

BEFORE THE U.S. DEPARTMENT OF THE INTERIOR AND
THE U.S. FISH AND WILDLIFE SERVICE

**PETITION REQUESTING THAT
IDAHO AND MONTANA
BE DISQUALIFIED FROM FUNDING
UNDER THE PITTMAN-ROBERTSON ACT**



Photo Credit: Hilary Cooley, U.S. Fish and Wildlife Service

AUTHORED BY THE
CENTER FOR BIOLOGICAL DIVERSITY

August 4, 2022

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The Honorable Deb Haaland
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Re: Petition Requesting that the U.S. Department of the Interior and the U.S. Fish and Wildlife Service Deem Idaho and Montana Ineligible for Pittman-Robertson Act Funding Due to Excessive Wolf Killing

Dear Secretary Haaland and Director Williams:

Pursuant to the Administrative Procedure Act, 5 U.S.C. § 553(e), we hereby petition¹ the U.S. Department of the Interior (“DOI”), by and through the U.S. Fish and Wildlife Service (“FWS”), for issuance of a rule² prohibiting distribution of Pittman-Robertson Act funds to the states of Idaho and Montana until their wildlife management programs fulfill the Act’s conservation purpose.

Congress has authorized the Secretary of the Interior to distribute Pittman-Robertson Act funds to states to support conservation and outdoor recreation initiatives, and to prohibit the distribution of such funds if a state “passes legislation contrary to the Acts.”³ DOI and FWS should disqualify Idaho and Montana from such conservation funds because they have passed legislation creating anti-predator wildlife management programs aimed at drastically reducing their ecologically important wolf populations.⁴

Petitioners value wolves and work to oppose anti-predator policies, and we thus qualify as “interested person[s]” under the APA. For the reasons set forth in this Petition and as a matter of law, we ask that DOI and FWS promptly respond to this Petition and determine whether Idaho and Montana, based on their new laws aimed at decimating their wolf populations, should now be ineligible for Pittman-Robertson Act funding.

¹ In accordance with 5 U.S.C. § 553(e), “[e]ach agency shall give an interested person the right to petition for the issuance, amendment, or repeal of a rule.”

² 5 U.S.C. § 551(4) (“Rule” is defined as “the whole or a part of an agency statement of general or particular applicability and future effect designed to implement, interpret, or prescribe law or policy”).

³ Federal Aid in Wildlife Restoration Act (“Pittman-Robertson Act”), 16 U.S.C. §§ 669-669i; Federal Aid in Sport Fish Restoration Act (“Dingell-Johnson Act”), 16 U.S.C. §§ 777-777k.

⁴ 50 C.F.R. § 80.11 (explaining that a state “becomes ineligible to receive the [Pittman-Robertson] benefits” if it “passes legislation contrary to the Acts”).

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On behalf of Petitioners:

Center for Biological Diversity
The 06 Legacy
Animal Welfare Institute
Animal Wellness Action
Apex Protection Project
Center for a Humane Economy
Friends of the Bitterroot
Friends of the Clearwater
Great Old Broads for Wilderness
Humane Society Legislative Fund
Humane Society of the United States
International Wildlife Coexistence Network
Kettle Range Conservation Group
Maine Wolf Coalition
National Wolfwatcher Coalition
Predator Defense
Project Coyote
#RelistWolves
Trap Free Montana
Washington Wildlife First
Western Watersheds Project
Western Wildlife Outreach
WildEarth Guardians
Wolf Conservation Center
Wolves of the Rockies
Wyoming Untrapped
Wyoming Wildlife Advocates

I. Introduction

The states of Idaho and Montana have enacted laws with the goal of drastically reducing their wolf populations using methods that are inhumane, unethical, and illegal in many other states.

As explained more fully below, pursuant to Idaho Senate Bill 1211 (“SB 1211”), Idaho can hire private contractors to kill wolves, hunters and trappers may kill an unlimited number of wolves on a single tag, and trapping is permitted year-round on private land across the state. The law also allows hunters and trappers to kill wolves by using hounds or running them over with ATVs or snowmobiles. Using these methods, hunters and trappers are now permitted to kill approximately 90 percent of the 1,500 wolves that Idaho officials estimate live in the state.

Similarly, in Montana, wolf hunters and trappers can now use night vision scopes and spotlights at night on private land, strangulation snares on public and private land with limited exceptions, and bait wolves across the state. Additionally, a single hunter can now purchase up to 10 wolf hunting licenses, and trappers have a bag limit of 10 wolves. Pursuant to Montana House Bill 225 (“HB 225”), the Commission extended the wolf trapping season by four weeks, and pursuant to Montana Senate Bill 267 (“SB 267”), hunters and trappers may be reimbursed under a new bounty program for any costs associated with trying to kill wolves. And while Montana had previously set strict quotas outside Yellowstone National Park to limit the killing of Yellowstone’s wolves, those quotas have now been eliminated.

Wildlife biologists, scientists, game wardens, commissioners, and others have spoken against new wolf-killing tactics in Montana and Idaho as violating principles of “fair chase” and conflicting with duties to sustainably manage wolves.⁵

Moreover, scientific studies demonstrate that hunting and trapping may have an additive or even super-additive effect on wolf mortality through the additional loss of dependent offspring or by disrupting pack structure.⁶ These changes in state law, then, could extend to the loss of many wolves beyond those directly killed. Especially when rolled out simultaneously, laws in Idaho and Montana threaten a population crash and ecosystem-level impacts.

A drastic reduction of wolves in Montana and Idaho is especially dangerous given that these states are home to about *two-thirds* of the western United States’ total wolf population. A severe decline of the populations in these states will also cause a significant drop in the overall

⁵ See Concerned Professional Wildlife Biologists and Managers in Idaho, Letter to Governor Brad Little, *available at* <https://apnews.com/article/wildlife-brad-little-hunting-wildlife-management-wolves-47a85b453a74fb4184514f50ded7ed31>; Concerned Professional Wildlife Biologists and Managers in Montana, Letter to Members of the Montana Legislature and Governor Gianforte (Mar. 16, 2021), *available at* https://www.nrdc.org/sites/default/files/media-uploads/wildlife-managers-letter-to-legislature_1.pdf;

⁶ Murray, D.L., et al. 2010. Death from anthropogenic causes is partially compensatory in recovering wolf populations. *Biological Conservation* 143: 2514-2524; Creel, S. and J.J. Rotella. 2010. Meta-analysis of relationships between human offtake, total mortality and population dynamics of gray wolves (*Canis lupus*). *PLOS ONE* 5(9): e12918; Ausband, D. E., et al. 2015. Recruitment in a social carnivore before and after harvest. *Animal Conservation* 18: 415–423; Borg, B.L., et al. 2015. Impacts of breeder loss on social structure, reproduction and population growth in a social canid. *Journal of Animal Ecology* 84: 177–187.

western population. The harms caused by this drop will be further compounded because gray wolves remain absent from vast swaths of their historical range in the western United States.⁷

Both Idaho and Montana receive large sums of federal aid for wildlife conservation pursuant to the Pittman-Robertson Act. These funds, however, are available to states “only if they pass and maintain legislation that . . . [e]nsures the conservation of fish and wildlife.” 50 C.F.R. § 80.10. In this context, conservation comprises utilizing “methods and procedures necessary or desirable to sustain healthy populations of wildlife” 16 U.S.C. § 669a(1). Thus, a state will be deemed ineligible for Pittman-Robertson funding if a state “passes legislation contrary to the Acts,” meaning contrary to wildlife conservation, which includes conservation of gray wolves. 50 C.F.R. § 80.11.

