

## Environmental Groups Appeal Courts Ruling on Gray Wolf Endangered Status

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By Caroline Chen

Environmental groups appealed to the Ninth Circuit to reinstate the northern rocky mountain gray wolf on the Endangered Species List, after Montana judge Donald Molley reluctantly upheld Congress' move directing the U.S. Fish and Wildlife Service to delist the furry predators.

Congress signed off on this in April, making it the first instance that lawmakers, rather than scientists, have removed a plant or animal from the endangered species list. Environmental groups are charging that the gray wolf has become a victim of politics, saying the delisting was done with no regard for the actual status of the animal.

Judge Molley was clearly unhappy with the decision, accusing Congress of "using insider tactics without debate" and calling the move, which was part of a budget rider, a "tearing away, an undermining, and a disrespect for the fundamental idea of the rule of law." In his strongly worded ruling, he adds, "Fairness is dethroned and confusion is crowned queen when the laws enacted pursuant to established public policy are inapplicable on an ad hoc basis."

However, despite his angry statements, Molley was bound by the rider's wording and court precedent to declare it constitutional. "If I were not constrained by what I believe is binding precedent from the Ninth Circuit, and on-point precedent from other circuits, I would hold [the rider] is unconstitutional because it violates the Separation of Powers doctrine," he writes.

Since the delisting was passed, various states have changed their hunting quotas in a way that will drastically threaten the wolf population, the Center for Biological Diversity reports. Idaho has authorized a hunting and trapping season with no limit on how many wolves can be killed, only committing to maintain 150 wolves out of an estimated population of at least 1,000. Montana has set a goal of reducing the population from an estimated 566 wolves to 425 wolves -- a 25 percent decline.

"People have bought into the notion that you manage wolf populations by hunting," Noah Greenwald, endangered species director for the Center of Biological Diversity explains to SF Weekly. "But wolves aren't like deer: They're complex family groups. If you kill the alpha male or female you can disrupt pack dynamics, create more dispersing, and you'll [end up with]

individuals no longer part of a pack which are more desperate and going after livestock or pets."

Greenwald acknowledges that gray wolves do attack livestock and pets, but says, "When you actually look at the numbers it's pretty small. Livestock die for many reasons, and dogs kill a lot more than wolves do. In most states there's also a compensation problem. Unlike if coyotes kill your cow, you'll get compensated if a gray wolf kills your livestock." Greenwald adds that ranchers can adopt different techniques to protect their livestock without having to hunt the gray wolf.

Meanwhile, Oakland's "wolf man," Tras Gustav Karlsson Berg, is serving four months in jail for sending threatening e-mails to a California senator, saying he would kill her if she didn't oppose legislation that would scrap environmental protections for wolves.

Now that's what you call animal activism.