

DEPARTMENT OF THE INTERIOR**Fish and Wildlife Service****50 CFR Part 17****Endangered and Threatened Wildlife and Plants; Proposed Determination of Experimental Population Status for an Introduced Population of Red Wolves in North Carolina**

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rule.

SUMMARY: The U.S. Fish and Wildlife Service proposes to introduce mated pairs of red wolves (*Canis rufus*), as an endangered species, into the Alligator River National Wildlife Refuge (Refuge), Dare and Tyrrell Counties, North Carolina, and to determine this population to be nonessential experimental population according to section 10(j) of the Endangered Species Act of 1973 (ESA), as amended. The red wolf is now extirpated from its entire historic range in the southeastern United States; this action is being taken in an effort to reestablish a wild population. The experimental population status is being proposed because section 10(j) authorizes more discretion in devising an active management program for an experimental population than for a regularly listed species, a critical factor in insuring that other agencies and the public will accept the proposed reintroduction. An experimental population is treated as a threatened species for purposes of sections 4(d) and 9 of the Act, which prohibits certain activities involving listed species. Accordingly, a special rule for specifying circumstances under which taking of introduced red wolves will be allowed is being proposed in conjunction with the nonessential, experimental population proposal. Management actions that would involve take include recapture of wolves to replace transmitter or capture collars, provide routine veterinary care, return animals to the refuge which have strayed outside its boundaries, or to return to captivity animals that are a threat to human safety or property, or which are severely injured or diseased. The nonessential designation is being proposed because the species is fully protected in captivity in six different locations, and all animals released into the wild can be quickly replaced through captive breeding. When not on National Wildlife Refuge or National Park lands, a nonessential experimental population is treated as a proposed species, rather than a listed species, for purposes of the

review of other Federal agency actions, under section 7 of the ESA (except for section 7(a)(1), which applies to all experimental populations). No conflicts are envisioned between the red wolf reintroduced and any existing or anticipated Federal agency actions or traditional public uses of the refuge or surrounding lands.

DATES: Comments from all interested parties including the State of North Carolina and the public must be received by September 8, 1986.

ADDRESSES: Interested persons or organizations are requested to submit comments to the Field Supervisor, U.S. Fish and Wildlife Service, 100 Otis Street, Room 224, Asheville, North Carolina 28801 (704/259-0321 or FTS 672-0321). Comments and materials relating to this proposed rule are available for public inspection by appointment during normal business hours at the address above.

FOR FURTHER INFORMATION CONTACT: Mr. Warren T. Parker, Asheville Endangered Species Field Supervisor (see **ADDRESSES** section above), or Mr. Marshall P. Jones, Chief, Endangered Species Division, U.S. Fish and Wildlife Service, 75 Spring Street SW., Atlanta, Georgia 30303 (404/331-3580 or FTS 242-3580).

SUPPLEMENTARY INFORMATION:

Background

Among the significant changes made by the Endangered Species Act Amendments of 1982, Pub. L. No. 97-304, was the creation of a new section 10(j) which provides for the designation of specific introduced populations of listed species as "experimental populations." Under previous authorities in the Act, the Service was permitted to reintroduce populations into unoccupied portions of a listed species' historic range when it would foster the conservation and recovery of the species. Local opposition to reintroduction efforts, however, stemming from concerns about the restrictions and prohibitions on private and Federal activities contained in sections 7 and 9 of the Act, severely handicapped the effectiveness of this as a management tool. Under section 10(j), past and future reintroduced populations established outside the current range, but within the species' historic range, may now be designated, at the discretion of the Service, as "experimental." Such designations will increase the Service's flexibility to manage these reintroduced populations, because such experimental populations may be treated as threatened species. The Service has much more discretion in devising management programs for

threatened species than for endangered species, especially on matters regarding incidental or regulated takings. Moreover, experimental populations found to be "nonessential" to the continued existence of the species in question are to be treated as if they were only proposed for listing for purposes of section 7 of the ESA, except as noted below. A "nonessential" experimental population is not subject to the formal consultation requirement of section 7(a)(2) of the Act," but if the experimental population is found on a National Wildlife Refuge or National Park, the full protection of section 7 applies to such animals. (The provision in section 7(a)(1) applies to all experimental populations.) The individual organisms comprising the designated experimental population can be removed from an existing source or donor population only after it has been determined that their removal itself is not likely to jeopardize the continued existence of the species, and must be done under a permit issued in accordance with the requirements in 50 CFR 17.22.

