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Reclassification of the Gray Wolf in the United States and Mexico, with Determination of Critical Habitat in Michigan and Minnesota

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RULES AND REGULATIONS

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ting depredations on domestic animals will be authorized, this take is intend-

ted to ameliorate present conflict be-
tween the wolf and human interests. Such conflict would hinder conserva-
tion efforts and thus work against the long-term welfare of the wolf. A legal
take is considered the only practical
means by which depredations can be
handled and the current problems re-

DATE: This rule becomes effective on
April 10, 1976.

FOR FURTHER INFORMATION CONTACT:

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SUPPLEMENTARY INFORMATION:
Background: The gray wolf formerly
occurred in most of the conterminous
United States and Mexico. Because of
widespread habitat destruction and
human persecution, the species now
occupies only a small part of its origi-

nal range in these regions. Four sub-

species of the gray wolf have been
listed as endangered pursuant to the
Endangered Species Act of 1973, 16
U.S.C. § 1531 et seq.: the Mexican wolf
(Canis lupus baileyi), of Mexico and the
southwestern United States; the
northern Rocky Mountain wolf (C. l.
irremotus), possibly still found in
parts of Wyoming, Montana, and
Idaho; the eastern timber wolf (C. l.
lycan), now restricted to the north-
ern Great Lakes region; and the Texas
grey wolf (C. l. monstrabilis) formerly
of Texas and Mexico and now prob-
ably extinct. This listing arrangement
has not been satisfactory because the
taxonomy of wolves is out of date,
wolves may wander outside of recog-
nized subspecific boundaries, and some
wolves from unlisted subspecies may
occur in certain parts of the lower 48
States. In any case, the Service wishes
to recognize that the entire speciea
Canis ZuPw is Endangered or 'Threat-

This rulemaking also will clarify the
status of wolves within the designated
range of C. l. irremotus and C. l.
lycan in Canada. These two subspe-
cies were originally listed as Endan-
gered at a time when there were two
separate lists of Endangered species,
one for foreign wildlife and one for
native wildlife. Both subspecies were
added only to the latter list, as published in the FEDERAL REGISTER of Jan-
uary 4, 1974 (39 FR 1171-1176), and
thus for legal purposes were consid-
ered to be Endangered only within the
United States. Subsequently, the two
lists were combined into one List of
Endangered and Threatened Wildlife,
C. L. irremotus and C. L. lycaon are considered Endangered over their entire ranges, including Canadian areas. This rulemaking clearly indicates that the gray wolf is listed everywhere to the south of the Canadian border, but nowhere to the north.

Most current interest in the gray wolf centers on the eastern timber wolf, especially in Minnesota. As delineated by recent systematic sources, the original range of the subspecies C. L. lycaon included most of the region from Georgia to Maine, and between the Atlantic and the Great Plains. At present, however, the only substantial gray wolf population remaining in this region is in northern Minnesota. There also is a group on Isle Royale in Lake Superior, and possibly a few scattered individuals in northern Michigan and Wisconsin.

The eastern timber wolf was listed as Endangered in 1967, at a time when no Threatened category had been established by Federal agencies. Over the past decade the wolf continued to survive in northern Minnesota, and it became apparent that the species was not in immediate danger of being extirpated in the State. Numbers have fluctuated, but with some improvement in some areas, and there has been an overall increase in range. Some wolves have entered areas with relatively extensive human settlement and made depredations on domestic animals. Many people have expressed concern about such depredations, and about the possibility that wolves could be detrimental to some deer herds in Minnesota, which have been undergoing a general decline because of several factors including habitat deterioration.

In a letter dated October 4, 1974, the Minnesota Department of Natural Resources petitioned the Service to exclude Minnesota from the range over which the eastern timber wolf is considered Endangered. In response, the Service issued a notice of review in the Federal Register of November 31, 1974 (49 FR 49877). Extensive public comment was received on this notice, mainly opposition from persons who were concerned that removal of the wolf from Endangered status would subject the species to excessive killing by man. Some support for delisting the subspecies came from persons who were concerned that continued protection of the Endangered classification would result in serious depredations by the wolf on livestock and game.

