

MONTANA PROTOCOL TO ADDRESS WOLF-LIVESTOCK CONFLICTS

March 1, 2010

Gray wolves are firmly established on the Montana landscape. The legal framework, however, transitioned only recently from the federal Endangered Species Act and accompanying federal regulations to Montana state laws and the state wolf management plan. Ongoing litigation could result in the wolf being placed back under the federal legal umbrella at some point during 2010.

Given delisting and increasing levels of wolf-related livestock losses as the wolf population has increased in number and distribution since 2005, Montana Fish, Wildlife & Parks (FWP) is moving forward with fully implementing the state framework. Montana's management plan outlines an adaptive management framework in which the size of wolf population directs more conservative or liberal management with respect to regulated wolf hunting opportunity and the use of lethal control to address wolf-livestock conflicts.

FWP is the lead agency for wolf conservation and management as wolves are classified in Montana law as a species in need of management. As a cooperating federal agency, USDA Wildlife Services (WS) investigates injured and dead livestock to determine the cause and carries out any management response at the direction of FWP if wolves were responsible. FWP may request a lethal, non-lethal, or a combination of the two and may even supplement efforts with its own personnel. WS implements FWP decisions to the best of its ability, although successful implementation to the fullest extent may be affected by any number of logistical constraints, weather, availability of personnel and equipment, or factors specific to wolves in that area or some other local circumstances.

In recent years, an average of about 35% of Montana wolf packs depredated on livestock per year. Some areas have been more prone to conflicts than others. These typically have been areas where: 1. public and private agricultural lands are interspersed and a wolf pack territory includes both landownership types; 2. areas within dispersal distance of robust wolf populations in Idaho and Yellowstone National Park; and/or 3. areas with high densities of livestock. In these settings, more aggressive lethal control is appropriate.

Response protocols that are most likely to succeed in removing problem wolves from the population are those that are implemented closely in time and space to where the damage occurred. If problem wolves are successfully removed from the population, the damage should stop.

A combination of proactive tools to decrease the risk of livestock losses due to wolves, an aggressive initial lethal response to remove problem wolves, and follow up efforts to remove problem wolves more aggressively in areas with a history of livestock depredation should accomplish the following goals:

- fewer incidents of injured or dead livestock and other impacts due to wolves
- shorter initial response time by WS, streamlining the initial response when losses are confirmed, particularly in remote areas with poor or no cell phone coverage

- increased probability that lethal control removes the problem wolf/wolves by connecting initial lethal control efforts more closely in space and time to the depredation site
- decreased potential for subsequent livestock losses through more timely lethal control in the immediate area of the loss
- decreased number of claims submitted to the MLLRMB for death loss payments so that funds can also be made available for other program parameters, including proactive efforts by livestock owners to reduce risk of livestock losses in wolf country.

This protocol will be assessed through time to determine its effect on agency response times and related costs, livestock losses, and the wolf population.

1. AN INVESTIGATION REQUEST IS RECEIVED

WS specialist notifies FWP wolf specialist of request for an investigation of a suspected wolf depredation. Information is exchanged, and then WS completes the investigation. Initial response by WS will be guided by the outcome of the investigation, as described below. During that initial contact, WS and FWP can discuss and select among various options for a subsequent follow up response (to include additional lethal control efforts), pending the outcome of the initial response.

2a. INITIAL RESPONSE – CONFIRMED: if depredation (injured or dead livestock) is confirmed

As defined in Montana's wolf plan, by WS and captured in MCA, a loss is confirmed when there is reasonable physical evidence that livestock was actually attacked or killed by a wolf.

If the statewide wolf population at end of previous calendar year is estimated to be > 15 breeding pairs

Consistent with the approach taken for mountain lions and black bears, FWP seeks to direct lethal removal at problem wolves causing the damage, offering the greatest chance that wolves that have learned to injure or kill livestock are removed from the population. Implementation of a more aggressive initial response increases the probability that problem wolves will be killed.

Before leaving the property or public grazing allotment where the depredation occurred as part of the initial response, WS may take any wolves at or near the confirmed depredation site by calling / shooting without first obtaining FWP authorization:

- January 1 to December 31
- public or private land
- initial opportunity to take wolves at or near the depredation site is intended to provide WS with the greatest probability of killing the problem wolves by working near the carcass and implementing lethal control as quickly as possible
- FWP authorization is for the same day of the investigation and extends to any / all wolves caught overnight in traps set at or near the depredation site, with the intention of removing wolves that come back to a carcass. If more than 1 wolf is caught, WS may

opt to collar/release a wolf if there is not currently a radio in the pack. Otherwise, all captured wolves may be killed.

- Once the WS specialist leaves the depredation area after efforts to set traps or to call / shoot wolves at or near the depredation site, the initial response is completed when traps (if set) are checked and captured wolves are killed for up to three days from the date of the investigation. WS should notify FWP if traps are set.
- Collared wolves that come into a depredation site should be killed similar to other wolves that respond and come into the depredation site with the goal of removing problem wolves, regardless of whether the wolf is collared or not.
- If 1 or more wolves are killed at the depredation site, WS lethal control efforts conclude, unless FWP requests additional lethal control as part of the follow up response (see below). This may occur during the initial FWP-WS phone contact prior to the investigation.
- WS completes an investigative report form as per usual process, noting results of the investigation and coordinates of where the livestock were killed and where the wolf or wolves were killed.
- WS specialist contacts FWP wolf specialist with an update and outcomes of the initial response within 24 hours (see follow up response section); FWP must return calls within 24 hours.