The legislation passed by Idaho and Montana is not based in science and is designed to nearly exterminate, rather than conserve, gray wolves. Sponsors and supporters of this legislation allege that it is necessary to control predation by wolves on livestock and elk. Studies show, however, that wolves are responsible for a negligible amount of livestock depredation in both Idaho and Montana, while each state’s elk populations in recent years have flourished.⁸

The recent legislation passed in Idaho and Montana is contrary to the Pittman-Robertson Act’s conservation purpose and cannot be rewarded with further federal funding. Both states should be deemed ineligible for Pittman-Robertson Act funds until the legislation at issue is amended or repealed.

II. Petitioners

The Center for Biological Diversity (“Center”) is a national, non-profit conservation organization with more than 1.7 million online activists and members, who, through science, policy, media and environmental law, work to secure protections for vulnerable species. The Center accomplishes its mission through scientific and legal advocacy, public education, and grassroots movements.

As a long-standing supporter and advocate for gray wolves in North America, the Center has been at the forefront of the battle to protect wolves from the excessive laws currently proposed and passed by Idaho and Montana. From submitting public comments to filing an emergency petition to relist the gray wolf in the northern Rocky Mountains,⁹ the Center is working to prevent the vast ecological harm imposed by these new laws. Wolves play an essential role within the North American ecosystem, conferring numerous trophic benefits to plants and wildlife, and the Center hopes to protect that role through this rulemaking petition.

⁷ Center For Biological Diversity, Emergency Petition to Relist Gray Wolves in the Northern Rocky Mountains (May 26, 2021), available at https://www.biologicaldiversity.org/campaigns/gray_wolves/pdfs/Gray-Wolf-Relisting-Petition-5-25-2021-w-App-A.pdf.

⁸ Brian Pearson, Big Game Hunting Outlook, IDFG, (Aug. 25, 2020), available at <https://idfg.idaho.gov/press/2020-big-game-hunting-outlook> (“Fish and Game is currently meeting or exceeding its population goals for bull elk in 17 of 22 elk zones, and 16 out of 22 for cow elk.”); MFWP, Montana 2020 Elk Counts, available at <https://myfwp.mt.gov/getRepositoryFile?objectID=98263> (indicating that the most recent state elk count of 136,151 is well over the elk plan objective of 92,138 for the year).

⁹ Center For Biological Diversity, Emergency Petition to Relist Gray Wolves in the Northern Rocky Mountains

The 06 Legacy is a 501(c)(4) nonprofit organization that seeks to protect America's gray wolves from trophy killing, and restore wolf populations through awareness, education, and endorsement of candidates.

The Animal Welfare Institute ("AWI"), founded in 1951 and headquartered in Washington, DC, is a nonprofit charitable institution whose mission is to alleviate animal suffering caused by people. The organization fulfills this mission through public education, research, collaboration, media relations, litigation, outreach to agencies, engaging its members and supporters, and advocacy for stronger laws both domestically and internationally. AWI seeks better treatment of animals everywhere—in the wild, in research, in agriculture, in commerce, and in our communities.

Animal Wellness Action ("Action") is a Washington, D.C.-based 501(c)(4) organization with a mission of helping animals by promoting legal standards forbidding cruelty. Action champions causes that alleviate the suffering of companion animals, farm animals, and wildlife. To prevent cruelty, Action promotes enacting good public policies and works to enforce those policies. To enact good laws, Action must elect good lawmakers, and its why Action reminds voters which candidates care about our issues and which ones don't. Action believes helping animals helps us all.

Apex Protection Project is a Los Angeles-based 501c3 non-profit organization dedicated to protecting wolves through education, rescue, and advocacy with the vision of living in a world where the wolf and all species are highly valued, protected, and respected for the place they rightfully hold on this planet, the balance they bring to their ecosystems and the gifts they offer humanity. Focusing specifically on this essential apex predator, Apex strives to replace myth with fact, replacing fear with compassion for this often feared and misunderstood species.

The Center for a Humane Economy is a non-profit organization that focuses on influencing the conduct of corporations to forge a human economic order. The first organization of its kind in the animal protection movement, the Center for a Humane Economy encourages businesses to honor their social responsibilities in a culture where consumers, investors, and other key stakeholders abhor cruelty and the degradation of the environment and embrace innovation as a means of eliminating both.

Friends of the Bitterroot ("FOB") is a non-profit conservation organization founded in 1988 with a mission to preserve the wildlands and wildlife and to protect the forests and watersheds of our region as we work for a sustainable relationship with the environment. FOB's members recreate and receive inspiration from experiencing those aspects of our natural environment.

Friends of the Clearwater ("FOC") is a grassroots environmental nonprofit dedicated to the preservation of the public wildlands of the Clearwater Basin in North Idaho and Montana. FOC was founded in 1987 in response to unfettered extraction of our public lands, and advocates for the wildlife, waterways, and wildlands through grassroots organizing, education, advocacy, and when necessary, litigation.

Great Old Broads for Wilderness is a national, women’s led grassroots nonprofit organization that aims to engage and inspire activism to preserve and protect wilderness and public lands.

Humane Society Legislative Fund (“HSLF”) is a Washington D.C.-based 501(c)(4) Animal protection organization and separate lobbying affiliate of HSUS. HSLF’s mission is to ensure that animals have a voice before federal and state lawmakers by advocating for measures to eliminate animal cruelty and suffering, to educate administrative and elected officials, as well as the public on animal welfare issues, and to elect humane candidates to public office. HSLF has a long history of advocating for the protection of wildlife—especially threatened and endangered species and native carnivores—in Congress and before federal agencies.

The Humane Society of the United States (“HSUS”) is the nation’s largest animal protection organization. Based in Washington, DC, HSUS works to protect all animals and combat cruelty through litigation, legislation, investigation, education, advocacy, grant-making, emergency rescue missions, field work, and direct care to tens of thousands of animals. HSUS has worked for years to protect gray wolves across the United States and specifically in the Northern Rocky Mountains, including by filing an emergency petition, with several animal protection and environmental organizations, to restore ESA protections to wolves in the region after Idaho and Montana drastically liberalized their wolf killing laws.

The International Wildlife Coexistence Network provides expert interdisciplinary assistance, training, collaboration, and shared research to enable communities around the globe to coexist with wildlife.