Further measures by the Service withheld pending formulation of recommendations by the Eastern Timber Wolf Recovery Team. This team is one of many appointed by the Service to develop Recovery Plans for Endangered and Threatened species. On June 9, 1977 (42 FR 29527-29533), the Service issued a proposed rulemaking on the gray wolf; this final rulemaking does not differ substantially from the proposal.

**Summary of Comments**

In response to the proposed rulemaking of June 9, 1977, the Governments of the following States sent letters expressing support or no opposition: Arkansas, Georgia, Illinois, Louisiana, Maryland, Maine, Michigan, Mississippi, Montana, New Mexico, New York, Oklahoma, South Dakota, Tennessee, Texas, Washington, West Virginia, Wisconsin, and Wyoming. In addition, responses, but no comments, were received from the Governments of Alabama, California, Connecticut, Delaware, Florida, Missouri, and North Carolina.

The Governor of Minnesota stated that the wolf in Minnesota should be classified neither as Endangered nor Threatened. He indicated that the proposal did not give sufficient reason for maintaining the species as Threatened, and that the regulations would not allow for adequate control of depredating wolves. The Service recognizes that there is disagreement regarding the application of the Threatened category, but now considers that the rationale given in the proposal, and repeated below, does justify this classification. The Service also considers that the proposed control provisions are all that can be supported on the basis of currently available data. The situation, however, will be closely monitored, and any modifications that seem warranted will be proposed.

The Governor also made the following recommendations: (a) ending the term "sanctuary", (b) combining the current critical habitat zones 4 and 5 into one zone, (c) making it clear that neither the proposed nor final regulations use the term "sanctuary", and (d) requiring that all data and recommendations for complete decimation of the wolf in Minnesota, and cited the following reasons: the wolf population had reached carrying capacity in many areas and was expanding into areas "not heretofore inhabited"; hardship was resulting from wolf depredations; the State had adequate resources and authority to effectively manage the wolf, and the Legislature believes it best for the State to have the exclusive control of its resident wolf population. Only the first of these reasons is relevant to the factors that may legally be considered in determining the classification of a species under the Endangered Species Act. And, while it is recognized that the wolf may have increased its range in Minnesota, it is not entirely correct to say that the involved areas were "not heretofore inhabited", because at one time the wolf occupied the entire State. It is also probable that the wolf population has reached carrying capacity in some parts of Minnesota, but these areas represent a comparatively small portion of the total habitat for this species, and population density alone will not assure long-term welfare. The depredation problem is being dealt with under this rulemaking.

Expressions of objection to the proposal also were received from a number of other parties in Minnesota, including the Beltrami County Board of Commissioners, the Itasca County
Board of Commissioners, the City of Littlefork, the City of International Falls, the Sheriff of Roseau County, and State Senator D. D. Belander. In addition, State Representative Irv Anderson sent a detailed statement commenting negatively on the proposal. Much of this statement is devoted to the danger posed by the situation, and to comparison with other Federal activities. Mr. Anderson indicated even a Threatened classification was unjustifiable for the wolf in Minnesota, although he went on to mention a potential conflict between the species and economic development in one area, and to suggest the possibility of the wolf becoming Endangered because of human attitudes. In any event, the Service stands by its original reasoning, as repeated below, for considering the wolf to be a Threatened species in Minnesota. Mr. Anderson also stated that the special regulations were inadequate, because taking of wolves would not be allowed until after depredations had occurred, and then only by government agents. In practice, however, most taking of problem wolves has always been done by trappers who respond to complaints. Under the rulemaking, both State and Federal agents would be available for such action. It might be added here, for information of all parties who recommended total declassification or more liberal taking regulations in Minnesota, that the Service could not take such measures, even if it wanted to, without first making an entirely new proposal and allowing a new period of public comment.

The Fish and Wildlife Service supports the reclassification, and Critical Habitat designation, but requested assurance that biological subspecies would continue to be maintained and dealt with as separate entities. The Fish and Wildlife Service can give this assurance. The Forest Service also made a number of management recommendations, which will be considered at appropriate times.

