

adult female that raise at least 2 pups until December 31 of the year of their birth), comprising some +300 individuals in a metapopulation with some genetic exchange between subpopulations, for three successive years.”

As documented in the final rule for reclassification of the gray wolf to threatened in the Western DPS (published concurrently), at least 300 wolves in a minimum of 30 packs since the end of 2000 have been well distributed across the 3 recovery areas, and at the end of 2001 there were 563 wolves in 34 packs in the Northern U.S. Rockies (Service *et al.* 2002). More than 200 wolves have existed in at least 20 packs since the end of 1997.

A minimum of 30 breeding pairs was first documented in 2000, and a minimum of 34 breeding pairs was documented in 2001. We fully expect to confirm in early 2003 that the wolf population in the northern Rocky Mountains will have again exceeded 30 breeding pairs in 2002, thus achieving the wolf population recovery goal as defined in the revised Northern Rocky Mountains Wolf Recovery Plan and the 1994 Environmental Impact Statement. Because the wolf population is continuing to expand since that time, we anticipate concluding that the gray wolves in the Western DPS have exceeded the numerical population goal required for delisting.

In making a delisting determination, the Service must assess the factors or threats that affect the species as required by section 4 of the Act and its implementing regulations (50 CFR part 424). For species that are already listed as threatened or endangered, this analysis of threats is primarily an evaluation of the threats that could potentially affect the species in the foreseeable future following delisting and removal of the Act's protections. Our evaluation of the future threats to the gray wolf in the Western DPS, especially those threats to wolves in the NEPs in Idaho, Montana, and Wyoming that would occur after removal or reduction of the protections of the Act, will be partially based upon the wolf management plans and assurances of the States and tribes in that area. If the gray wolf is federally delisted, then State and tribal wolf management plans will be the major determinants of wolf protection and prey availability, will set and enforce limits on human utilization and other forms of taking, and will determine the overall regulatory framework for conservation of gray wolves.

State and tribal gray wolf management plans, to the extent that they have been

developed, serve as significant indicators of public attitudes and agency goals, which, in turn, are evidence of the probability of continued conservation after protection under the Act is removed. Such indicators of attitudes and goals are especially important in assessing the future of a species that was officially persecuted by government agencies as recently as 40 years ago and still is reviled by some members of the public.

The State of Idaho has already completed its gray wolf management plan. The Service is working closely with the States of Montana and Wyoming as they develop wolf management plans that will meet this requirement. We expect that these plans will be completed in the near future, and will enable us to propose delisting of the Western Gray Wolf DPS. We will also consult, if they request, with Native American tribes and organizations to further discuss and evaluate their wolf management and protection plans prior to issuing a proposed delisting rule.

We recognize that large portions of the historic range, including potentially still-suitable habitat within the Western Gray Wolf DPS, are not currently occupied by gray wolves. We emphasize that our proposal to delist gray wolves in the Western DPS will be based on the current status of, and threats faced by, the existing wolf populations within this DPS. This approach is consistent with the 9th Circuit Court's decision in *Defenders of Wildlife et al. v. Norton et al.*, where the Court noted that “[a] species with an exceptionally large historical range may continue to enjoy healthy population levels despite the loss of a substantial amount of suitable habitat.” Similarly, we believe that when a listed species has recovered to the point where it is no longer in danger of extinction, or likely to become endangered in the foreseeable future, throughout all or a foreseeable portion of its current range, it is appropriate to delist the species even if a substantial amount of the historical range remains unoccupied.

The wolf's progress toward recovery in the Western Gray Wolf DPS, together with our expectation that management of threats to the wolf within the DPS will be adequate, lead us to believe that we will be able to propose delisting of the Western DPS in the near future.

Post-Delisting Monitoring

Upon removal of a species from the List of Endangered and Threatened Wildlife, section 4(g)(1) of the Act requires that the Secretary of the Interior, through the Service, implement a monitoring program in cooperation

with the States for not less than 5 years for all species that have been recovered and delisted. The purpose of this requirement is to develop a program that detects the failure of any delisted species to sustain itself without the protective measures provided by the Act. If at any time during the post-delisting monitoring program, data indicate that protective status under the Act should be reinstated, we can initiate listing procedures, including, if appropriate, emergency listing.

In anticipation of delisting this species, we also announce our intent to work with State resource agencies, tribes, and other partners to design an effective post-delisting monitoring program for the Western Gray Wolf DPS to be implemented upon delisting. A proposed post-delisting monitoring plan will be provided in the proposed rule for delisting the Western Gray Wolf DPS.

Effects of This Advance Notice of Proposed Rulemaking

This ANPR announces our intent to propose rulemaking to remove the protections afforded to gray wolves in the Western Gray Wolf DPS under the Act. If we make a final decision to delist the gray wolf in the Western DPS, the prohibitions and conservation measures provided by the Act would no longer apply to this DPS, and the nonessential experimental population designations established to aid the recovery of gray wolves in the Western Gray Wolf DPS would be removed. Therefore, taking, interstate commerce, import, and export of gray wolves in the Western Gray Wolf DPS would no longer be prohibited under the Act once the DPS is delisted. In addition, Federal agencies would no longer be required to consult with us under section 7 of the Act to insure that any action they authorize, fund, or carry out is not likely to jeopardize the continued existence of gray wolves in the Western Gray Wolf DPS.

Until the Western Gray Wolf DPS is delisted, the take and use of gray wolves in the Western Gray Wolf DPS must comply with the Act and all other existing Federal, State, and local laws and regulations. Upon delisting, we anticipate that State and tribal gray wolf management plans, along with other appropriate Federal, State, and local laws and regulations, would guide gray wolf management in the Western Gray Wolf DPS.

This ANPR does not address gray wolves in the Eastern DPS, Southwestern DPS, or the current nonessential experimental population designation in the Southwest.