



January 15, 2024

## Wolverine 4(d) Rule Comment

Federal eRulemaking Portal: <https://www.regulations.gov>

Docket Number: FWS-R6-ES-2023-0216

The Helena Hunters and Anglers Association (HHA) is an all-volunteer organization dedicated to conserving and restoring fish and wildlife to all suitable habitats, and to safeguard all natural resources as a public trust, vital to our general welfare. HHA promotes the highest standards of ethical conduct and sportsmanship.

Helena Hunters and Anglers Association's mission to educate and advocate for public land wildlife habitat, functional ecosystems, and ethical hunting and fishing opportunities, compels us to speak out about the need to sustain intact movement corridors as well as the current trapping practices on public lands that have potential consequences to wolverines.

HHA members have been actively defending wildland integrity and its importance to wildlife for more than fifty years. In an effort to assure genetic connectivity and wildlife movement across the landscape, HHA members have been involved in most of the Helena National Forest logging and landscape proposals along the Continental Divide, over the past 45 years. Our focus has ranged from proposed and realized timber sales, military installations, travel plans, and forest planning. We therefore feel we possess a deep history and knowledge of this area.

We are currently monitoring and reporting on the status of Inventoried Roadless Areas in an effort to improve their protection and apply appropriate management with an emphasis on sustaining/improving wildlife habitats that not only benefit big game species, but threatened and endangered species as well. Given the Helena-Lewis and Clark Forest's abandonment of all ten wildlife standards that provided habitat protections for wildlife in their 2022 Forest Plan, the remaining islands of wild lands in an otherwise damaged landscape, provide crucial linkage stepping stones, not only for rare and endangered species, but for wildlife that require security such as big game.

The map below depicts the Inventoried Roadless Areas (IRAs) along the Continental Divide within the Helena-Lewis and Clark National Forest (Figure 1). Helena Hunters is focusing on those area shown in blue which extend south from Highway 200 to the Deerlodge National Forest near Butte, MT. This is a vital connecting corridor for wildlife along the Divide between the Northern Continental Divide Ecosystem and the Greater Yellowstone Ecosystem. However, it has been historically impacted from mining and logging, and thus requires restoration advocacy that Helena Hunters attempts to provide.