Kettle Range Conservation Group is a 501(c)(3) non-profit founded in 1976 to preserve federal and state roadless areas, protect critical habitat for native terrestrial and aquatic species, and to safeguard resources of clean water, outdoor recreation and natural scenic beauty in Northeast Washington.

The Maine Wolf Coalition is a 501(c)(3) organization founded in 1995. The Main Wolf Coalition’s mission is to recover wolves in Maine through research education, and protection.

The National Wolfwatcher Coalition is a nationwide, all volunteer organization educating the public and promoting citizen awareness. The National Wolfwatcher Coalition advocates for the long-term recovery and preservation of wolves base on the best available science and the principles of democracy at every level of government.

Predator Defense is a national nonprofit advocacy organization devoted to protecting essential native predators, helping people learn to coexist with wild animals, and ending America’s war on wildlife. They have been championing native predators with science, sanity, and heart since 1990.

Project Coyote is a national non-profit conservation organization, whose members and supporters include a coalition of scientists, educators, and citizen leaders, who promote

compassionate conservation and coexistence between people and wildlife through education, science and advocacy. Project Coyote has a Protecting America's Wolves campaign that advocates for gray wolves across North America and works to restore protections nationwide to ensure the protection of the essential role wolves serve in ecosystems, providing ecological balance and the flourishing of numerous plant and animal species.

The #RelistWolves campaign is a grassroots coalition made up of dedicated conservationists, environmental nonprofit organizations, wildlife advocates, and scientists. The campaign and its members are committed to raising public awareness about wolves, their importance as ecosystem guardians, and ensuring their protection by advocating for one common goal: to restore all gray wolves to the Endangered Species list.

Trap Free Montana is focused on connecting people's hearts and mind through the best available science, the truths in trapping, and compassion for the plight of wildlife thereby supporting biodiversity, respectful coexistence, and responsible stewardship.

Washington Wildlife First leverages the power of the law, informed advocacy, and strategic partnerships to reform Washington's management of its fish and wildlife, to protect and preserve the state's fish, wildlife, and wild spaces.

Western Watersheds Project ("WWP") is an Idaho non-profit organization with more than 12,000 members and supporters—including many members and supporters who live in Idaho and Montana—whose mission is to protect and restore western watersheds and wildlife through education, public policy initiatives and legal advocacy. WWP is gravely concerned about wolf mismanagement by the states of Idaho, Montana, and Wyoming and recently submitted a petition for wolves to be protected under the Endangered Species Act in their range in the Northern Rockies and throughout the West.

Western Wildlife Outreach is a nonprofit organization with the mission to provide education about bear, cougar, and wolf ecology, behavior, and safety by partnering with government agencies, non-government organizations, and the public to help create wildlife-safe communities while promoting coexistence on the landscape.

WildEarth Guardians ("Guardians") is a regional non-profit organization whose mission is to protect and restore the wildlife, wild places, wild rivers, and health of the American West. Guardians has more than 275,000 members and supporters across the West and has offices in Montana, Arizona, Colorado, Idaho, New Mexico, Oregon, and Washington. For over 30 years, Guardians has worked to restore and protect imperiled native carnivores, including gray wolves. Guardians works to protect wolf habitat across the West, promote coexistence and fight lethal wolf "management," educate the public about the importance of wolves to maintaining healthy natural ecosystems, and advocate for protecting these iconic animals under state and federal law.

The Wolf Conservation Center is an environmental education organization working to protect and preserve wolves in North America through science-based education, advocacy, and participating in the federal recovery and release programs for two critically endangered wolf species – the Mexican gray wolf and the red wolf.

Wolves of the Rockies’ mission is to protect and defend the wolves of Yellowstone National Park and the Rocky Mountains by advocating and educating, and gathering wolf advocates worldwide to consolidate our voices into a force that will influence the protection and acceptance of wolves that call the Rocky Mountains their home.

Wyoming Untrapped promotes trapping reform through education and advocacy for Wyoming’s people, pets and wildlife.

Wyoming Wildlife Advocates is a non-profit organization focused on informing, educating, and empowering communities to preserve our wild legacy and protect our shared wildlife resources. We envision a Wyoming that leads the nation in exceptional and innovative wildlife management; all stakeholders are valued equally, and management decisions are driven by the best available science. Headquartered in Jackson, Wyoming, WWA has thousands of supporters in Wyoming, the Greater Yellowstone Ecosystem, and nationwide.

III. Background

A. Pittman-Robertson Act

The Pittman-Robertson Federal Aid in Wildlife Restoration Act of 1937 (“Pittman-Robertson Act”) is intended to “extend financial and technical assistance to the States . . . for the benefit of a diverse array of wildlife and associated habitats . . . in recognition of the primary role of the States to conserve all wildlife.”¹⁰ This Act stemmed from the recognition that the current hunting and wildlife management practices in America were unsustainable, as numerous species, including gray wolves, were being pushed to the brink of extinction.¹¹

To remedy this concern, funds from 11 percent excise tax on firearm, archery and ammunition sales are allocated to conservation initiatives via the Act.¹² These initiatives include acquisition and improvement of wildlife habitat, introduction of wildlife into habitat, surveys and inventories, research on wildlife concerns such as disease, hunter education programs, and the development of access facilities for public land use.¹³

The FWS, through power delegated to it by the Secretary of the Interior, oversees, manages, and disperses the Act’s funds. The revenue from the taxes is deposited into the Federal

¹⁰ The Pittman-Robertson Federal Aid in Wildlife Restoration Act, Pub L. No. 106-553, § 902, 114 Stat. 2762, 2762A-119 (2000).

¹¹ H.R. Rep. No. 115-899, 115th Cong., 2d Sess., (2017), available at <https://www.govinfo.gov/content/pkg/CRPT-115hrpt899/html/CRPT-115hrpt899.htm> (“Prior to passage of the Pittman-Robertson Act, many species of wildlife were driven to, or near extinction by commercial market hunting pressure and habitat degradation.”).

¹² Pub. L. 106-553, § 1(a)(2), Dec. 21, 2000, 114 Stat. 2762, 2762A-119, available at <https://www.govinfo.gov/content/pkg/STATUTE-114/pdf/STATUTE-114-Pg2762.pdf> (defining the purpose of the Act “to extend financial and technical assistance to the States . . . for the benefit of a diverse array of wildlife and associates including species that are not hunted or fished, to fulfill unmet needs of wildlife within the States . . .”); see 50 C.F.R. § 80.50; see also Digest of Federal Resource Laws of Interest to the U.S. Fish and Wildlife Service, available at <https://www.fws.gov/laws/lawsdigest/fawild.html>.

¹³ 50 C.F.R. § 80.50; Digest of Federal Resource Laws of Interest to the U.S. Fish and Wildlife Service, available at <https://www.fws.gov/laws/lawsdigest/fawild.html>.

