On April 1, 2003, the U.S. Fish and Wildlife Service (USFWS) published a final rule on the status of the gray wolf in the contiguous 48 states. This new rule, promulgated under the Endangered Species Act, downlisted the wolf from endangered to threatened in most of the United States. That same day, the USFWS also published an advanced notice of rule making, indicating that it was moving toward complete removal of all federal protection of the gray wolf except in the Southwest. The following articles present important viewpoints from three veterans of the debate on how best to enhance recovery of wolf populations.

Editor's Note: As is true with all International Wolf articles, the opinions expressed in the following two articles are those of the authors and do not imply any endorsement by the International Wolf Center. We present them in the interest of stimulating informed thought.
reasons vary, generally these organizations prefer the stricter protection of the ESA, they want to see the wolf restored to an even larger area of the 48 states than at present, and they do not think that will happen if the wolf is delisted. Regarding the areas to which the wolf should be restored, I sympathize. It would be great to know that wolves inhabit all of the United States' wilderness areas and wherever else they do not conflict too much with human interests.

However, the ESA is for saving species from extinction. With the wolf’s current numbers and distribution, as well as the states’ management plans, the wolf clearly is no longer in danger. Thus the government has an ethical, if not a legal, obligation to delist the species.

There is also a strong political need to delist the wolf or any species when it has recovered. The ESA is highly controversial in Congress, and its detractors regularly claim that it is too socially and financially expensive and fails to work. One contingent lies in wait to gut the ESA, saying that because too many species are placed on the endangered species list but none ever taken off, the act is useless.

The wolf is one of the most controversial of all animals, so society may never allow the species to live everywhere or in every wilderness. Even in Minnesota, where wolves were never exterminated and the public is used to dealing with them, about half of the citizens want the wolf restricted to the wilderness and not allowed throughout the state.

When the USFWS planned the wolf’s recovery in the 48 states, it did not consider the wolf’s habitat distribution. It is through this recovery mandate that the USFWS undertook the successful reintroduction of wolves to the Yellowstone ecoregion and central Idaho. Formal recovery programs also aided the natural recolonization of Wisconsin and the Upper Peninsula of Michigan by wolves. These successes do not equate to recovery of the gray wolf on a national level.

In addition to a legal obligation to recover the gray wolf, scientific research demonstrates that the restoration of wolves helps restore balance within entire ecosystems. Nowhere has this been more evident than in the Yellowstone ecoregion. There, the reintroduction of wolves has changed the behavior of the park’s elk population, moving them away from creek and river basins, which in turn allows streambed habitat to thrive, resulting in healthier trout streams, and more habitat for beavers and songbirds. Other animals such as badgers, bears and eagles benefit from the “leftovers” of wolf kills, which provide a more reliable year-round food base.

Throughout the country, there remain many geographic regions, including Colorado, Oregon, northern Maine, Vermont, New Hampshire, northern New York, northern California, Washington and Utah, where the recovery of wolves is ecologically appropriate. In addition, the presence of wolves brings economic benefits to the surrounding communities. For example, Ely, Minnesota, located at the edge of the Boundary Waters Canoe Area Wilderness and in the heart of wolf country in northern Minnesota, receives between $18 million and $27 million tourism dollars a year.

Finally, there is an ethical imperative to continue protection and recovery of the gray wolf. The
Why I Support Federal Wolf Delisting

by L. David Mech

A large black wolf poked out of the conifers in Yellowstone National Park’s Lamar Valley, followed single file by 16 packmates. They trod down an open hillside and crossed the road, in full view of dozens of elated park visitors. This Druid Peak pack is part of a population of some 750 wolves that now inhabit the West, primarily in Wyoming, Montana and Idaho.

To the south, a reintroduced and growing population of 35 to 50 wolves occupies Arizona and New Mexico. Farther east, over 3,000 wolves inhabit Minnesota, Wisconsin and Michigan. All these wolves represent a vibrant and dramatic tribute to the success of the Endangered Species Act (ESA). If there were ever any doubt as to whether wolves would recover in the 48 states, the numbers and distribution of these wolves should dispel that. In both the West and Midwest, wolf numbers far exceed those prescribed for recovery by federal wolf recovery teams.

Thus the U.S. Fish and Wildlife Service (USFWS) wants to “delist” the wolf, or remove it from the endangered species list, except in the Southwest, where recovery efforts are still underway. Delisting would end federal protection for wolves in the delisted areas and return wolf management to individual states. To ensure that state management would not reduce wolf populations below the prescribed recovery levels, the USFWS examined the wolf management plans for each relevant state and asked several wolf biologists to review them. For the first five years after delisting, the wolf populations will be closely monitored to make sure they remain secure. Anytime a population dropped below recovery level during those five years or after, the USFWS could quickly relist it and reimpose federal protection.

