

**From:** Green, Jeffrey S - APHIS

**Sent:** Tuesday, March 06, 2012

**To:** Clay, William H - APHIS **Cc:** Mendoza, Martin - APHIS; Gustad, Kirk E - APHIS; Littauer, Gary A - APHIS; Grimm, Todd K - APHIS; Steuber, John - APHIS; Krischke, Rodney F - APHIS; Woodruff, Roger A - APHIS; Williams, David E - APHIS

**Subject:** FW: Information on Wolf Depredation Investigations

Bill,

Sorry this email is so large, but I thought it important that you read verbatim what the State Directors had to say about wolf investigations. My input is that we continue to operate as we have been since each State has their own pattern and it suits their major cooperators. I don't think we need to be taking photos unless the state wants us to. Let me know if you have questions.

Here are the responses of the WR State Directors to the questions you posed regarding wolf depredation investigations:

1) (Does) Their State wildlife agency or State ag department provides some level of compensation for wolf depredation? (I think they all get some funding through the FWS Livestock Protection Act)

*MT – the Montana Livestock Loss Board compensates livestock producers only if WS (and only WS by State Statute) determines the livestock is a confirmed or probable wolf kill. Compensation is 100% USDA market value for that day (confirmed and probable wolf kills only). In the budget that was passed Senator Tester did get the funding back (Omnibus Public Land Management ACT OF 2009 – HR 146. This was through the Interior Department but that Federal funding has not come through yet. So far this year all compensation in Montana has been with State General funding.*

*WY - Yes in the trophy game area only.*

*ID - In Idaho, OSC (Office of Species Conservation) handles the compensation program for losses related to wolves. This is federal money coming from Interior's budget.*

2) Has their State wildlife agency requested that WS conduct the wolf investigations on their behalf?

*MT – MT Fish, Wildlife and Parks has requested the WS do all livestock depredation investigations in the State. This is clarified in an MOU covering wolves, grizzly bears, black bears, and mountain lions. Also the State Legislature passed a law (signed by the Governor) which specifies that in order for any livestock producer in Montana to be compensated for wolf depredations, a USDA WS employee must do the investigation and make the determination.*

*WY - Yes, after wolves are delisted.*

*ID - WS is the lead agency when investigating reports of livestock depredations by predators. WS reports to IDFG any cases of confirmed wolf depredation and conducts any control actions authorized by IDFG after those depredations. There have been cases recently where IDFG has asked WS to conduct control operations without any depredation taking place – the most recent one occurred when a wolf chased a deer through a carport (attached to a house) while the homeowner was in a car parked in the carport! WS was able to find a wolf right next to the house and kill it within hours of the incident.*

3) Do we do this in conjunction with their State wildlife officials or it done entirely by WS?

*MT – Wolf depredation investigations are done solely by USDA WS as clarified in an MOU between WS and MFWP.*

*WY - We help each other out. In the trophy game area if a WG&F is available he is welcome to come along to verify for compensation purposes. If not available WS. I say “come along” because USFWS requires that WS verify losses for control purposes.*

*ID - For the most part, we do it all. However, there have been times when we’ve been really busy that a IDFG CO has made the first contact and photographed the carcass and showed them later to a WS investigator – who then determined if it was confirmed, probable, etc.*

4) Does the State pay us to do this work?

*MT - MFWP pays WS \$110,000/year to do wolf damage management including investigations. This does not cover all of our wolf work.*

*WY - Not at this time because wolves are still listed in Wyoming. However, after delisting, the state will pay for investigations and damage control in the trophy game area. In the predator zone work will be financed by local county Predator Management Districts.*

*ID - IDFG does fund some of our wolf work, but those funds only cover a portion of our wolf related expenses. We cover the remainder of our wolf expenses with our federal allocation.*

5) Has the State wildlife agency developed written protocols on how they would like these investigations to be conducted? If not, we should have that.

