur and that, too, will affect the final 2010 minimum number of packs, the sizes of packs, and whether or not a pack is a breeding pair at the end of the year.
- FWP shares 16 border packs with the Idaho and 2 border packs with Yellowstone National Park.
- An estimated 7 packs occur on the Flathead and Blackfeet Indian reservations, and these are included in the total 2010 preliminary counts.
- FWP emphasizes that the best field data comes in late in the calendar year when FWP gets more field reports from hunters and there is snow cover for tracking and improved visibility when getting pack counts from aircraft.

2. Mortality to Date

- Mortality counts are also considered a minimum, and what FWP is able to document likely underestimates total mortality, just like population counts.
- 2010 mortality documented to date continues to be higher than during this same period last year and nearly all of it is related to wolf-livestock conflicts.

Mortality January to September	Total	Livestock Related	Other (car/train, natural, unknown, incidental, pairs)
2010 Jan. to Sept.	144	116 (81%)	28
2009 Jan. – Sept.	112	77 (69%)	26

- 2010 agency lethal control to address livestock conflicts has been higher than 2009 due to higher levels of losses (cattle in particular).
- If the rest of 2010 (Oct, Nov, Dec) are similar to 2009, between 150-180 wolves may be killed through agency control efforts and take in-the-act by private citizens (an increase over 145 livestock related deaths in 2009).
- Total 2010 year-end mortality is likely to be higher than 2009 due to the increase in livestock-related mortality. But the lack of a 2010 hunting season means total mortality is likely to still be similar to or less than reproduction, thus a stable or slightly increasing final minimum 2010 wolf population count is projected at this time.
- It is always important to keep the whole population picture in mind when thinking and talking about mortality and what is happening to a population – whether it is increasing, decreasing, or stable.
 - FWP must always account for birth and death, as well as immigration and emigration. For wolves that means birth, death, dispersal of individual wolves, new packs forming, and existing packs going away for one reason or another.
 - To illustrate: FWP has documented 144 total mortalities so far in 2010, which sounds like a big number and especially when compared to the 524 minimum count starting the year on January 1 2010. However, to date, FWP has documented a minimum of 127 pups already this year. Some of these known pups will die, but FWP will also be verifying more pups as counting conditions improve between now and December and more complete counts can be made of all packs.

3. Population Summary / Conclusion

- 2010 minimum wolf population counts expected to be pretty close to the final 2009 counts. FWP is not expecting any significant increases or decreases.
- The public can help FWP monitoring efforts by reporting wolf tracks, sign, and observations to FWP through the FWP website, at an FWP office, or by mailing a pre-printed post card.
- Between public wolf reports and improved counting conditions via track surveys and aerial observations, the highest quantity and quality population count data are yet to be gathered.

4. Wolf-Livestock Conflicts

- FWP obtains its livestock loss data from USDA Wildlife Services (WS), the federal agency which investigates suspected wolf-caused losses. Information is provided to FWP on an investigative report form completed and postal mailed to FWP by WS after it has been processed at the WS Billings office (takes 1-3 weeks).



- 2010 confirmed cattle death losses are higher than at this time last year and total 2010 confirm cattle death losses will be higher than 2009
 - According to WS data received to date, WS confirmed 77 cattle death losses to date.
 - The Montana Livestock Loss Reduction and Mitigation Board has paid claims for 95 confirmed death losses.
 - The discrepancy is likely due to a lag in the paperwork transfer between WS and FWP and that some injured cattle died (which also requires updated paperwork and data processing on the part of FWP and WS).
 - 2010 confirmed sheep death losses are lower than at this time last year. Barring a significant incident, total 2010 confirmed sheep death losses are likely to remain lower than 2009.
 - According to WS data received to date, WS confirmed 38 sheep death losses to date.
 - The Montana Livestock Loss Reduction and Mitigation Board has paid claims for 16 confirmed sheep death losses.
 - The discrepancy is likely due to the fact that some sheep owners have not submitted claims for their confirmed wolf losses.
 - The number of investigations conducted by WS has increased and so have agency lethal control efforts in 2010 vs. 2009.
 - FWP and WS will meet on October 29 for additional interagency coordination efforts to discuss the depredation response protocol in light of wolf delisting under the Endangered Species Act and the annual work plan agreement between the agencies.
-
-

Litigation / Settlement Update

1. FWP filed its appeal with the U.S. Court of Appeals for the Ninth Circuit on 10-1-10, seeking to overturn the District Court ruling that returned the wolf to the federal endangered species list. The timeline and procedural aspects of the appeal are pending.
 2. The U.S. Department of Justice also filed an appeal, as did the state of Idaho.
 3. FWP has been exploring the possibility of settling the legal challenge to delisting. Settlement may offer the quickest and fastest way to resolve the issue and move forward with full state management compared to the legal appeal process in the Ninth Circuit Court or Congressional action to delist the wolf.
 4. FWP has met with the plaintiff's attorneys. The discussions are ongoing and confidential. If a tentative agreement is reached, it would be released for public review and comment before FWP and the FWP Commission make a final decision.
-
-

To learn more about Montana's wolf population and get the latest news and information, visit FWP online at fwp.mt.gov/wolf.