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## Judge Strikes Down Relaxation of Wolf Rules

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The rocky road of wolf recovery has hit another bump, and this one could be major.

A federal judge in Portland, Ore., struck down a 2003 Bush administration rule that relaxed protections for certain wolves by changing their status from "endangered" to "threatened."

U.S. District Judge Robert E. Jones also said the administration was wrong for claiming that a recovered wolf population in the northern Rocky Mountains was sufficient to declare a viable wolf population in the western United States.

The ruling, signed Monday and released Tuesday, could have major implications for wolf recovery elsewhere in the United States and could mean more delays for long-running efforts to remove federal protections from wolves in Montana, Wyoming and Idaho.

Federal attorneys, biologists and managers were in meetings Tuesday trying to digest the ruling and its implications.

Although Department of Interior officials said they were disappointed in the ruling, they said it was too early to tell exactly what

it will mean.

Asked if the ruling was significant, Mitch Snow, a spokesman for the U.S. Fish and Wildlife Service, said: "That would be an understatement."

The 35-page ruling does not affect management of "experimental" wolf populations in Yellowstone National Park and the surrounding area or new rules that will allow ranchers and others to kill wolves that are attacking livestock.

But wolf advocates said the decision chastises the federal government for trying to declare victory in wolf recovery too early.

"This is a great day for wolves," said Michael Robinson of the Center for Biological Diversity, one of 19 groups that sued the Department of Interior in 2003.

He said the decision will "absolutely" set back efforts to delist wolves in the northern Rocky Mountains and will mean the Fish and Wildlife Service will have to take a closer look at allowing wolves into more habitat once occupied by wolves in other states.

"It will mean more wolves in more places," Robinson said.

The suit challenged an April 2003 finding by the FWS that divided the lower 48 states into three large "distinct population segments" (DPS) for wolves and "downlisted"

most wolves from endangered to threatened.

The decision meant more flexibility in dealing with problem wolves in northwest Montana, which had earlier been classified as endangered, and represented a key step toward removing wolves from the endangered species list.

Much of the lawsuit focused on a phrase in the Endangered Species Act that says a species is endangered when it is "in danger of extinction throughout all or a significant portion of its range."

In particular, the phrase "a significant portion of its range" is ambiguous, the judge said.

The environmental groups said the wolves remain endangered because they are absent from much of their historic range, including large areas of suitable habitat.

Interior Secretary Gale Norton and her staff said the phrase applies only to threats in places where wolves already exist, such as the Northern Rockies and some Great Lakes states.

The wolf population in the Northern Rockies, Norton said, ensures the viability of a wolf population in the western DPS, which includes Washington, Oregon, California, Nevada and

parts of Montana, Wyoming, Idaho, Utah and Colorado.

"Our point was that just because you have a recovered population in the Northern Rockies doesn't mean the job is done," said Suzanne Stone of Defenders of Wildlife, another group involved in the suit.

Jones, in his ruling, said there are "major geographic areas" outside those two areas where wolves were once viable. Norton's decision not to consider threats to wolf recovery in those areas was "unreasonable," he said.

The ruling could make the federal government consider the possibility of wolves in portions of nearly every Western state, upstate New York and areas of New England, Robinson said.

It could also muddy efforts to delist wolves in the Northern Rockies and pass management along to Montana, Idaho and Wyoming.

In 2002, wildlife managers from five Rocky Mountain states, including Montana and Wyoming, sent a letter to FWS urging the agency not to lump wolf recovery in the region with the situation in other Western states.

That approach - eventually solidified in Interior's 2003 rule - could lead to legal fights and delays in delisting the local wolf populations, wildlife officials said at the time.

Chris Smith, chief of staff for Montana's Department of Fish, Wildlife and Parks, said Tuesday that state officials were still trying to grasp the implications of the ruling.

"I would say it's a fairly significant ruling," Smith said. "It certainly sets

the clock back a ways in terms of ... the delisting process."

The delisting effort already has been delayed indefinitely because Wyoming has sued the federal government over its rejection of the state's management plan for wolves.

"Certainly it's frustrating when that process is delayed for whatever reason," Smith said.

Ed Bangs, FWS wolf recovery coordinator in the Northern Rockies, cautioned against speculating too much about the implications of the judge's ruling.

"It's premature to push the panic button," Bangs said, adding that it could be weeks before the ramifications are known. "Let's give this a little bit of time."