Aid to Wildlife Restoration Fund within the U.S. Treasury. The fiscal year following collection, the funds are then made available for distribution by FWS.¹⁴

All 50 states and the five U.S. territories may receive Pittman-Robertson Act funds, as well as funds under the Federal Aid in Sport Fish Restoration Act (“Dingell-Johnson Act”), 16 U.S.C. §§ 777-777k (collectively “the Acts”). Congress implements an apportionment formula where states receive funds based on area, population, and total hunting licenses sold.¹⁵ States with a larger landmass, higher population, and higher number of hunting licenses sales generally receive more funds compared to smaller states. To illustrate this difference, in the last five years, Texas has consistently received more than \$30 million annually, while Rhode Island has received between \$4 and \$5 million annually.¹⁶ Overall, from 1939 to 2019, FWS disbursed \$18.8 billion to the 50 states and five territories under the Acts.¹⁷

However, receipt of these funds is not automatic. Federal regulations implementing the Acts provide that a state “becomes ineligible to receive the benefits” of the Acts if it “passes legislation contrary to the Acts.”¹⁸ Eligibility requirements stipulate that states must “pass and maintain legislation that . . . [e]nsures the conservation of fish and wildlife”¹⁹ If a state fails to abide by these requirements, the Secretary of the Interior and FWS has the ability to strip that state of its funds.²⁰

Furthermore, for certain programs, states must apply for funds and meet certain requirements before additional funds are distributed. The application process begins with a state’s fish and wildlife agency submitting “a comprehensive plan” that outlines the provisions of the relevant wildlife conservation project or projects for which funds are sought.²¹ Within this application it must be clear that the state fish and wildlife agency maintains responsibility and accountability for the program, all while ensuring public participation in any development, revision, or implementation regarding the program.²² If the Secretary of the Interior, through FWS, approves such a program, it could result in the receipt of federal funds that cover up to 75 percent of the total project cost.

B. The Decimation and Recovery of Gray Wolves in the Northern Rockies

Historically, gray wolves once inhabited most of North America, with estimates of around 2 million individuals before European settlement (Leonard et al. 2004).²³ Once the

¹⁴ 16 U.S.C. § 699(c); Congressional Research Service, Pittman-Robertson Wildlife Restoration Act: Understanding Apportionments for States and Territories, at 18-20 (Apr. 5, 2019), *available at* <https://fas.org/sgp/crs/misc/R45667.pdf> [hereinafter Cong. Research Serv.].

¹⁵ 16 U.S.C. § 699(c); Cong. Research Serv., at 20.

¹⁶ Cong. Research Serv., at 20.

¹⁷ *Id.*, at 1.

¹⁸ 50 CFR § 80.11.

¹⁹ *Id.* § 80.10.

²⁰ 16 U.S.C. § 669(i) (“The Secretary of the Interior is authorized to make rules and regulations for carrying out the provisions of this chapter.”).

²¹ *Id.* § 669(d).

²² *Id.*

²³ *See* 78 Fed. Reg. 35,664 (June 13, 2013).

United States became increasingly populated by European settlers, however, the gray wolf was pushed to near-extinction.

As settlers pushed west and took over more land, all while hunting deer and elk that wolves depended on, wolves began preying upon these settlers' livestock. To combat this, the U.S. Bureau of Biological Survey hired people to trap and poison wolves (Robinson 2005). This extermination effectively reduced the once thriving population of 2 million wolves to less than 1,000 in the contiguous United States, with nearly all of them left in wilderness areas of Minnesota.²⁴

Due to this widespread killing, the gray wolf no longer populated states like Idaho and Montana, where the species once prospered. To combat the extirpation of gray wolves, FWS, in 1978, designated the gray wolf as endangered under the Endangered Species Act in the contiguous United States. The remnant Minnesota population was listed as threatened.²⁵

FWS developed wolf recovery plans for three regions—the Northern Rocky Mountains, the Western Great Lakes, and the Southwest (covering the now separately listed Mexican wolf). The Northern Rocky Mountains recovery plan called for the reintroduction of gray wolves into places like Idaho and Yellowstone National Park in Wyoming.²⁶ With recovery efforts, wolf populations in the Northern Rocky Mountains began to grow.

As a result, growing populations from the reintroduced wolves soon dispersed to additional areas. With these dispersals, numerous ecological benefits followed. For example, wolves started to limit overgrazing by ungulates and improve riparian areas, which helped other wildlife like bison, beavers, and fish to thrive (Ripple & Beschta 2003; Chadwick 2010). Moreover, wolves began to, and still do, keep populations of elk and deer at natural levels, which helps diminish the risk of chronic wasting disease that has already proliferated throughout Montana²⁷ and may affect populations in Idaho.²⁸

Population control is not limited to elk and deer, however. Wolves keep other species, such as coyotes, in check, to the benefit of pronghorn and songbirds (Berger & Gese 2007). Some studies even indicate that wolves help improve soil microbes due to their distribution of prey carcasses (Ripple et al. 2014; Bump et al. 2009) and also facilitate aspen recruitment in Montana, as one specific example (Ripple & Larsen 2000; Painter et al. 2018; Halofsky & Ripple 2008).

²⁴ See 74 Fed. Reg. 15,069 (Apr. 2, 2009).

²⁵ 43 Fed. Reg. 9607 (Mar. 9, 1978).

²⁶ In 1994, the Service designated the Yellowstone Experimental Population Area, 59 Fed. Reg. 60,252 (Nov. 22, 1994), and the Central Idaho Experimental Population Area, 59 Fed. Reg. 60,266 (Nov. 22, 1994), to facilitate reintroduction of “nonessential experimental populations” of gray wolves under Section 10(j) of the ESA. See 16 U.S.C. 1539(j). The Service introduced more than 60 wolves to these areas between 1995 and 1996.

²⁷ MDFWP, Management Hunt Sheds Light on CWD Presence in Southwest Montana (Feb. 23, 2021), available at <https://fwp.mt.gov/homepage/news/2021/feb/0223-cwd-hunts-sw-mt>; MDFWP, CWD in Montana, available at <https://fwp.mt.gov/conservation/chronic-wasting-disease/in-montana> (last updated June 3, 2022).

²⁸ Idaho Fish and Game, Chronic Wasting Disease in Idaho (Aug. 3, 2021), available at <https://idfg.idaho.gov/cwd>.