The Park Service also favored continued recognition of the different wolf subspecies, and in general supported the proposal. The Park Service, however, recommended enlargement of the Critical Habitat designation in Minnesota to include all of Voyageurs National Park and some adjacent lands. Recent studies have indicated that several packs of wolves in the Park depend partly on habitat not included in the existing Critical Habitat designation, and that the Service should not give in to pressure for reclassification from a small interest group. The Service, however, does not consider that it is giving in, but rather that an accurate classification and proper regulations are being established.

The Defenders of Wildlife sent a detailed statement on the proposal, which it said was endorsed by three other conservation organizations: Fund for Animals, The Humane Society of the United States, and Let Live. Most of the statement consisted of a potential conflict between the species and other conservation organizations: Fund for Animals, The Humane Society of the United States, and Let Live. Most of the statement consisted of a potential conflict between the species and other species in particular political areas. The Service understands this point, but, in the case of the wolf, considers that there is adequate legal basis for the rulemaking in section 3(11) of the Endangered Species Act; sufficient biological basis in the long-established and striking difference between the status of the wolf in Minnesota and all other areas south of the Canadian border.

The Environmental Defense Fund "cautiously" supported the proposal, but issued a number of warnings of possible problems, which the Service will consider. The Service does strongly disagree with the contention that the reclassification proposal was narrowly drawn, but considers that the proposed regulations allow some take of depredating wolves should not be separated from that of the rest of the lower United States, but should be viewed as a tiny and endangered remnant of a former wide-ranging species. The Service can understand this position, but considers that no matter how the Minnesota population is viewed, it, by itself, is more properly classified as Threatened. These respondents also suggested that by allowing take of depredating wolves, the Service would be giving in to poachers who are killing wolves illegally. Such is not the case; the take is being authorized because it is the most practical means of dealing with a current problem, and will not be detrimental to the overall Minnesota wolf population. Another comment was that the Critical Habitat designation should be modified, so that the Service considers that the proposed zones, as based on the recommendations of experienced field personnel, are all that can be justified by presently available data.

The National Audubon Society and the National Wildlife Federation supported the proposed rulemaking, but
both suggested that wording of proposed §17.40(d)(2)(X)(A) be revised to make it clear that wolves would be taken only in specific, documented or confirmed cases of depredation. The Service considers that present language, authorizing take only by Government agents, and requiring that all taking be reported, is sufficient to provide all legal assurances that are necessary.

The National Parks and Conservation Association recommended that taking of depredating wolves be allowed only in zones 4 and 5 of Minnesota, and not in zones 2 and 3. Any take in the latter two zones, however, would be very limited, since little domestic stock is present, and the Service considers that such taking would have negligible effect on wolf populations. This Association also indicated that the reclassification was based mainly on social factors, and could not be justified by biological data. The Service disagrees; the reclassification will reflect the actual biological status of the wolf in Minnesota.

The New York Zoological Society and the Zoological Society of San Diego expressed concern that the Endangered classification of all wolves in the lower 48 States (except Minnesota) would apply to any individual of the species Canis lupus, even to those in zoos. This ruling, however, like most rulemakings of this kind, will apply only to wild animals and to captives originating in the wild population that is being listed. Captive wolves would not be affected, unless their origin was within the wild population found to the south of the Canadian border.

The North American Wolf Society supported the reclassification of the wolf in Minnesota and the designation of Critical Habitat, but questioned the establishment of subspecies differentiation in listings, suggesting that such classification could jeopardize efforts to locate and maintain stocks of the various subspecies. The Service, however, can offer the finest assurance that it will continue to recognize valid biological subspecies for purposes of its research and conservation programs.

The Safari Club International supported the Endangered classification for all wolves south of Canada, except in Minnesota, but opposed any listing, regulations, or Critical Habitat designation in Minnesota. It was stated that the Service rejected the recommendations of the Eastern Timber Wolf Recovery Team, but actually most recommendations were accepted, and the Team's advice will continue to be carefully considered in the future. The Safari Club suggested that any wolf which wandered into the United States from Canada, and which was not from a currently listed subspecies, should not be considered Endangered.

It is the intention of the Service, however, to list any naturally present wolf to the south of Canada (except Minnesota) as Endangered.

