

Mexican Wolf Blue Range Reintroduction Project Adaptive Management Oversight Committee Standard Operating Procedure

Title: Control of Mexican Wolves

Number: 13.0

File Name: MW SOP 13.Control of Mexican Wolves.Final.20051010.doc

Purpose: This SOP: (1) Lists criteria for determining the status of nuisance (non-depredating) and problem (depredating) wolves, and (2) Provides guidelines for conducting wolf control actions. It supersedes relevant sections of the 1998 Mexican Wolf Interagency Management Plan (USFWS 1998), and represents, in part, the “Service Approved Management Plan” referenced in the Mexican Wolf Final Rule (50 CFR 17.84(k)).

Exceptions: Approved exceptions to this SOP include:

1. These guidelines provide hierarchies of management responses for nuisance and problem wolf situations. To control a nuisance or problem wolf:
 - a. The IFT may, with or without discussion with AMOC, apply a numerically higher-level (but not a numerically lower-level or permanent removal¹) management response than is described under these guidelines for a specific situation (see Table 1, p. 5). The appropriate State or Tribal Field Team Leader, in consultation with a Wildlife Services IFT member and the Field Projects Coordinator, will make the final decision on such exceptions.
 - b. The IFT may also, with prior concurrence from AMOC (i.e. input from all, with decision made by the jurisdictional Lead Agency), apply a lower-level management response than is described under these guidelines for a specific situation. The appropriate State or Tribal Field Team Leader, after consulting with a Wildlife Services IFT member and the Field Projects Coordinator, will initiate requests to AMOC for such exceptions.
 - c. The IFT may not use lethal take methods without prior approval by the Mexican Wolf Recovery Coordinator or his designee after discussion with AMOC, per the guidelines below.
2. Wolves known or likely to have committed three depredation incidents within a period of 365 days shall be permanently removed from the wild as expeditiously as possible (i.e. “3 strikes and out;” see Procedures, Section 3.g.iii). Conversely, a wolf that has committed or been involved in fewer than three depredation incidents will, if 365 days have passed since the last incident, be considered a “new” wolf, with no “strikes” against it.
3. AMOC may approve departures from these guidelines as necessary to ensure that field research that AMOC considers essential to furthering accomplishment of the goals of this Project can proceed without compromising wolf management.

¹ “Permanent removal” includes live capture methods as well as lethal take. Regardless of the means, a wolf subject to a permanent removal order shall never be returned to the wild in Arizona or New Mexico after it is removed.

4. The White Mountain Apache Tribe (WMAT), in accordance with the pre-existing Cooperative Agreement with the U.S. Fish and Wildlife Service (USFWS), will follow procedures for management of Mexican wolves, including control measures, as set forth under the approved WMAT-Mexican Wolf Management Plan.

Per SOP 2.0, AMOC must approve any further exceptions to this SOP.

Background: Control of wolves (removal or taking of wild wolves) to stop or reduce depredation or other conflicts (such as nuisance problems) is essential to successful reintroduction and ultimately recovery. Per the Final Rule, this includes (a) wolves involved in depredation on livestock (on public, tribal, or private lands) or on pets or domestic animals other than livestock (on private or tribal lands, but not on public lands); (b) wolves involved in wolf-human conflicts (regardless of land ownership status); and (c) wolves establishing themselves wholly outside the Blue Range Wolf Recovery Area (on public, tribal, or private land unless the tribe or private landowner agrees). However, not all “problem” or “nuisance” wolves warrant removal, or even translocation. Moreover, depending on case-specific circumstances, control may be appropriate at any one of several levels, but typically not rising to permanent removal. Thus, thresholds and guidelines for responses to specific circumstances are clearly advisable, so interested and affected parties will know when action will be taken, and when it will not.

The Final Rule specifically authorizes control (take) of Mexican wolves in the following circumstances: harassment, under Section (3)(ii); killing or injuring wolves actually engaged in the attack of livestock, under Sections (3)(v), (3)(vi), and (3)(vii); and in defense of human life, under Section (3)(xii). (See Appendix A for specific Final Rule requirements). The Final Rule also authorizes use of methods of take that might otherwise be precluded under Section (3)(ix):

“Authorized personnel may use leg-hold traps and any other effective device or method for capturing or controlling wolves to carry out any measure that is part of [this] Service-approved management plan, notwithstanding any conflicts in State or local law.”

Under Section (3)(xiii):

“The Service encourages those authorized to take wolves to use non-lethal means when practical and appropriate.”

Non-lethal means of wolf control, as defined in this SOP and consistent with the Final Rule (see Appendix A), include:

1. Harass: Throughout the Mexican Wolf Experimental Population Area, private citizens may opportunistically and noninjuriously harass wolves that are within 500 yards of people, buildings, facilities, pets, livestock, or other domestic animals in an opportunistic, noninjurious manner at any time--provided that wolves cannot be purposely attracted, tracked, searched out, or chased and then harassed. A person who has harassed a wolf must report their actions within 7 days to the Service's Mexican Wolf Recovery Coordinator or to a designated representative of the Service. Opportunistic, noninjurious harassment means as the wolf presents itself (for example, the wolf travels onto and is observed on private land or

near livestock). This is the only type of harassment permitted by the Final Rule. A private individual cannot track, attract, search out, or chase a wolf and then harass it. Any harassment must not cause bodily injury or death to the wolf. The basic intent of harassment permitted by the Final Rule is to scare wolves away from the immediate area. It is limited to approaching wolves and discharging firearms or other projectile launching devices in proximity to but not in the direction of wolves; throwing objects in the general direction of but not at wolves; or making any loud noise in proximity to wolves.

2. Haze: IFT members and any other Service-permitted persons (e.g. wildlife managers) may haze wolves to scare them away from an area or to prevent or curtail nuisance or problem behavior. Hazing includes the use of noninjurious means, and as well as means that might unintentionally or intentionally result in injury to a wolf. Such means include, but are not limited to: approaching wolves; discharging firearms or other projectile launching devices in proximity to, in the direction of, or at (e.g. rubber bullets) wolves; and/or making any loud noise in proximity to wolves.

Wolf control actions by Service-permitted persons, such as the IFT, are authorized under the Final Rule as “take,” which means “to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct” (16 U.S.C. 1532(19)). Also, see the above and the Final Rule (Appendix A) for definitions of “harass,” “opportunistic, noninjurious harassment,” and “unavoidable and unintentional take.”

