

Endangered or not? Scientists, lawmakers renew gray wolf debate



In 1999, as the U.S. Fish and Wildlife Service was preparing regulatory language that would remove gray wolves in the Great Lakes region from the federal endangered species list, Wisconsin wolf biologist Adrian Wydeven figured the transition process from federal protection to state population management would be smooth.

Good thing he didn't stake any money on that.

"We hoped to be a good model for going from federal to state management," said Wydeven, who retired from the Wisconsin Department of Natural Resources in 2014 after 24 years leading the agency's wolf recovery program.

"Unfortunately, that hasn't happened."

Now, a year after wolves were put back on the endangered species list for the fourth time since 2003, Wydeven and 25 other U.S. and Canadian colleagues in

wolf biology have stirred anew the perpetually-simmering scientific and legislative debate over managing gray wolves — a revered and reviled apex predator nearly exterminated in the United States by aggressive shooting, trapping and poisoning decades ago.

On Nov. 18, Wydeven and University of Minnesota colleague David Mech co-authored a [letter](#) to heads of the U.S. Department of Interior and the Fish and Wildlife Service (FWS) encouraging regulators to, once again, remove wolves in Minnesota, Wisconsin and Michigan from the federal endangered species list and turn regulatory control of the animals over to the states.

Not surprisingly, the letter was met with outcry from other biologists, scholars and groups fighting to keep authority over gray wolves out of the hands of states, which wasted no time in past years opening a game hunting season when afforded the window of opportunity by periodic losses of federal protection.

"A lot of eyes are watching what happens."

Mech and Wydeven's argument is simple: Wolf numbers in each state not only meet the numerical threshold for removing, or "delisting," the Great Lakes population under the Endangered Species Act (ESA), but they've exceeded that benchmark for more than 15 years. If the wolf isn't delisted now, then when?

"The figures far exceed those set up as the biological criteria for recovery," said Mech, a professor who founded the International Wolf Center in Minnesota and has written numerous books on wolves.

Unfortunately for Mech and Wydeven, that's far from the final word.

When is a species recovered?

At last count, there were 3,700 wolves in the Western Great Lakes population. About 630 are in Michigan, 800 are in Wisconsin and the bulk, 2,220 or so, are in Minnesota — the one U.S. state in the whole Lower 48 where the population never dipped enough to be listed as "endangered," only threatened.

Basic recovery criteria set by the FWS were five or more consecutive years of 1,250 wolves in Minnesota and another 100 between Michigan and Wisconsin.

"You have to go with some basis," said Mech. "That's the criteria authorities in 1992 decided should be sufficient for the animal to be considered recovered."

On Nov. 30, less than two weeks after Mech and Wydeven's letter went out, a group of scientists opposed to stripping federal protections weighed into the fray. Adrian Treves and John Vucetich co-authored a [rebuttal letter](#) signed by 70 scholars challenging assertions that gray wolves warrant federal delisting.

Vucetich, a wolf biologist at Michigan Technological University who studies the Isle Royale population, and Treves, founder of University of Wisconsin-Madison's Carnivore Coexistence Lab, sent the rebuke to 120 members of Congress and others in the Obama Administration. The letter used words like "profound misrepresentation" to describe certain arguments by Mech and Wydeven.

"We presented evidence and the other group didn't," said Treves. "They made unsubstantiated assertions and they want you to trust their authority."

Wolves, their letter argues, still meet the legal definition of endangered even though the Great Lakes population has rebounded. The threshold is higher than simply drawing a circle around part of a map and saying "Look, there's a lot of wolves in that area — let's delist and be done," said Vucetich. Factors like suitable habitat size and the impact of legal killing demand consideration.

An "endangered" species is, [according to the act](#), any species "which is in danger of extinction throughout all or a significant portion of its range," (excluding certain insects). Inclusion of range extends protection to animals that may be overall reduced in number, even if significant populations exist somewhere.

In the Lower 48 states, gray wolves now occupy about 10 to 15 percent of their historical range. Wolves used to roam almost everywhere but the southern U.S. east of Texas and south of Ohio. Today, in addition to the Great Lakes

population, Rocky Mountain wolf packs roam parts of Wyoming, Montana, Idaho, Washington and Oregon, and a small group exists in Arizona and New Mexico.

Related: [Wolf presence confirmed in Lower Peninsula](#)

Overall public tolerance for wolves is high, the group argues, but hunting is nonetheless a popular option [among residents living in wolf-inhabited areas](#). Were the shield of the Endangered Species Act removed, legal hunting and trapping could stem population gains, they argue, because state management plans offer inadequate species protections.

Vucetich & Treves' side won a powerful ally last December, when U.S. District Judge Beryl Howell put the Great Lakes gray wolf back on the endangered species list after deciding the Endangered Species Act does not allow the federal government to declare a "distinct population segment" of a species recovered, and then drop protection within that zone on a map.

[Howell's order](#) marked the fourth time a judge had overturned an attempt to delist the gray wolf and she made it clear in a [111-page opinion](#) her goal was to clear up years of litigation and confusion over proper protection levels.

"The D.C. Circuit has noted that, at times, a court 'must lean forward from the bench to let an agency know, in no uncertain terms, that enough is enough,'" Howell wrote. "This case is one of those times."

