

December 20, 2013

Montana Fish, Wildlife and Parks
Wildlife Division
P.O. Box 200701
Helena, MT 59620-0701

Re: Proposed amendments of A.R.M. 12.9.1301 – 12.9.1305 regarding gray wolf management

Dear Montana Fish, Wildlife and Parks:

On behalf of our more than 6,000 members and online activists in Montana, the Natural Resources Defense Council (“NRDC”) submits the following comments regarding the Fish, Wildlife and Parks (“FWP”) Commission’s proposed amendments to sections 12.9.1301 to 12.9.1305 of the Administrative Rules of Montana (“A.R.M.”). We request that this letter be included in the official comment record.

This year, the Montana legislature passed, and Governor Steve Bullock signed, Senate Bill 200 (“SB 200”). SB 200 became Montana Code Annotated (“M.C.A.”) section 87-1-901. Subsection 87-1-901(2) directs the Commission to “adopt rules to allow a landowner or the landowner’s agent to take a wolf on the landowner’s property at any time without the purchase of a Class E-1 or Class E-2 wolf license when the wolf is a potential threat to human safety, livestock, or dogs.” This directive served as the primary catalyst for the proposed rule amendments, though additional amendments are also being proposed that are not required by or responsive to section 87-1-901.

While a number of the proposed amendments are merely cosmetic, there are several substantive amendments that are concerning. First, “potential threat” should be more clearly defined to prevent landowners from killing non-threatening wolves. The Commission should also identify and limit the means by which landowners may kill “potentially threatening” wolves and the amount of time within which such wolves may be killed. Second, the means by which landowners may kill wolves under take permits should not be expanded, so that non-offending wolves and non-target animals are not killed. Third, the requirement that quotas be used during the hunting and trapping seasons should remain in place. Fourth, the definition of “breeding pair” should not be broadened to include adult wolves that did not actually produce any pups.

Finally, the many examples, guidelines, and definitions that the Commission proposes to delete because they are “extraneous” are, in fact, useful aspects of the rules that increase transparency and clarity with respect to wolf management, and should remain in place.

Further, these changes would significantly increase the threat to Montana’s wolf population, and could therefore trigger a status review by the U.S. Fish and Wildlife Service (“FWS”), to determine whether wolves in the state should be relisted.

I. “Potential Threat” Should Be Further Defined to Avoid the Killing of Non-Threatening Wolves.

The Commission should further define “potential threat” so that non-threatening wolves that ignore livestock while traveling near or among them—the exact wolves landowners should want to keep alive—are not killed. The Commission proposes to amend A.R.M. section 12.9.1305 by adding a subsection 11, which would authorize landowners to kill wolves on their property without a license “when the wolf is a potential threat to human safety, livestock, or domestic dog.” Proposed A.R.M. § 12.9.1305(11). The Commission, however, does not define “potential threat.” By failing to do so, the Commission relegates the fate of wolves on private property to the subjective discretion of landowners. This will result in the deaths of many non-threatening wolves simply traveling through or hunting natural prey on private property, because many landowners are intolerant of even the mere presence of wolves on their property, or mere proximity of wolves to their livestock. Indeed, one member of the public who attended the public hearing in Bozeman on December 2, 2013, stated that he believed all wolves on his property constituted a potential threat, and therefore could be killed.

Yet this is not the case. The mere presence, or proximity, of wolves does not pose a potential threat – to anything or anyone. There is a big difference between “potential threat” and “conceivable threat.” All wildlife—indeed all animals—conceivably pose a threat to human safety, livestock, or domestic dogs. In 2010, a mountain goat fatally gored a hiker in Olympic National Park.¹ Last summer, a river otter attacked a woman on the Madison River.² Domestic dogs and vultures were both responsible for large numbers of livestock losses in the U.S. in 2010 (many thousands more than wolves).³ Thus, there are many animals which, conceivably, pose threats to the safety of humans and wildlife. But it would be laughable—indeed, paranoid—to

¹ See http://seattletimes.com/html/localnews/2013189753_olympicpark18m.html (last visited Dec. 16, 2013).

² See http://missoulian.com/news/state-and-regional/woman-attacked-by-river-otter-near-west-yellowstone/article_2444bbf2-ea2e-11e2-968e-0019bb2963f4.html (last visited Dec. 16, 2013).

³ See <http://usda.mannlib.cornell.edu/usda/current/CattDeath/CattDeath-05-12-2011.pdf>, p. 5 (last visited Dec. 16, 2013).

suggest that landowners should be able to kill these animals any time they see them on their property, or near their stock animals.

