

Groups appeal ruling on killing wolves

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By Eric Barker Lewiston Tribune

A coalition of environmental groups has asked the 9th U.S. Circuit Court of Appeals to overturn a January ruling by a federal judge in Idaho that said a small federal agency doesn't need to complete a new environmental study before killing wolves in the state.

The Boise-based Advocates for the West filed the appeal late last week for its clients, the Friends of the Clearwater, Western Watersheds Project, Center for Biological Diversity, WildEarth Guardians and Predator Defense. The groups claimed Wildlife Services must follow the National Environmental Policy Act and complete an EIS before killing wolves at the behest of the Idaho Department of Fish and Game.

Wildlife Services has killed more than 100 wolves, at the request of state wildlife managers, in the Lolo Zone near the Idaho-Montana state line since 2011, in an effort to aid ailing elk herds there. That number includes 10 this year.

The agency's agents, known as government trappers, also have worked with the state to kill wolves that prey on livestock.

Agency officials completed an environmental assessment in 2011, but the plaintiffs argued a new study is needed because conditions have changed, including the state's wolf management goals.

Judge Edward Lodge at Boise turned away those arguments on a technicality in his January ruling and said the plaintiffs lacked standing to bring the suit. Because the Idaho Department of Fish and Game manages wolves, he said, the wolf-control operations could continue even if Wildlife Services was not involved.

The appeal argues that ruling is in error and doesn't follow case law. According to court documents, the plaintiffs say not requiring the agency to complete the study is a violation of their "procedural rights," even if the outcome of the study may not have changed the ultimate decision to kill wolves.

"The District Court got it wrong on the facts and the law when it ruled we didn't have standing to bring our lawsuit," said attorney Talasi Brooks at Boise. "Not only is killing wolves cruel, but science shows it doesn't work and has all sorts of unintended effects. Wildlife Services violated the law by acting without public disclosure and failing to grapple with science showing its actions can have significant impacts on the environment, and we want the opportunity to show that to the court."

Gary Macfarlane, ecosystem defence director for the Friends of the Clearwater, said the groups are confident their appeal will be successful.

"We think the judge didn't look at the technical case of standing in the right way," he said. "We think the 9th Circuit has made other rulings that are just the opposite of what the judge made in the case."