Note: Wolf control by IFT staff on tribal lands is subject to direction and approval by the respective tribal authorities. Any IFT member(s) may assist in such actions, if requested and authorized by the appropriate tribal authority.

Note: The IFT will not work on private or tribal land without permission.

Procedures:

1. Investigative Procedures

- a. All suspected or reported wolf depredations and wolf-human conflicts will be investigated immediately and reported appropriately, in strict accordance with SOP 11.0 (including reporting obligations). USDA-APHIS WS IFT members will respond within 24 hours to each incident or allegation of wolf-livestock conflict, and other IFT members will provide assistance as requested, appropriate and/or necessary. Non-WS IFT members, with assistance from WS IFT members as available and appropriate, will handle wolf-human conflicts involving attacks on pets or domestic animals other than livestock, and other nuisance behavior as defined below.
- b. The IFT will determine the “nuisance” or “problem” status of a wolf or wolves and initiate control actions as described in these guidelines. If a given situation appears to warrant a lesser management action than these guidelines require, the IFT will discuss the situation with the affected landowner or permittee, and then consult with and get approval from AMOC before taking the lesser action.

- c. WS Wolf Management Specialists will immediately report any livestock depredations in New Mexico by protected wildlife other than Mexican wolves to the NMDGF IFT Leader or the local District Wildlife Officer. New Mexico State law pertaining to protected wildlife might require NMDGF to begin an investigation within 24 hours.
2. Criteria for Determining Status of Problem and Nuisance Wolves. Final Rule Section 17.84 (k)(ix) provides guidelines for when authorized personnel may take Mexican wolves. Note: in the passage below, the “Service” means the USFWS Region 2 (Albuquerque) Director or his authorized delegate.
 - a. “Personnel authorized by the Service may take any Mexican wolf in the nonessential experimental population in a manner consistent with a Service-approved management plan, special management measure, or a valid permit issued by the Service under section 17.32. This may include, but is not limited to, capture and translocation of wolves that: (1) prey on livestock; (2) attack pets or domestic animals other than livestock on private or tribal land; (3) “impact game populations in ways which may inhibit further wolf recovery” [see definition in section 17.84 (k)(15)]; (4) prey on members of the desert bighorn sheep herd found on the White Sands Missile Range and San Andres National Wildlife Refuge so long as the State of New Mexico lists it as a species to be protected; (5) are considered “**problem** wolves” [see definition in section 17.84(k)(15)]; (6) are a **nuisance**; (7) endanger themselves by their presence in a military impact area; (8) need aid or veterinary care; or (9) are necessary for authorized scientific, research, or management purposes. Lethal methods of take may be used when reasonable attempts to capture wolves alive fail and when the Service determines that immediate removal of a particular wolf or wolves from the wild is necessary. Authorized personnel may use leg-hold traps and any other effective device or method for capturing or controlling wolves to carry out any measure that is a part of a Service-approved management plan, notwithstanding any conflicts in State or local law. The disposition of all wolves (live or dead) or their parts taken as part of a Service-authorized management activity must follow provisions in Service-approved management plans or interagency agreements or procedures approved by the Service on a case-by-case basis.”
 - b. The Final Rule provision to take “nuisance” wolves is broad, so the IFT must evaluate each incident on its own merit (see Table below) and discuss it with the affected landowner or permittee and AMOC as necessary to ensure appropriate management response.

Not every wolf-human interaction will easily fit into a pre-determined behavior pattern. Investigators should especially look at each wolf-human interaction for signs that a wolf was actually present and displayed little fear of, or an unusual interest in, humans.

Humans in areas occupied by wolves can help avoid provoking wolf behavior that might require a management response by voluntarily (i.e. these are not legal requirements):

- (1) Taking appropriate aversive action on encountering a wolf, if concerned about its presence (e.g. walking away rather than running away, possibly triggering the chase instinct; or ensuring that a wolf always has an escape route); or
- (2) Avoiding a wolf that is feeding, or is with its young; or
- (3) Feeding and restraining pets indoors, especially at night; or
- (4) Not feeding wolves or otherwise intentionally attracting them; or
- (5) Removing, burying, or rendering inedible the visceral remains or carcasses of livestock; or
- (6) Removing, burying, or rendering inedible the visceral remains or carcasses of wildlife where, if left in place, they might reasonably be expected to attract wolves to occupied dwellings or concentrations of livestock.

Table 1. Thresholds for Management Responses to Reports of Mexican Wolf Nuisance Behavior. The IFT will apply the following guidelines for management of “nuisance” wolves (i.e. those that have not become “problem” wolves by killing domestic animals). Management actions (i.e. IFT Responses) defined below identify the IFT response for each level of wolf behavior. Management actions at each level will continue until the nuisance behavior ceases, or the wolf behavior escalates to the next level and triggers a different IFT response. However, per SOP 13.0 Exception 1 (see p. 1), the IFT may implement a numerically higher-level response in any given category below when circumstances indicate that doing so would be appropriate. Conversely, with prior AMOC approval (i.e. input from all, with the decision made by the jurisdictional lead agency), the IFT may also implement a numerically lower-level management response when circumstances are appropriate to do so (see Investigative Procedures 1b, above). Note: Categories 1-6 are in rank order of implementation, but elements within a specific category (e.g. 2a, 2b, 2c, and 2d) are not in rank order.		
Category	Wolf Behavior and Management Threshold	IFT Response
1a	A wolf is credibly reported away from human development, but it does not interact with humans or domestic animals (including livestock or pets) or it remains in the area in the absence of aversive action by humans, or it leaves when approached by a human, or when a human takes aversive action	Document report; follow up as appropriate
1b	A wolf is credibly reported near human development but it does not approach people, homes, or domestic animals (including livestock or pets), and it does not interact with humans or domestic animals (including livestock or pets)	Document report; follow up as appropriate
2a	A wolf is credibly reported near human development and approaches occupied dwellings or domestic animals (including livestock or pets), but at the sight or sound of a human it leaves without further interaction	Phone call or field visit
2b	A wolf is credibly reported near human development and approaches occupied dwellings, livestock, or pets, and remains in the area but it shows no signs of aggression toward a human, livestock, or pets regardless of whether aversive action is taken	Field visit
2c	A wolf is credibly reported near human development and initially shows signs of aggression toward a human who takes aversive action, but after the aversive action the wolf backs off and leaves	Field visit
2d	A wolf is credibly reported near human development and interacts with, but does not injure or kill, a domestic animal (including livestock and pets)	Field visit