That is why the Montana legislature did not pass a law saying that any wolf whatsoever, or any wolf posing any conceivable threat, could be killed. Instead, SB 200 directs that landowners only kill wolves which pose a “potential threat.” “Potential threat” should require something more than mere presence, or mere proximity, to humans, livestock, or dogs. It should require some affirmative action by a wolf to indicate that it actually intends to do harm. For example, if a wolf is chasing livestock, acting aggressively toward a dog, or has become clearly habituated to human presence, that may constitute a “potential threat.”

The Commission has taken a first step toward defining “potential threat” by stating generally what a “potentially threatening wolf” is not: “Wolves representing a potential threat to human safety, livestock, or dogs do not include wolves that might routinely use an area as free-ranging wildlife.” Proposed A.R.M. § 12.9.1305(11)(a). This, however, does not go far enough. It should clarify that wolves traveling near or even among livestock, so long as they are not trying to chase or harass the livestock, are not a potential threat. It should state that wolves traveling or hunting natural prey near buildings, people, or dogs, so long as they are not acting aggressively toward those people or dogs, are not a potential threat. It should make clear that just because there is a wolf den, or wolf pups, or a pack of wolves on one’s property, does not automatically make them a potential threat. Similarly, just because wolves are howling or barking does not make them a potential threat – whether it is at night or during the day, or near livestock or not.

The Commission should add a definition of “potential threat” to A.R.M. section 12.9.1302 that provides clear examples, such as those described above, of situations when a wolf constitutes a “potential threat” and when it does not. Otherwise, section 12.9.1305(11), as amended, could have the effect of initiating a year-round open season on any wolves that happen to enter private property in Montana.

II. The Commission Should Identify and Limit How a “Potentially Threatening” Wolf May Be Killed, and the Amount of Time Within Which Such a Wolf May Be Killed.

Just as the current rules limit the means by which, and time period within which, landowners may kill a “problem wolf” under a 45 day removal permit (see current A.R.M. § 12.9.1305(10)(d)), they should also identify and limit the means by which landowners may kill a “potentially threatening” wolf, and the number of days they may have to do so. Further, just as landowners are currently prohibited from killing a problem wolf by “the use of intentional live or dead baits, scents, or attractants or deliberate use of traps or snares, or poisons; or use of radio telemetry equipment,” they should also be prohibited from killing potentially threatening wolves

by any of those means. *Id.* The Commission should not permit the trapping of potentially threatening wolves for the same reasons discussed in section III, below.

III. The Commission Should Not Remove Current Take Restrictions on Problem Wolf Removal Permits.

The Commission should rescind its proposal to remove take restrictions on “problem wolf” removal permits to ensure that non-offending wolves and other non-target species are not inadvertently killed. Current A.R.M. subsection 12.9.1305(9) allows FWP to “authorize a livestock owner, immediate family members, or employees by a permit to take a problem wolf.” *Id.* Current subsection 12.9.1305(10) states that the permit must specify “that wolves may be killed from the ground and in a manner that does not entail the use of intentional live or dead baits, scents, or attractants or deliberate use of traps or snares, or poisons; or use of radio telemetry equipment.” *Id.*

Proposed A.R.M. subsection 12.9.1305(9) would amend that language to liberalize the means by which such permits allow landowners to kill wolves, by removing those restrictions on take, and instead simply allowing landowners to kill a wolf “using means of take authorized by the commission for wolf harvest seasons.” *Id.* In other words, rather than only being able to shoot problem wolves, as landowners with permits may currently do, they would be able to use any means authorized during the hunting and trapping seasons. Obviously, this would include using traps.

Wolf kill permits should not authorize trapping as a kill method for several reasons. First, trapping is indiscriminate, and will result in the capture of both non-offending wolves and non-target species, including threatened and endangered species such as wolverines, lynx and grizzly bears.⁴ This would violate the federal Endangered Species Act’s (“ESA”) prohibition against “taking”⁵ such species. *See* 16 U.S.C. § 1538(a); 50 C.F.R § 1731(a). Setting foothold trap pan tensions to 10 pounds, as required by FWP regulations, may reduce captures of lynx and wolverines, but it will not prevent a multitude of other non-target species from being caught, including bears, deer, elk, moose, mountain lions, domestic dogs, and livestock. The indiscriminate nature of foothold traps led one former government-employed expert trapper to testify before Congress about the non-selective nature of these devices, noting that:

⁴ Recently, for example, a grizzly bear was caught in a leghold wolf trap just west of Dupuyer, Montana. *See* http://www.greatfallstribune.com/article/20131218/NEWS01/312180017/Grizzly-bear-caught-wolf-trap?nclick_check=1 (last visited Dec. 19, 2013).