The Sierra Club indicated opposition to reclassification in Minnesota, and made a number of comments along the same lines as some of those already covered. The Sierra Club also recommended revision of proposed §17.40(d)(2)(X)(A) to prevent abuse of the provision, but the proposed wording actually is identical to that covering Endangered species in existing 50 CFR §17.21(c)(2). In addition, the statement was made that control programs in zone 4 could break pack structure, allow hybridization with coyotes, and thus jeopardize the overall wolf population. Actually, however, the wolf in Minnesota has been taken intensively for many years prior to protection, and no specimen was ever collected that suggested the occurrence of hybridization.

The American Humane Society also opposed the reclassification, again mostly on the basis of the same points discussed above. The Service suggested a number of management alternatives to taking of depredating wolves, which the Service will consider, but which cannot be used as immediate solutions to the problem at hand. In answer to questions asked, it is likely that taking will include the use of steel traps and may be done by agents specially hired for the purpose, but the live-capture and transfer of wolves certainly will remain a viable option.

In addition to the above, the following organizations supported the proposed rulemaking: Minnesota Conservation Federation, North American Wildlife Park Foundation, Tahoma Audubon Society, and Wildlife Management Institute. The following other organizations opposed the proposed rulemaking: Alaska, Littlefork Gun Club, Minnesota Chapter of the Safari Club International, National Association for Humane Legislation, Texas Committee on Natural Resources, United Animal Defender, and Wildlife Unlimited.

In addition to the above, there was a heavy response to the proposal from private citizens. A breakdown of the responses shows the following approximate figures: 637 persons sent individual comments, and 380 signed petitions in support of maintaining the Endangered classification of the wolf in Minnesota; 84 persons sent individual comments, and 28 signed petitions in support of the Endangered classification of the wolf in Minnesota; 129 persons sent individual comments, and 214 signed form letters expressing opposition to what they termed a 'sanc
tuary' in Minnesota; 214 persons signed a form letter suggesting that the proposed depredation control measures were inadequate; 7 persons sent comments supporting the proposal; and 9 persons sent information without actually expressing a viewpoint. Practically all of the views expressed in these comments by citizens have been covered above in the discussion of comments by organizations and governmental bodies.

**SUMMARY OF FACTORS AFFECTING THE SPECIES**

As defined in section 3 of the Act, the term “species” includes any subspecies of fish or wildlife or plants and any other group of fish or wildlife of the same species or smaller taxa in common spatial arrangement that interbreed when mature. For purposes of this rulemaking, the gray wolf (Canis lupus) group in Mexico and the 48 conterminous States of the United States, fewer than 200 wolves survive in Mexico, and the gray wolf in the other 48 conterminous States of the United States and in Mexico, are listed below.

1. **The present or threatened destruction, modification, or curtailment of its habitat or range.**—The gray wolf once had a range that included most of Mexico and the 48 conterminous States of the United States. The species now occurs in only a small fraction of this range, and is very rare in most places where it does exist. Fewer than 200 wolves survive in Mexico, and these are widely scattered and subject to intensive human pressure. In the southwestern United States the wolf probably is present somewhere near the Mexican border. In the northwestern United States the wolf is restricted mainly to remote parts of the Rocky Mountains, though some individuals may wander from this region, or from Canada, into other areas. In the eastern half of the United States the gray wolf has been totally eliminated by man, except in the upper Great Lakes region. Here, there is a group on Isle Royale, and possibly a few in northern Michigan and Wisconsin. The only major population of the gray wolf remaining anywhere in the 48 conterminous States is in northern Minnesota. This population, while small compared to all of the original numbers and historical range of the gray wolf in the lower 48 States, has not itself undergone a significant decline since about 1900. Indeed, within the last decade there appears to have been a numerical increase in some areas, and an overall range increase. The relatively remote primary habitat of the population,
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which is composed in large part of protected public lands, along with the continuity of the population with other populations. The prohibition may actually be working against the species. By prohibiting the killing of wolves, even those that may be attacking livestock and pets, current regulations may be creating an adverse public attitude toward the whole species.

