

Terms of Proposed Agreement regarding Endangered Species Act (ESA) Protections for Gray Wolves in the Northern Rocky Mountains

As part of the terms of the proposed settlement, the U.S. Fish and Wildlife Service and the plaintiffs have agreed to take actions to clarify implementation of the ESA and to ensure that a recovered wolf population continues to be sustainably managed under approved state management plans. The settlement agreement becomes effective only after court approval. The additional actions include:

- The parties will jointly ask the federal district court to stay its prior order so as to reinstate, in the states of Idaho and Montana, the 2009 rule removing wolves in the Northern Rocky Mountain Region from the protection of the Endangered Species Act.
- The Service will withdraw a September 2007 Department of the Interior Solicitors M-Opinion interpreting the meaning of the phrase “significant portion of its range” under the ESA.
- The Service will continue to work with the State of Wyoming to reach agreement on a wolf management plan that provides adequate protection for wolves should they be delisted within the state’s boundaries. Until such an agreement is reached, the Fish and Wildlife Service will continue to manage wolves in Wyoming.
- Upon receipt from Wyoming of a mutually acceptable wolf management plan, the Service will publish a proposed rule to designate and delist a Northern Rocky Mountains Distinct Population Segment (DPS) that replaces the 2009 rule.
- The Service will base its proposed and final delisting determination on the ESA’s five statutory listing factors and on the basis of the best scientific and commercial data available. The Service may, prior to proposing delisting, consider reclassification of wolves that remain on the list within the Northern Rocky Mountains DPS.
- The plaintiffs have agreed not to challenge any final rule designating and delisting any DPS prior to March 31, 2016. Further, they have agreed not to petition to list either the Northern Rocky Mountains DPS or any wolf population within the NRM DPS within the next three years.
- The Service will continue to monitor the wolf population and gather population data for at least five years. Within four years of the date on which the court approves this agreement, the Service will seek an independent scientific assessment of whether wolves in the northern Rocky Mountains are being managed in a way that reasonably assures the continued presence of a sustainable, genetically connected population of wolves within the Northern Rocky Mountains DPS for the foreseeable future.