*MT – No, they have no clue how to do the investigations, that is why we do them. We (WS) are the experts. MFWP has no expertise in conducting livestock depredation investigations.*

*WY - N/A*

ID - The protocols that exist in Idaho have been in place for years before the IDFG took over management responsibility. When the wolves were listed, USFWS required photographs to be taken during wolf depredation investigations. IDFG does not require them, but they do appreciate them when we can provide them. Cameras are expensive and I think we have bought 4-5 cameras per investigator since we started doing wolf investigations. They do not last because it is difficult to keep blood and other fluids out of them when conducting necropsies and photographing them by yourself. Those fluids collect dirt and after a certain amount of time – they no longer work. We've recently bought/acquired enough cameras for everyone who can be expected to conduct a wolf depredation investigation. We told them to photograph every depredation that could be "controversial". That would include adult cattle, horses & those near local wolf advocates. When these cameras die, we will have to re-evaluate the need to purchase more.

- Is there a standard wolf depredation form used in their State and is the State satisfied with the information that we provide on the form?

MT - Yes.

WY - Currently under USFWS management, there is a standard form used. It is the typical check box form currently being used. When wolves are delisted and under state management, the Wyoming Livestock Affidavit form will be used.

ID - We used to use the WS form 200 until early 2011, when Brian Kelly, USFWS State Supervisor in Idaho, came over and discussed coming up with a new form. He described a form to gather the information needed, but provide for less room for commentary - which Carter was so critical of. I checked with Kirk Gustad and, with his approval, designed the form we use today. The USFWS, IDFG and Nez Perce Tribe have commented that they like this new form better because it helps identify where depredations take place in a way that the old WS 200 did not capture. The investigators all like the new form too.

- Does the State require WS personnel to document wolf depredation kills with photographs in addition to the forms?

MT - No, of course not. They recognize that WS is the experts & trust us to make the determination. Pictures are worthless. Please do not let Defenders of Wildlife pressure you into agreeing to take photos of each depredation. We have never done this. Even in the beginning before and after reintroduction the USFWS did not require photographs on dead livestock from investigations. Ed Bangs never required it. You cannot determine the cause of death from a photograph. It would just be something else Defenders of Wildlife would try to question. We'd end up having to send them all of the pictures and investigative reports. Please do not agree to this. They have no basis for questioning us and no expertise to even make a guess from a picture. But, they would. The Montana Livestock Loss Board does NOT want us to take pictures for each Investigative Report on

wolves. They have told us we should greatly simplify the Investigative Reports to do away with a written description of the depredation site and carcass. They have told us all they want from WS is a determination, yes it was wolves or no it wasn't wolves. They trust WS. Pictures would be something else that Defenders of Wildlife would FOIA. We would have to buy all of our employees cameras., It would hold up compensation because our guys would have to go home and print pictures to attach to each Investigative Report. Shucks, half the guys don't have printers, we'd have to buy printers. (By the way, there is a Defenders of Wildlife employees on the Montana Livestock Loss Board (Mike Leahy). He is out of Bozeman. He is on record at the October 2011 Montana Livestock Loss Board meeting praising WS for standing by their decision under immense pressure from a livestock producer (who is also a lawyer) to get WS to change their determination that a calf killed on the guys property was not killed by wolves.)

*WY - No*

*ID – Answered above under 5.*

It's clear from my meeting the other day that we seem to be operating differently from State to State regarding how we verify/document wolf depredation. While I do not believe that we have to be standardized across the entire WS program, we should be standardized within each particular State. Since the State wildlife agency is now the regulatory authority, we should be conducting these investigations according to the protocols that they establish.

*MT – The State Game Departments as a general rule have no clue how to do depredation investigations. In Montana they wouldn't know how to write a "protocol". They recognize we (WS) are the experts.*

If our personnel are currently not taking photographs of wolf depredation investigations in addition to the written forms that we provide back to the State official for their decision on compensation; I would recommend that we begin doing that. It seems to me that if we want to conduct a credible, professional, investigation (and especially for a third party that has to make a decision on compensation) that we would need photographic evidence to support our recommendation.