5. Other natural or manmade factors affecting its continued existence.—None in addition to those discussed above.

INTERAGENCY COOPERATION

Section 7 of the Endangered Species Act of 1973 requires Federal agencies, and only Federal agencies, to insure that actions authorized, funded, or carried out by them do not jeopardize the continued existence of Endangered or Threatened species, or adversely affect the Critical Habitat of such species. The Recovery Team has designated zones 1, 2, and 3 in Minnesota, and Isle Royale National Park, Michigan, as “critical areas” of the wolf. These areas provide the space for normal growth and movement of established pack units and would supply sufficient food and cover for the assured survival of the species. The Service considers that these areas qualify as Critical Habitat, pursuant to Section 7, and that Federal agencies should evaluate their actions affecting these areas relative to the welfare of the wolf.

EFFECTS OF THE RULEMAKING

With respect to the gray wolf in Minnesota, which is listed as Threatened, a special rule is promulgated which accommodations similar to those of 50 CFR 17.31, and an additional provision for depredation control. The prohibitions of 50 CFR 17.31 are essentially the same as those for Endangered species, except that “any wolf of the species may be taken by any State conservation agency which is operating under a Cooperative Agreement with the Service for the National Marine Fisheries Service, or of a State conservation agency which is operating under a Cooperative Agreement with the Service or with the National Marine Fisheries Service, in accordance with Section 6(e) of the Act, who is designated by the agency for such purposes, may, when acting in the course of his official duties, take any threatened wildlife to carry out scientific research or conservation programs.” In accordance with 50 CFR 17.32, permits for Threatened wildlife are available for scientific purposes, enhancement of propagation or survival, educational purposes, zoological exhibitions, educational purposes, or special purposes consistent with the purposes of the Act.

The provisions for predator control stated that wolves may be taken by authorized Federal or State employees in zones 2, 3, 4, and 5, if such wolves commit significant depredations on lawfully present domestic animals. Few, if any, of these wolves will be taken in zones 2 and 3 which have practically no livestock, and nearly all will be taken in zone 4. Essentially then, the wolf population in zones 1, 2, and 3 will not be affected by the depredation control activity. The population in zone 4 might be held below biological potential, but would continue to exist in reasonable numbers. The control of depredating wolves in zone 4 will reduce conflicts with human interests and provide a more favorable public attitude that would be of overall benefit to the wolf.

The effects of Critical Habitat determination involve Federal agencies. In accordance with section 7 of the Act, such agencies, and only such agencies, are required to insure that actions authorized, funded, or carried out by them do not adversely affect the Critical Habitat of Endangered or Threatened species. The designation of Critical habitat for the gray wolf in Minnesota, as delineated below, points out areas where this responsibility will prevail.

With respect to the gray wolf in the 48 conterminous States of the United States, and in Mexico, all prohibitions of section 9(a)(1) of the Act, as implemented by 50 CFR 17.21 will apply. These prohibitions, in part, will make it illegal for anyone to hunt wolves in the United States to take, import or export, ship in interstate commerce in the course of a commercial activity, or sell or offer for sale in interstate or foreign commerce. This species. It also will be illegal to possess, sell, deliver, carry, transport, or ship any such wildlife which was illegally taken. Certain exceptions apply to agents of the Service and State conservation agencies. Permits for scientific purposes or for the enhancement of propagation or survival are available in accordance with 50 CFR 17.22. Economic hardship permits are available under 50 CFR 17.23. For practical purposes, these measures already are in effect since nearly all wolves that regularly occur in the region in question are currently listed as Endangered. The rulemaking will extend Endangered status to those few wolves that may be in the region that are not already listed, and would simplify law enforcement and conservation measures.

FEDERAL REGISTER, VOL. 43, NO. 47—THURSDAY, MARCH 9, 1978
2. Section 17.40 is amended by adding the following paragraph (d):

§ 17.40 Special rules—mammals.