Nevertheless, several wolf advocacy organizations oppose federal delisting of the wolf. Although specific continued on p. 6

Wolves Are Still in Need of Federal Protection

by Rick Duncan and Anne Mahle

The U.S. Fish and Wildlife Service’s April 1, 2003, rule on the status of the gray wolf sent a clear message: the Bush administration is done with wolves. The recovery of the gray wolf, for this administration, is complete. Seventeen conservation groups, however, view the gray wolf’s status and the legal mandates of the Endangered Species Act (ESA) differently. Led by Defenders of Wildlife, they have sued the USFWS over the rule, seeking to have the agency return to the drawing board. Their message is equally clear: recovery is incomplete, and the obligation and need to protect wolves persists.

The wolf has done well under the protection of the ESA. Since passage of the act in 1973, the number of wolves in the lower 48 states has increased threefold from under a thousand in Minnesota alone, to approximately 3,600 wolves in six states. The great majority of these animals remain in northern Minnesota, however, with lesser populations scattered throughout Wisconsin, the Upper Peninsula of Michigan, and the northern Rocky Mountain states. Recovery is incomplete, and without federal oversight, it won’t happen.

Why continue with the active protection and recovery of gray wolves? Three reasons: the ESA requires recovery efforts to continue, wolves provide ecological and economic benefits, and there is an ethical imperative to protect and recover gray wolves.

U.S. law mandates that the USFWS protect, conserve and recover species that are listed as either endangered or threatened under the ESA. In its 30-year existence, the protections afforded by the act have slowed and in some instances radically reversed species’ path toward extinction. But the act not only prohibits certain actions but also requires the federal government to ensure that listed species and the habitat on which they depend are protected and to actively recover species.
so through appointing recovery teams of wolf experts and conservation administrators and charging them with devising wolf recovery plans for the West, Midwest and Southwest (as well as for the red wolf in the Southeast). Wolf advocacy groups and the rest of the public were allowed to review these plans and offer suggestions for improving them.

No one disputed the proposed numbers or distribution of the wolves in the recovery goals. No peer-reviewed scientific articles criticized the plans. No group claimed that restoring the wolf to Wyoming, Idaho, Montana, Minnesota, Wisconsin and Michigan was insufficient to recover the wolf from endangerment. In effect, this general accord with the USFWS's wolf recovery plans amounted to a tacit agreement between wolf advocates and the USFWS that if wolves reached recovery goals, the animal should be delisted. Anti-wolf folks, however, long ago claimed that wolf advocates would never let the government delist the wolf.

To oppose wolf delisting now that wolves have recovered would play straight into the hands of the ESA detractors and those opposing wolf recovery. It would fuel the animosity toward the ESA and toward the listing of new controversial species.

When Congress next considers reauthorizing the ESA, this opposition could help weaken or kill the act. And it could foster a backlash against the restored wolf populations.

Thus it is time now to celebrate the success of the ESA in recovering the wolf, not for overreaching and jeopardizing not only the great gains that have been made through this act but also the act itself.

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Primary cause of the gray wolf's near extinction was the direct acts of federal and state governments. Acting through the USFWS and its predecessor, the Bureau of Biological Survey, we engaged in a total assault on wolves. Pervasive societal fear of wolves, stoked by government agencies, created an ecological nightmare for the gray wolf. Through systematic poisoning, bounty hunting and persistent persecution by humans, wolves were removed from the American West and nearly all of Mexico. Wolves, regardless of their resiliency, stood no chance against strychnine. This history of intentional destruction of wolves by government agencies places an ethical imperative on wolf recovery.

In the 21st century, there is still a need for wolf protection because, regrettably, we have not made the societal commitment to the treatment of the wolf as a nongame animal that is required before "downlisting" or "delisting" of the wolf can be justified. Bounty statutes still exist, ready to spring back to life in many states if ESA protections are removed, and punitive state management plans are waiting in the wings for federal protection to be removed. As Verlyn Klinkenborg observed recently in a New York Times editorial on wolves, "The only possibility for wilderness—

for a landscape with wolves—is in how we withhold ourselves in order to make room for it." We aren't yet at the point where we dare trust ourselves to live with wolves without the federal protection that has brought the species back from the brink of extinction.

Rick Duncan and Anne Mahle are attorneys at Faegre & Benson in Minneapolis, Minnesota. They are representing Defenders of Wildlife and the 16 other conservation groups in Defenders of Wildlife, et al. v. Norton, the case challenging the U.S. Fish and Wildlife Service's April 1, 2003, rule regarding the status of the gray wolf.