

Counterpoint

Federal Courts Rebuff Attempts to Reduce Protections for Wolves Under the Endangered Species Act

by Jason C. Rylander

The gray wolf's recovery is one of the Endangered Species Act's (ESA) true success stories. Wolf resurgence in the Northern Rockies and the Great Lakes is the result of many years of coordinated efforts by federal and state governments, landowners and environmental groups. So why has the U.S. Fish and Wildlife Service (USFWS) repeatedly violated the ESA to reduce federal protections for the wolf?

What was once a faint hope—recovery of the wolf to the point where the protections of the ESA are no longer required—may come to pass, but USFWS officials should not profess shock that federal courts have overturned efforts to use successes in the Great Lakes and Northern Rockies as an excuse to eliminate needed protections in areas where wolves have not yet recovered. Three federal courts—in Oregon, Vermont and the District of Columbia—have now rebuked the USFWS for violating the ESA. What is shocking is not these rulings, but the USFWS's willingness to reduce wolf protections at the expense of the law.

The Oregon and Vermont courts both struck down the 2003 wolf reclassification because the USFWS abandoned efforts to recover wolves in New England and parts of the West that lie outside of core recovery areas. The changes in status were not based on sound science and conflicted with the ESA's goal to recover wolves in significant portions of their historic range. As the court noted, just because wolves have come back

in some areas does not mean our work is done.

Next, the USFWS tried to circumvent these rulings by issuing Wisconsin and Michigan permits in April under section 10(a)(1)(A) of the ESA to lethally take wolves that kill livestock. This provision allows limited take for scientific research, captive breeding and activities that enhance the survival and propagation of species in the wild. It was not intended for general wolf management or to replicate more flexible rules that apply to threatened species. Inexplicably, the USFWS violated the ESA by issuing these permits

without giving the public required notice and opportunity to comment. Not surprisingly, a Washington, D.C., federal judge struck down this action as well.

The ESA contains the necessary flexibility to restore wolves across their range and manage their growing populations, and the USFWS can explore changing the status of gray wolves in accordance with the ESA and best available science. What the USFWS can't do is violate the law and profess shock when the courts step in. ■

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Editor's note: See "Gray Wolf Reclassification Derailed, Delisting in Eastern United States Delayed," in the Winter 2005 issue of International Wolf for an explanation of why the USFWS thought it was not violating the ESA.



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