The Judges' Book

Volume 8

Article 10

2024

Environmental Law: Wolf Law

Jesse Honig

David Takacs

Follow this and additional works at: https://repository.uclawsf.edu/judgesbook

Part of the Judges Commons

Recommended Citation

Honig, Jesse and Takacs, David (2024) "Environmental Law: Wolf Law," *The Judges' Book*: Vol. 8, Article 10.

Available at: https://repository.uclawsf.edu/judgesbook/vol8/iss1/10

This Article is brought to you for free and open access by UC Law SF Scholarship Repository. It has been accepted for inclusion in The Judges' Book by an authorized editor of UC Law SF Scholarship Repository. For more information, please contact wangangela@uchastings.edu.

Environmental Law *Wolf Law*

Jesse Honig & David Takacs¹

Introduction

For decades, gray wolves have been managed under the United States's most ambitious species-conservation law—the Endangered Species Act of 1973 ("ESA").² Since the U.S. Fish & Wildlife Service ("Service") first listed the species as endangered in 1973,³ the gray wolf has been restored in some parts of its historic range, and its recovery is a partial success story. Yet "the gray wolf is also a lightning rod for controversy."⁴ That controversy shows no signs of abating; neither does the dysfunctional way officials have complied (or, more often, not complied) with the requirements of the ESA.

Gray wolves have been managed in more convoluted ways than any of the other 1.600+ domestic species that the ESA has protected. "Wolf law" is unique. odd. and often counterproductive-at least if the goal is to ensure the species' survival and to revitalize damaged ecosystems upon which healthy human and nonhuman communities depend. Politics and human needs-rather than wolf needs-have driven the Service's approach to managing wolves, often to the detriment of the species it is legally obliged to protect.

A History of Wolf Protection

Congress enacted the ESA in response to the accelerating depletion of the planet's plant and animal species. The ESA "provide[s] a program for the conservation of such endangered and

¹ Excerpted and adapted from Jesse Honig & David Takacs, Wolf Law, 41

J. ENVTL. L. 39 (2023).

² 16 U.S.C. §§ 1531–44.

³ 38 Fed. Reg. 14,678, 14,678 (June 4, 1973)

⁴ Humane Soc'y of the U.S. v. Jewell, 76 F. Supp. 3d 69, 74 (D.D.C. 2014).

threatened species,"⁵ "whatever the cost."⁶ Conserving a species means "to use . . . all methods and procedures which are necessary to bring any endangered species or threatened species to the point at which the measures provided . . . are no longer necessary."⁷ The U.S. Supreme Court has recognized the ESA as the "most comprehensive legislation for the preservation of endangered species ever enacted by any nation."⁸

Wolves were once abundant throughout the United States. However, as settlers spread across the country, domestic livestock replaced native ungulates, a primary food source for wolves.⁹ As wolves turned to livestock, local and federal governments attempted to exterminate wolves across the country.¹⁰ Bounties provided by government agencies encouraged wolf hunters to poison, trap, and kill wolves in droves.¹¹ By the mid-1900s, gray wolves were completely eliminated from Wyoming, Montana, and Idaho and were functionally extinct throughout the rest of the continental United States.¹² Wolves were on the precipice of total extinction in the continental United States when the Northern Rocky Mountain gray wolf was listed under the ESA in 1973, spurring federal wolf conservation and management.¹³

Some states pushed back, and in 1977, the Service began reexamining the gray wolf's listing.¹⁴ The Minnesota Department of Natural Resources Commissioner petitioned the Service to exclude

⁵ 16 U.S.C. § 1531(b).

⁶ Tenn. Valley Auth. v. Hill, 437 U.S. 153, 154 (1978).

⁷ 16 U.S.C. § 1532(3).

⁸ Hill, 437 U.S. at 180.

⁹ Removal of the Gray Wolf in Wyoming From the Federal List of Endangered and Threatened Wildlife and Removal of the Wyoming Wolf Population's Status as an Experimental Population, 77 Fed. Reg. 55,530, 55,535 (Sept. 10, 2012). By some estimates, North America had between 250,000 and two million gray wolves at one point. Hillary Richard, *Wolves Returned to California. So Did 'Crazy' Rumors*, N.Y. TIMES (Mar. 15, 2022).

¹⁰ U.S. FISH & WILDLIFE SERV., NORTHERN ROCKY MOUNTAIN WOLF RECOVERY PLAN 3 (1980).