(d) Gray wolf (Canis lupus) in Minnesota.—(1) Zones. For purposes of these regulations, the State of Minnesota is divided into the following five zones:

ZONE 1—4,488 SQUARE MILES

Beginning at the point of intersection of United States and Canadian boundaries in Section 22, Township 71 North, Range 22 West, in Rainy Lake, then proceeding along the west side of Sections 22, 27, 24 and in said Township and Sections 10, 15, 22, 27 and 24 in Township 70 North, Range 22 West and Sections 3 and 10 in Township 69 North, Range 22 West; then east along the south boundaries of Sections 10, 11, and 12 in said Township; then south along the Koochiching and St. Louis counties line to Highway 53; then southeasterly along State Highway 53 to the junction with County Route 76; then southeasterly along Marion Lake proceeding southeasterly to the Moose Creek; then along Moose Creek to Flap Creek; then southeasterly along Flap Creek to the Vermilion River; then southerly along the Vermilion River; then along the Superior National Forest boundary in a southeasterly direction through Vermilion Lake passing these points: Oak Narrows, Muskrat Channel, South of Pine Island, to Hooodo Point and the junction with County Route 697; then southeasterly on County Route 697 to the junction with State Highway 169; then easterly along State Highway 169 to the junction with State Highway 1; then southeasterly along State Highway 1 to the junction with the Erie Railroad tracks at Murphy City; then southeasterly along the Erie Railroad; then along the junction with Lake Superior at Taconite Harbor; then southeasterly along the North Shore of Lake Superior to the Canadian Border; then westerly along the Canadian Border to the point of beginning in Rainy Lake.

ZONE 2—1,856 SQUARE MILES

Beginning at the intersection of the Erie Mine Co. Railroad and State Highway 1 (Murphy City); then southeasterly along County Road 4 to the junction with County Road 4; then southeasterly on County Road 4 along the State Snowmobile Trail (formerly the Alger-Smith railroad); then southeasterly along the railroad to the junction with Forest Road 107; then westerly along Forest Road 107 to Forest Road 203; then westerly along Forest Road 203 to the junction with County Route 3; then in a northerly direction on County Route 3 to the junction with Forest Road 122; then in a westerly direction along Forest Road 122 to the junction with the Duluth, Missabe and Iron Range Railroad; then in a southwesterly direction along the said railroad tracks to the junction with County Route 14; then in a northwesterly direction along County Route 14 to the junction with County Route 349; then north along County Route 349 to the junction with the Duluth, Missabe and Iron Range Railroad; then in a northerly direction along County Route 349 to the junction with County Route 3; then in a northerly direction along County Route 3 to the junction with County Route 15; then east along County Route 15 to the junction with State Highway 135; then in a northerly direction along County Route 135.
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ZONE 3—3,501 SQUARE MILES

Beginning at the junction of State Highway 11 and State Highway 65; thence southerly along State Highway 65 to the junction with State Highway 1; thence westerly along State Highway 1 to the junction with State Highway 16; thence northerly along State Highway 16 to the junction with State Highway 72; thence south along State Highway 72 to the junction with SFR 57; thence easterly along SFR 57 to the junction with SFR 63; thence south along SFR 63 to the junction with SFR 70; thence easterly along SFR 70 to the junction with County Route 1; thence south along County Route 1 to the junction with SFR 62; thence easterly along SFR 62 to the junction with SFR 70; thence south along SFR 70 to the junction with SFR 57; thence westerly along SFR 57 to the junction with SFR 63; thence south along SFR 63 to the junction with SFR 70; thence easterly along SFR 70 to the junction with County Route 1; thence south along County Route 1 to the junction with State Highway 72; thence south on State Highway 72 to the junction with a gravel road (unnumbered County District Road) on the north side of Section 31, Township 155 North, Range 31 West; thence easterly along the said road for approximately seven (7) miles in the junction with SFR 49; thence northerly along SFR 49 to the junction with SFR 57; thence easterly along SFR 57 to the junction with SFR 63; thence south along SFR 63 to the junction with SFR 70; thence easterly along SFR 70 to the junction with County Route 1; thence south along County Route 1 to the junction with State Highway 72; thence south on State Highway 72 to the junction with a gravel road (unnumbered County District Road) on the north side of Section 31, Township 155 North, Range 31 West; thence easterly on said District Road to the junction with SFR 52; thence easterly along SFR 52 to the junction with SFR 175; thence south on SFR 175 to the junction with County Route 101; thence easterly on County Route 101 to the junction with County Route 1; thence easterly on County Route 11 to the junction with State Highway 11; thence easterly on State Highway 11 to the junction with State Highway 65, the point of beginning.