3a	A landowner requests relief from a wolf causing disturbance on private or tribal lands, and the IFT documents such disturbance within ± 500 yards of a dwelling or other facility occupied by humans or livestock, with the disturbance occurring more than twice in 7 days or more than 3 times in 14 days	Hazing and/or harassment (see also Categories 4a, 4c, 5b, and 6b).
3b	A wolf is credibly reported to have failed to retreat from a human who took aversive action	Hazing and/or harassment (see also Categories 4b, 5a, and 6a).
4a	IFT action over a 14-day period in response to a Category 3a complaint fails to eliminate the nuisance behavior (i.e. aversive action success is defined as elimination of the nuisance problem)	Capture and relocate within home range at least 3 miles from incident site, or elsewhere in Recovery Area
4b	IFT action over a 7-day period in response to a Category 3b complaint fails to eliminate the nuisance behavior (i.e. aversive action success is defined as elimination of the nuisance problem)	Capture and relocate within home range at least 3 miles from incident site, or elsewhere in Recovery Area
4c	A wolf successfully hazed per Category 3a returns to the same area on private or tribal lands within 30 days of previous hazing and the IFT documents disturbance within ± 500 yards of a dwelling or other facility occupied by humans or livestock, with the disturbance occurring more than twice in 7 days or more than 3 times in 14 days	Capture and relocate within home range at least 3 miles from incident site, or elsewhere in Recovery Area
5a	A wolf successfully hazed per Category 3b returns to an area on private or tribal lands within 30 days of the previous hazing and again fails to retreat from a human who took aversive action	Capture and relocate at least 10 miles from home range and site of nuisance incident
5b	A wolf that has been captured and relocated twice per Category 4a and/or 4c returns to private or tribal lands within 30 days and the IFT documents disturbance within ± 500 yards of a dwelling or other facility occupied by humans or livestock more than twice in 7 days or more than 3 times in 14 days	Capture and relocate at least 10 miles from home range and site of nuisance incident
6a	A wolf that has been captured and relocated twice per Category 4b and/or 5a again displays a lack of fear of humans by approaching or failing to retreat when a human took aversive action	Permanent removal from the wild, per AMOC direction
6b	A wolf that has been captured and relocated 3 times per Categories 4 or 5 violates Categories 3b, 4(a, b, or c), or 5(a or b)	Permanent removal from the wild, per AMOC direction

- c. Specific definitions of “problem wolves” and “depredation” are found in Section 17.84(k)(15) of the Final Rule:

Problem wolves means wolves that (1) have depredated lawfully present domestic livestock, (2) are members of a group or pack (including adults, yearlings, and young-of-the-year) that were directly involved in livestock depredations, (3) were fed by or are dependent upon adults involved with livestock depredations (because young animals will likely acquire the pack’s livestock depredation habits), (4) have depredated domestic animals other than livestock on private or tribal lands, two times in an area within one year, or (5) are habituated to humans, human residences, or other facilities.

Depredation means the confirmed killing or wounding of lawfully present domestic livestock by one or more wolves.

- d. “Depredation incident” means the aggregate number of livestock killed or mortally wounded by an individual wolf or a single pack of wolves at a single location within a 1-day (24-hour) period, beginning with the first confirmed kill, as documented in the initial IFT incident investigation pursuant to SOP 11.0. This is based on the premise that IFT management intervention is intended to occur within 24 hours of receiving a report of a depredation incident. Note: in some situations, dead or mortally wounded livestock might be discovered during management follow-up in an incident area that were not counted in the original depredation incident. The IFT and the permittee or landowner will discuss and the IFT must determine whether such animals represent an additional incident or should be included in the earlier incident.

3. Guidelines for Conducting Wolf Control Actions

When the IFT has determined pursuant to SOP 10.0 or 11.0 that control is warranted, the IFT will take action in accordance with the following conditions and guidelines, and submit a preliminary written report on its action(s) to AMOC via the Field Projects Coordinator no more than 7 calendar days following initiation of the action(s) and a final written “management actions” report no more than 7 calendar days after completion of the actions.

- a. If the IFT determines that a wolf is not a nuisance animal per the guidelines above, or a problem animal per the guidelines below, no control action required. The IFT will simply notify AMOC and the complainant in writing and provide reasons for the determination. The IFT and available agency managers will work with the complainant (if the complainant so desires) to develop and implement on-site enhancements or husbandry practices intended to help prevent future complaints (e.g. fencing improvements, eliminating attractants, changes in livestock husbandry or management practices).
- b. Wolves involved in depredations or attacks on lawfully present livestock (or pets or domestic animals other than livestock on private or tribal land) and determined to be a problem or a nuisance will be controlled.

- c. When feasible, removal or elimination (e.g. by burial or chemical treatment) of attractants, such as visceral remains or carcasses of livestock or wildlife, will accompany control action(s) (per SOP 11.0).
- d. Control actions may include non-removal methods such as hazing as an initial option, followed by capture of the depredating wolf or wolves and:
 - i. Release on-site or nearby, with initiation of management actions to reduce the probability of recurring depredations or nuisance behavior;
 - ii. Relocation within the Recovery Area;
 - iii. Removal from the wild population followed by aversive conditioning and relocation within the Recovery Area;
 - iv. Removal from the wild population and placement in captivity or euthanasia;
 - v. Other appropriate actions as determined by the IFT in consultation with AMOC and the Mexican Wolf Recovery Coordinator or his designee, on a case-by-case basis.
- e. Not less than 72 hours before a control period ends, the IFT will consult with AMOC (which includes the Mexican Wolf Recovery Coordinator or his designee) to determine the control measure to apply and the duration of the next control period, should one be necessary. Options include: 1) continue the current control action for another specified period of time (per the Section 3.g guidelines below); 2) discontinue the control action; and/or 3) implement another control action for an appropriate number of days (per the guidelines). AMOC and the IFT will ensure that all decisions on these options reflect sound judgment, are well justified, and are appropriately documented. Note: Use of lethal control and extensions of authorized periods of use are governed by Sections 1a and 1c of the Exceptions to this SOP, and Section 3.g of the guidelines below.
- f. While not expected to occur, wolves that AMOC (i.e. including the Mexican Wolf Recovery Coordinator or his designee) determines to represent a potential or actual human safety hazard will be promptly removed from the wild and retained in captivity or euthanized (i.e. no wolf that represents a safety hazard to humans will be released or relocated). Any wolf that has bitten or scratched a human will be euthanized and tested for rabies. Disposition of such animals will be the prerogative of the USFWS. Such animals or their parts will be treated as the property of the USFWS.
- g. The IFT will approach livestock depredation incidents (per 2c above) as follows:
 - i. **When a first livestock depredation incident occurs**, the IFT will investigate per SOP 11.0 and carry out the following management actions:
 - (1) The IFT will meet with the affected landowner or permittee after investigating the depredation report, and thoroughly review the circumstances of the incident.
 - (2) Inside the Recovery Area:

- (a) First-depredation wolves will be hazed for at least a 7- but not more than a 14-day period, and/or trapped for radio-collaring and release on-site or translocation as appropriate to case-specific circumstances, including: total livestock losses incurred, likelihood of future depredations, natural prey availability, and behavior, current breeding status, and demographic or genetic value of the wolf or wolves.
 - (b) Un-collared wolves that are captured will be radio-collared in accordance with SOP 3.0 before release on-site or translocation per SOP 6.0.
 - (c) Regardless of other control actions, the IFT will search the incident area to look for additional livestock depredations, and intensively monitor the wolves through the end of the 14-day period or until the wolves leave the area, whichever occurs first.
 - (d) If no additional livestock depredations occur (or the wolves leave the area) within 7 days of the first depredation incident, the IFT will discontinue control actions but continue to monitor daily for wolf activity in that area through the end of the 14-day period.
 - (e) Captured first-depredation wolves will be evaluated for translocation per SOP 6.0.
- (3) Outside the Recovery Area:
- (a) First-depredation wolves may be left on private or tribal lands outside the Recovery Area if the landowner agrees to their presence.
 - (b) On public lands, and private or tribal land if requested by the landowner, first-depredation wolves will immediately be trapped for removal, unless presence of pups (prior to September 1) dictates otherwise, in which case trapping will be initiated as soon as doing so will not jeopardize the lives of the pups.
 - (c) When trapping has been delayed to accommodate pups, the IFT will, with approval of the landowner, implement hazing and/or other non-lethal methods of discouraging further depredation incidents until capture has been accomplished or the wolves have returned to the Recovery Area.
 - (d) Captured first-depredation wolves will be evaluated for translocation per SOP 6.0.
- ii. **When a second livestock depredation incident occurs**, the IFT will investigate per SOP 11.0 and carry out the following management actions:
- (1) The IFT will meet with the affected landowner or permittee after investigating the depredation report, and thoroughly review the circumstances of the incident.
 - (2) Inside the Recovery Area:
 - (a) Second-depredation wolves will be hazed for a period of up to 7 days and/or trapped for removal to captivity, or radio-collared and immediately translocated or released on-site as appropriate to case-specific circumstances, including: total livestock losses incurred, likelihood of future depredations, natural prey availability, and behavior, current breeding status, and demographic or genetic value of the wolf or wolves. Per Section 3.e above, an additional period of hazing may be approved through IFT consultation

with AMOC. Any such extension request must be well justified, carefully examined, and appropriately documented.

- (b) Captured second-depredation incident wolves that are removed to captivity will be evaluated for future translocation per SOP 6.0.
- (3) Outside the Recovery Area:
 - (a) Second-depredation wolves may be left on private or tribal lands if the landowner agrees to their presence.
 - (b) On public lands, and private or tribal lands if requested by the landowner, the IFT will initiate and/or continue trapping until second-depredation wolves have been captured and removed to captivity or translocated to an approved site within the Recovery Area.
 - (c) Captured second-depredation incident wolves that are removed to captivity will be evaluated for future translocation per SOP 6.0.

iii. **When a third livestock depredation incident occurs:**

- (1) Within 24 hours, the Mexican Wolf Recovery Coordinator or his designee shall, after consulting with AMOC, issue a permanent removal order. To enable the Recovery Coordinator to develop the order, the IFT shall provide information to him and AMOC identifying any individual wolves known or likely to have committed the three depredation incidents, and a recommendation on removal of any other members of the pack.
 - (a) The order shall cover a 45-day period, and the IFT shall begin implementing it on the day of issuance.
 - (b) The order shall direct, at a minimum, removal of any individual wolves known or likely to have committed the three depredation incidents, and may authorize permanent removal of other pack members.
 - (i) If the IFT has identified only one three-time depredator wolf, the order shall direct removal of that animal and may authorize permanent removal of one additional wolf.
 - (ii) If the IFT has not identified a specific three-time depredator wolf, the order shall direct removal of at least one wolf and may authorize removal of a second individual.
 - (iii) The IFT Wildlife Services lead on responding to the depredation incident, after consulting with the IFT jurisdictional agency lead, shall determine which non-depredator wolf or wolves to remove, if such removal has been authorized in the order.
- (2) The IFT shall continue permanent removal efforts for the full 45-day period authorized, unless the removal action is completed before then. However, at Day 30, the IFT shall consult with AMOC to determine what action(s) to take if removal is not completed by Day 45.
- (3) When authorized permanent removal has been completed, permanent removal actions against any remaining pack members shall cease, and the pack shall be closely monitored for a period of 30 days. If no additional depredations occur within 30 days that are attributable to that pack, intensive monitoring may cease.
- (4) A wolf captured alive under a permanent removal order shall be removed to captivity for authorized use pursuant to USFWS permit, or shall be euthanized in

the field or captivity, as determined by the Mexican Wolf Recovery Coordinator, in consultation with AMOC.

- iv. **If a fourth depredation incident occurs**, within 24 hours, the Mexican Wolf Recovery Coordinator or his designee shall issue a permanent removal order for an additional wolf or wolves, in accordance with the guidelines set forth for third depredation incidents (see above).
- v. **If a fifth depredation incident occurs**, the IFT shall immediately implement permanent removal actions for all remaining members of the depredating pack, and continue the removal actions until they are successful or until directed otherwise by AMOC. The IFT shall also conduct intensive monitoring actions while such control actions are underway.
- vi. In the event a permanent removal order results in isolation of den-bound or dependent pups, the IFT shall make every reasonable effort to locate such pups and take them into captivity. Such pups may be placed in the captive breeding program, subject to prior approval by the Mexican Wolf Recovery Coordinator or his designee, or may be considered for translocation or re-release per SOP 6.0.
- vii. If older (non-dependent) first-year pups captured under a permanent removal order are not known or likely to have committed three depredation incidents, they may be placed in the captive breeding program, subject to approval by the Recovery Coordinator or his designee, or may be considered for translocation or re-release per SOP 6.0.

