



Wolverine

Questions and Answers

What action is the U.S. Fish and Wildlife Service taking today?

The U.S. Fish and Wildlife Service has proposed to protect the North American wolverine (*Gulo gulo luscus*) as a threatened species in the contiguous United States as a distinct population segment (DPS) under the Endangered Species Act (ESA). Current scientific research suggests that the wolverine may become endangered in the future as a result of habitat loss due to increasing temperatures and declining persistent spring snowpack in the wolverine's high elevation habitat due to climate warming.

The proposed rule covers the distribution of this species in the contiguous (or lower) 48 states. A DPS is a portion of a vertebrate species that is geographically discrete from the rest of its kind and also is significant to its survival. If the proposed rule is finalized, the Service will add the wolverine to the Federal List of Endangered and Threatened Wildlife.

In addition, the Service is proposing two special rules designed to facilitate management and recovery of the species should it receive protection under the ESA. The first is a proposed special rule under Section 4(d) of the ESA that would specify prohibitions deemed necessary and advisable to provide for the conservation of the wolverine. The agency is also proposing a special rule that would allow the Colorado Department of Parks and Wildlife to establish a nonessential experimental population designation under 10(j) of the ESA for the wolverine in the Southern Rocky

Mountains of Colorado to facilitate the possible reintroduction of the species to that area. The experimental population designation would also include portions of northern New Mexico and southern Wyoming to encompass any wolverines that may disperse out of the core reintroduction area.

Why has the Service proposed these actions?

Scientific information from multiple sources indicates that climate warming will significantly reduce wolverine habitat extent and distribution in the foreseeable future. This habitat reduction is expected to result in reduced numbers of wolverines and reduced connectivity among wolverine populations to the point where the wolverine DPS would become endangered with extinction; i.e. if threats are not addressed, the

wolverine DPS is likely to become endangered in the foreseeable future.

Another factor identified as having a smaller impact on wolverines at local scales is trapping, including legal regulated trapping and incidental trapping while in pursuit of other species. This risk factor may work in concert with climate change to speed the loss of wolverines as available habitat is reduced due to climate change, and it also would make recovery efforts more difficult.

The Service determined that other factors, including dispersed recreational use such as backcountry skiing, snowmobiling, off-road motorized use, infrastructure development, and transportation corridors, are not threats to the wolverine. In the cases of these risk factors, the evidence does not suggest



Wolverine in snow / National Park Service

that they rise to level of threats to wolverines due to lack of documented effects of these factors on wolverine or the scale at which these risk factors occur, or both.

The Service does not expect changes in land management activities in response to this listing because land management and other activities occurring on public and private lands are not threats to the wolverine.

What is a threatened species?

A threatened species is a plant or animal for which the Service has sufficient information on its biological status and threats to determine that it is likely to become an endangered species within the foreseeable future throughout all or a significant portion of its range. An endangered species is any species which is in danger of extinction throughout all or a significant portion of its range. <http://www.fws.gov/endangered/what-we-do/listing-overview.html>

In what ways does the Service manage threatened species differently than endangered species?

The Endangered Species Act prohibits all activities that would harm (“take”) species listed as endangered, unless exempted or permitted by the Service. In contrast, for species listed as threatened, section 4(d) of the ESA gives the Service authority to tailor the “take” prohibitions to the conservation needs of the species. For example, the Service has a 4(d) rule in place for the threatened Preble’s meadow jumping mouse that 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. In the case of the wolverine, the Service is proposing a special rule that would prohibit take of any wolverine in the contiguous United States when associated with or related to trapping, hunting, shooting, collection, capturing, pursuing, wounding, killing, and trade., but that other human activities that occur in

wolverine habitat do not constitute threats to the species and are not considered to be prohibited take. 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.

What is a Nonessential Experimental Population?

When species are listed under the ESA, the Service can designate portions of the species’ historical range not occupied by populations of the species as nonessential experimental population (NEP) areas under section 10(j) of the ESA. In addition, the special allowances afforded under the 10(j) rule allow flexibility for landowners to continue managing their lands. The Service has proposed to establish an NEP area in the southern Rocky Mountains of Colorado, northern New Mexico, and southern Wyoming.

The proposed 10(j) rule provides a plan for establishing the NEP area and provides for allowable legal incidental taking of the wolverine within the defined NEP area. Within the NEP, intentional take of wolverines would be prohibited, but take incidental to otherwise legal activities would not be prohibited or regulated. The proposed action would not result in reintroduction of the wolverine; rather, the NEP area designation would provide the regulatory assurances necessary to facilitate a state-led reintroduction effort, should the state of Colorado determine to reintroduce the wolverine.