Wolves in Idaho, Montana, eastern Washington, eastern Oregon, and northern Utah lost ESA protections through a legislative rider in 2011.²⁹ Following a court battle, wolves in Wyoming also lost federal ESA protections in 2012.³⁰ Although litigation remains pending, wolves elsewhere in the lower 48 states are now federally protected.³¹

Today, it is estimated that approximately 7,000 gray wolves occupy less than 10 percent of their historic range in the contiguous United States. In its 2020 annual report, Montana Fish Wildlife and Parks estimated its wolf population to be 1,177 (Inman et al. 2020),³² while Idaho estimated a population of 1,556 wolves at the end of 2020 (IDFG 2021).³³

C. Idaho’s Harmful Wolf Legislation, Receipt of Pittman-Robertson Funds

On May 5, 2021, Senate Bill 1211 was signed into law by Governor Little.³⁴ The bill authorizes the killing of more than 1,400 gray wolves out of a population that was last reported to be around 1,556 wolves.³⁵ To accomplish this, SB 1211 enables individuals to trap and snare wolves on private property throughout the year, kill an unlimited number of wolves with a single hunting tag, use hounds to track wolves, and hunt from all-terrain vehicles or snowmobiles.³⁶

Additionally, SB 1211 extends the reporting window from ten to thirty days for wolves killed for alleged livestock depredation incidents. Moreover, SB 1211 also provides a new thirty-day reporting requirement for wolves killed pursuant to the bill’s new authorization for wildlife predation control. These long reporting windows impair Idaho Fish and Game’s (“IDFG”) ability to monitor and timely respond to unknown levels of wolf killing.

Furthermore, SB 1211 strips IDFG of authority that both FWS and state management plans consider necessary to maintain gray wolf populations above minimum recovery levels. In delisting wolves in Idaho in 2009 (an action that was subsequently Congressionally adopted in a 2011 rider), FWS relied on the authority and expertise of state agencies like IDFG to maintain wolf populations above minimum recovery goals in accordance with their management plans.³⁷ Even if that conclusion were justified at the time, it rested on assumptions that are no longer true, given that wildlife management decisions are now made by politicians, not state wildlife biologists.

²⁹ 76 Fed. Reg. 25,590 (May 5, 2011).

³⁰ *Devs. of Wildlife v. Zinke*, 849 F.3d 1077, 1081 (D.C. Cir. 2017).

³¹ *Devs. of Wildlife v. U.S. Fish & Wildlife Serv.*, No. 21-cv-00344-JSW, 2022 U.S. Dist. LEXIS 30123 (N.D. Cal. Feb. 10, 2022)

³² Inman, B., et al. 2020. Montana Gray Wolf Conservation and Management 2020 Annual Report. MDFWP.

³³ Idaho Fish and Game. 2021. Idaho wolf populations remains stable between 2019 and 2020 despite higher mortality, available at <https://idfg.idaho.gov/press/idaho-wolf-populations-remains-stable-between-2019-and-2020-despite-higher-mortality>.

³⁴ Idaho Legislature, 2021 Legislation, Idaho Senate Bill 1211, available at <https://legislature.idaho.gov/sessioninfo/2021/legislation/s1211/>.

³⁵ Idaho Senate Bill 1211, available at <https://legislature.idaho.gov/wp-content/uploads/sessioninfo/2021/legislation/S1211.pdf>.

³⁶ *Id.* (amending Idaho Code §§ 36-201, 36-408).

³⁷ See 74 Fed. Reg. 15,123, 15,169-70 (Apr. 2, 2009).

Indeed, another concern is that Idaho SB 1211 effectively overrides IDFG’s discretion to regulate the take of wolves and supersedes the agency’s authority to limit harvest by setting tag limits,³⁸ limiting trapping season lengths,³⁹ and restricting manner and methods of take.⁴⁰ It also eliminates IDFG’s ability to counterbalance the impact of depredation and defense-of-property removals by imposing these sorts of limits on hunting seasons.⁴¹

Without these fundamental levers available, IDFG will be unable to make the adaptive management adjustments to hunting and trapping seasons that the Service assumed would exist as a safety net to prevent populations from falling below minimum recovery thresholds. In fact, the Idaho Fish and Game Commission opposed the bill precisely because it hamstringing the agency’s discretion to manage wolves, testifying before a state senate committee that it “represent[s]... a significant downside to the state’s ability to manage our wildlife responsibly.” (Blanchard 2021).

Additionally, when SB 1211 is added to the already detrimental effects posed by state wolf depredation management, Idaho’s wolf population may decline below minimum recovery thresholds. At the time of delisting, FWS recognized that landowners or their agents⁴² may kill wolves “molesting or attacking livestock or domestic animals” under Idaho’s depredation control law without any permit or prior authorization.⁴³ FWS ultimately concluded that this liberal depredation law did not threaten wolves because the “Idaho management plan is designed to maintain the Idaho wolf population at over 500 wolves in midwinter,” a level at which “it would be impossible for [] Idaho’s defense of property regulations to significantly affect the overall rate of wolf mortality in Idaho.”⁴⁴

Unfortunately, this line of reasoning relies on Idaho’s decades-old commitment to maintaining a population of over 500 wolves in midwinter, which is no longer applicable because, as discussed above, SB 1211 encourages Idaho to drive the state population to far fewer than 500 wolves. As a result, lethal depredation removals by landowners, government agents, and private contractors—which are guaranteed by statute and not subject to IDFG regulation—present a source of additional mortality that can no longer be offset by hunting and trapping regulations (Murray et al. 2010; Creel & Rotella 2010; Ausband et al. 2015; Borg et al. 2015).

With an expanded hunting and trapping season and liberal killing for depredation management, Idaho is pushing its gray wolf populations to the brink. Such a position clashes with the Pittman-Robertson Act’s purpose and conservation mandates.

³⁸ Idaho Senate Bill 1211, § 4 (amending Idaho Code § 36-408) (“There shall be no limit to the number of wolf tags that an individual can purchase.”).

³⁹ *Id.*, § 3 (amending Idaho Code § 36-201) (“Wolf trapping season shall be open year-round on all private property...”).

⁴⁰ *Id.* (amending Idaho Code § 36-201) (“[A]ny method utilized for the take of any wild canine in Idaho shall be available for the taking of wolves.”).

⁴¹ 74 Fed. Reg. at 15,169.

⁴² Idaho Senate Bill 1211 expands this authorization to include private contractors and federal and state agents. Idaho Senate Bill 1211, § 5 (amending Idaho Code §36-1107).

⁴³ Idaho Code Ann. § 36-1107(c) (2021); Montana also allows any person to kill or attempt to kill wildlife that is “attacking, killing, or threatening to kill” livestock. Mont. Code Ann. 87-6-106 (2021); *see also* Mont. Admin. R. 12.9.1305(10) (2014).

⁴⁴ 74 Fed. Reg. at 15,169.

For fiscal year 2022, Idaho received more than 28.5 million dollars in Pittman-Robertson Act funds,⁴⁵ and from fiscal years 2015 to 2019, the state received more than 99 million dollars.⁴⁶ These funds were, and continue to be, conditional—to receive them, Idaho must “assure sound conservation policies” “for the benefit of a diverse array of wildlife.”⁴⁷

In sum, Idaho has forgone its “primary role” as a state “to conserve all wildlife,” evidenced by the provisions within SB 1211 that will effectively push the state’s gray wolf population to unsustainable levels.⁴⁸ Due to this blatant disregard for the conservation of wildlife, Idaho should be deemed ineligible for Pittman-Robertson Act funds.