4. Disposition of Problem Wolves

- a. The IFT, per SOP 6.0 and as appropriate to the guidelines above, will make a decision or a recommendation on disposition (e.g. release on-site, or relocation nearby within the Recovery Area, translocation, or removal from the wild) of a problem wolf within 24 hours of capture. Captured wolves will be maintained in an appropriate holding facility. Any injuries sustained during the capture will be appropriately and humanely treated. All captures for control or other reasons, and all wolves killed or found dead, will be documented on the standard capture form.
- b. Regardless of disposition of a depredating wolf, if the affected permittee(s) or private or tribal landowner(s) so desire, the IFT will help them explore the feasibility of preventing further wolf depredation problems through site enhancements, such as improved fencing and/or changes in livestock husbandry and/or management practices.

5. Additional Control Provisions

- a. Consistent with Sections 3.g.i.3 and 3.g.ii.2 (above):
 - i. If Mexican wolves of the experimental population occur on public lands outside the designated wolf recovery area(s), but within the Mexican Wolf Experimental

Population Area, the Service or an authorized agency will attempt to capture any radio-collared lone wolf and any lone wolf or member of an established pack causing livestock “depredations” (see definition in Final Rule, Section 17.84(j)(15)). The agencies will not routinely capture and return pack members that make occasional forays onto public land outside the designated wolf recovery area(s) and un-collared lone wolves on public land. However, the Service or an authorized agency will capture and return to a recovery area or to captivity packs from the nonessential experimental population that establish territories on public land outside the designated wolf recovery area(s).

- ii. If any wolves move onto private land outside the designated recovery area(s), but within the Mexican Wolf Experimental Population Area, the Service or an authorized agency will develop management actions in cooperation with the landowner including capture and removal of the wolf or wolves if requested by the landowner.
- iii. If any wolves move onto tribal land outside the designated recovery area(s), but within the Mexican Wolf Experimental Population Area, the Service or an authorized agency will develop management actions in cooperation with the tribal government including capture and removal of the wolf or wolves if requested by the tribal government.

Approval: The Mexican Wolf Blue Range Reintroduction Project Adaptive Management Oversight Committee approved this SOP on October 10, 2005.

References:

U.S. Fish and Wildlife Service. 1996. Final Environmental Impact Statement: Reintroduction of the Mexican Wolf within its Historic Range in the Southwestern United States. U.S Fish and Wildlife Service, Albuquerque, NM.

U.S. Fish and Wildlife Service. 1998. The Final Mexican Wolf Experimental Rule. 63 Federal Register. Pp 1763-1772.

Appendixes:

Appendix A. Below is an excerpt of the Final Rule text designating nonessential experimental population status for the Mexican wolf. The Final Rule was enacted January 12, 1998, in Federal Register 63:1763-1772. The Federal Register is the official daily publication for Rules, Proposed Rules, and Notices of Federal agencies and organizations, as well as Executive Orders and other Presidential Documents.)

3. The Service amends Sec. 17.84 by adding paragraph (k) to read as follows:

Sec. 17.84 Special rules--vertebrates.

* * * * *

(k) Mexican gray wolf (*Canis lupus baileyi*).

(1) The Mexican gray wolf (Mexican wolf) populations reestablished in the Blue Range Wolf Recovery Area and in the White Sands Wolf Recovery Area, if used, within the Mexican Wolf Experimental Population Area, identified in paragraph (k)(9) of this section, are one nonessential experimental population. This nonessential experimental population will be managed according to the following provisions.

(2) Based on the best available information, the Service finds that reintroduction of an experimental population of Mexican wolves into the subspecies' probable historic range will further the conservation of the Mexican wolf subspecies and of the gray wolf species; that the experimental population is not "essential," under 50 CFR 17.81(c)(2); that the experimental population is wholly separate geographically from any other wild gray wolf population or individual wild gray wolves; that no wild Mexican wolves are known to exist in the experimental population area or anywhere else; and that future migration of wild Mexican wolves into the experimental population area is not possible.

(3) No person, agency, or organization may "take" [see definition in paragraph (k)(15) of this section] any wolf in the wild within the Mexican Wolf Experimental Population Area, except as provided in this rule. The Service may investigate each take of a Mexican wolf and may refer the take of a wolf contrary to this rule to the appropriate authorities for prosecution.

(i) Throughout the Mexican Wolf Experimental Population Area, you will not be in violation of the Act or this rule for "unavoidable and unintentional take" [see definition in paragraph (k)(15) of this section] of a wolf. Such take must be non-negligent and incidental to a legal activity, such as military training and testing, trapping, driving, or recreational activities. You must report the take within 24 hours to the Service's Mexican Wolf Recovery Coordinator or to a designated representative of the Service.

(ii) Throughout the Mexican Wolf Experimental Population Area, you may "harass" [see definition in paragraph (k)(15) of this section] wolves that are within 500 yards of people, buildings, facilities, pets, "livestock" [see definition in paragraph (k)(15) of this section], or other domestic animals in an opportunistic, noninjurious manner [see definition of "opportunistic, noninjurious harassment" in paragraph (k)(15) of this section] at any time--provided that wolves cannot be purposely attracted, tracked, searched out, or chased and

then harassed. You must report harassment of wolves within 7 days to the Service's Mexican Wolf Recovery Coordinator or to a designated representative of the Service.

(iii) Throughout the Mexican Wolf Experimental Population Area, excluding areas within the national park system and national wildlife refuge system, no Federal agency or their contractors will be in violation of the Act or this rule for unavoidable or unintentional take of a wolf resulting from any action authorized by that Federal agency or by the Service, including, but not limited to, military training and testing. This provision does not exempt agencies and their contractors from complying with sections 7(a)(1) and 7(a)(4) of the Act, the latter of which requires a conference with the Service if they propose an action that is likely to jeopardize the continued existence of the Mexican wolf.

