

3. The eastern timber wolf (*Canis lupus lycaon*) was listed as an endangered species in Minnesota in the first list of species that were protected under the 1973 U.S. Endangered Species Act (“ESA”) in 1974. In 1978, the wolf was listed as endangered throughout the lower 48 states, except for the Minnesota population, which was classified as threatened. The Minnesota population was considered a listable entity under the Act, and was the only viable wolf population of gray wolves in the lower 48 states at the time of listing. In addition to the listing, three Minnesota wolf management zones were listed as critical habitat and special regulations were established for a wolf management program, including depredation controls which were later modified in 1985.

4. The U.S. Fish and Wildlife Service (“USFWS”) developed a Recovery Plan for the eastern timber wolf in 1978 and revised the plan in 1992. This plan included population goals to assure the survival of the wolf in Minnesota. The numerical population goal of the plan was 1,251 to 1,400 wolves.

5. The wolf population in Minnesota achieved the numerical recovery goals to assure the survival of the wolf by at least 1989. Additional recovery criteria of another wolf population of at least 100 wolves outside of Minnesota did not occur until the mid 1990s. At that time the wolf population in Minnesota nearly doubled the numerical recovery objective of 1251 – 1400 wolves.

6. DNR began development of a wolf management plan in 1998 through an intensive public input process. DNR held twelve public information meetings throughout the state in January 1998 to present an overview of the wolf management planning process, to answer questions about wolves and wolf management, and to seek public

comments on management issues. In 1998, DNR convened a Minnesota wolf management roundtable (“Roundtable”) composed of representatives of environmental, agricultural, hunting, trapping, and wolf-advocate organizations; government agencies; and private citizens who had specific interest in wolf management issues in Minnesota. The purpose of the Roundtable was to provide guidance to DNR in developing a wolf management plan for Minnesota. The 2000 Minnesota Legislature passed a wolf management bill that incorporated many of the Roundtable recommendations and was signed into law (2000 Minn. Laws ch. 463). As authorized by this law, DNR prepared and adopted the Minnesota Wolf Management Plan (“Plan”) in 2001, in consultation with the Minnesota Department of Agriculture, consistent with all provisions of state law, and incorporating many Roundtable consensus recommendations. The Plan is attached to Petitioners’ Declaration of Collette L. Adkins Giese as Exhibit A.

7. Under this Plan, wolves in Minnesota are allowed to naturally expand their range in the state. To assure the continued survival of the wolf in Minnesota, the minimum statewide winter population goal is 1,600 wolves. There is no maximum goal. If the population falls under this minimum, DNR will take appropriate management actions to address the cause of the reduction and assure recovery to the minimum level in the shortest possible time.

8. In April 2003, the USFWS published a final rule revising the listing status of the gray wolf in the United States. That rule included a Distinct Population Segment (“DPS”) for the gray wolf in the eastern US and reclassified wolves as threatened except in Minnesota where they were already classified as threatened. U.S. District Court

rulings in Oregon and Vermont invalidated that final rule in 2005 and the status of gray wolves reverted back to endangered in the conterminous United States, except in Minnesota where they retained threatened status, as they had prior to the reclassification in 2003.

9. In February 2007 the Service issued a final rule identifying the Western Great Lakes Distinct Population Segment (“WGLDPS”) and delisting the WGLDPS from the ESA list. Three parties challenged the delisting; a U.S. District Court ruled in favor of the plaintiffs, vacated the rule, and remanded it to the USFWS in September of 2008.

10. In April 2009 the USFWS published a final rule identifying and removing protections for gray wolves in the WGLDPS. In June 2009, a complaint was filed against the USFWS for violating the Administrative Procedures Act for not seeking public comment on the proposed revision of the gray wolf listing. The USFWS settled the matter and the court issued an order remanding and vacating the 2009 rule.