The Service hopes that this designation will allow for the reintroduction of wolverines to this area in the near future. The best available data indicate that reintroduction of the wolverine into the Southern Rocky Mountains is biologically feasible and will promote conservation of the species. Colorado Parks and Wildlife Department is currently exploring the reintroduction effort and next course of action.

Would a reintroduction into Colorado affect the ski industry or my personal skiing and riding?

Under the proposed NEP designation, any effects from these activities to wolverine would not be prohibited by the ESA. These activities either do not significantly affect wolverines (dispersed recreation) or occur at a small scale relative to wolverine habitat (developed ski areas, snowmobile play areas) such that the overall effects of these activities are not significant to wolverine conservation. Wolverine populations persist and have expanded in the presence of these activities and the available scientific information does not indicate that they pose a threat the DPS.

Why are the proposed prohibitions in the special rule different than those for the proposed NEP?

The proposed special rule identifies trapping, both intentional trapping of wolverines and incidental trapping of wolverines while in pursuit of other species, as a threat to the DPS in concert with climate change. These activities would be prohibited in the DPS (outside of the NEP area) if the rule is finalized. The proposed rule governing the NEP area prohibits intentional trapping and hunting of wolverines but does not prohibit incidental trapping.

This is for two reasons. First, most of the experimental population area is in Colorado, where recreational fur trapping with injuring traps (foothold, snare, body gripping) is not permitted. The State of Colorado also regulates the use of traps in responding to livestock depredation. These regulations greatly reduce the chance that wolverines would be incidentally trapped in Colorado. Wolverine could still be incidentally trapped in the small portions of the experimental population area in Wyoming and New Mexico.

The other reason for the difference is that the purpose of the experimental population designation is to provide stakeholders in the affected states

with assurances that their activities would not be negatively affected by allowing the reintroduction of a listed species to take place. These assurances are designed to build support for the reintroduction effort and the resulting population. Without local support in the areas affected by a reintroduction success is unlikely. The Service believes that the regulations in place over the majority of the experimental population area will make incidental trapping unlikely to occur at a level that would significantly affect the conservation of the reintroduced population. The Service also believes that the benefits of providing assurances that their activities are protected to residents of the affected states outweigh the costs in terms of a small conservation risk to wolverines.

If the wolverine DPS is ultimately listed under the ESA, what activities could be impacted?

The threats to wolverines include habitat loss due to climate warming and human-caused mortality due to harvest and incidental trapping. The 4(d) special rule the Service has proposed concurrently with the proposed listing rule establishes which prohibitions of the ESA are needed to conserve the DPS. Human activities in wolverine habitat would not be affected because prohibitions against these activities are not included in this special rule. The Service does 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. The only significant change resulting from a final listing would be the cessation of recreational fur trapping of wolverines in Montana.

In this proposed rule, the Service includes 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. In the 2008–2009 trapping season, two wolverines were incidentally killed in traps set for other species in

Beaverhead and Granite Counties, Montana (Montana Fish, Wildlife, and Parks 2010, p. 2). In Idaho, the U.S. Department of Agriculture Wildlife Services trapped three wolverines (one each in 2004, 2005, and 2010) incidental to trapping wolves involved in livestock depredations. One of these sustained severe injuries and was euthanized.

The Service is requesting the public, federal agencies, and the affected state fish and wildlife agencies to submit public comments on this issue, including any State management plans related to trapping regulations and any measures within those plans that may avoid or minimize the risk of wolverine mortality from incidental trapping for other species.

What is being done to conserve wolverines in the contiguous U.S.?

Wolverines are protected by the States of Washington, Oregon, Colorado, and California. In these states, endangered or threatened designations make it illegal to kill or otherwise harm wolverines. They are protected from harvest in Idaho, Wyoming, and Nevada. There is no open harvest season in Utah. Montana is currently the only state in which wolverine harvest is legal. In Montana, wolverine is managed as a furbearing species with a tightly regulated harvest that avoids being concentrated in any particular geographic area. If ultimately listed under the ESA, trapping of wolverines in Montana also will be prohibited.

What additional conservation measures will take place if the wolverine is listed?

Working with partners, the Service uses a range of conservation tools to recover endangered and threatened species to ensure that they are secure members of their ecosystems. If the wolverine is added to the Federal List of Endangered and Threatened Wildlife, conservation measures will include recognition, recovery actions, requirements for Federal protection and prohibitions against certain practices. Under the ESA, recovery

planning includes the development of a recovery outline shortly after a species is listed, preparation of a draft and final recovery plan and revisions to the plan as significant new information becomes available. It involves site-specific management actions that will achieve recovery of the species. <http://www.fws.gov/endangered/what-we-do/recovery-overview.html>

A draft Recovery Outline for the proposed North American wolverine DPS in the contiguous United States will be available at <http://www.fws.gov/mountain-prairie/species/mammals/wolverine/> and on <http://www.regulations.gov>. Although the wolverine DPS is only proposed for listing, the Service is inviting the public to submit any new information on this species whenever it becomes available and any information for recovery planning purposes.