The species included in this proposal is the red wolf (*Canis rufus*), an endangered species which is currently extirpated from the wild. The red wolf was originally native to the southeastern United States from the Atlantic Coast westward to central Texas and Oklahoma, and from the Gulf of Mexico to central Missouri and southern Illinois. The historic relationship of the red wolf to other wild canids is poorly understood, but it is thought that the red wolf coexisted with the coyote (*Canis latrans*) along its western range generally along the line where deciduous cover gave way to open prairie in Texas and Oklahoma. The gray wolf (*Canis lupus*) is believed to have frequented the range north of the red wolf, but probably did range along the higher elevations of the Appalachian Mountains as far south as Georgia and Alabama. Historical evidence seems to characterize the red wolf as common in the vast pristine bottomland riverine habitats of the southeast, and especially numerous in and adjacent to the extensive "canebrakes" that occurred in these habitats. The canebrakes harbored large populations of swamp and marsh rabbits, considered likely to be the primary prey species of the red wolf under natural conditions. The demise of the red wolf was directly related to man's activities, especially land changes, such as the drainage of vast wetland areas for agricultural purposes; the construction of dam projects that inundated prime habitat; and predator control efforts at the private, State, and

Federal levels. At that time the natural history of the red wolf was poorly understood, and like most other large predators, it was considered a nuisance species. Today, the red wolf's role as a potentially important part of a natural ecosystem, if it can be successfully reintroduced, is better appreciated. Furthermore, it is now clear that traditional controls would not be needed in any case; the red wolf would pose no threat to livestock in situations where its natural prey, especially such small mammal species as rabbits and opossums, are abundant. Service studies have documented that there is an abundant prey base at the Alligator River National Wildlife Refuge. This was one of the criteria used to select it as a reintroduction site.

Man-caused pressures eventually forced the red wolf into the lower Mississippi River drainage and lastly into southeast Texas and southwest Louisiana. This was where the only surviving population remained in the mid-1970s when the Service decided to trap the animals and place them in a captive breeding program. This decision was based on the obviously low number of animals left in the wild, poor physical condition of these animals due to internal and external parasites and disease, and the threat posed by an expanding coyote population and consequent inbreeding problems. A Red Wolf Captive Breeding Program was established by contract with the Point Defiance Zoological Garden of the Metropolitan Park Board of Tacoma, Washington. Soon thereafter 40 wild-caught adult red wolves were provided to the breeding program, and the first litter of pups was born in May 1977. Since then, the wolves have continued to prosper at this and six other captive facilities throughout the United States. Without this extreme action it is obvious that the species would now be completely extinct. Throughout this time, however, the goal of the Service's red wolf recovery program has continued to be the eventual release of at least some of the captive animals into the wild to establish a new, self-sustaining population.

To demonstrate the feasibility of such reintroductions of red wolves, the Service conducted carefully planned one-year experiments in 1976 and 1978. These experiments involved the release of mated pairs of red wolves onto Bulls Island, a 4,000-acre component of the Cape Romain National Wildlife Refuge near Charleston, South Carolina. The results of these planned releases indicated that it is feasible to reestablish adult wild-caught red wolves

in selected habitats in the wild. The experiments were eventually terminated, and the wolves recaptured and returned to captivity all in good health. Bull's Island was not large enough to support a self-sustaining population of wolves, and it was never intended to be a permanent reintroduction site. Observations and conclusions derived from these experiments, plus knowledge gained with wild-caught but captive-reared pups in Texas, also indicate the potential success of establishing captive reared populations in the wild.

Based on limited historical knowledge of this species, it is believed that the red wolf would thrive in dense cover typified by large acreages of bottomland vegetation now typically found in remnant sites throughout the Piedmont and Coastal Plain regions of the southeastern States. Such sites would provide the small mammal prey base and the denning and escape cover required by the species. Ideally such areas would also be isolated, have a low human encroachment potential, and be secured in either State or Federal ownership.