D. Montana’s Harmful Wolf Legislation, Receipt of Pittman-Robertson Funds

Montana passed four legislative bills aimed at reducing the state wolf population: Senate Bills 267 (“SB 267”)⁴⁹ and 314 (“SB 314”)⁵⁰ and House Bills 224 (“HB 224”)⁵¹ and 225 (“HB 225”).⁵² Each of these is discussed below.

SB 314 recommends that the Montana Department of Fish, Wildlife and Parks (“MFWP”) Commission authorize the extermination of 85 percent of the state’s estimated wolf population. In particular, SB 314 recommends that the MFWP Commission enact new hunting and trapping measures with the goal of “reduc[ing] the wolf population in this state to a sustainable level, but not less than the number of wolves necessary to support at least 15 breeding pairs.”⁵³ To reach this goal, SB 314 recommends authorizing the use of baiting, night hunts with night vision scopes and spotlighting on private land, and “the harvest of an unlimited number of wolves by the holder of a single wolf hunting or wolf trapping license.”⁵⁴

HB 224 allows trapping license holders to snare wolves and HB 225 authorized expansion of the trapping season for wolves by four weeks.⁵⁵ Previously, the 2020 wolf hunting season went from December 15 to February 28, but HB 225 authorized the extension of that season from the first Monday after Thanksgiving to March 15.

Costs that wolf hunters and trappers incur during this prolonged season may be reimbursed pursuant to SB 267, which states that “[r]eimbursements for receipts of costs

⁴⁵ U.S. Fish and Wildlife Service, Certificate of Apportionment (Feb. 3, 2022), available at https://www.fws.gov/sites/default/files/documents/WR%20FY22%20Certificate%20of%20Final%20Apportionment%202022Feb3_508.pdf.

⁴⁶ Cong. Research Serv., at 25-26.

⁴⁷ Pub. L. 106-553, §1(a)(2)[title IX, § 902(a), (b)] (Dec. 21, 2000).

⁴⁸ *Id.*

⁴⁹ Mont. Senate Bill 267 (amending Mont. Code § 87-6-214), available at <https://legiscan.com/MT/bill/SB267/2021>

⁵⁰ Mont. Senate Bill 314 (amending Mont. Code § 87-1-901), available at <https://legiscan.com/MT/bill/SB314/2021>

⁵¹ Mont. House Bill 224 (amending Mont. Code § 87-1-901), available at <https://legiscan.com/MT/bill/HB224/2021>

⁵² Mont. House Bill 225 (amending Mont. Code § 87-1-304), available at <https://legiscan.com/MT/bill/HB225/2021>

⁵³ Mont. Senate Bill 314, § 1 (amending Mont. Code § 87-1-901).

⁵⁴ Mont. Senate Bill 314, § 1 (amending Mont. Code § 87-1-901).

⁵⁵ Mont. House Bill 224 (amending Mont. Code § 87-1-901).

incurred related to the hunting or trapping of wolves may be given to persons licensed to hunt or trap wolves pursuant to Title 87, Chapter 2 [Resident Wolf License].”⁵⁶

In contrast to Idaho, the MFWP Commission retained some discretion in how to implement the above-described bills. Nevertheless, on August 20, 2021, the MFWP Commission, by a vote of 3-2, adopted some of the most brutal measures authorized by the Montana legislature.⁵⁷ This included adopting a majority of the “Maximum New Tools”⁵⁸ (see Figure 1 below), which increased bag limits to ten wolves, extended the wolf trapping season from November 29 to March 15 (except in Canada Lynx and Grizzly Bear Protection Zones), authorized night hunting on private land, and enabled baiting on public and private lands statewide.⁵⁹ In addition, hunters can purchase and possess 10 wolf hunting licenses, and quotas were eliminated in three separate Montana Wolf Management Units just outside of Yellowstone and Glacier National Parks.⁶⁰ Moreover, snaring is now permitted on public and private lands (with some exceptions to protect endangered wildlife), which will have detrimental effects on other wildlife in addition to domestic pets that may be caught in snares set for wolves.⁶¹ The Commission set a goal of eliminating 450 wolves during the 2021-2022 hunting season.⁶²

⁵⁶ Mont. Senate Bill 267 (amending Mont. Code § 87-6-214).

⁵⁷ *Id.*

⁵⁸ MFWP Commission, Montana wolf hunting and trapping regulation proposals for 2021-2022, *available at* <https://fwp.mt.gov/wolfproposal>.

⁵⁹ MFWP Commission, 2021-2022, Montana wolf hunting and trapping regulations, *available at* <https://fwp.mt.gov/binaries/content/assets/fwp/hunt/regulations/2021/2021-wolf-final-for-web.pdf>.

⁶⁰ *Id.*

⁶¹ *Id.*

⁶² See MFWP, Hunting Season-Quota Change Supporting Information, at 1, *available at* <https://fwp.mt.gov/binaries/content/assets/fwp/commissionagendas/june-24-2021-commission-meeting/wildlife/2021-wolf/1-wolf-proposal-final-posted-06082021.pdf>

Tool	Limited New Tools	Intermediate New Tools	Maximum New Tools
Hunting licenses	1 required for each wolf	1 license/5 wolves	1 license to harvest bag limit
Bag limit	5	10 with not more than 5 from Regions 3-7	10
Trapping season dates	Dec. 15 – Feb. 28 statewide	Dec. 15 – Feb. 28 in FWP Regions 1 - 3, Region 4 west of I-15, and Region 5 inside Lynx Protection Zone. Dec. 1– March 15 in FWP Region 4 east of I-15, Region 5 outside Lynx Protection Zone, and Regions 6 and 7.	Dec. 1 – March 15 statewide except Dec 15 – Feb 28 inside Lynx Protection Zones.
Snaring	Snaring on private lands only consistent with the trapping season dates.	Snaring on private lands only consistent with the trapping season dates.	Snaring on private lands only consistent with the trapping season dates.
Night hunting	None	Private lands except in WMUs 313/316	Private lands Statewide
Use of baits for hunting/trapping	None	Private lands except in WMUs 331/316	Statewide
Quota areas	Retain quota areas and corresponding quotas with snaring, baiting, and night hunting	Eliminate quotas but maintain quota areas with snaring, restrict baiting and night hunting	Eliminate quotas and quota areas and add baiting, snaring and night hunting

Figure 1: Montana wolf hunting and trapping regulation proposals for 2021-2022, available at <https://fwp.mt.gov/wolfproposal>.

This flurry of legislation is aimed at reducing the wolf population to dangerously low levels. Wolf populations could plummet, destroying decades of progress recovering wolves, and reducing their populations to a level that robs the state of the species’ beauty and ecological importance.

