Wolf’s future hits another twist

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Key points of the judge's decision:

* Interior Secretary Gale Norton was wrong to say the "significant portion" of the gray wolf's range was the western Great Lakes and Northern Rockies, because historically wolves had a much wider range.

* The Endangered Species Act says species must be protected if they are likely to go extinct on a "significant portion" of their range.

* The U.S. Fish and Wildlife Service was incorrect in dividing the country into three distinct wolf regions. That illegally implies that wolves are recovering in places like Oregon because Wyoming -- part of its region -- has wolves, even though Oregon does not.

What it means:

* Ranchers in northwestern Montana -- an area home to about 100 wolves that are not part of the "experimental" population in Yellowstone and central Idaho -- can no longer shoot wolves on sight.

* Depending on new maps identifying "distinct population segments," efforts to delist wolves in Wyoming could be slowed.

* The rule downgrading wolves from endangered to threatened was never valid in Wyoming, Idaho and most of Montana, as the population there is considered "experimental," offering more management flexibility.

* A rule allowing ranchers to shoot wolves in Idaho and southern Montana is still valid, as this population is "experimental." Wyoming was not offered that flexibility, as it does not have a federally sanctioned state management plan.

JACKSON -- In a ruling that may spell trouble for Wyoming's push to remove wolves from federal protection, a federal judge this week said the Bush administration violated the Endangered Species Act when it downgraded populations of the gray wolf from "endangered" to "threatened."

U.S. District Judge Robert E. Jones of Portland, Ore., said the U.S. Fish and Wildlife Service acted illegally when, in April 2003, it lumped wolf areas into three regions of the country, then said wolves were nearing recovery levels in two.

Exact ramifications of the ruling were unclear Tuesday, but Ed Bangs, wolf recovery coordinator for the Northern Rockies, said wolf management in Wyoming will continue as usual.

"It only affects the areas where wolves were reclassified from endangered to threatened," he said. "The vast majority of wolves are in experimental population areas, and the management of those wolves is not going to change at all."

A new rule allowing ranchers in Idaho and southern Montana to shoot wolves harassing livestock will still be active, he said. But ranchers in northwestern Montana can no longer shoot wolves on sight as a result of the ruling. Bangs said the change will only affect "few private landowners," and no wolves have been killed with this provision in the past two years.

Still, Bangs said the exact meaning of the ruling is unclear, and Fish and Wildlife Service officials are meeting with lawyers to figure out what its response should be.

"I'm telling everyone, 'Just remain calm,'" he said.

Meanwhile, Wyoming Attorney General Pat Crank hailed the ruling as a validation of Wyoming's case against the federal government. A
hearing in that lawsuit is scheduled Friday in Cheyenne.

The judge said the Fish and Wildlife Service "failed to use best science" when carving out the huge regions of wolf population segments, Crank said.

"That's precisely our point in Wyoming," he said. "In rejecting the wolf management plan for political reasons, concerning litigation from environmental groups and fear that Idaho and Montana may adopt similar political plans, (Fish and Wildlife) failed to follow best science mandated by the Endangered Species Act."

Crank said Wyoming's wolf plan was peer-reviewed, and 10 of 11 reviewers said it would lead to a recoverable wolf population. The plan calls for protection of wolves in national parks and nearby wilderness areas but classifies the animals as predators that could be shot on sight in other areas of the state.

"As I read his decision, it's almost as if I read my notes as I prepare for my argument on Friday," Crank said.

Wyoming was an intervener in the Oregon case, siding with the Fish and Wildlife Service.

The ruling came after 19 environmental groups filed suit in October 2003, saying, in part, that the Fish and Wildlife Service violated its own Endangered Species Act language.

"The judge relied on a very clear phrase from the Endangered Species Act that defines an endangered species as one that is likely to go extinct in a 'significant portion of its range.'" said Michael Robinson of the Center for Biological Diversity, one of the groups filing suit. "(Interior Secretary Gale) Norton tried to claim that meant its current range."

Robinson said that meant although there were no wolves in Oregon, because it was part of the "western wolf population" including areas of Wyoming, Idaho and Montana, it meant Oregon's wolf population was surviving.

He said wolves historically were in many more places than the Northern Rockies, and the Endangered Species Act should protect their survival in that historic range.

Robinson also said Wyoming is unfairly carrying the burden of wolf populations.

"Gale Norton very cynically tried to piggyback all these vast areas onto the few places such as northwest Wyoming that do have wolves, and tried to get them delisted all at once," he said. "We understand that wolves are thriving in the Northern Rockies and on their way to recovery, but to try to attach Oregon, Washington, Utah, northern Colorado to the Northern Rockies, the Fish and Wildlife Service and Gale Norton overreached."

Wolves were extirpated from this area in the early 20th century. They were reintroduced in 1995 and 1996 in Yellowstone and central Idaho. There are now estimated to be about 850 wolves in the three states.

In April 2003, Fish and Wildlife segmented wolf populations into three areas. The western region included Wyoming, Idaho, Montana, Colorado, Utah, Washington, Oregon and California. The eastern region included Minnesota and the Great Lakes and New England states. A southwestern region included Arizona, New Mexico and Mexico supporting the Mexican gray wolf.

Noah Greenwald with the Center for Biological Diversity said it wolves at one time inhabited New England, and it is incorrect to say wolves are faring well in the "eastern" region simply because their populations are stable in the Great Lakes area.

At the same time, he said, "it's hard to say wolves in Washington or Oregon are recovered when there are only occasional sightings."

"We'd like to see them stop messing around with population segments," Greenwald said. "You can't downlist based on such a small portion of the range. Ultimately if they are going to divide it up into segments, then they should make recovery plans for those areas."

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