A great deal of investigative effort by the Fish and Wildlife Service since 1980 has been directed at locating suitable release sites throughout the historic range of the red wolf. Apparently ideal habitat for this species exists within the Alligator River National Wildlife Refuge in Dare and Tyrrell Counties, North Carolina. This refuge comprises nearly 120,000 acres of the finest wetland ecosystems found in the Mid-Atlantic region. Principal natural communities in the Refuge include broad expanses of palustrine (non-riverine) swamp forests, pocosins, and freshwater and salt marshes. Adjacent to the refuge is a 47,000-acre U.S. Air Force bombing range with similar habitats. The very limited live ordnance expended by the Air Force and Navy on this range is restricted to two extremely small, well defined, and cleared target areas (approximately 10 acres each). The establishment of an experimental population of red wolves in this refuge will greatly enhance the recovery potential of this species, by demonstrating the feasibility of a large predator reintroduction. The approved Red Wolf Recovery Plan calls for the establishment of three self-sustaining populations before the species can be considered for possible downlisting from its endangered status. By demonstrating that reintroductions of red wolves into suitable habitats is feasible, it is hoped that other Federal land management agencies in the

Southeast will be interested in further reintroduction efforts.

Presently, the Fish and Wildlife Service's Red Wolf Captive Breeding Program in Washington State has 33 animals. One small captive breeding program near St. Louis, Missouri, has 10 wolves, and 20 other animals are in five public and private zoos in the United States. The Fish and Wildlife Service has full responsibility for all of the red wolves in captivity, and from this captive group will come those animals selected for a reintroduction. A reintroduction project at the Refuge would require the removal of 8 to 12 animals from the captive program over a period of 12 months. Animals selected for reintroduction to the wild would be flown to Norfolk, Virginia, in the fall and transported by truck to the Refuge. Each pair would be placed in a 2,500-square foot acclimation pen for a period of six months. Acclimation pens would be isolated and provided maximum protection. During their acclimation each animal would be fitted with a radio collar and a capture collar to allow the animals time to adjust to the collars and also to insure the quick retrieval of any animals if this proves necessary.

During the early spring months of 1987, three pairs of mated, acclimated red wolves would be released on a two-week staggered schedule. They would be closely monitored via telemetry tracking for the first four to six weeks, then the frequency of monitoring would be gradually reduced after each pair has established a home range on the Refuge. If these initial releases are judged successful, two more mated pairs will be released on the Refuge the following spring (1988) after going through the acclimation process. It is anticipated that the Refuge and adjacent U.S. Air Force lands could eventually sustain a red wolf population of about 25 to 35 animals.

Status of Reintroduced Populations

This reintroduced population of red wolves is proposed to be designated as a nonessential experimental population according to the provisions of section 10(j) of the Act. The experimental population status would mean the reintroduced population would be treated as a threatened species, rather than an endangered species, for the purposes of sections 4(d) and 9 of the Act, which regulate taking, and other actions. This enables the Service to propose a special rule which can be less restrictive than the mandatory prohibitions covering endangered species, if there is a management need for more flexibility and the resulting protections are necessary and advisable

for the conservation of the red wolf. The proposed special rule provides that there would be no violation of the Act for taking by the public incidental to otherwise lawful hunting, trapping, or other recreational activities or defense of human life, provided such takings are immediately reported to the Refuge Manager. Service and State employees and agents would be additionally authorized to take animals which need special care or which are posing a threat to livestock or property. These flexible rules are considered a key to public acceptance of the reintroduced population. The State of North Carolina has regulatory authority to protect and conserve listed species and we are satisfied that the State's regulatory system for recreational activities is sufficient to provide for conservation of the red wolf. No additional federal regulations are needed.

The nonessential status is appropriate for the following reasons: Although extirpated from the wild, the red wolf nevertheless is secured in seven widely separate captive breeding programs and zoos in the United States. The existing captive population totals 63 animals, with approximately half this number in the U.S. Fish and Wildlife Service's captive breeding program in the State of Washington, and the other half scattered in six facilities in Louisiana, Texas, Missouri, Florida, and New York. Given the health checks and careful monitoring that these animals receive, it is highly unlikely that disease or other natural phenomenon would threaten the survival of the species. Furthermore, the species breeds readily in captivity; only five members of the existing captive population were wild caught, with all the others born since 1977 to captive pairs. Therefore, the taking of 8 to 12 animals from this captive assemblage would pose no threat to the survival of the species even if all of these animals, once placed in the wild, were to succumb to natural or man-caused factors.

