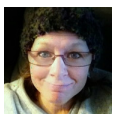


Endangered Species Act is Endangered Itself



Fotolia



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December 3, 2013

Irrespective of how you feel about gray wolves, elephants, baby seals or any other species of undomesticated animals, you should be aware that the U.S. Fish and Wildlife Service has made a proposal to remove gray wolves from the protection provided to them by the Endangered Species Act which could affect future decisions regarding the

protection given to other animals if approved. The proposal

made in June is concerning not only because it might impact the fate of an entire species and, possibly, set a precedent for how the determination of whether other species are endangered or not is made, but also because the basis upon which the overture was made is out of line with the historical definition of certain words and phrases included in the Endangered Species Act, various federal court decisions and several well documented, credible studies.

The Endangered Species Act specifically defines an endangered species as one that is “in danger of extinction throughout all or a significant portion of its range.” Until recently, the Fish and Wildlife Service interpreted the phrase, “significant portion of its range,” to mean the entire area in which a species once existed regardless of whether the species actually continues to inhabit the given area(s). Now the Fish and Wildlife Service is attempting to define the word, “range,” as the area in which a species currently exists. This new definition is demonstrative of the kind of restrictive language Congress refused to use when drafting the Endangered Species Act. It also has repeatedly been rejected by federal courts because the narrow definition the

Fish and Wildlife Service's current proposal includes was deemed inadequate to accomplish the goal of protecting endangered species.

The Fish and Wildlife Service's proposal also attempts to redefine "significant portion" by using an approach that was rejected by a federal court in the context of the Canada lynx. The Fish and Wildlife Service is now claiming that because gray wolves inhabit 15 percent of the area they used to populate, the species is no longer endangered. When a similar claim was made about the Canada lynx not being endangered because the species occupied 25 percent of the land that it used to, a court determined that the argument was "antithetical to the ESA's broad purpose to protect endangered and threatened species." In short, the court determined that the Fish and Wildlife Service can't say that the existence of a species isn't threatened by reducing the amount of space which constitutes a significant portion of the species' historical living areas.

The Fish and Wildlife Service's proposal is partially based on the inaccurate, unsupported assumption that gray wolves cannot repopulate the areas in which they used to

thrive but no longer live because humans have an overwhelmingly negative attitude toward the animals. Yet since gray wolves became protected under the Endangered Species Act, people have generally adopted a more positive attitude about the species due in part to the efforts of the Fish and Wildlife Service which enforced regulations that prevented states from allowing large numbers of gray wolves from being deliberately killed by their respective citizens and disallowing the recolonization and re-introduction of the species into given areas identified as part of its historical stomping grounds. What this means is that, if adopted, the Fish and Wildlife Service will no longer have to continue with a protective program involving gray wolves that has proven effective in rehabilitating the species and the rationale for discontinuing its efforts is based on assumptions that directly contradict the scientific evidence provided in various studies that have been conducted during the past several decades...studies that have been completely ignored by the Fish and Wildlife Service up to this point.

Again, regardless of how you feel about gray wolves, the Fish and Wildlife Service's proposal is disturbing not only

because it:

attempts to literally change the historic meaning of words included in the Endangered Species Act to definitions Congress itself rejected when scripting the Act,

is adversative to decisions made by federal courts and

is based on suppositions rather than empirical evidence.

It's also worrisome because if the proposal is passed, the Fish and Wildlife Service will be able to de-list any species of animal, including the cute fuzzy ones that might be more appealing to the general populace than gray wolves are, on the legislative equivalent of a whim. Every species of animal contributes to the environment in which it lives. If the Fish and Wildlife Service is given carte blanche to determine which species should be protected or unprotected under the Endangered Species Act without having to abide by the original tenets of the Act, it will have the ability to literally harm and/or destroy our local, state and national environments. In essence, if the proposal is adopted, the Fish and Wildlife Service will have opened a proverbial

Pandora's Box that might only affect the survivability of gray wolves at first, but which puts the existence of each and every other species living in the United States at risk in a way that was never intended by Congress when it drafted the Endangered Species Act or even the Fish and Wildlife Service itself until now.

If you care about your environment, please contact your elected officials and tell them you want their help with protecting your family's surroundings by opposing the Fish and Wildlife Service's proposal.

If you would like to learn more about the animals that are protected under the Endangered Species Act, please use this link: **<http://www.fws.gov/endangered/species/>**.

If you are interested in reading further about the Fish and Wildlife Service's recent proposal, please click the following link to review detailed material prepared by Adrian Treves and Jeremy Bruskotter:

http://faculty.nelson.wisc.edu/treves/pubs/Bruskotter_Vucelja.pdf.