*MT – I respectfully disagree. We should NOT take photographs. In Montana, the Montana Livestock Loss Board makes compensation and they have absolute and total trust in WS to make the correct determination. They have never questioned us. Actually even when Defenders of Wildlife did the compensation they very rarely questioned us, maybe 2-3 times per year and that was mainly on how the WS Specialist worded the investigation report.*

*WY – I strongly disagree. Photos can be manipulated, they can be misinterpreted and they*

*will be used to second guess qualified people who were at the scene. If the state requires it we will do it but I strongly believe we should leave that call to the state. We take photos for training purposes and I have sifted through thousands of worthless photos.*  
*ID – Todd’s comments about photos given under 5.*

**Finally, is this an activity that we want to continue doing, or should we be turning it over to the State wildlife agencies?**

*MT – It is state law. WS has to do the wolf depredation investigations or the livestock producers will not receive compensation. In fact, by Montana State Law, WS’ determination cannot be appealed. We (WS) have to continue doing all of the investigations. Most ranchers will not allow the Montana Fish, Wildlife and Parks on their property. If you tell us we can’t do the wolf investigations the Montana Woolgrowers, Montana Stockgrowers, Montana Cattlemen, Montana Farm Bureau, and Montana Farmer’s Union will come unglued. We (WS) are the only people they trust and allow on their land. Any consideration or determination for WS to stop doing livestock depredation investigations for wolves would go political overnight. I cannot express enough the importance of not even thinking about turning the investigations over to the state game departments. It would get really, really ugly here in Montana in a hurry.*

*WY - I definitely believe that this is an activity (ie wolf damage management) we must continue. The states recognize our expertise, have requested our assistance and the stakeholders expect it. It is well within our mission. It would be a huge mistake to back out now and an unconscionable breach of trust to the state agencies and people who have come to depend on us to do this work.*

*ID - I am sure our cooperators would prefer that WS maintain our role in wolf depredation management. I think that IDFG would prefer that too.*

Dave Williams just provided a narrative, kind of long, but informative:

*OR - I have experienced Carter Niemeyer working his way to become a wedge between WS and State wildlife agencies. I have seen him in action and it concerns me to provide him a forum that will be used to promote the Carter Niemeyer way of investigating suspected wolf depredations when our agency has several experts in multiple states that have conducted far more investigations than retired USFWS wolf biologist and author Carter Niemeyer.*

*Our field personnel have been trained in wolf depredation investigations over the years by Carter Niemeyer about 8 years ago and more recently by Mark Collinge, Todd Grimm and Rick Williamson of the ID-WS program.. So, our wolves have come from Idaho and our training and techniques have come from ID. We use the long established forms and methodology developed by our ID WS program that seem to be well accepted by ID Fish &*

*Game and the USFWS there. Our forms include the original WS 200 and the revised WS 200 form that ID WS developed with guidance from the USFWS. We take pictures and write up our reports on the aforementioned forms and share those with ODFW or USFWS depending on which agency has the wolf management responsibility.*

*We have had disagreements with our investigation determinations about 30% of the time. ODFW seems to readily accept our determination when we rule out wolves but when we come to the determination that wolf involvement is “confirmed” or “probable” we have a 30% disagreement rate. ODFW uses the same categories and definitions of the categories as WS does on the WS 200 form but they have come up with their own forms that guide the investigator through the investigation and evidence documentation as the WS 200 form but in more detail. But ultimately they don’t collect more or different evidence than we do. ODFW’s Wolf Biologists have used Carter Niemeyer as their mentor and expert consultant.*

*When ODFW or USFWS began to have some differences with us in professional opinions on wolf depredation investigations the Defenders refused to acknowledge our determinations as documented on WS 200 forms to support livestock producer compensation for wolf depredations when they were providing compensation for wolf losses. They have since curtailed their compensation program. Under the Oregon Wolf Management plan ODFW has the designation as the lead agency in determining if wolves were involved in livestock depredation events. We consider ourselves a resource for ODFW or USFWS and producers when it comes to responding to livestock depredations where wolves are suspected to be involved. We assist ODFW or USFWS with the investigations and share our reports and pictures with them. Yes, we take pictures and plenty of them. Every expert including Carter Niemeyer promotes taking lots of pictures. Our differences in professional opinions continue. I must say the differences are not due to us being any less diligent in evaluating the available evidence than ODFW or USFWS. They see the evidence differently or they need more of it. Our respective agencies have different missions: ours is to use our extensive knowledge and expertise to examine the evidence and rule whether the cause of death was predation and then determine to the best of our professional ability what predator species was involved so we can assist the livestock producer in managing that predation; whereas ODFW’s mission is to conserve and manage wolves to the point of recovery and removal from the State ESA list. They struggle with collecting a level of evidence that they feel would be defensible in court should someone challenge them for killing a problem wolf that is on the state ESA.*