The management advantage from the nonessential status comes from the fact that it would change the application of section 7 of the Act (interagency consultation) to the reintroduced population. Off of the refuge (*i.e.*, on the Dare County Bombing Range or on private lands), the nonessential experimental population would be treated as if it were a species proposed for listing, rather than a listed species. This means that only two provisions of section 7 would apply on these non-Service lands: section 7(a)(1), which authorizes all Federal agencies to establish conservation programs; and

section 7(a)(4), which requires Federal agencies to confer informally with the Service on actions that are likely to jeopardize the continued existence of the species. The results of a conference are only advisory in nature; agencies are not required to refrain from commitment of resources to projects as a result of a conference. There are in reality no conflicts envisioned with any current or anticipated management actions of the Air Force or other Federal agencies in the area. The presence of the bombing range is in fact a benefit, since it forms a secure buffer zone between the refuge and private lands; the target areas that are actually fired into, as previously discussed, would be easily avoided by the wolves. Thus there would be no threats to the success of the reintroduction project or the overall continued existence of the red wolf from these less restrictive section 7 requirements.

On the Alligator River National Wildlife Refuge, on the other hand, the experimental population would continue to receive the full range of protections of section 7. This would prohibit the Service or any other Federal agency from authorizing, funding, or carrying out an action on the refuge which is likely to jeopardize the continued existence of the red wolf. Service regulations at 50 CFR 17.83(b) specify that section 7 provisions shall apply collectively to all experimental and nonexperimental populations of a listed species, rather than solely to the experimental population itself. The Service has reviewed all ongoing and proposed uses of the refuge, including traditional trapping and hunting with or without dogs, and found that none of these would jeopardize the continued existence of the red wolf, nor would they adversely affect the success of the reintroduction effort.

Location of Reintroduced Population

Since the red wolf is recognized as extinct in the wild, this reintroduction site fulfills the requirement of section 10(j) that an experimental population be geographically isolated and/or easily discernible from existing populations. As previously described, the release site is the Alligator River National Wildlife Refuge in Dare and Tyrrell Counties, North Carolina, in the extreme northeast corner of the State, just inland from the Outer Banks.

Management

This reintroduction project would be undertaken by the Service. Present plans

spring of 1987, and if that is successful, by the release of two additional pairs the next spring. Animals released would be adult, previously mated pairs. Releases would be staggered at two-week intervals. Reintroduced animals would be closely monitored via telemetry during the first three to five months following release. After this initial monitoring phase, periodic checks would be made to determine if established home ranges are being maintained. It is anticipated that, because of the size and habitat characteristics of the reintroduction area, animals will remain within the boundaries of the refuge and adjacent military lands. The public will be instructed to immediately report any observation of a red wolf off Federal lands to the refuge manager. The Service will then take appropriate actions to recapture and return the animal to the refuge.

Take of animals by the public will be discouraged by an extensive information and education program and by the assurance that all animals will be radio-collared and therefore easy to locate if they leave the refuge. The public will be encouraged to cooperate with the Service in our attempts to maintain the animals on the release site. In addition, the special rule provides there would be no penalty for incidental take in the course of otherwise lawful hunting, trapping, or other recreational activity, or in defense of human life, provided that the taking is immediately reported to the Service. Service and State employees and agents would be additionally authorized to take animals which need special care or which pose a threat to livestock or property. Take procedures in such instances would involve live capture and removal to a remote area, or if the animal is clearly unfit to remain in the wild, return to the captive breeding facility. Killing of animals would be a last resort only if live capture attempts failed or there was some clear danger to human life. These flexible rules are considered a key to public acceptance of the reintroduced population.