Why did the Service not designate critical habitat for the wolverine?

Under the ESA, at the time of listing the Service is required to designate critical habitat unless it is (1) not determinable, or (2) not prudent to do so. If the Service makes a “not determinable” decision, the agency has one year from the time of the proposed listing rule to publish a proposed critical habitat rule, or determine that designation of critical habitat would not be prudent. In the case of the wolverine, the Service has determined that there is not sufficient information on the impacts of a critical habitat designation, including whether there would be any benefit to wolverine from a designation, to propose critical habitat at this time. The Service also lack comprehensive data and information of necessary detail to identify specific areas appropriate for critical habitat designation in light of climate change and future availability of key habitat features on the landscape (i.e. spring snowpack). Accordingly, the Service finds designation of critical habitat to be “not determinable” at this time.

What can landowners do to conserve listed species?

The Service works with private landowners, tribes, and other federal and state agencies, including other programs within the Service to forge voluntary conservation agreements benefiting listed species and other species-at-risk. The Service also provides technical assistance on designing and implementing conservation actions to address threats identified in these species assessments.

The Service, in conjunction with federal partners provides financial and technical assistance to landowners seeking to conserve listed species on their land through the Service's Partners for Fish and Wildlife Program. Additional financial assistance is available through various Service grants and agreements, as well as through Farm Bill and Department of Defense programs.

Why is this action different than the action taken by the Service for the American pika?

Like wolverine, pikas are distributed in high mountainous terrain in the western United States. In 2010, the Service determined that listing the American pika (*Ochotona princeps*) was not warranted. In the finding for pikas, the Service determined that despite losses of low elevation populations, pika populations would persist overall because the predicted changes to temperature were within the thermal tolerance of pika.

Unlike wolverine, pika-persistence is not strongly associated with one primary climate-dependent habitat variable such as snowpack. In contrast, wolverine persistence is directly linked to a climate variable that is predicted to be reduced significantly over the next 30 years (deep, persistent spring snowpack) in the contiguous United States. The Service determined that the level of habitat loss predicted to occur would lead to endangerment of the wolverine due to populations becoming too small to ensure maintenance of genetic diversity and fragmentation of habitat leading to loss

of connectivity. The wolverine is more vulnerable to the effects of climate change than pikas are because of the wolverine's dependence on snowpack, and because wolverine numbers are already at low levels.

Now that the Service has proposed listing the wolverine DPS as "threatened," what will happen next?

The Service will conduct three public informational sessions and public hearings to provide information and allow the public an opportunity to comment and enter testimony into the public record. The first is scheduled on March 13, 2013, at the Boise Centre on the Grove, 850 West Front Street, Boise, ID 83702. The second is scheduled on March 19, 2013, at the Hampton Inn, 137 Union Boulevard, Lakewood, CO 80228. The third is scheduled on March 27, 2013, at the Red Lion Colonial Inn, 2301 Colonial Drive, Helena, MT 59601. At all three locations the public informational session will run from 2:00 PM to 5:00 PM, followed by public speaker registration at 6:00 PM, and then the public hearing for oral testimony from 7:00 PM to 9:00 PM.

The Service is seeking comments and information regarding the proposed listing and 4(d) rule and the proposed 10(j) rule. During that time, the agency will also seek peer review from qualified members of the scientific community to ensure that the final decision is based on solid science.

Comments on each rule, both of which will publish concurrently in the Federal Register on February 4, 2013, must be received within 90 days, on or before April XX, 2013. Comments can also be submitted on the draft Recovery Outline. See the Addresses section of each proposed rule for how to submit comments to <http://www.regulations.gov>. Information on both rules can also be mailed or hand delivered to the Fish and Wildlife Service, Montana Field Office, 585 Shepard Way, Suite 1, Helena, Montana, 59601.

Any final action resulting from the proposed rules will be based on the best scientific and commercial data available, and be as accurate and as effective as possible. To ensure that it has the best information on which to base its decisions, the Service is requesting comments or information from the public, other concerned government agencies, Native American tribes, the scientific community, industry or any other interested parties.

For more information about wolverine conservation and copies of the proposals, visit the Service's web site at <http://www.fws.gov/mountain-prairie/species/mammals/wolverine/>. Additional details are also available by contacting the Montana Field Office at 406-449-5225 or address below.

U.S. Fish and Wildlife Service Region 6

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