(iv) In areas within the national park system and national wildlife refuge system, Federal agencies must treat Mexican wolves as a threatened species for purposes of complying with section 7 of the Act.

(v) On private land anywhere within the Mexican Wolf Experimental Population Area, livestock owners or their agents may take (including kill or injure) any wolf actually engaged in the act of killing, wounding, or biting livestock" [see definition in paragraph (k)(15) of this section]; provided that evidence of livestock freshly wounded or killed by wolves is present; and further provided that the take is reported to the Service's Mexican Wolf Recovery Coordinator or a designated representative of the Service within 24 hours.

(vi) On tribal reservation land anywhere within the Mexican Wolf Experimental Population Area, livestock owners or their agents may take (including kill or injure) any wolf actually engaged in the act of killing, wounding, or biting livestock; provided that evidence of livestock freshly wounded or killed by wolves is present; and further provided that the take is reported to the Service's Mexican Wolf Recovery Coordinator or a designated representative of the Service within 24 hours.

(vii) On "public lands" [see definition in paragraph (k)(15) of this section] allotted for grazing anywhere within the Mexican Wolf Experimental Population Area, including within the designated "wolf recovery areas" [see definition in paragraph (k)(15) of this section], livestock owners or their agents may be issued a permit under the Act to take wolves actually engaged in the act of killing, wounding, or biting "livestock" [see definition in paragraph (k)(15) of this section]. Before such a permit is issued, the following conditions must be met--livestock must be legally present on the grazing allotment; six or more "breeding pairs" [see definition in paragraph (k)(15) of this section] of Mexican wolves must be present in the Blue Range Wolf Recovery Area; previous loss or injury of livestock on the grazing allotment, caused by wolves, must be documented by the Service or our authorized agent; and agency efforts to resolve the problem must be completed. Permits issued under this provision will be valid for 45 days or less and will specify the maximum number of wolves you are allowed to take. If you take a wolf under this provision, evidence of livestock freshly wounded or killed by wolves must be present. You must report the take to the Service's Mexican Wolf Recovery Coordinator or a designated representative of the Service within 24 hours.

(viii) Throughout the Mexican Wolf Experimental Population Area, take of Mexican wolves by livestock guarding dogs, when used in the traditional manner to protect livestock on public, tribal, and private lands, is permitted. If you become aware that such take by your guard dog has occurred, you must report the take to

the Service's Mexican Wolf Recovery Coordinator or a designated representative of the Service within 24 hours.

(ix) Personnel authorized by the Service may take any Mexican wolf in the nonessential experimental population in a manner consistent with a Service-approved management plan, special management measure, or a valid permit issued by the Service under Sec. 17.32. This may include, but is not limited to, capture and translocation of wolves that--prey on livestock; attack pets or domestic animals other than livestock on private or tribal land; ``impact game populations in ways which may inhibit further wolf recovery" [see definition in paragraph (k)(15) of this section]; prey on members of the desert bighorn sheep herd found on the White Sands Missile Range and San Andres National Wildlife Refuge so long as the State of New Mexico lists it as a species to be protected; are considered ``problem wolves" [see definition in paragraph (k)(15) of this section]; are a nuisance; endanger themselves by their presence in a military impact area; need aid or veterinary care; or are necessary for authorized scientific, research, or management purposes. Lethal methods of take may be used when reasonable attempts to capture wolves alive fail and when the Service determines that immediate removal of a particular wolf or wolves from the wild is necessary. Authorized personnel may use leg-hold traps and any other effective device or method for capturing or controlling wolves to carry out any measure that is a part of a Service-approved management plan, notwithstanding any conflicts in State or local law. The disposition of all wolves (live or dead) or their parts taken as part of a Service-authorized management activity must follow provisions in Service-approved management plans or interagency agreements or procedures approved by the Service on a case-by-case basis.

(x) As determined by the Service to be appropriate, the Service or any agent so authorized by the Service may capture, kill, subject to genetic testing, place in captivity, euthanize, or return to the wild (if found to be a pure Mexican wolf) any feral wolf-like animal, feral wolf hybrid, or feral dog found within the Mexican Wolf Experimental Population Area that shows physical or behavioral evidence of hybridization with other canids, such as domestic dogs or coyotes; being an animal raised in captivity, other than as part of a Service-approved wolf recovery program; or being socialized or habituated to humans.

(xi) The United States Department of Agriculture, Animal and Plant Health Inspection Service, Wildlife Services (WS) division will discontinue use of M-44's and choking-type snares in ``occupied Mexican wolf range" [see definition in paragraph (k)(15) of this section]. The WS division may restrict or modify other predator control activities pursuant to a cooperative management agreement or a conference between the Service and the WS division.

(xii) You may harass or take a Mexican wolf in self defense or defense of the lives of others, provided that you report the harassment or take within 24 hours to the Service's Mexican Wolf Recovery Coordinator or a designated representative of the Service. If the Service or an authorized agency determines that a wolf presents a threat to human life or safety, the Service or the authorized agency may kill it, capture and euthanize it, or place it in captivity.

(xiii) Intentional taking of any wolf in the Mexican Wolf Experimental Population Area, except as described above, is prohibited. The Service encourages those authorized to take wolves to use nonlethal means when practicable and appropriate.

(4) You must not possess, sell, deliver, carry, transport, ship, import, or export by any means whatsoever, any wolf or wolf part from the experimental population except as authorized in this rule or by a valid permit issued by the Service under Sec. 17.32. If you kill or injure a wolf or find a dead or injured wolf or wolf parts, you must not disturb them (unless instructed to do so by an authorized agent of the Service), you must minimize your disturbance of the area around them, and you must report the incident to the Service's Mexican Wolf Recovery Coordinator or a designated representative of the Service within 24 hours.

(5) You must not attempt to commit, solicit another to commit, or cause to be committed, any offense defined in this rule.

(6) No land use restrictions will be imposed on private lands for Mexican wolf recovery without the concurrence of the landowner.

(7) No land use restrictions will be imposed on tribal reservation lands for Mexican wolf recovery without the concurrence of the tribal government.

(8) On public lands, the Service and cooperating agencies may temporarily restrict human access and "disturbance-causing land use activities" [see definition in paragraph (k)(15) of this section] within a 1-mile radius around release pens when wolves are in them, around active dens between March 1 and June 30, and around active wolf "rendezvous sites" [see definition in paragraph 17.84(k)(15) of this section] between June 1 and September 30, as necessary.

