



The Wyoming Wolf Decision Explained

A federal judge has reinstated federal protections for wolves in Wyoming on the grounds that the U.S. Fish and Wildlife Service did not ensure that the state's wolf management plan was enforceable as required by the Endangered Species Act (ESA). Here's what the decision means for wolves and the ESA.

ON SEPTEMBER 23, 2014, U.S. District Judge Amy Berman Jackson overturned the 2012 decision by the U.S. Fish and Wildlife Service (FWS) to remove the gray wolf in Wyoming from the endangered species list, thereby reinstating federal protections for the species under the ESA. This is a huge victory for gray wolves in Wyoming, where at least 219 wolves have been killed since FWS turned wolf management over to the state in 2012. The decision is also a strong reminder to FWS that it must have a sound scientific and legal basis for removing ESA protection for a species.

Wyoming's wolf management plan included allowing unregulated wolf killing on more than 80 percent of its lands (the "predator zone") and sport hunting by permit on the remainder. Defenders of Wildlife and our allies challenged the 2012 delisting decision on the grounds that it violated the ESA. We argued that the unregulated killing and permitted sport hunting did not adequately protect wolves in a significant portion of their range. This unenforceable management plan could not ensure that Wyoming could maintain 10 breeding pairs and 100 individual wolves with a 50 percent population buffer (i.e., 15 breeding pairs and 150 individual wolves total) as required by FWS.



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Management plans must be enforceable

The ESA requires FWS to consider existing regulatory mechanisms and base all listing decisions "solely on the basis of the best scientific and commercial data available," not speculative future actions. Judge Jackson's opinion held that FWS's decision to delist wolves in Wyoming was arbitrary and capricious because it was based solely on the state's unenforceable promise to maintain a particular number of wolves. Her ruling underscores FWS's duty under the ESA to ensure enforceable management plans are in place before removing federal protections.

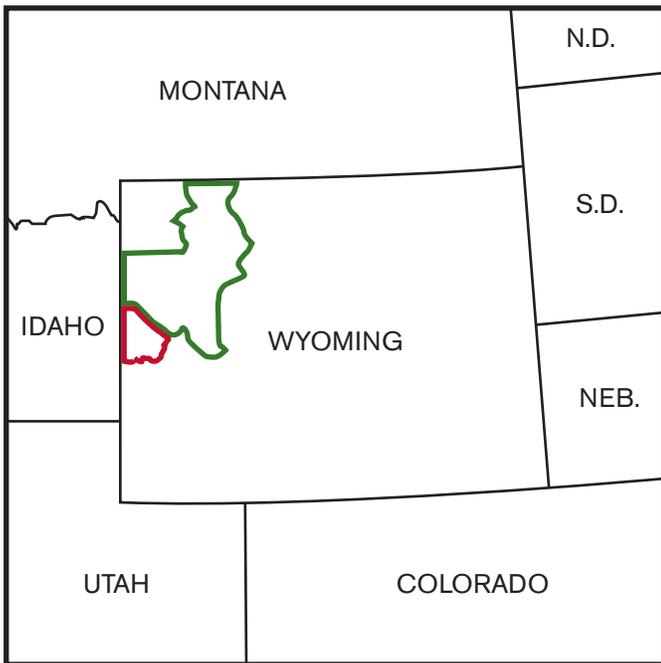
Gray Wolf Recovery: A Conservation Success Story

The recovery of the gray wolf in the northern Rocky Mountains is one of the nation's greatest conservation success stories. Gray wolves were once abundant throughout all of North America, with a historical population estimated at 350,000 to 400,000. However, as European-American settlers and their livestock moved west in the 1800s, wolves became targets for eradication. The federal government embarked on a campaign to decimate these maligned and misunderstood predators by poisoning and shooting them. By 1930, the wolf population in the Northern Rockies was gone.

Fortunately, changing American attitudes toward nature and wildlife conservation led Congress to pass the ESA with strong bipartisan support in 1973, and gray wolves were among the first species to be listed as endangered. A 1987 federal plan for wolves in the Northern Rockies specified recovery criteria requiring at least 10 breeding pairs of wolves for a minimum of three successive years in three distinct recovery areas: northwestern Montana, central Idaho and the Yellowstone National Park area.

In the 1990s, FWS began planning to reintroduce wolves to their former Northern Rockies range. After FWS reintroduced 66 gray wolves in Yellowstone National Park and central Idaho between 1995 and 1996, the population flourished, with 1,774 wolves estimated in the region at the end of 2011—328 of them in Wyoming.

This victory for wolves was affirmed when Judge Jackson denied Wyoming’s request to suspend her decision because the state’s emergency rule—issued post-judgment and without opportunity for FWS to review—did not constitute legitimate “new evidence.” Judge Jackson also denied FWS’s motion to amend her judgment because there was no “clear error” in her decision and FWS’s decision had a “serious fundamental deficiency” that more explanation could not correct.



The areas outlined in red and green are Wyoming’s Wolf Trophy Game Management Areas, where individuals with permits can hunt wolves. The rest of the state—except for the northwestern corner, which is part of Yellowstone National Park—is a designated predator zone, where anyone can shoot a wolf on sight at any time for any reason.

Turning historic success into failure

The gray wolf population in the Rockies, which was brought back by an ambitious reintroduction program initiated in the mid-1990s, is once again vulnerable. In the last two years, aggressive hunting and trapping policies have claimed more than 1,100 wolves in Idaho, Montana and Wyoming. Robust protections, including enforceable management plans for an adequate number of wolves, are necessary to ensure recovery of the species. Ironically, as the need to protect wolves becomes more critical, the federal government is increasingly willing to pass the buck to the states, even if their management plans are inadequate. The verdict in Wyoming marks the fourth time since 2003 that a federal judge has overturned FWS’s decision to delist gray wolves in the Northern Rockies.

Listing decisions must be science-based

Judge Jackson’s ruling reinstates crucial federal protection for gray wolves in Wyoming and makes it resoundingly clear that FWS cannot rely solely on a state’s nonbinding promise to take some future action to protect an imperiled species in an ESA listing determination.

FWS cannot continue to abandon its duty to protect imperiled species under the ESA by accepting unenforceable state wildlife management plans that leave vulnerable species open to attack and threaten to reverse historic recovery efforts. To remove a species from the endangered species list, FWS must ensure that an enforceable, science-based state management plan is in place. If there is no such plan, FWS must maintain ESA protections.

The ESA’s citizen suit provision and the process of judicial review gave Defenders and our allies access to the court to challenge FWS’s unlawful action and fight for the future of the gray wolf. Our victory in court encourages science-based delisting decisions that comply with the ESA and help promote the recovery of imperiled species such as the gray wolf.

