



AZ Game and Fish, enviro square off over Mexican wolf delisting

By Tony Davis
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As the federal government ponders whether to delist endangered gray wolves nationally, the Arizona Game and Fish Commission and environmentalists are at odds over whether the Mexican wolf should join the ranks of the delisted.

One of the key issues is a legal question over what would happen to the Mexican wolves in this state if they were removed from the federal endangered species list.

The environmentalist Center for Biological Diversity contends they would be easy targets for shooting without federal protection, particularly from ranchers, for whom the federal government had exterminated the wolf generations ago. Game and Fish strongly disagrees, says existing state protections would prohibit wolf shooting and that more would undoubtedly be in the

pipeline if the wolf were to be managed exclusively by the state.

The commission voted unanimously last month -- the second time since 2010 -- to urge the federal government to take the Mexican wolf and all other populations of endangered gray wolves nationally off the endangered species list. The five-member commission joined a Rocky Mountain senator and congresswoman who wrote the U.S. Fish and Wildlife Service last month, supporting a nationwide delisting of gray wolves.

The U.S. Fish and Wildlife Service has said it may announce as soon as this spring whether it will propose a blanket delisting of wolves nationally. Or, it could propose to delist wolves only in areas where they no longer live, or not at all.

For now, "We (currently) don't have anything hard and fast and set one way or

the other at this point," said Brent Lawrence, a D.C.-based wildlife service spokesman. "Our goal is for every time that an animal has been on the endangered species list is for it to be removed at some point . . . whether it's wolves or prairie chickens or whatever.

"It's safe to say we don't know when a decision will be made. We don't have anything to report," Lawrence said.

In a statement, the Game and Fish commission believes that there is adequate science indicating the gray wolf has recovered nationally, but acknowledges the Mexican wolf still faces challenges.

"The commission believes that by developing a state wolf recovery plan, the Arizona Game and Fish Department will have more flexibility to make management decisions that benefit wolves, other wildlife populations and Arizona communities."

The commission also cited the Fish and Wildlife Service's recent, annual Mexican wolf census, which found 75 of the wolves in the wild this year, compared to 58 a year ago. While 20 wolf pups were born and survived in the wild in 2012, environmentalists note that only three known Mexican wolf breeding pairs are living in the wild.

An environmentalist with the Tucson-based Center for Biological Diversity said delisting will doom the wolf to extinction.

"It would remove all federal protection with only three breeding pairs now in the wild in Arizona and New Mexico," said Michael Robsinson, a conservation advocate for the center. "Arizona has no regulatory mechanism in place so if this were to happen, there would be nothing to legally prevent someone from going out and killing every wolf they could.

"Even though there is great popular support for the wolf in both states, the livestock industry would have its way and wolves would be exterminated in very short order."

Patrick Bray of the Arizona Cattle Growers Association

took issue with Robinson's comment, saying, "That is by no means true. They'd have all the protections they need. Our folks are smart enough to know the public wants them there. We will abide by all laws and requests that are made to protect those animals."

Jim Paxon, a Game and Fish spokesman, calls Robinson's statements false and misleading. It wouldn't be legal for ranchers or anyone else to kill wolves if they lost federal protection because it's already illegal for anyone to kill wildlife in Arizona without a hunting season being opened for that animal by the commission, he said. The commission hasn't opened a hunting season for wolves, he said.

Paxon points to a state law saying, "The commission shall by order open, close or alter seasons and establish bag and possession limits for wildlife . . . Closed season shall be in effect unless opened by commission order."

Robinson, however, points to a different state law, allowing anyone who suffers property damage from wildlife to "exercise all reasonable measures to alleviate the damage, except that reasonable measures shall

not include injuring or killing game mammals, game birds or wildlife protected by federal law" unless authorized under a separate subsection of that law.

That subsection says that if harvest of animals is found necessary to relieve damage, the commission may establish special seasons or special bag limits, and either set reduced fees or waive any or all license fees required by this title, to harvest that wildlife.

Paxon says that same law, however, puts the responsibility on the livestock owner to prove a wolf was taking livestock before killing it -- and to seek an investigation by a Game and Fish wildlife officer. If the officer determines an individual animal can't be targeted as the offender, pursuit of it isn't allowed, he said.

Again, Robinson disagrees, noting that the provision Paxon referred to says the livestock owner could file his report with Game and Fish "after resorting to the relief as is provided in subsection A," the provision that allows him to resort to "all reasonable measures" to alleviate property damage caused by an animal.

Robinson and Paxon also disagree over whether the depredation law or the law requiring the commission to open and close hunting seasons for wildlife would take precedence in the event of a legal conflict over wolves.

But Paxon says he's fully confident that if the wolf were to be delisted nationally, the game commission would add additional state protections for the wolf, by classifying it as a species of concern in Arizona -- not as a game animal. Both this year and in 2010, the commission went on record saying it fully supports having a wolf population in the state, he said.

"Every single time a wolf issue has come up, the commission has reiterated its support for a population of Mexican wolves in Arizona," Paxon said. "The whole idea is to make them stable and long-lasting, but not at the expense of ungulate species (such as elk) and the socio economic part of the human equation that lives up there makes a living off the land."

Robinson doesn't share that optimism, noting that back in 2008, Game and Fish joined three federal agencies and the

White Mountain Apache tribe in recommending lethal removal of a male wolf in New Mexico known to have taken cattle on four occasions in a year. Instead, Fish and Wildlife Service Regional Director Benjamin Tuggle decided to move the wolf to an area of the Gila Wilderness in New Mexico that contained no livestock.

"If you are at the decision making table and you recommend or order the killing of wolves, then those results are what matters, not what you put out in a press release," Robinson said. "I have no doubt that Arizona authorities would not be providing nearly the level of protection that federal law provides, inadequate that it is."

Nationally, Democratic and Republican congressional forces are arguing over wolf delisting.

A Republican senator and Republican congresswoman from Utah and Wyoming, respectively, wrote the wildlife service in mid-March supporting a national delisting, saying that "unmanaged wolves are devastating to livestock and indigenous wildlife. Currently, state wildlife officials have their hands tied any time wolves are involved. They need to be able

to respond to the needs of their native wildlife without being burdened by the impediments of the bureaucracy created by the ESA (short for Endangered Species Act.)"

On the other side, more than 50 Democratic congressmen, including three from Arizona, wrote the service last month urging continued wolf listing. While wolves have come back in the northern Rockies and the western Great Lakes. "wolves have only just begun to return" to parts of the Pacific Northwest, California, southern Rockies and the Northeast.

"A blanket national delisting of the gray wolf would be premature and would not be grounded in peer-reviewed science," said the letter, whose signers include Tucson-area Democrats Raul Grijalva and Ron Barber and Phoenix Democrat Krysten Sinema.