(9) The two designated wolf recovery areas and the experimental population area for Mexican wolves classified as a nonessential experimental population by this rule are described in the following subsections. Both designated wolf recovery areas are within the subspecies' probable historic range and are wholly separate geographically from the current range of any known Mexican wolves or other gray wolves..

(i) The Blue Range Wolf Recovery Area includes all of the Apache National Forest and all of the Gila National Forest in east-central Arizona and west-central New Mexico (Figure 1). Initial releases of captive-raised Mexican wolves will take place, generally as described in our Preferred Alternative in the FEIS on Mexican wolf reintroduction, within the Blue Range Wolf Recovery Area "primary recovery zone" [see definition in paragraph (k)(15) of this section]. This is the area within the Apache National Forest bounded on the north by the Apache-Greenlee County line; on the east by the Arizona-New Mexico state line; on the south by the San Francisco River (eastern half) and the southern boundary of the Apache National Forest (western half); and on the west by the Greenlee-Graham County line (San Carlos Apache Reservation boundary). The Service will allow the wolf population to expand into the Blue Range Wolf Recovery Area "secondary recovery zone" [see definition in paragraph (k)(15) of this section], which is the remainder of the Blue Range Wolf Recovery Area not in the primary recovery zone.

(ii) The White Sands Wolf Recovery Area in south-central New Mexico includes all of the White Sands Missile Range; the White Sands National Monument; the San Andres National Wildlife Refuge; and the area

adjacent and to the west of the Missile Range bounded on the south by the southerly boundary of the USDA Jornada Experimental Range and the northern boundary of the New Mexico State University Animal Science Ranch, on the west by the New Mexico Principal Meridian, on the north by the Pedro Armendaris Grant boundary and the Sierra-Socorro County line, and on the east by the western boundary of the Missile Range (Figure 2). This is the back-up reintroduction area, to be used only if later determined to be both necessary and feasible in accordance with the Preferred Alternative as set forth in the FEIS on Mexican wolf reintroduction. If this area is used, initial releases of captive-raised wolves would take place within the White Sands Wolf Recovery Area primary recovery zone. This is the area within the White Sands Missile Range bounded on the north by the road from the former Cain Ranch Head quarters to Range Road 16, Range Road 16 to its intersection with Range Road 13, Range Road 13 to its intersection with Range Road 7; on the east by Range Road 7; on the south by Highway 70; and on the west by the Missile Range boundary. The Service would allow the wolf population to expand into the White Sands Wolf Recovery Area secondary recovery zone, which is the remainder of the White Sands Wolf Recovery Area not in the primary recovery zone.

(iii) The boundaries of the Mexican Wolf Experimental Population Area are the portion of Arizona lying north of Interstate Highway 10 and south of Interstate Highway 40; the portion of New Mexico lying north of Interstate Highway 10 in the west, north of the New Mexico-Texas boundary in the east, and south of Interstate Highway 40; and the portion of Texas lying north of United States Highway 62/180 and south of the Texas-New Mexico boundary (Figure 3). The Service is not proposing wolf reestablishment throughout this area, but only within the Blue Range Wolf Recovery Area, and possibly later in the White Sands Wolf Recovery Area, respectively described in paragraphs (k)(9) (i) and (ii) of this section. If a member of the nonessential experimental population is captured inside the Mexican Wolf Experimental Population Area, but outside the designated wolf recovery areas, it will be re-released within the recovery area, put into the captive population, or otherwise managed according to provisions of a Service-approved management plan or action. If a wolf is found in the United States outside the boundaries of the Mexican Wolf Experimental Population Area (and not within any other wolf experimental population area) the Service will presume it to be of wild origin with full endangered status (or threatened in Minnesota) under the Act, unless evidence, such as a radio collar, identification mark, or physical or behavioral traits (see paragraph (k)(3)(x) of this section), establishes otherwise. If such evidence exists, the Service or an authorized agency will attempt to promptly capture the wolf and re-release it within the recovery area, put it into the captive population, or carry out any other management measure authorized by this rule or a Service-approved management plan. Such a wolf is otherwise not subject to this rule outside the designated Mexican Wolf Experimental Population Area.

(10) If Mexican wolves of the experimental population occur on public lands outside the designated wolf recovery area(s), but within the Mexican Wolf Experimental Population Area, the Service or an authorized agency will attempt to capture any radio-collared lone wolf and any lone wolf or member of an established pack causing livestock "depredations" [see definition in paragraph (k)(15) of this section]. The agencies will not routinely capture and return pack members that make occasional forays onto public land outside the designated wolf recovery area(s) and uncollared lone wolves on public land. However, the Service will capture

and return to a recovery area or to captivity packs from the nonessential experimental population that establish territories on public land wholly outside the designated wolf recovery area(s).

(11) If any wolves move onto private land outside the designated recovery area(s), but within the Mexican Wolf Experimental Population Area, the Service or an authorized agency will develop management actions in cooperation with the landowner including capture and removal of the wolf or wolves if requested by the landowner.

(12) If any wolves move onto tribal reservation land outside the designated recovery area(s), but within the Mexican Wolf Experimental Population Area, the Service or an authorized agency will develop management actions in cooperation with the tribal government including capture and removal of the wolf or wolves if requested by the tribal government.

(13) The Service will evaluate Mexican wolf reintroduction progress and prepare periodic progress reports, detailed annual reports, and full evaluations after 3 and 5 years that recommend continuation, modification, or termination of the reintroduction effort.

(14) The Service does not intend to change the "nonessential experimental" designation to "essential experimental," "threatened," or "endangered" and foresees no likely situation which would result in such changes. Critical habitat cannot be designated under the nonessential experimental classification, 16 U.S.C. 1539(j)(2)(C)(ii).

(15) Definitions--Key terms used in this rule have the following definitions.

Breeding pair means an adult male and an adult female wolf that have produced at least two pups during the previous breeding season that survived until December 31 of the year of their birth.

Depredation means the confirmed killing or wounding of lawfully present domestic livestock by one or more wolves. The Service, WS, or other Service-authorized agencies will confirm cases of wolf depredation on domestic livestock.