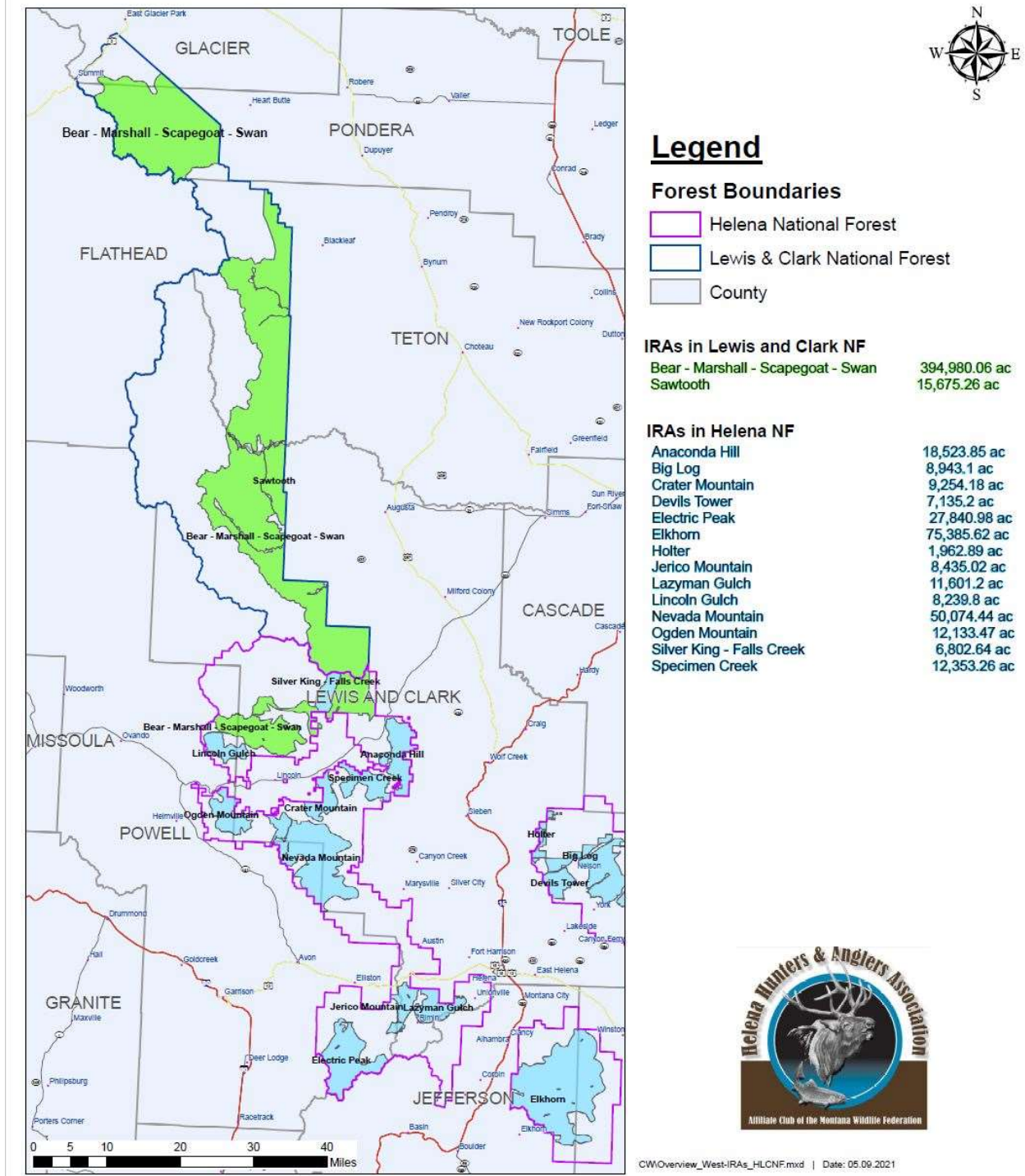


Figure 1. Inventoried Roadless Areas along the Continental Divide on the Helena-Lewis & Clark National Forest.

Effective population and reproductive status of wolverines appears to be inversely related with fragmented habitat, genetic bottlenecks, higher anthropogenic use of the backcountry/front range and climate issues which are on the rise. This strongly suggests we err on the side of caution when

discussing any anthropogenic introduced threat into wolverine country. Especially, where modeled denning habitat is concerned.

Wild Ideas LLC (a private research group studying scientific methodology for identifying individual animals via pelage characteristics) has reported<sup>1</sup>,

“Of the five wolverine individuals (4M, 1F) detected in the Lincoln Ranger District (LRD) and the Helena Ranger District (HRD) between 2020-2023, lactation status was only observed once (2020) in the four years we monitored the LRD and HRD. One wolverine kit is known to have survived.”

Helena Hunters has worked tirelessly to encourage implementation of national forest travel management that is essential to protect recommended Wilderness and Inventoried Roadless Areas. In April 2023, we again encouraged the Helena National Forest personnel to expedite travel plan implementation with the following detailed account by member Gary Ingman, of wolverine and grizzly bear use of the recommended Nevada Mountain wilderness. The following exhortation demonstrates our knowledge of and concern for proper management of these crucial vestiges of essential wolverine habitat:



Figure 2. A trapper's snowmobile parked adjacent to the Nevada Mountain recommended wilderness.

“This winter, we documented new snowmobile based trapping and wolf hunting within the Nevada Mountain recommended wilderness (RW) area. One party establishing a large tent camp within the NM RW every weekend (Beartrap Gulch) in an area that presumably will be off limits to snowmobiles when the new [travel] plan is implemented.

“Permitted wolverine and lynx researchers on the HLCNF, Kalon Baughan and Bret Davis, documented two male wolverines, one female wolverine, and a family of six lynx within this Divide landscape last fall and this winter. I documented the same (and only known) female



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Figure 3. Conibear traps with the vehicle transporting snowmobile in Fig 2.



Figure 4. Female wolverine in Nevada Mountain area. Photo by Gary Ingman.

<sup>1</sup> 2022 & 2023 Field Season's Report. Helena, Lewis and Clark & Bitterroot – National Forests Report prepared by Bret Davis and Kalon Baughan and submitted to MPG Ranch, August 2023 A Non-Invasive Approach to Monitoring Individual Meso-Carnivores. 24 pp.



wolverine with a trail camera several times in March in close proximity to the above-mentioned trapping activities.