⁵ Under the ESA, “[t]he term ‘take’ means to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or attempt to engage in any such conduct.” 16 U.S.C. § 1532(19).

Even though I was an experienced, professional trapper, my trap victims included non-target species such as bald eagles and golden eagles, a variety of hawks and other birds, rabbits, sage grouse, pet dogs, deer, antelope, porcupines, sheep and calves My trapping records show that for each target animal I trapped, about 2 unwanted individuals were caught. Because of trap injuries, these non-target species had to be destroyed.⁶

Second, trapping causes prolonged pain and suffering, particularly in Montana, where wolf trappers are only required to check their traps every 48 hours (though, as discussed further below, it is not clear that landowners would be subject to even this minimal requirement). Because of the indiscriminate and brutal nature of foothold traps, they have been banned in more than 80 countries, and banned or severely restricted in several U.S. states.⁷

Third, the proposed amendments do not indicate that landowners trapping wolves under kill permits will be governed by any of the state regulations mentioned above. It is not clear what types of traps landowners will be able to use, how often they will be required to check them, or whether minimum pan tension settings will be required. At a minimum, the amendments must make it clear that landowners trapping wolves under kill permits must abide by all regulations governing the latest hunting and trapping season.

Fourth, it does not appear that landowners will have to take and pass a wolf trapping class before being allowed to trap wolves under a kill permit. Currently, anyone who wishes to recreationally trap wolves in Montana must first complete either the Idaho or Montana wolf trapping certification class.⁸ These classes are 6- to 8-hour long education sessions taught by wildlife agency staff and experienced wolf trappers.⁹ They are an important prerequisite for prospective wolf trappers because they cover topics such as the ethical implications of trapping, trapping regulations (such as how often one must check their traps), the proper technique to set a trap to minimize trapping non-target species, and how to appropriately kill a wolf that has been trapped and then care for the carcass.¹⁰ Landowners who do not understand how to trap wolves, or how to minimize suffering, will inevitably capture, wound, and kill more non-target species, and needlessly cause greater pain and injury to those animals caught.

⁶ Fox, Camilla H., and Christopher M. Papouchis, eds. Cull of the Wild, p. 32. Brainerd: Bang Publishing, 2004.

⁷ Id.

⁸ See 2013 Montana Hunting and Trapping Regulations: Wolf, p. 2.

⁹ See <http://fwp.mt.gov/education/wolfTrapping/> (last visited Dec. 16, 2013);

<http://fishandgame.idaho.gov/public/hunt/?getPage=294> (last visited Dec. 16, 2013).

¹⁰ Id.

In sum, the Commission should not liberalize the means by which landowners may kill problem wolves under kill permits. Allowing 45 days to find and shoot an offending wolf affords landowners more than ample opportunity to remove the animal, and minimizes the risk that non-offending wolves, or non-target species, are killed.¹¹ Authorizing trapping will result in the injury and death of non-offending and non-target animals. At a minimum, the proposed amendments must make clear that landowners wishing to trap under kill permits will be governed by the same regulations in effect during the latest hunting and trapping season, including the requirement that they take a wolf trapping certification class.

IV. The Commission Should Not Remove the Requirement that Quotas be Put in Place During the Hunting and Trapping Season.

The Commission should not delete the language “with quotas” from section 12.9.1301(1) because quotas ensure against hunters and trappers killing unsustainable numbers of wolves, entire packs, wolves that primarily inhabit protected areas, and wolves that pose little threat to domestic animals.

A.R.M. section 12.9.1301(1) currently states, “The commission has authority, when the statewide number of wolves exceeds 15 breeding pairs, to adopt a hunting season with quotas for wolves and will exercise that authority as part of the adaptive management framework for the gray wolf.” *Id.* Notably, the rule does not merely authorize the Commission to apply quotas, it requires it to: “The commission . . . will exercise that authority.” This mandate reflects the importance of quotas as a management tool. They prevent the over-harvest of wolves within particular geographic areas or management units. And, given that Montana hunters and trappers may kill up to five wolves each, quotas prevent entire packs from being wiped out. This is especially important near places such as Yellowstone National Park, where wolves primarily reside within protected areas, and where the general public can observe and learn about them while contributing enormously to local economies.