Utilizing information gained from this initial 5-year period, an overall assessment of the success of the reintroduction will be made at the end of the 5th year. This assessment will include public meetings in the Dare County area to ascertain public attitudes that have developed toward the red wolf. In consultation with the North Carolina Wildlife Resources

refuge/bomb range area. This assessment will provide the Service the information needed to initiate the next management phase for the Alligator River population and to consider additional red wolf introductions in accordance with recovery goals identified for this species.

This reintroduction is not expected to conflict with existing or proposed human activities or hinder the utilization of the Alligator River National Wildlife Refuge by the public. Additionally, the presence of these animals is not expected to impact the ongoing activities designated for this National Wildlife Refuge. Utilization of the refuge for the establishment of a red wolf population is consistent with the legal responsibility of the Service to enhance the wildlife resources of the United States.

As described above, no extant populations are available to provide animals for this reintroduction. Therefore, the Service believes that this reintroduction will result in the establishment of the only viable wild population. With a successful reintroduction, the Service can begin to consider additional sites and proceed with the expectation that recovery of this species is attainable. In addition, there are no existing or anticipated Federal and/or State actions identified for this release site which are expected to affect this experimental population. For all of these reasons, the Service finds that the release of an experimental population of red wolves will further the conservation of this species. See ESA, Section 10(j)(2)(A); 50 CFR 17.81(b).

Public Comments Solicited

The Service intends that any rule finally adopted be as effective as possible. Therefore, comments or recommendations concerning any aspects of this proposed rule are hereby invited to be submitted (see **ADDRESSE** section) from the public, concerned government agencies, the scientific community, industry, or any other interested party. Comments should be specific as possible.

Final promulgation of a rule to implement this proposed action will take into consideration any comments or additional information received by the Service. Such communications may lead to a final rule that differs from this proposal.

National Environmental Policy Act

A draft Environmental Assessment

section), Atlanta Regional Office (see **FOR FURTHER INFORMATION CONTACT** section), or the Office of Endangered Species, 1000 N. Glebe Road, Arlington, Virginia 22201 (202/235-2760). This assessment will form the basis for a decision, to be made prior to the issuance of a final rule, as to whether this is a major Federal action which would significantly affect the quality of the human environment within the meaning of section 102(2)(C) of the National Environmental Policy Act of 1969 (implemented at 40 CFR Parts 1500-1508).

Executive Order 12291, Paperwork Reduction Act, and Regulatory Flexibility Act

The U.S. Fish and Wildlife Service has determined that this is not a major rule as defined by Executive Order 12291; that the rule would not have a significant economic effect on a substantial number of small entities as described in the Regulatory Flexibility Act (Pub. L. 96-354). The introduction site occurs within 15 miles of Atlantic Ocean resorts in a region along the Outer Banks that can be considered a high use area for vocations and wildlife enthusiasts.

However, the mainland portion of Dare County is not in the vicinity of a high concentration of year-round inhabitants. The Refuge has been set aside by the Federal government for wildlife use. The introduction of a nonessential experimental population into this refuge and the use by these animals of adjacent Federal lands is compatible with current utilization of the refuge and adjacent Federal lands and is expected to have no adverse impact on public use days. It is reasonable to expect some increase in visitor use of the Refuge after the release of the red wolves. No private entities will be affected by this action. The rule as proposed does not contain any information collection or record keeping requirements as defined in the Paperwork Reduction Act of 1980 (Pub. L. 96-511).

Authors

The principal authors of this proposal are Peter G. Poulos, Office of Endangered Species, U.S. Fish and Wildlife Service, Washington, D.C. (703/235-2760), Warren T. Parker, Endangered Species Field Office, Asheville, North Carolina (704/259-0321), and Marshall P. Jones, Atlanta

Regional Office, Atlanta, Georgia (404/331-3583).

List of Subjects in 50 CFR Part 17

Endangered and threatened wildlife, Fish, Marine mammals, Plants (agriculture).

Proposed Regulation Promulgation

PART 17—[AMENDED]

Accordingly, it is hereby proposed to amend Part 17, Subsection B of Chapter I, Title 50 of the U.S. Code of Federal Regulations, as set forth below:

1. The authority citation for Part 17 continues to read as follows:

Authority: Pub. L. 93-205, 87 Stat. 884; Pub. L. 94-359, 90 Stat. 911; Pub. L. 95-632, 92 Stat. 3751; Pub. L. 96-159, 93 Stat. 1225; and Pub. L. 97-304, 96 Stat. 1411 (16 U.S.C. 1531 *et seq.*).

