

## ENDANGERED SPECIES

### Lawyers, advocates to follow gray wolf tracks

Michael Doyle, E&E News reporter

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The Interior Department yesterday said it plans to remove endangered species protections for the gray wolf. Eric Kilby/Wikipedia

Wolf lovers and lawyers, start your engines.

An intense and sustained competition with a familiar track but an unpredictable finish will commence when the Fish and Wildlife Service proposes to remove the gray wolf's population in the Lower 48 states from Endangered Species Act protections, probably within the next few days.

This will be a marathon, not a sprint.

Acting Interior Secretary David Bernhardt raised the ready flag yesterday, when he announced at a conference in Denver the imminent plan to delist the gray wolf. Bernhardt did not delve into the details in his speech ([\*Greenwire\*](#), March 6).

"Recovery of the gray wolf under the Endangered Species Act is a one of our nation's great conservation successes, with the wolf joining other cherished species, such as the bald eagle, that have been brought back from the brink with the help of the ESA," an FWS statement declared.

As early as tomorrow, or perhaps more likely sometime early next week, FWS will publish online the formal gray wolf proposal. Packed with all of its scientific justifications, the proposal will appear in the *Federal Register* the next business day.

The *Federal Register* publication will start a public comment period, likely 30 days, which is bound to be busy given the outcry that followed Bernhardt's brief, initial announcement.

"This attempt to eliminate crucial protections for gray wolves demonstrates an anti-predator bias that continues to influence wolf management decisions," said Cathy Liss, president of the Animal Welfare Institute.

Based on its experiences with other charismatic species, FWS could receive upward of 100,000 comments or more. Nearly all of them are likely to be critical, and many will be identical, the quick-clicked products of organized environmental group campaigns.

Last year, for instance, the National Park Service's proposed easing of Alaskan bear-hunting rules drew more than 181,000 public comments. A 2018 FWS proposal for the North Carolina red wolf drew 108,124 comments, with environmentalists calculating that 107,988 "favored the need for strong federal protections" for the species.

"The American people have spoken with a strong and virtually unanimous voice that the red wolf must be saved from extinction and kept in the wild where the species belongs," Ron Sutherland, conservation scientist for Wildlands Network, said last year ([\*Greenwire\*](#), Nov. 5, 2018).

Sheer volume, though, can have limited impact where it matters most, in actually shaping the final rule that typically comes several months or even longer after the proposal is published in the *Federal Register*. The red wolf proposal made last June, for one, has not yet been finalized.

FWS typically urges public commenters to keep in mind the agency's need for "the best scientific and commercial data available," with the emphasis on data rather than raw emotion.

Next will come the lawyers. One lawsuit is already underway over the gray wolf; more litigation will inevitably follow if and when FWS goes ahead with the final ESA delisting.

Last November, the Center for Biological Diversity filed suit in federal court in Washington, D.C., to seek continued federal protections for gray wolves and development of a national recovery plan for the species.

Citing the 35-day partial government shutdown and the need for "more time to fully evaluate the allegations in the complaint and prepare an appropriate answer or response," Justice Department attorneys successfully sought a reply extension until March 27, court filings show.

Even without shutdowns, lawsuits take time.

Last September, for instance, a federal judge in Montana reversed a June 2017 decision by FWS to delist the Greater Yellowstone Ecosystem population of grizzly bears. The Trump administration is appealing, with no obvious resolution yet on the horizon.