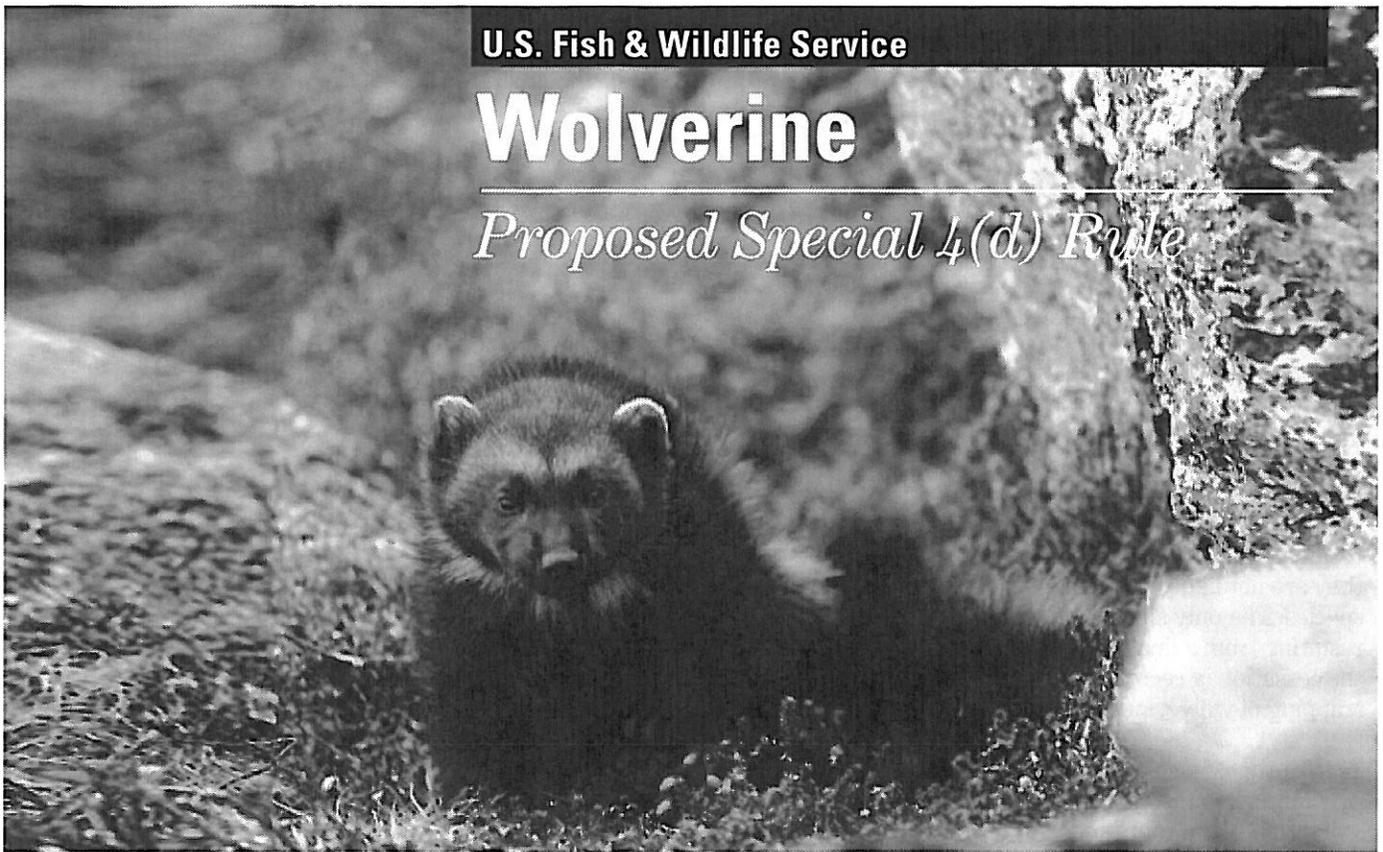


Wolverine

Proposed Special 4(d) Rule



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Wolverine

Proposed Special 4(d) Rule for Wolverines

The Endangered Species Act (ESA) allows the US Fish & Wildlife Service (Service) to establish special regulations for threatened (not endangered) species, subspecies, and Distinct Population Segments. These rules, called “4(d) rules” because of the section of the Act that describes them, outline which of the prohibitions of the Act the Service will employ to achieve the conservation of the threatened species. The ESA specifies that 4(d) rules must be “necessary and advisable to provide for the conservation of such species.” For example, a 4(d) rule for the threatened Preble’s meadow jumping mouse allows take associated with routine farming and ranching operations, because that take is not a significant threat to the species and because maintaining working farms and ranches on the landscape is important for recovery of the species. These rules can be used to tailor the

protections of the Act to only those necessary to achieve the conservation of the species. In the process, by allowing compatible activities to move forward without the need for ESA permits, conflicts between ESA protection and people conducting otherwise lawful activities can be reduced. A 4(d) rule can be used in such a situation if those conflicts would undermine recovery and if the reduced protection would not slow the species’ recovery.

In the case of the wolverine, we are proposing a special rule that will streamline regulatory requirements for activities that may result in low levels of impacts to wolverine, but are otherwise compatible with the recovery of the DPS. These activities (in accordance with applicable State, Federal, tribal, and local laws and regulations) include snowmobiling, backcountry skiing and land management activities such as timber

harvest and infrastructure development. Intentional take of wolverine due to trapping, hunting, shooting, collection, capturing, pursuing, wounding, killing, and trade, would still be prohibited.

The threats to wolverines include habitat loss due to climate warming. Once the effects of climate change begin to impact wolverine, any additive mortality of wolverine due to harvest and incidental trapping are likely to be of concern. The proposed 4(d) rule outlines which prohibitions of the ESA we think are needed to conserve the distinct population segment (DPS).

If the proposed 4(d) rule is finalized, incidental take from most human activities in wolverine habitat would not be affected because these activities are not prohibited in this special rule. We do not expect any changes to land management activities on public or

private lands as a result of this listing because none are necessary to conserve the wolverine. Wolverine populations have recolonized and expanded across the currently occupied portion of the DPS range over the last century. Much of this growth has occurred in the presence of the types of land management activities that are likely to continue into the future. This demonstrated compatibility of wolverines with routine public land management and uses indicates that wolverines are resilient to these impacts, and that they are not likely to threaten the species. The only significant change resulting from a final listing would be the cessation of recreational fur trapping of wolverines in Montana.



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Wolverine on the rocks

In the proposed rule, we included a prohibition against incidental take of wolverine in the course of legal trapping activities directed at other species. However, documented take of wolverine from incidental trapping has been low. For this reason, we are requesting the public, federal agencies, and the affected state fish and wildlife

agencies to submit public comments on whether incidental trapping should be prohibited, including any State management plans related to trapping regulations and any measures within those plans may avoid or minimize the

risk of wolverine mortality from incidental trapping for other species to the point that it is no longer a conservation concern for the wolverine.



Wolverine drawing / Colorado Parks and Wildlife

**U.S. Fish and Wildlife Service
Region 6**

**Montana Field Office
585 Shepard Way, Suite 1
Helena, Montana 59601
406 / 449 5225**

**For State relay service
TTY / Voice: 711**

<http://www.fws.gov/mountain-prairie/species/mammals/wolverine/>

**U.S. Fish & Wildlife Service
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