¹¹ *Id*. at 1.

¹² Removal of the Gray Wolf in Wyoming, *supra* note 9, at 55,535.

¹³ Endangered Native Wildlife, 39 Fed. Reg. 1175, 1175 (Jan. 4, 1974).

¹⁴ Proposed Reclassification of the Gray Wolf in the United States and Mexico, With Proposed Critical Habitat in Michigan and Minnesota, 42 Fed. Reg. 29,527, 29,528 (June 9, 1977).

Minnesota from the wolf's protected range, marking the first of many speed bumps for gray wolves under the ESA.¹⁵ As part of this review, the Service shifted its conservation approach away from managing gray wolves by subspecies (each with a geographically defined range) and towards classifying them as a single species. Presumably because the wolves did not recognize the Service's maps or taxonomic classifications, this approach seemed workable.

In 1978, the Service divided gray wolves into two species in the lower 48 states.¹⁶ The first group included all gray wolves in the state of Minnesota. The second group consisted of gray wolves in the other 47 states.¹⁷ In response to pressure from officials, the Service listed the Minnesota wolf population as "threatened" rather than "endangered." The designation allowed for lawful killing of wolves in self-defense or of those "committing significant depredation on lawfully present domestic animals."¹⁸ These special rules for Minnesota wolves were "deemed necessary and advisable to provide for the future wellbeing of the species" and "intended to ameliorate present conflict between the wolf and human interests."¹⁹

The second group was listed as endangered and granted full protection of the ESA.²⁰ The Service appointed a recovery team to formulate conservation policy, and in 1980, approved the first Northern Rocky Mountain wolf recovery plan, with the stated goal of helping transition the species from endangered to threatened.²¹ The plan included identifying the historical range of the wolves, resolving conflicts between recovery of wolves and human interests, and identifying measures to re-establish wolf populations where "ecologically and socially sound."²² Although the plan did

¹⁵ Eastern Timber Wolf in Minnesota, Review of Status, 39 Fed. Reg. 40,877, 40,877 (Nov. 21, 1974).

¹⁶ Humane Soc'y of the U.S. v. Jewell, 76 F. Supp. 3d 69, 84 (D.D.C. 2014).

¹⁷ Reclassification of the Gray Wolf in the United States and Mexico, with Determination of Critical Habitat in Michigan and Minnesota, 43 Fed. Reg. 9607, 9610, 9612, 9615 (Mar. 9, 1978).

¹⁸ *Id.* at 9615.

¹⁹ *Id.* at 9607.

²⁰ U.S. Fish & Wildlife Serv., Northern Rocky Mountain Wolf Recovery Plan 11 (1980).

²¹ Id.

²² *Id.* at 14, 21.

not define "socially sound" locations for reintroduction, minimizing the impacts of wolves on humans was central to its analysis.²³

The Minnesota wolf designation and the Northern Rocky Mountain Wolf Recovery Plan represented early efforts by the Service to shape gray wolf recovery around human desires and preferences—rather than around wolf needs and biology, as the ESA requires. Additionally, the Recovery Plan incorporated cooperative federalism into wolf management—a departure from typical ESA species management, which was designed, in part, to ensure the achievement of *national* objectives over the opposition of local and state authorities. The plan "retained state responsibility for a majority of plan items,"²⁴ even as it acknowledged that two of the states in the Northern Rocky Mountain wolf range still operated bounty programs for gray wolves.²⁵

In 1982, Congress amended the ESA.²⁶ The Service had faced strong opposition to its efforts to reintroduce endangered species into their historical ranges because landowners feared the obligations that ESA protection imposed.²⁷ To alleviate this tension, Congress added the 10(j) rule, which allows for reintroduced populations of endangered species—and their offspring—to be designated as "experimental,"²⁸ a designation that strips them of many protections otherwise offered to endangered species.²⁹ The resulting amendment to the ESA provided no guidance for how, or when, populations deemed "experimental" would ever escape this less protective categorization. Further, the designation's requirement that the reintroduced population be "wholly separate geographically" posed a problem for roaming animals with large territories by "encouraging wildlife managers to

²³ Id. at 21.

²⁴ *Id.* at iii.

²⁵ *Id.* at 60.

²⁶ Endangered Species Act Amendments of 1982, Pub. L. No. 97-304, §

^{2, 96} Stat. 1411, 1411 (Oct. 13, 1982).