The Commission should retain the current requirement that quotas be used, and continue to apply quotas to WMUs where they are currently in place. In addition, it should apply quotas to areas where wolves pose little or no threat to livestock, such as within wilderness areas and areas where little or no grazing occurs.

¹¹ Forty-five days is too long for a kill permit to remain active. The purpose of a kill permit is to kill the offending wolf. With a month and a half for a valid kill permit, other non-offending wolves (the exact wolves landowners should want to keep alive) could easily enter or travel through the area, and be killed as a result. We would welcome the opportunity to discuss this with the Commission and try to determine a shorter time limit that still achieves the policy goals of a kill permit.

V. The Commission Should Not Redefine “Breeding Pair.”

The Commission should not change the definition of “breeding pair,” a concept critical to gauging whether wolves in the state continue to meet federal standards for recovery.¹² Current subsection 12.9.1302(4) defines “breeding pair” as “an adult male and an adult female wolf that have produced at least two pups that survived until December 31 of the year of their birth, during the previous breeding season.” *Id.* (emphasis added). This definition is identical to the definition adopted by FWS in its Final Rule to Identify the Northern Rocky Mountain Population of Gray Wolf as a Distinct Population Segment and to Revise the List of Endangered and Threatened Wildlife (“Final Rule”). *See* 74 Fed. Reg. 15123, 15130 (April 2, 2009) (defining “breeding pair” as “an adult male and an adult female wolf that have produced at least 2 pups that survived until December 31 of the year of their birth, during the previous breeding season”).

In its Final Rule, FWS explained that its definition of “breeding pair” did not originally include the qualification that the adult male and female must “have produced” two pups, and that this was actually added later due to concern that the original recovery standards “might be insufficient.” *Id.* FWS explained that the 1987 recovery plan for the Northern Rocky Mountains Distinct Population Segment merely defined “breeding pair” as “2 wolves of opposite sex and adequate age, capable of producing offspring.” *Id.* But the 1994 EIS on wolf reintroduction revisited that definition, because FWS was “particularly concerned about the 1987 definition of a breeding pair, since any male and female wolf are ‘capable’ of producing offspring . . .”, but not all do. *Id.*

FWS “conducted a thorough literature review of wolf population viability analysis and minimum viable populations, reviewed the recovery goals for other wolf populations, surveyed the opinions of the top 43 wolf experts in North America, of which 25 responded, and incorporated [its] own expertise into a review of the NRM wolf recovery goal.” *Id.* Based on that analysis, FWS “redefined a breeding pair as an adult male and an adult female wolf that have produced at least 2 pups that survived until December 31 of the year of their birth, during the previous breeding season.” *Id.* (emphasis added). Thus, after significant scientific review, and to ameliorate concerns that the previous definition was biologically insufficient, FWS derived a definition requiring a pair of adults to have actually bred, rather than merely being capable of doing so.

By removing the language “that have produced,” the Commission is removing the core requirement that the adults must have actually bred – recreating the exact flaw that FWS determined to fix nearly two decades ago after extensive biological review. Like FWS’ original 1987 definition of breeding pair, the Commission’s proposed amended definition would allow

¹² FWS requires Montana to maintain a minimum of ten breeding pairs of wolves. 74 Fed. Reg. at 15133.

the agency to count wolves merely “capable” of breeding, but that had not necessarily produced any pups. Under the Commission’s proposed definition, any adult male/female pair, in combination with any two surviving pups, could be counted as a breeding pair. This creates the potential for greatly overestimating the number of actual breeding pairs in the state.

For example, under this definition, the adults and pups would not even need to be in the same pack. Similarly, if an adult male and female adopted pups from another pack, they could be counted as a breeding pair. Or if a pack consisted of three adult pairs of wolves, only one of which produced six pups that survived until December 31, FWP could still count that as three breeding pairs.

To avoid the risk of inadvertently inflating estimated numbers of breeding pairs in the state, and to ensure instead an accurate count of actual, pup-producing adult wolf pairs, FWP should not remove the language “that have produced” from the definition of “breeding pair” in A.R.M. subsection 12.9.1302(4).

VI. The Commission Should Not Remove Many of the Examples, Guidelines and Definitions It Has Proposed to Delete from the Rules.

The Commission should not delete many of the examples, guidelines, and definitions within the rules that it considers merely “extraneous.” See Reasonable Necessity, p. 1892. The Commission provides no reason why these details should be removed (e.g., that they are confusing, or inconsistent with recently passed legislation). To the contrary, these specific examples and guidelines provide helpful context for the public, commissioners, legislators and agency officials to better understand how wolves are managed in the state.