If the statewide wolf population at the end of previous calendar year is estimated to be < 15 breeding pairs

Consistent with the adaptive management framework of Montana's wolf management plan, more conservative levels of lethal control are to be implemented when the statewide wolf population is less than 15 breeding pairs (federal recovery definition). This would be out of concern for the population's overall status relative to relisting thresholds established by the federal government.

Before leaving the property or public grazing allotment where the depredation occurred as part of the initial response, WS has the option of setting traps at or near the depredation site in an effort to put a collar out without first contacting FWP. WS contacts FWP as soon as possible with the outcome of the investigation and whether or not traps were set. FWP must respond back within 24 hours.

FWP may still implement lethal control as part of the follow up response, but it would do so conservatively. If traps are set, FWP may authorize lethal take of any or all wolves caught or request that a radio collar be placed in the group or a combination of both. Options can be discussed by FWP and WS ahead of time and prior to the initial investigation.

2b. INITIAL RESPONSE -- PROBABLE: if depredation (injured or dead livestock) is determined by WS to be a "probable" wolf-related loss

As defined in Montana's wolf plan, by WS and captured in MCA, a loss is determined as probable when the presence of some evidence suggests possible predation but there is a lack of sufficient evidence to clearly confirm predation by a particular species.

Neither the federal nor the state regulatory framework permits lethal control for probable wolf damage. WS has the option to set traps in an effort to put out a collar without first contacting FWP. WS contacts FWP as soon as possible with outcome of the investigation and whether or not traps were set. FWP must respond back within 24 hours. Options can be discussed by FWP and WS ahead of time and prior to the initial investigation.

3. FOLLOW UP RESPONSE for CONFIRMED LOSSES

If the statewide wolf population at end of previous calendar year is estimated to be > 15 breeding pairs

Consistent with the adaptive management framework of Montana's wolf management plan, progressively more liberal levels of lethal control can be implemented when the statewide wolf population is greater than 15 breeding pairs (federal recovery definition). This is particularly the case in areas of mixed public / private landownership with interspersed agriculture where lethal control may be even more liberal compared to areas of primarily public land. FWP can and will authorize lethal control more liberally in areas dominated by private agricultural lands and in places having a history of wolf-livestock conflicts.

Based on WS information about the investigative results and outcomes of the initial response, FWP must get back to WS regarding any follow up response within 24 hours. FWP may elect to continue lethal control efforts, request efforts at collar/release, a combination of both, or request no immediate additional lethal response, as circumstances warrant.

- FWP may authorize additional lethal control efforts at any time up to a total of 45 days from the date of the confirmed depredation.
- Lethal control efforts may be renewed and extended if subsequent depredations are confirmed after the first incident.
- FWP may issue a kill permit to a livestock owner to supplement and/or continue WS-related lethal control efforts. Family members and employees can be included on the permit. Permits are intended to accomplish removal of problem wolves faster, in combination with WS efforts and can be renewed if confirmed depredations continue.
- FWP employees may also contribute to lethal control efforts.
- Subsequent levels of authorized lethal control after the initial response are guided by: pack size and pack history of conflict; wolf behavior, livestock class/operation, location of conflict, status of distribution of natural prey, season, number of wolf breeding pairs statewide the previous year, effectiveness and prior use of nonlethal control and whether or not nonlethal tools are likely to prevent further incidents of injured or dead livestock. Successful implementation by WS can be dependent on availability of aircraft and personnel, presence or absence of a radio collar in the depredating wolf pack, weather, or other concurrent agency responsibilities
- FWP will authorize increasingly aggressive levels of lethal control, to include full pack removal:
 - as the statewide number of breeding pairs exceeds 15
 - for packs larger than the average size of 6

- for packs having a history of livestock conflicts
- in areas having a history of livestock conflicts
- in areas of mixed landownership with interspersed agriculture, particularly private land
- future losses are likely

If the statewide wolf population at the end of previous calendar year is estimated to be < 15 breeding pairs

Consistent with the adaptive management framework of Montana’s wolf management plan, more conservative levels of lethal control are to be implemented when the statewide wolf population is less than 15 breeding pairs (federal recovery definition). This would be out of concern for the population’s overall status relative to relisting thresholds established by the federal government.

FWP may still implement lethal control as part of the follow up response, but it would do so conservatively. If traps are set, FWP may authorize lethal take of any or all wolves caught or request that a radio collar be placed in the group or a combination of both. Options can be discussed by FWP and WS ahead of time and prior to the initial investigation.

4. FWP-WS MOU – Year long

The current MOU was completed while the wolf was still an ESA-listed species; therefore, it reflects federal regulations in place at the time. Because the legal status of the wolf (listed or delisted) is still in active litigation, the situation continues to be dynamic. The legal status could revert back to a “listed / federal regulation framework.” Thus far, the agencies have decided not to modify the agreement due to the dynamic legal situation. Therefore, the agencies continue to operate under the current MOU for the time being, but may agree to modify the MOU to reflect the appropriate overall legal framework at any time.

WS may take up to 2 wolves seen actively attacking, killing, or threatening to kill livestock from the ground or air, as per the existing FWP-WS MOU, on public or private lands. FWP and WS are now implementing Montana law, the federally-approved state plan, and Montana Administrative Rules.

- attacking: actual biting, wounding, or grasping of livestock or domestic dogs
- threatening to kill: the actual chasing, testing, molesting, harassing or livestock or livestock herding/guarding animals that would indicate to a reasonable person that an attack was imminent
- livestock: cattle, calf, hog, pig, horse, mule, sheep, lamp. Llama, goat, herding or guarding animals, rhea, emu, ostrich, donkey, and certain breeds of dogs commonly used for herding or guarding livestock