

✘ Wolf conservation has long been among both the most controversial and the most creative aspects of implementation of the U.S. Endangered Species Act. There's been a flurry of wolf news over the past three months. It emphasizes conflict, some of that over attempts at creative ESA implementation. In the southwest the Mexican wolf is suffering at the hands of bureaucrats and scofflaws, and in the Great Lakes and northern Rockies the gray wolf is causing headaches for bureaucrats.

The Mexican wolf reintroduction program is foundering. (Hat tip to [Ralph Maughan's Wildlife News](#).) The U.S. Fish and Wildlife Service's [annual population survey](#) found 52 Mexican wolves in the wild at the end of 2008, the same number as at the start of the year and less than at the end of 2006. There were only 2 breeding pairs (defined to require that both parents and at least 2 pups survive the year), compared to 4 at the end of 2007 and 7 at the end of 2006. When the program was launched in the 1990s, [officials predicted](#) that there would be more than 100 wolves and 18 breeding pairs by now.

The Service blames [illegal killings](#) for the lack of population growth, reporting that five wolves were illegally shot and two more suffered a "suspicious demise." The Center for Biological Diversity [has another theory](#): that the Service's own wolf control measures are largely responsible for the lack of population growth. Although the Service did not remove any wolves from the wild last year, it trapped 16 and shot 3 more in 2007. Since 1998, there have been a total of 142 "[management removals](#)" by federal officials, although some unspecified number of those wolves have been returned to the wild or are "eligible" for future return. A coalition of environmental groups led by Defenders of Wildlife [have sued](#), challenging the delegation of authority over the Mexican wolf program to a committee dominated by state and local interests and seeking to block the aggressive wolf removal procedures implemented under the direction of that committee.

Meanwhile, up in the northern Rockies, gray wolves have done spectacularly well. The combined effects of reintroductions and (limited) natural dispersal from Canada have produced a [population that exceeds 1200 animals and 90 breeding pairs](#), well above the population goals set out in the [gray wolf recovery plan](#). And in the western Great Lakes, where the wolf was never completely extirpated, populations have also rebounded, currently numbering about 4000. But it has proven difficult to get the gray wolf removed from the ESA protected list in either area.

In 2003, FWS tried to downlist the wolf to threatened across its historical range in areas where there were no wolves and no plans to restore wolves, but to which wolves might disperse on their own. That was shot down by two district courts (decisions [here](#) and [here](#)). In 2007, FWS tried again in the Great Lakes, identifying a Distinct Population Segment (a

term of art used but not defined in the ESA) including not only the parts of Minnesota, Michigan, and Wisconsin inhabited by wolves but the entire upper midwest, and simultaneously delisting that DPS. That decision was eventually [overturned](#) on the grounds that FWS had not adequately explained why it thought the ESA allowed it to use DPS identification as a tool to delist healthy portions of an otherwise struggling species. FWS [tried one more time](#) at the very end of the Bush administration, but did not get its delisting rule published in the Federal Register before new White House Chief of Staff Rahm Emanuel issued [this memorandum](#) freezing all pending rulemakings.

In 2008, FWS tried much the same thing with the northern Rockies population, defining it to encompass big chunks of surrounding states and delisting it. Again, the delisting [flunked judicial review](#). This time the major problem identified by the court was that delisting would leave the wolf population substantially at the mercy of the states, and Wyoming was ready to allow essentially unrestricted wolf killing outside Yellowstone National Park. As with the Great Lakes wolves, [FWS announced](#) in January that it was once again delisting the gray wolf in Idaho and Montana, but that delisting also fell victim to the Emanuel memo. For the moment, therefore, wolves remain on the protected list throughout much of the United States.

The lessons from the Mexican and gray wolf news are similar. First, appeasement is not a winning strategy. In the southwest, giving in to demands from locals who don't believe in the program, FWS has become the guarantor of wolf good behavior. Because wolves don't always behave, FWS has ended up capturing and killing substantial number of them, hobbling population growth. But even that hasn't been enough to stop illegal killings. Reintroduction is an expensive conservation strategy. There's no point in pursuing it unless the government is ready to make some people angry. Predator reintroductions are the most controversial, but this lesson applies to any species that threatens to harm entrenched interests.

Second, the (altogether understandable) rush to demonstrate success can be self-defeating. In the northern Rockies, FWS was so anxious to delist wolves that it initially went ahead even in the face of a Wyoming state wolf management plan that it regarded as ineffective and dangerous. It's easy to blame that attempt on the Bush administration, but I think that's too simple. There are a lot of wolves in the northern Rockies, and FWS is justifiably proud of that success. It's easy to see how the agency might be so impressed with the population growth since 1995 that it resists seeing how important continued protections are to maintaining that population.

Third, conservation policy is tough, and predator conservation policy is even tougher. Wolf

conservation raises very difficult questions about how much is enough. If there are viable populations of wolves in the northern Rockies and western Great Lakes, should that be enough? Or should we be trying to achieve something closer to full occupancy of the historic range, and if so how close do we want to get? There is no “right” answer to those questions. The Bush administration had one (narrow) set of answers, embodied not just in its delisting decisions, but in the [Interior Solicitor’s opinion](#) on the meaning of “significant portion of its range” that was used to support those decisions. Now it’s the Obama administration’s turn on that hot seat.