²⁷ S. Rep. No. 97-418, at 32 (1982).

²⁸ *Id.*; H.R. 6133, 97th Cong. § 6(6) (1981).

²⁹ Endangered Species Act Amendments, *supra* note 26, at 1424.

actively isolate experimental and naturally occurring populations."³⁰

Nevertheless, the Service began moving wolves around as experimental populations under the 10(j) rule. In 1987, the Service attempted "to remove the Northern Rocky Mountain wolf from the endangered and threatened species list by securing and maintaining a minimum of ten breeding pairs in each of the three recovery areas for a minimum of three successive years."³¹ Using the 10(j) experimental population rule, the Service imported Canadian wolves and introduced them into Yellowstone National Park.³²

Unsurprisingly, federal legislators from impacted states recoiled at reintroducing wolves and successfully added a budget rider defunding wolf reintroduction in Yellowstone and Central Idaho.³³ Nonetheless, in 1995, over opposition to releasing experimental populations, the Service released fifteen wolves into central Idaho and fourteen wolves in Yellowstone National Park.³⁴

Opponents and proponents of wolf conservation turned to the federal courts. A strange bedfellows coalition of the Wyoming Farm Bureau Federation and the National Audubon Society Predator Project sued the Service over its reintroduction plan. The plaintiffs alleged that the Service had violated Section 10(j) by introducing wolves into an area that already contained naturally occurring wolves and thus the Service could not maintain an experimental population because no territory separated naturally occurring and reintroduced wolves.³⁵ The district court agreed and ordered that the reintroduced wolves be removed,³⁶ but the Tenth

³⁰ Frederico Cheever, From Population Segregation to Species Zoning: The Evolution of Reintroduction Law Under Section 10(j) of the Endangered Species Act, 1 WYO. L. REV. 287, 291 (2001).

³¹ U.S. FISH & WILDLIFE SERV., NORTHERN ROCKY MOUNTAIN WOLF RECOVERY PLAN iii (1987).

³² Establishment of a Nonessential Experimental Population of Gray Wolves in Yellowstone National Park in Wyoming, Idaho, and Montana, 59 Fed. Reg. 60,252, 60,254 (Nov. 22, 1994).

³³ Making Appropriations for the Department of the Interior and Related Agencies for the Fiscal Year Ending September 30, 1992, and for Other Purposes, Pub. L. No. 102-154, § 105, 105 Stat. 990, 993–94 (1991).

³⁴ Cheever, *supra* note 30, at 347, 349, 350 (2001); Dan Gallagher, *Biologists Prepare for Second Wolf Transplant*, AP (Nov. 12, 1995).

³⁵ Wyo. Farm Bureau Fed'n v. Babbitt, 987 F. Supp. 1349, 1370 (D. Wyo. 1997), *rev'd*, 199 F.3d 1224 (10th Cir. 2000).

³⁶ *Id.* at 1375–76.

Circuit reversed, confirming that the Service could reintroduce wolves into an area that already contained individual wolves, so long as no "populations" were present.³⁷ The court was not persuaded by the fact that populations are comprised of individual wolves and that it may be challenging to recover a species without individual animals.³⁸ In sum, the court upheld the broad authority of the Service to use 10(j) to manage reintroduced populations as it likes.³⁹

Oblivious to the goings-on in courts and in Washington, wolves went about doing what wolves do, with some gusto. By 2000, the Northern Rocky Mountain wolf population had exceeded the Service's numeric recovery goal of 30 breeding pairs and 300 wolves (actually 433).⁴⁰ The Recovery Plan required that wolves maintain their progress through 2003, at which point the Service could propose to delist the wolves.⁴¹ But in order to delist, the Service had to find "that the population has recovered *and* it [was] reasonably assured that wolves would not become threatened again if the ESA protections were removed."42 In 2003, the Service delisted gray wolves under this standard and promulgated new rules that (1) allowed permits that authorized private landowners to harass wolves on private property and near grazing livestock; (2) expanded the circumstances in which private landowners may kill wolves seen attacking livestock; and (3) decreased the restrictions for governmental disposal of "problem wolves."43 In other words, the Service sought to protect and sustain wolf populations by making it easier to kill wolves.

In delisting, the Service also had to show that "other existing regulatory mechanisms will adequately remove or reduce the threat

³⁷ Wyo. Farm Bureau Fed'n v. Babbitt, 199 F.3d 1224 (10th Cir. 2000).