“Another trapper I encountered indicated he had a wolverine spring his bobcat trap in January in the same area but it got away. He tracked it and surmised it was a male individual. Given their rare status, especially the lone female, we can’t risk losing these animals to non-targeted trapping. When the area becomes closed to winter snowmobiling, the snowmobile-based trapping activity will cease and the threat will diminish greatly.



Figure 6. Winter vehicle use into the Nevada Mtn recommended wilderness would be closed when the 2016 Helena National Forest Travel Plan is finally implemented.

The necessary Travel Plan changes stems from the trends in recreational use intensity throughout the Forest. As new uses become established, it becomes more difficult to revoke them. I personally saw this in the Nevada Mountain area following the signing of the 1986 Forest Plan ROD. Implementation of a planned motorized closure of the Gould-Helmville Trail was delayed several years. In that time, (newly popular) ATV use became well established. The resulting backlash led to appeals and lawsuits, and the decision to close that trail was ultimately revoked – much to our displeasure after having worked closely with Forest staff for years on the 1986



Figure 5. Baited trapping cubby discovered in the vicinity of observed female wolverine.

“On March 23, 2023, I documented a (presumably) newly emerged grizzly bear in this same area that the trapping was taking place. I

collected a hair sample and sent it and the associated documentation to bear specialist Jamie Jonkel at MFWP in Missoula. The wolverine researchers also documented a grizzly bear in this area July 31, 2022, which may or may not be the same bear. They also collected hair and sent it in for analysis. The documented presence of grizzly in the NM RW is another reason to implement the Travel Plan revisions as quickly as possible in order to maintain and enhance the habitat integrity in the face of increasing recreational use.

“My concern with waiting too long to implement the necessary Travel Plan changes stems from the trends in recreational use intensity throughout the Forest. As new uses become established, it becomes more difficult to revoke them. I personally saw this in the Nevada Mountain area following the signing of the 1986 Forest Plan ROD. Implementation of a planned motorized closure of the Gould-Helmville Trail was delayed several years. In that time, (newly popular) ATV use became well established. The resulting backlash led to appeals and lawsuits, and the decision to close that trail was ultimately revoked – much to our displeasure after having worked closely with Forest staff for years on the 1986



Figure 7. Wolverine in the Nevada Mountain recommended wilderness.

Forest Plan. There is no good reason to delay the initiation of the NEPA Travel Plan process for these RW areas – especially in these dynamic times.

“Helena Hunters and Anglers would appreciate the opportunity to work closely with you in this endeavor, and we can offer volunteers for field implementation activities at the appropriate time if you are amenable.”

"Wolverines (*Gulo gulo*) are one of the rarest carnivores in the contiguous United States. Effective population sizes in Montana, Idaho, and Wyoming, where most of the wolverines in the contiguous United States exist, were calculated to be 35 (credible limits, 28–52) suggesting low abundance<sup>2</sup>."

In responding to the above population statistic, and based on his research, Baughan noted in an email to HHAA:

“Considering that only about 35 female wolverines in the lower 48 are reproducing young, it is significant that three female wolverine individuals have been documented in the Nevada Mountain area between 2012-2021 traveling with kits or have known to be lactating. These occurrences strongly suggest that the Nevada Mountain Inventoried Roadless Area is quality habitat not only for wolverine occupation but for wolverine reproduction.”

Backcountry travel, both motorized and non-motorized has been shown to negatively affect wolverines.

“...significant avoidance by wolverines of areas used by backcountry winter recreationists ...[and] results in habitat degradation, particularly for female wolverines. Given the low density and fragmented nature of wolverines in the contiguous United States, impacts to the relatively few reproductive females should be of concern”<sup>3</sup>.

In response to HHAA concerns about snowmobile-based trapping, Baughan and Davis noted that in the Nevada Mountain area:

“Illegal baited snare trapping within the LPZ [lynx protection zone] and study area was potentially troubling for wolverines, as well. The local game warden was contacted in 2022 and 2023. In connection with the illegal trapping, a trail camera was stolen and reported to the Powell County Sheriff. The Sheriff followed up by contacting the alleged illegal trapper and camera thief, but the suspect denied taking part in the camera theft.