Disturbance-causing land use activity means any land use activity that the Service determines could adversely affect reproductive success, natural behavior, or survival of Mexican wolves. These activities may be temporarily restricted within a 1-mile radius of release pens, active dens, and rendezvous sites. Such activities may include, but are not limited to--timber or wood harvesting, management-ignited fire, mining or mine development, camping outside designated campgrounds, livestock drives, off-road vehicle use, hunting, and any other use or activity with the potential to disturb wolves. The following activities are specifically excluded from this definition--

- (1) Legally permitted livestock grazing and use of water sources by livestock;
- (2) Livestock drives if no reasonable alternative route or timing exists;
- (3) Vehicle access over established roads to private property and to areas on public land where legally permitted activities are ongoing if no reasonable alternative route exists;
- (4) Use of lands within the national park or national wildlife refuge systems as safety buffer zones for military activities;
- (5) Prescribed natural fire except in the vicinity of release pens; and

(6) Any authorized, specific land use that was active and ongoing at the time wolves chose to locate a den or rendezvous site nearby.

Engaged in the act of killing, wounding, or biting livestock means to be engaged in the pursuit and grasping, biting, attacking, wounding, or feeding upon livestock that are alive. If wolves are observed feeding on a livestock carcass, you cannot assume that wolves killed the livestock because livestock can die from many causes and wolves will feed on carrion.

Harass means "intentional or negligent act or omission which creates the likelihood of injury to the wildlife by annoying it to such an extent as to significantly disrupt normal behavioral patterns which include, but are not limited to, breeding, feeding, or sheltering" (50 CFR 17.3). This experimental population rule permits only "opportunistic, noninjurious harassment" (see definition below).

Impact on game populations in ways which may inhibit further wolf recovery. The Service encourages states and tribes to define unacceptable impacts from wolf predation on game populations in Service-approved management plans. Until such time the term will mean the following--2 consecutive years with a cumulative 35 percent decrease in population or hunter harvest estimates for a particular species of ungulate in a game management unit or distinct herd segment compared to the pre-wolf 5-year average (unit or herd must contain average of greater than 100 animals). If wolf predation is shown to be a primary cause of ungulate population declines (greater than 50 percent of documented adult or young mortality), then wolves may be moved to reduce ungulate mortality rates and assist in herd recovery, but only in conjunction with application of other common, professionally acceptable, wildlife management techniques.

Livestock means cattle, sheep, horses, mules, and burros or other domestic animals defined as livestock in State and Tribal wolf management plans approved by the Service.

Occupied Mexican wolf range means an area of confirmed presence of resident breeding packs or pairs of wolves or area consistently used by at least one resident wolf over a period of at least one month. The Service must confirm or corroborate wolf presence. Exact delineation of the area will be described by:

(1) 5-mile (8 km) radius around all locations of wolves and wolf sign confirmed as described above (nonradio-monitored);

(2) 5-mile (8 km) radius around radio locations of resident wolves when fewer than 20 radio locations are available (for radio-monitored wolves only); or

(3) 3-mile (4.8 km) radius around the convex polygon developed from more than 20 radio locations of a pack, pair, or single wolf acquired over a period of at least 6 months (for radio-monitored wolves).

This definition applies only within the Mexican Wolf Experimental Population Area.

Opportunistic, noninjurious harassment (see "harass") means as the wolf presents itself (for example, the wolf travels onto and is observed on private land or near livestock). This is the only type of harassment permitted by this rule. You cannot track, attract, search out, or chase a wolf and then harass it. Any harassment must not cause bodily injury or death to the wolf. The basic intent of harassment permitted by this rule is to scare wolves away from the immediate area. It is limited to approaching wolves and discharging

firearms or other projectile launching devices in proximity to but not in the direction of wolves; throwing objects in the general direction of but not at wolves; or making any loud noise in proximity to wolves.

Primary recovery zone means an area where the Service--

- (1) Will release captive-raised Mexican wolves,
- (2) May return and re-release previously released Mexican wolves,
- (3) May release translocated wild-born Mexican wolves, and
- (4) Will actively support recovery of the reintroduced population.

Problem wolves means wolves that--

- (1) Have depredated lawfully present domestic livestock,
- (2) Are members of a group or pack (including adults, yearlings, and young-of-the-year) that were directly involved in livestock depredations,
- (3) Were fed by or are dependent upon adults involved with livestock depredations (because young animals will likely acquire the pack's livestock depredation habits),
- (4) Have depredated domestic animals other than livestock on private or tribal lands, two times in an area within one year, or
- (5) Are habituated to humans, human residences, or other facilities.

Public land means land under administration of Federal agencies including, but not limited to the National Park Service, Bureau of Land Management, Fish and Wildlife Service, Forest Service, Department of Energy, and Department of Defense; and State-owned lands within the boundary of a designated wolf recovery area. All State-owned lands within the boundary of the experimental population area, but outside designated wolf recovery areas, will be subject to the provisions of this rule that apply to private lands.

Rendezvous site means a gathering and activity area regularly used by a litter of young wolf pups after they have emerged from the den. Typically, the site is used for a period ranging from about one week to one month in the summer. Several sites may be used in succession.

Secondary recovery zone means an area adjacent to a primary recovery zone in which the Service allows released wolves to disperse, where wolves captured in the wild for authorized management purposes may be translocated and released, and where managers will actively support recovery of the reintroduced population.

Take means ``to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct" (16 U.S.C. 1532(19)). Also, see definitions of ``harass", ``opportunistic, noninjurious harassment", and ``unavoidable and unintentional take."

Unavoidable and unintentional take means accidental, unintentional take (see definition of ``Take") which occurs despite reasonable care, is incidental to an otherwise lawful activity, and is not done on purpose. Examples would be striking a wolf with an automobile and catching a wolf in a trap outside of known occupied wolf range. Taking a wolf with a trap, snare, or other type of capture device within occupied wolf range (except as authorized in paragraph (k)(3)(ix) and (x) of this section) will not be considered unavoidable, accidental, or unintentional take, unless due care was exercised to avoid taking a wolf. Taking a wolf by shooting will not be

considered unavoidable, accidental, or unintentional take. Shooters have the responsibility to be sure of their targets.

Wolf recovery area means a designated area where managers will actively support reestablishment of Mexican wolf populations.

Dated: January 7, 1998.

William Leary,

Acting Deputy Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. **98-681 Filed** 1-8-98; 9:20 am]

BILLING CODE 4310-55-P