³⁸ *Id.* at 1233.

³⁹ *Id.* at 1236.

⁴⁰ Final Rule to Reclassify and Remove the Gray Wolf From the List of Endangered and Threatened Wildlife in Portions of the Conterminous United States; Establishment of Two Special Regulations for Threatened Gray Wolves, 68 Fed. Reg. 15,804, 15,815 (Apr. 1, 2003) [hereinafter "2003 Final Rule"].

⁴¹ *Id.* at 15,818.

⁴² U.S. FISH & WILDLIFE SERV., NEZ PERCE TRIBE, NAT'L PARK SERV. & U.S. DEP'T AGRIC. WILDLIFE SERVS., ROCKY MOUNTAIN WOLF RECOVERY 2003 ANNUAL REPORT 32 (2004).

⁴³ 2003 Final Rule, *supra* note 40, at 15,855.

to the species."44 In 2004, the Service determined that Montana and Idaho's state management plans were adequate, but rejected the Wyoming plan because it would have considered wolves "trophy game" in Yellowstone National Park and "predators" throughout the remainder of the state.⁴⁵ Under Wyoming's plan, predatory animals could be killed in any manner and at any time, with few exceptions.⁴⁶ However, in 2008, the Service reversed course and approved Wyoming's revised plan and concluded that its wolves no longer needed ESA protections. This marked the first time since their listing that the entire Northern Rocky Mountain wolf population lost federal protection.⁴⁷ Environmental activists challenged the Service's determination, and a court reinstated the Northern Rocky Mountain wolf's protections.⁴⁸ In response, the Service promulgated another final rule, creating a subpopulation of the gray wolf in the Northern Rocky Mountains (excluding Wyoming), while simultaneously delisting it.⁴⁹

Upon delisting, Montana and Idaho both authorized public wolf hunts scheduled to begin in September 2009, which environmentalists challenged in court. The Montana district court again vacated the Service's rule, finding the rule unlawful because it did not protect the entire subpopulation. The court wrote: "Even if the Service's solution is pragmatic, or even practical, it is at its heart a political solution that does not comply with the ESA."⁵⁰

Noticing this regulatory whiplash, Congress stepped in and took matters into its own hands. During the 112th Congress, Senators from Idaho and Montana successfully attached a rider to a must-pass appropriations bill, requiring the Secretary of the Interior

⁴⁴ Id.

⁴⁵ U.S. FISH & WILDLIFE SERV. ET AL., *supra* note 42, at 33.

⁴⁶ Wyo Stat. § 23-3-103.

⁴⁷ Final Rule Designating the Northern Rocky Mountain Population of Gray Wolf as a Distinct Population Segment and Removing This Distinct Population Segment From the Federal List of Endangered and Threatened Wildlife, 73 Fed. Reg. 10,514, 10,557, 10,560 (Feb. 27, 2008).

⁴⁸ Defs. of Wildlife v. Hall, 565 F. Supp. 2d 1160, 1178 (D. Mont. 2008).
⁴⁹ Final Rule To Identify the Northern Rocky Mountain Population of Gray Wolf as a Distinct Population Segment and To Revise the List of Endangered and Threatened Wildlife, 74 Fed. Reg. 15,123, 15,123 (April 2, 2009).

⁵⁰ Defs. of Wildlife v. Salazar, 729 F. Supp. 2d 1207, 1214, 1228 (D. Mont. 2010).

to reissue the Service's delisting rule and exempting it from judicial review.⁵¹ Accordingly, with the exception of Wyoming, Congress returned Northern Rocky Mountain wolf management to the states.⁵²

In 2020, the Service delisted the entire gray wolf population in the lower 48 states.⁵³ A court invalidated that delisting two years later,⁵⁴ but, in February 2024, the Service found that the gray wolf does not meet the requirements to be relisted as endangered or threatened, as their "large population size," "broad distribution," "high levels of genetic diversity" and "ability to adapt to changes in their environment" preclude their listing.⁵⁵ To date, that delisting remains valid.