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<sup>2</sup> [Wolverine gene flow across a narrow climatic niche](#). Michael K. Schwartz, Jeffrey P. Copeland, Neil J. Anderson, John R. Squires, Robert M. Inman, Kevin S. McKelvey, Kristy L. Pilgrim, Lisette P. Waits, Samuel A. Cushman. *Ecology* Volume 90, Issue 11. First published: 01 November 2009

<sup>3</sup> [Wolverines in winter: indirect habitat loss and functional responses to backcountry recreation](#), Kimberly Heinemeyer, John Squires, Mark Hebblewhite, Julia J. O'Keefe, Joseph D. Holbrook, Jeffrey Copeland. 2019. *Ecosphere* Volume 10, Issue 2

Shortly thereafter, all the illegal snares were removed. The removal of the snares is of particular interest as afterwards and on multiple occasions, wolverine (and lynx) tracks were observed traveling through where the snares had previously been placed”<sup>4</sup>.

In addition to pressing for travel plan implementation, we are also concerned about trapping regulations. HHAA is concerned about the continued practice of trapping furbearing animals as a recreational activity or management tool, especially on Montana’s public lands.

We understand that using traps and snares on certain species is effective and occasionally necessary, but for many other species it is not species-specific enough and management or harvest could be achieved by other means, especially in areas of shared public use. From incidental take of non-targeted species, to unethical and unregulated setting and checking of traps, to causing injury or death to others’ personal property, there needs to be more consideration and an evaluation of the current regulations and their impact on wolverines

In the current Montana Fish, Wildlife and Parks trapping regulations, the “Regulations by Species” page is absent for wolverine, but present for lynx and other species. The page itemizes cautionary practices during the trapping season. Even though wolverines are listed as a threatened species, the only language addressing wolverines states:

Wolverine Trappers who capture a furbearer when the season is closed or trapper limit is met must notify a FWP warden or biologist residing in the region where the animal was taken within 24 hours to arrange collection of the animal if the animal cannot be released uninjured. It is unlawful for any person to retain possession of an incidentally taken furbearer

In fact, with respect to incidental take, unlike for lynx, the following are not spelled out in the regulations, for wolverine:

- protection zones
- types of baits allowed
- distance traps are allowed from anthropogenic activities
- types of traps that are legal and illegal.

For perspective, there have been four incidentally captured and one killed lynx reported by trappers in the last three years. And although wolverines were not listed as threatened until November 30 of last year (2023), they have not been legally available for trapping for 12 years (since 2012). However, at least 4 wolverine have been reported killed out of the 12 trapped over that time frame. Helena Hunters doubts that all wolverines that have been trapped and/or killed have been reported.

Wolverine are opportunistic feeders, will be attracted to most types of baited traps, range over vast areas, and have a very low fecundity rate – all circumstances that do not contribute to stable populations in the face of anthropogenic factors and climate change. Wolverines therefore, may be more vulnerable to trapping than lynx. Yet, admonitions regarding trapping of wolverine are not addressed in Montana trapping regulations.

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<sup>4</sup> 2023 Progress Report. Noninvasive Mesocarnivore Monitoring. Lincoln and Helena Ranger Districts – Helena-Lewis and Clark National Forest. Prepared by: Kalon Baughan and Bret Davis. 6 p.

Now that wolverines are also listed as threatened under the Endangered Species Act, a similar regulation page is needed for that species because its range and habitat overlap with several current furbearers that are being legally trapped.

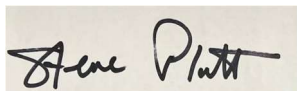
Over the last several years, HHAA has been involved in volunteer efforts to obtain data about the population and distribution of wolverines in the Helena area. We understand better than most the impact that trapping even one female wolverine would cause to the threatened population.

Within our Hunters and Anglers group, many of us have had negative run-ins with traps, some of which were set legally and some were not. And while we understand that public land is to be a shared resource of all Montana residents, there is a line crossed when one activity harms those that are also using that resource.

Revision of trapping regulations comports with our mission to advocate for healthy ecosystems necessary to sustain rare, threatened and endangered species, as well as doing what is correct, ethically, to ensure all residents can enjoy public lands without having harm done to their animals or deplete wildlife.

Please take into careful consideration, our concerns about trapping and travel management, when evaluating the 4(d) rule for wolverines.

Respectfully,

A handwritten signature in black ink on a light-colored rectangular background. The signature appears to read "Steve Platt" in a cursive, slightly stylized script.

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