A. The Commission Should Leave the Current Definition of “Adaptive Management” Intact.

The Commission proposes to remove specific reference to “wolf numbers, distribution, dispersal, genetic diversity, and consideration of disease,” and “natural connectivity or genetic exchange” as factors that help inform FWP’s approach to adaptive management of wolves. Proposed A.R.M. § 12.9.1302(1). It also proposes to delete specific reference to “more conservative lethal control, smaller regulated harvest quotas, and human assisted genetic exchange”¹³ as examples of “tools to ensure a recovered and connected population.” Id.

The Commission explains that the “purpose of this is not to move away from the utility of those elements but to clarify the ability and flexibility to secure management functionality and wolf

¹³ NRDC encourages the Commission and FWP to maintain robust enough populations of wolves (and other species) that human assisted genetic exchange is never necessary.

conservation with other possible methods.” Reasonable Necessity, p. 1892. In other words, the Commission is proposing to delete these factors and elements not because they lack scientific integrity or utility, but simply because the Commission may want to use other methods to conserve wolves, in addition to those listed.

If that is the case, there is no good reason to delete the current language. If FWP intends to continue to use the stated factors and elements to meet wolf conservation goals, then they should remain in the definition of adaptive management as useful examples. If there are additional elements FWP wishes to use, it should simply name those as well. In any event, the rule already makes clear that the listed examples are not the exclusive factors and elements upon which FWP relies: the current rule plainly states that “adaptive management allows the department a full range of tools to ensure a recovered and connected population, including . . .” A.R.M. § 12.9.1302(1). Thus, the rule is clear that the stated elements are only examples of the tools the department may use, not an exhaustive, exclusive list of those tools.

To maintain transparency and provide helpful context for public understanding – and because there is no good reason for the proposed amendments – the Commission should leave the current definition of adaptive management intact.

B. The Commission Should Retain the Full Definition of “Confirmed.”

The Commission should keep in place the current definition of “confirms,” “confirmed” and “confirmation,” rather than deleting the useful examples of evidence that could rise to the level of a “confirmed” predator attack upon a stock animal. The Commission proposes to delete the following language from the shared definition of “confirms,” “confirmed,” and “confirmation”:

The primary confirmation would ordinarily be the presence of bite marks and associated subcutaneous hemorrhaging and tissue damage, indicating that the attack occurred while the victim was alive, as opposed to simply feeding on an already dead animal. Spacing between canine tooth punctures, feeding pattern on the carcass, fresh tracks, scat, hairs rubbed off on fences or brush, and or eye witness accounts of the attack may help identify the specific species or individual responsible for the depredation. Predation might also be confirmed in the absence of bite marks and associated hemorrhaging (i.e., if much of the carcass has already been consumed by the predator or scavengers) if there is other physical evidence to confirm predation on the live animal. This might include blood spilled or sprayed at a nearby attack site or other evidence of an attack or struggle. There may also be nearby remains of other victims for which there is still sufficient evidence to confirm predation, allowing reasonable inference of confirmed predation on the animal that has been largely consumed.

Proposed A.R.M. § 12.9.1302(5).

Again, the Commission explains that the purpose of this deletion is not to move away from using these elements as pieces of evidence upon which an attack or depredation may possibly be categorized as “confirmed.” Reasonable Necessity, p. 1892. Instead, there are apparently additional elements that the Commission would like to rely on, or would encourage Wildlife Services to rely on, to determine a confirmed attack. *Id.* But again, if that is the case, those additional elements should simply be included, rather than deleting most of the definition. The current definition identifies important clues and serves as a helpful reference for both the public and field investigators to consult in order to better understand what may have caused the death of a particular stock animal.

Further, removing this language may prove counter-productive, because deleting this important reference will leave investigators with fewer tools and less information to help them determine whether a predator is really to blame, or whether injury, disease, weather, or some other cause is the true culprit. The Commission should leave the shared definition of “confirms,” “confirmed,” and “confirmation” intact.

C. The Commission Should Not Remove References to Specific Examples of How the Agency Works with Landowners to Non-Lethally Reduce Livestock Depredations.