Congress working against the courts

The ink on Howell's opinion had hardly dried before pro-hunting legislators began drafting an end-run around the court order in Congress.

A bill to strip federal protections from wolves in Michigan, Minnesota, Wisconsin and Wyoming was introduced in the U.S. House on Feb. 11. The legislation is co-sponsored by five Michigan Republican representatives: Dan Benishek, Bill Huizenga, Tim Walberg, John Moolenaar and Fred Upton.

The measure hasn't moved far. The bill, which includes four Democrat co-sponsors from Minnesota and Wisconsin, has been stuck in the House's natural resources committee since its introduction.

On Nov. 10, a companion measure was introduced by Senate Republicans from Wyoming and Wisconsin with identical language ordering the Department of Interior to reissue orders from 2011 and 2012 that delisted Great Lakes wolves.

"The wolf has made its comeback," declared Sen. Ron Johnson of Wyoming.

Both measures would ban the courts from intervening on behalf of wolf protectors in those states. Congress imposed a similar prohibition on judicial review in 2011 when lawmakers removed federal protections from wolves in Idaho and Montana.

Congress sidestepped the law four years ago with a budget rider, a provision attached to an omnibus spending bill, to strip protection from wolves in the northern Rockies. History is repeating itself this month as Congress and the White House finalize the 2016 spending bill to fund the federal government. Currently attached is a rider that would nullify Howell's order and once again remove the Great Lakes gray wolf from the endangered species list.

If that happens, the law in Wisconsin requires the state to hold a hunting season. In Michigan, there's no mandated hunting season, but the Natural Resources Commission retains authority to designate one.

[Michigan's Wolf Hunt: A heated debate](#)

Cattle farmer John Koski, who has the state's highest number of reported wolf attacks, supports the wolf hunt. Nancy Warren, the regional director of the National Wolfwatcher Coalition, doesn't believe sound science was used to justify the hunt.

[A legal challenge](#) to that authority was rejected this year by the state Court of

Claims and the case is pending in Michigan Court of Appeals.

"If they are delisted, wolves get hunted, trapped and hounded," said Jill Fritz, director of Keep Michigan Wolves Protected, which claims a 2014 law that affirms wolves as a game species is unconstitutional in Michigan.

The group wants to see wolves "[downlisted](#)," as opposed to delisted, which allows for lethal control of problem wolves, but not game season hunting.

Michigan held its first and only wolf hunt in late 2013, a year after federal protections were dropped in the region. [Twenty-three](#) wolves were killed. There was no hunt in 2014, when statewide voters overturned enabling laws.

Related: [Investigation shows how half truths, falsehoods led to hunt](#)

Hunting is the great dividing line in the wolf debate. Positions are entrenched and gray area is virtually nonexistent when it comes to killing wolves for sport. The lack of middle ground is evident in Michigan's [2015 Wolf Management Plan](#) update, where a stakeholder roundtable agreed on "every other issue" except whether a regulated hunting/trapping season should happen in the absence of a need to reduce conflicts between wolves and livestock, pets and humans.

"After substantial deliberation, the group concluded consensus on any guiding principles regarding the issue was not possible because the disagreement focused primarily on important differences in fundamental values," reads page 60.

What's the intent of the Endangered Species Act?

Wolves, it turns out, are a great lens through which to view cracks in the democratic process, said Treves, who believes special interests — most hunters and portions of the livestock industry — have hijacked the decision-making.

The wolf debate could have broader implications on the Endangered Species Act itself, a highly popular law that is nonetheless subject to constant dilution

attempts in Congress. Ironically, this desire to protect the law's integrity is an argument being used in favor of delisting wolves by not just Mech and Wydeven's camp, but some environmental advocacy groups as well.

If a species cannot be removed from the list when population numbers warrant doing so, Mech and Wydeven argue, then what's the point of having the list?

"I think the real fear is the ESA being somewhat bastardized to the point it becomes a high-profile target by Congress or some other actor to either gut or really marginalize it as a recovery tool," said Jason Dinsmore, a policy analyst with the National Wildlife Federation's regional office in the Great Lakes, who said the decade-plus of constant litigation and on-again, off-again protection status is "raising red flags" among opponents of the ESA on Capitol Hill.

"A lot of eyes are watching what happens with the potential delisting."

In the Upper Peninsula, Vucetich dismisses that as "fear mongering."

"I don't see how we solve the problem by giving opponents of the Endangered Species Act what they want in the first place," he said.

To Vucetich, the debate over whether "science says" wolves are recovered or not is almost beside the point. Simply ensuring a species doesn't go extinct is, in his mind, a limited view of the purpose of the law. The problem is that "we, as a country, don't really have a broad agreement on what it means to be an endangered species."

To do right by wolves, he argues, is to restore them to their historic range.

"If we run roughshod over the ESA with wolves, we're liable to do it in other cases, too," he said. "It's a basic question about our relationship with nature."

Garret Ellison covers Michigan business, environment & the Great Lakes for MLive/The Grand Rapids Press. Email him at gellison@mlive.com or follow on [Twitter](#) & [Instagram](#)