Leaving wolf conservation to the states has proved controversial. Idaho legislation allows trappers and contractors to kill almost 90% of the state's wolf population. Montana legislation allows unlimited killing if the total wolf population supports fifteen breeding pairs, extends the hunting season, and permits previously illegal, highly effective hunting methods. In over 80% of Wyoming, no restrictions exist on the number of wolves taken, the means of killing or trapping, or requirements to obtain a killing permit.⁵⁶

As a result, hunters are killing Northern Rocky Mountain wolves at unprecedented rates. In the 2021 season, "hunters killed

⁵¹ Brandon Berrett, *Is Defenders of Wildlife v. Salazar Correct That Successful State Management of Recovered Rocky Mountain Gray Wolves Is Not Compatible with the Endangered Species Act?*, 47 IDAHO L. REV. 595, 636 (2011); Department of Defense and Full-Year Continuing Appropriations Act, 2011, H.R.J. Res. 1473, 112th Cong., 125 Stat. 38 (2011).

⁵² Berrret, *supra* note 51, at 637 (describing this as an "unprecedented 'congressional delisting").

⁵³ Endangered and Threatened Species: Removing the Gray Wolf (Canis lupus) from the List of Endangered and Threatened Wildlife, 85 Fed. Reg. 69,778, 69,895 (Nov. 3, 2020).

⁵⁴ Complaint, Defs. of Wildlife v. U.S. Fish & Wildlife Service, 2022 WL 499838 (N.D. Cal. Feb. 10, 2022).

⁵⁵ 80 Fed. Reg. 8391.

⁵⁶ CTR. FOR BIOLOGICAL DIVERSITY & HUMANE SOC'Y OF THE U.S., EMERGENCY PETITION TO RELIST GRAY WOLVES (CANIS LUPUS) IN THE NORTHERN ROCKY MOUNTAINS AS AN ENDANGERED OF THREATENED "DISTINCT POPULATION SEGMENT" UNDER THE ENDANGERED SPECIES ACT 16, 17 (2021).

more Yellowstone wolves . . . than any season since the animal was reintroduced to the region in 1995."⁵⁷ By the end of the season, one third of the park's wolves had been killed.⁵⁸ In Wisconsin, in the weeks following the 2020 delisting, hunters killed over 200 wolves in just sixty hours, far exceeding the season quota of 119.⁵⁹ Despite the success in bringing the gray wolf back from the brink of total extinction in the continental United States, gray wolves remain functionally extinct in over 90% of their historical range,⁶⁰ and it remains to be seen whether state protections for recovered populations will be sufficient.

An Endangered Species Like No Other

The Wolf Wars reveal a shift from nonhuman, ecological interests to human, political interests. Although the ESA requires that agencies apply the "best scientific and commercial data available" when listing and protecting endangered species, the Service's wolf management has strayed significantly from that directive. Political expediency eclipses biology when the Service manages wolves as the pendulum oscillates between protecting and not protecting, listing and delisting wolf populations.

When working with Montana, Wyoming, and Idaho, the Service demonstrated that biological reality does not draw the Service's subpopulation lines. Creating a subpopulation for the purpose of delisting it, for example, was more about transferring management and avoiding political brouhahas than demarcating biologically distinct populations with different ecological needs.⁶¹ Those delisting efforts highlight ways that political motivations shape wolf management. The Service was intent on returning management to the states, at least partially because federal control was politically unpopular in states where wolves roamed or were

⁵⁷ Kyle Dunphey, *More Yellowstone Wolves Killed This Season than Any Since the Species was Reintroduced in 1995*, DESERT NEWS (Jan. 10, 2022).

⁵⁸ Joshua Partlow, 'Unprecedented Killing': The Deadliest Season for Yellowstone's Wolves, WASH. POST (Mar. 4, 2022).

⁵⁹ Kim Heacox, *America Is Exterminating its Wolves. When Will this Stop?*, GUARDIAN (May 4, 2022).

 ⁶⁰ Humane Soc'y of the U.S. v. Zinke, 865 F.3d 585, 606 (D.C. Cir. 2017).
 ⁶¹ Humane Soc'y of the U.S. v. Kempthorne, 579 F. Supp. 2d 7, 14 (D.D.C. 2008).

reintroduced.⁶² Yet state responses have shown that federal management is more prudent—and more legal, given the clear goals of the ESA. And the result has been a contentious, conflicting, patchwork struggle among states, federal agencies, Congress, and courts. At the center remains the wolf, a species that does not recognize the jurisdictional web that has been spun around it.