*My feelings are that they have set the precedence of questioning our evaluations and have used Carter Niemeyer as their consultant that they will not acknowledge our ability to comfortably confirm wolf involvement with less physical evidence than they and their consultant require. I regularly describe to livestock producer groups, wolf advocates and*

*the media that the differences in wolf depredation determinations between ODFW and WS is the difference in professional opinion which there are many occurrences of differences in professional opinion in many areas of wildlife management. Furthermore I respect that ODFW has the lead in wolf depredation determinations as outlined in the Oregon Wolf Plan revised 10/1/10. I will continue to work with ODFW to try and get our determinations to coincide as often as possible, but not at the expense of carrying out our mission to assist livestock producers in managing predation.*

*ODFW recently produced an annual wolf report for 2011 which contained a section on wolf depredation techniques and a report from a committee that was tasked to evaluate how ODFW was doing on investigating suspected wolf depredations. The committee contained Carter Niemeyer and no one from WS. In my and many other's opinion the report was very self-serving in how it was critical of WS investigation techniques and so complimentary of the ODFW investigations. The main difference in Oregon compared to other states is that the agency responsible for managing wolves in other states recognize WS's expertise and gives WS the lead in conducting depredation investigations.*

*I am attaching the ODFW 2010 Wolf Report for your reference. See attachment b through E for the specific wolf depredation Investigation information and panel report. You will note that no where in the entire 2010 Oregon Wolf Report is there any acknowledgement of our efforts to assist the ODFW in conserving and managing wolves in Oregon. At a minimum we expended 640 staff hours at the field effort in investigating suspected wolf depredation events, monitoring wolf movements and assisting producers implement non-lethal predation techniques. I can tell you that countless hours at levels higher than the field have been expended on NEPA, USFWS consultation, media contacts, wolf management training, and interaction with livestock groups and wolf advocates regarding wolf management in Oregon.*

*In my opinion the Defenders have ceased the opportunity to exploit the differences of professional opinions between ODFW or USFWS in Oregon. Carter Niemeyer is the wedge and the Defenders are the mallet driving that wedge wherever and whenever they can. That is why I don't see much value in WS providing or participating in forums that will facilitate the wedge driving activities of certain groups or individuals.*

*Specific information I have not provided yet-*

*-ODFW does provide us money to assist them in managing wolves. About 5 years ago they increased annual funding to manage Cougar, Bear, Furbearers from \$45,000 per year to \$50,000/yr (a \$5,000/yr increase to take on wolves).*

*-The state just established a wolf compensation fund to be used to compensate producers for confirmed wolf predation losses or non-lethal efforts to prevent wolf losses. ODFW confirmation is required, not WS and the funds are administered by ODA.*

Roger Woodruff's input from Washington - *Washington State is getting set up to provide compensation for wolf damage. We are currently in discussions with WDFW to coordinate on wolf depredation investigations. The rest of Bill's questions relate to aspects that are currently under evaluation and discussion between us and WDFW. We are making plans to utilize a standardized investigation with written protocols.*

Regarding Larry Schoen, here's Todd's input:

*I met with Larry Schoen and some IDFG folks on 2/22. The IDFG and I told Larry that we fully support, and promote, measures to prevent any depredation, regardless of the predator involved. We also discussed our (IDFG & WS) mutual frustration with Suzanne Stone making derogatory comments about the work done by both of our agencies. We did not get into discussing Carter's history but he has little, to no support from any wildlife agency in Idaho. USFWS, IDFG, the Idaho Governor's Office of Species Conservation (OSC) and WS all consider Carter's opinion as self-promotion and not based in reality. Most Idaho livestock producers share that opinion. I think Mr. Schoen had his eyes opened quite a bit after hearing the "other" side of the story. I expect to have several more meetings with him this year.*

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