

TABLE 1.—COMPARISON OF THE NEW SPECIAL RULE FOR THE WESTERN GRAY WOLF DPS AND THE CONTINUING EXPERIMENTAL POPULATION SPECIAL RULES—Continued

[Refer to the regulations in 50 CFR for the complete wording and reporting requirements.]

Provision:	Experimental Populations Special Rules 50 CFR 17.40(n):	New Section 4(d) Special Rule 50 CFR 17.40(n):
Opportunistic harassment	Landowners and grazing allotment holders can opportunistically harass gray wolves in a noninjurious manner without a Service permit.	Same as the current experimental population special rules.
Intentional harassment Permits.	No specific provision for intentional harassment permits	The Service can issue a 90-day permit to private landowners or to livestock producers for use on public grazing allotments after verified persistent wolf activity on their private land or public grazing allotment; permit would allow intentional and potentially injurious, but nonlethal, harassment of wolves.
Taking wolves "in the act" on PRIVATE land.	Livestock producers on their private land may take a gray wolf in the act of killing, wounding, or biting livestock. Injured or dead livestock must be in evidence to verify the wolf attack.	Similar to the current experimental population special rules, but this provision is broadened to also apply to gray wolves attacking dogs and livestock herding and guarding animals.
Permits for taking persistent problem wolves "in the act" on PUBLIC land.	If six breeding pairs of wolves are established in an NEP area, livestock producers and permittees with current valid livestock grazing allotments on public land can get a 45-day permit from the Service or other agencies designated by the Service, to take gray wolves in the act of killing, wounding, or biting livestock. The Service must have verified previous attacks by wolves, and must have completed agency efforts to resolve the problem.	Same permits are available, but they can be issued regardless of the wolf population level. "Livestock" is defined to also include herding or guard animals. "Public land" is defined to include Federal land and any other public land designated in State and tribal wolf management plans.
Permits for additional taking by private citizens on their PRIVATE land for chronic wolf depredation.	No specific provision for such permits. However, see provision below for "Permits for recovery actions that include take of gray wolves".	If we confirm two separate depredation incidents on livestock or dogs on the subject private property or on an adjacent private property and we have confirmed that wolves are routinely present on the subject property and present a significant risk to livestock or dogs, a private landowner may receive a permit from the Service to take those wolves, under specified conditions.
Government take of PROBLEM WOLVES.	The Service or agencies designated by the Service may take wolves that attack livestock or that twice in a calendar year attack domestic animals other than livestock. When six or more breeding pairs are established in an NEP, lethal control of problem wolves or permanent placement in captivity may be authorized by the Service or agency designated by the Service. When five or fewer breeding pairs are established in an NEP, taking may be limited to nonlethal measures such as aversive conditioning, nonlethal control, and/or translocating wolves. If during depredation control activities on Federal or other public lands, prior to six breeding pairs becoming established in an NEP and prior to October 1, a female wolf having pups is captured, the female and her pups will be released at or near the site of capture. All problem wolves on private land, including female wolves with pups, may be removed (including lethal control) if continued depredation occurs. All chronic problem wolves (wolves that depredate on domestic animals after being moved once for previous domestic animal depredations) will be removed from the wild (killed or placed in captivity).	"Problem wolves" is defined to have the same meaning: wolves that (1) attack livestock or (2) twice in a calendar year attack domestic animals other than livestock. Criteria to determine when take will be initiated are similar to those for the NEP: (1) evidence of the attack, (2) reason to believe that additional attacks will occur, (3) no evidence of unusual wolf attractants, and (4) any previously specified animal husbandry practices have been implemented, if on public lands. No numerical threshold applies, so all control measures, including lethal control, can be used regardless of the number of breeding pairs in a State. No upper threshold of six breeding pairs limiting protection of females and their pups applies. Thus, females and their pups will be released if captured on public lands as defined above, prior to October 1, unless depredation continues. [Note: This is more restrictive than the experimental population regulations.] All problem wolves that attack domestic animals more than twice in a calendar year may be moved or removed from the wild, including females with pups.
Govt. translocation (capture and moving) of wolves to reduce impacts on wild ungulates.	States and tribes may capture and translocate wolves to other areas within the same NEP area, if the gray wolf predation is negatively impacting localized wild ungulate populations at an unacceptable level, as defined by the States and tribes. State/tribal wolf management plans must be approved by the Service before such movement of wolves may be conducted, and the Service must determine that such translocations will not inhibit wolf population growth toward recovery levels.	Similar to the current experimental population special rules, but moved wolves may be released to other areas within the Western DPS. Additionally: After 10 breeding pairs are established in the State, we, in cooperation with the States and tribes, may move wolves that we determine are impacting localized wild ungulate populations at unacceptable levels.
Incidental take	Any person may take a gray wolf if the take is incidental to an otherwise lawful activity, and is accidental, unavoidable, unintentional, and not resulting from negligent conduct lacking reasonable due care, and due care was exercised to avoid taking the wolf.	Similar to the current experimental population special rules.