

# Delisting Doubts

## Numbers alone don't tell full story of Endangered Species Act.

By Franz J. Camenzind, *Executive Director*

It's often said that once a species is listed for protection under the Endangered Species Act, it never gets delisted and therefore the act isn't working. Yes, the ultimate measure of success is being able to delist a protected species, but the very difficult work, the part that can take years, is recovering the species – eliminating the obstacles that caused the species to become imperiled and then having it rebound to sustainable numbers.

It's in this recovery phase that the work can become tedious and the public's patience is often lost. Scores if not hundreds of listed species have bounced back from near extinction since the passage of the Endangered Species Act in 1973, but have not yet grown to levels where they can be cast free of federal protection. For example, the whooping crane population now stands at more than 500, having rebounded from less than 20 known birds in the 1940s. The recovery program is a success thus far, but the population is only one-tenth of the 5,000 biologists believe is necessary for delisting. The Pacific gray whale population more than doubled to 26,635 prior to its delisting in 1998, due in part

to the protection of the act. Unfortunately, for the past decade gray whale numbers have been in decline and as of 2001, only 18,761 gray whales were thought to exist. Should we be thinking about relisting? Is the political will there? Perhaps whether or not a species is relisted should also be a measure of the success or failure of the Endangered Species Act.

There are victories closer to home: the peregrine falcon was delisted after rebounding from a low of 324 breeding pairs in the United States in 1975 to more than 3,000 now. At the end of June, the U.S. Fish and Wildlife Service delisted the American bald eagle, and two other species, the gray wolf and the grizzly bear, are in line to be delisted.

The Endangered Species Act is an emergency effort to save species from extinction, but numbers alone don't tell the whole story. Recovery involves many elements, but most of all it must be measured by the species' ability to sustain itself for decades and to play its complete and natural role in the environment. Anything less is simply counting animals – not protecting life within functioning systems. ■

### ROCKY MOUNTAIN GRAY WOLVES

As the delisting of the Rocky Mountain gray wolf moves forward, the Conservation Alliance remains opposed to Wyoming's wolf management plan and hence, the delisting proposal. We are also dismayed by the concessions made by the U.S. Fish and Wildlife Service, particularly their acceptance of Wyoming's dual-classification scheme of trophy game status for wolves in a very restricted portion of northwestern Wyoming and predator status in the rest of the state. The Wyoming Game and Fish Commission has made it clear that even within the trophy game area, they intend to reduce wolf numbers to the bare minimum required by law – 15 breeding pairs, of which at least seven must be in Wyoming and primarily outside Yellowstone and Grand Teton national parks. Wolves venturing into the remaining 90 percent of the state will be classified as predators subject to killing by any means, by anyone, at any time.

In addition, the U.S. Fish and Wildlife Service is in the process of amending the 10(j) rule (a segment of the Endangered Species Act) to allow the immediate killing of more than half of the 1,300 wolves thought to be in Wyoming, Idaho and Montana. The revision would allow for packs to be removed if the states determine that wolves are causing big game populations to slip below population objectives. The only restriction would be that removal couldn't occur if there were fewer than 20 breeding pairs

in Wyoming, including Yellowstone and Grand Teton national parks. The revision would open the door for Wyoming to "remove" 100 to 200 wolves simply for being wolves even though NO big game herds are in serious population decline. In fact, Wyoming Game and Fish recently stated that "elk are probably at an all-time high historically" and the agency is increasing the number of elk hunting tags it will issue.

If we allow Wyoming's current management proposal to become policy, the Conservation Alliance believes Wyoming's wolves will be pushed back to near extinction levels, no wolves will be able to exist outside the trophy game area, and few if any will ever move between the Yellowstone population and the Central Idaho population, a primary goal of the original 1994 reintroduction plan.

What is lost in this discussion is the social nature of wolves and an understanding that it is the long-term stability of the wolves' social structure that creates the framework for true species recovery. If delisted, Yellowstone area wolves will exist at minimum numbers, packs will be constantly disrupted, and they will consist primarily of younger, smaller and less experienced individuals more likely to turn to easier food sources such as domestic livestock instead of wildlife.

Wolves are highly social pack animals with strict hierarchies that control their



own numbers by interacting with other packs. If we manage wolves according to Wyoming's plan, we may be able to meet minimum-number objectives – quotas set by humans not nature – but we will not have recovered the wolf as a social species playing its full role in the environment. Northwestern Wyoming still harbors all its original species, and where else can they live and die by their own wits instead of some management plan sitting on the shelf of some bureaucrat's office? Let's do everything we can to ensure wolves are allowed to exist as wolves in this region.