Since the Service first listed gray wolves under the ESA, it has predicated the species' recovery on how much citizens will tolerate wolves. The Service incorporated this approach into listing and delisting decisions, which cite "human attitudes toward the gray wolf" as a "factor affecting its continued existence."⁶³ By naming human intolerance as a primary threat, the Service could then shape recovery efforts around reducing this conflict: appeasing humans would benefit wolves. This approach has led to contradictory recovery methods and is at odds with the statutory mandates of the ESA. For example, it led the Service to conclude that increasing the scope of legal kills would ameliorate a primary threat to the species' existence, i.e. human negative attitudes towards wolves.⁶⁴ Yet the Service has also concluded that "[s]trong emotions and viewpoints about wolves and wolf management will continue regardless of the Federal status of the species."⁶⁵

Wolf recovery has shoehorned wolves to fit human needs. Instead of asking humans to adapt to ecologically sound wolf recovery, the Service has forced wolf recovery to adapt to human activities and predilections.⁶⁶ Such thinking is an exception, and far from the rule, for species conservation under the ESA.

⁶² Hillary Richard, *Wolves Returned to California. So Did 'Crazy' Rumors*, N.Y. TIMES (Mar. 15, 2022).

⁶³ Brooke Jarvis, *The Insect Apocalypse is Here*, N.Y. TIMES (Nov. 27, 2018).

⁶⁴ Removal of the Gray Wolf in Wyoming From the Federal List of Endangered and Threatened Wildlife and Removal of the Wyoming Wolf Population's Status as an Experimental Population, 77 Fed. Reg. 55,530, 55,535 (Sept. 10, 2012).

⁶⁵ Endangered and Threatened Species: Removing the Gray Wolf (Canis lupus) from the List of Endangered and Threatened Wildlife, 85 Fed. Reg. 69,778, 69,812 (Nov. 3, 2020).

⁶⁶ Removal of the Gray Wolf in Wyoming, *supra* note 64, at 55,592 ("Wolf conservation can be successful even in areas with relatively high human density, *if management policies factor in human concerns.*" (emphasis added)).

Rethinking Recovery

Wolf conservation should focus on wolf conservation, not human attitudes. But if the Service insists on shaping wolf conservation around human concerns, it at least should consider *all* human concerns, including the human benefits of restoring this keystone species. Wolves expand the tourist economy, indirectly aid carbon sequestration, and may even reduce car accidents. The latter benefit is particularly important: deer-vehicle collisions annually cause an estimated \$10 billion in economic costs nationally. One Wisconsin study estimated that reintroducing wolves reduced deer-vehicle collisions by 25%, saving approximately \$11 million per year statewide and avoiding 200 human fatalities and 30,000 injuries.⁶⁷ Wolf conservation need not be a zero-sum game between wolf and man.

At the same time, some human concerns have human costs. Catering to human attitudes about wolves has politicized wolf conservation in ways harmful to the nation. Resort to lobbyists and lawyers has no doubt cost millions of dollars. Meanwhile, the Wolf Wars have exacerbated political differences between red states, blue states, and presidential administrations. Wolves make useful political pawns, symbolizing the concerns of the elite and citified versus the concerns of the working class and rural. As a result, the nation is more divided, and both humans and wolves pay the price of our political differences.

Conclusion

Despite ongoing controversies, we must marvel at what even ham-fisted application of the ESA has accomplished. Although they remain unprotected (as of this writing, at least) at the federal level, Northern Rocky Mountain wolves have made tremendous progress. Over 6,000 gray wolves now live across the United States,⁶⁸ while nonetheless remaining functionally extinct in 90% of their historic range and facing aggressive state-level threats absent federal protection.⁶⁹

⁶⁷ Stephen Dubner, *Can the Big Bad Wolf Save Your Life?*, FREAKONOMICS RADIO (Mar. 23, 2022).

⁶⁸ Relist Wolves, https://www.relistwolves.org/myth-vs-fact.

⁶⁹ Humane Soc'y of the U.S. v. Zinke, 865 F.3d 585, 606 (D.C. Cir. 2017).

Restricting wolves to narrow swathes of their former range, passing the buck to states that endorse wolf slaughter, and kowtowing to human needs over wolf needs violate the ESA and fail to sustain and revitalize ecosystems that support robust and harmonious human and nonhuman communities. Unless we take the legal mandates of the ESA seriously, wolves will remain pawns that represent irreconcilable views of what nature should be and of what kind of country we will be. It is up to us to decide where Wolf Law leads, and whether the wolves—and we—survive and thrive.

* * *