11. On March 15, 2010, DNR submitted a petition to the USFWS to revise the listing of the gray wolf in Minnesota and remove ESA protections. On September 14, 2010, the U.S. Fish and Wildlife Service issued a finding determining that the petition presented substantial information that revising the listing may be warranted and reinitiated a status review.

12. The USFWS published a proposal to revise the List of Endangered and Threatened Wildlife for the gray wolf (*Canis lupus*) in the eastern United States in May of 2011. The final rule revising the list was published in December of 2011 and took effect on January 27, 2012.

13. It was expected that wolves in Minnesota would be delisted from the ESA in 2003, but following an attempt to revise the ESA status, wolves were not delisted until March of 2007. Legal challenges resulted in reversal of the delisting action by the USFWS, but DNR managed wolves under the Plan for 18 months from March of 2007 until September of 2008. During this time there was no significant change to the Minnesota wolf population as a result of implementing provisions of the Plan. There was little change in the legal protections for wolves under state management compared to the legal protections afforded under the ESA.

14. The Plan, as adopted, addresses population management measures, including public taking, but based on previous state law required DNR to wait five years before developing a wolf season. The Legislature changed this law in 2011, allowing DNR to implement a season once wolves were removed from the ESA.

15. Minnesota assumed management authority for wolves in Minnesota on January 27, 2012, following the removal of the Minnesota gray wolf population from the threatened species list under the ESA. This is the third time that ESA protections for wolves have been removed for wolves in Minnesota since March of 2007. Previous delisting actions were challenged in court and reversed based on procedural violations of the ESA. Nevertheless, the biological status of the Minnesota wolf population has been recovered since the late 1980s, and the risk of wolves being threatened or endangered has been addressed.

16. In January 2012, DNR presented a wolf-season proposal to the public and the legislature. Additional wolf season authority was authorized by the legislature and signed by the governor in May 2012.

17. Other provisions of the Plan are being implemented by DNR and have been since the removal of ESA protections for wolves in Minnesota. These include depredation management, population monitoring, enforcement, and education.

18. Since January of 2007, fourteen wolves have been taken by private individuals for protection of livestock or pets. A total of 237 wolves have been taken in response to livestock depredation claims by U.S. Department of Agriculture Wildlife Services and State-certified wolf trappers. The number of wolves taken is consistent with previous take of wolves for depredation conflicts under the ESA listing.

19. The take authority under state management is consistent with the Recovery Plan for wolves in Minnesota and allows individuals to take wolves to protect livestock and pets. The Recovery Plan envisioned that the numerical goal for wolf populations would be achieved solely in Zone A (Federal Zones 1-4)—and that has occurred. Wolves outside Zone A are not critical to the long-term viability of wolves in Minnesota and to the sustainability of the wolf population. Protections under state law in Zone A are similar to the protection of wolves under ESA status. Therefore, DNR has substantial information to evaluate state management of wolves and the changes that may occur as a result. We have seen little to no change in the population status of wolves in the time that wolves were previously delisted in 2007-2008, 2009, and since removal of ESA protections in January of 2012.

20. The 2012-13 wolf hunting and trapping season is not expected to result in a population decline of wolves in Minnesota. A limited number of 400 wolves may be taken by 6,000 hunters and trappers licensed to harvest a wolf.

21. Mechanisms are in place to monitor the take of wolves that will close the season when the target harvest of 400 wolves is reached. This level of wolf harvest is well below the estimated number of wolves that may be taken from a wolf population without having a negative population trend. Registration of wolves by hunters and trappers is required to be done the same day of harvest. Season progress will be tracked in “real time” so that harvest of wolves may be monitored through the season and the season will be closed when harvest targets are reached or harvest projections indicate the target harvest will be attained. At that point wolf season zones will be closed to hunting and trapping to not exceed wolf harvest targets.

FURTHER YOUR AFFIANT SAYETH NOT.

Daniel W. Stark

Subscribed and sworn to before me on
this ____ day of September, 2012

NOTARY PUBLIC