2. It is proposed to amend § 17.11(h) by revising the existing entry for this species as shown below:

§ 17.11 Endangered and threatened wildlife.

* * * * *
(h) * * *

Species		Historic range	Vertebrate population where endangered or threatened	Status	When listed	Critical habitat	Special rules
Scientific name	Common name						
MAMMALS							
Red wolf.....	<i>Canis rufus</i>	U.S.A. (SE U.S.A., west to central TX).	Entire except Dare, Tyrrell, Hyde, and Washington Cos., NC.	E	1	NA	NA
Do.....	do.....	do.....	U.S.A. NC-Dare, Tyrrell, Hyde, Washington Cos.	XN		NA	17.84(c)

§ 17.84 [Amended]

3. It is proposed that 50 CFR 17.84 be amended by adding new paragraph (c) as follows:

(c) Red wolf (*Canis rufus*). (1) The red wolf population identified in paragraph (c)(9) of this section is a nonessential experimental population.

(2) No person may take this species, except as provided in paragraphs (c)(3) through (5) of this section.

(3) Any person with a valid permit issued by the Service under § 17.32 may take red wolves for educational purposes, scientific purposes, the enhancement of propagation or survival of the species, zoological exhibition, and other conservation purposes consistent with the Act and in accordance with applicable State fish and wildlife conservation laws and regulations;

(4) Any person may take red wolves: (i) Incidental to lawful recreational activities, or

(ii) In defense of that person's own life or the lives of others, provided that such taking shall be immediately reported to the Refuge Manager, as noted in paragraph (c)(6) of this section.

(5) Any employee or agent of the Service or State conservation agency who is designated for such purposes, when acting in the course of official duties, may take a red wolf if such action is necessary to:

(i) Aid a sick, injured, or orphaned specimen;

(ii) Dispose of a dead specimen, or salvage a dead specimen which may be useful for scientific study;

(iii) Take an animal which constitutes a demonstrable but nonimmediate threat to human safety, or which is responsible for depredations to lawfully present

domestic animals or other personal property, if it has not been possible to otherwise eliminate such depredation or loss of personal property, provided that such taking must be done in a humane manner, and may involve killing or injuring the animal only if it has not been possible to eliminate such threat by live capturing and releasing the specimen unharmed on the refuge.

(6) Any taking pursuant to paragraphs (c)(3) through (5) of this section must be immediately reported to the Refuge Manager, Alligator River National Wildlife Refuge, Manteo, North Carolina, telephone 919/473-1131, who will determine disposition of any live or dead specimens.

(7) No person shall possess, sell, deliver, carry, transport, ship, import, or export by any means whatsoever, any such species taken in violation of these

regulations or in violation of applicable State fish and wildlife laws or regulations or the Endangered Species Act.

(8) It is unlawful for any person to attempt to commit, solicit another to commit, or cause to be committed, any offense defined in paragraphs (c)(2) through (7) of this section.

(9) The site for reintroduction of red wolves is within the historic range of the species in the State of North Carolina, on the Alligator River National Wildlife Refuge, Dare, Tyrrell, Hyde, and Washington Counties. The red wolf is other widewise extirpated from the wild, so there are no other extant populations with which this experimental population could come into contact.

(10) The reintroduced population will be continually monitored closely during the life of the project, including the use of radio telemetry as appropriate. All animals will be vaccinated against diseases prevalent in canids prior to release. Any animal which is sick, injured, or otherwise in need of special care, or which moves off Federal lands, will be immediately recaptured by the Service and given appropriate care. Such an animal will be released back to the wild on the refuge as soon as possible, unless physical or behavioral problems make it necessary to return the animal to a captive breeding facility.

(11) The status of the population will be reevaluated within five years of the effective date of this regulation to determine future management status and needs. This review will take into account the reproductive success of the mated pairs, movement patterns of individual animals, food habits, and the overall health of the population.

Dated: June 28, 1986.

Susan E. Recce,

Acting Assistant Secretary for Fish and Wildlife and Parks.

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