The Commission should retain the language containing specific examples of how FWP works with landowners to provide technical assistance and help implement proactive nonlethal control measures. Section 12.9.1304 discusses allowable nonlethal control of gray wolves in the state, and discusses ways the agency helps landowners implement such measures. *Id.* The Commission proposes to delete the following: “Examples include: allotment management or annual operating plans; Wildlife Management Area or other state land grazing leases; and, predator deterrent programs offered through the United States Department of Agricultural Natural Resource and Conservation Service Environmental Quality Incentive Program.”

Again, the Commission explains its rationale by saying that this deletion is simply meant “to remove extraneous language citing specific elements of nonlethal control. The proposed deletions are not meant to reflect a movement away from those elements but rather to ensure the list is not read as being complete or exclusive.” Reasonable Necessity, p. 1892. Again, this concern is unfounded. The rule is clear that the listed examples are merely that: examples. For the sake of transparency, providing context, and public understanding, the Commission should retain these examples within the rule.

D. The Commission Should Not Remove Current Section 12.9.1305(4), Which Explains the Factors FWP Considers Prior to Authorizing Lethal Control.

Despite its current memorandum of understanding (“MOU”) with Wildlife Services, the Commission should retain section 12.9.1305(4), so that if, in the future, the agencies terminate the MOU, there are still procedures in place outlining the factors FWP would consider prior to conducting or authorizing lethal control.

The Commission proposes to delete section 12.9.1305(4) in its entirety. That section currently states:

(4) If the department of USDA Wildlife Services confirms that a wolf killed the livestock, the department will consider input from USDA Wildlife Services and the livestock owner and decide the best course of action. The department may authorize incremental lethal control for problem wolves for up to 45 days from the date of confirmation by USDA Wildlife Services, assessing each conflict on a case-by-case basis and after considering the following factors:

- (a) pack size and pack history of conflict;
- (b) livestock operation;
- (c) age and class of livestock killed;
- (d) location of conflict;
- (e) potential for future conflict;
- (f) status and distribution of prey;
- (g) season;
- (h) number of breeding pair within the state;
- (i) effectiveness and prior use of nonlethal control;
- (j) verification that wolves are not intentionally baited or drawn to the area, wolves are routinely present, and that nonlethal tools are unlikely to prevent further incidents of injured or dead livestock.

Id.

The Commission explains that “[t]he department was directly involved and responsible for each depredation response prescription in the past. However, an interagency memorandum of understanding has been established assigning the day-to-day decisions to Wildlife Services with reporting requirements.” Reasonable Necessity, p. 1892. MOUs do not last forever, however, and a day may come when FWP determines to reassume lead authority for investigating and responding to potential livestock depredations. For that reason, FWP should leave section 12.9.1305(4) intact, so that if that time comes, the wheel need not be re-invented, and appropriate

procedures for considering and responding to possible depredations, or authorizing others to do so, are already in place.

Instead of deleting this subsection, the Commission should simply precede it with language such as, "Subject to any existing agreement between the department and another person or agency, . . ." This would make clear that the guidelines currently articulated in section 12.9.1305(4) would be superseded by any existing agreement, such as the MOU currently in place between FWP and Wildlife Services, and remove any need to delete them.

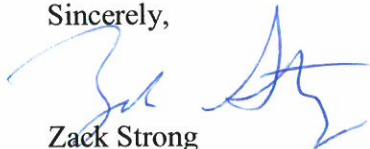
VII. The Proposed Amendments Could Trigger a Status Review by FWS.

The many significant amendments to Montana law being proposed by the Commission could trigger a recovery status review of gray wolves in the state by FWS. FWS has made it clear that one of the three scenarios that could lead it "to initiate a status review and analysis of threats to determine if relisting is warranted" includes "if a change in State law or management objectives would significantly increase the threat to the wolf population." 74 Fed. Reg. at 15132-33.

As discussed above, the proposed amendments would significantly increase the threat to the state's wolf population by, for example, allowing any landowner to kill any wolf considered a "potential threat", without defining what behavior is "potentially threatening," or limiting the means by which a landowner may kill such wolf; and permitting landowners to kill "problem wolves" with traps, which would be likely to injure and kill many non-problem animals. We would appreciate the Commission considering our concerns, and withdrawing, adjusting, or otherwise mitigating the proposed amendments as discussed above. We would be happy to meet with the Commission to further discuss these concerns and brainstorm ways to implement SB 200, and make other changes to the existing rules, while avoiding unnecessarily increasing the threat to the wolf population in Montana.

Thank you for considering these comments.

Sincerely,



Zack Strong
Wildlife Advocate
Natural Resources Defense Council
317 E. Mendenhall St., Suite D
Bozeman, MT 59715