Check [www.jhalliance.org](http://www.jhalliance.org) for our first-of-every-month Alliance Action to read the latest on wolf management and other Conservation Alliance issues. View the latest draft of Wyoming's wolf management plan at: <http://gf.state.wy.us/downloads/pdf/wolfmanagementplan052907.pdf>. ■

## SAGE GROUSE

After the U.S. Fish and Wildlife Service ruled to keep the sage grouse off the endangered species list in 2005, many federal land managers, grazing permit holders and energy companies breathed a collective sigh of relief because they feared that listing would put a crimp on their uses of our public lands.

Conservationists charged that the decision was based in large part on political pressure from Washington. For instance, in March, Deputy Assistant Interior Secretary Julie MacDonald was rebuked for allegedly tinkering with scientific documents on species including sage grouse to prevent their protection under the Endangered Species Act. MacDonald resigned May 1.

If there was any good news in the sage grouse decision, it was that pressure was put on states to gather more data and come up with sage grouse management plans that could halt the decades-long decline in sage grouse numbers across the West. One of those studies focused on the Powder River Basin in northeastern Wyoming and reported that sage grouse numbers dropped by 86 percent from 2000 to 2005 in the areas with coal-bed methane activity, while grouse numbers

outside the development area dropped by 12 percent. The study concluded that the impacts of energy development far surpass habitat loss due to wildfires or the conversion of sagebrush to cropland.

After release of the Powder River Basin study, the Montana office of the Bureau of Land Management withdrew roughly 96 parcels from a lease auction this summer because of concerns that energy development could severely impact sage grouse populations in the area. The Wyoming office has not followed suit. Instead, it's waiting for Wyoming's citizens' sage grouse working committee to make recommendations. Meanwhile, a coal-bed methane project in the Rawlins area covering some of the state's best sage grouse habitat is being appealed by a group of conservation organizations.

If sage grouse populations continue to drop in areas of energy development and if an appeal of the 2005 decision not to list sage grouse is overturned, then current energy policy in the West could come drill-to-beak with sage grouse and the Endangered Species Act. It may seem that whatever the outcome of the listing debate, there could be little impact here in Jackson



Hole because the vast majority of the birds live within Grand Teton National Park and are not threatened by energy development. However, the one area where listing could impact this valley is sage grouse winter range, which historically occurred, and still occurs, on the wind-swept slopes of the valley's buttes and mountain ranges – some of which is private land. Under any circumstances, the confrontation between sage grouse and development of any sort could well define the future of the Endangered Species Act and its ability to protect native biodiversity in light of increasing human demands for the consumption of our natural resources. ■

## AMERICAN BALD EAGLES

The bald eagle population grew from 417 breeding pairs in 1963 to 9,789 in 2006, which led to its removal from endangered species protection on June 28. But because the bald eagle is vulnerable to many environmental threats, concern for our national bird remains. Bald eagles continue to receive significant protection from three existing federal laws: The Bald and Golden Eagle Protection Act, the Migratory Bird Treaty Act and the Lacey Act. The first holds the most weight. It prohibits the take, possession, sale, purchase, barter or offer to sell any bald or golden eagle, alive or dead, including any part, nest or egg, unless allowed by permit. First-time conviction for violating this act can result

in fines up to \$5,000 and/or a year in jail. "Take" includes: pursue, shoot, shoot at, poison, wound, kill, capture, trap, collect, molest or disturb. The subject of what constitutes "disturb" has been hotly debated. A June 1 ruling states that "disturb" means "to agitate or bother a bald or golden eagle to a degree that causes, or is likely to cause, based on the best scientific information available, 1) injury to an eagle, 2) a decrease in its productivity, by substantially interfering with normal breeding, feeding or sheltering behavior, or 3) nest abandonment." This is contrary to a local official's statement at a recent public meeting that since the eagles were going to be delisted, any reason for Teton County to protect



them is now "a dead issue." Studies show that about 49 percent of the eagle nests in Jackson Hole are on private lands. To protect bald eagles, the Conservation Alliance plans to continue to work with Teton County in its efforts to amend the Land Development Regulations to reflect the eagle's newly delisted status and the protection measures embodied within existing federal laws. ■

## GRIZZLY BEARS

In April, the U.S. Fish and Wildlife Service removed the "threatened" status from the Northern Rocky Mountain grizzly bear population. The Alliance along with six other conservation organizations filed a lawsuit on June 4 in U.S. District Court in Idaho asking that the decision be reversed. The suit claims that delisting is premature due to grossly inadequate protection of occupied grizzly habitat, and threats facing prime food sources such as white-

bark pine nuts, cutthroat trout and army cutworm moths. As much as we, too, desire a grizzly bear recovery success, we believe it's premature to declare victory. Unfortunately, it's now in the hands of the courts. The Alliance does support the idea presented earlier this year to create a three-state trust fund to support the management of both the grizzly bear and the gray wolf. We believe management of these species should be shared by a greater



public than just Wyoming, Montana and Idaho and their revenue-strapped state game management agencies. ■