ZONE 4—20,883 SQUARE MILES

Excluding Zones 1, 2 and 3, all that part of Minnesota north and east of a line beginning on State Trunk Highway 18, thence westerly along Highway 18 to State Trunk Highway 65; thence northerly on State Highway 65 to State Trunk Highway 120; thence westerly along Highway 210 to State Trunk Highway 6; thence northerly on State Trunk Highway 6 to Emily; thence westerly along County State Aid Highway (CSAH) 1, Crow Wing County, to CSAH 2, Cass County; thence westerly along CSAH 2 to Pine River; thence northwesterly along State Trunk Highway 371 to Backus; thence westerly along State Trunk Highway 87 to U.S. Highway 71; thence northerly along U.S. 71 to State Trunk Highway 200; thence northwesterly along Highway 200, to County State Aid Highway (CSAH) 2, Clearwater County; thence northerly along CSAH 2 to Shevlin; thence along U.S. Highway 2 to Bagley; thence northerly along State Trunk Highway 92 to Gulliver; thence northerly along CSAH 2, Polk County, to CSAH 27, Pennington County; thence along CSAH 27 to State Trunk Highway 1; thence easterly on Highway 1 to CSAH 25, Pennington County; thence northerly along CSAH 28 to CSAH 54, Marshall County, thence northerly along CSAH 54 to Grygla; thence west and northerly along Highway 89 to Roseau; thence northerly along State Trunk Highway 310 to the Canadian border.

ZONE 5—54,803 SQUARE MILES

All that part of Minnesota south and west of the line described as the south and west border of Zone 4.
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REGULATORY ZONES FOR GRAY WOLF IN MINNESOTA

(ZONES 1, 2, and 3 are CRITICAL HABITAT)

Zone Sizes (square miles)

Zone 1: 4,488
Zone 2: 1,856
Zone 3: 3,501
Zone 4: 20,883
Zone 5: 54,603
(2) **Prohibitions.** The following prohibitions apply to the gray wolf in Minnesota.

(A) Any person may take a gray wolf in Minnesota in defense of his own life or the lives of others.

(B) Any employee or agent of the Service, any other Federal land management agency, or the Minnesota Department of Natural Resources, who is designated by his agency for such purposes, may, when acting in the course of his official duties, take a gray wolf in Minnesota without a permit if such action is necessary to:

1. Aid a sick, injured, or orphaned specimen; or
2. Dispose of a dead specimen; or
3. Salvage a dead specimen which may be useful for scientific study.

(D) Any employee or agent of the Service or the Minnesota Department of Natural Resources when operating under a Cooperative Agreement with the Service in accordance with section 6(c) of the Act, who is designated by his agency for such purposes, may, when acting in the course of his official duties, take a gray wolf in Minnesota to carry out scientific research or conservation programs.

(ii) **Unlawfully taken wolves.** No person may possess, sell, deliver, carry, transport, or ship, by any means whatsoever, a gray wolf taken unlawfully in Minnesota.

(3) **Permits.** All permits available under §17.95 (General Permits—Threatened wildlife) are available with regard to the gray wolf in Minnesota. All the terms and provisions of §17.32 apply to such permits issued under the authority of this paragraph (d)(3).

3. **Section 17.95 is amended by adding the following Critical Habitat description after the Critical Habitat description for the Morro Bay kangaroo rat.**

§17.95 Critical habitat—fish and wildlife.

(a) **Mammals.**

- Gray Wolf

  * Canis lupus *

  Michigan, Isle Royale National Park, Minnesota. Areas of land, water, and airspace in Beltrami, Cook, Itasca, Koochiching, Lake, Lake of the Woods, Roseau, and St. Louis Counties, with boundaries (4th and 5th Principal meridians) identical to those of zones 1, 2, 3, and 4, as delineated in 50 CFR 17.40(d)(1).

  Date: March 3, 1978.

  LYNN A. GREENWALT,
  Director, Fish and Wildlife Service.

  [FR Doc. 78-6192 Filed 3-8-78; 8:45 am]