The cited rationale for this legislation, similar to Idaho, centers on protecting livestock (e.g., cattle, sheep) and wild ungulates (e.g., elk, moose) from wolves. But the science shows that liberalized wolf hunting and trapping does not decrease—and, in fact, can increase—predation on domestic animals.⁶³ Moreover, in 2019, wolves only accounted for 0.003 percent of all livestock deaths in Montana.⁶⁴

⁶³ Weilgus, R.B. and K. Peebles. 2014. Effects of Wolf Mortality on Livestock Depredations, PLOS ONE 9(12): e113505, available at <https://journals.plos.org/plosone/article?id=10.1371/journal.pone.0113505>.

⁶⁴ Inman, B., et al. 2019. Montana Gray Wolf Conservation and Management 2019 Annual Report 12. MDFWP. Available at <https://fwp.mt.gov/binaries/content/assets/fwp/conservation/wildlife-reports/wolf/2019-mt-wolf-annual-report-final-9.9.2020all.pdf> (confirming that wolves killed 69 cattle and 21 sheep in 2019); National Agriculture Statistics Service, Montana Agricultural Facts 2019 (Apr. 2020), available at https://www.nass.usda.gov/Statistics_by_State/Montana/Publications/Special_Interest_Reports/MT-Montana-Ag-Facts-04222020.pdf (reporting that as of January 2019, there were 215,000 sheep and lamb and 2.50 million cattle and calves in Montana).

As for moose, MFWP’s own ten-year study indicated that decreasing numbers were due to parasites, like arterial worms, not wolves.⁶⁵ Furthermore, since wolves were reintroduced to Montana in 1995, state elk populations have dramatically increased and surpassed objectives.⁶⁶

For fiscal year 2022, Montana received more than 21.3 million dollars in Pittman-Robertson Act funds,⁶⁷ and from fiscal years 2015 to 2019, the state received more than 72 million dollars.⁶⁸ Like in all other states, these funds were, and continue to be, conditional. To receive these funds, Montana must “assure sound conservation policies” “for the benefit of a diverse array of wildlife.”⁶⁹

By passing SBs 314 and 267 in addition to HBs 225 and 224, however, Montana has not ensured that there are sound conservation policies in place for the benefit of the state’s gray wolf population. Instead, Montana, through this legislation, demonstrates its intention to reduce the gray wolf population to extremely low levels. As former MFWP employees and commissioners have noted in opposition, the current legislation at issue is not “sound wildlife management policy” and “harm[s] the image of hunters and hunting in Montana.”⁷⁰

If former MFWP and other state wildlife commissioners, biologists, directors, wildlife managers and game wardens agree that Montana’s new approach to wolf management is not a sound conservation strategy, Montana should not be rewarded with additional Act funding. Until this issue is remedied, Montana is acting contrary to the Pittman-Robertson Act’s conservation purposes and should not receive more funding pursuant to the Act.

IV. Legal Basis for Petition

This Petition requests a rule finding that the states of Idaho and Montana are ineligible for distribution of Pittman-Robertson Act funds. We seek to sanction Idaho and Montana for violations of the principles and values that the Pittman-Robertson Act symbolizes.

A. The Administrative Procedure Act

Pursuant to the APA, an “interested person” has the right to petition “for the issuance, amendment or repeal of a rule.” 5 U.S.C. § 553(3). If FWS does not comply with the mandates of the APA, the Center may obtain relief from a federal district court.⁷¹

⁶⁵ Tom Dickson, *Solving Montana’s Moose Mysteries*, Montana Outdoors, Sept.-Oct. 2019, at 14, *available at* <https://fwp.mt.gov/binaries/content/assets/fwp/montana-outdoors/moose.pdf>.

⁶⁶ Montana Fish, Wildlife and Parks, Elk Population Status, 2008-2020, *available at* <https://fwp.mt.gov/conservation/species/elk/population-and-distribution>.

⁶⁷ U.S. Fish and Wildlife Service, Certificate of Apportionment (Feb. 3, 2022), *available at* https://www.fws.gov/sites/default/files/documents/WR%20FY22%20Certificate%20of%20Final%20Apportionment%202022Feb3_508.pdf.

⁶⁸ Cong. Research Serv.

⁶⁹ Pub. L. 106-553, §1(a)(2)[title IX, § 902(a), (b)] (Dec. 21, 2000).

⁷⁰ Concerned Professional Wildlife Biologists and Managers in Montana, Letter to Members of the Montana Legislature and Governor Gianforte (Mar. 16, 2021).

⁷¹ 5 U.S.C. § 702 (“A person suffering legal wrong because of agency action, or adversely affected or aggrieved by agency action within the meaning of the relevant statute, is entitled to judicial review thereof.”); *see id.* § 551(13) (defining agency action as “the whole or a part of an agency rule . . . or the equivalent or denial thereof, or failure to

B. The Pittman-Robertson Act

States are eligible for funds under the Pittman-Robertson Act “only if they pass and maintain legislation that . . . [a]ssents to the provisions of the Acts; [e]nsures the conservation of fish and wildlife; and [r]equires” that hunting and fishing license revenue be controlled by the relevant state fish and wildlife agency and used only for administration of that agency. 50 C.F.R. § 80.10 (emphasis added).

Within the Act, “conservation” is defined as follows:

[T]he use of methods and procedures necessary or desirable to **sustain healthy populations of wildlife** including all activities associated with scientific resources management such as research, census, monitoring of populations, acquisition, improvement and management of habitat, live trapping and transplantation, wildlife damage management, and periodic or total protection of a species or population, as well as the taking of individuals within wildlife stock or population if permitted by applicable State and Federal law[.]

16 U.S.C. § 669a(1) (emphasis added). Further, “wildlife” is defined as “any species of wild, free-ranging fauna including fish . . . ,” which includes gray wolves in Idaho and Montana. *Id.* § 699a(7).

The purpose of the Pittman-Robertson Act includes “extend[ing] financial and technical assistance to the States under the . . . Act **for the benefit of a diverse array of wildlife** and associated habitats,” and “fulfill[ing] unmet needs of wildlife within the states in recognition of the primary role of the States **to conserve all wildlife.**”⁷²

Conversely, “[a] State becomes ineligible to receive the benefits of the [Pittman-Robertson] Act[] if it . . . [f]ails materially to comply with any law regulation, or term of a grant as it relates to acceptance and use of funds under the acts,” or “passes legislation contrary to the Acts” 50 C.F.R. § 80.11.

DOI and FWS should disqualify Idaho and Montana from Pittman-Robertson Act funds because their conduct is contrary to the Act in two basic ways.

First, Idaho and Montana do not meet the eligibility requirements, as neither state is ensuring the “conservation” of wolves. 16 U.S.C. § 669a(1). Instead, their anti-predator wildlife management programs are aimed at decimating the wolf population to extremely low levels.⁷³ These states’ new legislation, as a plethora of wildlife biologists, scientists,

act”); *see also id.* § 706(1) and (2)(A) (granting a reviewing court the authority to “compel agency action unlawfully withheld or unreasonably delayed” or to “hold unlawful and set aside agency action . . . [that is] arbitrary capricious, [or] an abuse of discretion”).

