

Endangered Species Act 35th anniversary and wolves

December 28, 2008 — Ralph Maughan

Today is the 35th anniversary of the ESA. Michael J. Robinson wrote the essay below for this forum-

Thirty five years ago today, on December 28, 1973, President Richard M. Nixon signed into law the Endangered Species Act, intended not just to stave off extinction, but more broadly to conserve the ecosystems on which endangered species depend.

Natural ecosystems can exhibit a tremendous resilience as plants and animals adapt to new opportunities and threats to their survival and reproduction. The Endangered Species Act itself displays some of the dynamic resilience of ecosystems.

As the Bush administration attempts for a fourth time to remove from the endangered species list one of the first creatures placed on the list - the gray wolf - it is worth noting that the federal agency that originally brought wolves to the brink of extinction, the U.S. Fish and Wildlife Service, with a stroke of a pen thirty-five years ago was charged with protecting them. Its old habits have been hard to change.

In 1915, Congress appropriated \$125,000 to an obscure agency of scientific investigators, the Bureau of Biological Survey, to destroy animals "injurious to agriculture." Growing annual appropriations along with payments by other federal, state, local and private entities, induced the Survey and its successor, the Fish and Wildlife Service, to switch from science to extermination for its fiscal sustenance. The agency systematically trapped, poisoned and shot every wolf it could locate. Even before killing the last native wolf in the West in 1945, in Colorado, the Fish and Wildlife Service increasingly targeted the more resilient coyotes and then the rodents that the declining coyotes would have controlled. Along the way, it killed some of the last blackfooted ferrets, California condors and southwestern jaguars, even as Congress passed endangered species protection laws in 1966 and 1969.

After Boy Scouts in Wyoming found poisoned eagles in 1970, and widespread illicit poisoning throughout the West came to light the following year, President Nixon appointed a special committee on predator control. The committee's report accused the Fish and Wildlife Service and its allies in the livestock industry of "a high degree of built-in resistance to change," and advised, among other measures, a new law to protect endangered predators.

What ensued through cooperation between the Republican administration and the Democratic chairman of the House Subcommittee on Fisheries and Wildlife Conservation, the patient, indefatigable John D. Dingell, was a broad and muscular law requiring the Fish and Wildlife Service to develop science-based recovery plans for listed animals and plants, designate critical habitat, and veto any federal action that would jeopardize them or adversely modify their critical habitats.

The act helped protect wolves migrating from Canada into Idaho and Montana in the 1970s and '80's, and led to reintroduction into Idaho and Yellowstone National Park in Wyoming in 1995. Today, around 1,500 wolves inhabit those three states — honing the instincts of deer and moose, provisioning scavengers such as bears and eagles, lowering coyote numbers while increasing foxes (which the coyotes prey on), and even nurturing saplings along low-visibility streambanks that are now avoided by wolf-wary elk. Beavers and songbirds benefit from the resurgence of willows and cottonwoods that have matured in the 13 years since reintroduction.

But the act also permits exceptions to its protections, which have enabled Fish and Wildlife Service to authorize the killing, so far since reintroduction, of at least 931 northern Rockies wolves, including all 27 members of the Hog Heaven pack in Montana this month - the seventh entire pack, pups and all, wiped out in the state this year.

In Mexico, the southernmost and smallest gray wolf subspecies, the Mexican gray wolf, or *lobo*, persisted through the first half of the twentieth century despite a price on its head. Lobos would occasionally lope north into their vacant habitats in southern Arizona, New Mexico and Texas, where government traps and poison awaited them. In 1950, the Fish and Wildlife Service persuaded authorities in Mexico to accept American poison, and began training Mexican ranchers in its application. After passage of the Endangered Species Act, only five Mexican wolves could be captured for captive breeding, and none have been confirmed alive in Mexico since 1980.

In 1998, descendants of those last survivors were reintroduced into a small portion of Arizona and New Mexico. But in 2004, the Fish and Wildlife Service ordered the shooting of a wolf that, months before, had killed four head of cattle, but which harbored DNA found in no other surviving wolves. Loss of this and other genetically valuable wolves from a tiny founding population is now causing inbreeding depression manifested in lower litter sizes.

Notwithstanding that today only around 50 Mexican wolves survive in the wild, the Fish and Wildlife Service has snubbed New Mexico Governor Bill Richardson, who sought to halt federal trapping and shooting of these animals. In March 2005, the agency suspended indefinitely meetings of its recovery team that is charged with identifying suitable additional habitat for the Mexican wolf and developing benchmarks for recovery.

To be removed from the endangered species list, animals and plants must be reestablished and secure throughout all significant portions of their ranges. But the Bush administration has ignored this responsibility in its three previous attempts to delist wolves from portions of their range - each enjoined in federal courts. Wolves occupy less than five percent of their original range. State wolf management plans in Wyoming and Idaho promise to reduce wolf numbers and range even further.

Will wolves be allowed to resuscitate broader ecosystems, or will they be confined to untenable islands of habitat where continued persecution still threatens their survival? The Endangered Species Act, like the web of life, has never faced a greater test.

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