⁷² Pub. L. 106-553, §1(a)(2) [title IX, § 902(a),(b)], Dec. 21, 2000, 114 Stat. 2762, 2762A-119.

⁷³ Idaho Senate Bill 1211, § 5; Mont. Senate Bill 314, § 1; *see also* MDFWP, Hunting Season-Quota Change Supporting Information, at 1, available at <https://fwp.mt.gov/binaries/content/assets/fwp/commissionagendas/june-24-2021-commission-meeting/wildlife/2021-wolf/1-wolf-proposal-final-posted-06082021.pdf>.

game wardens and former game commissioners all agree, is contrary to wildlife conservation.⁷⁴

The best available science shows that wolf populations cannot be sustained if mortality levels exceed 30 percent (Adams et al. 2008; Creel & Rotella 2010; Sparkman et al. 2011; Vucetich et al. 2012). Indeed, by passing legislation aimed at far greater reductions in their wolf populations, Idaho and Montana cannot ensure “healthy populations” of wolves, as the Pittman-Robertson Act requires. 16 U.S.C. § 669a(1).

Moreover, because Idaho and Montana have some of the most abundant and optimal wolf habitat in the contiguous United States (see Figure 2 below), the states’ wolf hunting and trapping laws risk recovery of the gray wolf across the entire western United States (Fuller et al. 2003; Creel & Rotella 2010; Creel et al. 2015). This is especially true in the West Coast states of Washington, Oregon, and California, where most resident wolves have dispersed from Idaho and Montana.

Second, the states are not acting for the “benefit of a diverse array of wildlife” because the removal of wolves will also result in the loss of the benefits that wolves provide to ecosystems and other plants and animals. Given the ecological importance of wolves, targeting them for population-level declines is an additional reason that Idaho and Montana have failed to fulfill the “primary role of the States to conserve all wildlife.”⁷⁵

⁷⁴ Concerned Professional Wildlife Biologists and Managers in Idaho, Letter to Governor Brad Little, available at <https://apnews.com/article/wildlife-brad-little-hunting-wildlife-management-wolves-47a85b453a74fb4184514f50ded7ed31>; Concerned Professional Wildlife Biologists and Managers in Montana, Letter to Members of the Montana Legislature and Governor Gianforte (Mar. 16, 2021); *see also* Vucetich, J. et al. 2021. Scientists’ Letter to President Biden in Support of Reinstating Federal Protections to the Gray Wolf (May 13, 2021), available at <https://wpr-public.s3.amazonaws.com/wprorg/wolf-esa-relisting-letter-5-13-21.pdf>.

⁷⁵ Pub. L. 106-553, §1(a)(2) [title IX, § 902(a),(b)], Dec. 21, 2000, 114 Stat. 2762, 2762A-119.

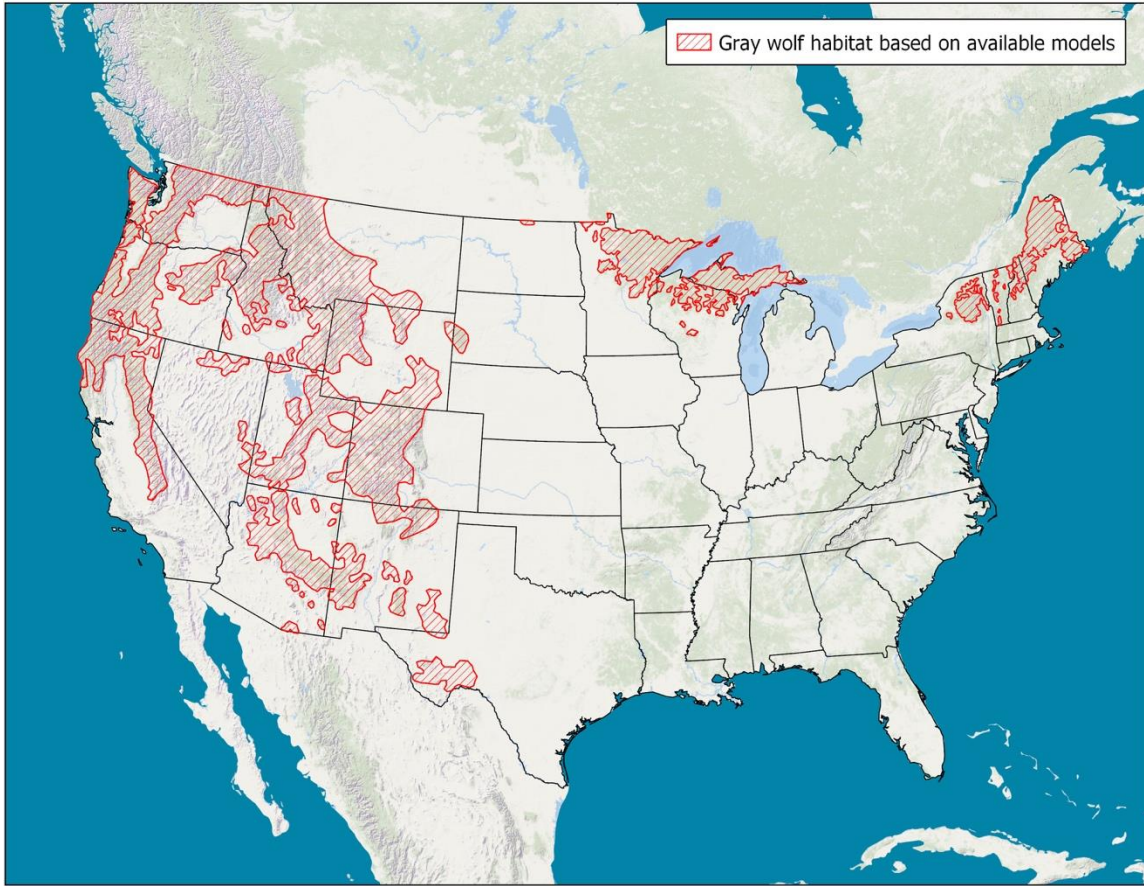


Figure 2: Map of best wolf habitat based on available habitat models.

By withholding funding from Idaho and Montana, DOI and FWS can fulfill the Pittman-Robertson Act's purpose and show other states that such federal financial support is contingent on sound wildlife management. When states pass legislation with the sole purpose of killing ecologically important wildlife like wolves, they should not be rewarded with federal aid intended for states that truly conserve wildlife.

V. Conclusion

For the reasons stated above, Petitioners as listed above hereby petition DOI and FWS to strip Idaho and Montana of eligibility for federal funds under the Pittman-Robertson Act. Legislation passed by Idaho and Montana was designed to decimate ecologically important wolf populations, contrary to the Act's conservation purpose. Failure to limit federal funds to states like Idaho and Montana, which show no regard for wildlife conservation with their adverse gray wolf legislation, will only result in more states passing similar damaging laws.

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